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Committee**

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Representative Amstutz

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H.B. 51 of the 130th General Assembly; to amend 521
Sections 201.80 and 509.40 of Sub. H.B. 482 of the 522
129th General Assembly; to amend Section 4 of Sub. 523
S.B. 171 of the 129th General Assembly, as 524
subsequently amended; to amend Section 105.05 of 525
Am. Sub. H.B. 2 of the 128th General Assembly; to 526
repeal Section 267.60.31 of Am. Sub. H.B. 153 of 527
the 129th General Assembly; to repeal Section 528
125.10 of Am. Sub. H.B. 1 of the 128th General 529
Assembly as subsequently amended; to repeal 530
Section 153 of Am. Sub. H.B. 117 of the 121st 531
General Assembly as subsequently amended; to amend 532
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of the 129th General Assembly; to amend the 534
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of the Revised Code that are scheduled to take 537
effect January 1, 2014, to continue the provisions 538
of this act on and after that effective date; to 539
amend the versions of sections 4501.01 and 4507.06 540
of the Revised Code that are scheduled to take 541
effect January 1, 2017, to continue the provisions 542
of this act on and after that effective date; to 543
amend section 3313.88 of the Revised Code as it 544
results from Section 101.01 of this act for the 545
purpose of adopting new section number 3313.482 on 546
July 1, 2014; to make operating appropriations for 547
the biennium beginning July 1, 2013, and ending 548
June 30, 2015; to provide authorization and 549
conditions for the operation of state programs; to 550
repeal sections 5168.20, 5168.21, 5168.22, 551

5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 552
5168.28 of the Revised Code on October 1, 2015, to 553
terminate the operation of those sections on that 554
date; and to repeal sections 5168.01, 5168.02, 555
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5168.08, 5168.09, 5168.10, 5168.11, 5168.12, 557
5168.13, 5168.99, and 5168.991 of the Revised Code 558
on October 16, 2015, to terminate the operation of 559
those sections on that date. 560

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

Section 101.01. That sections 9.03, 9.15, 9.231, 9.239, 9.24, 561
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(5119.421), 5119.69 (5119.41), and 5119.691 (5119.411) be amended 890
for the purpose of adopting new section numbers as indicated in 891
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5705.55, 5735.013, 5739.081, 5741.032, 5910.08, and 5919.342 of 934
the Revised Code be enacted to read as follows: 935

Sec. 1.611. As used in the Revised Code, "OSU extension" 936
means the cooperative extension service that was established by 937
the "Smith-Lever Act," 38 Stat. 372 (1914), 7 U.S.C. 341 et seq., 938
and is administered in this state by the Ohio state university. 939

Sec. 9.03. (A) As used in this section: 940

(1) "Political subdivision" means any body corporate and 941
politic, except a municipal corporation that has adopted a charter 942
under Section 7 of Article XVIII, Ohio Constitution, and except a 943
county that has adopted a charter under Sections 3 and 4 of 944
Article X, Ohio Constitution, to which both of the following 945
apply: 946

(a) It is responsible for governmental activities only in a 947
geographic area smaller than the state. 948

(b) It is subject to the sovereign immunity of the state. 949

(2) "Cigarettes" and "tobacco product" have the same meanings 950
as in section 5743.01 of the Revised Code. 951

(3) "Transaction" has the same meaning as in section 1315.51 952
of the Revised Code. 953

(4) "Campaign committee," "campaign fund," "candidate," 954
"legislative campaign fund," "political action committee," 955
"political committee," "political party," and "separate segregated 956
fund" have the same meanings as in section 3517.01 of the Revised 957
Code. 958

(B) Except as otherwise provided in division (C) of this 959
section, the governing body of a political subdivision may use 960
public funds to publish and distribute newsletters, or to use any 961

other means, to communicate information about the plans, policies, 962
and operations of the political subdivision to members of the 963
public within the political subdivision and to other persons who 964
may be affected by the political subdivision. 965

(C) Except as otherwise provided in division (A)(7) of 966
section 340.03 ~~or division (A)(12) of section 340.033~~ of the 967
Revised Code, no governing body of a political subdivision shall 968
use public funds to do any of the following: 969

(1) Publish, distribute, or otherwise communicate information 970
that does any of the following: 971

(a) Contains defamatory, libelous, or obscene matter; 972

(b) Promotes alcoholic beverages, cigarettes or other tobacco 973
products, or any illegal product, service, or activity; 974

(c) Promotes illegal discrimination on the basis of race, 975
color, religion, national origin, handicap, age, or ancestry; 976

(d) Supports or opposes any labor organization or any action 977
by, on behalf of, or against any labor organization; 978

(e) Supports or opposes the nomination or election of a 979
candidate for public office, the investigation, prosecution, or 980
recall of a public official, or the passage of a levy or bond 981
issue. 982

(2) Compensate any employee of the political subdivision for 983
time spent on any activity to influence the outcome of an election 984
for any of the purposes described in division (C)(1)(e) of this 985
section. Division (C)(2) of this section does not prohibit the use 986
of public funds to compensate an employee of a political 987
subdivision for attending a public meeting to present information 988
about the political subdivision's finances, activities, and 989
governmental actions in a manner that is not designed to influence 990
the outcome of an election or the passage of a levy or bond issue, 991

even though the election, levy, or bond issue is discussed or 992
debated at the meeting. 993

(D) Except as otherwise provided in division (A)(7) of 994
section 340.03 ~~or division (A)(12) of section 340.033~~ of the 995
Revised Code or in division (E) of this section, no person shall 996
knowingly conduct a direct or indirect transaction of public funds 997
to the benefit of any of the following: 998

(1) A campaign committee; 999

(2) A political action committee; 1000

(3) A legislative campaign fund; 1001

(4) A political party; 1002

(5) A campaign fund; 1003

(6) A political committee; 1004

(7) A separate segregated fund; 1005

(8) A candidate. 1006

(E) Division (D) of this section does not prohibit the 1007
utilization of any person's own time to speak in support of or in 1008
opposition to any candidate, recall, referendum, levy, or bond 1009
issue unless prohibited by any other section of the Revised Code. 1010

(F) Nothing in this section prohibits or restricts any 1011
political subdivision from sponsoring, participating in, or doing 1012
any of the following: 1013

(1) Charitable or public service advertising that is not 1014
commercial in nature; 1015

(2) Advertising of exhibitions, performances, programs, 1016
products, or services that are provided by employees of a 1017
political subdivision or are provided at or through premises owned 1018
or operated by a political subdivision; 1019

(3) Licensing an interest in a name or mark that is owned or 1020

controlled by the political subdivision. 1021

(G) Whoever violates division (D) of this section shall be 1022
punished as provided in section 3599.40 of the Revised Code. 1023

Sec. 9.15. When the body of a dead person is found in a 1024
township or municipal corporation, and such person was not an 1025
inmate of a correctional, benevolent, or charitable institution of 1026
this state, and the body is not claimed by any person for private 1027
interment or cremation at the person's own expense, or delivered 1028
for the purpose of medical or surgical study or dissection in 1029
accordance with section 1713.34 of the Revised Code, it shall be 1030
disposed of as follows: 1031

(A) If the person was a legal resident of the county, the 1032
proper officers of the township or municipal corporation in which 1033
the person's body was found shall cause it to be buried or 1034
cremated at the expense of the township or municipal corporation 1035
in which the person had a legal residence at the time of death. 1036

(B) If the person had a legal residence in any other county 1037
of the state at the time of death, the superintendent of the 1038
county home of the county in which such body was found shall cause 1039
it to be buried or cremated at the expense of the township or 1040
municipal corporation in which the person had a legal residence at 1041
the time of death. 1042

(C) If the person was an inmate of a correctional institution 1043
of the county or a patient or resident of a benevolent institution 1044
of the county, the person had no legal residence in the state, or 1045
the person's legal residence is unknown, the superintendent shall 1046
cause the person to be buried or cremated at the expense of the 1047
county. 1048

Such officials shall provide, at the grave of the person or, 1049
if the person's cremated remains are buried, at the grave of the 1050

person's cremated remains, a metal, stone, or concrete marker on 1051
which the person's name and age, if known, and date of death shall 1052
be inscribed. 1053

A political subdivision is not relieved of its duty to bury 1054
or cremate a person at its expense under this section when the 1055
body is claimed by an indigent person. As used in this section, 1056
"indigent person" means a person whose income does not exceed one 1057
hundred fifty per cent of the federal poverty line, as revised 1058
annually by the United States department of health and human 1059
services in accordance with section 673(2) of the "Omnibus Budget 1060
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 1061
amended, for a family size equal to the size of the person's 1062
family. 1063

Sec. 9.231. (A)(1) Subject to divisions (A)(2) and (3) of 1064
this section, a governmental entity shall not disburse money 1065
totaling twenty-five thousand dollars or more to any person for 1066
the provision of services for the primary benefit of individuals 1067
or the public and not for the primary benefit of a governmental 1068
entity or the employees of a governmental entity, unless the 1069
contracting authority of the governmental entity first enters into 1070
a written contract with the person that is signed by the person or 1071
by an officer or agent of the person authorized to legally bind 1072
the person and that embodies all of the requirements and 1073
conditions set forth in sections 9.23 to 9.236 of the Revised 1074
Code. If the disbursement of money occurs over the course of a 1075
governmental entity's fiscal year, rather than in a lump sum, the 1076
contracting authority of the governmental entity shall enter into 1077
the written contract with the person at the point during the 1078
governmental entity's fiscal year that at least seventy-five 1079
thousand dollars has been disbursed by the governmental entity to 1080
the person. Thereafter, the contracting authority of the 1081
governmental entity shall enter into the written contract with the 1082

person at the beginning of the governmental entity's fiscal year, 1083
if, during the immediately preceding fiscal year, the governmental 1084
entity disbursed to that person an aggregate amount totaling at 1085
least seventy-five thousand dollars. 1086

(2) If the money referred to in division (A)(1) of this 1087
section is disbursed by or through more than one state agency to 1088
the person for the provision of services to the same population, 1089
the contracting authorities of those agencies shall determine 1090
which one of them will enter into the written contract with the 1091
person. 1092

(3) The requirements and conditions set forth in divisions 1093
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 1094
and (B) of section 9.234, divisions (A)(2) and (B) of section 1095
9.235, and sections 9.233 and 9.236 of the Revised Code do not 1096
apply with respect to the following: 1097

(a) Contracts to which all of the following apply: 1098

(i) The amount received for the services is a set fee for 1099
each time the services are provided, is determined in accordance 1100
with a fixed rate per unit of time or per service, or is a 1101
capitated rate, and the fee or rate is established by competitive 1102
bidding or by a market rate survey of similar services provided in 1103
a defined market area. The market rate survey may be one conducted 1104
by or on behalf of the governmental entity or an independent 1105
survey accepted by the governmental entity as statistically valid 1106
and reliable. 1107

(ii) The services are provided in accordance with standards 1108
established by state or federal law, or by rules or regulations 1109
adopted thereunder, for their delivery, which standards are 1110
enforced by the federal government, a governmental entity, or an 1111
accrediting organization recognized by the federal government or a 1112
governmental entity. 1113

(iii) Payment for the services is made after the services are 1114
delivered and upon submission to the governmental entity of an 1115
invoice or other claim for payment as required by any applicable 1116
local, state, or federal law or, if no such law applies, by the 1117
terms of the contract. 1118

(b) Contracts under which the services are reimbursed through 1119
or in a manner consistent with a federal program that meets all of 1120
the following requirements: 1121

(i) The program calculates the reimbursement rate on the 1122
basis of the previous year's experience or in accordance with an 1123
alternative method set forth in rules adopted by the Ohio 1124
department of job and family services. 1125

(ii) The reimbursement rate is derived from a breakdown of 1126
direct and indirect costs. 1127

(iii) The program's guidelines describe types of expenditures 1128
that are allowable and not allowable under the program and 1129
delineate which costs are acceptable as direct costs for purposes 1130
of calculating the reimbursement rate. 1131

(iv) The program includes a uniform cost reporting system 1132
with specific audit requirements. 1133

(c) Contracts under which the services are reimbursed through 1134
or in a manner consistent with a federal program that calculates 1135
the reimbursement rate on a fee for service basis in compliance 1136
with United States office of management and budget Circular A-87, 1137
as revised May 10, 2004. 1138

(d) Contracts for services that are paid pursuant to the 1139
earmarking of an appropriation made by the general assembly for 1140
that purpose. 1141

(B) Division (A) of this section does not apply if the money 1142
is disbursed to a person pursuant to a contract with the United 1143

States or a governmental entity under any of the following	1144
circumstances:	1145
(1) The person receives the money directly or indirectly from	1146
the United States, and no governmental entity exercises any	1147
oversight or control over the use of the money.	1148
(2) The person receives the money solely in return for the	1149
performance of one or more of the following types of services:	1150
(a) Medical, therapeutic, or other health-related services	1151
provided by a person if the amount received is a set fee for each	1152
time the person provides the services, is determined in accordance	1153
with a fixed rate per unit of time, or is a capitated rate, and	1154
the fee or rate is reasonable and customary in the person's trade	1155
or profession;	1156
(b) Medicaid-funded services, including administrative and	1157
management services, provided pursuant to a contract or medicaid	1158
provider agreement that meets the requirements of the medicaid	1159
program established under Chapter 5111. of the Revised Code.	1160
(c) Services, other than administrative or management	1161
services or any of the services described in division (B)(2)(a) or	1162
(b) of this section, that are commonly purchased by the public at	1163
an hourly rate or at a set fee for each time the services are	1164
provided, unless the services are performed for the benefit of	1165
children, persons who are eligible for the services by reason of	1166
advanced age, medical condition, or financial need, or persons who	1167
are confined in a detention facility as defined in section 2921.01	1168
of the Revised Code, and the services are intended to help promote	1169
the health, safety, or welfare of those children or persons;	1170
(d) Educational services provided by a school to children	1171
eligible to attend that school. For purposes of division (B)(2)(d)	1172
of this section, "school" means any school operated by a school	1173
district board of education, any community school established	1174

under Chapter 3314. of the Revised Code, or any nonpublic school 1175
for which the state board of education prescribes minimum 1176
education standards under section 3301.07 of the Revised Code. 1177

(e) Services provided by a foster home as defined in section 1178
5103.02 of the Revised Code; 1179

(f) "Routine business services other than administrative or 1180
management services," as that term is defined by the attorney 1181
general by rule adopted in accordance with Chapter 119. of the 1182
Revised Code; 1183

(g) Services to protect the environment or promote 1184
environmental education that are provided by a nonprofit entity or 1185
services to protect the environment that are funded with federal 1186
grants or revolving loan funds and administered in accordance with 1187
federal law. 1188

(3) The person receives the money solely in return for the 1189
performance of services intended to help preserve public health or 1190
safety under circumstances requiring immediate action as a result 1191
of a natural or man-made emergency. 1192

(C) With respect to an unincorporated nonprofit association, 1193
corporation, or organization established for the purpose of 1194
providing educational, technical, consulting, training, financial, 1195
or other services to its members in exchange for membership dues 1196
and other fees, any of the services provided to a member that is a 1197
governmental entity shall, for purposes of this section, be 1198
considered services "for the primary benefit of a governmental 1199
entity or the employees of a governmental entity." 1200

Sec. 9.239. (A) There is hereby created the government 1201
contracting advisory council. The attorney general and auditor of 1202
state shall consult with the council on the performance of their 1203
rule-making functions under sections 9.237 and 9.238 of the 1204

Revised Code and shall consider any recommendations of the 1205
council. The medicaid director ~~of job and family services~~ shall 1206
annually report to the council the cost methodology of the 1207
medicaid-funded services described in division (A)(3)(d) of 1208
section 9.231 of the Revised Code. The council shall consist of 1209
the following members or their designees: 1210

- (1) The attorney general; 1211
- (2) The auditor of state; 1212
- (3) The director of administrative services; 1213
- (4) The director of aging; 1214
- (5) ~~The director of alcohol and drug addiction services~~ The 1215
medicaid director; 1216
- (6) The director of budget and management; 1217
- (7) The director of development services; 1218
- (8) The director of job and family services; 1219
- (9) The director of ~~mental health~~ mental health and addiction 1220
services; 1221
- (10) The director of developmental disabilities; 1222
- (11) The director of rehabilitation and correction; 1223
- (12) The administrator of workers' compensation; 1224
- (13) The executive director of the county commissioners' 1225
association of Ohio; 1226
- (14) The president of the Ohio grantmakers forum; 1227
- (15) The president of the Ohio chamber of commerce; 1228
- (16) The president of the Ohio state bar association; 1229
- (17) The president of the Ohio society of certified public 1230
accountants; 1231

(18) The executive director of the Ohio association of nonprofit organizations;	1232 1233
(19) The president of the Ohio united way;	1234
(20) One additional member appointed by the attorney general;	1235
(21) One additional member appointed by the auditor of state.	1236
(B) If an agency or organization represented on the council ceases to exist in the form it has on September 29, 2005, the successor agency or organization shall be represented in its place. If there is no successor agency or organization, or if it is not clear what agency or organization is the successor, the attorney general shall designate an agency or organization to be represented in place of the agency or organization originally represented on the council.	1237 1238 1239 1240 1241 1242 1243 1244
(C) The two members appointed to the council shall serve three-year terms. Original appointments shall be made not later than sixty days after September 29, 2005. Vacancies on the council shall be filled in the same manner as the original appointment.	1245 1246 1247 1248
(D) The attorney general or the attorney general's designee shall be the chairperson of the council. The council shall meet at least once every two years to review the rules adopted under sections 9.237 and 9.238 of the Revised Code and to make recommendations to the attorney general and auditor of state regarding the adoption, amendment, or repeal of those rules. The council shall also meet at other times as requested by the attorney general or auditor of state.	1249 1250 1251 1252 1253 1254 1255 1256
(E) Members of the council shall serve without compensation or reimbursement.	1257 1258
(F) The office of the attorney general shall provide necessary staff, facilities, supplies, and services to the council.	1259 1260 1261

(G) Sections 101.82 to 101.87 of the Revised Code do not 1262
apply to the council. 1263

Sec. 9.24. (A) Except as may be allowed under division (F) of 1264
this section, no state agency and no political subdivision shall 1265
award a contract as described in division (G)(1) of this section 1266
for goods, services, or construction, paid for in whole or in part 1267
with state funds, to a person against whom a finding for recovery 1268
has been issued by the auditor of state on and after January 1, 1269
2001, if the finding for recovery is unresolved. 1270

A contract is considered to be awarded when it is entered 1271
into or executed, irrespective of whether the parties to the 1272
contract have exchanged any money. 1273

(B) For purposes of this section, a finding for recovery is 1274
unresolved unless one of the following criteria applies: 1275

(1) The money identified in the finding for recovery is paid 1276
in full to the state agency or political subdivision to whom the 1277
money was owed; 1278

(2) The debtor has entered into a repayment plan that is 1279
approved by the attorney general and the state agency or political 1280
subdivision to whom the money identified in the finding for 1281
recovery is owed. A repayment plan may include a provision 1282
permitting a state agency or political subdivision to withhold 1283
payment to a debtor for goods, services, or construction provided 1284
to or for the state agency or political subdivision pursuant to a 1285
contract that is entered into with the debtor after the date the 1286
finding for recovery was issued. 1287

(3) The attorney general waives a repayment plan described in 1288
division (B)(2) of this section for good cause; 1289

(4) The debtor and state agency or political subdivision to 1290
whom the money identified in the finding for recovery is owed have 1291

agreed to a payment plan established through an enforceable settlement agreement. 1292
1293

(5) The state agency or political subdivision desiring to enter into a contract with a debtor certifies, and the attorney general concurs, that all of the following are true: 1294
1295
1296

(a) Essential services the state agency or political subdivision is seeking to obtain from the debtor cannot be provided by any other person besides the debtor; 1297
1298
1299

(b) Awarding a contract to the debtor for the essential services described in division (B)(5)(a) of this section is in the best interest of the state; 1300
1301
1302

(c) Good faith efforts have been made to collect the money identified in the finding of recovery. 1303
1304

(6) The debtor has commenced an action to contest the finding for recovery and a final determination on the action has not yet been reached. 1305
1306
1307

(C) The attorney general shall submit an initial report to the auditor of state, not later than December 1, 2003, indicating the status of collection for all findings for recovery issued by the auditor of state for calendar years 2001, 2002, and 2003. 1308
1309
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1311
Beginning on January 1, 2004, the attorney general shall submit to the auditor of state, on the first day of every January, April, July, and October, a list of all findings for recovery that have been resolved in accordance with division (B) of this section during the calendar quarter preceding the submission of the list and a description of the means of resolution. The attorney general shall notify the auditor of state when a judgment is issued against an entity described in division (F)(1) of this section. 1312
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(D) The auditor of state shall maintain a database, accessible to the public, listing persons against whom an unresolved finding for recovery has been issued, and the amount of 1320
1321
1322

the money identified in the unresolved finding for recovery. The 1323
auditor of state shall have this database operational on or before 1324
January 1, 2004. The initial database shall contain the 1325
information required under this division for calendar years 2001, 1326
2002, and 2003. 1327

Beginning January 15, 2004, the auditor of state shall update 1328
the database by the fifteenth day of every January, April, July, 1329
and October to reflect resolved findings for recovery that are 1330
reported to the auditor of state by the attorney general on the 1331
first day of the same month pursuant to division (C) of this 1332
section. 1333

(E) Before awarding a contract as described in division 1334
(G)(1) of this section for goods, services, or construction, paid 1335
for in whole or in part with state funds, a state agency or 1336
political subdivision shall verify that the person to whom the 1337
state agency or political subdivision plans to award the contract 1338
has no unresolved finding for recovery issued against the person. 1339
A state agency or political subdivision shall verify that the 1340
person does not appear in the database described in division (D) 1341
of this section or shall obtain other proof that the person has no 1342
unresolved finding for recovery issued against the person. 1343

(F) The prohibition of division (A) of this section and the 1344
requirement of division (E) of this section do not apply with 1345
respect to the companies, payments, or agreements described in 1346
divisions (F)(1) and (2) of this section, or in the circumstance 1347
described in division (F)(3) of this section. 1348

(1) A bonding company or a company authorized to transact the 1349
business of insurance in this state, a self-insurance pool, joint 1350
self-insurance pool, risk management program, or joint risk 1351
management program, unless a court has entered a final judgment 1352
against the company and the company has not yet satisfied the 1353
final judgment. 1354

(2) To medicaid provider agreements under ~~Chapter 5111. of~~ 1355
the ~~Revised Code~~ medicaid program. 1356

(3) When federal law dictates that a specified entity provide 1357
the goods, services, or construction for which a contract is being 1358
awarded, regardless of whether that entity would otherwise be 1359
prohibited from entering into the contract pursuant to this 1360
section. 1361

(G)(1) This section applies only to contracts for goods, 1362
services, or construction that satisfy the criteria in either 1363
division (G)(1)(a) or (b) of this section. This section may apply 1364
to contracts for goods, services, or construction that satisfy the 1365
criteria in division (G)(1)(c) of this section, provided that the 1366
contracts also satisfy the criteria in either division (G)(1)(a) 1367
or (b) of this section. 1368

(a) The cost for the goods, services, or construction 1369
provided under the contract is estimated to exceed twenty-five 1370
thousand dollars. 1371

(b) The aggregate cost for the goods, services, or 1372
construction provided under multiple contracts entered into by the 1373
particular state agency and a single person or the particular 1374
political subdivision and a single person within the fiscal year 1375
preceding the fiscal year within which a contract is being entered 1376
into by that same state agency and the same single person or the 1377
same political subdivision and the same single person, exceeded 1378
fifty thousand dollars. 1379

(c) The contract is a renewal of a contract previously 1380
entered into and renewed pursuant to that preceding contract. 1381

(2) This section does not apply to employment contracts. 1382

(H) As used in this section: 1383

(1) "State agency" has the same meaning as in section 9.66 of 1384

the Revised Code.	1385
(2) "Political subdivision" means a political subdivision as defined in section 9.82 of the Revised Code that has received more than fifty thousand dollars of state money in the current fiscal year or the preceding fiscal year.	1386 1387 1388 1389
(3) "Finding for recovery" means a determination issued by the auditor of state, contained in a report the auditor of state gives to the attorney general pursuant to section 117.28 of the Revised Code, that public money has been illegally expended, public money has been collected but not been accounted for, public money is due but has not been collected, or public property has been converted or misappropriated.	1390 1391 1392 1393 1394 1395 1396
(4) "Debtor" means a person against whom a finding for recovery has been issued.	1397 1398
(5) "Person" means the person named in the finding for recovery.	1399 1400
(6) "State money" does not include funds the state receives from another source and passes through to a political subdivision.	1401 1402
Sec. 9.833. (A) As used in this section, "political subdivision" has the meaning defined in sections 2744.01 and 3905.36 of the Revised Code. For purposes of this section, "political subdivision" includes municipal corporations as defined in section 5705.01 of the Revised Code.	1403 1404 1405 1406 1407
(B) Political subdivisions that provide health care benefits for their officers or employees may do any of the following:	1408 1409
(1) Establish and maintain an individual self-insurance program with public moneys to provide authorized health care benefits, including but not limited to, health care, prescription drugs, dental care, and vision care, in accordance with division (C) of this section;	1410 1411 1412 1413 1414

(2) Establish and maintain a health savings account program 1415
whereby employees or officers may establish and maintain health 1416
savings accounts in accordance with section 223 of the Internal 1417
Revenue Code. Public moneys may be used to pay for or fund 1418
federally qualified high deductible health plans that are linked 1419
to health savings accounts or to make contributions to health 1420
savings accounts. A health savings account program may be a part 1421
of a self-insurance program. 1422

(3) After establishing an individual self-insurance program, 1423
agree with other political subdivisions that have established 1424
individual self-insurance programs for health care benefits, that 1425
their programs will be jointly administered in a manner specified 1426
in the agreement; 1427

(4) Pursuant to a written agreement and in accordance with 1428
division (C) of this section, join in any combination with other 1429
political subdivisions to establish and maintain a joint 1430
self-insurance program to provide health care benefits; 1431

(5) Pursuant to a written agreement, join in any combination 1432
with other political subdivisions to procure or contract for 1433
policies, contracts, or plans of insurance to provide health care 1434
benefits, which may include a health savings account program for 1435
their officers and employees subject to the agreement; 1436

(6) Use in any combination any of the policies, contracts, 1437
plans, or programs authorized under this division. 1438

(7) Any agreement made under division (B)(3), (4), (5), or 1439
(6) of this section shall be in writing, comply with division (C) 1440
of this section, and contain best practices established in 1441
consultation with and approved by the department of administrative 1442
services. The best practices may be reviewed and amended at the 1443
discretion of the political subdivisions in consultation with the 1444
department. Detailed information regarding the best practices 1445

shall be made available to any employee upon that employee's request. 1446
1447

(8) Purchase plans ~~approved~~ containing best practices 1448
established by the department of administrative services under 1449
section 9.901 of the Revised Code. 1450

(C) Except as otherwise provided in division (E) of this 1451
section, the following apply to individual or joint self-insurance 1452
programs established pursuant to this section: 1453

(1) Such funds shall be reserved as are necessary, in the 1454
exercise of sound and prudent actuarial judgment, to cover 1455
potential cost of health care benefits for the officers and 1456
employees of the political subdivision. A certified audited 1457
financial statement and a report of aggregate amounts so reserved 1458
and aggregate disbursements made from such funds, together with a 1459
written report of a member of the American academy of actuaries 1460
certifying whether the amounts reserved conform to the 1461
requirements of this division, are computed in accordance with 1462
accepted loss reserving standards, and are fairly stated in 1463
accordance with sound loss reserving principles, shall be prepared 1464
and maintained, within ninety days after the last day of the 1465
fiscal year of the entity for which the report is provided for 1466
that fiscal year, in the office of the program administrator 1467
described in division (C)(3) of this section. 1468

The report required by division (C)(1) of this section shall 1469
include, but not be limited to, the aggregate of disbursements 1470
made for the administration of the program, including claims paid, 1471
costs of the legal representation of political subdivisions and 1472
employees, and fees paid to consultants. 1473

The program administrator described in division (C)(3) of 1474
this section shall make the report required by this division 1475
available for inspection by any person at all reasonable times 1476

during regular business hours, and, upon the request of such 1477
person, shall make copies of the report available at cost within a 1478
reasonable period of time. The program administrator shall further 1479
provide the report to the auditor of state under Chapter 117. of 1480
the Revised Code. The report required by this division is in lieu 1481
of the records required by division (A) of section 149.431 of the 1482
Revised Code. 1483

(2) Each political subdivision shall reserve funds necessary 1484
for an individual or joint self-insurance program in a special 1485
fund that may be established for political subdivisions other than 1486
an agency or instrumentality pursuant to an ordinance or 1487
resolution of the political subdivision and not subject to section 1488
5705.12 of the Revised Code. An agency or instrumentality shall 1489
reserve the funds necessary for an individual or joint 1490
self-insurance program in a special fund established pursuant to a 1491
resolution duly adopted by the agency's or instrumentality's 1492
governing board. The political subdivision may allocate the costs 1493
of insurance or any self-insurance program, or both, among the 1494
funds or accounts established under this division on the basis of 1495
relative exposure and loss experience. 1496

(3) A contract may be awarded, without the necessity of 1497
competitive bidding, to any person, political subdivision, 1498
nonprofit corporation organized under Chapter 1702. of the Revised 1499
Code, or regional council of governments created under Chapter 1500
167. of the Revised Code for purposes of administration of an 1501
individual or joint self-insurance program. No such contract shall 1502
be entered into without full, prior, public disclosure of all 1503
terms and conditions. The disclosure shall include, at a minimum, 1504
a statement listing all representations made in connection with 1505
any possible savings and losses resulting from the contract, and 1506
potential liability of any political subdivision or employee. The 1507
proposed contract and statement shall be disclosed and presented 1508

at a meeting of the political subdivision not less than one week 1509
prior to the meeting at which the political subdivision authorizes 1510
the contract. 1511

A contract awarded to a nonprofit corporation or a regional 1512
council of governments under this division may provide that all 1513
employees of the nonprofit corporation or regional council of 1514
governments, the employees of all entities related to the 1515
nonprofit corporation or regional council of governments, and the 1516
employees of other nonprofit corporations that have fifty or fewer 1517
employees and have been organized for the primary purpose of 1518
representing the interests of political subdivisions, may be 1519
covered by the individual or joint self-insurance program under 1520
the terms and conditions set forth in the contract. 1521

(4) The individual or joint self-insurance program shall 1522
include a contract with a certified public accountant and a member 1523
of the American academy of actuaries for the preparation of the 1524
written evaluations required under division (C)(1) of this 1525
section. 1526

(5) A joint self-insurance program may allocate the costs of 1527
funding the program among the funds or accounts established under 1528
this division to the participating political subdivisions on the 1529
basis of their relative exposure and loss experience. 1530

(6) An individual self-insurance program may allocate the 1531
costs of funding the program among the funds or accounts 1532
established under this division to the political subdivision that 1533
established the program. 1534

(7) Two or more political subdivisions may also authorize the 1535
establishment and maintenance of a joint health care cost 1536
containment program, including, but not limited to, the employment 1537
of risk managers, health care cost containment specialists, and 1538
consultants, for the purpose of preventing and reducing health 1539

care costs covered by insurance, individual self-insurance, or 1540
joint self-insurance programs. 1541

(8) A political subdivision is not liable under a joint 1542
self-insurance program for any amount in excess of amounts payable 1543
pursuant to the written agreement for the participation of the 1544
political subdivision in the joint self-insurance program. Under a 1545
joint self-insurance program agreement, a political subdivision 1546
may, to the extent permitted under the written agreement, assume 1547
the risks of any other political subdivision. A joint 1548
self-insurance program established under this section is deemed a 1549
separate legal entity for the public purpose of enabling the 1550
members of the joint self-insurance program to obtain insurance or 1551
to provide for a formalized, jointly administered self-insurance 1552
fund for its members. An entity created pursuant to this section 1553
is exempt from all state and local taxes. 1554

(9) Any political subdivision, other than an agency or 1555
instrumentality, may issue general obligation bonds, or special 1556
obligation bonds that are not payable from real or personal 1557
property taxes, and may also issue notes in anticipation of such 1558
bonds, pursuant to an ordinance or resolution of its legislative 1559
authority or other governing body for the purpose of providing 1560
funds to pay expenses associated with the settlement of claims, 1561
whether by way of a reserve or otherwise, and to pay the political 1562
subdivision's portion of the cost of establishing and maintaining 1563
an individual or joint self-insurance program or to provide for 1564
the reserve in the special fund authorized by division (C)(2) of 1565
this section. 1566

In its ordinance or resolution authorizing bonds or notes 1567
under this section, a political subdivision may elect to issue 1568
such bonds or notes under the procedures set forth in Chapter 133. 1569
of the Revised Code. In the event of such an election, 1570
notwithstanding Chapter 133. of the Revised Code, the maturity of 1571

the bonds may be for any period authorized in the ordinance or 1572
resolution not exceeding twenty years, which period shall be the 1573
maximum maturity of the bonds for purposes of section 133.22 of 1574
the Revised Code. 1575

Bonds and notes issued under this section shall not be 1576
considered in calculating the net indebtedness of the political 1577
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 1578
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 1579
hereby made applicable to bonds or notes authorized under this 1580
section. 1581

(10) A joint self-insurance program is not an insurance 1582
company. Its operation does not constitute doing an insurance 1583
business and is not subject to the insurance laws of this state. 1584

(D) A political subdivision may procure group life insurance 1585
for its employees in conjunction with an individual or joint 1586
self-insurance program authorized by this section, provided that 1587
the policy of group life insurance is not self-insured. 1588

(E) This section does not apply to individual self-insurance 1589
programs created solely by municipal corporations as defined in 1590
section 5705.01 of the Revised Code. 1591

(F) A public official or employee of a political subdivision 1592
who is or becomes a member of the governing body of the program 1593
administrator of a joint self-insurance program in which the 1594
political subdivision participates is not in violation of division 1595
(D) or (E) of section 102.03, division (C) of section 102.04, or 1596
section 2921.42 of the Revised Code as a result of either of the 1597
following: 1598

(1) The political subdivision's entering under this section 1599
into the written agreement to participate in the joint 1600
self-insurance program; 1601

(2) The political subdivision's entering under this section 1602

into any other contract with the joint self-insurance program. 1603

~~Sec. 9.90. (A) The following applies until the department of 1604
administrative services implements healthcare plans designed under 1605
section 9.901 of the Revised Code. If those plans do not include 1606
or address any benefits listed in this section, or if the board of 1607
trustees or other governing body of a state institution of higher 1608
education, as defined in section 3345.011 of the Revised Code, 1609
board of education of a school district, or governing board of an 1610
educational service center do not elect to be covered under a plan 1611
offered by the department of administrative services under section 1612
9.901 of the Revised Code, the following provisions continue in 1613
effect for those benefits. The board of trustees or other 1614
governing body of a state institution of higher education, as 1615
defined in section 3345.011 of the Revised Code, board of 1616
education of a school district, or governing board of an 1617
educational service center may, in addition to all other powers 1618
provided in the Revised Code: 1619~~

(1) Contract for, purchase, or otherwise procure from an 1620
insurer or insurers licensed to do business by the state of Ohio 1621
for or on behalf of such of its employees as it may determine, 1622
life insurance, or sickness, accident, annuity, endowment, health, 1623
medical, hospital, dental, or surgical coverage and benefits, or 1624
any combination thereof, by means of insurance plans or other 1625
types of coverage, family, group or otherwise, and may pay from 1626
funds under its control and available for such purpose all or any 1627
portion of the cost, premium, or charge for such insurance, 1628
coverage, or benefits. However, the governing board, in addition 1629
to or as an alternative to the authority otherwise granted by 1630
division (A)(1) of this section, may elect to procure coverage for 1631
health care services, for or on behalf of such of its employees as 1632
it may determine, by means of policies, contracts, certificates, 1633
or agreements issued by at least two health insuring corporations 1634

holding a certificate of authority under Chapter 1751. of the 1635
Revised Code and may pay from funds under the governing board's 1636
control and available for such purpose all or any portion of the 1637
cost of such coverage. 1638

(2) Make payments to a custodial account for investment in 1639
regulated investment company stock for the purpose of providing 1640
retirement benefits as described in section 403(b)(7) of the 1641
Internal Revenue Code of 1954, as amended. Such stock shall be 1642
purchased only from persons authorized to sell such stock in this 1643
state. 1644

Any income of an employee deferred under divisions (A)(1) and 1645
(2) of this section in a deferred compensation program eligible 1646
for favorable tax treatment under the Internal Revenue Code of 1647
1954, as amended, shall continue to be included as regular 1648
compensation for the purpose of computing the contributions to and 1649
benefits from the retirement system of such employee. Any sum so 1650
deferred shall not be included in the computation of any federal 1651
and state income taxes withheld on behalf of any such employee. 1652

(B) All or any portion of the cost, premium, or charge 1653
therefor may be paid in such other manner or combination of 1654
manners as the board or governing body may determine, including 1655
direct payment by the employee in cases under division (A)(1) of 1656
this section, and, if authorized in writing by the employee in 1657
cases under division (A)(1) or (2) of this section, by the board 1658
or governing body with moneys made available by deduction from or 1659
reduction in salary or wages or by the foregoing of a salary or 1660
wage increase. Nothing in section 3917.01 or section 3917.06 of 1661
the Revised Code shall prohibit the issuance or purchase of group 1662
life insurance authorized by this section by reason of payment of 1663
premiums therefor by the board or governing body from its funds, 1664
and such group life insurance may be so issued and purchased if 1665
otherwise consistent with the provisions of sections 3917.01 to 1666

3917.07 of the Revised Code. 1667

(C) The board of education of any school district may 1668
exercise any of the powers granted to the governing boards of 1669
public institutions of higher education under divisions (A) and 1670
(B) of this section. All health care benefits provided to persons 1671
employed by the public schools of this state shall be through 1672
health care plans that contain best practices established by the 1673
department of administrative services pursuant to section 9.901 of 1674
the Revised Code. 1675

~~(D) Once the department of administrative services releases 1676
in final form health care plans designed under section 9.901 of 1677
the Revised Code, all health care benefits provided to persons 1678
employed by state institutions of higher education, school 1679
districts, or educational service centers may be through those 1680
plans. 1681~~

Sec. 9.901. (A)(1) All health care benefits provided to 1682
persons employed by ~~the political subdivisions and public school 1683
districts of~~ employers as defined by this state section shall be 1684
provided by health care plans that contain best practices 1685
established ~~pursuant to this section~~ by the former school 1686
employees health care board or the department of administrative 1687
services. ~~Twelve months after the release of best practices by the 1688
board all~~ All policies or contracts for health care benefits 1689
~~provided to public school district employees~~ that are issued or 1690
renewed after the expiration of any applicable collective 1691
bargaining agreement must contain all best practices established 1692
pursuant to this section ~~by the board~~ at the time of renewal. ~~Any 1693
or all of the health~~ Health care plans that contain the best 1694
practices ~~specified by the board~~ may be self-insured. 1695

(2) Upon ~~completion of the consultant's report under division 1696
(E) of this section and once the plans are released in final form 1697~~

by the department, all health care benefits provided to persons 1698
employed by political subdivisions, public school districts, and 1699
state institutions of higher education may be provided by health 1700
care plans designed under this section by the department. The 1701
department, in consultation with the superintendent of insurance, 1702
may negotiate with and, in accordance with the competitive 1703
selection procedures of Chapter 125. of the Revised Code, contract 1704
with one or more insurance companies authorized to do business in 1705
this state for the issuance of the plans. Any or all of the health 1706
care plans designed by the department may be self insured. All 1707
self insured plans adopted shall be administered by the department 1708
in accordance with this section. The plans shall incorporate the 1709
best practices adopted by the department under division (C)(3) of 1710
this section consulting with the department of administrative 1711
services, a political subdivision may adopt a delivery system of 1712
benefits that is not in accordance with the department's adopted 1713
best practices if it is considered by the department to be most 1714
financially advantageous to the political subdivision. 1715

(3) Before soliciting proposals from insurance companies for 1716
the issuance of health care plans, the department, in consultation 1717
with the superintendent of insurance, shall determine what 1718
geographic regions exist in the state based on the availability of 1719
providers, networks, costs, and other factors relating to 1720
providing health care benefits. The department shall then 1721
determine what health care plans offered by political 1722
subdivisions, public school districts, state institutions, and 1723
existing consortiums in the region offer the most cost effective 1724
plan. 1725

(4) The department, in consultation with the superintendent 1726
of insurance, shall develop a request for proposals and solicit 1727
bids for health care plans for political subdivisions, public 1728
school districts, and state institutions in a region similar to 1729

~~the existing plans. The department shall also determine the 1730
benefits offered by existing health care plans, the employees' 1731
costs, and the cost sharing arrangements used by political 1732
subdivisions, schools, and institutions participating in a 1733
consortium. The department shall determine what strategies are 1734
used by the existing plans to manage health care costs and shall 1735
study the potential benefits of state or regional consortiums 1736
offering multiple health care plans. When options exist in a 1737
defined regional service area that meet the benchmarks or best 1738
practices prescribed by the department, public employees shall be 1739
given the option of selecting from two or more health plans. 1740~~

~~(5) No political subdivision, public school district, or 1741
state institution may be required to offer the health care plans 1742
designed under this section until action is taken under division 1743
(E) of this section. 1744~~

~~In addition, political subdivisions, public school districts, 1745
or state institutions offering employee health care benefits 1746
through a plan offered by a consortium of two or more political 1747
subdivisions, districts, or state institutions, or a consortium of 1748
one or more political subdivisions, districts, or state 1749
institutions and one or more other political subdivisions may 1750
continue offering consortium plans to the political subdivisions', 1751
districts', or institutions' employees if plans contain best 1752
practices required under this section. 1753~~

~~(6) As used in this section: 1754~~

~~(a) "Public employer" means political subdivisions, public 1755
school districts, or state institutions of higher education. 1756~~

~~(b) "Public school district" means a city, local, exempted 1757
village, or joint vocational school district; a STEM school 1758
established under Chapter 3326. of the Revised Code; or an 1759
educational service center. "Public school district" does not mean 1760~~

a community school established under Chapter 3314. of the Revised Code. 1761
1762

~~(b)~~(c) "State institution of higher education" or "state institution" means a state institution of higher education as defined in section 3345.011 of the Revised Code. 1763
1764
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~~(e)~~(d) "Political subdivision" has the same meaning as defined in section 9.833 of the Revised Code. 1766
1767

~~(d)~~(e) A "health care plan" includes group policies, contracts, and agreements that provide hospital, surgical, or medical expense coverage, including self-insured plans. A "health care plan" does not include an individual plan offered to the employees of a political subdivision, public school district, or state institution, or a plan that provides coverage only for specific disease or accidents, or a hospital indemnity, medicare supplement, or other plan that provides only supplemental benefits, paid for by the employees of a political subdivision, public school district, or state institution. 1768
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~~(e)~~(f) A "health plan sponsor" means a political subdivision, public school district, a state institution of higher education, a consortium of political subdivisions, public school districts, or state institutions, or a council of governments. 1778
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~~(B)~~(4) The ~~political subdivisions and~~ public employees health care fund is hereby created in the state treasury. The department shall use all funds in the ~~political subdivisions and~~ public employees health care fund solely to carry out the provisions of this section and related administrative costs. 1782
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~~(C)~~(B) The department of administrative services shall do all of the following: 1787
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(1) ~~Include disease management and consumer education programs, which programs shall include, but are not limited to, wellness programs and other measures designed to encourage the~~ 1789
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wise use of medical plan coverage. These programs are not services	1792
or treatments for purposes of section 3901.71 of the Revised Code.	1793
(2) After action is taken under division (E) of this section,	1794
design health care plans for political subdivisions, public school	1795
districts, and state institutions of higher education in	1796
accordance with division (A) of this section separate from the	1797
plans for state agencies;	1798
(3) Adopt and release a set of standards that shall be	1799
considered the best practices for health care plans offered to	1800
employees of political subdivisions, public school districts, and	1801
state institutions.	1802
(4) Require that the plans the health plan sponsors	1803
administer make readily available to the public all cost and	1804
design elements of the plan;	1805
(5) Set employee and employer health care plan premiums for	1806
the plans designed under division (C)(2) of this section;	1807
(6) Promote cooperation among all organizations affected by	1808
this section in identifying the elements for the successful	1809
implementation of this section;	1810
(7) Promote cost containment measures aligned with patient,	1811
plan, and provider management strategies in developing and	1812
managing health care plans;	1813
(8) Prepare and disseminate to the public an annual report on	1814
the status of health plan sponsors' effectiveness in making	1815
progress to reduce the rate of increase in insurance premiums and	1816
employee out of pocket expenses, as well as progress in improving	1817
the health status of political subdivision, public school	1818
district, and state institution employees and their families.	1819
(D) The sections in Chapter 3923. of the Revised Code	1820
regulating public employee benefit plans are not applicable to the	1821

~~health care plans designed pursuant to this section.~~ 1822

~~(E) Before the department's release of the initial health 1823
care plans, the department shall contract with an independent 1824
consultant to analyze costs related to employee health care 1825
benefits provided by existing political subdivision, public school 1826
district, and state institution plans. All political subdivisions 1827
shall provide information requested by the department that the 1828
department determines is needed to complete this study. The 1829
information requested shall be held confidentially by the 1830
department and shall not be considered a public record under 1831
Chapter 149. of the Revised Code. The department may release the 1832
information after redacting all personally identifiable 1833
information. The consultant shall determine the benefits offered 1834
by existing plans, the employees' costs, and the cost sharing 1835
arrangements used by political subdivisions, schools, and 1836
institutions participating in a consortium. The consultant shall 1837
determine what strategies are used by the existing plans to manage 1838
health care costs and shall study the potential benefits of state 1839
or regional consortiums of political subdivisions, public schools, 1840
and institutions offering multiple health care plans. Based on the 1841
findings of the analysis, the consultant shall submit written 1842
recommendations to the department for the development and 1843
implementation of a successful program for pooling purchasing 1844
power for the acquisition of employee health care plans. The 1845
consultant's recommendations shall address, at a minimum, all of 1846
the following issues:~~ 1847

~~(1) The development of a plan for regional coordination of 1848
the health care plans;~~ 1849

~~(2) The establishment of regions for the provision of health 1850
care plans, based on the availability of providers and plans in 1851
the state at the time;~~ 1852

~~(3) The viability of voluntary and mandatory participation by 1853~~

political subdivisions, public schools, and institutions of higher education;	1854
	1855
(4) The use of regional preferred provider and closed panel plans, health savings accounts, and alternative health care plans, to stabilize both costs and the premiums charged to political subdivisions, public school districts, and state institutions and their employees;	1856
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(5) The use of the competitive bidding process for regional health care plans;	1861
	1862
(6) The use of information on claims and costs and of information reported by political subdivisions, public school districts, and state institutions pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) 100 Stat. 227, 29 U.S.C. 1161, as amended in analyzing administrative and premium costs;	1863
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(7) The experience of states that have statewide health care plans for political subdivision, public school district, and state institution employees, including the implementation strategies used by those states;	1868
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(8) Recommended strategies for the use of first year roll in premiums in the transition from political subdivision, district, and state institution health care plans to department plans;	1872
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	1874
(9) The option of allowing political subdivisions, public school districts, and state institutions to join an existing regional consortium as an alternative to department plans;	1875
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(10) Mandatory and optional coverages to be offered by the department's plans;	1878
	1879
(11) Potential risks to the state from the use of plans developed under this section;	1880
	1881
(12) Any legislation needed to ensure the long term financial solvency and stability of a health care purchasing system;	1882
	1883

(13) The potential impacts of any changes to the existing purchasing structure on all of the following:	1884
(a) Existing health care pooling and consortiums;	1885
(b) Political subdivision, school district, and state institution employees;	1886
(c) Individual political subdivisions, school districts, and state institutions.	1887
(14) Issues that could arise when political subdivisions, school districts, and state institutions transition from the existing purchasing structure to a new purchasing structure;	1888
(15) Strategies available to the department in the creation of fund reserves and the need for stop loss insurance coverage for catastrophic losses;	1889
(16) Impact on eliminating the premium tax or excise currently received on behalf of a public employer under division (A) of section 5725.18 and division (A) of 5729.03 of the Revised Code;	1890
(17) How development of the federal health exchange in Ohio may impact public employees;	1891
(18) Impact of joint health insurance regional program on insurance carriers and agents;	1892
(19) The benefits, including any cost savings to the state of establishing a benchmark for public employers to meet in lieu of establishing new plans administered by the department.	1893
(F) The <u>Identify strategies to manage health care costs;</u>	1894
(2) <u>Study the potential benefits of state or regional consortiums of public employers' health care plans;</u>	1895
(3) <u>Publish information regarding the health care plans offered by political subdivisions, public school districts, state</u>	1896
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<u>institutions, and existing consortiums;</u>	1913
<u>(4) Assist in the design of health care plans for political subdivisions, public school districts, and state institutions of higher education in accordance with division (A) of this section separate from the plans for state agencies;</u>	1914 1915 1916 1917
<u>(5) Adopt and release a set of standards that shall be considered the best practices for health care plans offered to employees of political subdivisions, public school districts, and state institutions;</u>	1918 1919 1920 1921
<u>(6) Require that plans the health plan sponsors administer make readily available to the public all cost and design elements of the plan;</u>	1922 1923 1924
<u>(7) Promote cooperation among all organizations affected by this section in identifying the elements for successful implementation of this section;</u>	1925 1926 1927
<u>(8) Promote cost containment measures aligned with patient, plan, and provider management strategies in developing and managing health care plans; and</u>	1928 1929 1930
<u>(9) Prepare and disseminate to the public an annual report on the status of health plan sponsors' effectiveness in complying with best practices and making progress to reduce the rate of increase in insurance premiums and employee out-of-pocket expenses, as well as progress in improving the health status of employees and their families.</u>	1931 1932 1933 1934 1935 1936
<u>(C) The director of administrative services may convene a public health care advisory committee is hereby created under the department of administrative services. The committee shall make recommendations to the director of administrative services or the director's designee on the development and adoption of best practices under this section. The committee shall consist of fifteen members: <u>five members</u> appointed by the speaker of the</u>	1937 1938 1939 1940 1941 1942 1943

house of representatives; five members appointed by the president 1944
of the senate; and five members appointed by the governor and 1945
~~shall include representatives from state and local government~~ 1946
~~employers, state and local government employees, insurance agents,~~ 1947
~~health insurance companies, and joint purchasing arrangements~~ 1948
~~currently in existence. Nothing in this section prohibits a~~ 1949
~~political subdivision from adopting a delivery system of benefits~~ 1950
~~that is not in accordance with the department's adopted best~~ 1951
~~practices if it is considered to be most financially advantageous~~ 1952
~~to the political subdivision. Members shall serve without~~ 1953
~~compensation.~~ 1954

~~(G)~~(D) The department may adopt rules for the enforcement of 1955
health plan sponsors' compliance with the best practices standards 1956
adopted by the department pursuant to this section. 1957

~~(H)~~(E) Any health care plan providing coverage for the 1958
employees of political subdivisions, public school districts, or 1959
state institutions of higher education, or that have provided 1960
coverage within two years before the effective date of this 1961
amendment, shall provide nonidentifiable aggregate claims and 1962
administrative data for the coverage provided as required by the 1963
department, without charge, within thirty days after receiving a 1964
written request from the department. The claims data shall include 1965
data relating to employee group benefit sets, demographics, and 1966
claims experience. 1967

~~(I)~~(1)(F) The department may ~~contract~~ work with other state 1968
agencies ~~for~~ to obtain services as the department deems necessary 1969
for the implementation and operation of this section, based on 1970
demonstrated experience and expertise in administration, 1971
management, data handling, actuarial studies, quality assurance, 1972
or for other needed services. 1973

~~(2)~~(G) The department shall hire staff as necessary to 1974
provide administrative support to the department and the public 1975

employee health care plan program established by this section. 1976

~~(J) Not more than ninety days before coverage begins for 1977
political subdivision, public school district, and state 1978
institution employees under health care plans designed by the 1979
department, a political subdivision's governing body, public 1980
school district's board of education, and a state institution's 1981
board of trustees or managing authority shall provide detailed 1982
information about the health care plans to the employees. 1983~~

~~(K)~~(H) Nothing in this section shall be construed as 1984
prohibiting political subdivisions, public school districts, or 1985
state institutions from consulting with and compensating insurance 1986
agents and brokers for professional services or from establishing 1987
a self-insurance program. 1988

~~(L)~~(I) Pursuant to Chapter 117. of the Revised Code, the 1989
auditor of state shall conduct all necessary and required audits 1990
of the department. The auditor of state, upon request, also shall 1991
furnish to the department copies of audits of political 1992
subdivisions, public school districts, or consortia performed by 1993
the auditor of state. 1994

Sec. 101.39. (A) There is hereby created the joint 1995
legislative committee on health care oversight. The committee may 1996
review or study any matter related to the provision of health care 1997
services that it considers of significance to the citizens of this 1998
state, including the availability of health care, the quality of 1999
health care, the effectiveness and efficiency of managed care 2000
systems, and the operation of the ~~medical assistance~~ medicaid 2001
program established under Chapter 5111. of the Revised Code or 2002
other government health programs. 2003

The department of ~~job and family services~~ medicaid, 2004
department of health, department of aging, department of ~~mental~~ 2005
~~health~~ mental health and addiction services, department of 2006

developmental disabilities, ~~department of alcohol and drug~~ 2007
~~addiction services~~, and other state agencies shall cooperate with 2008
the committee in its study and review of health care issues. On 2009
request, the departments shall provide the committee with reports 2010
and other information sufficient for the committee to fulfill its 2011
duties. 2012

The committee may issue recommendations as it determines 2013
appropriate. The recommendations may be made to the general 2014
assembly, state agencies, private industry, or any other entity. 2015

(B) The committee shall consist of the following members of 2016
the general assembly: the chairperson of the senate's standing 2017
committee with primary responsibility for health legislation, the 2018
chairperson of the house of representatives' standing committee 2019
with primary responsibility for health legislation, four members 2020
of the house of representatives appointed by the speaker of the 2021
house of representatives, and four members of the senate appointed 2022
by the president of the senate. Not more than two members 2023
appointed by the speaker of the house of representatives and not 2024
more than two members appointed by the president of the senate may 2025
be of the same political party. Except in 1995, appointments shall 2026
be made not later than fifteen days after the commencement of the 2027
first regular session of each general assembly. The chairpersons 2028
of the standing committees with primary responsibility for health 2029
legislation shall serve as co-chairpersons of the committee. 2030

Each member of the committee shall hold office during the 2031
general assembly in which the member is appointed and until a 2032
successor has been appointed, notwithstanding the adjournment sine 2033
die of the general assembly in which the member was appointed or 2034
the expiration of the member's term as a member of the general 2035
assembly. Any vacancies occurring among the members of the 2036
committee shall be filled in the manner of the original 2037
appointment. 2038

The committee shall meet at least quarterly and at the call of the co-chairpersons. The co-chairpersons shall determine the time, place, and agenda for each meeting of the committee.

The committee has the same powers as other standing or select committees of the general assembly. The committee may request assistance from the legislative service commission.

Sec. 101.391. (A) There is hereby created the joint legislative committee on medicaid technology and reform. The committee may review or study any matter that it considers relevant to the operation of the medicaid program ~~established under Chapter 5111. of the Revised Code~~, with priority given to the study or review of mechanisms to enhance the program's effectiveness through improved technology systems and program reform.

(B) The committee shall consist of five members of the house of representatives appointed by the speaker of the house of representatives and five members of the senate appointed by the president of the senate. Not more than three members appointed by the speaker of the house of representatives and not more than three members appointed by the president of the senate may be of the same political party.

Each member of the committee shall hold office during the general assembly in which the member is appointed and until a successor has been appointed, notwithstanding the adjournment sine die of the general assembly in which the member was appointed or the expiration of the member's term as a member of the general assembly. Any vacancies occurring among the members of the committee shall be filled in the manner of the original appointment.

(C) The committee has the same powers as other standing or select committees of the general assembly. The committee may

employ an executive director. 2070

Sec. 101.392. (A) As used in this section, "Affordable Care 2071
Act" means the federal "Patient Protection and Affordable Care Act 2072
of 2010," Pub. L. 111-148, 124 Stat. 119, as amended by the 2073
federal "Health Care and Education Reconciliation Act of 2010," 2074
Pub. L. 111-152, 124 Stat. 1029, and any amendments to those acts, 2075
or any regulations or guidance issued under those acts. 2076

(B) There is hereby created the joint legislative committee 2077
on the Affordable Care Act. The committee may review or study any 2078
matter that it considers relevant to the operation and impact of 2079
the Affordable Care Act in this state. 2080

(C) The committee shall consist of three members of the house 2081
of representatives appointed by the speaker of the house of 2082
representatives, and three members of the senate appointed by the 2083
president of the senate. Two members appointed by the speaker of 2084
the house of representatives shall be from the majority party and 2085
one member shall be from the minority party, and two members 2086
appointed by the president of the senate shall be from the 2087
majority party and one member shall be from the minority party. 2088

Each member of the committee shall hold office during the 2089
general assembly in which the member is appointed and until a 2090
successor has been appointed, notwithstanding the adjournment sine 2091
die of the general assembly in which the member was appointed or 2092
the expiration of the member's term as a member of the general 2093
assembly. Any vacancies occurring among the members of the 2094
committee shall be filled in the manner of the original 2095
appointment. 2096

(D) The committee has the same powers as other standing or 2097
select committees of the general assembly. The committee may 2098
request assistance from the legislative service commission. 2099

Sec. 103.144. As used in sections 103.144 to 103.146 of the	2100
Revised Code:	2101
(A) "Mandated benefit" means the following, when considered	2102
in the context of a sickness and accident insurance policy or a	2103
health insuring corporation policy, contract, or agreement:	2104
(1) Any required coverage for a specific medical or	2105
health-related service, treatment, medication, or practice;	2106
(2) Any required coverage for the services of specific health	2107
care providers;	2108
(3) Any requirement that an insurer or health insuring	2109
corporation offer coverage to specific individuals or groups;	2110
(4) Any requirement that an insurer or health insuring	2111
corporation offer specific medical or health-related services,	2112
treatments, medications, or practices to existing insureds or	2113
enrollees;	2114
(5) Any required expansion of, or addition to, existing	2115
coverage;	2116
(6) Any mandated reimbursement amount to specific health care	2117
providers.	2118
(B) "Mandated benefit" does not include any required coverage	2119
or offer of coverage, any required expansion of, or addition to,	2120
existing coverage, or any mandated reimbursement amount to	2121
specific providers, as described in division (A) of this section,	2122
within the context of any public health benefits arrangement,	2123
including but not limited to, the coverage of beneficiaries	2124
enrolled in Title XVIII of the "Social Security Act," 49 Stat. 620	2125
(1935), 42 U.S.C.A. 301, as amended, medicare pursuant to a	2126
medicare risk contract or medicare cost contract, or to the	2127
coverage of beneficiaries enrolled in Title XIX of the "Social	2128
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,	2129

~~known as the medical assistance program or medicaid, provided by~~ 2130
~~the Ohio department of job and family services under Chapter 5111.~~ 2131
~~of the Revised Code.~~ 2132

Sec. 105.41. (A) There is hereby created in the legislative 2133
branch of government the capitol square review and advisory board, 2134
consisting of twelve members as follows: 2135

(1) Two members of the senate, appointed by the president of 2136
the senate, both of whom shall not be members of the same 2137
political party; 2138

(2) Two members of the house of representatives, appointed by 2139
the speaker of the house of representatives, both of whom shall 2140
not be members of the same political party; 2141

(3) Four members appointed by the governor, with the advice 2142
and consent of the senate, not more than three of whom shall be 2143
members of the same political party, one of whom shall be the 2144
chief of staff of the governor's office, one of whom shall 2145
represent the Ohio arts council, one of whom shall represent the 2146
Ohio historical society, and one of whom shall represent the 2147
public at large; 2148

(4) One member, who shall be a former president of the 2149
senate, appointed by the current president of the senate. If the 2150
current president of the senate, in the current president's 2151
discretion, decides for any reason not to make the appointment or 2152
if no person is eligible or available to serve, the seat shall 2153
remain vacant. 2154

(5) One member, who shall be a former speaker of the house of 2155
representatives, appointed by the current speaker of the house of 2156
representatives. If the current speaker of the house of 2157
representatives, in the current speaker's discretion, decides for 2158
any reason not to make the appointment or if no person is eligible 2159

or available to serve, the seat shall remain vacant. 2160

(6) The clerk of the senate and the clerk of the house of 2161
representatives. 2162

(B) Terms of office of each appointed member of the board 2163
shall be for three years, except that members of the general 2164
assembly appointed to the board shall be members of the board only 2165
so long as they are members of the general assembly and the chief 2166
of staff of the governor's office shall be a member of the board 2167
only so long as the appointing governor remains in office. Each 2168
member shall hold office from the date of the member's appointment 2169
until the end of the term for which the member was appointed. In 2170
case of a vacancy occurring on the board, the president of the 2171
senate, the speaker of the house of representatives, or the 2172
governor, as the case may be, shall in the same manner prescribed 2173
for the regular appointment to the commission, fill the vacancy by 2174
appointing a member. Any member appointed to fill a vacancy 2175
occurring prior to the expiration of the term for which the 2176
member's predecessor was appointed shall hold office for the 2177
remainder of the term. Any appointed member shall continue in 2178
office subsequent to the expiration date of the member's term 2179
until the member's successor takes office, or until a period of 2180
sixty days has elapsed, whichever occurs first. 2181

(C) The board shall hold meetings in a manner and at times 2182
prescribed by the rules adopted by the board. A majority of the 2183
board constitutes a quorum, and no action shall be taken by the 2184
board unless approved by at least six members or by at least seven 2185
members if a person is appointed under division (A)(4) or (5) of 2186
this section. At its first meeting, the board shall adopt rules 2187
for the conduct of its business and the election of its officers, 2188
and shall organize by selecting a chairperson and other officers 2189
as it considers necessary. Board members shall serve without 2190
compensation but shall be reimbursed for actual and necessary 2191

expenses incurred in the performance of their duties. 2192

(D) The board may do any of the following: 2193

(1) Employ or hire on a consulting basis professional, 2194
technical, and clerical employees as are necessary for the 2195
performance of its duties. All employees of the board are in the 2196
unclassified service and serve at the pleasure of the board. For 2197
purposes of section 4117.01 of the Revised Code, employees of the 2198
board shall be considered employees of the general assembly, 2199
except that employees who are covered by a collective bargaining 2200
agreement on September 29, 2011, shall remain subject to the 2201
agreement until the agreement expires on its terms, and the 2202
agreement shall not be extended or renewed. Upon expiration of the 2203
agreement, the employees are considered employees of the general 2204
assembly for purposes of section 4117.01 of the Revised Code and 2205
are in the unclassified service and serve at the pleasure of the 2206
board. 2207

(2) Hold public hearings at times and places as determined by 2208
the board; 2209

(3) Adopt, amend, or rescind rules necessary to accomplish 2210
the duties of the board as set forth in this section; 2211

(4) Sponsor, conduct, and support such social events as the 2212
board may authorize and consider appropriate for the employees of 2213
the board, employees and members of the general assembly, 2214
employees of persons under contract with the board or otherwise 2215
engaged to perform services on the premises of capitol square, or 2216
other persons as the board may consider appropriate. Subject to 2217
the requirements of Chapter 4303. of the Revised Code, the board 2218
may provide beer, wine, and intoxicating liquor, with or without 2219
charge, for those events and may use funds only from the sale of 2220
goods and services fund to purchase the beer, wine, and 2221
intoxicating liquor the board provides; 2222

(5) Purchase a warehouse in which to store items of the capitol collection trust and, whenever necessary, equipment or other property of the board.	2223 2224 2225
(E) The board shall do all of the following:	2226
(1) Have sole authority to coordinate and approve any improvements, additions, and renovations that are made to the capitol square. The improvements shall include, but not be limited to, the placement of monuments and sculpture on the capitol grounds.	2227 2228 2229 2230 2231
(2) Subject to section 3353.07 of the Revised Code, operate the capitol square, and have sole authority to regulate all uses of the capitol square. The uses shall include, but not be limited to, the casual and recreational use of the capitol square.	2232 2233 2234 2235
(3) Employ, fix the compensation of, and prescribe the duties of the executive director of the board and other employees the board considers necessary for the performance of its powers and duties;	2236 2237 2238 2239
(4) Establish and maintain the capitol collection trust. The capitol collection trust shall consist of furniture, antiques, and other items of personal property that the board shall store in suitable facilities until they are ready to be displayed in the capitol square.	2240 2241 2242 2243 2244
(5) Perform repair, construction, contracting, purchasing, maintenance, supervisory, and operating activities the board determines are necessary for the operation and maintenance of the capitol square;	2245 2246 2247 2248
(6) Maintain and preserve the capitol square, in accordance with guidelines issued by the United States secretary of the interior for application of the secretary's standards for rehabilitation adopted in 36 C.F.R. part 67;	2249 2250 2251 2252

(7) Plan and develop a center at the capitol building for the purpose of educating visitors about the history of Ohio, including its political, economic, and social development and the design and erection of the capitol building and its grounds.

(F)(1) The board shall lease capital facilities improved or financed by the Ohio building authority pursuant to Chapter 152. of the Revised Code for the use of the board, and may enter into any other agreements with the authority ancillary to improvement, financing, or leasing of those capital facilities, including, but not limited to, any agreement required by the applicable bond proceedings authorized by Chapter 152. of the Revised Code. Any lease of capital facilities authorized by this section shall be governed by division (D) of section 152.24 of the Revised Code.

(2) Fees, receipts, and revenues received by the board from the state underground parking garage constitute available receipts as defined in section 152.09 of the Revised Code, and may be pledged to the payment of bond service charges on obligations issued by the Ohio building authority pursuant to Chapter 152. of the Revised Code to improve, finance, or purchase capital facilities useful to the board. The authority may, with the consent of the board, provide in the bond proceedings for a pledge of all or a portion of those fees, receipts, and revenues as the authority determines. The authority may provide in the bond proceedings or by separate agreement with the board for the transfer of those fees, receipts, and revenues to the appropriate bond service fund or bond service reserve fund as required to pay the bond service charges when due, and any such provision for the transfer of those fees, receipts, and revenues shall be controlling notwithstanding any other provision of law pertaining to those fees, receipts, and revenues.

(3) All moneys received by the treasurer of state on account of the board and required by the applicable bond proceedings or by

separate agreement with the board to be deposited, transferred, or 2285
credited to the bond service fund or bond service reserve fund 2286
established by the bond proceedings shall be transferred by the 2287
treasurer of state to such fund, whether or not it is in the 2288
custody of the treasurer of state, without necessity for further 2289
appropriation, upon receipt of notice from the Ohio building 2290
authority as prescribed in the bond proceedings. 2291

(G)(1) Except as otherwise provided in division (G)(2) of 2292
this section, all fees, receipts, and revenues received by the 2293
board from the state underground parking garage shall be deposited 2294
into the state treasury to the credit of the underground parking 2295
garage operating fund, which is hereby created, to be used for the 2296
purposes specified in division (F) of this section and for the 2297
operation and maintenance of the garage. All investment earnings 2298
of the fund shall be credited to the fund. 2299

(2) There is hereby created the parking garage automated 2300
equipment fund, which shall be in the custody of the treasurer of 2301
state but shall not be part of the state treasury. Money in the 2302
fund shall be used to purchase the automated teller machine 2303
quality dollar bills needed for operation of the parking garage 2304
automated equipment. The fund shall consist of fees, receipts, or 2305
revenues received by the board from the state underground parking 2306
garage; provided, however, that the total amount deposited into 2307
the fund at any one time shall not exceed ten thousand dollars. 2308
All investment earnings of the fund shall be credited to the fund. 2309

(H) All donations received by the board shall be deposited 2310
into the state treasury to the credit of the capitol square 2311
renovation gift fund, which is hereby created. The fund shall be 2312
used by the board as follows: 2313

(1) To provide part or all of the funding related to 2314
construction, goods, or services for the renovation of the capitol 2315
square; 2316

(2) To purchase art, antiques, and artifacts for display at 2317
the capitol square; 2318

(3) To award contracts or make grants to organizations for 2319
educating the public regarding the historical background and 2320
governmental functions of the capitol square. Chapters 125., 127., 2321
and 153. and section 3517.13 of the Revised Code do not apply to 2322
purchases made exclusively from the fund, notwithstanding anything 2323
to the contrary in those chapters or that section. All investment 2324
earnings of the fund shall be credited to the fund. 2325

(I) Except as provided in divisions (G), (H), and (J) of this 2326
section, all fees, receipts, and revenues received by the board 2327
shall be deposited into the state treasury to the credit of the 2328
sale of goods and services fund, which is hereby created. Money 2329
credited to the fund shall be used solely to pay costs of the 2330
board other than those specified in divisions (F) and (G) of this 2331
section. All investment earnings of the fund shall be credited to 2332
the fund. 2333

(J) There is hereby created in the state treasury the capitol 2334
square improvement fund, to be used by the board to pay 2335
construction, renovation, and other costs related to the capitol 2336
square for which money is not otherwise available to the board. 2337
Whenever the board determines that there is a need to incur those 2338
costs and that the unencumbered, unobligated balance to the credit 2339
of the underground parking garage operating fund exceeds the 2340
amount needed for the purposes specified in division (F) of this 2341
section and for the operation and maintenance of the garage, the 2342
board may request the director of budget and management to 2343
transfer from the underground parking garage operating fund to the 2344
capitol square improvement fund the amount needed to pay such 2345
construction, renovation, or other costs. The director then shall 2346
transfer the amount needed from the excess balance of the 2347
underground parking garage operating fund. 2348

(K) As the operation and maintenance of the capitol square 2349
constitute essential government functions of a public purpose, the 2350
board shall not be required to pay taxes or assessments upon the 2351
square, upon any property acquired or used by the board under this 2352
section, or upon any income generated by the operation of the 2353
square. 2354

(L) As used in this section, "capitol square" means the 2355
capitol building, senate building, capitol atrium, capitol 2356
grounds, the state underground parking garage, and the warehouse 2357
owned by the board. 2358

(M) The capitol annex shall be known as the senate building. 2359

(N) Any person may possess a firearm in a motor vehicle in 2360
the state underground parking garage at the state capitol 2361
building, if the person's possession of the firearm in the motor 2362
vehicle is not in violation of section 2923.16 of the Revised Code 2363
or any other provision of the Revised Code. Any person may store 2364
or leave a firearm in a locked motor vehicle that is parked in the 2365
state underground parking garage at the state capitol building, if 2366
the person's transportation and possession of the firearm in the 2367
motor vehicle while traveling to the garage was not in violation 2368
of section 2923.16 of the Revised Code or any other provision of 2369
the Revised Code. 2370

Sec. 107.033. As part of the state budget the governor 2371
submits to the general assembly under section 107.03 of the 2372
Revised Code, the governor shall include the state appropriation 2373
limitations the general assembly shall not exceed when making 2374
aggregate general revenue fund appropriations for each respective 2375
fiscal year of the biennium covered by that budget. The aggregate 2376
general revenue fund appropriations the governor proposes in the 2377
state budget also shall not exceed those limitations for each 2378
respective fiscal year of the biennium covered by that budget. 2379

(A) For fiscal year 2008, the state appropriation limitation	2380
is the sum of the following:	2381
(1) The aggregate general revenue fund appropriations for	2382
fiscal year 2007; plus	2383
(2) The aggregate general revenue fund appropriations for	2384
fiscal year 2007 multiplied by either three and one-half per cent,	2385
or the sum of the rate of inflation plus the rate of population	2386
change, whichever is greater.	2387
(B) For each fiscal year thereafter that is not a recast	2388
fiscal year, the state appropriation limitation is the sum of the	2389
following:	2390
(1) The state appropriation limitation for the previous	2391
fiscal year; plus	2392
(2) The state appropriation limitation for the previous	2393
fiscal year multiplied by either three and one-half per cent, or	2394
the sum of the rate of inflation plus the rate of population	2395
change, whichever is greater.	2396
(C) For each recast fiscal year, the state appropriation	2397
limitation is the sum of the following:	2398
(1) The aggregate general revenue fund appropriations for the	2399
previous fiscal year; plus	2400
(2) The aggregate general revenue fund appropriations for the	2401
previous fiscal year multiplied by either three and one-half per	2402
cent, or the sum of the rate of inflation plus the rate of	2403
population change, whichever is greater.	2404
<u>(D) The state appropriation limitation for a fiscal year</u>	2405
<u>shall be increased by the amount of a nongeneral revenue fund</u>	2406
<u>appropriation made in the immediately preceding fiscal year, if</u>	2407
<u>all of the following apply to the nongeneral revenue fund</u>	2408
<u>appropriation:</u>	2409

<u>(1) It was made on or after July 1, 2013.</u>	2410
<u>(2) It is included in the aggregate general revenue fund appropriations proposed for that fiscal year.</u>	2411 2412
<u>(3) It is being made for the first time from the general revenue fund.</u>	2413 2414
Sec. 107.12. (A) As used in this section, "organization" means a faith-based or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and provides charitable services to needy residents of this state.	2415 2416 2417 2418 2419
(B) There is hereby established within the office of the governor the governor's office of faith-based and community initiatives. The office shall:	2420 2421 2422
(1) Serve as a clearinghouse of information on federal, state, and local funding for charitable services performed by organizations;	2423 2424 2425
(2) Encourage organizations to seek public funding for their charitable services;	2426 2427
(3) Assist local, state, and federal agencies in coordinating their activities to secure maximum use of funds and efforts that benefit people receiving charitable services from organizations;	2428 2429 2430
(4) Advise the governor, general assembly, and the advisory board of the governor's office of faith-based and community initiatives on the barriers that exist to collaboration between organizations and governmental entities and on ways to remove the barriers.	2431 2432 2433 2434 2435
(C) The governor shall appoint an executive director and such other staff as may be necessary to manage the office and perform or oversee the performance of the duties of the office. Within sixty days after being appointed, and every twelve months	2436 2437 2438 2439

thereafter, the executive director shall distribute to the 2440
advisory board and review with the board a strategic plan. The 2441
executive director shall report to the board at least quarterly on 2442
proposed initiatives and policies. A report shall include the 2443
condition of the budget and the finances of the office. 2444

(D)(1) There is hereby created the advisory board of the 2445
governor's office of faith-based and community initiatives. The 2446
board shall consist of the following members: 2447

(a) The directors of aging, ~~alcohol and drug addiction~~ 2448
~~services~~, rehabilitation and correction, health, job and family 2449
services, developmental disabilities, ~~mental health~~ mental health 2450
and addiction services, and youth services, or their designees; 2451

(b) The speaker of the house of representatives shall appoint 2452
to the board two members of the house of representatives, not more 2453
than one of whom shall be from the same political party and at 2454
least one of whom shall be from the legislative black caucus. The 2455
president of the senate shall appoint to the board two members of 2456
the senate, not more than one of whom shall be from the same 2457
political party. 2458

(c) The governor, the speaker of the house of 2459
representatives, and the president of the senate shall each 2460
appoint to the board three representatives of the nonprofit, 2461
faith-based and other nonprofit community. 2462

(2) Terms of the office shall be one year. Any vacancy that 2463
occurs on the board shall be filled in the same manner as the 2464
original appointment. 2465

(3) Members of the board are not entitled to compensation, 2466
but the members appointed by the governor, the speaker of the 2467
house of representatives, and the president of the senate who are 2468
representatives of the nonprofit, faith-based and other nonprofit 2469
community shall be reimbursed for their actual and necessary 2470

expenses that are incurred in relation to board meetings. 2471

(4) The board shall be presided over by a chairperson and a 2472
vice-chairperson, who shall be the members of the board who are 2473
also members of the house of representatives or the senate. 2474
Annually on the first day of January, the chairpersonship and 2475
vice-chairpersonship shall alternate between the members of the 2476
house of representatives and the senate. 2477

(E) The board shall have the following duties: 2478

(1) Provide direction, guidance, and oversight to the office; 2479

(2) Assist in the dissemination of information about, and in 2480
the stimulation of public awareness of, the service programs 2481
supported by the office; 2482

(3) Review the budget and finances of the office, proposed 2483
initiatives and policies, and the executive director's annual 2484
strategic plan at board meetings; 2485

(4) Provide feedback for and proposed modifications of the 2486
executive director's strategic plan. Within forty-five days after 2487
submitting a strategic plan, the executive director shall contact 2488
each advisory board member to obtain feedback. With the approval 2489
of the advisory board chairperson, the executive director shall 2490
lead a strategic plan discussion at the first board meeting 2491
following the distribution of the strategic plan. 2492

(5) Publish a report of its activities and accomplishments on 2493
or before the first day of August of each year, and deliver copies 2494
of the report to the governor, the speaker and minority leader of 2495
the house of representatives, and the president and minority 2496
leader of the senate. 2497

(F) No member of the board or organization that the member is 2498
affiliated or involved with is eligible to receive any grant that 2499
the office administers or assists in administering. 2500

Sec. 109.06. Before entering upon the discharge of the duties 2501
of ~~his~~ office, the attorney general shall give a bond to the state 2502
in the sum of five thousand dollars, with ~~two or more sureties~~ 2503
~~approved by the governor~~ a surety authorized to do business in the 2504
state, conditioned for the faithful discharge of the duties of ~~his~~ 2505
the office of attorney general. Such bond, ~~with the approval of~~ 2506
~~the governor~~ and the oath of office ~~indorsed thereon~~, shall be 2507
deposited with and kept by the secretary of state ~~and kept in his~~ 2508
the secretary of state's office. 2509

The first assistant attorney general shall give a bond to the 2510
state in the sum of five thousand dollars, and such other 2511
employees as are designated by the attorney general shall give a 2512
bond to the state in such amounts as the attorney general 2513
determines. Such bonds shall be approved by the attorney general, 2514
conditioned for the faithful discharge of the duties of their 2515
offices, and shall be deposited with and kept by the secretary of 2516
state ~~and kept in his~~ the secretary of state's office. 2517

Sec. 109.36. As used in this section and sections 109.361 to 2518
109.366 of the Revised Code: 2519

(A)(1) "Officer or employee" means any of the following: 2520

(a) A person who, at the time a cause of action against the 2521
person arises, is serving in an elected or appointed office or 2522
position with the state or is employed by the state. 2523

(b) A person that, at the time a cause of action against the 2524
person, partnership, or corporation arises, is rendering medical, 2525
nursing, dental, podiatric, optometric, physical therapeutic, 2526
psychiatric, or psychological services pursuant to a personal 2527
services contract or purchased service contract with a department, 2528
agency, or institution of the state. 2529

(c) A person that, at the time a cause of action against the 2530

person, partnership, or corporation arises, is rendering peer 2531
review, utilization review, or drug utilization review services in 2532
relation to medical, nursing, dental, podiatric, optometric, 2533
physical therapeutic, psychiatric, or psychological services 2534
pursuant to a personal services contract or purchased service 2535
contract with a department, agency, or institution of the state. 2536

(d) A person who, at the time a cause of action against the 2537
person arises, is rendering medical, nursing, dental, podiatric, 2538
optometric, physical therapeutic, psychiatric, or psychological 2539
services to patients in a state institution operated by the 2540
department of ~~mental health~~ mental health and addiction services 2541
pursuant to an agreement with the department. 2542

(2) "Officer or employee" does not include any person 2543
elected, appointed, or employed by any political subdivision of 2544
the state. 2545

(B) "State" means the state of Ohio, including but not 2546
limited to, the general assembly, the supreme court, courts of 2547
appeals, the offices of all elected state officers, and all 2548
departments, boards, offices, commissions, agencies, institutions, 2549
and other instrumentalities of the state of Ohio. "State" does not 2550
include political subdivisions. 2551

(C) "Political subdivisions" of the state means municipal 2552
corporations, townships, counties, school districts, and all other 2553
bodies corporate and politic responsible for governmental 2554
activities only in geographical areas smaller than that of the 2555
state. 2556

(D) "Employer" means the general assembly, the supreme court, 2557
courts of appeals, any office of an elected state officer, or any 2558
department, board, office, commission, agency, institution, or 2559
other instrumentality of the state of Ohio that employs or 2560
contracts with an officer or employee or to which an officer or 2561

employee is elected or appointed. 2562

Sec. 109.57. (A)(1) The superintendent of the bureau of 2563
criminal identification and investigation shall procure from 2564
wherever procurable and file for record photographs, pictures, 2565
descriptions, fingerprints, measurements, and other information 2566
that may be pertinent of all persons who have been convicted of 2567
committing within this state a felony, any crime constituting a 2568
misdemeanor on the first offense and a felony on subsequent 2569
offenses, or any misdemeanor described in division (A)(1)(a), 2570
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 2571
all children under eighteen years of age who have been adjudicated 2572
delinquent children for committing within this state an act that 2573
would be a felony or an offense of violence if committed by an 2574
adult or who have been convicted of or pleaded guilty to 2575
committing within this state a felony or an offense of violence, 2576
and of all well-known and habitual criminals. The person in charge 2577
of any county, multicounty, municipal, municipal-county, or 2578
multicounty-municipal jail or workhouse, community-based 2579
correctional facility, halfway house, alternative residential 2580
facility, or state correctional institution and the person in 2581
charge of any state institution having custody of a person 2582
suspected of having committed a felony, any crime constituting a 2583
misdemeanor on the first offense and a felony on subsequent 2584
offenses, or any misdemeanor described in division (A)(1)(a), 2585
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 2586
having custody of a child under eighteen years of age with respect 2587
to whom there is probable cause to believe that the child may have 2588
committed an act that would be a felony or an offense of violence 2589
if committed by an adult shall furnish such material to the 2590
superintendent of the bureau. Fingerprints, photographs, or other 2591
descriptive information of a child who is under eighteen years of 2592
age, has not been arrested or otherwise taken into custody for 2593

committing an act that would be a felony or an offense of violence 2594
who is not in any other category of child specified in this 2595
division, if committed by an adult, has not been adjudicated a 2596
delinquent child for committing an act that would be a felony or 2597
an offense of violence if committed by an adult, has not been 2598
convicted of or pleaded guilty to committing a felony or an 2599
offense of violence, and is not a child with respect to whom there 2600
is probable cause to believe that the child may have committed an 2601
act that would be a felony or an offense of violence if committed 2602
by an adult shall not be procured by the superintendent or 2603
furnished by any person in charge of any county, multicounty, 2604
municipal, municipal-county, or multicounty-municipal jail or 2605
workhouse, community-based correctional facility, halfway house, 2606
alternative residential facility, or state correctional 2607
institution, except as authorized in section 2151.313 of the 2608
Revised Code. 2609

(2) Every clerk of a court of record in this state, other 2610
than the supreme court or a court of appeals, shall send to the 2611
superintendent of the bureau a weekly report containing a summary 2612
of each case involving a felony, involving any crime constituting 2613
a misdemeanor on the first offense and a felony on subsequent 2614
offenses, involving a misdemeanor described in division (A)(1)(a), 2615
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 2616
involving an adjudication in a case in which a child under 2617
eighteen years of age was alleged to be a delinquent child for 2618
committing an act that would be a felony or an offense of violence 2619
if committed by an adult. The clerk of the court of common pleas 2620
shall include in the report and summary the clerk sends under this 2621
division all information described in divisions (A)(2)(a) to (f) 2622
of this section regarding a case before the court of appeals that 2623
is served by that clerk. The summary shall be written on the 2624
standard forms furnished by the superintendent pursuant to 2625
division (B) of this section and shall include the following 2626

information:	2627
(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;	2628 2629 2630
(b) The style and number of the case;	2631
(c) The date of arrest, offense, summons, or arraignment;	2632
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	2645 2646
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	2647 2648 2649 2650
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	2651 2652 2653 2654 2655
(3) The superintendent shall cooperate with and assist	2656

sheriffs, chiefs of police, and other law enforcement officers in 2657
the establishment of a complete system of criminal identification 2658
and in obtaining fingerprints and other means of identification of 2659
all persons arrested on a charge of a felony, any crime 2660
constituting a misdemeanor on the first offense and a felony on 2661
subsequent offenses, or a misdemeanor described in division 2662
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 2663
Revised Code and of all children under eighteen years of age 2664
arrested or otherwise taken into custody for committing an act 2665
that would be a felony or an offense of violence if committed by 2666
an adult. The superintendent also shall file for record the 2667
fingerprint impressions of all persons confined in a county, 2668
multicounty, municipal, municipal-county, or multicounty-municipal 2669
jail or workhouse, community-based correctional facility, halfway 2670
house, alternative residential facility, or state correctional 2671
institution for the violation of state laws and of all children 2672
under eighteen years of age who are confined in a county, 2673
multicounty, municipal, municipal-county, or multicounty-municipal 2674
jail or workhouse, community-based correctional facility, halfway 2675
house, alternative residential facility, or state correctional 2676
institution or in any facility for delinquent children for 2677
committing an act that would be a felony or an offense of violence 2678
if committed by an adult, and any other information that the 2679
superintendent may receive from law enforcement officials of the 2680
state and its political subdivisions. 2681

(4) The superintendent shall carry out Chapter 2950. of the 2682
Revised Code with respect to the registration of persons who are 2683
convicted of or plead guilty to a sexually oriented offense or a 2684
child-victim oriented offense and with respect to all other duties 2685
imposed on the bureau under that chapter. 2686

(5) The bureau shall perform centralized recordkeeping 2687
functions for criminal history records and services in this state 2688

for purposes of the national crime prevention and privacy compact 2689
set forth in section 109.571 of the Revised Code and is the 2690
criminal history record repository as defined in that section for 2691
purposes of that compact. The superintendent or the 2692
superintendent's designee is the compact officer for purposes of 2693
that compact and shall carry out the responsibilities of the 2694
compact officer specified in that compact. 2695

(B) The superintendent shall prepare and furnish to every 2696
county, multicounty, municipal, municipal-county, or 2697
multicounty-municipal jail or workhouse, community-based 2698
correctional facility, halfway house, alternative residential 2699
facility, or state correctional institution and to every clerk of 2700
a court in this state specified in division (A)(2) of this section 2701
standard forms for reporting the information required under 2702
division (A) of this section. The standard forms that the 2703
superintendent prepares pursuant to this division may be in a 2704
tangible format, in an electronic format, or in both tangible 2705
formats and electronic formats. 2706

(C)(1) The superintendent may operate a center for 2707
electronic, automated, or other data processing for the storage 2708
and retrieval of information, data, and statistics pertaining to 2709
criminals and to children under eighteen years of age who are 2710
adjudicated delinquent children for committing an act that would 2711
be a felony or an offense of violence if committed by an adult, 2712
criminal activity, crime prevention, law enforcement, and criminal 2713
justice, and may establish and operate a statewide communications 2714
network to be known as the Ohio law enforcement gateway to gather 2715
and disseminate information, data, and statistics for the use of 2716
law enforcement agencies and for other uses specified in this 2717
division. The superintendent may gather, store, retrieve, and 2718
disseminate information, data, and statistics that pertain to 2719
children who are under eighteen years of age and that are gathered 2720

pursuant to sections 109.57 to 109.61 of the Revised Code together 2721
with information, data, and statistics that pertain to adults and 2722
that are gathered pursuant to those sections. 2723

(2) The superintendent or the superintendent's designee shall 2724
gather information of the nature described in division (C)(1) of 2725
this section that pertains to the offense and delinquency history 2726
of a person who has been convicted of, pleaded guilty to, or been 2727
adjudicated a delinquent child for committing a sexually oriented 2728
offense or a child-victim oriented offense for inclusion in the 2729
state registry of sex offenders and child-victim offenders 2730
maintained pursuant to division (A)(1) of section 2950.13 of the 2731
Revised Code and in the internet database operated pursuant to 2732
division (A)(13) of that section and for possible inclusion in the 2733
internet database operated pursuant to division (A)(11) of that 2734
section. 2735

(3) In addition to any other authorized use of information, 2736
data, and statistics of the nature described in division (C)(1) of 2737
this section, the superintendent or the superintendent's designee 2738
may provide and exchange the information, data, and statistics 2739
pursuant to the national crime prevention and privacy compact as 2740
described in division (A)(5) of this section. 2741

(4) The attorney general may adopt rules under Chapter 119. 2742
of the Revised Code establishing guidelines for the operation of 2743
and participation in the Ohio law enforcement gateway. The rules 2744
may include criteria for granting and restricting access to 2745
information gathered and disseminated through the Ohio law 2746
enforcement gateway. The attorney general shall permit the state 2747
medical board and board of nursing to access and view, but not 2748
alter, information gathered and disseminated through the Ohio law 2749
enforcement gateway. 2750

The attorney general may appoint a steering committee to 2751
advise the attorney general in the operation of the Ohio law 2752

enforcement gateway that is comprised of persons who are 2753
representatives of the criminal justice agencies in this state 2754
that use the Ohio law enforcement gateway and is chaired by the 2755
superintendent or the superintendent's designee. 2756

(D)(1) The following are not public records under section 2757
149.43 of the Revised Code: 2758

(a) Information and materials furnished to the superintendent 2759
pursuant to division (A) of this section; 2760

(b) Information, data, and statistics gathered or 2761
disseminated through the Ohio law enforcement gateway pursuant to 2762
division (C)(1) of this section; 2763

(c) Information and materials furnished to any board or 2764
person under division (F) or (G) of this section. 2765

(2) The superintendent or the superintendent's designee shall 2766
gather and retain information so furnished under division (A) of 2767
this section that pertains to the offense and delinquency history 2768
of a person who has been convicted of, pleaded guilty to, or been 2769
adjudicated a delinquent child for committing a sexually oriented 2770
offense or a child-victim oriented offense for the purposes 2771
described in division (C)(2) of this section. 2772

(E)(1) The attorney general shall adopt rules, in accordance 2773
with Chapter 119. of the Revised Code and subject to division 2774
(E)(2) of this section, setting forth the procedure by which a 2775
person may receive or release information gathered by the 2776
superintendent pursuant to division (A) of this section. A 2777
reasonable fee may be charged for this service. If a temporary 2778
employment service submits a request for a determination of 2779
whether a person the service plans to refer to an employment 2780
position has been convicted of or pleaded guilty to an offense 2781
listed or described in division (A)(1), (2), or (3) of section 2782
109.572 of the Revised Code, the request shall be treated as a 2783

single request and only one fee shall be charged. 2784

(2) Except as otherwise provided in this division, a rule 2785
adopted under division (E)(1) of this section may provide only for 2786
the release of information gathered pursuant to division (A) of 2787
this section that relates to the conviction of a person, or a 2788
person's plea of guilty to, a criminal offense. The superintendent 2789
shall not release, and the attorney general shall not adopt any 2790
rule under division (E)(1) of this section that permits the 2791
release of, any information gathered pursuant to division (A) of 2792
this section that relates to an adjudication of a child as a 2793
delinquent child, or that relates to a criminal conviction of a 2794
person under eighteen years of age if the person's case was 2795
transferred back to a juvenile court under division (B)(2) or (3) 2796
of section 2152.121 of the Revised Code and the juvenile court 2797
imposed a disposition or serious youthful offender disposition 2798
upon the person under either division, unless either of the 2799
following applies with respect to the adjudication or conviction: 2800

(a) The adjudication or conviction was for a violation of 2801
section 2903.01 or 2903.02 of the Revised Code. 2802

(b) The adjudication or conviction was for a sexually 2803
oriented offense, the juvenile court was required to classify the 2804
child a juvenile offender registrant for that offense under 2805
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 2806
classification has not been removed. 2807

(F)(1) As used in division (F)(2) of this section, "head 2808
start agency" means an entity in this state that has been approved 2809
to be an agency for purposes of subchapter II of the "Community 2810
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 2811
as amended. 2812

(2)(a) In addition to or in conjunction with any request that 2813
is required to be made under section 109.572, 2151.86, 3301.32, 2814

3301.541, division (C) of section 3310.58, or section 3319.39, 2815
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 2816
5153.111 of the Revised Code or that is made under section 2817
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 2818
board of education of any school district; the director of 2819
developmental disabilities; any county board of developmental 2820
disabilities; any provider or subcontractor as defined in section 2821
5123.081 of the Revised Code; the chief administrator of any 2822
chartered nonpublic school; the chief administrator of a 2823
registered private provider that is not also a chartered nonpublic 2824
school; the chief administrator of any home health agency; the 2825
chief administrator of or person operating any child day-care 2826
center, type A family day-care home, or type B family day-care 2827
home licensed or certified under Chapter 5104. of the Revised 2828
Code; the administrator of any type C family day-care home 2829
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 2830
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 2831
general assembly; the chief administrator of any head start 2832
agency; the executive director of a public children services 2833
agency; a private company described in section 3314.41, 3319.392, 2834
3326.25, or 3328.20 of the Revised Code; or an employer described 2835
in division (J)(2) of section 3327.10 of the Revised Code may 2836
request that the superintendent of the bureau investigate and 2837
determine, with respect to any individual who has applied for 2838
employment in any position after October 2, 1989, or any 2839
individual wishing to apply for employment with a board of 2840
education may request, with regard to the individual, whether the 2841
bureau has any information gathered under division (A) of this 2842
section that pertains to that individual. On receipt of the 2843
request, subject to division (E)(2) of this section, the 2844
superintendent shall determine whether that information exists 2845
and, upon request of the person, board, or entity requesting 2846
information, also shall request from the federal bureau of 2847

investigation any criminal records it has pertaining to that 2848
individual. The superintendent or the superintendent's designee 2849
also may request criminal history records from other states or the 2850
federal government pursuant to the national crime prevention and 2851
privacy compact set forth in section 109.571 of the Revised Code. 2852
Within thirty days of the date that the superintendent receives a 2853
request, subject to division (E)(2) of this section, the 2854
superintendent shall send to the board, entity, or person a report 2855
of any information that the superintendent determines exists, 2856
including information contained in records that have been sealed 2857
under section 2953.32 of the Revised Code, and, within thirty days 2858
of its receipt, subject to division (E)(2) of this section, shall 2859
send the board, entity, or person a report of any information 2860
received from the federal bureau of investigation, other than 2861
information the dissemination of which is prohibited by federal 2862
law. 2863

(b) When a board of education or a registered private 2864
provider is required to receive information under this section as 2865
a prerequisite to employment of an individual pursuant to division 2866
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2867
may accept a certified copy of records that were issued by the 2868
bureau of criminal identification and investigation and that are 2869
presented by an individual applying for employment with the 2870
district in lieu of requesting that information itself. In such a 2871
case, the board shall accept the certified copy issued by the 2872
bureau in order to make a photocopy of it for that individual's 2873
employment application documents and shall return the certified 2874
copy to the individual. In a case of that nature, a district or 2875
provider only shall accept a certified copy of records of that 2876
nature within one year after the date of their issuance by the 2877
bureau. 2878

(c) Notwithstanding division (F)(2)(a) of this section, in 2879

the case of a request under section 3319.39, 3319.391, or 3327.10 2880
of the Revised Code only for criminal records maintained by the 2881
federal bureau of investigation, the superintendent shall not 2882
determine whether any information gathered under division (A) of 2883
this section exists on the person for whom the request is made. 2884

(3) The state board of education may request, with respect to 2885
any individual who has applied for employment after October 2, 2886
1989, in any position with the state board or the department of 2887
education, any information that a school district board of 2888
education is authorized to request under division (F)(2) of this 2889
section, and the superintendent of the bureau shall proceed as if 2890
the request has been received from a school district board of 2891
education under division (F)(2) of this section. 2892

(4) When the superintendent of the bureau receives a request 2893
for information under section 3319.291 of the Revised Code, the 2894
superintendent shall proceed as if the request has been received 2895
from a school district board of education and shall comply with 2896
divisions (F)(2)(a) and (c) of this section. 2897

(5) When a recipient of a classroom reading improvement grant 2898
paid under section 3301.86 of the Revised Code requests, with 2899
respect to any individual who applies to participate in providing 2900
any program or service funded in whole or in part by the grant, 2901
the information that a school district board of education is 2902
authorized to request under division (F)(2)(a) of this section, 2903
the superintendent of the bureau shall proceed as if the request 2904
has been received from a school district board of education under 2905
division (F)(2)(a) of this section. 2906

(G) In addition to or in conjunction with any request that is 2907
required to be made under section 3701.881, 3712.09, or 3721.121 2908
of the Revised Code with respect to an individual who has applied 2909
for employment in a position that involves providing direct care 2910
to an older adult or adult resident, the chief administrator of a 2911

home health agency, hospice care program, home licensed under 2912
Chapter 3721. of the Revised Code, or adult day-care program 2913
operated pursuant to rules adopted under section 3721.04 of the 2914
Revised Code may request that the superintendent of the bureau 2915
investigate and determine, with respect to any individual who has 2916
applied after January 27, 1997, for employment in a position that 2917
does not involve providing direct care to an older adult or adult 2918
resident, whether the bureau has any information gathered under 2919
division (A) of this section that pertains to that individual. 2920

In addition to or in conjunction with any request that is 2921
required to be made under section 173.27 of the Revised Code with 2922
respect to an individual who has applied for employment in a 2923
position that involves providing ombudsperson services to 2924
residents of long-term care facilities or recipients of 2925
community-based long-term care services, the state long-term care 2926
ombudsperson, ~~ombudsperson's designee, or the~~ director of health 2927
aging, a regional long-term care ombudsperson, or the designee of 2928
the ombudsperson, director, or program may request that the 2929
superintendent investigate and determine, with respect to any 2930
individual who has applied for employment in a position that does 2931
not involve providing such ombudsperson services, whether the 2932
bureau has any information gathered under division (A) of this 2933
section that pertains to that applicant. 2934

In addition to or in conjunction with any request that is 2935
required to be made under section ~~173.394~~ 173.38 of the Revised 2936
Code with respect to an individual who has applied for employment 2937
in a direct-care position ~~that involves providing direct care to~~ 2938
~~an individual~~, the chief administrator of a ~~community-based~~ 2939
long-term care agency provider, as defined in section 173.39 of 2940
the Revised Code, may request that the superintendent investigate 2941
and determine, with respect to any individual who has applied for 2942
employment in a position that ~~does~~ is not ~~involve providing direct~~ 2943

care a direct-care position, whether the bureau has any 2944
information gathered under division (A) of this section that 2945
pertains to that applicant. 2946

In addition to or in conjunction with any request that is 2947
required to be made under section 3712.09 of the Revised Code with 2948
respect to an individual who has applied for employment in a 2949
position that involves providing direct care to a pediatric 2950
respite care patient, the chief administrator of a pediatric 2951
respite care program may request that the superintendent of the 2952
bureau investigate and determine, with respect to any individual 2953
who has applied for employment in a position that does not involve 2954
providing direct care to a pediatric respite care patient, whether 2955
the bureau has any information gathered under division (A) of this 2956
section that pertains to that individual. 2957

On receipt of a request under this division, the 2958
superintendent shall determine whether that information exists 2959
and, on request of the individual requesting information, shall 2960
also request from the federal bureau of investigation any criminal 2961
records it has pertaining to the applicant. The superintendent or 2962
the superintendent's designee also may request criminal history 2963
records from other states or the federal government pursuant to 2964
the national crime prevention and privacy compact set forth in 2965
section 109.571 of the Revised Code. Within thirty days of the 2966
date a request is received, subject to division (E)(2) of this 2967
section, the superintendent shall send to the requester a report 2968
of any information determined to exist, including information 2969
contained in records that have been sealed under section 2953.32 2970
of the Revised Code, and, within thirty days of its receipt, shall 2971
send the requester a report of any information received from the 2972
federal bureau of investigation, other than information the 2973
dissemination of which is prohibited by federal law. 2974

(H) Information obtained by a government entity or person 2975

under this section is confidential and shall not be released or 2976
disseminated. 2977

(I) The superintendent may charge a reasonable fee for 2978
providing information or criminal records under division (F)(2) or 2979
(G) of this section. 2980

(J) As used in this section: 2981

(1) "Pediatric respite care program" and "pediatric respite 2982
care patient" have the same meanings as in section 3712.01 of the 2983
Revised Code. 2984

(2) "Sexually oriented offense" and "child-victim oriented 2985
offense" have the same meanings as in section 2950.01 of the 2986
Revised Code. 2987

(3) "Registered private provider" means a nonpublic school or 2988
entity registered with the superintendent of public instruction 2989
under section 3310.41 of the Revised Code to participate in the 2990
autism scholarship program or section 3310.58 of the Revised Code 2991
to participate in the Jon Peterson special needs scholarship 2992
program. 2993

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2994
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2995
a completed form prescribed pursuant to division (C)(1) of this 2996
section, and a set of fingerprint impressions obtained in the 2997
manner described in division (C)(2) of this section, the 2998
superintendent of the bureau of criminal identification and 2999
investigation shall conduct a criminal records check in the manner 3000
described in division (B) of this section to determine whether any 3001
information exists that indicates that the person who is the 3002
subject of the request previously has been convicted of or pleaded 3003
guilty to any of the following: 3004

(a) A violation of section 2903.01, 2903.02, 2903.03, 3005

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3006
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3007
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3008
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 3009
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 3010
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 3011
2925.06, or 3716.11 of the Revised Code, felonious sexual 3012
penetration in violation of former section 2907.12 of the Revised 3013
Code, a violation of section 2905.04 of the Revised Code as it 3014
existed prior to July 1, 1996, a violation of section 2919.23 of 3015
the Revised Code that would have been a violation of section 3016
2905.04 of the Revised Code as it existed prior to July 1, 1996, 3017
had the violation been committed prior to that date, or a 3018
violation of section 2925.11 of the Revised Code that is not a 3019
minor drug possession offense; 3020

(b) A violation of an existing or former law of this state, 3021
any other state, or the United States that is substantially 3022
equivalent to any of the offenses listed in division (A)(1)(a) of 3023
this section; 3024

(c) If the request is made pursuant to section 3319.39 of the 3025
Revised Code for an applicant who is a teacher, any offense 3026
specified in section 3319.31 of the Revised Code. 3027

(2) On receipt of a request pursuant to section 3712.09 or 3028
3721.121 of the Revised Code, a completed form prescribed pursuant 3029
to division (C)(1) of this section, and a set of fingerprint 3030
impressions obtained in the manner described in division (C)(2) of 3031
this section, the superintendent of the bureau of criminal 3032
identification and investigation shall conduct a criminal records 3033
check with respect to any person who has applied for employment in 3034
a position for which a criminal records check is required by those 3035
sections. The superintendent shall conduct the criminal records 3036
check in the manner described in division (B) of this section to 3037

determine whether any information exists that indicates that the 3038
person who is the subject of the request previously has been 3039
convicted of or pleaded guilty to any of the following: 3040

(a) A violation of section 2903.01, 2903.02, 2903.03, 3041
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3042
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3043
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3044
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3045
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3046
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3047
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3048
2925.22, 2925.23, or 3716.11 of the Revised Code; 3049

(b) An existing or former law of this state, any other state, 3050
or the United States that is substantially equivalent to any of 3051
the offenses listed in division (A)(2)(a) of this section. 3052

(3) On receipt of a request pursuant to section 173.27, 3053
~~173.394~~ 173.38, 3701.881, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, 3054
~~5111.034~~ 5164.342, 5123.081, or 5123.169 of the Revised Code, a 3055
completed form prescribed pursuant to division (C)(1) of this 3056
section, and a set of fingerprint impressions obtained in the 3057
manner described in division (C)(2) of this section, the 3058
superintendent of the bureau of criminal identification and 3059
investigation shall conduct a criminal records check of the person 3060
for whom the request is made. The superintendent shall conduct the 3061
criminal records check in the manner described in division (B) of 3062
this section to determine whether any information exists that 3063
indicates that the person who is the subject of the request 3064
previously has been convicted of, has pleaded guilty to, or 3065
(except in the case of a request pursuant to section 5164.34, 3066
5164.341, or 5164.342 of the Revised Code) has been found eligible 3067
for intervention in lieu of conviction for any of the following, 3068
regardless of the date of the conviction, the date of entry of the 3069

guilty plea, or (except in the case of a request pursuant to 3070
section 5164.34, 5164.341, or 5164.342 of the Revised Code) the 3071
date the person was found eligible for intervention in lieu of 3072
conviction: 3073

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 3074
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 3075
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 3076
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 3077
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3078
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 3079
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 3080
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 3081
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 3082
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3083
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 3084
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 3085
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 3086
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 3087
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 3088
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 3089
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 3090
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 3091
2927.12, or 3716.11 of the Revised Code; 3092

(b) Felonious sexual penetration in violation of former 3093
section 2907.12 of the Revised Code; 3094

(c) A violation of section 2905.04 of the Revised Code as it 3095
existed prior to July 1, 1996; 3096

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 3097
the Revised Code when the underlying offense that is the object of 3098
the conspiracy, attempt, or complicity is one of the offenses 3099
listed in divisions (A)(3)(a) to (c) of this section; 3100

(e) A violation of an existing or former municipal ordinance 3101
or law of this state, any other state, or the United States that 3102
is substantially equivalent to any of the offenses listed in 3103
divisions (A)(3)(a) to (d) of this section. 3104

(4) On receipt of a request pursuant to section 2151.86 of 3105
the Revised Code, a completed form prescribed pursuant to division 3106
(C)(1) of this section, and a set of fingerprint impressions 3107
obtained in the manner described in division (C)(2) of this 3108
section, the superintendent of the bureau of criminal 3109
identification and investigation shall conduct a criminal records 3110
check in the manner described in division (B) of this section to 3111
determine whether any information exists that indicates that the 3112
person who is the subject of the request previously has been 3113
convicted of or pleaded guilty to any of the following: 3114

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 3115
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 3116
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 3117
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3118
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 3119
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 3120
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 3121
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 3122
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 3123
of the Revised Code, a violation of section 2905.04 of the Revised 3124
Code as it existed prior to July 1, 1996, a violation of section 3125
2919.23 of the Revised Code that would have been a violation of 3126
section 2905.04 of the Revised Code as it existed prior to July 1, 3127
1996, had the violation been committed prior to that date, a 3128
violation of section 2925.11 of the Revised Code that is not a 3129
minor drug possession offense, two or more OVI or OVUAC violations 3130
committed within the three years immediately preceding the 3131
submission of the application or petition that is the basis of the 3132

request, or felonious sexual penetration in violation of former 3133
section 2907.12 of the Revised Code; 3134

(b) A violation of an existing or former law of this state, 3135
any other state, or the United States that is substantially 3136
equivalent to any of the offenses listed in division (A)(4)(a) of 3137
this section. 3138

(5) Upon receipt of a request pursuant to section 5104.012 or 3139
5104.013 of the Revised Code, a completed form prescribed pursuant 3140
to division (C)(1) of this section, and a set of fingerprint 3141
impressions obtained in the manner described in division (C)(2) of 3142
this section, the superintendent of the bureau of criminal 3143
identification and investigation shall conduct a criminal records 3144
check in the manner described in division (B) of this section to 3145
determine whether any information exists that indicates that the 3146
person who is the subject of the request has been convicted of or 3147
pleaded guilty to any of the following: 3148

(a) A violation of section 2903.01, 2903.02, 2903.03, 3149
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 3150
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 3151
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 3152
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 3153
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 3154
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 3155
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3156
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 3157
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 3158
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3159
3716.11 of the Revised Code, felonious sexual penetration in 3160
violation of former section 2907.12 of the Revised Code, a 3161
violation of section 2905.04 of the Revised Code as it existed 3162
prior to July 1, 1996, a violation of section 2919.23 of the 3163
Revised Code that would have been a violation of section 2905.04 3164

of the Revised Code as it existed prior to July 1, 1996, had the 3165
violation been committed prior to that date, a violation of 3166
section 2925.11 of the Revised Code that is not a minor drug 3167
possession offense, a violation of section 2923.02 or 2923.03 of 3168
the Revised Code that relates to a crime specified in this 3169
division, or a second violation of section 4511.19 of the Revised 3170
Code within five years of the date of application for licensure or 3171
certification. 3172

(b) A violation of an existing or former law of this state, 3173
any other state, or the United States that is substantially 3174
equivalent to any of the offenses or violations described in 3175
division (A)(5)(a) of this section. 3176

(6) Upon receipt of a request pursuant to section 5153.111 of 3177
the Revised Code, a completed form prescribed pursuant to division 3178
(C)(1) of this section, and a set of fingerprint impressions 3179
obtained in the manner described in division (C)(2) of this 3180
section, the superintendent of the bureau of criminal 3181
identification and investigation shall conduct a criminal records 3182
check in the manner described in division (B) of this section to 3183
determine whether any information exists that indicates that the 3184
person who is the subject of the request previously has been 3185
convicted of or pleaded guilty to any of the following: 3186

(a) A violation of section 2903.01, 2903.02, 2903.03, 3187
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3188
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3189
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3190
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3191
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3192
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3193
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 3194
felonious sexual penetration in violation of former section 3195
2907.12 of the Revised Code, a violation of section 2905.04 of the 3196

Revised Code as it existed prior to July 1, 1996, a violation of 3197
section 2919.23 of the Revised Code that would have been a 3198
violation of section 2905.04 of the Revised Code as it existed 3199
prior to July 1, 1996, had the violation been committed prior to 3200
that date, or a violation of section 2925.11 of the Revised Code 3201
that is not a minor drug possession offense; 3202

(b) A violation of an existing or former law of this state, 3203
any other state, or the United States that is substantially 3204
equivalent to any of the offenses listed in division (A)(6)(a) of 3205
this section. 3206

(7) On receipt of a request for a criminal records check from 3207
an individual pursuant to section 4749.03 or 4749.06 of the 3208
Revised Code, accompanied by a completed copy of the form 3209
prescribed in division (C)(1) of this section and a set of 3210
fingerprint impressions obtained in a manner described in division 3211
(C)(2) of this section, the superintendent of the bureau of 3212
criminal identification and investigation shall conduct a criminal 3213
records check in the manner described in division (B) of this 3214
section to determine whether any information exists indicating 3215
that the person who is the subject of the request has been 3216
convicted of or pleaded guilty to a felony in this state or in any 3217
other state. If the individual indicates that a firearm will be 3218
carried in the course of business, the superintendent shall 3219
require information from the federal bureau of investigation as 3220
described in division (B)(2) of this section. Subject to division 3221
(F) of this section, the superintendent shall report the findings 3222
of the criminal records check and any information the federal 3223
bureau of investigation provides to the director of public safety. 3224

(8) On receipt of a request pursuant to section 1321.37, 3225
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 3226
Code, a completed form prescribed pursuant to division (C)(1) of 3227
this section, and a set of fingerprint impressions obtained in the 3228

manner described in division (C)(2) of this section, the 3229
superintendent of the bureau of criminal identification and 3230
investigation shall conduct a criminal records check with respect 3231
to any person who has applied for a license, permit, or 3232
certification from the department of commerce or a division in the 3233
department. The superintendent shall conduct the criminal records 3234
check in the manner described in division (B) of this section to 3235
determine whether any information exists that indicates that the 3236
person who is the subject of the request previously has been 3237
convicted of or pleaded guilty to any of the following: a 3238
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 3239
2925.03 of the Revised Code; any other criminal offense involving 3240
theft, receiving stolen property, embezzlement, forgery, fraud, 3241
passing bad checks, money laundering, or drug trafficking, or any 3242
criminal offense involving money or securities, as set forth in 3243
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 3244
the Revised Code; or any existing or former law of this state, any 3245
other state, or the United States that is substantially equivalent 3246
to those offenses. 3247

(9) On receipt of a request for a criminal records check from 3248
the treasurer of state under section 113.041 of the Revised Code 3249
or from an individual under section 4701.08, 4715.101, 4717.061, 3250
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 3251
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 3252
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 3253
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 3254
4762.06, 4776.021, or 4779.091 of the Revised Code, accompanied by 3255
a completed form prescribed under division (C)(1) of this section 3256
and a set of fingerprint impressions obtained in the manner 3257
described in division (C)(2) of this section, the superintendent 3258
of the bureau of criminal identification and investigation shall 3259
conduct a criminal records check in the manner described in 3260
division (B) of this section to determine whether any information 3261

exists that indicates that the person who is the subject of the 3262
request has been convicted of or pleaded guilty to any criminal 3263
offense in this state or any other state. Subject to division (F) 3264
of this section, the superintendent shall send the results of a 3265
check requested under section 113.041 of the Revised Code to the 3266
treasurer of state and shall send the results of a check requested 3267
under any of the other listed sections to the licensing board 3268
specified by the individual in the request. 3269

(10) On receipt of a request pursuant to section 1121.23, 3270
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 3271
Code, a completed form prescribed pursuant to division (C)(1) of 3272
this section, and a set of fingerprint impressions obtained in the 3273
manner described in division (C)(2) of this section, the 3274
superintendent of the bureau of criminal identification and 3275
investigation shall conduct a criminal records check in the manner 3276
described in division (B) of this section to determine whether any 3277
information exists that indicates that the person who is the 3278
subject of the request previously has been convicted of or pleaded 3279
guilty to any criminal offense under any existing or former law of 3280
this state, any other state, or the United States. 3281

(11) On receipt of a request for a criminal records check 3282
from an appointing or licensing authority under section 3772.07 of 3283
the Revised Code, a completed form prescribed under division 3284
(C)(1) of this section, and a set of fingerprint impressions 3285
obtained in the manner prescribed in division (C)(2) of this 3286
section, the superintendent of the bureau of criminal 3287
identification and investigation shall conduct a criminal records 3288
check in the manner described in division (B) of this section to 3289
determine whether any information exists that indicates that the 3290
person who is the subject of the request previously has been 3291
convicted of or pleaded guilty or no contest to any offense under 3292
any existing or former law of this state, any other state, or the 3293

United States that is a disqualifying offense as defined in 3294
section 3772.07 of the Revised Code or substantially equivalent to 3295
such an offense. 3296

(12) On receipt of a request pursuant to section 2151.33 or 3297
2151.412 of the Revised Code, a completed form prescribed pursuant 3298
to division (C)(1) of this section, and a set of fingerprint 3299
impressions obtained in the manner described in division (C)(2) of 3300
this section, the superintendent of the bureau of criminal 3301
identification and investigation shall conduct a criminal records 3302
check with respect to any person for whom a criminal records check 3303
is required by that section. The superintendent shall conduct the 3304
criminal records check in the manner described in division (B) of 3305
this section to determine whether any information exists that 3306
indicates that the person who is the subject of the request 3307
previously has been convicted of or pleaded guilty to any of the 3308
following: 3309

(a) A violation of section 2903.01, 2903.02, 2903.03, 3310
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3311
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3312
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3313
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3314
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3315
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3316
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3317
2925.22, 2925.23, or 3716.11 of the Revised Code; 3318

(b) An existing or former law of this state, any other state, 3319
or the United States that is substantially equivalent to any of 3320
the offenses listed in division (A)(12)(a) of this section. 3321

(B) Subject to division (F) of this section, the 3322
superintendent shall conduct any criminal records check to be 3323
conducted under this section as follows: 3324

(1) The superintendent shall review or cause to be reviewed 3325
any relevant information gathered and compiled by the bureau under 3326
division (A) of section 109.57 of the Revised Code that relates to 3327
the person who is the subject of the criminal records check, 3328
including, if the criminal records check was requested under 3329
section 113.041, 121.08, 173.27, ~~173.394~~ 173.38, 1121.23, 1155.03, 3330
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 3331
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3332
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 3333
5104.013, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, ~~5111.034~~ 5164.342, 3334
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 3335
information contained in records that have been sealed under 3336
section 2953.32 of the Revised Code; 3337

(2) If the request received by the superintendent asks for 3338
information from the federal bureau of investigation, the 3339
superintendent shall request from the federal bureau of 3340
investigation any information it has with respect to the person 3341
who is the subject of the criminal records check, including 3342
fingerprint-based checks of national crime information databases 3343
as described in 42 U.S.C. 671 if the request is made pursuant to 3344
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 3345
any other Revised Code section requires fingerprint-based checks 3346
of that nature, and shall review or cause to be reviewed any 3347
information the superintendent receives from that bureau. If a 3348
request under section 3319.39 of the Revised Code asks only for 3349
information from the federal bureau of investigation, the 3350
superintendent shall not conduct the review prescribed by division 3351
(B)(1) of this section. 3352

(3) The superintendent or the superintendent's designee may 3353
request criminal history records from other states or the federal 3354
government pursuant to the national crime prevention and privacy 3355
compact set forth in section 109.571 of the Revised Code. 3356

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

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

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

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

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

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a

county sheriff's office, municipal police department, or any other 3388
entity with the ability to make fingerprint impressions on the 3389
standard impression sheets prescribed by the superintendent. The 3390
office, department, or entity may charge the person a reasonable 3391
fee for making the impressions. The standard impression sheets the 3392
superintendent prescribes pursuant to this division may be in a 3393
tangible format, in an electronic format, or in both tangible and 3394
electronic formats. 3395

(3) Subject to division (D) of this section, the 3396
superintendent shall prescribe and charge a reasonable fee for 3397
providing a criminal records check under this section. The person 3398
requesting the criminal records check shall pay the fee prescribed 3399
pursuant to this division. In the case of a request under section 3400
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 3401
2151.412, or ~~5111.032~~ 5164.34 of the Revised Code, the fee shall 3402
be paid in the manner specified in that section. 3403

(4) The superintendent of the bureau of criminal 3404
identification and investigation may prescribe methods of 3405
forwarding fingerprint impressions and information necessary to 3406
conduct a criminal records check, which methods shall include, but 3407
not be limited to, an electronic method. 3408

(D) The results of a criminal records check conducted under 3409
this section, other than a criminal records check specified in 3410
division (A)(7) of this section, are valid for the person who is 3411
the subject of the criminal records check for a period of one year 3412
from the date upon which the superintendent completes the criminal 3413
records check. If during that period the superintendent receives 3414
another request for a criminal records check to be conducted under 3415
this section for that person, the superintendent shall provide the 3416
results from the previous criminal records check of the person at 3417
a lower fee than the fee prescribed for the initial criminal 3418
records check. 3419

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

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

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

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

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

(G) As used in this section:	3452
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	3453 3454 3455 3456
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	3457 3458
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	3459 3460 3461 3462 3463
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	3464 3465 3466 3467 3468 3469
Sec. 109.71. There is hereby created in the office of the attorney general the Ohio peace officer training commission. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate and selected as follows: one member representing the public; two members who are incumbent sheriffs; two members who are incumbent chiefs of police; one member from the bureau of criminal identification and investigation; one member from the state highway patrol; one member who is the special agent in charge of a field office of the federal bureau of investigation in this state; and one member from the department of education, trade and industrial education services, law enforcement training.	3470 3471 3472 3473 3474 3475 3476 3477 3478 3479 3480 3481

This section does not confer any arrest authority or any 3482
ability or authority to detain a person, write or issue any 3483
citation, or provide any disposition alternative, as granted under 3484
Chapter 2935. of the Revised Code. 3485

As used in sections 109.71 to 109.801 of the Revised Code: 3486

(A) "Peace officer" means: 3487

(1) A deputy sheriff, marshal, deputy marshal, member of the 3488
organized police department of a township or municipal 3489
corporation, member of a township police district or joint police 3490
district police force, member of a police force employed by a 3491
metropolitan housing authority under division (D) of section 3492
3735.31 of the Revised Code, or township constable, who is 3493
commissioned and employed as a peace officer by a political 3494
subdivision of this state or by a metropolitan housing authority, 3495
and whose primary duties are to preserve the peace, to protect 3496
life and property, and to enforce the laws of this state, 3497
ordinances of a municipal corporation, resolutions of a township, 3498
or regulations of a board of county commissioners or board of 3499
township trustees, or any of those laws, ordinances, resolutions, 3500
or regulations; 3501

(2) A police officer who is employed by a railroad company 3502
and appointed and commissioned by the secretary of state pursuant 3503
to sections 4973.17 to 4973.22 of the Revised Code; 3504

(3) Employees of the department of taxation engaged in the 3505
enforcement of Chapter 5743. of the Revised Code and designated by 3506
the tax commissioner for peace officer training for purposes of 3507
the delegation of investigation powers under section 5743.45 of 3508
the Revised Code; 3509

(4) An undercover drug agent; 3510

(5) Enforcement agents of the department of public safety 3511
whom the director of public safety designates under section 3512

5502.14 of the Revised Code;	3513
(6) An employee of the department of natural resources who is	3514
a natural resources law enforcement staff officer designated	3515
pursuant to section 1501.013, a park officer designated pursuant	3516
to section 1541.10, a forest officer designated pursuant to	3517
section 1503.29, a preserve officer designated pursuant to section	3518
1517.10, a wildlife officer designated pursuant to section	3519
1531.13, or a state watercraft officer designated pursuant to	3520
section 1547.521 of the Revised Code;	3521
(7) An employee of a park district who is designated pursuant	3522
to section 511.232 or 1545.13 of the Revised Code;	3523
(8) An employee of a conservancy district who is designated	3524
pursuant to section 6101.75 of the Revised Code;	3525
(9) A police officer who is employed by a hospital that	3526
employs and maintains its own proprietary police department or	3527
security department, and who is appointed and commissioned by the	3528
secretary of state pursuant to sections 4973.17 to 4973.22 of the	3529
Revised Code;	3530
(10) Veterans' homes police officers designated under section	3531
5907.02 of the Revised Code;	3532
(11) A police officer who is employed by a qualified	3533
nonprofit corporation police department pursuant to section	3534
1702.80 of the Revised Code;	3535
(12) A state university law enforcement officer appointed	3536
under section 3345.04 of the Revised Code or a person serving as a	3537
state university law enforcement officer on a permanent basis on	3538
June 19, 1978, who has been awarded a certificate by the executive	3539
director of the Ohio peace officer training commission attesting	3540
to the person's satisfactory completion of an approved state,	3541
county, municipal, or department of natural resources peace	3542
officer basic training program;	3543

(13) A special police officer employed by the department of 3544
~~mental health~~ mental health and addiction services pursuant to 3545
section ~~5119.14~~ 5119.08 of the Revised Code or the department of 3546
developmental disabilities pursuant to section 5123.13 of the 3547
Revised Code; 3548

(14) A member of a campus police department appointed under 3549
section 1713.50 of the Revised Code; 3550

(15) A member of a police force employed by a regional 3551
transit authority under division (Y) of section 306.35 of the 3552
Revised Code; 3553

(16) Investigators appointed by the auditor of state pursuant 3554
to section 117.091 of the Revised Code and engaged in the 3555
enforcement of Chapter 117. of the Revised Code; 3556

(17) A special police officer designated by the 3557
superintendent of the state highway patrol pursuant to section 3558
5503.09 of the Revised Code or a person who was serving as a 3559
special police officer pursuant to that section on a permanent 3560
basis on October 21, 1997, and who has been awarded a certificate 3561
by the executive director of the Ohio peace officer training 3562
commission attesting to the person's satisfactory completion of an 3563
approved state, county, municipal, or department of natural 3564
resources peace officer basic training program; 3565

(18) A special police officer employed by a port authority 3566
under section 4582.04 or 4582.28 of the Revised Code or a person 3567
serving as a special police officer employed by a port authority 3568
on a permanent basis on May 17, 2000, who has been awarded a 3569
certificate by the executive director of the Ohio peace officer 3570
training commission attesting to the person's satisfactory 3571
completion of an approved state, county, municipal, or department 3572
of natural resources peace officer basic training program; 3573

(19) A special police officer employed by a municipal 3574

corporation who has been awarded a certificate by the executive 3575
director of the Ohio peace officer training commission for 3576
satisfactory completion of an approved peace officer basic 3577
training program and who is employed on a permanent basis on or 3578
after March 19, 2003, at a municipal airport, or other municipal 3579
air navigation facility, that has scheduled operations, as defined 3580
in section 119.3 of Title 14 of the Code of Federal Regulations, 3581
14 C.F.R. 119.3, as amended, and that is required to be under a 3582
security program and is governed by aviation security rules of the 3583
transportation security administration of the United States 3584
department of transportation as provided in Parts 1542. and 1544. 3585
of Title 49 of the Code of Federal Regulations, as amended; 3586

(20) A police officer who is employed by an owner or operator 3587
of an amusement park that has an average yearly attendance in 3588
excess of six hundred thousand guests and that employs and 3589
maintains its own proprietary police department or security 3590
department, and who is appointed and commissioned by a judge of 3591
the appropriate municipal court or county court pursuant to 3592
section 4973.17 of the Revised Code; 3593

(21) A police officer who is employed by a bank, savings and 3594
loan association, savings bank, credit union, or association of 3595
banks, savings and loan associations, savings banks, or credit 3596
unions, who has been appointed and commissioned by the secretary 3597
of state pursuant to sections 4973.17 to 4973.22 of the Revised 3598
Code, and who has been awarded a certificate by the executive 3599
director of the Ohio peace officer training commission attesting 3600
to the person's satisfactory completion of a state, county, 3601
municipal, or department of natural resources peace officer basic 3602
training program; 3603

(22) An investigator, as defined in section 109.541 of the 3604
Revised Code, of the bureau of criminal identification and 3605
investigation who is commissioned by the superintendent of the 3606

bureau as a special agent for the purpose of assisting law 3607
enforcement officers or providing emergency assistance to peace 3608
officers pursuant to authority granted under that section; 3609

(23) A state fire marshal law enforcement officer appointed 3610
under section 3737.22 of the Revised Code or a person serving as a 3611
state fire marshal law enforcement officer on a permanent basis on 3612
or after July 1, 1982, who has been awarded a certificate by the 3613
executive director of the Ohio peace officer training commission 3614
attesting to the person's satisfactory completion of an approved 3615
state, county, municipal, or department of natural resources peace 3616
officer basic training program; 3617

(24) A gaming agent employed under section 3772.03 of the 3618
Revised Code. 3619

(25) A deputy inspector general appointed under section 3620
121.48 of the Revised Code who has been awarded a certificate by 3621
the executive director of the Ohio peace officer training 3622
commission attesting to the person's satisfactory completion of an 3623
approved state, county, or municipal peace officer basic training 3624
program. 3625

(B) "Undercover drug agent" has the same meaning as in 3626
division (B)(2) of section 109.79 of the Revised Code. 3627

(C) "Crisis intervention training" means training in the use 3628
of interpersonal and communication skills to most effectively and 3629
sensitively interview victims of rape. 3630

(D) "Missing children" has the same meaning as in section 3631
2901.30 of the Revised Code. 3632

Sec. 109.746. (A) The attorney general may prepare public 3633
awareness programs that are designed to educate potential victims 3634
of violations of section 2905.32 of the Revised Code and their 3635
families of the risks of becoming a victim of a violation of that 3636

section. The attorney general may prepare these programs with 3637
assistance from the department of health, the department of ~~mental~~ 3638
~~health~~ mental health and addiction services, the department of job 3639
and family services, ~~the department of alcohol and drug addiction~~ 3640
~~services~~, and the department of education. 3641

(B) Any organization, person, or other governmental agency 3642
with an interest and expertise in trafficking in persons may 3643
submit information or materials to the attorney general regarding 3644
the preparation of the programs and materials permitted under this 3645
section. The attorney general, in developing the programs and 3646
materials permitted by this section, shall consider any 3647
information submitted pursuant to this division. 3648

Sec. 109.77. (A) As used in this section, "felony" has the 3649
same meaning as in section 109.511 of the Revised Code. 3650

(B)(1) Notwithstanding any general, special, or local law or 3651
charter to the contrary, and except as otherwise provided in this 3652
section, no person shall receive an original appointment on a 3653
permanent basis as any of the following unless the person 3654
previously has been awarded a certificate by the executive 3655
director of the Ohio peace officer training commission attesting 3656
to the person's satisfactory completion of an approved state, 3657
county, municipal, or department of natural resources peace 3658
officer basic training program: 3659

(a) A peace officer of any county, township, municipal 3660
corporation, regional transit authority, or metropolitan housing 3661
authority; 3662

(b) A natural resources law enforcement staff officer, park 3663
officer, forest officer, preserve officer, wildlife officer, or 3664
state watercraft officer of the department of natural resources; 3665

(c) An employee of a park district under section 511.232 or 3666

1545.13 of the Revised Code;	3667
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	3668 3669
(e) A state university law enforcement officer;	3670
(f) A special police officer employed by the department of mental health <u>mental health and addiction services</u> pursuant to section 5119.14 <u>5119.08</u> of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	3671 3672 3673 3674 3675
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	3676 3677 3678
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	3679 3680
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;	3681 3682 3683 3684 3685 3686 3687 3688 3689
(j) A gaming agent employed under section 3772.03 of the Revised Code.	3690 3691
(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to	3692 3693 3694 3695 3696

section 109.74 of the Revised Code, satisfactorily completes a 3697
state, county, municipal, or department of natural resources peace 3698
officer basic training program for temporary or probationary 3699
officers and is awarded a certificate by the director attesting to 3700
the satisfactory completion of the program: 3701

(a) A peace officer of any county, township, municipal 3702
corporation, regional transit authority, or metropolitan housing 3703
authority; 3704

(b) A natural resources law enforcement staff officer, park 3705
officer, forest officer, preserve officer, wildlife officer, or 3706
state watercraft officer of the department of natural resources; 3707

(c) An employee of a park district under section 511.232 or 3708
1545.13 of the Revised Code; 3709

(d) An employee of a conservancy district who is designated 3710
pursuant to section 6101.75 of the Revised Code; 3711

(e) A special police officer employed by the department of 3712
~~mental health~~ mental health and addiction services pursuant to 3713
section ~~5119.14~~ 5119.08 of the Revised Code or the department of 3714
developmental disabilities pursuant to section 5123.13 of the 3715
Revised Code; 3716

(f) An enforcement agent of the department of public safety 3717
whom the director of public safety designates under section 3718
5502.14 of the Revised Code; 3719

(g) A special police officer employed by a port authority 3720
under section 4582.04 or 4582.28 of the Revised Code; 3721

(h) A special police officer employed by a municipal 3722
corporation at a municipal airport, or other municipal air 3723
navigation facility, that has scheduled operations, as defined in 3724
section 119.3 of Title 14 of the Code of Federal Regulations, 14 3725
C.F.R. 119.3, as amended, and that is required to be under a 3726

security program and is governed by aviation security rules of the 3727
transportation security administration of the United States 3728
department of transportation as provided in Parts 1542. and 1544. 3729
of Title 49 of the Code of Federal Regulations, as amended. 3730

(3) For purposes of division (B) of this section, a state, 3731
county, municipal, or department of natural resources peace 3732
officer basic training program, regardless of whether the program 3733
is to be completed by peace officers appointed on a permanent or 3734
temporary, probationary, or other nonpermanent basis, shall 3735
include training in the handling of the offense of domestic 3736
violence, other types of domestic violence-related offenses and 3737
incidents, and protection orders and consent agreements issued or 3738
approved under section 2919.26 or 3113.31 of the Revised Code and 3739
crisis intervention training. The requirement to complete training 3740
in the handling of the offense of domestic violence, other types 3741
of domestic violence-related offenses and incidents, and 3742
protection orders and consent agreements issued or approved under 3743
section 2919.26 or 3113.31 of the Revised Code does not apply to 3744
any person serving as a peace officer on March 27, 1979, and the 3745
requirement to complete training in crisis intervention does not 3746
apply to any person serving as a peace officer on April 4, 1985. 3747
Any person who is serving as a peace officer on April 4, 1985, who 3748
terminates that employment after that date, and who subsequently 3749
is hired as a peace officer by the same or another law enforcement 3750
agency shall complete training in crisis intervention as 3751
prescribed by rules adopted by the attorney general pursuant to 3752
section 109.742 of the Revised Code. No peace officer shall have 3753
employment as a peace officer terminated and then be reinstated 3754
with intent to circumvent this section. 3755

(4) Division (B) of this section does not apply to any person 3756
serving on a permanent basis on March 28, 1985, as a park officer, 3757
forest officer, preserve officer, wildlife officer, or state 3758

watercraft officer of the department of natural resources or as an 3759
employee of a park district under section 511.232 or 1545.13 of 3760
the Revised Code, to any person serving on a permanent basis on 3761
March 6, 1986, as an employee of a conservancy district designated 3762
pursuant to section 6101.75 of the Revised Code, to any person 3763
serving on a permanent basis on January 10, 1991, as a preserve 3764
officer of the department of natural resources, to any person 3765
employed on a permanent basis on July 2, 1992, as a special police 3766
officer by the department of ~~mental health~~ mental health and 3767
addiction services pursuant to section ~~5119.14~~ 5119.08 of the 3768
Revised Code or by the department of developmental disabilities 3769
pursuant to section 5123.13 of the Revised Code, to any person 3770
serving on a permanent basis on May 17, 2000, as a special police 3771
officer employed by a port authority under section 4582.04 or 3772
4582.28 of the Revised Code, to any person serving on a permanent 3773
basis on March 19, 2003, as a special police officer employed by a 3774
municipal corporation at a municipal airport or other municipal 3775
air navigation facility described in division (A)(19) of section 3776
109.71 of the Revised Code, to any person serving on a permanent 3777
basis on June 19, 1978, as a state university law enforcement 3778
officer pursuant to section 3345.04 of the Revised Code and who, 3779
immediately prior to June 19, 1978, was serving as a special 3780
police officer designated under authority of that section, or to 3781
any person serving on a permanent basis on September 20, 1984, as 3782
a liquor control investigator, known after June 30, 1999, as an 3783
enforcement agent of the department of public safety, engaged in 3784
the enforcement of Chapters 4301. and 4303. of the Revised Code. 3785

(5) Division (B) of this section does not apply to any person 3786
who is appointed as a regional transit authority police officer 3787
pursuant to division (Y) of section 306.35 of the Revised Code if, 3788
on or before July 1, 1996, the person has completed satisfactorily 3789
an approved state, county, municipal, or department of natural 3790
resources peace officer basic training program and has been 3791

awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of such an approved program and if, on July 1, 1996, the person is performing peace officer functions for a regional transit authority.

(C) No person, after September 20, 1984, shall receive an original appointment on a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved police officer basic training program. Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code shall forfeit that position unless the person previously has completed satisfactorily or, within one year from the time of appointment, satisfactorily completes an approved police officer basic training program.

(D) No bailiff or deputy bailiff of a court of record of this state and no criminal investigator who is employed by the state public defender shall carry a firearm, as defined in section 2923.11 of the Revised Code, while on duty unless the bailiff, deputy bailiff, or criminal investigator has done or received one of the following:

(1) Has been awarded a certificate by the executive director of the Ohio peace officer training commission, which certificate attests to satisfactory completion of an approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and for criminal investigators employed by the state public defender that has been recommended by the Ohio peace officer training commission;

(2) Has successfully completed a firearms training program 3824
approved by the Ohio peace officer training commission prior to 3825
employment as a bailiff, deputy bailiff, or criminal investigator; 3826

(3) Prior to June 6, 1986, was authorized to carry a firearm 3827
by the court that employed the bailiff or deputy bailiff or, in 3828
the case of a criminal investigator, by the state public defender 3829
and has received training in the use of firearms that the Ohio 3830
peace officer training commission determines is equivalent to the 3831
training that otherwise is required by division (D) of this 3832
section. 3833

(E)(1) Before a person seeking a certificate completes an 3834
approved peace officer basic training program, the executive 3835
director of the Ohio peace officer training commission shall 3836
request the person to disclose, and the person shall disclose, any 3837
previous criminal conviction of or plea of guilty of that person 3838
to a felony. 3839

(2) Before a person seeking a certificate completes an 3840
approved peace officer basic training program, the executive 3841
director shall request a criminal history records check on the 3842
person. The executive director shall submit the person's 3843
fingerprints to the bureau of criminal identification and 3844
investigation, which shall submit the fingerprints to the federal 3845
bureau of investigation for a national criminal history records 3846
check. 3847

Upon receipt of the executive director's request, the bureau 3848
of criminal identification and investigation and the federal 3849
bureau of investigation shall conduct a criminal history records 3850
check on the person and, upon completion of the check, shall 3851
provide a copy of the criminal history records check to the 3852
executive director. The executive director shall not award any 3853
certificate prescribed in this section unless the executive 3854
director has received a copy of the criminal history records check 3855

on the person to whom the certificate is to be awarded. 3856

(3) The executive director of the commission shall not award 3857
a certificate prescribed in this section to a person who has been 3858
convicted of or has pleaded guilty to a felony or who fails to 3859
disclose any previous criminal conviction of or plea of guilty to 3860
a felony as required under division (E)(1) of this section. 3861

(4) The executive director of the commission shall revoke the 3862
certificate awarded to a person as prescribed in this section, and 3863
that person shall forfeit all of the benefits derived from being 3864
certified as a peace officer under this section, if the person, 3865
before completion of an approved peace officer basic training 3866
program, failed to disclose any previous criminal conviction of or 3867
plea of guilty to a felony as required under division (E)(1) of 3868
this section. 3869

(F)(1) Regardless of whether the person has been awarded the 3870
certificate or has been classified as a peace officer prior to, 3871
on, or after October 16, 1996, the executive director of the Ohio 3872
peace officer training commission shall revoke any certificate 3873
that has been awarded to a person as prescribed in this section if 3874
the person does either of the following: 3875

(a) Pleads guilty to a felony committed on or after January 3876
1, 1997; 3877

(b) Pleads guilty to a misdemeanor committed on or after 3878
January 1, 1997, pursuant to a negotiated plea agreement as 3879
provided in division (D) of section 2929.43 of the Revised Code in 3880
which the person agrees to surrender the certificate awarded to 3881
the person under this section. 3882

(2) The executive director of the commission shall suspend 3883
any certificate that has been awarded to a person as prescribed in 3884
this section if the person is convicted, after trial, of a felony 3885
committed on or after January 1, 1997. The executive director 3886

shall suspend the certificate pursuant to division (F)(2) of this 3887
section pending the outcome of an appeal by the person from that 3888
conviction to the highest court to which the appeal is taken or 3889
until the expiration of the period in which an appeal is required 3890
to be filed. If the person files an appeal that results in that 3891
person's acquittal of the felony or conviction of a misdemeanor, 3892
or in the dismissal of the felony charge against that person, the 3893
executive director shall reinstate the certificate awarded to the 3894
person under this section. If the person files an appeal from that 3895
person's conviction of the felony and the conviction is upheld by 3896
the highest court to which the appeal is taken or if the person 3897
does not file a timely appeal, the executive director shall revoke 3898
the certificate awarded to the person under this section. 3899

(G)(1) If a person is awarded a certificate under this 3900
section and the certificate is revoked pursuant to division (E)(4) 3901
or (F) of this section, the person shall not be eligible to 3902
receive, at any time, a certificate attesting to the person's 3903
satisfactory completion of a peace officer basic training program. 3904

(2) The revocation or suspension of a certificate under 3905
division (E)(4) or (F) of this section shall be in accordance with 3906
Chapter 119. of the Revised Code. 3907

(H)(1) A person who was employed as a peace officer of a 3908
county, township, or municipal corporation of the state on January 3909
1, 1966, and who has completed at least sixteen years of full-time 3910
active service as such a peace officer, or equivalent service as 3911
determined by the executive director of the Ohio peace officer 3912
training commission, may receive an original appointment on a 3913
permanent basis and serve as a peace officer of a county, 3914
township, or municipal corporation, or as a state university law 3915
enforcement officer, without complying with the requirements of 3916
division (B) of this section. 3917

(2) Any person who held an appointment as a state highway 3918

trooper on January 1, 1966, may receive an original appointment on 3919
a permanent basis and serve as a peace officer of a county, 3920
township, or municipal corporation, or as a state university law 3921
enforcement officer, without complying with the requirements of 3922
division (B) of this section. 3923

(I) No person who is appointed as a peace officer of a 3924
county, township, or municipal corporation on or after April 9, 3925
1985, shall serve as a peace officer of that county, township, or 3926
municipal corporation unless the person has received training in 3927
the handling of missing children and child abuse and neglect cases 3928
from an approved state, county, township, or municipal police 3929
officer basic training program or receives the training within the 3930
time prescribed by rules adopted by the attorney general pursuant 3931
to section 109.741 of the Revised Code. 3932

(J) No part of any approved state, county, or municipal basic 3933
training program for bailiffs and deputy bailiffs of courts of 3934
record and no part of any approved state, county, or municipal 3935
basic training program for criminal investigators employed by the 3936
state public defender shall be used as credit toward the 3937
completion by a peace officer of any part of the approved state, 3938
county, or municipal peace officer basic training program that the 3939
peace officer is required by this section to complete 3940
satisfactorily. 3941

(K) This section does not apply to any member of the police 3942
department of a municipal corporation in an adjoining state 3943
serving in this state under a contract pursuant to section 737.04 3944
of the Revised Code. 3945

Sec. 109.85. (A) Upon the written request of the governor, 3946
the general assembly, the auditor of state, the medicaid director 3947
~~of job and family services~~, the director of health, or the 3948
director of budget and management, or upon the attorney general's 3949

becoming aware of criminal or improper activity related to Chapter 3721. and the ~~medical assistance~~ medicaid program established ~~under section 5111.01 of the Revised Code~~, the attorney general shall investigate any criminal or civil violation of law related to Chapter 3721. of the Revised Code or the ~~medical assistance~~ medicaid program.

(B) When it appears to the attorney general, as a result of an investigation under division (A) of this section, that there is cause to prosecute for the commission of a crime or to pursue a civil remedy, the attorney general may refer the evidence to the prosecuting attorney having jurisdiction of the matter, or to a regular grand jury drawn and impaneled pursuant to sections 2939.01 to 2939.24 of the Revised Code, or to a special grand jury drawn and impaneled pursuant to section 2939.17 of the Revised Code, or the attorney general may initiate and prosecute any necessary criminal or civil actions in any court or tribunal of competent jurisdiction in this state. When proceeding under this section, the attorney general, and any assistant or special counsel designated by the attorney general for that purpose, have all rights, privileges, and powers of prosecuting attorneys. The attorney general shall have exclusive supervision and control of all investigations and prosecutions initiated by the attorney general under this section. The forfeiture provisions of Chapter 2981. of the Revised Code apply in relation to any such criminal action initiated and prosecuted by the attorney general.

(C) Nothing in this section shall prevent a county prosecuting attorney from investigating and prosecuting criminal activity related to Chapter 3721. of the Revised Code and the ~~medical assistance~~ medicaid program established ~~under section 5111.01 of the Revised Code~~. The forfeiture provisions of Chapter 2981. of the Revised Code apply in relation to any prosecution of criminal activity related to the ~~medical assistance~~ medicaid

program undertaken by the prosecuting attorney. 3982

Sec. 109.86. (A) The attorney general shall investigate any 3983
activity the attorney general has reasonable cause to believe is 3984
in violation of section 2903.34 of the Revised Code. Upon written 3985
request of the governor, the general assembly, the auditor of 3986
state, or the director of health, job and family services, aging, 3987
~~mental health~~ mental health and addiction services, or 3988
developmental disabilities, the attorney general shall investigate 3989
any activity these persons believe is in violation of section 3990
2903.34 of the Revised Code. If after an investigation the 3991
attorney general has probable cause to prosecute for the 3992
commission of a crime, the attorney general shall refer the 3993
evidence to the prosecuting attorney, director of law, or other 3994
similar chief legal officer having jurisdiction over the matter. 3995
If the prosecuting attorney decides to present the evidence to a 3996
grand jury, the prosecuting attorney shall notify the attorney 3997
general in writing of the decision within thirty days after 3998
referral of the matter and shall present the evidence prior to the 3999
discharge of the next regular grand jury. If the director of law 4000
or other chief legal officer decides to prosecute the case, the 4001
director or officer shall notify the attorney general in writing 4002
of the decision within thirty days and shall initiate prosecution 4003
within sixty days after the matter was referred to the director or 4004
officer. 4005

(B) If the prosecuting attorney, director of law, or other 4006
chief legal officer fails to notify the attorney general or to 4007
present evidence or initiate prosecution in accordance with 4008
division (A) of this section, the attorney general may present the 4009
evidence to a regular grand jury drawn and impaneled pursuant to 4010
sections 2939.01 to 2939.24 of the Revised Code, or to a special 4011
grand jury drawn and impaneled pursuant to section 2939.17 of the 4012
Revised Code, or the attorney general may initiate and prosecute 4013

any action in any court or tribunal of competent jurisdiction in 4014
this state. The attorney general, and any assistant or special 4015
counsel designated by the attorney general, have all the powers of 4016
a prosecuting attorney, director of law, or other chief legal 4017
officer when proceeding under this section. Nothing in this 4018
section shall limit or prevent a prosecuting attorney, director of 4019
law, or other chief legal officer from investigating and 4020
prosecuting criminal activity committed against a resident or 4021
patient of a care facility. 4022

Sec. 109.90. (A) The attorney general shall collaborate with 4023
the state board of pharmacy and director of ~~alcohol and drug~~ 4024
~~addiction services~~ mental health and addiction services in the 4025
establishment and administration of a drug take-back program, as 4026
provided under section 4729.69 of the Revised Code. The office of 4027
the attorney general is solely responsible for the costs incurred 4028
in the establishment and administration of the program. 4029

(B) The attorney general may accept grants, gifts, or 4030
donations for purposes of the program. Money received under this 4031
division or section ~~3793.22~~ 5119.49 or 4729.69 of the Revised Code 4032
shall be deposited into the state treasury to the credit of the 4033
drug take-back program fund, which is hereby created. Money 4034
credited to the fund shall be used solely for purposes of the 4035
program. 4036

Sec. 111.02. Before entering upon the discharge of the duties 4037
of ~~his~~ office, the secretary of state shall give a bond to the 4038
state in the sum of one hundred thousand dollars, with ~~two or more~~ 4039
~~sureties approved by the governor, auditor of state, and attorney~~ 4040
~~general~~ a surety authorized to do business in the state, 4041
conditioned for the faithful discharge of the duties of ~~his~~ the 4042
office of secretary of state. The bond, ~~with the approval of the~~ 4043
~~proper officials~~ and the oath of office ~~indorsed thereon,~~ shall be 4044

deposited with and kept by the director of administrative services 4045
~~and kept~~ in his the director's office. 4046

Sec. 111.15. (A) As used in this section: 4047

(1) "Rule" includes any rule, regulation, bylaw, or standard 4048
having a general and uniform operation adopted by an agency under 4049
the authority of the laws governing the agency; any appendix to a 4050
rule; and any internal management rule. "Rule" does not include 4051
any guideline adopted pursuant to section 3301.0714 of the Revised 4052
Code, any order respecting the duties of employees, any finding, 4053
any determination of a question of law or fact in a matter 4054
presented to an agency, or any rule promulgated pursuant to 4055
Chapter 119., section 4141.14, division (C)(1) or (2) of section 4056
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 4057
any amendment or rescission of a rule. 4058

(2) "Agency" means any governmental entity of the state and 4059
includes, but is not limited to, any board, department, division, 4060
commission, bureau, society, council, institution, state college 4061
or university, community college district, technical college 4062
district, or state community college. "Agency" does not include 4063
the general assembly, the controlling board, the adjutant 4064
general's department, or any court. 4065

(3) "Internal management rule" means any rule, regulation, 4066
bylaw, or standard governing the day-to-day staff procedures and 4067
operations within an agency. 4068

(4) "Substantive revision" has the same meaning as in 4069
division (J) of section 119.01 of the Revised Code. 4070

(B)(1) Any rule, other than a rule of an emergency nature, 4071
adopted by any agency pursuant to this section shall be effective 4072
on the tenth day after the day on which the rule in final form and 4073
in compliance with division (B)(3) of this section is filed as 4074

follows: 4075

(a) The rule shall be filed in electronic form with both the 4076
secretary of state and the director of the legislative service 4077
commission; 4078

(b) The rule shall be filed in electronic form with the joint 4079
committee on agency rule review. Division (B)(1)(b) of this 4080
section does not apply to any rule to which division (D) of this 4081
section does not apply. 4082

An agency that adopts or amends a rule that is subject to 4083
division (D) of this section shall assign a review date to the 4084
rule that is not later than five years after its effective date. 4085
If no review date is assigned to a rule, or if a review date 4086
assigned to a rule exceeds the five-year maximum, the review date 4087
for the rule is five years after its effective date. A rule with a 4088
review date is subject to review under section 119.032 of the 4089
Revised Code. This paragraph does not apply to a rule of a state 4090
college or university, community college district, technical 4091
college district, or state community college. 4092

If all filings are not completed on the same day, the rule 4093
shall be effective on the tenth day after the day on which the 4094
latest filing is completed. If an agency in adopting a rule 4095
designates an effective date that is later than the effective date 4096
provided for by division (B)(1) of this section, the rule if filed 4097
as required by such division shall become effective on the later 4098
date designated by the agency. 4099

Any rule that is required to be filed under division (B)(1) 4100
of this section is also subject to division (D) of this section if 4101
not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or 4102
(8) of this section. 4103

If a rule incorporates a text or other material by reference, 4104
the agency shall comply with sections 121.71 to 121.76 of the 4105

Revised Code. 4106

(2) A rule of an emergency nature necessary for the immediate 4107
preservation of the public peace, health, or safety shall state 4108
the reasons for the necessity. The emergency rule, in final form 4109
and in compliance with division (B)(3) of this section, shall be 4110
filed in electronic form with the secretary of state, the director 4111
of the legislative service commission, and the joint committee on 4112
agency rule review. The emergency rule is effective immediately 4113
upon completion of the latest filing, except that if the agency in 4114
adopting the emergency rule designates an effective date, or date 4115
and time of day, that is later than the effective date and time 4116
provided for by division (B)(2) of this section, the emergency 4117
rule if filed as required by such division shall become effective 4118
at the later date, or later date and time of day, designated by 4119
the agency. 4120

An emergency rule becomes invalid at the end of the ninetieth 4121
day it is in effect. Prior to that date, the agency may file the 4122
emergency rule as a nonemergency rule in compliance with division 4123
(B)(1) of this section. The agency may not refile the emergency 4124
rule in compliance with division (B)(2) of this section so that, 4125
upon the emergency rule becoming invalid under such division, the 4126
emergency rule will continue in effect without interruption for 4127
another ninety-day period. 4128

(3) An agency shall file a rule under division (B)(1) or (2) 4129
of this section in compliance with the following standards and 4130
procedures: 4131

(a) The rule shall be numbered in accordance with the 4132
numbering system devised by the director for the Ohio 4133
administrative code. 4134

(b) The rule shall be prepared and submitted in compliance 4135
with the rules of the legislative service commission. 4136

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

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

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

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

(D) At least sixty-five days before a board, commission, department, division, or bureau of the government of the state files a rule under division (B)(1) of this section, it shall file the full text of the proposed rule in electronic form with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under division (I) of section 119.03 of the Revised Code. If a state board, commission, department, division, or bureau makes a substantive revision in a proposed rule after it is filed with the joint committee, the state board, commission, department, division, or bureau shall promptly file the full text of the proposed rule in its revised form in electronic form with the joint committee. The

latest version of a proposed rule as filed with the joint 4169
committee supersedes each earlier version of the text of the same 4170
proposed rule. ~~Except as provided in division (F) of this section,~~ 4171
a A state board, commission, department, division, or bureau shall 4172
also file the rule summary and fiscal analysis prepared under 4173
section 127.18 of the Revised Code in electronic form along with a 4174
proposed rule, and along with a proposed rule in revised form, 4175
that is filed under this division. If a proposed rule has an 4176
adverse impact on businesses, the state board, commission, 4177
department, division, or bureau also shall file the business 4178
impact analysis, any recommendations received from the common 4179
sense initiative office, and the associated memorandum of 4180
response, if any, in electronic form along with the proposed rule, 4181
or the proposed rule in revised form, that is filed under this 4182
division. 4183

As used in this division, "commission" includes the public 4184
utilities commission when adopting rules under a federal or state 4185
statute. 4186

This division does not apply to any of the following: 4187

(1) A proposed rule of an emergency nature; 4188

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 4189
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4190
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 4191
Code; 4192

(3) A rule proposed by an agency other than a board, 4193
commission, department, division, or bureau of the government of 4194
the state; 4195

(4) A proposed internal management rule of a board, 4196
commission, department, division, or bureau of the government of 4197
the state; 4198

(5) Any proposed rule that must be adopted verbatim by an 4199

agency pursuant to federal law or rule, to become effective within 4200
sixty days of adoption, in order to continue the operation of a 4201
federally reimbursed program in this state, so long as the 4202
proposed rule contains both of the following: 4203

(a) A statement that it is proposed for the purpose of 4204
complying with a federal law or rule; 4205

(b) A citation to the federal law or rule that requires 4206
verbatim compliance. 4207

(6) An initial rule proposed by the director of health to 4208
impose safety standards and quality-of-care standards with respect 4209
to a health service specified in section 3702.11 of the Revised 4210
Code, or an initial rule proposed by the director to impose 4211
quality standards on a facility listed in division (A)(4) of 4212
section 3702.30 of the Revised Code, if section 3702.12 of the 4213
Revised Code requires that the rule be adopted under this section; 4214

(7) A rule of the state lottery commission pertaining to 4215
instant game rules. 4216

If a rule is exempt from legislative review under division 4217
(D)(5) of this section, and if the federal law or rule pursuant to 4218
which the rule was adopted expires, is repealed or rescinded, or 4219
otherwise terminates, the rule is thereafter subject to 4220
legislative review under division (D) of this section. 4221

(E) Whenever a state board, commission, department, division, 4222
or bureau files a proposed rule or a proposed rule in revised form 4223
under division (D) of this section, it shall also file the full 4224
text of the same proposed rule or proposed rule in revised form in 4225
electronic form with the secretary of state and the director of 4226
the legislative service commission. ~~Except as provided in division~~ 4227
~~(F) of this section, a~~ A state board, commission, department, 4228
division, or bureau shall file the rule summary and fiscal 4229
analysis prepared under section 127.18 of the Revised Code in 4230

electronic form along with a proposed rule or proposed rule in 4231
revised form that is filed with the secretary of state or the 4232
director of the legislative service commission. 4233

~~(F) Except as otherwise provided in this division, the 4234
auditor of state or the auditor of state's designee is not 4235
required to file a rule summary and fiscal analysis along with a 4236
proposed rule, or proposed rule in revised form, that the auditor 4237
of state proposes under section 117.12, 117.19, 117.38, or 117.43 4238
of the Revised Code and files under division (D) or (E) of this 4239
section. 4240~~

Sec. 111.28. (A) There is hereby created in the state 4241
treasury the help America vote act (HAVA) fund. All moneys 4242
received by the secretary of state from the United States election 4243
assistance commission shall be credited to the fund. The secretary 4244
of state shall use the moneys credited to the fund for activities 4245
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 4246
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 4247
shall be credited to the fund. 4248

(B) There is hereby created in the state treasury the 4249
election reform/health and human services fund. All moneys 4250
received by the secretary of state from the United States 4251
department of health and human services shall be credited to the 4252
fund. The secretary of state shall use the moneys credited to the 4253
fund for activities conducted pursuant to grants awarded to the 4254
state under Title II, Subtitle D, Sections 261 to 265 of the Help 4255
America Vote Act of 2002 to assure access for individuals with 4256
disabilities. All investment earnings of the fund shall be 4257
credited to the fund. 4258

(C) There is hereby created in the state treasury the 4259
miscellaneous federal grants fund. All moneys the secretary of 4260
state receives as grants from federal sources that are not 4261

otherwise designated shall be credited to the fund. The secretary 4262
of state shall use the moneys credited to the fund for the 4263
purposes and activities required by the applicable federal grant 4264
agreements. All investment earnings of the fund shall be credited 4265
to the fund. 4266

Sec. 113.02. Before entering upon the discharge of the duties 4267
of ~~his~~ office, the treasurer of state shall give a bond to the 4268
state in the sum of one million dollars, with ~~sureties approved by~~ 4269
~~the governor~~ a surety authorized to do business in the state, 4270
conditioned for the faithful discharge of the duties of ~~his~~ the 4271
office of treasurer of state. The bond, ~~with the approval of the~~ 4272
~~governor~~ and the oath of office ~~endorsed thereon,~~ shall be 4273
deposited with and kept by the secretary of state ~~and kept~~ in ~~his~~ 4274
the secretary of state's office. 4275

Sec. 113.061. The treasurer of state shall adopt rules in 4276
accordance with Chapter 119. of the Revised Code governing the 4277
remittance of taxes by electronic funds transfer as required under 4278
sections 5726.03, 5727.311, 5727.83, 5733.022, 5735.062, 5739.032, 4279
5745.04, ~~and~~ 5747.072, 5749.06, and 5751.07 of the Revised Code 4280
and any other section of the Revised Code under which a person is 4281
required to remit taxes by electronic funds transfer. The rules 4282
shall govern the modes of electronic funds transfer acceptable to 4283
the treasurer of state and under what circumstances each mode is 4284
acceptable, the content and format of electronic funds transfers, 4285
the coordination of payment by electronic funds transfer and 4286
filing of associated tax reports and returns, the remittance of 4287
taxes by means other than electronic funds transfer by persons 4288
otherwise required to do so but relieved of the requirement by the 4289
treasurer of state, and any other matter that in the opinion of 4290
the treasurer of state facilitates payment by electronic funds 4291
transfer in a manner consistent with those sections. 4292

Upon failure by a person, if so required, to remit taxes by 4293
electronic funds transfer in the manner prescribed under section 4294
5726.03, 5727.83, 5733.022, 5735.062, 5739.032, 5745.04, ~~or~~ 4295
5747.072, 5749.06, or 5751.07 of the Revised Code and rules 4296
adopted under this section, the treasurer of state shall notify 4297
the tax commissioner of such failure if the treasurer of state 4298
determines that such failure was not due to reasonable cause or 4299
was due to willful neglect, and shall provide the tax commissioner 4300
with any information used in making that determination. The tax 4301
commissioner may assess an additional charge as specified in the 4302
respective section of the Revised Code governing the requirement 4303
to remit taxes by electronic funds transfer. 4304

The treasurer of state may implement means of acknowledging, 4305
upon the request of a taxpayer, receipt of tax remittances made by 4306
electronic funds transfer, and may adopt rules governing 4307
acknowledgments. The cost of acknowledging receipt of electronic 4308
remittances shall be paid by the person requesting acknowledgment. 4309

The treasurer of state, not the tax commissioner, is 4310
responsible for resolving any problems involving electronic funds 4311
transfer transmissions. 4312

Sec. 117.03. Before entering upon the discharge of the duties 4313
of ~~his~~ office, the auditor of state shall give a bond to the state 4314
in the sum of twenty thousand dollars, with a surety ~~approved by~~ 4315
~~the governor~~ authorized to do business in the state, conditioned 4316
for the faithful discharge of the duties of ~~his~~ the office of 4317
auditor of state. The bond, ~~with the approval of the governor and~~ 4318
the oath of office ~~endorsed thereon~~, shall be deposited with and 4319
kept by the secretary of state and kept in ~~his~~ the secretary of 4320
state's office. 4321

Sec. 117.10. The auditor of state shall audit all public 4322

offices as provided in this chapter. The auditor of state also may 4323
audit the accounts of private institutions, associations, boards, 4324
and corporations receiving public money for their use and may 4325
require of them annual reports in such form as the auditor of 4326
state prescribes. 4327

If the auditor of state performs or contracts for the 4328
performance of an audit, including a special audit, of the public 4329
employees retirement system, school employees retirement system, 4330
state teachers retirement system, state highway patrol retirement 4331
system, or Ohio police and fire pension fund, the auditor of state 4332
shall make a timely report of the results of the audit to the Ohio 4333
retirement study council. 4334

The auditor of state may audit the accounts of any medicaid 4335
provider, as defined in section ~~5111.06~~ 5164.01 of the Revised 4336
Code. 4337

If a public office has been audited by an agency of the 4338
United States government, the auditor of state may, if satisfied 4339
that the federal audit has been conducted according to principles 4340
and procedures not contrary to those of the auditor of state, use 4341
and adopt the federal audit and report in lieu of an audit by the 4342
auditor of state's own office. 4343

Within thirty days after the creation or dissolution or the 4344
winding up of the affairs of any public office, that public office 4345
shall notify the auditor of state in writing that this action has 4346
occurred. 4347

Sec. 117.20. (A) In adopting rules pursuant to Chapter 117. 4348
of the Revised Code, the auditor of state or the auditor of 4349
state's designee shall do both of the following: 4350

(1) Before adopting any such rule, except a rule of an 4351
emergency nature, do each of the following: 4352

(a) At least thirty-five days before any public hearing on 4353
the proposed rule-making action, mail or send by electronic mail 4354
notice of the hearing to each public office and to each statewide 4355
organization that the auditor of state or designee determines will 4356
be affected or represents persons who will be affected by the 4357
proposed rule-making action; 4358

(b) Mail or send by electronic mail a copy of the proposed 4359
rule to any person or organization that requests a copy within 4360
five days after receipt of the request; 4361

(c) Consult with appropriate state and local government 4362
agencies, or with persons representative of their interests, 4363
including statewide organizations of local government officials, 4364
and consult with accounting professionals and other interested 4365
persons; 4366

(d) Conduct, on the date and at the time and place designated 4367
in the notice, a public hearing at which any person affected by 4368
the proposed rule, including statewide organizations of local 4369
government officials, may appear and be heard in person, by 4370
attorney, or both, and may present the person's or organization's 4371
position or contentions orally or in writing. 4372

~~(2) Except as otherwise provided in division (A)(2) of this 4373
section, Comply with divisions (B) to (E) of section 111.15 4374
of the Revised Code. The auditor of state is not required to file 4375
a rule summary and fiscal analysis along with any copy of a 4376
proposed rule, or proposed rule in revised form, that is filed 4377
with the joint committee on agency rule review, the secretary of 4378
state, or the director of the legislative service commission under 4379
division (D) or (E) of section 111.15 of the Revised Code. 4380~~

(B) The auditor of state shall diligently discharge the 4381
duties imposed by divisions (A)(1)(a), (b), and (c) of this 4382
section, but failure to mail or send by electronic mail any notice 4383

or copy of a proposed rule, or to consult with any person or organization, shall not invalidate any rule.

(C) Notwithstanding any contrary provision of the Revised Code, the auditor of state may prepare and disseminate, to public offices and other interested persons and organizations, advisory bulletins, directives, and instructions relating to accounting and financial reporting systems, budgeting procedures, fiscal controls, and the constructions by the auditor of state of constitutional and statutory provisions, court decisions, and opinions of the attorney general. The bulletins, directives, and instructions shall be of an advisory nature only.

(D) As used in this section, "rule" includes the adoption, amendment, or rescission of a rule.

Sec. 119.01. As used in sections 119.01 to 119.13 of the Revised Code:

(A)(1) "Agency" means, except as limited by this division, any official, board, or commission having authority to promulgate rules or make adjudications in the civil service commission, the division of liquor control, the department of taxation, the industrial commission, the bureau of workers' compensation, the functions of any administrative or executive officer, department, division, bureau, board, or commission of the government of the state specifically made subject to sections 119.01 to 119.13 of the Revised Code, and the licensing functions of any administrative or executive officer, department, division, bureau, board, or commission of the government of the state having the authority or responsibility of issuing, suspending, revoking, or canceling licenses.

Except as otherwise provided in division (I) of this section, sections 119.01 to 119.13 of the Revised Code do not apply to the public utilities commission. Sections 119.01 to 119.13 of the

Revised Code do not apply to the utility radiological safety 4415
board; to the controlling board; to actions of the superintendent 4416
of financial institutions and the superintendent of insurance in 4417
the taking possession of, and rehabilitation or liquidation of, 4418
the business and property of banks, savings and loan associations, 4419
savings banks, credit unions, insurance companies, associations, 4420
reciprocal fraternal benefit societies, and bond investment 4421
companies; to any action taken by the division of securities under 4422
section 1707.201 of the Revised Code; or to any action that may be 4423
taken by the superintendent of financial institutions under 4424
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 4425
1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18, 1349.33, 4426
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 4427

Sections 119.01 to 119.13 of the Revised Code do not apply to 4428
actions of the industrial commission or the bureau of workers' 4429
compensation under sections 4123.01 to 4123.94 of the Revised Code 4430
with respect to all matters of adjudication, or to the actions of 4431
the industrial commission, bureau of workers' compensation board 4432
of directors, and bureau of workers' compensation under division 4433
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 4434
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 4435
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 4436
(E) of section 4131.14 of the Revised Code with respect to all 4437
matters concerning the establishment of premium, contribution, and 4438
assessment rates. 4439

(2) "Agency" also means any official or work unit having 4440
authority to promulgate rules or make adjudications in the 4441
department of job and family services, but only with respect to 4442
both of the following: 4443

(a) The adoption, amendment, or rescission of rules that 4444
section 5101.09 of the Revised Code requires be adopted in 4445
accordance with this chapter; 4446

(b) The issuance, suspension, revocation, or cancellation of licenses. 4447
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(B) "License" means any license, permit, certificate, commission, or charter issued by any agency. "License" does not include any arrangement whereby a person, ~~institution,~~ or government entity furnishes medicaid services under a provider agreement with the department of ~~job and family services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301,~~ as amended medicaid. 4449
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(C) "Rule" means any rule, regulation, or standard, having a general and uniform operation, adopted, promulgated, and enforced by any agency under the authority of the laws governing such agency, and includes any appendix to a rule. "Rule" does not include any internal management rule of an agency unless the internal management rule affects private rights and does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code. 4456
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(D) "Adjudication" means the determination by the highest or ultimate authority of an agency of the rights, duties, privileges, benefits, or legal relationships of a specified person, but does not include the issuance of a license in response to an application with respect to which no question is raised, nor other acts of a ministerial nature. 4464
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(E) "Hearing" means a public hearing by any agency in compliance with procedural safeguards afforded by sections 119.01 to 119.13 of the Revised Code. 4470
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(F) "Person" means a person, firm, corporation, association, or partnership. 4473
4474

(G) "Party" means the person whose interests are the subject of an adjudication by an agency. 4475
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(H) "Appeal" means the procedure by which a person, aggrieved 4477

by a finding, decision, order, or adjudication of any agency, 4478
invokes the jurisdiction of a court. 4479

(I) "Rule-making agency" means any board, commission, 4480
department, division, or bureau of the government of the state 4481
that is required to file proposed rules, amendments, or 4482
rescissions under division (D) of section 111.15 of the Revised 4483
Code and any agency that is required to file proposed rules, 4484
amendments, or rescissions under divisions (B) and (H) of section 4485
119.03 of the Revised Code. "Rule-making agency" includes the 4486
public utilities commission. "Rule-making agency" does not include 4487
any state-supported college or university. 4488

(J) "Substantive revision" means any addition to, elimination 4489
from, or other change in a rule, an amendment of a rule, or a 4490
rescission of a rule, whether of a substantive or procedural 4491
nature, that changes any of the following: 4492

(1) That which the rule, amendment, or rescission permits, 4493
authorizes, regulates, requires, prohibits, penalizes, rewards, or 4494
otherwise affects; 4495

(2) The scope or application of the rule, amendment, or 4496
rescission. 4497

(K) "Internal management rule" means any rule, regulation, or 4498
standard governing the day-to-day staff procedures and operations 4499
within an agency. 4500

Sec. 120.06. (A)(1) The state public defender, when 4501
designated by the court or requested by a county public defender 4502
or joint county public defender, may provide legal representation 4503
in all courts throughout the state to indigent adults and 4504
juveniles who are charged with the commission of an offense or act 4505
for which the penalty or any possible adjudication includes the 4506
potential loss of liberty. 4507

(2) The state public defender may provide legal 4508
representation to any indigent person who, while incarcerated in 4509
any state correctional institution, is charged with a felony 4510
offense, for which the penalty or any possible adjudication that 4511
may be imposed by a court upon conviction includes the potential 4512
loss of liberty. 4513

(3) The state public defender may provide legal 4514
representation to any person incarcerated in any correctional 4515
institution of the state, in any matter in which the person 4516
asserts the person is unlawfully imprisoned or detained. 4517

(4) The state public defender, in any case in which the state 4518
public defender has provided legal representation or is requested 4519
to do so by a county public defender or joint county public 4520
defender, may provide legal representation on appeal. 4521

(5) The state public defender, when designated by the court 4522
or requested by a county public defender, joint county public 4523
defender, or the director of rehabilitation and correction, shall 4524
provide legal representation in parole and probation revocation 4525
matters or matters relating to the revocation of community control 4526
or post-release control under a community control sanction or 4527
post-release control sanction, unless the state public defender 4528
finds that the alleged parole or probation violator or alleged 4529
violator of a community control sanction or post-release control 4530
sanction has the financial capacity to retain the alleged 4531
violator's own counsel. 4532

(6) If the state public defender contracts with a county 4533
public defender commission, a joint county public defender 4534
commission, or a board of county commissioners for the provision 4535
of services, under authority of division (C)(7) of section 120.04 4536
of the Revised Code, the state public defender shall provide legal 4537
representation in accordance with the contract. 4538

(B) The state public defender shall not be required to 4539
prosecute any appeal, postconviction remedy, or other proceeding 4540
pursuant to division (A)(3), (4), or (5) of this section, unless 4541
the state public defender first is satisfied that there is 4542
arguable merit to the proceeding. 4543

(C) A court may appoint counsel or allow an indigent person 4544
to select the indigent's own personal counsel to assist the state 4545
public defender as co-counsel when the interests of justice so 4546
require. When co-counsel is appointed to assist the state public 4547
defender, the co-counsel shall receive any compensation that the 4548
court may approve, not to exceed the amounts provided for in 4549
section 2941.51 of the Revised Code. 4550

(D)(1) When the state public defender is designated by the 4551
court or requested by a county public defender or joint county 4552
public defender to provide legal representation for an indigent 4553
person in any case, other than pursuant to a contract entered into 4554
under authority of division (C)(7) of section 120.04 of the 4555
Revised Code, the state public defender shall send to the county 4556
in which the case is filed a bill detailing the actual cost of the 4557
representation that separately itemizes legal fees and expenses. 4558
The county, upon receipt of an itemized bill from the state public 4559
defender pursuant to this division, shall pay the state public 4560
defender each of the following amounts: 4561

(a) For the amount identified as legal fees in the itemized 4562
bill, one hundred per cent of the amount identified as legal fees 4563
less the state reimbursement rate as calculated by the state 4564
public defender pursuant to section 120.34 of the Revised Code for 4565
the month the case terminated, as set forth in the itemized bill; 4566

(b) For the amount identified as expenses in the itemized 4567
bill, one hundred per cent. 4568

(2) Upon payment of the itemized bill under division (D)(1) 4569

of this section, the county may submit the cost of the expenses, 4570
excluding legal fees, to the state public defender for 4571
reimbursement pursuant to section 120.33 of the Revised Code. 4572

(3) When the state public defender provides investigation or 4573
mitigation services to private appointed counsel or to a county or 4574
joint county public defender as approved by the appointing court, 4575
other than pursuant to a contract entered into under authority of 4576
division (C)(7) of section 120.04 of the Revised Code, the state 4577
public defender shall send to the county in which the case is 4578
filed a bill itemizing the actual cost of the services provided. 4579
The county, upon receipt of an itemized bill from the state public 4580
defender pursuant to this division, shall pay one hundred per cent 4581
of the amount as set forth in the itemized bill. Upon payment of 4582
the itemized bill received pursuant to this division, the county 4583
may submit the cost of the investigation and mitigation services 4584
to the state public defender for reimbursement pursuant to section 4585
120.33 of the Revised Code. 4586

(4) There is hereby created in the state treasury the county 4587
representation fund for the deposit of moneys received from 4588
counties under this division. All moneys credited to the fund 4589
shall be used by the state public defender to provide legal 4590
representation for indigent persons when designated by the court 4591
or requested by a county or joint county public defender or to 4592
provide investigation or mitigation services, including 4593
investigation or mitigation services to private appointed counsel 4594
or a county or joint county public defender, as approved by the 4595
court. 4596

(E)(1) Notwithstanding any contrary provision of sections 4597
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 4598
that pertains to representation by the attorney general, an 4599
assistant attorney general, or special counsel of an officer or 4600
employee, as defined in section 109.36 of the Revised Code, or of 4601

an entity of state government, the state public defender may elect 4602
to contract with, and to have the state pay pursuant to division 4603
(E)(2) of this section for the services of, private legal counsel 4604
to represent the Ohio public defender commission, the state public 4605
defender, assistant state public defenders, other employees of the 4606
commission or the state public defender, and attorneys described 4607
in division (C) of section 120.41 of the Revised Code in a 4608
malpractice or other civil action or proceeding that arises from 4609
alleged actions or omissions related to responsibilities derived 4610
pursuant to this chapter, or in a civil action that is based upon 4611
alleged violations of the constitution or statutes of the United 4612
States, including section 1983 of Title 42 of the United States 4613
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 4614
arises from alleged actions or omissions related to 4615
responsibilities derived pursuant to this chapter, if the state 4616
public defender determines, in good faith, that the defendant in 4617
the civil action or proceeding did not act manifestly outside the 4618
scope of the defendant's employment or official responsibilities, 4619
with malicious purpose, in bad faith, or in a wanton or reckless 4620
manner. If the state public defender elects not to contract 4621
pursuant to this division for private legal counsel in a civil 4622
action or proceeding, then, in accordance with sections 109.02, 4623
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 4624
attorney general shall represent or provide for the representation 4625
of the Ohio public defender commission, the state public defender, 4626
assistant state public defenders, other employees of the 4627
commission or the state public defender, or attorneys described in 4628
division (C) of section 120.41 of the Revised Code in the civil 4629
action or proceeding. 4630

(2)(a) Subject to division (E)(2)(b) of this section, payment 4631
from the state treasury for the services of private legal counsel 4632
with whom the state public defender has contracted pursuant to 4633
division (E)(1) of this section shall be accomplished only through 4634

the following procedure: 4635

(i) The private legal counsel shall file with the attorney 4636
general a copy of the contract; a request for an award of legal 4637
fees, court costs, and expenses earned or incurred in connection 4638
with the defense of the Ohio public defender commission, the state 4639
public defender, an assistant state public defender, an employee, 4640
or an attorney in a specified civil action or proceeding; a 4641
written itemization of those fees, costs, and expenses, including 4642
the signature of the state public defender and the state public 4643
defender's attestation that the fees, costs, and expenses were 4644
earned or incurred pursuant to division (E)(1) of this section to 4645
the best of the state public defender's knowledge and information; 4646
a written statement whether the fees, costs, and expenses are for 4647
all legal services to be rendered in connection with that defense, 4648
are only for legal services rendered to the date of the request 4649
and additional legal services likely will have to be provided in 4650
connection with that defense, or are for the final legal services 4651
rendered in connection with that defense; a written statement 4652
indicating whether the private legal counsel previously submitted 4653
a request for an award under division (E)(2) of this section in 4654
connection with that defense and, if so, the date and the amount 4655
of each award granted; and, if the fees, costs, and expenses are 4656
for all legal services to be rendered in connection with that 4657
defense or are for the final legal services rendered in connection 4658
with that defense, a certified copy of any judgment entry in the 4659
civil action or proceeding or a signed copy of any settlement 4660
agreement entered into between the parties to the civil action or 4661
proceeding. 4662

(ii) Upon receipt of a request for an award of legal fees, 4663
court costs, and expenses and the requisite supportive 4664
documentation described in division (E)(2)(a)(i) of this section, 4665
the attorney general shall review the request and documentation; 4666

determine whether any of the limitations specified in division 4667
(E)(2)(b) of this section apply to the request; and, if an award 4668
of legal fees, court costs, or expenses is permissible after 4669
applying the limitations, prepare a document awarding legal fees, 4670
court costs, or expenses to the private legal counsel. The 4671
document shall name the private legal counsel as the recipient of 4672
the award; specify the total amount of the award as determined by 4673
the attorney general; itemize the portions of the award that 4674
represent legal fees, court costs, and expenses; specify any 4675
limitation applied pursuant to division (E)(2)(b) of this section 4676
to reduce the amount of the award sought by the private legal 4677
counsel; state that the award is payable from the state treasury 4678
pursuant to division (E)(2)(a)(iii) of this section; and be 4679
approved by the inclusion of the signatures of the attorney 4680
general, the state public defender, and the private legal counsel. 4681

(iii) The attorney general shall forward a copy of the 4682
document prepared pursuant to division (E)(2)(a)(ii) of this 4683
section to the director of budget and management. The award of 4684
legal fees, court costs, or expenses shall be paid out of the 4685
state public defender's appropriations, to the extent there is a 4686
sufficient available balance in those appropriations. If the state 4687
public defender does not have a sufficient available balance in 4688
the state public defender's appropriations to pay the entire award 4689
of legal fees, court costs, or expenses, the director shall make 4690
application for a transfer of appropriations out of the emergency 4691
purposes account or any other appropriation for emergencies or 4692
contingencies in an amount equal to the portion of the award that 4693
exceeds the sufficient available balance in the state public 4694
defender's appropriations. A transfer of appropriations out of the 4695
emergency purposes account or any other appropriation for 4696
emergencies or contingencies shall be authorized if there are 4697
sufficient moneys greater than the sum total of then pending 4698
emergency purposes account requests, or requests for releases from 4699

the other appropriation. If a transfer of appropriations out of 4700
the emergency purposes account or other appropriation for 4701
emergencies or contingencies is made to pay an amount equal to the 4702
portion of the award that exceeds the sufficient available balance 4703
in the state public defender's appropriations, the director shall 4704
cause the payment to be made to the private legal counsel. If 4705
sufficient moneys do not exist in the emergency purposes account 4706
or other appropriation for emergencies or contingencies to pay an 4707
amount equal to the portion of the award that exceeds the 4708
sufficient available balance in the state public defender's 4709
appropriations, the private legal counsel shall request the 4710
general assembly to make an appropriation sufficient to pay an 4711
amount equal to the portion of the award that exceeds the 4712
sufficient available balance in the state public defender's 4713
appropriations, and no payment in that amount shall be made until 4714
the appropriation has been made. The private legal counsel shall 4715
make the request during the current biennium and during each 4716
succeeding biennium until a sufficient appropriation is made. 4717

(b) An award of legal fees, court costs, and expenses 4718
pursuant to division (E) of this section is subject to the 4719
following limitations: 4720

(i) The maximum award or maximum aggregate of a series of 4721
awards of legal fees, court costs, and expenses to the private 4722
legal counsel in connection with the defense of the Ohio public 4723
defender commission, the state public defender, an assistant state 4724
public defender, an employee, or an attorney in a specified civil 4725
action or proceeding shall not exceed fifty thousand dollars. 4726

(ii) The private legal counsel shall not be awarded legal 4727
fees, court costs, or expenses to the extent the fees, costs, or 4728
expenses are covered by a policy of malpractice or other 4729
insurance. 4730

(iii) The private legal counsel shall be awarded legal fees 4731

and expenses only to the extent that the fees and expenses are 4732
reasonable in light of the legal services rendered by the private 4733
legal counsel in connection with the defense of the Ohio public 4734
defender commission, the state public defender, an assistant state 4735
public defender, an employee, or an attorney in a specified civil 4736
action or proceeding. 4737

(c) If, pursuant to division (E)(2)(a) of this section, the 4738
attorney general denies a request for an award of legal fees, 4739
court costs, or expenses to private legal counsel because of the 4740
application of a limitation specified in division (E)(2)(b) of 4741
this section, the attorney general shall notify the private legal 4742
counsel in writing of the denial and of the limitation applied. 4743

(d) If, pursuant to division (E)(2)(c) of this section, a 4744
private legal counsel receives a denial of an award notification 4745
or if a private legal counsel refuses to approve a document under 4746
division (E)(2)(a)(ii) of this section because of the proposed 4747
application of a limitation specified in division (E)(2)(b) of 4748
this section, the private legal counsel may commence a civil 4749
action against the attorney general in the court of claims to 4750
prove the private legal counsel's entitlement to the award sought, 4751
to prove that division (E)(2)(b) of this section does not prohibit 4752
or otherwise limit the award sought, and to recover a judgment for 4753
the amount of the award sought. A civil action under division 4754
(E)(2)(d) of this section shall be commenced no later than two 4755
years after receipt of a denial of award notification or, if the 4756
private legal counsel refused to approve a document under division 4757
(E)(2)(a)(ii) of this section because of the proposed application 4758
of a limitation specified in division (E)(2)(b) of this section, 4759
no later than two years after the refusal. Any judgment of the 4760
court of claims in favor of the private legal counsel shall be 4761
paid from the state treasury in accordance with division (E)(2)(a) 4762
of this section. 4763

(F) If a court appoints the office of the state public defender to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, all of the attorneys who represent the petitioner in the proceeding pursuant to the appointment, whether an assistant state public defender, the state public defender, or another attorney, shall be certified under Rule 20 of the Rules of Superintendence for the Courts of Ohio to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed.

(G)(1) The state public defender may provide legal representation and services to a child committed to the department of youth services relative to either of the following:

(a) The fact or duration of the child's confinement, including, but not limited to, appeals, post-conviction relief, petitions for habeas corpus, and administrative issues that may extend the period of confinement;

(b) Conditions of the child's confinement.

(2) Division (G)(1) of this section does not authorize the state public defender to represent a child committed to the department of youth services in general civil matters arising solely out of state law.

(H) A child's right to representation or services under this section is not affected by the child, or another person on behalf of the child, previously having paid for similar representation or services or having waived legal representation.

(I) The state public defender shall have access to any child committed to the department of youth services, department of youth services institution, and department of youth services record as needed to implement this section.

(J) As used in this section:	4795
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	4796 4797
(2) <u>"Conditions of confinement" means any issue involving a constitutional right or other civil right related to a child's incarceration, including, but not limited to, actions cognizable under 42 U.S.C. 1983.</u>	4798 4799 4800 4801
(3) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	4802 4803
Sec. 121.02. The following administrative departments and their respective directors are hereby created:	4804 4805
(A) The office of budget and management, which shall be administered by the director of budget and management;	4806 4807
(B) The department of commerce, which shall be administered by the director of commerce;	4808 4809
(C) The department of administrative services, which shall be administered by the director of administrative services;	4810 4811
(D) The department of transportation, which shall be administered by the director of transportation;	4812 4813
(E) The department of agriculture, which shall be administered by the director of agriculture;	4814 4815
(F) The department of natural resources, which shall be administered by the director of natural resources;	4816 4817
(G) The department of health, which shall be administered by the director of health;	4818 4819
(H) The department of job and family services, which shall be administered by the director of job and family services;	4820 4821
(I) Until July 1, 1997, the department of liquor control,	4822

which shall be administered by the director of liquor control;	4823
(J) The department of public safety, which shall be administered by the director of public safety;	4824 4825
(K) The department of mental health <u>mental health and addiction services</u> , which shall be administered by the director of mental health <u>mental health and addiction services</u> ;	4826 4827 4828
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	4829 4830
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	4831 4832
(N) The development services agency, which shall be administered by the director of development services;	4833 4834
(O) The department of youth services, which shall be administered by the director of youth services;	4835 4836
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	4837 4838 4839
(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	4840 4841
(R) The department of aging, which shall be administered by the director of aging;	4842 4843
(S) The department of alcohol and drug addiction services, which shall be administered by the director of alcohol and drug addiction services;	4844 4845 4846
(T) The department of veterans services, which shall be administered by the director of veterans services;	4847 4848
<u>(T) The department of medicaid, which shall be administered by the medicaid director.</u>	4849 4850
The director of each department shall exercise the powers and	4851

perform the duties vested by law in such department. 4852

Sec. 121.03. The following administrative department heads 4853
shall be appointed by the governor, with the advice and consent of 4854
the senate, and shall hold their offices during the term of the 4855
appointing governor, and are subject to removal at the pleasure of 4856
the governor. 4857

(A) The director of budget and management; 4858

(B) The director of commerce; 4859

(C) The director of transportation; 4860

(D) The director of agriculture; 4861

(E) The director of job and family services; 4862

(F) Until July 1, 1997, the director of liquor control; 4863

(G) The director of public safety; 4864

(H) The superintendent of insurance; 4865

(I) The director of development services; 4866

(J) The tax commissioner; 4867

(K) The director of administrative services; 4868

(L) The director of natural resources; 4869

(M) The director of ~~mental health~~ mental health and addiction
services; 4870
4871

(N) The director of developmental disabilities; 4872

(O) The director of health; 4873

(P) The director of youth services; 4874

(Q) The director of rehabilitation and correction; 4875

(R) The director of environmental protection; 4876

(S) The director of aging; 4877

(T) ~~The director of alcohol and drug addiction services;~~ 4878

~~(U)~~ The administrator of workers' compensation who meets the 4879
qualifications required under division (A) of section 4121.121 of 4880
the Revised Code; 4881

~~(V)~~(U) The director of veterans services who meets the 4882
qualifications required under section 5902.01 of the Revised Code; 4883

~~(W)~~(V) The chancellor of the Ohio board of regents; 4884

(W) The medicaid director. 4885

Sec. 121.11. (A) Each officer whose office is created by 4886
sections 121.02, 121.04, and 121.05 of the Revised Code, before 4887
entering upon the duties of office, shall take and subscribe an 4888
oath of office as provided by law and give bond, conditioned 4889
according to law, with security ~~to be approved by the governor~~ in 4890
the penal sum, not less than ten thousand dollars, ~~fixed by the~~ 4891
~~governor~~. The department of administrative services may procure 4892
from any duly authorized corporate surety authorized to do 4893
business in the state a schedule or blanket bond covering the 4894
officers described in those sections and any other officers the 4895
governor designates. The bond and oath of the officers described 4896
in those sections shall be filed in the office of the secretary of 4897
state. 4898

(B) ~~The director of each department, with the approval of the~~ 4899
~~governor, may require any chief of a division, or any officer or~~ 4900
~~employee in the director's department, to give bond in the amount~~ 4901
~~the governor prescribes. The bond or bonds may, in the discretion~~ 4902
~~of the director, be individual, schedule, or blanket bonds.~~ 4903

~~(C)~~ The premium on any bond required or authorized by this 4904
section may be paid from the state treasury. 4905

Sec. 121.22. (A) This section shall be liberally construed to 4906

require public officials to take official action and to conduct 4907
all deliberations upon official business only in open meetings 4908
unless the subject matter is specifically excepted by law. 4909

(B) As used in this section: 4910

(1) "Public body" means any of the following: 4911

(a) Any board, commission, committee, council, or similar 4912
decision-making body of a state agency, institution, or authority, 4913
and any legislative authority or board, commission, committee, 4914
council, agency, authority, or similar decision-making body of any 4915
county, township, municipal corporation, school district, or other 4916
political subdivision or local public institution; 4917

(b) Any committee or subcommittee of a body described in 4918
division (B)(1)(a) of this section; 4919

(c) A court of jurisdiction of a sanitary district organized 4920
wholly for the purpose of providing a water supply for domestic, 4921
municipal, and public use when meeting for the purpose of the 4922
appointment, removal, or reappointment of a member of the board of 4923
directors of such a district pursuant to section 6115.10 of the 4924
Revised Code, if applicable, or for any other matter related to 4925
such a district other than litigation involving the district. As 4926
used in division (B)(1)(c) of this section, "court of 4927
jurisdiction" has the same meaning as "court" in section 6115.01 4928
of the Revised Code. 4929

(2) "Meeting" means any prearranged discussion of the public 4930
business of the public body by a majority of its members. 4931

(3) "Regulated individual" means either of the following: 4932

(a) A student in a state or local public educational 4933
institution; 4934

(b) A person who is, voluntarily or involuntarily, an inmate, 4935
patient, or resident of a state or local institution because of 4936

criminal behavior, mental illness or retardation, disease,	4937
disability, age, or other condition requiring custodial care.	4938
(4) "Public office" has the same meaning as in section	4939
149.011 of the Revised Code.	4940
(C) All meetings of any public body are declared to be public	4941
meetings open to the public at all times. A member of a public	4942
body shall be present in person at a meeting open to the public to	4943
be considered present or to vote at the meeting and for purposes	4944
of determining whether a quorum is present at the meeting.	4945
The minutes of a regular or special meeting of any public	4946
body shall be promptly prepared, filed, and maintained and shall	4947
be open to public inspection. The minutes need only reflect the	4948
general subject matter of discussions in executive sessions	4949
authorized under division (G) or (J) of this section.	4950
(D) This section does not apply to any of the following:	4951
(1) A grand jury;	4952
(2) An audit conference conducted by the auditor of state or	4953
independent certified public accountants with officials of the	4954
public office that is the subject of the audit;	4955
(3) The adult parole authority when its hearings are	4956
conducted at a correctional institution for the sole purpose of	4957
interviewing inmates to determine parole or pardon;	4958
(4) The organized crime investigations commission established	4959
under section 177.01 of the Revised Code;	4960
(5) Meetings of a child fatality review board established	4961
under section 307.621 of the Revised Code and meetings conducted	4962
pursuant to sections 5153.171 to 5153.173 of the Revised Code;	4963
(6) The state medical board when determining whether to	4964
suspend a certificate without a prior hearing pursuant to division	4965
(G) of either section 4730.25 or 4731.22 of the Revised Code;	4966

(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;

(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;

(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;

(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;

(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;

(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code.

(E) The controlling board, ~~the industrial technology and enterprise advisory council~~, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board, ~~council~~, or authority members present, may close the meeting during consideration of the following information confidentially received by the authority, ~~council~~, or board from the applicant:

(1) Marketing plans;	4998
(2) Specific business strategy;	4999
(3) Production techniques and trade secrets;	5000
(4) Financial projections;	5001
(5) Personal financial statements of the applicant or members	5002
of the applicant's immediate family, including, but not limited	5003
to, tax records or other similar information not open to public	5004
inspection.	5005
The vote by the authority, council , or board to accept or	5006
reject the application, as well as all proceedings of the	5007
authority, council , or board not subject to this division, shall	5008
be open to the public and governed by this section.	5009
(F) Every public body, by rule, shall establish a reasonable	5010
method whereby any person may determine the time and place of all	5011
regularly scheduled meetings and the time, place, and purpose of	5012
all special meetings. A public body shall not hold a special	5013
meeting unless it gives at least twenty-four hours' advance notice	5014
to the news media that have requested notification, except in the	5015
event of an emergency requiring immediate official action. In the	5016
event of an emergency, the member or members calling the meeting	5017
shall notify the news media that have requested notification	5018
immediately of the time, place, and purpose of the meeting.	5019
The rule shall provide that any person, upon request and	5020
payment of a reasonable fee, may obtain reasonable advance	5021
notification of all meetings at which any specific type of public	5022
business is to be discussed. Provisions for advance notification	5023
may include, but are not limited to, mailing the agenda of	5024
meetings to all subscribers on a mailing list or mailing notices	5025
in self-addressed, stamped envelopes provided by the person.	5026
(G) Except as provided in division (J) of this section, the	5027

members of a public body may hold an executive session only after 5028
a majority of a quorum of the public body determines, by a roll 5029
call vote, to hold an executive session and only at a regular or 5030
special meeting for the sole purpose of the consideration of any 5031
of the following matters: 5032

(1) To consider the appointment, employment, dismissal, 5033
discipline, promotion, demotion, or compensation of a public 5034
employee or official, or the investigation of charges or 5035
complaints against a public employee, official, licensee, or 5036
regulated individual, unless the public employee, official, 5037
licensee, or regulated individual requests a public hearing. 5038
Except as otherwise provided by law, no public body shall hold an 5039
executive session for the discipline of an elected official for 5040
conduct related to the performance of the elected official's 5041
official duties or for the elected official's removal from office. 5042
If a public body holds an executive session pursuant to division 5043
(G)(1) of this section, the motion and vote to hold that executive 5044
session shall state which one or more of the approved purposes 5045
listed in division (G)(1) of this section are the purposes for 5046
which the executive session is to be held, but need not include 5047
the name of any person to be considered at the meeting. 5048

(2) To consider the purchase of property for public purposes, 5049
or for the sale of property at competitive bidding, if premature 5050
disclosure of information would give an unfair competitive or 5051
bargaining advantage to a person whose personal, private interest 5052
is adverse to the general public interest. No member of a public 5053
body shall use division (G)(2) of this section as a subterfuge for 5054
providing covert information to prospective buyers or sellers. A 5055
purchase or sale of public property is void if the seller or buyer 5056
of the public property has received covert information from a 5057
member of a public body that has not been disclosed to the general 5058
public in sufficient time for other prospective buyers and sellers 5059

to prepare and submit offers. 5060

If the minutes of the public body show that all meetings and 5061
deliberations of the public body have been conducted in compliance 5062
with this section, any instrument executed by the public body 5063
purporting to convey, lease, or otherwise dispose of any right, 5064
title, or interest in any public property shall be conclusively 5065
presumed to have been executed in compliance with this section 5066
insofar as title or other interest of any bona fide purchasers, 5067
lessees, or transferees of the property is concerned. 5068

(3) Conferences with an attorney for the public body 5069
concerning disputes involving the public body that are the subject 5070
of pending or imminent court action; 5071

(4) Preparing for, conducting, or reviewing negotiations or 5072
bargaining sessions with public employees concerning their 5073
compensation or other terms and conditions of their employment; 5074

(5) Matters required to be kept confidential by federal law 5075
or regulations or state statutes; 5076

(6) Details relative to the security arrangements and 5077
emergency response protocols for a public body or a public office, 5078
if disclosure of the matters discussed could reasonably be 5079
expected to jeopardize the security of the public body or public 5080
office; 5081

(7) In the case of a county hospital operated pursuant to 5082
Chapter 339. of the Revised Code, a joint township hospital 5083
operated pursuant to Chapter 513. of the Revised Code, or a 5084
municipal hospital operated pursuant to Chapter 749. of the 5085
Revised Code, to consider trade secrets, as defined in section 5086
1333.61 of the Revised Code. 5087

If a public body holds an executive session to consider any 5088
of the matters listed in divisions (G)(2) to (7) of this section, 5089
the motion and vote to hold that executive session shall state 5090

which one or more of the approved matters listed in those 5091
divisions are to be considered at the executive session. 5092

A public body specified in division (B)(1)(c) of this section 5093
shall not hold an executive session when meeting for the purposes 5094
specified in that division. 5095

(H) A resolution, rule, or formal action of any kind is 5096
invalid unless adopted in an open meeting of the public body. A 5097
resolution, rule, or formal action adopted in an open meeting that 5098
results from deliberations in a meeting not open to the public is 5099
invalid unless the deliberations were for a purpose specifically 5100
authorized in division (G) or (J) of this section and conducted at 5101
an executive session held in compliance with this section. A 5102
resolution, rule, or formal action adopted in an open meeting is 5103
invalid if the public body that adopted the resolution, rule, or 5104
formal action violated division (F) of this section. 5105

(I)(1) Any person may bring an action to enforce this 5106
section. An action under division (I)(1) of this section shall be 5107
brought within two years after the date of the alleged violation 5108
or threatened violation. Upon proof of a violation or threatened 5109
violation of this section in an action brought by any person, the 5110
court of common pleas shall issue an injunction to compel the 5111
members of the public body to comply with its provisions. 5112

(2)(a) If the court of common pleas issues an injunction 5113
pursuant to division (I)(1) of this section, the court shall order 5114
the public body that it enjoins to pay a civil forfeiture of five 5115
hundred dollars to the party that sought the injunction and shall 5116
award to that party all court costs and, subject to reduction as 5117
described in division (I)(2) of this section, reasonable 5118
attorney's fees. The court, in its discretion, may reduce an award 5119
of attorney's fees to the party that sought the injunction or not 5120
award attorney's fees to that party if the court determines both 5121
of the following: 5122

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of violation or threatened violation that was the basis of the injunction, a well-informed public body reasonably would believe that the public body was not violating or threatening to violate this section;

(ii) That a well-informed public body reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;	5154 5155
(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.	5156 5157 5158
(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.	5159 5160 5161 5162 5163 5164 5165 5166
(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.	5167 5168 5169 5170 5171 5172 5173
Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:	5174 5175 5176 5177 5178
(1) The department of aging;	5179
(2) The department of alcohol and drug addiction services;	5180
(3) The department of development <u>services agency</u>;	5181
(4) (3) The department of developmental disabilities;	5182
(5) (4) The department of education;	5183

(6) (5) The department of health;	5184
(7) (6) The department of job and family services;	5185
(8) (7) <u>The department of medicaid;</u>	5186
(8) The department of mental health <u>mental health and</u> <u>addiction services;</u>	5187 5188
(9) The rehabilitation services commission.	5189
(B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent authorized by state and federal law, the revisions may provide for the state agencies to share administrative operations.	5190 5191 5192 5193 5194 5195
Sec. 121.37. (A)(1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction, the administrator of the rehabilitation services commission, <u>the medicaid director,</u> and the directors of youth services, job and family services, mental health <u>mental health and addiction services,</u> health, alcohol and drug addiction services, developmental disabilities, aging, rehabilitation and correction, and budget and management. The chairperson of the council shall be the governor or the governor's designee and shall establish procedures for the council's internal control and management.	5196 5197 5198 5199 5200 5201 5202 5203 5204 5205 5206
The purpose of the cabinet council is to help families seeking government services. This section shall not be interpreted or applied to usurp the role of parents, but solely to streamline and coordinate existing government services for families seeking assistance for their children.	5207 5208 5209 5210 5211
(2) In seeking to fulfill its purpose, the council may do any of the following:	5212 5213

(a) Advise and make recommendations to the governor and general assembly regarding the provision of services to children;	5214 5215
(b) Advise and assess local governments on the coordination of service delivery to children;	5216 5217
(c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law;	5218 5219 5220 5221
(d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system;	5222 5223 5224
(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children;	5225 5226 5227 5228 5229
(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	5230 5231
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	5232 5233 5234 5235 5236
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	5237 5238 5239 5240
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the	5241 5242 5243

programs;	5244
(j) Identify and disseminate publications regarding alleged	5245
or adjudicated unruly children and children who are at risk of	5246
being alleged or adjudicated unruly children and regarding	5247
programs serving those types of children;	5248
(k) Maintain an inventory of strategic planning facilitators	5249
for use by government or nonprofit entities that serve alleged or	5250
adjudicated unruly children or children who are at risk of being	5251
alleged or adjudicated unruly children.	5252
(3) The cabinet council shall provide for the following:	5253
(a) Reviews of service and treatment plans for children for	5254
which such reviews are requested;	5255
(b) Assistance as the council determines to be necessary to	5256
meet the needs of children referred by county family and children	5257
first councils;	5258
(c) Monitoring and supervision of a statewide, comprehensive,	5259
coordinated, multi-disciplinary, interagency system for infants	5260
and toddlers with developmental disabilities or delays and their	5261
families, as established pursuant to federal grants received and	5262
administered by the department of health for early intervention	5263
services under the "Individuals with Disabilities Education Act of	5264
2004," <u>118 Stat. 2744</u> , 20 U.S.C.A. 1400, as amended.	5265
(4) The cabinet council shall develop and implement the	5266
following:	5267
(a) An interagency process to select the indicators that will	5268
be used to measure progress toward increasing child well-being in	5269
the state and to update the indicators on an annual basis. The	5270
indicators shall focus on expectant parents and newborns thriving;	5271
infants and toddlers thriving; children being ready for school;	5272
children and youth succeeding in school; youth choosing healthy	5273

behaviors; and youth successfully transitioning into adulthood. 5274

(b) An interagency system to offer guidance and monitor 5275
progress toward increasing child well-being in the state and in 5276
each county; 5277

(c) An annual plan that identifies state-level agency efforts 5278
taken to ensure progress towards increasing child well-being in 5279
the state. 5280

On an annual basis, the cabinet council shall submit to the 5281
governor and the general assembly a report on the status of 5282
efforts to increase child well-being in the state. This report 5283
shall be made available to any other person on request. 5284

(B)(1) Each board of county commissioners shall establish a 5285
county family and children first council. The board may invite any 5286
local public or private agency or group that funds, advocates, or 5287
provides services to children and families to have a 5288
representative become a permanent or temporary member of its 5289
county council. Each county council must include the following 5290
individuals: 5291

(a) At least three individuals who are not employed by an 5292
agency represented on the council and whose families are or have 5293
received services from an agency represented on the council or 5294
another county's council. Where possible, the number of members 5295
representing families shall be equal to twenty per cent of the 5296
council's membership. 5297

(b) The director of the board of alcohol, drug addiction, and 5298
mental health services that serves the county, or, in the case of 5299
a county that has a board of alcohol and drug addiction services 5300
and a community mental health board, the directors of both boards. 5301
If a board of alcohol, drug addiction, and mental health services 5302
covers more than one county, the director may designate a person 5303
to participate on the county's council. 5304

(c) The health commissioner, or the commissioner's designee, 5305
of the board of health of each city and general health district in 5306
the county. If the county has two or more health districts, the 5307
health commissioner membership may be limited to the commissioners 5308
of the two districts with the largest populations. 5309

(d) The director of the county department of job and family 5310
services; 5311

(e) The executive director of the public children services 5312
agency; 5313

(f) The superintendent of the county board of developmental 5314
disabilities or, if the superintendent serves as superintendent of 5315
more than one county board of developmental disabilities, the 5316
superintendent's designee; 5317

(g) The superintendent of the city, exempted village, or 5318
local school district with the largest number of pupils residing 5319
in the county, as determined by the department of education, which 5320
shall notify each board of county commissioners of its 5321
determination at least biennially; 5322

(h) A school superintendent representing all other school 5323
districts with territory in the county, as designated at a 5324
biennial meeting of the superintendents of those districts; 5325

(i) A representative of the municipal corporation with the 5326
largest population in the county; 5327

(j) The president of the board of county commissioners or an 5328
individual designated by the board; 5329

(k) A representative of the regional office of the department 5330
of youth services; 5331

(l) A representative of the county's head start agencies, as 5332
defined in section 3301.32 of the Revised Code; 5333

(m) A representative of the county's early intervention 5334

collaborative established pursuant to the federal early 5335
intervention program operated under the "Individuals with 5336
Disabilities Education Act of 2004"; 5337

(n) A representative of a local nonprofit entity that funds, 5338
advocates, or provides services to children and families. 5339

Notwithstanding any other provision of law, the public 5340
members of a county council are not prohibited from serving on the 5341
council and making decisions regarding the duties of the council, 5342
including those involving the funding of joint projects and those 5343
outlined in the county's service coordination mechanism 5344
implemented pursuant to division (C) of this section. 5345

The cabinet council shall establish a state appeals process 5346
to resolve disputes among the members of a county council 5347
concerning whether reasonable responsibilities as members are 5348
being shared. The appeals process may be accessed only by a 5349
majority vote of the council members who are required to serve on 5350
the council. Upon appeal, the cabinet council may order that state 5351
funds for services to children and families be redirected to a 5352
county's board of county commissioners. 5353

The county's juvenile court judge senior in service or 5354
another judge of the juvenile court designated by the 5355
administrative judge or, where there is no administrative judge, 5356
by the judge senior in service shall serve as the judicial advisor 5357
to the county family and children first council. The judge may 5358
advise the county council on the court's utilization of resources, 5359
services, or programs provided by the entities represented by the 5360
members of the county council and how those resources, services, 5361
or programs assist the court in its administration of justice. 5362
Service of a judge as a judicial advisor pursuant to this section 5363
is a judicial function. 5364

(2) The purpose of the county council is to streamline and 5365

coordinate existing government services for families seeking 5366
services for their children. In seeking to fulfill its purpose, a 5367
county council shall provide for the following: 5368

(a) Referrals to the cabinet council of those children for 5369
whom the county council cannot provide adequate services; 5370

(b) Development and implementation of a process that annually 5371
evaluates and prioritizes services, fills service gaps where 5372
possible, and invents new approaches to achieve better results for 5373
families and children; 5374

(c) Participation in the development of a countywide, 5375
comprehensive, coordinated, multi-disciplinary, interagency system 5376
for infants and toddlers with developmental disabilities or delays 5377
and their families, as established pursuant to federal grants 5378
received and administered by the department of health for early 5379
intervention services under the "Individuals with Disabilities 5380
Education Act of 2004"; 5381

(d) Maintenance of an accountability system to monitor the 5382
county council's progress in achieving results for families and 5383
children; 5384

(e) Establishment of a mechanism to ensure ongoing input from 5385
a broad representation of families who are receiving services 5386
within the county system. 5387

(3) A county council shall develop and implement the 5388
following: 5389

(a) An interagency process to establish local indicators and 5390
monitor the county's progress toward increasing child well-being 5391
in the county; 5392

(b) An interagency process to identify local priorities to 5393
increase child well-being. The local priorities shall focus on 5394
expectant parents and newborns thriving; infants and toddlers 5395

thriving; children being ready for school; children and youth 5396
succeeding in school; youth choosing healthy behaviors; and youth 5397
successfully transitioning into adulthood and take into account 5398
the indicators established by the cabinet council under division 5399
(A)(4)(a) of this section. 5400

(c) An annual plan that identifies the county's interagency 5401
efforts to increase child well-being in the county. 5402

On an annual basis, the county council shall submit a report 5403
on the status of efforts by the county to increase child 5404
well-being in the county to the county's board of county 5405
commissioners and the cabinet council. This report shall be made 5406
available to any other person on request. 5407

(4)(a) Except as provided in division (B)(4)(b) of this 5408
section, a county council shall comply with the policies, 5409
procedures, and activities prescribed by the rules or interagency 5410
agreements of a state department participating on the cabinet 5411
council whenever the county council performs a function subject to 5412
those rules or agreements. 5413

(b) On application of a county council, the cabinet council 5414
may grant an exemption from any rules or interagency agreements of 5415
a state department participating on the council if an exemption is 5416
necessary for the council to implement an alternative program or 5417
approach for service delivery to families and children. The 5418
application shall describe the proposed program or approach and 5419
specify the rules or interagency agreements from which an 5420
exemption is necessary. The cabinet council shall approve or 5421
disapprove the application in accordance with standards and 5422
procedures it shall adopt. If an application is approved, the 5423
exemption is effective only while the program or approach is being 5424
implemented, including a reasonable period during which the 5425
program or approach is being evaluated for effectiveness. 5426

(5)(a) Each county council shall designate an administrative 5427
agent for the council from among the following public entities: 5428
the board of alcohol, drug addiction, and mental health services, 5429
including a board of alcohol and drug addiction or a community 5430
mental health board if the county is served by separate boards; 5431
the board of county commissioners; any board of health of the 5432
county's city and general health districts; the county department 5433
of job and family services; the county agency responsible for the 5434
administration of children services pursuant to section 5153.15 of 5435
the Revised Code; the county board of developmental disabilities; 5436
any of the county's boards of education or governing boards of 5437
educational service centers; or the county's juvenile court. Any 5438
of the foregoing public entities, other than the board of county 5439
commissioners, may decline to serve as the council's 5440
administrative agent. 5441

A county council's administrative agent shall serve as the 5442
council's appointing authority for any employees of the council. 5443
The council shall file an annual budget with its administrative 5444
agent, with copies filed with the county auditor and with the 5445
board of county commissioners, unless the board is serving as the 5446
council's administrative agent. The council's administrative agent 5447
shall ensure that all expenditures are handled in accordance with 5448
policies, procedures, and activities prescribed by state 5449
departments in rules or interagency agreements that are applicable 5450
to the council's functions. 5451

The administrative agent of a county council shall send 5452
notice of a member's absence if a member listed in division (B)(1) 5453
of this section has been absent from either three consecutive 5454
meetings of the county council or a county council subcommittee, 5455
or from one-quarter of such meetings in a calendar year, whichever 5456
is less. The notice shall be sent to the board of county 5457
commissioners that establishes the county council and, for the 5458

members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5459
section, to the governing board overseeing the respective entity; 5460
for the member listed in division (B)(1)(f) of this section, to 5461
the county board of developmental disabilities that employs the 5462
superintendent; for a member listed in division (B)(1)(g) or (h) 5463
of this section, to the school board that employs the 5464
superintendent; for the member listed in division (B)(1)(i) of 5465
this section, to the mayor of the municipal corporation; for the 5466
member listed in division (B)(1)(k) of this section, to the 5467
director of youth services; and for the member listed in division 5468
(B)(1)(n) of this section, to that member's board of trustees. 5469

The administrative agent for a county council may do any of 5470
the following on behalf of the council: 5471

(i) Enter into agreements or administer contracts with public 5472
or private entities to fulfill specific council business. Such 5473
agreements and contracts are exempt from the competitive bidding 5474
requirements of section 307.86 of the Revised Code if they have 5475
been approved by the county council and they are for the purchase 5476
of family and child welfare or child protection services or other 5477
social or job and family services for families and children. The 5478
approval of the county council is not required to exempt 5479
agreements or contracts entered into under section 5139.34, 5480
5139.41, or 5139.43 of the Revised Code from the competitive 5481
bidding requirements of section 307.86 of the Revised Code. 5482

(ii) As determined by the council, provide financial 5483
stipends, reimbursements, or both, to family representatives for 5484
expenses related to council activity; 5485

(iii) Receive by gift, grant, devise, or bequest any moneys, 5486
lands, or other property for the purposes for which the council is 5487
established. The agent shall hold, apply, and dispose of the 5488
moneys, lands, or other property according to the terms of the 5489
gift, grant, devise, or bequest. Any interest or earnings shall be 5490

treated in the same manner and are subject to the same terms as 5491
the gift, grant, devise, or bequest from which it accrues. 5492

(b)(i) If the county council designates the board of county 5493
commissioners as its administrative agent, the board may, by 5494
resolution, delegate any of its powers and duties as 5495
administrative agent to an executive committee the board 5496
establishes from the membership of the county council. The board 5497
shall name to the executive committee at least the individuals 5498
described in divisions (B)(1)(b) to (h) of this section and may 5499
appoint the president of the board or another individual as the 5500
chair of the executive committee. The executive committee must 5501
include at least one family county council representative who does 5502
not have a family member employed by an agency represented on the 5503
council. 5504

(ii) The executive committee may, with the approval of the 5505
board, hire an executive director to assist the county council in 5506
administering its powers and duties. The executive director shall 5507
serve in the unclassified civil service at the pleasure of the 5508
executive committee. The executive director may, with the approval 5509
of the executive committee, hire other employees as necessary to 5510
properly conduct the county council's business. 5511

(iii) The board may require the executive committee to submit 5512
an annual budget to the board for approval and may amend or repeal 5513
the resolution that delegated to the executive committee its 5514
authority as the county council's administrative agent. 5515

(6) Two or more county councils may enter into an agreement 5516
to administer their county councils jointly by creating a regional 5517
family and children first council. A regional council possesses 5518
the same duties and authority possessed by a county council, 5519
except that the duties and authority apply regionally rather than 5520
to individual counties. Prior to entering into an agreement to 5521
create a regional council, the members of each county council to 5522

be part of the regional council shall meet to determine whether 5523
all or part of the members of each county council will serve as 5524
members of the regional council. 5525

(7) A board of county commissioners may approve a resolution 5526
by a majority vote of the board's members that requires the county 5527
council to submit a statement to the board each time the council 5528
proposes to enter into an agreement, adopt a plan, or make a 5529
decision, other than a decision pursuant to section 121.38 of the 5530
Revised Code, that requires the expenditure of funds for two or 5531
more families. The statement shall describe the proposed 5532
agreement, plan, or decision. 5533

Not later than fifteen days after the board receives the 5534
statement, it shall, by resolution approved by a majority of its 5535
members, approve or disapprove the agreement, plan, or decision. 5536
Failure of the board to pass a resolution during that time period 5537
shall be considered approval of the agreement, plan, or decision. 5538

An agreement, plan, or decision for which a statement is 5539
required to be submitted to the board shall be implemented only if 5540
it is approved by the board. 5541

(C) Each county shall develop a county service coordination 5542
mechanism. The county service coordination mechanism shall serve 5543
as the guiding document for coordination of services in the 5544
county. For children who also receive services under the help me 5545
grow program, the service coordination mechanism shall be 5546
consistent with rules adopted by the department of health under 5547
section 3701.61 of the Revised Code. All family service 5548
coordination plans shall be developed in accordance with the 5549
county service coordination mechanism. The mechanism shall be 5550
developed and approved with the participation of the county 5551
entities representing child welfare; mental retardation and 5552
developmental disabilities; alcohol, drug addiction, and mental 5553
health services; health; juvenile judges; education; the county 5554

family and children first council; and the county early 5555
intervention collaborative established pursuant to the federal 5556
early intervention program operated under the "Individuals with 5557
Disabilities Education Act of 2004." The county shall establish an 5558
implementation schedule for the mechanism. The cabinet council may 5559
monitor the implementation and administration of each county's 5560
service coordination mechanism. 5561

Each mechanism shall include all of the following: 5562

(1) A procedure for an agency, including a juvenile court, or 5563
a family voluntarily seeking service coordination, to refer the 5564
child and family to the county council for service coordination in 5565
accordance with the mechanism; 5566

(2) A procedure ensuring that a family and all appropriate 5567
staff from involved agencies, including a representative from the 5568
appropriate school district, are notified of and invited to 5569
participate in all family service coordination plan meetings; 5570

(3) A procedure that permits a family to initiate a meeting 5571
to develop or review the family's service coordination plan and 5572
allows the family to invite a family advocate, mentor, or support 5573
person of the family's choice to participate in any such meeting; 5574

(4) A procedure for ensuring that a family service 5575
coordination plan meeting is conducted for each child who receives 5576
service coordination under the mechanism and for whom an emergency 5577
out-of-home placement has been made or for whom a nonemergency 5578
out-of-home placement is being considered. The meeting shall be 5579
conducted within ten days of an emergency out-of-home placement. 5580
The meeting shall be conducted before a nonemergency out-of-home 5581
placement. The family service coordination plan shall outline how 5582
the county council members will jointly pay for services, where 5583
applicable, and provide services in the least restrictive 5584
environment. 5585

(5) A procedure for monitoring the progress and tracking the 5586
outcomes of each service coordination plan requested in the county 5587
including monitoring and tracking children in out-of-home 5588
placements to assure continued progress, appropriateness of 5589
placement, and continuity of care after discharge from placement 5590
with appropriate arrangements for housing, treatment, and 5591
education; 5592

(6) A procedure for protecting the confidentiality of all 5593
personal family information disclosed during service coordination 5594
meetings or contained in the comprehensive family service 5595
coordination plan. 5596

(7) A procedure for assessing the needs and strengths of any 5597
child or family that has been referred to the council for service 5598
coordination, including a child whose parent or custodian is 5599
voluntarily seeking services, and for ensuring that parents and 5600
custodians are afforded the opportunity to participate; 5601

(8) A procedure for development of a family service 5602
coordination plan described in division (D) of this section; 5603

(9) A local dispute resolution process to serve as the 5604
process that must be used first to resolve disputes among the 5605
agencies represented on the county council concerning the 5606
provision of services to children, including children who are 5607
abused, neglected, dependent, unruly, alleged unruly, or 5608
delinquent children and under the jurisdiction of the juvenile 5609
court and children whose parents or custodians are voluntarily 5610
seeking services. The local dispute resolution process shall 5611
comply with sections 121.38, 121.381, and 121.382 of the Revised 5612
Code. The local dispute resolution process shall be used to 5613
resolve disputes between a child's parents or custodians and the 5614
county council regarding service coordination. The county council 5615
shall inform the parents or custodians of their right to use the 5616
dispute resolution process. Parents or custodians shall use 5617

existing local agency grievance procedures to address disputes not 5618
involving service coordination. The dispute resolution process is 5619
in addition to and does not replace other rights or procedures 5620
that parents or custodians may have under other sections of the 5621
Revised Code. 5622

The cabinet council shall adopt rules in accordance with 5623
Chapter 119. of the Revised Code establishing an administrative 5624
review process to address problems that arise concerning the 5625
operation of a local dispute resolution process. 5626

Nothing in division (C)(4) of this section shall be 5627
interpreted as overriding or affecting decisions of a juvenile 5628
court regarding an out-of-home placement, long-term placement, or 5629
emergency out-of-home placement. 5630

(D) Each county shall develop a family service coordination 5631
plan that does all of the following: 5632

(1) Designates service responsibilities among the various 5633
state and local agencies that provide services to children and 5634
their families, including children who are abused, neglected, 5635
dependent, unruly, or delinquent children and under the 5636
jurisdiction of the juvenile court and children whose parents or 5637
custodians are voluntarily seeking services; 5638

(2) Designates an individual, approved by the family, to 5639
track the progress of the family service coordination plan, 5640
schedule reviews as necessary, and facilitate the family service 5641
coordination plan meeting process; 5642

(3) Ensures that assistance and services to be provided are 5643
responsive to the strengths and needs of the family, as well as 5644
the family's culture, race, and ethnic group, by allowing the 5645
family to offer information and suggestions and participate in 5646
decisions. Identified assistance and services shall be provided in 5647
the least restrictive environment possible. 5648

(4) Includes a process for dealing with a child who is	5649
alleged to be an unruly child. The process shall include methods	5650
to divert the child from the juvenile court system;	5651
(5) Includes timelines for completion of goals specified in	5652
the plan with regular reviews scheduled to monitor progress toward	5653
those goals;	5654
(6) Includes a plan for dealing with short-term crisis	5655
situations and safety concerns.	5656
(E)(1) The process provided for under division (D)(4) of this	5657
section may include, but is not limited to, the following:	5658
(a) Designation of the person or agency to conduct the	5659
assessment of the child and the child's family as described in	5660
division (C)(7) of this section and designation of the instrument	5661
or instruments to be used to conduct the assessment;	5662
(b) An emphasis on the personal responsibilities of the child	5663
and the parental responsibilities of the parents, guardian, or	5664
custodian of the child;	5665
(c) Involvement of local law enforcement agencies and	5666
officials.	5667
(2) The method to divert a child from the juvenile court	5668
system that must be included in the service coordination process	5669
may include, but is not limited to, the following:	5670
(a) The preparation of a complaint under section 2151.27 of	5671
the Revised Code alleging that the child is an unruly child and	5672
notifying the child and the parents, guardian, or custodian that	5673
the complaint has been prepared to encourage the child and the	5674
parents, guardian, or custodian to comply with other methods to	5675
divert the child from the juvenile court system;	5676
(b) Conducting a meeting with the child, the parents,	5677
guardian, or custodian, and other interested parties to determine	5678

the appropriate methods to divert the child from the juvenile court system;	5679 5680
(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;	5681 5682 5683 5684
(d) A program to provide a mentor to the child or the parents, guardian, or custodian;	5685 5686
(e) A program to provide parenting education to the parents, guardian, or custodian;	5687 5688
(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;	5689 5690 5691
(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.	5692 5693 5694 5695
(F) Each county may review and revise the service coordination process described in division (D) of this section based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds.	5696 5697 5698 5699 5700 5701
Sec. 121.372. (A) As used in this section, "substitute care provider" means any of the following:	5702 5703
(1) An alcohol and drug <u>A community</u> addiction program <u>services provider</u> subject to certification under section 3793.06 <u>5119.36</u> of the Revised Code;	5704 5705 5706
(2) An institution or association subject to certification under section 5103.03 of the Revised Code;	5707 5708

(3) A residential facility subject to licensure under section 5709
~~5119.22~~ 5119.34 of the Revised Code; 5710

(4) A residential facility subject to licensure under section 5711
5123.19 of the Revised Code. 5712

(B) Not later than ninety days after ~~the effective date of~~ 5713
~~this section~~ March 18, 1999, the members of the Ohio family and 5714
children first cabinet council, other than the director of budget 5715
and management, shall enter into an agreement to establish an 5716
office to perform the duties prescribed by division (C) of this 5717
section. The agreement shall specify one of the departments 5718
represented on the council as the department responsible for 5719
housing and supervising the office. The agreement shall include 5720
the recommendation of the council for funding the office. 5721

(C) The office established pursuant to the agreement entered 5722
into under this section shall review rules governing the 5723
certification and licensure of substitute care providers and 5724
determine which of the rules can be made substantively identical 5725
or more similar in order to minimize the number of differing 5726
certification and licensure standards and simplify the 5727
certification or licensure process for substitute care providers 5728
seeking certification or licensure from two or more of the 5729
departments represented on the council. The office shall provide 5730
county family and children first councils, substitute care 5731
providers, and persons interested in substitute care providers the 5732
opportunity to help the office with the review and determination. 5733
The office shall report its findings to the council. Each of the 5734
departments represented on the council that has adopted rules 5735
governing the certification or licensure of substitute care 5736
providers shall review the report and amend the rules as that 5737
department considers appropriate, except that no rule shall be 5738
amended so as to make it inconsistent with substitute care 5739
provider certification or licensure procedures and standards 5740

established by federal or state law. A department shall give 5741
priority to amendments that will not increase the department's 5742
administrative costs. In amending a rule, a department shall 5743
comply with Chapter 119. or section 111.15 of the Revised Code, as 5744
required by the Revised Code section governing the adoption of the 5745
particular rule. 5746

(D) In accordance with section 124.27 of the Revised Code, 5747
the council shall select a coordinator to oversee the office 5748
established pursuant to the agreement entered into under this 5749
section. The coordinator shall be in the classified service. In 5750
addition to overseeing the office, the coordinator shall perform 5751
any other duties the council assigns to the coordinator. The 5752
duties the council assigns to the coordinator shall be related to 5753
the duties of the office under division (C) of this section. 5754

Sec. 121.483. A deputy inspector general appointed under 5755
section 121.48 of the Revised Code, who has been awarded a 5756
certificate by the executive director of the Ohio peace officer 5757
training commission attesting to the person's satisfactory 5758
completion of an approved state, county, or municipal peace 5759
officer basic training program, shall have the power and authority 5760
of a peace officer under the laws of this state while engaged in 5761
the scope of the deputy inspector general's duties. 5762

Sec. 122.075. (A) As used in this section: 5763

(1) "Alternative fuel" has the same meaning as in section 5764
125.831 of the Revised Code. 5765

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 5766
fuel that is derived from vegetable oils or animal fats, or any 5767
combination of those reagents, and that meets American society for 5768
testing and materials specification D6751-03a for biodiesel fuel 5769
(B100) blend stock distillate fuels. 5770

(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code. 5771
5772

(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code. 5773
5774

(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume. 5775
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(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume. 5777
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(7) "Incremental cost" means either of the following: 5779

(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased; 5780
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5782

(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased. 5783
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(B) For the purpose of improving the air quality in this state, the director of development services shall establish an alternative fuel transportation program under which the director may make grants and loans to businesses, nonprofit organizations, public school systems, or local governments for the purchase and installation of alternative fuel refueling or distribution facilities and terminals, for the purchase and use of alternative fuel, to pay the cost of fleet conversion, and to pay the costs of educational and promotional materials and activities intended for prospective alternative fuel consumers, fuel marketers, and others in order to increase the availability and use of alternative fuel. 5786
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(C) The director, in consultation with the director of agriculture, shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the alternative fuel transportation program. The rules shall establish 5797
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at least all of the following: 5801

(1) An application form and procedures governing the 5802
application process for receiving funds under the program; 5803

(2) A procedure for prioritizing the award of grants and 5804
loans under the program. The procedures shall give preference to 5805
all of the following: 5806

(a) Publicly accessible refueling facilities; 5807

(b) Entities applying to the program that have secured 5808
funding from other sources, including, but not limited to, private 5809
or federal incentives; 5810

(c) Entities that have presented compelling evidence of 5811
demand in the market in which the facilities or terminals will be 5812
located; 5813

(d) Entities that have committed to utilizing purchased or 5814
installed facilities or terminals for the greatest number of 5815
years; 5816

(e) Entities that will be purchasing or installing facilities 5817
or terminals for any type of alternative fuel. 5818

(3) A requirement that the maximum incentive for the purchase 5819
and installation of an alternative fuel refueling or distribution 5820
facility or terminal be eighty per cent of the cost of the 5821
facility or terminal, except that at least twenty per cent of the 5822
total ~~net~~ cost of the facility or terminal shall be incurred by 5823
the recipient and not compensated for by any other source; 5824

(4) A requirement that the maximum incentive for the purchase 5825
of alternative fuel be eighty per cent of the cost of the fuel or, 5826
in the case of blended biodiesel or blended gasoline, eighty per 5827
cent of the incremental cost of the blended biodiesel or blended 5828
gasoline; 5829

(5) Any other criteria, procedures, or guidelines that the 5830

director determines are necessary to administer the program, 5831
including fees, charges, interest rates, and payment schedules. 5832

(D) An applicant for a grant or loan under this section that 5833
sells motor vehicle fuel at retail shall agree that if the 5834
applicant receives funding, the applicant will report to the 5835
director the gallon or gallon equivalent amounts of alternative 5836
fuel the applicant sells at retail in this state for a period of 5837
three years after the project is completed. 5838

The director shall enter into a written confidentiality 5839
agreement with the applicant regarding the gallon or gallon 5840
equivalent amounts sold as described in this division, and upon 5841
execution of the agreement this information is not a public 5842
record. 5843

(E) There is hereby created in the state treasury the 5844
alternative fuel transportation fund. The fund shall consist of 5845
money transferred to the fund under division ~~(C)~~(B) of section 5846
125.836 and under division (B)(2) of section 3706.27 of the 5847
Revised Code, money that is appropriated to it by the general 5848
assembly, ~~and~~ money as may be specified by the general assembly 5849
from the advanced energy fund created by section 4928.61 of the 5850
Revised Code, and all money received from the repayment of loans 5851
made from the fund or in the event of a default on any such loan. 5852
Money in the fund shall be used to make grants and loans under the 5853
alternative fuel transportation program and by the director in the 5854
administration of that program. 5855

Sec. 122.083. (A) The director of development shall 5856
administer a shovel ready sites program to provide grants for 5857
projects to port authorities and development entities approved by 5858
the director. Grants may be used to pay the costs of any or all of 5859
the following: 5860

(1) Acquisition of property, including options; 5861

(2) Preparation of sites, including brownfield clean-up activities;	5862 5863
(3) Construction of road, water, telecommunication, and utility infrastructure;	5864 5865
(4) Payment of professional fees the amount of which shall not exceed twenty per cent of the grant amount for a project.	5866 5867
(B) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish procedures and requirements necessary for the administration of the program, including a requirement that a recipient of a grant enter into an agreement with the director governing the use of the grant.	5868 5869 5870 5871 5872
(C) There is hereby created in the state treasury the shovel ready sites fund consisting of money appropriated to it. Money in the fund shall be used solely for the purposes of this section.	5873 5874 5875
Sec. 122.17. (A) As used in this section:	5876
(1) "Income tax revenue" means the total amount withheld under section 5747.06 of the Revised Code by the taxpayer during the taxable year, or during the calendar year that includes the tax period, from the compensation of each employee or each home-based employee employed in the project to the extent the employee's withholdings are not used to determine the credit under section 122.171 of the Revised Code. "Income tax revenue" excludes amounts withheld before the day the taxpayer becomes eligible for the credit.	5877 5878 5879 5880 5881 5882 5883 5884 5885
(2) "Baseline income tax revenue" means income tax revenue except that the applicable withholding period is the twelve months immediately preceding the date the tax credit authority approves the taxpayer's application or the date the tax credit authority receives the recommendation described in division (C)(2)(a) of this section, whichever occurs first, multiplied by the sum of one	5886 5887 5888 5889 5890 5891

plus an annual pay increase factor to be determined by the tax 5892
credit authority. If the taxpayer becomes eligible for the credit 5893
after the first day of the taxpayer's taxable year or after the 5894
first day of the calendar year that includes the tax period, the 5895
taxpayer's baseline income tax revenue for the first such taxable 5896
or calendar year of credit eligibility shall be reduced in 5897
proportion to the number of days during the taxable or calendar 5898
year for which the taxpayer was not eligible for the credit. For 5899
subsequent taxable or calendar years, "baseline income tax 5900
revenue" equals the unreduced baseline income tax revenue for the 5901
preceding taxable or calendar year multiplied by the sum of one 5902
plus the pay increase factor. 5903

(3) "Excess income tax revenue" means income tax revenue 5904
minus baseline income tax revenue. 5905

(4) "Home-based employee" means an employee whose services 5906
are performed primarily from the employee's residence in this 5907
state exclusively for the benefit of the project and whose rate of 5908
pay is at least one hundred thirty-one per cent of the federal 5909
minimum wage under 29 U.S.C. 206. 5910

(B) The tax credit authority may make grants under this 5911
section to foster job creation in this state. Such a grant shall 5912
take the form of a refundable credit allowed against the tax 5913
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, or 5747.02 5914
or levied under Chapter 5751. of the Revised Code. The credit 5915
shall be claimed for the taxable years or tax periods specified in 5916
the taxpayer's agreement with the tax credit authority under 5917
division (D) of this section. With respect to taxes imposed under 5918
section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the 5919
Revised Code, the credit shall be claimed in the order required 5920
under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised 5921
Code. The amount of the credit available for a taxable year or for 5922
a calendar year that includes a tax period equals the excess 5923

income tax revenue for that year multiplied by the percentage 5924
specified in the agreement with the tax credit authority. Any 5925
credit granted under this section against the tax imposed by 5926
section 5733.06 or 5747.02 of the Revised Code, to the extent not 5927
fully utilized against such tax for taxable years ending prior to 5928
2008, shall automatically be converted without any action taken by 5929
the tax credit authority to a credit against the tax levied under 5930
Chapter 5751. of the Revised Code for tax periods beginning on or 5931
after July 1, 2008, provided that the person to whom the credit 5932
was granted is subject to such tax. The converted credit shall 5933
apply to those calendar years in which the remaining taxable years 5934
specified in the agreement end. 5935

(C)(1) A taxpayer or potential taxpayer who proposes a 5936
project to create new jobs in this state may apply to the tax 5937
credit authority to enter into an agreement for a tax credit under 5938
this section. 5939

An application shall not propose to include both home-based 5940
employees and employees who are not home-based employees in the 5941
computation of income tax revenue for the purposes of the same tax 5942
credit agreement. If a taxpayer or potential taxpayer employs both 5943
home-based employees and employees who are not home-based 5944
employees in a project, the taxpayer shall submit separate 5945
applications for separate tax credit agreements for the project, 5946
one of which shall include home-based employees in the computation 5947
of income tax revenue and one of which shall include all other 5948
employees in the computation of income tax revenue. 5949

The director of development services shall prescribe the form 5950
of the application. After receipt of an application, the authority 5951
may enter into an agreement with the taxpayer for a credit under 5952
this section if it determines all of the following: 5953

(a) The taxpayer's project will increase payroll and income 5954
tax revenue; 5955

(b) The taxpayer's project is economically sound and will 5956
benefit the people of this state by increasing opportunities for 5957
employment and strengthening the economy of this state; 5958

(c) Receiving the tax credit is a major factor in the 5959
taxpayer's decision to go forward with the project. 5960

(2)(a) A taxpayer that chooses to begin the project prior to 5961
receiving the determination of the authority may, upon submitting 5962
the taxpayer's application to the authority, request that the 5963
chief investment officer of the nonprofit corporation formed under 5964
section 187.01 of the Revised Code and the director review the 5965
taxpayer's application and recommend to the authority that the 5966
taxpayer's application be considered. As soon as possible after 5967
receiving such a request, the chief investment officer and the 5968
director shall review the taxpayer's application and, if they 5969
determine that the application warrants consideration by the 5970
authority, make that recommendation to the authority not later 5971
than six months after the application is received by the 5972
authority. 5973

(b) The authority shall consider any taxpayer's application 5974
for which it receives a recommendation under division (C)(2)(a) of 5975
this section. If the authority determines that the taxpayer does 5976
not meet all of the criteria set forth in division (C)(1) of this 5977
section, the authority and the development services agency shall 5978
proceed in accordance with rules adopted by the director pursuant 5979
to division (I) of this section. 5980

(D) An agreement under this section shall include all of the 5981
following: 5982

(1) A detailed description of the project that is the subject 5983
of the agreement; 5984

(2)(a) The term of the tax credit, which, except as provided 5985
in division (D)(2)(b) of this section, shall not exceed fifteen 5986

years, and the first taxable year, or first calendar year that 5987
includes a tax period, for which the credit may be claimed; 5988

(b) If the tax credit is computed on the basis of home-based 5989
employees, the term of the credit shall expire on or before the 5990
last day of the taxable or calendar year ending before the 5991
beginning of the seventh year after September 6, 2012, the 5992
effective date of H.B. 327 of the 129th general assembly. 5993

(3) A requirement that the taxpayer shall maintain operations 5994
at the project location for at least the greater of seven years or 5995
the term of the credit plus three years; 5996

(4) The percentage, as determined by the tax credit 5997
authority, of excess income tax revenue that will be allowed as 5998
the amount of the credit for each taxable year or for each 5999
calendar year that includes a tax period; 6000

(5) The pay increase factor to be applied to the taxpayer's 6001
baseline income tax revenue; 6002

(6) A requirement that the taxpayer annually shall report to 6003
the director of development services employment, tax withholding, 6004
investment, the provision of health care benefits and tuition 6005
reimbursement if required in the agreement, and other information 6006
the director needs to perform the director's duties under this 6007
section; 6008

(7) A requirement that the director of development services 6009
annually review the information reported under division (D)(6) of 6010
this section and verify compliance with the agreement; if the 6011
taxpayer is in compliance, a requirement that the director issue a 6012
certificate to the taxpayer stating that the information has been 6013
verified and identifying the amount of the credit that may be 6014
claimed for the taxable or calendar year; 6015

(8) A provision providing that the taxpayer may not relocate 6016
a substantial number of employment positions from elsewhere in 6017

this state to the project location unless the director of 6018
development services determines that the legislative authority of 6019
the county, township, or municipal corporation from which the 6020
employment positions would be relocated has been notified by the 6021
taxpayer of the relocation. 6022

For purposes of this section, the movement of an employment 6023
position from one political subdivision to another political 6024
subdivision shall be considered a relocation of an employment 6025
position unless the employment position in the first political 6026
subdivision is replaced. 6027

(9) If the tax credit is computed on the basis of home-based 6028
employees, that the tax credit may not be claimed by the taxpayer 6029
until the taxable year or tax period in which the taxpayer employs 6030
at least two hundred employees more than the number of employees 6031
the taxpayer employed on June 30, 2011. 6032

(E) If a taxpayer fails to meet or comply with any condition 6033
or requirement set forth in a tax credit agreement, the tax credit 6034
authority may amend the agreement to reduce the percentage or term 6035
of the tax credit. The reduction of the percentage or term may 6036
take effect in the current taxable or calendar year. 6037

(F) Projects that consist solely of point-of-final-purchase 6038
retail facilities are not eligible for a tax credit under this 6039
section. If a project consists of both point-of-final-purchase 6040
retail facilities and nonretail facilities, only the portion of 6041
the project consisting of the nonretail facilities is eligible for 6042
a tax credit and only the excess income tax revenue from the 6043
nonretail facilities shall be considered when computing the amount 6044
of the tax credit. If a warehouse facility is part of a 6045
point-of-final-purchase retail facility and supplies only that 6046
facility, the warehouse facility is not eligible for a tax credit. 6047
Catalog distribution centers are not considered 6048
point-of-final-purchase retail facilities for the purposes of this 6049

division, and are eligible for tax credits under this section. 6050

(G) Financial statements and other information submitted to 6051
the development services agency or the tax credit authority by an 6052
applicant or recipient of a tax credit under this section, and any 6053
information taken for any purpose from such statements or 6054
information, are not public records subject to section 149.43 of 6055
the Revised Code. However, the chairperson of the authority may 6056
make use of the statements and other information for purposes of 6057
issuing public reports or in connection with court proceedings 6058
concerning tax credit agreements under this section. Upon the 6059
request of the tax commissioner or, if the applicant or recipient 6060
is an insurance company, upon the request of the superintendent of 6061
insurance, the chairperson of the authority shall provide to the 6062
commissioner or superintendent any statement or information 6063
submitted by an applicant or recipient of a tax credit in 6064
connection with the credit. The commissioner or superintendent 6065
shall preserve the confidentiality of the statement or 6066
information. 6067

(H) A taxpayer claiming a credit under this section shall 6068
submit to the tax commissioner or, if the taxpayer is an insurance 6069
company, to the superintendent of insurance, a copy of the 6070
director of development services' certificate of verification 6071
under division (D)(7) of this section with the taxpayer's tax 6072
report or return for the taxable year or for the calendar year 6073
that includes the tax period. Failure to submit a copy of the 6074
certificate with the report or return does not invalidate a claim 6075
for a credit if the taxpayer submits a copy of the certificate to 6076
the commissioner or superintendent within sixty days after the 6077
commissioner or superintendent requests it. 6078

(I) The director of development services, after consultation 6079
with the tax commissioner and the superintendent of insurance and 6080
in accordance with Chapter 119. of the Revised Code, shall adopt 6081

rules necessary to implement this section, including rules that 6082
establish a procedure to be followed by the tax credit authority 6083
and the development services agency in the event the authority 6084
considers a taxpayer's application for which it receives a 6085
recommendation under division (C)(2)(a) of this section but does 6086
not approve it. The rules may provide for recipients of tax 6087
credits under this section to be charged fees to cover 6088
administrative costs of the tax credit program. The fees collected 6089
shall be credited to the business assistance fund created in 6090
section 122.174 of the Revised Code. At the time the director 6091
gives public notice under division (A) of section 119.03 of the 6092
Revised Code of the adoption of the rules, the director shall 6093
submit copies of the proposed rules to the chairpersons of the 6094
standing committees on economic development in the senate and the 6095
house of representatives. 6096

(J) For the purposes of this section, a taxpayer may include 6097
a partnership, a corporation that has made an election under 6098
subchapter S of chapter one of subtitle A of the Internal Revenue 6099
Code, or any other business entity through which income flows as a 6100
distributive share to its owners. A partnership, S-corporation, or 6101
other such business entity may elect to pass the credit received 6102
under this section through to the persons to whom the income or 6103
profit of the partnership, S-corporation, or other entity is 6104
distributed. The election shall be made on the annual report 6105
required under division (D)(6) of this section. The election 6106
applies to and is irrevocable for the credit for which the report 6107
is submitted. If the election is made, the credit shall be 6108
apportioned among those persons in the same proportions as those 6109
in which the income or profit is distributed. 6110

(K) If the director of development services determines that a 6111
taxpayer who has received a credit under this section is not 6112
complying with the requirement under division (D)(3) of this 6113

section, the director shall notify the tax credit authority of the 6114
noncompliance. After receiving such a notice, and after giving the 6115
taxpayer an opportunity to explain the noncompliance, the tax 6116
credit authority may require the taxpayer to refund to this state 6117
a portion of the credit in accordance with the following: 6118

(1) If the taxpayer maintained operations at the project 6119
location for a period less than or equal to the term of the 6120
credit, an amount not exceeding one hundred per cent of the sum of 6121
any credits allowed and received under this section; 6122

(2) If the taxpayer maintained operations at the project 6123
location for a period longer than the term of the credit, but less 6124
than the greater of seven years or the term of the credit plus 6125
three years, an amount not exceeding seventy-five per cent of the 6126
sum of any credits allowed and received under this section. 6127

In determining the portion of the tax credit to be refunded 6128
to this state, the tax credit authority shall consider the effect 6129
of market conditions on the taxpayer's project and whether the 6130
taxpayer continues to maintain other operations in this state. 6131
After making the determination, the authority shall certify the 6132
amount to be refunded to the tax commissioner or superintendent of 6133
insurance, as appropriate. If the amount is certified to the 6134
commissioner, the commissioner shall make an assessment for that 6135
amount against the taxpayer under Chapter 5726., 5733., 5747., or 6136
5751. of the Revised Code. If the amount is certified to the 6137
superintendent, the superintendent shall make an assessment for 6138
that amount against the taxpayer under Chapter 5725. or 5729. of 6139
the Revised Code. The time limitations on assessments under those 6140
chapters do not apply to an assessment under this division, but 6141
the commissioner or superintendent, as appropriate, shall make the 6142
assessment within one year after the date the authority certifies 6143
to the commissioner or superintendent the amount to be refunded. 6144

(L) On or before the first day of August each year, the 6145

director of development services shall submit a report to the 6146
governor, the president of the senate, and the speaker of the 6147
house of representatives on the tax credit program under this 6148
section. The report shall include information on the number of 6149
agreements that were entered into under this section during the 6150
preceding calendar year, a description of the project that is the 6151
subject of each such agreement, and an update on the status of 6152
projects under agreements entered into before the preceding 6153
calendar year. 6154

(M) There is hereby created the tax credit authority, which 6155
consists of the director of development services and four other 6156
members appointed as follows: the governor, the president of the 6157
senate, and the speaker of the house of representatives each shall 6158
appoint one member who shall be a specialist in economic 6159
development; the governor also shall appoint a member who is a 6160
specialist in taxation. Of the initial appointees, the members 6161
appointed by the governor shall serve a term of two years; the 6162
members appointed by the president of the senate and the speaker 6163
of the house of representatives shall serve a term of four years. 6164
Thereafter, terms of office shall be for four years. Initial 6165
appointments to the authority shall be made within thirty days 6166
after January 13, 1993. Each member shall serve on the authority 6167
until the end of the term for which the member was appointed. 6168
Vacancies shall be filled in the same manner provided for original 6169
appointments. Any member appointed to fill a vacancy occurring 6170
prior to the expiration of the term for which the member's 6171
predecessor was appointed shall hold office for the remainder of 6172
that term. Members may be reappointed to the authority. Members of 6173
the authority shall receive their necessary and actual expenses 6174
while engaged in the business of the authority. The director of 6175
development services shall serve as chairperson of the authority, 6176
and the members annually shall elect a vice-chairperson from among 6177
themselves. Three members of the authority constitute a quorum to 6178

transact and vote on the business of the authority. The majority 6179
vote of the membership of the authority is necessary to approve 6180
any such business, including the election of the vice-chairperson. 6181

The director of development services may appoint a 6182
professional employee of the development services agency to serve 6183
as the director's substitute at a meeting of the authority. The 6184
director shall make the appointment in writing. In the absence of 6185
the director from a meeting of the authority, the appointed 6186
substitute shall serve as chairperson. In the absence of both the 6187
director and the director's substitute from a meeting, the 6188
vice-chairperson shall serve as chairperson. 6189

(N) For purposes of the credits granted by this section 6190
against the taxes imposed under sections 5725.18 and 5729.03 of 6191
the Revised Code, "taxable year" means the period covered by the 6192
taxpayer's annual statement to the superintendent of insurance. 6193

(O) On or before the first day of ~~January~~ March of each of 6194
the ~~six~~ five calendar years ~~following the year in which H.B. 327~~ 6195
~~of the 129th general assembly becomes effective~~ beginning with 6196
2014, each taxpayer subject to an agreement with the tax credit 6197
authority under this section on the basis of home-based employees 6198
shall report the number of home-based employees and other 6199
employees employed by the taxpayer in this state to the ~~department~~ 6200
~~of development~~ services agency. 6201

(P) On or before the first day of January of ~~the seventh~~ 6202
~~calendar year following the year in which H.B. 327 of the 129th~~ 6203
~~general assembly became effective~~ 2019, the director of 6204
development services shall submit a report to the governor, the 6205
president of the senate, and the speaker of the house of 6206
representatives on the effect of agreements entered into under 6207
this section in which the taxpayer included home-based employees 6208
in the computation of income tax revenue. The report shall include 6209
information on the number of such agreements that were entered 6210

into in the preceding six years, a description of the projects 6211
that were the subjects of such agreements, and an analysis of 6212
nationwide home-based employment trends, including the number of 6213
home-based jobs created from July 1, 2011, through June 30, 2017, 6214
and a description of any home-based employment tax incentives 6215
provided by other states during that time. 6216

(Q) The director of development services may require any 6217
agreement entered into under this section for a tax credit 6218
computed on the basis of home-based employees to contain a 6219
provision that the taxpayer makes available health care benefits 6220
and tuition reimbursement to all employees. 6221

Sec. 122.28. As used in sections 122.28 and 122.30 to 122.36 6222
of the Revised Code: 6223

(A) "New technology" means the development through science or 6224
research of methods, processes, and procedures, including but not 6225
limited to those involving the processing and utilization of coal, 6226
for practical application in industrial or agribusiness 6227
situations. 6228

(B) "Industrial research" means study and investigation in 6229
giving new shapes, new qualities or new combinations to matter or 6230
material products by the application of labor thereto or the 6231
rehabilitation of an existing matter or material product. 6232

(C) "Enterprise" means a business with its principal place of 6233
business in this state or which proposes to be engaged in this 6234
state in research and development or in the provision of products 6235
or services involving a significant amount of new technology. 6236

(D) "Educational institutions" means nonprofit public and 6237
private colleges and universities, incorporated or unincorporated, 6238
in the state. 6239

(E) "Small business" means an enterprise with less than four 6240

hundred employees, including corporations, partnerships, 6241
unincorporated entities, proprietorships, and joint enterprises. 6242

(F) "Applied research" means the application of basic 6243
research for the development of new technology. 6244

Sec. 122.30. ~~The industrial technology and enterprise~~ 6245
~~advisory council and the director of development are~~ services is 6246
vested with the powers and duties provided in sections 122.28 and 6247
122.30 to 122.36 of the Revised Code, to promote the welfare of 6248
the people of the state through the interaction of the business 6249
and industrial community and educational institutions in the 6250
development of new technology and enterprise. 6251

(A) It is necessary for the state to establish the ~~industrial~~ 6252
~~technology and enterprise advisory council and the programs~~ 6253
created pursuant to sections 122.28 and 122.30 to 122.36 of the 6254
Revised Code to accomplish the following purposes which are 6255
determined to be essential: 6256

(1) Improve the existing industrial and agricultural base of 6257
the state; 6258

(2) Improve the economy of the state by providing employment, 6259
increasing productivity, and slowing the rate of inflation; 6260

(3) Develop markets worldwide for the products of the state's 6261
natural resources and agricultural and manufacturing industries; 6262

(4) Maintain a high standard of living for the people of the 6263
state. 6264

(B) ~~The industrial technology and enterprise advisory council~~ 6265
~~shall do all of the following:~~ 6266

~~(1) Make recommendations to the director of development as to~~ 6267
~~applications for assistance pursuant to sections 122.28 to 122.36~~ 6268
~~of the Revised Code. The council may revise its recommendations to~~ 6269
~~reflect any changes in the proposed assistance made by the~~ 6270

director.	6271
(2) Advise the director in the administration of sections	6272
122.28 to 122.36 of the Revised Code;	6273
(3) Adopt bylaws to govern the conduct of the council's	6274
business.	6275
(C) The director of development shall do all of the	6276
following:	6277
(1) Receive applications for assistance under sections 122.28	6278
and 122.30 to 122.36 of the Revised Code and, after processing,	6279
forward them to the council together with necessary supporting	6280
information;	6281
(2) Receive the recommendations of the council and make <u>Make</u>	6282
a final determination whether to approve the application for	6283
assistance;	6284
(3) Transmit determinations to approve assistance exceeding	6285
forty thousand dollars to the controlling board, together with any	6286
information the controlling board requires, for the board's review	6287
and decision as to whether to approve the assistance;	6288
(4) Gather and disseminate information and conduct hearings,	6289
conferences, seminars, investigations, and special studies on	6290
problems and programs concerning industrial research and new	6291
technology and their commercial applications in the state;	6292
(5) Establish an annual program to recognize the	6293
accomplishments and contributions of individuals and organizations	6294
in the development of industrial research and new technology in	6295
the state;	6296
(6) Stimulate both public and industrial awareness and	6297
interest in industrial research and development of new technology	6298
primarily in the areas of industrial processes, implementation,	6299
energy, agribusiness, medical technology, avionics, and food	6300

processing;	6301
(7) Develop and implement comprehensive and coordinated	6302
policies, programs, and procedures promoting industrial research	6303
and new technology;	6304
(8) Propose appropriate legislation or executive actions to	6305
stimulate the development of industrial research and new	6306
technology by enterprises and individuals;	6307
(9) Encourage and facilitate contracts between industry,	6308
agriculture, educational institutions, federal agencies, and state	6309
agencies, with special emphasis on industrial research and new	6310
technology by small businesses and agribusiness;	6311
(10) Participate with any state agency in developing specific	6312
programs and goals to assist in the development of industrial	6313
research and new technology and monitor performance;	6314
(11) Assist enterprises in obtaining alternative forms of	6315
governmental or commercial financing for industrial research and	6316
new technology;	6317
(12) Assist enterprises or individuals in the implementation	6318
of new programs and policies and the expansion of existing	6319
programs to provide an atmosphere conducive to increased	6320
cooperation among and participation by individuals, enterprises,	6321
and educational institutions engaged in industrial research and	6322
the development of new technology;	6323
(13) Advertise, prepare, print, and distribute books, maps,	6324
pamphlets, and other information which in the judgment of the	6325
director will further its purposes;	6326
(14) Include in the director's annual report to the governor	6327
and the general assembly a report on the activities for the	6328
preceding calendar year under sections 122.28 <u>and 122.30</u> to 122.36	6329
of the Revised Code;	6330

(15) Approve the expenditure of money appropriated by the 6331
general assembly for the purpose of sections 122.28 and 122.30 to 6332
122.36 of the Revised Code; 6333

(16) Identify and implement federal research and development 6334
programs which would link Ohio's industrial base, research 6335
facilities, and natural resources; 6336

(17) Employ and fix the compensation of technical and 6337
professional personnel, who shall be in the unclassified civil 6338
service, and employ other personnel, who shall be in the 6339
classified civil service, as necessary to carry out the provisions 6340
of sections 122.28 and 122.30 to 122.36 of the Revised Code. 6341

Sec. 122.31. All expenses and obligations incurred by the 6342
director of development ~~and the industrial technology and~~ 6343
~~enterprise advisory council~~ services in carrying out ~~their~~ the 6344
director's powers and ~~in exercising their~~ duties under sections 6345
122.28 and 122.30 to 122.36 of the Revised Code, are payable from 6346
revenues or other receipts or income from grants, gifts, 6347
contributions, compensation, reimbursement, and funds established 6348
in accordance with those sections or general revenue funds 6349
appropriated by the general assembly for operating expenses of the 6350
director ~~or council~~. 6351

Sec. 122.32. The director of development services, on behalf 6352
of the programs authorized pursuant to sections 122.28 and 122.30 6353
to 122.36 of the Revised Code, may receive and accept grants, 6354
gifts, and contributions of money, property, labor, and other 6355
things of value to be held, used, and applied only for the purpose 6356
for which the grants, gifts, and contributions are made, from 6357
individuals, private and public corporations, from the United 6358
States or any agency of the United States, and from any political 6359
subdivision of the state. The director may agree to repay any 6360

contribution of money or to return any property contributed or its value at times, in amounts, and on terms and conditions excluding the payment of interest as the director determines at the time the contribution is made. The director may evidence the obligation by written contracts, subject to section 122.31 of the Revised Code, provided that the director shall not thereby incur indebtedness of or impose liability upon the state or any political subdivision.

Sec. 122.33. The director of development services shall administer the following programs:

(A) The industrial technology and enterprise development grant program, to provide capital to acquire, construct, enlarge, improve, or equip and to sell, lease, exchange, and otherwise dispose of property, structures, equipment, and facilities within the state.

Such funding may be made to enterprises that propose to develop new products or technologies when the director finds all of the following factors to be present:

(1) The undertaking will benefit the people of the state by creating or preserving jobs and employment opportunities or improving the economic welfare of the people of the state, and promoting the development of new technology.

(2) There is reasonable assurance that the potential royalties to be derived from the sale of the product or process described in the proposal will be sufficient to repay the funding pursuant to sections 122.28 and 122.30 to 122.36 of the Revised Code and that, in making the agreement, as it relates to patents, copyrights, and other ownership rights, there is reasonable assurance that the resulting new technology will be utilized to the maximum extent possible in facilities located in Ohio.

(3) The technology and research to be undertaken will allow

enterprises to compete more effectively in the marketplace. Grants 6391
of capital may be in such form and conditioned upon such terms as 6392
the ~~board~~ director deems appropriate. 6393

(B) The industrial technology and enterprise resources 6394
program to provide for the collection, dissemination, and exchange 6395
of information regarding equipment, facilities, and business 6396
planning consultation resources available in business, industry, 6397
and educational institutions and to establish methods by which 6398
small businesses may use available facilities and resources. The 6399
methods may include, but need not be limited to, leases 6400
reimbursing the educational institutions for their actual costs 6401
incurred in maintaining the facilities and agreements assigning 6402
royalties from development of successful products or processes 6403
through the use of the facilities and resources. The director 6404
shall operate this program in conjunction with the board of 6405
regents. 6406

(C) The Thomas Alva Edison grant program to provide grants to 6407
foster research, development, or technology transfer efforts 6408
involving enterprises and educational institutions that will lead 6409
to the creation of jobs. The director shall utilize the Edison 6410
center network in carrying out the goals and objectives of this 6411
program. For the purposes of this division, "Edison center 6412
network" means the six cooperative research and development 6413
facilities in this state that receive funding under this division, 6414
are nonprofit organizations, have been in existence at least 6415
eighteen years as of the effective date of this amendment, and 6416
have experience in delivering manufacturing extension partnership 6417
program services to companies in this state. 6418

(1) Grants may be made to a nonprofit organization or a 6419
public or private educational institution, department, college, 6420
institute, faculty member, or other administrative subdivision or 6421
related entity of an educational institution when the director 6422

finds that the undertaking will benefit the people of the state by 6423
supporting research in advanced technology areas likely to improve 6424
the economic welfare of the people of the state through promoting 6425
the development of new commercial technology. 6426

(2) Grants may be made in a form and conditioned upon terms 6427
as the director considers appropriate. 6428

(3) Grants made under this program shall in all instances be 6429
in conjunction with a contribution to the project by a cooperating 6430
enterprise which maintains or proposes to maintain a relevant 6431
research, development, or manufacturing facility in the state, by 6432
a nonprofit organization, or by an educational institution or 6433
related entity; however, funding provided by an educational 6434
institution or related entity shall not be from general revenue 6435
funds appropriated by the Ohio general assembly. No grant made 6436
under this program shall exceed the contribution made by the 6437
cooperating enterprise, nonprofit organization, or educational 6438
institution or related entity. The director may consider 6439
cooperating contributions in the form of state of the art new 6440
equipment or in other forms provided the director determines that 6441
the contribution is essential to the successful implementation of 6442
the project. The director may adopt rules or guidelines for the 6443
valuation of contributions of equipment or other property. 6444

(4) The director may determine fields of research from which 6445
grant applications will be accepted under this program. 6446

Sec. 122.34. The exercise of the powers granted by sections 6447
122.28 and 122.30 to 122.36 of the Revised Code will be in all 6448
respects for the benefit of the people of the state, for the 6449
improvement of commerce and prosperity, improvement of employment 6450
conditions, and will constitute the performance of essential 6451
governmental functions. 6452

Sec. 122.35. All moneys received under sections 122.28 and 6453
122.30 to 122.36 of the Revised Code are trust funds to be held 6454
and applied solely as provided in those sections and section 6455
166.03 of the Revised Code. All moneys, except when deposited with 6456
the treasurer of the state, shall be kept and secured in 6457
depositories as selected by the director of development services 6458
in the manner provided in sections 135.01 to 135.21 of the Revised 6459
Code, insofar as those sections are applicable. All moneys held by 6460
the director in trust to carry out the purposes of sections 122.28 6461
and 122.30 to 122.36 of the Revised Code shall be used as provided 6462
in sections 122.28 and 122.30 to 122.36 of the Revised Code and at 6463
no time be part of other public funds. 6464

Sec. 122.36. Any materials or data submitted to, made 6465
available to, or received by the director of development, ~~the~~ 6466
~~industrial technology and enterprise advisory council,~~ services or 6467
the controlling board, to the extent that the material or data 6468
consist of trade secrets, as defined in section 1333.61 of the 6469
Revised Code, or commercial or financial information, regarding 6470
projects are not public records for the purposes of section 149.43 6471
of the Revised Code. 6472

Sec. 122.657. For the purposes of sections 122.65 to 122.658 6473
of the Revised Code, the director of development shall establish 6474
policies and requirements regarding all of the following: 6475

(A) The form and content of applications for grants or loans 6476
from the clean Ohio revitalization fund under section 122.652 of 6477
the Revised Code. The policies and requirements shall require that 6478
each application include, at a minimum, all of the following: 6479

(1) The name, address, and telephone number of the applicant; 6480

(2) The legal description of the property for which the grant 6481
or loan is requested; 6482

(3) A summary description of the hazardous substances or	6483
petroleum present at the brownfield and a certified copy of the	6484
results of an assessment;	6485
(4) A detailed explanation of the proposed cleanup or	6486
remediation of the brownfield, including an identification of the	6487
applicable cleanup standards, and a detailed description of the	6488
proposed use of the brownfield after completion of the cleanup or	6489
remediation;	6490
(5) An estimate of the total cost to clean up or remediate	6491
the brownfield in order to comply with the applicable cleanup	6492
standards. The total cost shall include the cost of employing a	6493
certified professional under section 122.654 of the Revised Code.	6494
(6) A detailed explanation of the portion of the estimated	6495
total cost of the cleanup or remediation of the brownfield that	6496
the applicant proposes to provide as required under sections	6497
122.653 and 122.658 of the Revised Code and financial records	6498
supporting the proposal;	6499
(7) A certified copy of a resolution or ordinance approving	6500
the project that the applicant shall obtain from the board of	6501
township trustees of the township or the legislative authority of	6502
the municipal corporation in which the property is located,	6503
whichever is applicable;	6504
(8) A description of the estimated economic benefit that will	6505
result from a cleanup or remediation of the brownfield;	6506
(9) An application summary for purposes of review by an	6507
integrating committee or, if applicable, the executive committee	6508
of an integrating committee under division (B) of section 122.652	6509
of the Revised Code;	6510
(10) With respect to applications for loans, information	6511
demonstrating that the applicant will implement a financial	6512
management plan that includes, without limitation, provisions for	6513

the satisfactory repayment of the loan; 6514

(11) Any other provisions that the director determines should 6515
be included in an application. 6516

(B) Procedures for conducting public meetings and providing 6517
public notice under division (A) of section 122.652 of the Revised 6518
Code; 6519

(C) Criteria to be used by integrating committees or, if 6520
required under division (C) of section 122.652 of the Revised 6521
Code, executive committees of integrating committees when 6522
prioritizing projects under division (B) of section 122.652 of the 6523
Revised Code. The policies and requirements also shall establish 6524
procedures that integrating committees or, if required under 6525
division (C) of section 122.652 of the Revised Code, executive 6526
committees of integrating committees shall use in applying the 6527
criteria. 6528

(D) A selection process that provides for the prioritization 6529
of brownfield cleanup or remediation projects for which grant or 6530
loan applications are submitted under section 122.652 of the 6531
Revised Code. The policies and requirements shall require the 6532
selection process to give priority to projects in which the 6533
post-cleanup or remediation use will be for a combination of 6534
residential, commercial, or industrial purposes, which may include 6535
the conversion of a portion of a brownfield to a recreation, park, 6536
or natural area that is integrated with the residential, 6537
commercial, or industrial use of the brownfield after cleanup or 6538
remediation, or will incorporate projects that are funded by 6539
grants awarded under sections 164.20 to 164.27 of the Revised 6540
Code. The policies and requirements shall require the selection 6541
process to incorporate and emphasize all of the following factors: 6542

(1) The potential economic benefit that will result from the 6543
cleanup or remediation of a brownfield; 6544

(2) The potential environmental improvement that will result from the cleanup or remediation of a brownfield;	6545 6546
(3) The amount and nature of the match provided by an applicant as required under sections 122.653 and 122.658 of the Revised Code;	6547 6548 6549
(4) Funding priorities recommended by integrating committees or, if required under division (C) of section 122.652 of the Revised Code, executive committees of integrating committees under division (B) of section 122.652 of the Revised Code;	6550 6551 6552 6553
(5) The potential benefit to low-income communities, including minority communities, that will result from the cleanup or remediation of a brownfield;	6554 6555 6556
(6) Any other factors that the director considers appropriate.	6557 6558
(E) The development of criteria that the director shall use when awarding grants under section 122.656 of the Revised Code. The criteria shall give priority to public health projects. In addition, the director, in consultation with the director of environmental protection, shall establish policies and requirements that require the criteria to include a public health project selection process that incorporates and emphasizes all of the following factors:	6559 6560 6561 6562 6563 6564 6565 6566
(1) The potential environmental improvement that will result from the cleanup or remediation;	6567 6568
(2) The ability of an applicant to access the property for purposes of the cleanup or remediation;	6569 6570
(3) The name and qualifications of the cleanup or remediation contractor;	6571 6572
(4) Any other factors that the director of development considers appropriate.	6573 6574

The director of development may develop any other policies 6575
and requirements that the director determines are necessary for 6576
the administration of section 122.656 of the Revised Code. 6577

(F) The development of a brownfield cleanup and remediation 6578
oversight program to ensure compliance with sections 122.65 to 6579
122.658 of the Revised Code and policies and requirements 6580
established under this section. The policies and requirements 6581
shall require the program to include, at a minimum, both of the 6582
following: 6583

(1) Procedures for the accounting of invoices and receipts 6584
and any other documents that are necessary to demonstrate that a 6585
cleanup or remediation was properly performed; 6586

(2) Procedures that are necessary to provide a detailed 6587
explanation of the status of the property five years after the 6588
completed cleanup or remediation. 6589

(G) A delineation of what constitutes administrative costs 6590
for purposes of divisions (D) and (F) of section 122.658 of the 6591
Revised Code; 6592

(H) Procedures and requirements for making loans and loan 6593
agreements that include at least all of the following: 6594

(1) Not more than fifteen per cent of moneys annually 6595
allocated to the clean Ohio revitalization fund shall be used for 6596
loans. 6597

(2) The loans shall be made at or below market rates of 6598
interest, including, without limitation, interest-free loans. 6599

(3) The recipient of a loan shall identify a source of 6600
security and a source of repayment of the loan. 6601

~~(4) All payments of principal and interest on a loan shall be 6602
deposited in the state treasury and credited to the clean Ohio 6603
revitalization revolving loan fund. 6604~~

~~(5)~~ The clean Ohio council may accept notes and other forms of obligation to evidence indebtedness, accept mortgages, liens, pledges, assignments, and other security interests to secure such indebtedness, and take any actions that are considered by the council to be appropriate to protect such security and safeguard against losses, including, without limitation, foreclosure and bidding on the purchase of property upon foreclosure or other sale.

(I) Any other policies and requirements that the director determines are necessary for the administration of sections 122.65 to 122.658 of the Revised Code.

Sec. 122.658. (A) The clean Ohio revitalization fund is hereby created in the state treasury. The fund shall consist of moneys credited to it pursuant to section 151.40 of the Revised Code. Moneys in the fund shall be used to make grants or loans for projects that have been approved by the clean Ohio council in accordance with section 122.653 of the Revised Code, except that the council annually shall devote twenty per cent of the net proceeds of obligations deposited in the clean Ohio revitalization fund for the purposes of section 122.656 of the Revised Code.

Moneys in the clean Ohio revitalization fund may be used to pay reasonable costs incurred by the department of development and the environmental protection agency in administering sections 122.65 to 122.658 of the Revised Code. All investment earnings of the fund shall be credited to the fund. Investment earnings credited to the clean Ohio revitalization fund may be used to pay costs incurred by the department of development and the environmental protection agency pursuant to sections 122.65 to 122.658 of the Revised Code.

The department of development shall administer the clean Ohio revitalization fund in accordance with this section, policies and

requirements established under section 122.657 of the Revised Code, and the terms of agreements entered into by the council under section 122.653 of the Revised Code.

(B) Grants awarded and loans made under section 122.653 of the Revised Code shall provide not more than seventy-five per cent of the estimated total cost of a project. A grant or loan to any one project shall not exceed three million dollars. An applicant shall provide at least twenty-five per cent of the estimated total cost of a project. The applicant's share may consist of one or a combination of any of the following:

(1) Payment of the cost of acquiring the property for the purposes of sections 122.65 to 122.658 of the Revised Code;

(2) Payment of the reasonable cost of an assessment at the property;

(3) The reasonable value, as determined by the council, of labor and materials that will be contributed by the applicant in performing the cleanup or remediation;

(4) Moneys received by the applicant in any form for use in performing the cleanup or remediation;

(5) Loans secured by the applicant for the purpose of the cleanup or remediation of the brownfield.

Costs that were incurred more than two years prior to the submission of an application to the clean Ohio council for the acquisition of property, assessments, and labor and materials shall not be used as part of the applicant's matching share.

(C) The department of development shall not make any payment to an applicant from the clean Ohio revitalization fund to pay costs of the applicant that were not included in an application for a grant or loan under section 122.653 of the Revised Code or that exceed the amount of the estimated total cost of the project

included in the application. If, upon completion of a project, the costs of the project are less than the amounts included in the application, the amounts included in the application less the amounts of the actual costs of the project shall be credited to the clean Ohio revitalization fund. However, the amounts credited shall be equivalent in percentage to the percentage of the costs of the project that were to be funded by the grant or loan from the fund.

(D) Grants awarded or loans made under section 122.653 of the Revised Code from the clean Ohio revitalization fund shall be used by an applicant only to pay the costs of the actual cleanup or remediation of a brownfield and shall not be used by an applicant to pay any administrative costs incurred by the applicant. Costs related to the use of a certified professional for purposes of section 122.654 of the Revised Code are not administrative costs and may be paid with moneys from grants awarded or loans made under section 122.653 of the Revised Code.

(E) The portion of net proceeds of obligations devoted under division (A) of this section for the purposes of section 122.656 of the Revised Code shall be used to make grants for assessments, cleanup or remediation of brownfields, and public health projects that have been approved by the director of development under that section. The department of development shall administer section 122.656 of the Revised Code in accordance with this section, policies and requirements established under section 122.657 of the Revised Code, and the terms of agreements entered into by the director under section 122.656 of the Revised Code. The director shall not grant more than twenty-five million dollars for public health projects under section 122.656 of the Revised Code.

(F) Grants awarded under section 122.656 of the Revised Code shall be used by an applicant only to pay the costs of actually conducting an assessment, a cleanup or remediation of a

brownfield, or a public health project and shall not be used by an applicant to pay any administrative costs incurred by the applicant. Costs related to the use of a certified professional for purposes of section 122.654 of the Revised Code are not administrative costs and may be paid with moneys from grants awarded under section 122.656 of the Revised Code.

~~(G)(1) The clean Ohio revitalization revolving loan fund is hereby created in the state treasury. Payments of principal and interest on loans made from the clean Ohio revitalization fund shall be credited to this revolving loan fund, as shall payments of principal and interest on loans made from the revolving loan fund itself. The revolving loan fund's investment earnings shall be credited to it.~~

~~(2) The clean Ohio revitalization revolving loan fund shall be used to make loans for the same purposes and subject to the same policies, requirements, criteria, and application procedures as loans made from the clean Ohio revitalization fund.~~

Sec. 122.66. As used in sections 122.66 to 122.702 of the Revised Code:

(A) "Poverty line" means the official poverty line established by the director of the United States office of management and budget and as revised by the ~~director~~ secretary of ~~the office of community health and human~~ services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902.

(B) "Low-income person" means a person whose adjusted gross income as defined in division (A) of section 5747.01 of the Revised Code is below the poverty line as defined in division (A) of this section.

(C) "Advocacy" means the act of pleading for, supporting, or

recommending actions on behalf of low-income persons. 6728

(D) "Community action agency" means a community-based and 6729
operated private nonprofit agency or organization that includes or 6730
is designed to include a sufficient number of projects or 6731
components to provide a range of services and activities having a 6732
measurable and potentially major impact on the causes of poverty 6733
in the community or those areas of the community where poverty is 6734
a particularly acute problem and is designated as a community 6735
action agency by the ~~office of~~ community services division 6736
pursuant to sections 122.68 and 122.69 of the Revised Code. 6737

(E) "Community" means a city, village, county, multicity or 6738
multicounty unit, a neighborhood or other area, disregarding 6739
boundaries or political subdivisions, which provides a suitable 6740
organizational base and possesses a commonality of needs and 6741
interests for a community action program suitable to be served by 6742
a community action agency. 6743

(F) "Service area" means the geographical area served by a 6744
community action agency. 6745

Sec. 122.67. There is hereby created in the ~~department of~~ 6746
development services agency the ~~office of~~ community services 6747
division. The director of development services shall employ and 6748
fix the compensation of professional and technical unclassified 6749
personnel as necessary to carry out the provisions of sections 6750
122.66 to 122.701 of the Revised Code. 6751

Sec. 122.68. The ~~office of~~ community services division shall: 6752
6753

(A) Administer all federal funds appropriated to the state 6754
from the "Community Services Block Grant Act," 95 Stat. 511, 42 6755
U.S.C.A. 9901, and comply with requirements imposed by that act in 6756
its application for, and administration of, the funds; 6757

(B) Designate community action agencies to receive community services block grant funds;	6758 6759
(C) Disburse at least ninety-five per cent or such other higher maximum amount as may from time to time be designated by congress of the funds received in the state from the "Community Services Block Grant Act" to community action agencies that comply with the requirements of section 122.69 of the Revised Code and migrant and seasonal farm worker organizations that are not designated community action agencies but which provide the services described in division (B)(1) of section 122.69 of the Revised Code.	6760 6761 6762 6763 6764 6765 6766 6767 6768
(D) Provide technical assistance to community action agencies to improve program planning, development, and administration;	6769 6770
(E) Conduct yearly performance assessments, according to criteria determined by department of development <u>services agency</u> rule, to determine whether community action agencies are in compliance with section 122.69 of the Revised Code;	6771 6772 6773 6774
(F) Annually prepare and submit to the United States secretary of health and human services, the governor, the president of the Ohio senate, and the speaker of the Ohio house of representatives, a comprehensive report that includes:	6775 6776 6777 6778
(1) Certification that all community action agencies designated to receive funds from the "Community Services Block Grant Act" are in compliance with section 122.69 of the Revised Code;	6779 6780 6781 6782
(2) A program plan for the next federal fiscal year that has been made available for public inspection and that details how community services block grant funds will be disbursed and used during that fiscal year;	6783 6784 6785 6786
(3) Information detailing how funds were expended for the current fiscal year;	6787 6788

(4) An audit of community services block grant expenditures 6789
for the preceding federal fiscal year that is conducted in 6790
accordance with generally accepted accounting principles by an 6791
independent auditing firm that has no connection with any 6792
community action agency receiving community services block grant 6793
funds or with any employee of the ~~office~~ division. 6794

(G) Serve as a statewide advocate for social and economic 6795
opportunities for low-income persons. 6796

Sec. 122.681. (A) Except as permitted by this section, or 6797
when required by federal law, no person or government entity shall 6798
solicit, release, disclose, receive, use, or knowingly permit or 6799
participate in the use of any information regarding an individual 6800
receiving assistance pursuant to a community services division 6801
program under sections 122.66 to 122.702 of the Revised Code for 6802
any purpose not directly related to the administration of a 6803
division assistance program. 6804

(B) To the extent permitted by federal law, the division, and 6805
any entity that receives division funds to administer a division 6806
program to assist individuals, shall release information regarding 6807
an individual assistance recipient to the following: 6808

(1) A government entity responsible for administering the 6809
assistance program for purposes directly related to the 6810
administration of the program; 6811

(2) A law enforcement agency for the purpose of any 6812
investigation, prosecution, or criminal or civil proceeding 6813
relating to the administration of the assistance program; 6814

(3) A government entity responsible for administering a 6815
children's protective services program, for the purpose of 6816
protecting children. 6817

(C) To the extent permitted by federal law and section 6818

1347.08 of the Revised Code, the division, and any entity 6819
administering a division program, shall provide access to 6820
information regarding an individual assistance recipient to all of 6821
the following: 6822

(1) The individual assistance recipient; 6823

(2) The authorized representative of the individual 6824
assistance recipient; 6825

(3) The legal guardian of the individual assistance 6826
recipient; 6827

(4) The attorney of the individual assistance recipient. 6828

(D) To the extent permitted by federal law, the division, and 6829
any entity administering a division program, may do either of the 6830
following: 6831

(1) Release information about an individual assistance 6832
recipient if the recipient gives voluntary, written authorization; 6833

(2) Release information regarding an individual assistance 6834
recipient to a state, federal, or federally assisted program that 6835
provides cash or in-kind assistance or services directly to 6836
individuals based on need. 6837

(E) The community services division, or an entity 6838
administering a division program, shall provide, at no cost, a 6839
copy of each written authorization to the individual who signed 6840
it. 6841

(F) The development services agency may adopt rules defining 6842
who may serve as an individual assistance recipient's authorized 6843
representative for purposes of division (C)(2) of this section. 6844

Sec. 122.69. (A) Any nonprofit agency or organization seeking 6845
designation as a community action agency by the ~~office of~~ 6846
community services division shall obtain the endorsement of the 6847

chief elected officials of at least two-thirds of the municipal 6848
corporations and the counties within the community to be served by 6849
the agency or organization. 6850

(B) Any nonprofit agency or organization that receives the 6851
endorsement provided for in division (A) of this section shall be 6852
designated by the ~~office~~ division as the community action agency 6853
for the community it serves and shall receive community services 6854
block grant funds for any period of time that the nonprofit agency 6855
or organization: 6856

(1) Provides a range of services and opportunities having a 6857
measurable and potentially major impact on the causes of poverty 6858
in the community or those areas of the community where poverty is 6859
a particularly acute problem. These activities may include but 6860
shall not be limited to: 6861

(a) Providing activities designed to assist low-income 6862
persons, including elderly and handicapped low-income persons, to: 6863

(i) Secure and maintain meaningful employment, training, work 6864
experience, and unsubsidized employment; 6865

(ii) Attain an adequate education; 6866

(iii) Make better use of available income; 6867

(iv) Obtain and maintain adequate housing and a suitable 6868
living environment; 6869

(v) Obtain emergency assistance through loans or grants to 6870
meet immediate and urgent individual and family needs, including 6871
the need for health services, nutritious food, housing, and 6872
employment-related assistance; 6873

(vi) Remove obstacles and solve personal and family problems 6874
that block the achievement of self-sufficiency; 6875

(vii) Achieve greater participation in the affairs of the 6876
community; 6877

(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions;	6878 6879
(ix) Obtain energy assistance, conservation, and weatherization services.	6880 6881
(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons;	6882 6883 6884 6885
(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals;	6886 6887 6888
(d) Providing child care services, nutrition and health services, transportation services, alcoholism and narcotic addiction prevention and rehabilitation services, youth development services, and community services to elderly and handicapped persons;	6889 6890 6891 6892 6893
(e) Encouraging entities in the private sector to participate in efforts to ameliorate poverty in the community.	6894 6895
(2) Annually submits to the office of community services <u>division</u> a program plan and budget for use of community services block grant funds for the next federal fiscal year. At least ten days prior to its submission to the office of community services <u>division</u> , a copy of the program plan and budget shall be made available to the chief elected officials of the municipal corporations and counties within the service area in order to provide them the opportunity to review and comment upon such plan and budget.	6896 6897 6898 6899 6900 6901 6902 6903 6904
(3) Composes its board of directors in compliance with section (c)(3) of section 675 of the the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904, except that the board shall consist of not less than fifteen nor more than thirty-three	6905 6906 6907 6908

members; 6909

(4) Complies with the prohibitions against discrimination and 6910
political activity, as provided in the "Community Services Block 6911
Grant Act"; 6912

(5) Complies with fiscal and program requirements established 6913
by ~~department of~~ development services agency rule. 6914

Sec. 122.70. The board of directors of a community action 6915
agency shall: 6916

(A) Select, appoint, and may remove the executive director of 6917
the community action agency; 6918

(B) Approve contracts, annual program budgets, and policies 6919
of the community action agency; 6920

(C) Advise the elected officials of any political subdivision 6921
located within its service area, and state and federal elected 6922
officials who represent its service area, of the nature and extent 6923
of poverty within its community, and advise them of any needed 6924
changes; 6925

(D) Convene public meetings to provide community members the 6926
opportunity to comment on public policies and programs to reduce 6927
poverty; 6928

(E) Annually evaluate the policies and programs of the 6929
community action agency according to criteria determined by 6930
~~department of~~ development services agency rule; 6931

(F) Submit the results of the evaluation required by division 6932
(E) of this section, along with recommendations for improved 6933
administration of the community action agency, to the ~~office of~~ 6934
community services division; 6935

(G) Adopt a code of ethics for the board of directors and the 6936
employees of the community action agency; 6937

(H) Adopt written policies describing all of the following:	6938
(1) How the <u>community action</u> agency is to expend and distribute the community services block grant funds that it receives from the office of community services <u>division</u> under sections 122.68 and 122.69 of the Revised Code;	6939 6940 6941 6942
(2) The salary, benefits, travel expenses, and any other compensation that persons are to receive for serving on the <u>community action</u> agency's board of directors;	6943 6944 6945
(3) The operating procedures to be used by the board to conduct its meetings, to vote on all official business it considers, and to provide notice of its meetings.	6946 6947 6948
(I) Provide for the posting of notices in a conspicuous place indicating that the code of ethics described in division (G) of this section and the policies described in division (H) of this section are available for public inspection at the <u>community action</u> agency during normal business hours.	6949 6950 6951 6952 6953
Sec. 122.701. (A) Prior to designating a new community action agency or rescinding a community action agency's designation, the office of community services <u>division</u> shall:	6954 6955 6956
(1) Determine whether a community action agency is in compliance with section 122.69 of the Revised Code;	6957 6958
(2) Consult with the chief elected officials of political subdivisions located within a community action agency's service area, and, in designating a new community action agency, obtain their endorsement of the agency in accordance with division (A) of section 122.69 of the Revised Code;	6959 6960 6961 6962 6963
(3) Hold at least one public meeting within a community action agency's service area for the purpose of allowing citizens to comment on the community action agency's delivery of services;	6964 6965 6966
(4) Evaluate the proposed service area of the community	6967

action agency, and, as may be necessary, modify the boundaries of 6968
the service area so that low-income persons in the area are 6969
adequately and efficiently served. 6970

(B) After providing notice and hearing pursuant to sections 6971
119.01 to 119.13 of the Revised Code, the director of development 6972
services: 6973

(1) May rescind the designation of a community action agency 6974
~~if he finds~~ after finding that the agency is not in compliance 6975
with any or all of the provisions of section 122.69 of the Revised 6976
Code; 6977

(2) Shall rescind the designation of a community action 6978
agency upon notification from the chief elected officials of more 6979
than one-half of the municipal corporations and the counties 6980
within a community currently served by a community action agency 6981
that such agency is not endorsed by them and ~~upon a~~ after finding 6982
~~by him~~ that the agency is not in compliance with section 122.69 of 6983
the Revised Code. 6984

Any agency whose designation is rescinded pursuant to this 6985
section may appeal from an order rescinding such designation 6986
pursuant to section 119.12 of the Revised Code. 6987

Sec. 122.76. (A) The director of development services, with 6988
controlling board approval, may lend funds to minority business 6989
enterprises and to community improvement corporations, Ohio 6990
development corporations, minority contractors business assistance 6991
organizations, and minority business supplier development councils 6992
for the purpose of loaning funds to minority business enterprises 6993
~~and,~~ for the purpose of procuring or improving real or personal 6994
property, or both, for the establishment, location, or expansion 6995
of industrial, distribution, commercial, or research facilities in 6996
the state, and for the purpose of contract financing, and to 6997
community development corporations that predominantly benefit 6998

minority business enterprises or are located in a census tract 6999
that has a population that is sixty per cent or more minority, if 7000
the director determines, in the director's sole discretion, that 7001
all of the following apply: 7002

(1) The project is economically sound and will benefit the 7003
people of the state by increasing opportunities for employment, by 7004
strengthening the economy of the state, or expanding minority 7005
business enterprises. 7006

(2) The proposed minority business enterprise borrower is 7007
unable to finance the proposed project through ordinary financial 7008
channels at comparable terms. 7009

(3) The value of the project is or, upon completion, will be 7010
at least equal to the total amount of the money expended in the 7011
procurement or improvement of the project. 7012

(4) The amount to be loaned by the director will not exceed 7013
seventy-five per cent of the total amount expended in the 7014
procurement or improvement of the project. 7015

(5) The amount to be loaned by the director will be 7016
adequately secured by a first or second mortgage upon the project 7017
or by mortgages, leases, liens, assignments, or pledges on or of 7018
other property or contracts as the director requires, and such 7019
mortgage will not be subordinate to any other liens or mortgages 7020
except the liens securing loans or investments made by financial 7021
institutions referred to in division (A)(3) of this section, and 7022
the liens securing loans previously made by any financial 7023
institution in connection with the procurement or expansion of all 7024
or part of a project. 7025

(B) Any proposed minority business enterprise borrower 7026
submitting an application for assistance under this section shall 7027
not have defaulted on a previous loan from the director, and no 7028
full or limited partner, major shareholder, or holder of an equity 7029

interest of the proposed minority business enterprise borrower 7030
shall have defaulted on a loan from the director. 7031

(C) The proposed minority business enterprise borrower shall 7032
demonstrate to the satisfaction of the director that it is able to 7033
successfully compete in the private sector if it obtains the 7034
necessary financial, technical, or managerial support and that 7035
support is available through the director, the minority business 7036
development office of the ~~department of~~ development services 7037
agency, or other identified and acceptable sources. In determining 7038
whether a minority business enterprise borrower will be able to 7039
successfully compete, the director may give consideration to such 7040
factors as the successful completion of or participation in 7041
courses of study, recognized by the board of regents as providing 7042
financial, technical, or managerial skills related to the 7043
operation of the business, by the economically disadvantaged 7044
individual, owner, or partner, and the prior success of the 7045
individual, owner, or partner in personal, career, or business 7046
activities, as well as to other factors identified by the 7047
director. 7048

(D) The director shall not lend funds for the purpose of 7049
procuring or improving motor vehicles or accounts receivable. 7050

Sec. 122.861. (A) As used in this section: 7051

(1) "Certified engine configuration" means a new, rebuilt, or 7052
remanufactured engine configuration that satisfies divisions 7053
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this 7054
section: 7055

(a) It has been certified by the administrator of the United 7056
States environmental protection agency or the California air 7057
resources board. 7058

(b) It meets or is rebuilt or remanufactured to a more 7059

stringent set of engine emission standards than when originally 7060
manufactured, as determined pursuant to Subtitle G of Title VII of 7061
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 7062
et seq. 7063

(c) In the case of a certified engine configuration involving 7064
the replacement of an existing engine, an engine configuration 7065
that replaced an engine that was removed from the vehicle and 7066
returned to the supplier for remanufacturing to a more stringent 7067
set of engine emissions standards or for scrappage. 7068

(2) "Section 793" means section 793 of the Energy Policy Act 7069
of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq. 7070

(3) "Verified technology" means a pollution control 7071
technology, including a retrofit technology, advanced truckstop 7072
electrification system, or auxiliary power unit, that has been 7073
verified by the administrator of the United States environmental 7074
protection agency or the California air resources board. 7075

(B) For the purpose of reducing emissions from diesel 7076
engines, the director of environmental protection shall administer 7077
a diesel emissions reduction grant program and a diesel emissions 7078
reduction revolving loan program. The programs shall provide for 7079
the implementation in this state of section 793 and shall 7080
otherwise be administered in compliance with the requirements of 7081
section 793, and any regulations issued pursuant to that section. 7082

The director shall apply to the administrator of the United 7083
States environmental protection agency for grant or loan funds 7084
available under section 793 to help fund the diesel emissions 7085
reduction grant program and the diesel emissions reduction 7086
revolving loan program. 7087

~~(C) There is hereby created in the state treasury the diesel 7088
emissions grant fund consisting of money appropriated to it by the 7089
general assembly, any grants obtained from the federal government 7090~~

~~under section 793, and any other grants, gifts, or other 7091
contributions of money made to the credit of the fund. Money in 7092
the fund shall be used for the purpose of making grants for 7093
projects relating to certified engine configurations and verified 7094
technologies in a manner consistent with the requirements of 7095
section 793 and any regulations issued under that section. 7096
Interest earned from moneys in the fund shall be used to 7097
administer the diesel emissions reduction grant program. 7098~~

(D) There is hereby created in the state treasury the diesel 7099
emissions reduction revolving loan fund consisting of money 7100
appropriated to it by the general assembly, any grants obtained 7101
from the federal government under section 793, and any other 7102
grants, gifts, or other contributions of money made to the credit 7103
of the fund. Money in the fund shall be used for the purpose of 7104
making loans for projects relating to certified engine 7105
configurations and verified technologies in a manner consistent 7106
with the requirements of section 793 and any regulations issued 7107
pursuant to that section. Interest earned from moneys in the fund 7108
shall be used to administer the diesel emissions reduction 7109
revolving loan program. 7110

Sec. 123.01. (A) The department of administrative services, 7111
in addition to those powers enumerated in Chapters 124. and 125. 7112
of the Revised Code and provided elsewhere by law, shall exercise 7113
the following powers: 7114

(1) To prepare and suggest comprehensive plans for the 7115
development of grounds and buildings under the control of a state 7116
agency; 7117

(2) To acquire, by purchase, gift, devise, lease, or grant, 7118
all real estate required by a state agency, in the exercise of 7119
which power the department may exercise the power of eminent 7120
domain, in the manner provided by sections 163.01 to 163.22 of the 7121

Revised Code;	7122
(3) To erect, supervise, and maintain all public monuments	7123
and memorials erected by the state, except where the supervision	7124
and maintenance is otherwise provided by law;	7125
(4) To procure, by lease, storage accommodations for a state	7126
agency;	7127
(5) To lease or grant easements or licenses for unproductive	7128
and unused lands or other property under the control of a state	7129
agency. Such leases, easements, or licenses may be granted to any	7130
person or entity, shall be for a period not to exceed fifteen	7131
years, and shall be executed for the state by the director of	7132
administrative services, provided that the director shall grant	7133
leases, easements, or licenses of university land for periods not	7134
to exceed twenty-five years for purposes approved by the	7135
respective university's board of trustees wherein the uses are	7136
compatible with the uses and needs of the university and may grant	7137
leases of university land for periods not to exceed forty years	7138
for purposes approved by the respective university's board of	7139
trustees pursuant to section 123.17 of the Revised Code.	7140
(6) To lease space for the use of a state agency;	7141
(7) To have general supervision and care of the storerooms,	7142
offices, and buildings leased for the use of a state agency;	7143
(8) To exercise general custodial care of all real property	7144
of the state;	7145
(9) To assign and group together state offices in any city in	7146
the state and to establish, in cooperation with the state agencies	7147
involved, rules governing space requirements for office or storage	7148
use;	7149
(10) To lease for a period not to exceed forty years,	7150
pursuant to a contract providing for the construction thereof	7151

under a lease-purchase plan, buildings, structures, and other 7152
improvements for any public purpose, and, in conjunction 7153
therewith, to grant leases, easements, or licenses for lands under 7154
the control of a state agency for a period not to exceed forty 7155
years. The lease-purchase plan shall provide that at the end of 7156
the lease period, the buildings, structures, and related 7157
improvements, together with the land on which they are situated, 7158
shall become the property of the state without cost. 7159

(a) Whenever any building, structure, or other improvement is 7160
to be so leased by a state agency, the department shall retain 7161
either basic plans, specifications, bills of materials, and 7162
estimates of cost with sufficient detail to afford bidders all 7163
needed information or, alternatively, all of the following plans, 7164
details, bills of materials, and specifications: 7165

(i) Full and accurate plans suitable for the use of mechanics 7166
and other builders in the improvement; 7167

(ii) Details to scale and full sized, so drawn and 7168
represented as to be easily understood; 7169

(iii) Accurate bills showing the exact quantity of different 7170
kinds of material necessary to the construction; 7171

(iv) Definite and complete specifications of the work to be 7172
performed, together with such directions as will enable a 7173
competent mechanic or other builder to carry them out and afford 7174
bidders all needed information; 7175

(v) A full and accurate estimate of each item of expense and 7176
of the aggregate cost thereof. 7177

(b) The department shall give public notice, in such 7178
newspaper, in such form, and with such phraseology as the director 7179
of administrative services prescribes, published once each week 7180
for four consecutive weeks, of the time when and place where bids 7181
will be received for entering into an agreement to lease to a 7182

state agency a building, structure, or other improvement. The last 7183
publication shall be at least eight days preceding the day for 7184
opening the bids. The bids shall contain the terms upon which the 7185
builder would propose to lease the building, structure, or other 7186
improvement to the state agency. The form of the bid approved by 7187
the department shall be used, and a bid is invalid and shall not 7188
be considered unless that form is used without change, alteration, 7189
or addition. Before submitting bids pursuant to this section, any 7190
builder shall comply with Chapter 153. of the Revised Code. 7191

(c) On the day and at the place named for receiving bids for 7192
entering into lease agreements with a state agency, the director 7193
of administrative services shall open the bids and shall publicly 7194
proceed immediately to tabulate the bids upon duplicate sheets. No 7195
lease agreement shall be entered into until the bureau of workers' 7196
compensation has certified that the person to be awarded the lease 7197
agreement has complied with Chapter 4123. of the Revised Code, 7198
until, if the builder submitting the lowest and best bid is a 7199
foreign corporation, the secretary of state has certified that the 7200
corporation is authorized to do business in this state, until, if 7201
the builder submitting the lowest and best bid is a person 7202
nonresident of this state, the person has filed with the secretary 7203
of state a power of attorney designating the secretary of state as 7204
its agent for the purpose of accepting service of summons in any 7205
action brought under Chapter 4123. of the Revised Code, and until 7206
the agreement is submitted to the attorney general and the 7207
attorney general's approval is certified thereon. Within thirty 7208
days after the day on which the bids are received, the department 7209
shall investigate the bids received and shall determine that the 7210
bureau and the secretary of state have made the certifications 7211
required by this section of the builder who has submitted the 7212
lowest and best bid. Within ten days of the completion of the 7213
investigation of the bids, the department shall award the lease 7214
agreement to the builder who has submitted the lowest and best bid 7215

and who has been certified by the bureau and secretary of state as 7216
required by this section. If bidding for the lease agreement has 7217
been conducted upon the basis of basic plans, specifications, 7218
bills of materials, and estimates of costs, upon the award to the 7219
builder the department, or the builder with the approval of the 7220
department, shall appoint an architect or engineer licensed in 7221
this state to prepare such further detailed plans, specifications, 7222
and bills of materials as are required to construct the building, 7223
structure, or improvement. The department shall adopt such rules 7224
as are necessary to give effect to this section. The department 7225
may reject any bid. Where there is reason to believe there is 7226
collusion or combination among bidders, the bids of those 7227
concerned therein shall be rejected. 7228

(11) To acquire by purchase, gift, devise, or grant and to 7229
transfer, lease, or otherwise dispose of all real property 7230
required to assist in the development of a conversion facility as 7231
defined in section 5709.30 of the Revised Code as that section 7232
existed before its repeal by Amended Substitute House Bill 95 of 7233
the 125th general assembly; 7234

(12) To lease for a period not to exceed forty years, 7235
notwithstanding any other division of this section, the 7236
state-owned property located at 408-450 East Town Street, 7237
Columbus, Ohio, formerly the state school for the deaf, to a 7238
developer in accordance with this section. "Developer," as used in 7239
this section, has the same meaning as in section 123.77 of the 7240
Revised Code. 7241

Such a lease shall be for the purpose of development of the 7242
land for use by senior citizens by constructing, altering, 7243
renovating, repairing, expanding, and improving the site as it 7244
existed on June 25, 1982. A developer desiring to lease the land 7245
shall prepare for submission to the department a plan for 7246
development. Plans shall include provisions for roads, sewers, 7247

water lines, waste disposal, water supply, and similar matters to 7248
meet the requirements of state and local laws. The plans shall 7249
also include provision for protection of the property by insurance 7250
or otherwise, and plans for financing the development, and shall 7251
set forth details of the developer's financial responsibility. 7252

The department may employ, as employees or consultants, 7253
persons needed to assist in reviewing the development plans. Those 7254
persons may include attorneys, financial experts, engineers, and 7255
other necessary experts. The department shall review the 7256
development plans and may enter into a lease if it finds all of 7257
the following: 7258

(a) The best interests of the state will be promoted by 7259
entering into a lease with the developer; 7260

(b) The development plans are satisfactory; 7261

(c) The developer has established the developer's financial 7262
responsibility and satisfactory plans for financing the 7263
development. 7264

The lease shall contain a provision that construction or 7265
renovation of the buildings, roads, structures, and other 7266
necessary facilities shall begin within one year after the date of 7267
the lease and shall proceed according to a schedule agreed to 7268
between the department and the developer or the lease will be 7269
terminated. The lease shall contain such conditions and 7270
stipulations as the director considers necessary to preserve the 7271
best interest of the state. Moneys received by the state pursuant 7272
to this lease shall be paid into the general revenue fund. The 7273
lease shall provide that at the end of the lease period the 7274
buildings, structures, and related improvements shall become the 7275
property of the state without cost. 7276

(13) To manage the use of space owned and controlled by the 7277
department, including space in property under the jurisdiction of 7278

the Ohio building authority, by doing all of the following: 7279

(a) Biennially implementing, by state agency location, a 7280
census of agency employees assigned space; 7281

(b) Periodically in the discretion of the director of 7282
administrative services: 7283

(i) Requiring each state agency to categorize the use of 7284
space allotted to the agency between office space, common areas, 7285
storage space, and other uses, and to report its findings to the 7286
department; 7287

(ii) Creating and updating a master space utilization plan 7288
for all space allotted to state agencies. The plan shall 7289
incorporate space utilization metrics. 7290

(iii) Conducting a cost-benefit analysis to determine the 7291
effectiveness of state-owned buildings; 7292

(iv) Assessing the alternatives associated with consolidating 7293
the commercial leases for buildings located in Columbus. 7294

(c) Commissioning a comprehensive space utilization and 7295
capacity study in order to determine the feasibility of 7296
consolidating existing commercially leased space used by state 7297
agencies into a new state-owned facility. 7298

(14) To adopt rules to ensure that energy efficiency and 7299
conservation is considered in the purchase of products and 7300
equipment, except motor vehicles, by any state agency, department, 7301
division, bureau, office, unit, board, commission, authority, 7302
quasi-governmental entity, or institution. The department may 7303
require minimum energy efficiency standards for purchased products 7304
and equipment based on federal testing and labeling if available 7305
or on standards developed by the department. When possible, the 7306
rules shall apply to the competitive selection of energy consuming 7307
systems, components, and equipment under Chapter 125. of the 7308

Revised Code.	7309
(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:	7310 7311
(a) Identifying available energy efficiency and conservation opportunities;	7312 7313
(b) Providing for interchange of information among purchasing agencies;	7314 7315
(c) Identifying laws, policies, rules, and procedures that should be modified;	7316 7317
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	7318 7319 7320 7321 7322
(e) Providing technical assistance and training to state employees involved in the purchasing process;	7323 7324
(f) Working with the department of development <u>services agency</u> to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.	7325 7326 7327 7328
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the	7329 7330 7331 7332 7333 7334 7335 7336 7337 7338

fiscal year, in accordance with the average fuel economy standards 7339
established by federal law for passenger automobiles manufactured 7340
during the model year that begins during the fiscal year. 7341

Each state agency, department, division, bureau, office, 7342
unit, commission, board, authority, quasi-governmental entity, 7343
institution, and state institution of higher education shall 7344
determine its fleet average fuel economy by dividing the total 7345
number of passenger vehicles acquired during the fiscal year, 7346
except for those passenger vehicles acquired for use in law 7347
enforcement or emergency rescue work, by a sum of terms, each of 7348
which is a fraction created by dividing the number of passenger 7349
vehicles of a given make, model, and year, except for passenger 7350
vehicles acquired for use in law enforcement or emergency rescue 7351
work, acquired during the fiscal year by the fuel economy measured 7352
by the administrator of the United States environmental protection 7353
agency, for the given make, model, and year of vehicle, that 7354
constitutes an average fuel economy for combined city and highway 7355
driving. 7356

As used in division (A)(16) of this section, "acquired" means 7357
leased for a period of sixty continuous days or more, or 7358
purchased. 7359

(B) This section and section 125.02 of the Revised Code shall 7360
not interfere with any of the following: 7361

(1) The power of the adjutant general to purchase military 7362
supplies, or with the custody of the adjutant general of property 7363
leased, purchased, or constructed by the state and used for 7364
military purposes, or with the functions of the adjutant general 7365
as director of state armories; 7366

(2) The power of the director of transportation in acquiring 7367
rights-of-way for the state highway system, or the leasing of 7368
lands for division or resident district offices, or the leasing of 7369

lands or buildings required in the maintenance operations of the 7370
department of transportation, or the purchase of real property for 7371
garage sites or division or resident district offices, or in 7372
preparing plans and specifications for and constructing such 7373
buildings as the director may require in the administration of the 7374
department; 7375

(3) The power of the director of public safety and the 7376
registrar of motor vehicles to purchase or lease real property and 7377
buildings to be used solely as locations to which a deputy 7378
registrar is assigned pursuant to division (B) of section 4507.011 7379
of the Revised Code and from which the deputy registrar is to 7380
conduct the deputy registrar's business, the power of the director 7381
of public safety to purchase or lease real property and buildings 7382
to be used as locations for division or district offices as 7383
required in the maintenance of operations of the department of 7384
public safety, and the power of the superintendent of the state 7385
highway patrol in the purchase or leasing of real property and 7386
buildings needed by the patrol, to negotiate the sale of real 7387
property owned by the patrol, to rent or lease real property owned 7388
or leased by the patrol, and to make or cause to be made repairs 7389
to all property owned or under the control of the patrol; 7390

(4) The power of the division of liquor control in the 7391
leasing or purchasing of retail outlets and warehouse facilities 7392
for the use of the division; 7393

(5) The power of the director of development services to 7394
enter into leases of real property, buildings, and office space to 7395
be used solely as locations for the state's foreign offices to 7396
carry out the purposes of section 122.05 of the Revised Code; 7397

(6) The power of the director of environmental protection to 7398
enter into environmental covenants, to grant and accept easements, 7399
or to sell property pursuant to division (G) of section 3745.01 of 7400
the Revised Code. 7401

(C) Purchases for, and the custody and repair of, buildings 7402
under the management and control of the capitol square review and 7403
advisory board, the rehabilitation services commission, the bureau 7404
of workers' compensation, or the departments of public safety, job 7405
and family services, ~~mental health~~ mental health and addiction 7406
services, developmental disabilities, and rehabilitation and 7407
correction; buildings of educational and benevolent institutions 7408
under the management and control of boards of trustees; and 7409
purchases or leases for, and the custody and repair of, office 7410
space used for the purposes of the joint legislative ethics 7411
committee are not subject to the control and jurisdiction of the 7412
department of administrative services. 7413

If the joint legislative ethics committee so requests, the 7414
committee and the director of administrative services may enter 7415
into a contract under which the department of administrative 7416
services agrees to perform any services requested by the committee 7417
that the department is authorized under this section to perform. 7418

(D) Unless the house of representatives notifies the 7419
department of administrative services that the house of 7420
representatives opts out, purchases for the maintenance, care, 7421
custodial care, utility costs, and repair of office space used by 7422
the house of representatives are subject to the control and 7423
jurisdiction of the department. If the house of representatives 7424
opts out, the house of representatives may enter into a contract 7425
for the purchase of any such services as is permitted under 7426
sections 125.02 and 125.04 of the Revised Code and the department 7427
shall pay the costs of the purchase and shall not charge the house 7428
of representatives service fees related to the purchase. 7429

(E) Any instrument by which real property is acquired 7430
pursuant to this section shall identify the agency of the state 7431
that has the use and benefit of the real property as specified in 7432
section 5301.012 of the Revised Code. 7433

Sec. 123.10. (A) As used in this section and section 123.11 7434
of the Revised Code, "public exigency" means an injury or 7435
obstruction that occurs in any public works of the state 7436
maintained by the director of administrative services and that 7437
materially impairs its immediate use or places in jeopardy 7438
property adjacent to it; an immediate danger of such an injury or 7439
obstruction; or an injury or obstruction, or an immediate danger 7440
of an injury or obstruction, that occurs in any public works of 7441
the state maintained by the director of administrative services 7442
and that materially impairs its immediate use or places in 7443
jeopardy property adjacent to it. 7444

(B) When a declaration of public exigency is issued pursuant 7445
to division (C) of this section, ~~the director of administrative~~ 7446
~~services may request~~ the Ohio facilities construction commission 7447
~~to~~ shall enter into contracts with proper persons for the 7448
performance of labor, the furnishing of materials, or the 7449
construction of any structures and buildings necessary to the 7450
maintenance, control, and management of the public works of the 7451
state or any part of those public works. Any contracts awarded for 7452
the work performed pursuant to the declaration of a public 7453
exigency may be awarded without competitive bidding or selection 7454
as set forth in Chapter 153. of the Revised Code. 7455

(C) The executive director of ~~administrative services~~ the 7456
Ohio facilities construction commission may issue a declaration of 7457
a public exigency on the executive director's own initiative or 7458
upon the request of the director of any state agency. The 7459
executive director's declaration shall identify the specific 7460
injury, obstruction, or danger that is the subject of the 7461
declaration and shall set forth a dollar limitation for the 7462
repair, removal, or prevention of that exigency under the 7463
declaration. 7464

Before any project to repair, remove, or prevent a public
exigency under the executive director's declaration may begin, the
executive director shall send notice of the project, in writing,
to the director of budget and management and to the members of the
controlling board. That notice shall detail the project to be
undertaken to address the public exigency and shall include a copy
of the executive director's declaration that establishes the
monetary limitations on that project.

Sec. 123.11. When a public exigency, as defined in division
(A) of section 123.10 of the Revised Code, exists, the executive
director of ~~administrative services~~ the Ohio facilities
construction commission may take possession of lands and use them,
or materials and other property necessary for the maintenance,
protection, or repair of the public works, in accordance with
sections 163.01 to 163.22 of the Revised Code.

Sec. 123.19. There is hereby established in the state
treasury the theater equipment maintenance fund. All appropriate
theater-related revenues of the department of administrative
services, as determined by the department, shall be credited to
that fund and to any accounts created in that fund with the
department's approval. All appropriate theater-related expenses of
the department, as determined by the department, including
reimbursement of, or payment to, any other fund or any
governmental agency for advances made or services rendered to or
on behalf of the department, shall be paid from that fund as
determined by or pursuant to directions of the department. All
investment earnings of that fund shall be credited to it and shall
be allocated among any accounts created in the fund in the manner
determined by the department.

Sec. 123.201. (A) There is hereby created in the state

treasury the Ohio facilities construction commission fund, 7495
consisting of transfers of moneys authorized by the general 7496
assembly and revenues received by the Ohio facilities construction 7497
commission under section 123.21 of the Revised Code. Investment 7498
earnings on moneys in the fund shall be credited to the fund. 7499
Moneys in the fund may be used by the commission, in performing 7500
its duties under this chapter, to pay personnel and other 7501
administrative expenses, to pay the cost of preparing building 7502
design specifications, to pay the cost of providing project 7503
management services, and for other purposes determined by the 7504
commission to be necessary to fulfill its duties under this 7505
chapter. 7506

(B)(1) There is hereby created in the state treasury the 7507
cultural and sports facilities building fund, consisting of 7508
proceeds of obligations authorized to pay costs of Ohio cultural 7509
facilities and Ohio sports facilities for which appropriations are 7510
made by the general assembly. All investment earnings of the fund 7511
shall be credited to the fund. 7512

(2) Upon the request of the executive director of the Ohio 7513
facilities construction commission and subject to applicable tax 7514
law limitations, the director of budget and management may 7515
transfer to the Ohio cultural facilities administration fund 7516
moneys credited to the cultural and sports facilities building 7517
fund to pay the costs of administering projects funded through the 7518
cultural and sports facilities building fund. 7519

(C) There is hereby created in the state treasury the Ohio 7520
cultural facilities administration fund, consisting of transfers 7521
of money authorized by the general assembly and revenues received 7522
by the commission under division (A)(9) of section 123.21 of the 7523
Revised Code. Moneys in the fund may be used by the Ohio 7524
facilities construction commission in administering projects 7525

funded through the cultural and sports facilities building fund 7526
pursuant to sections 123.28 and 128.281 of the Revised Code. All 7527
investment earnings of that fund shall be credited to it and shall 7528
be allocated among any accounts created in the fund in the manner 7529
determined by the commission. 7530

(D)(1) There is hereby created in the state treasury the 7531
capital donations fund, which shall be administered by the Ohio 7532
facilities construction commission. The fund consists of gifts, 7533
grants, devises, bequests, and other financial contributions made 7534
to the commission for the construction or improvement of cultural 7535
and sports facilities and shall be used in accordance with the 7536
specific purposes for which the gifts, grants, devises, bequests, 7537
or other financial contributions are made. All investment earnings 7538
of the fund shall be credited to the fund. Chapters 123., 125., 7539
127., and 153. and section 3517.13 of the Revised Code do not 7540
apply to contract obligations paid from the fund, notwithstanding 7541
anything to the contrary in those chapters or that section. 7542

(2) Not later than one month following the end of each 7543
quarter of the fiscal year, the commission shall allocate the 7544
amounts credited to the fund from investment earnings during that 7545
preceding quarter of the fiscal year among the specific projects 7546
for which they are to be used and shall certify this information 7547
to the director of budget and management. 7548

(3) If the amounts credited to the fund for a particular 7549
project exceed what is required to complete that project, the 7550
commission may refund any of those excess amounts, including 7551
unexpended investment earnings attributable to those amounts, to 7552
the entity from which they were received. 7553

Sec. 123.21. (A) The Ohio facilities construction commission 7554
may perform any act and ensure the performance of any function 7555
necessary or appropriate to carry out the purposes of, and 7556

exercise the powers granted under this chapter or any other 7557
provision of the Revised Code, including any of the following: 7558

(1) Prepare, or contract to be prepared, by licensed 7559
engineers or architects, surveys, general and detailed plans, 7560
specifications, bills of materials, and estimates of cost for any 7561
projects, improvements, or public buildings to be constructed by 7562
state agencies that may be authorized by legislative 7563
appropriations or any other funds made available therefor, 7564
provided that the construction of the projects, improvements, or 7565
public buildings is a statutory duty of the commission. This 7566
section does not require the independent employment of an 7567
architect or engineer as provided by section 153.01 of the Revised 7568
Code in the cases to which section 153.01 of the Revised Code 7569
applies. This section does not affect or alter the existing powers 7570
of the director of transportation. 7571

(2) Have general supervision over the construction of any 7572
projects, improvements, or public buildings constructed for a 7573
state agency and over the inspection of materials prior to their 7574
incorporation into those projects, improvements, or buildings. 7575

(3) Make contracts for and supervise the design and 7576
construction of any projects and improvements or the construction 7577
and repair of buildings under the control of a state agency. All 7578
such contracts may be based in whole or in part on the unit price 7579
or maximum estimated cost, with payment computed and made upon 7580
actual quantities or units. 7581

(4) Adopt, amend, and rescind rules pertaining to the 7582
administration of the construction of the public works of the 7583
state as required by law, in accordance with Chapter 119. of the 7584
Revised Code. 7585

(5) Contract with, retain the services of, or designate, and 7586
fix the compensation of, such agents, accountants, consultants, 7587

advisers, and other independent contractors as may be necessary or 7588
desirable to carry out the programs authorized under this chapter, 7589
or authorize the executive director to perform such powers and 7590
duties. 7591

(6) Receive and accept any gifts, grants, donations, and 7592
pledges, and receipts therefrom, to be used for the programs 7593
authorized under this chapter. 7594

(7) Make and enter into all contracts, commitments, and 7595
agreements, and execute all instruments, necessary or incidental 7596
to the performance of its duties and the execution of its rights 7597
and powers under this chapter, or authorize the executive director 7598
to perform such powers and duties. 7599

(8) Debar a contractor as provided in section 153.02 of the 7600
Revised Code. 7601

(9) Enter into and administer cooperative agreements for 7602
cultural projects, as provided in sections 123.28 and 123.281 of 7603
the Revised Code. 7604

(B) The commission shall appoint and fix the compensation of 7605
an executive director who shall serve at the pleasure of the 7606
commission. The executive director shall exercise all powers that 7607
the commission possesses, supervise the operations of the 7608
commission, and perform such other duties as delegated by the 7609
commission. The executive director also shall employ and fix the 7610
compensation of such employees as will facilitate the activities 7611
and purposes of the commission, who shall serve at the pleasure of 7612
the executive director. The employees of the commission are exempt 7613
from Chapter 4117. of the Revised Code and are not considered 7614
public employees as defined in section 4117.01 of the Revised 7615
Code. Any agreement entered into prior to July 1, 2012, between 7616
the office of collective bargaining and the exclusive 7617
representative for employees of the commission is binding and 7618

shall continue to have effect. 7619

(C) The attorney general shall serve as the legal 7620
representative for the commission and may appoint other counsel as 7621
necessary for that purpose in accordance with section 109.07 of 7622
the Revised Code. 7623

Sec. 123.27. (A) As used in this section: 7624

"Capital facilities project" means the construction, 7625
reconstruction, improvement, enlargement, alteration, or repair of 7626
a building by a public entity. 7627

"Public entity" includes a state agency and a state 7628
institution of higher education. 7629

"State institution of higher education" has the same meaning 7630
as in section 3345.011 of the Revised Code. 7631

(B) Commencing not later than July 1, 2012, and upon 7632
completion of a capital facilities project that is funded wholly 7633
or in part using state funds, each public entity shall submit a 7634
report about the project to the executive director of the Ohio 7635
facilities construction commission. The report shall be submitted 7636
in Ohio administrative knowledge system capital improvement format 7637
or in a manner determined by the executive director and not later 7638
than thirty days after the project is complete. The report shall 7639
provide the total original contract bid, total cost of change 7640
orders, total actual cost of the project, total costs incurred for 7641
mediation and litigation services, and any other data requested by 7642
the executive director. The first report submitted pursuant to 7643
this division shall include information about any capital 7644
facilities project completed on or after July 1, 2011. Any capital 7645
facilities project that is funded wholly or in part through 7646
appropriations made to the Ohio school facilities commission, or 7647
the Ohio public works commission, ~~or the Ohio cultural facilities~~ 7648

~~commission~~, or for which a joint use agreement has been entered 7649
into with any public entity, is exempt from the reporting 7650
requirement prescribed under this division. 7651

(C) Commencing not later than July 1, 2012, and annually 7652
thereafter, the attorney general shall report to the executive 7653
director of the Ohio facilities construction commission on any 7654
mediation and litigation costs associated with capital facilities 7655
projects for which a judgment has been rendered. The report shall 7656
be submitted in a manner prescribed by the executive director and 7657
shall contain any information requested by the executive director 7658
related to capital facilities project mediation and litigation 7659
costs. 7660

(D) As soon as practicable after such information is made 7661
available, the executive director of the Ohio facilities 7662
construction commission shall incorporate the information reported 7663
pursuant to divisions (B) and (C) of this section into the Ohio 7664
administrative knowledge system. 7665

Sec. ~~3383-01~~ 123.28. As used in this ~~chapter~~ section and in 7666
section 123.281 of the Revised Code: 7667

(A) "Culture" means any of the following: 7668

(1) Visual, musical, dramatic, graphic, design, and other 7669
arts, including, but not limited to, architecture, dance, 7670
literature, motion pictures, music, painting, photography, 7671
sculpture, and theater, and the provision of training or education 7672
in these arts; 7673

(2) The presentation or making available, in museums or other 7674
indoor or outdoor facilities, of principles of science and their 7675
development, use, or application in business, industry, or 7676
commerce or of the history, heritage, development, presentation, 7677
and uses of the arts described in division (A)(1) of this section 7678

and of transportation; 7679

(3) The preservation, presentation, or making available of 7680
features of archaeological, architectural, environmental, or 7681
historical interest or significance in a state historical facility 7682
or a local historical facility. 7683

(B) "Cultural organization" means either of the following: 7684

(1) A governmental agency or Ohio nonprofit corporation, 7685
including the Ohio historical society, that provides programs or 7686
activities in areas directly concerned with culture; 7687

(2) A regional arts and cultural district as defined in 7688
section 3381.01 of the Revised Code. 7689

(C) "Cultural project" means all or any portion of an Ohio 7690
cultural facility for which the general assembly has ~~specifically~~ 7691
~~authorized the spending of money, or~~ made an appropriation, 7692
~~pursuant to division (D)(3) or (E) of section 3383.07 of the~~ 7693
~~Revised Code~~ or has specifically authorized the spending of money 7694
or the making of rental payments relating to the financing of 7695
construction. 7696

(D) "Cooperative contract" means a contract between the Ohio 7697
~~cultural facilities~~ construction commission and a cultural 7698
organization providing the terms and conditions of the cooperative 7699
use of an Ohio cultural facility. 7700

(E) "Costs of operation" means amounts required to manage an 7701
Ohio cultural facility that are incurred following the completion 7702
of construction of its cultural project, provided that both of the 7703
following apply: 7704

(1) Those amounts either: 7705

(a) Have been committed to a fund dedicated to that purpose; 7706

(b) Equal the principal of any endowment fund, the income 7707
from which is dedicated to that purpose. 7708

(2) The commission and the cultural organization have 7709
executed an agreement with respect to either of those funds. 7710

(F) ~~"General building services" means general building 7711
services for an Ohio cultural facility or an Ohio sports facility, 7712
including, but not limited to, general custodial care, security, 7713
maintenance, repair, painting, decoration, cleaning, utilities, 7714
fire safety, grounds and site maintenance and upkeep, and 7715
plumbing. 7716~~

~~(G) "Governmental agency" means a state agency, a 7717
state supported or state assisted institution of higher education, 7718
a municipal corporation, county, township, or school district, a 7719
port authority created under Chapter 4582. of the Revised Code, 7720
any other political subdivision or special district in this state 7721
established by or pursuant to law, or any combination of these 7722
entities; except where otherwise indicated, the United States or 7723
any department, division, or agency of the United States, or any 7724
agency, commission, or authority established pursuant to an 7725
interstate compact or agreement. 7726~~

~~(H)~~(G) "Local contributions" means the value of an asset 7727
provided by or on behalf of a cultural organization from sources 7728
other than the state, the value and nature of which shall be 7729
approved by the Ohio ~~cultural~~ facilities construction commission, 7730
in its sole discretion. "Local contributions" may include the 7731
value of the site where a cultural project is to be constructed. 7732
All "local contributions," except a contribution attributable to 7733
such a site, shall be for the costs of construction of a cultural 7734
project or the creation or expansion of an endowment for the costs 7735
of operation of a cultural facility. 7736

~~(I)~~(H) "Local historical facility" means a site or facility, 7737
other than a state historical facility, of archaeological, 7738
architectural, environmental, or historical interest or 7739
significance, or a facility, including a storage facility, 7740

appurtenant to the operations of such a site or facility, that is 7741
owned by a cultural organization, ~~provided the facility meets the~~ 7742
~~requirements of division (K)(2)(b) of this section, is managed by~~ 7743
~~or pursuant to a contract with the Ohio cultural facilities~~ 7744
~~commission, and is used for or in connection with the cultural~~ 7745
~~activities of the commission, including the presentation or making~~ 7746
available of culture to the public. 7747

~~(J)(I)~~ "Manage," "operate," or "management" means the 7748
provision of, or the exercise of control over the provision of, 7749
activities: 7750

(1) Relating to culture for an Ohio cultural facility, 7751
including as applicable, but not limited to, providing for 7752
displays, exhibitions, specimens, and models; booking of artists, 7753
performances, or presentations; scheduling; and hiring or 7754
contracting for directors, curators, technical and scientific 7755
staff, ushers, stage managers, and others directly related to the 7756
cultural activities in the facility; but not including general 7757
building services; 7758

(2) Relating to sports and athletic events for an Ohio sports 7759
facility, including as applicable, but not limited to, providing 7760
for booking of athletes, teams, and events; scheduling; and hiring 7761
or contracting for staff, ushers, managers, and others directly 7762
related to the sports and athletic events in the facility; but not 7763
including general building services. 7764

~~(K)(J)~~ "Ohio cultural facility" means any of the following: 7765

(1) The theaters located in the state office tower at 77 7766
South High street in Columbus; 7767

(2) Any ~~capital~~ cultural facility in this state ~~to which both~~ 7768
~~of the following apply:~~ 7769

~~(a) The construction of a cultural project related to the~~ 7770
~~facility was authorized or funded by the general assembly pursuant~~ 7771

~~to division (D)(3) of section 3383.07 of the Revised Code and
proceeds of state bonds are used for costs of the cultural
project.~~ 7772
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~~(b) The facility that is managed directly by, or is subject
to a cooperative or management contract with, the Ohio ~~cultural~~
facilities construction commission, ~~and is used for or in~~
~~connection with the activities of the commission, including the~~
~~presentation or making available of culture to the public and the~~
~~provision of training or education in culture.~~ 7775
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(3) A state historical facility or a local historical
facility. 7781
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~~(L) "State agency" means the state or any of its branches,
officers, boards, commissions, authorities, departments,
divisions, or other units or agencies.~~ 7783
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~~(M)~~(K) "Construction" includes acquisition, including
acquisition by lease-purchase, demolition, reconstruction,
alteration, renovation, remodeling, enlargement, improvement, site
improvements, and related equipping and furnishing. 7786
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~~(N)~~(L) "State historical facility" means a site or facility
that has all of the following characteristics: 7790
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(1) It is created, supervised, operated, protected,
maintained, and promoted by the Ohio historical society pursuant
to the society's performance of public functions under sections
149.30 and 149.302 of the Revised Code. 7792
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(2) Its title must reside wholly or in part with the state,
the society, or both the state and the society. 7796
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(3) It is managed directly by or is subject to a cooperative
or management contract with the Ohio ~~cultural~~ facilities
construction commission and is used for or in connection with ~~the~~
cultural activities ~~of the commission~~, including the presentation 7798
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or making available of culture to the public. 7802

~~(O)~~(M) "Ohio sports facility" means all or a portion of a 7803
stadium, arena, tennis facility, motorsports complex, or other 7804
capital facility in this state. A primary purpose of the facility 7805
shall be to provide a site or venue for the presentation to the 7806
public of motorsports events, professional tennis tournaments, or 7807
events of one or more major or minor league professional athletic 7808
or sports teams that are associated with the state or with a city 7809
or region of the state. The facility shall be, in the case of a 7810
motorsports complex, owned by the state or governmental agency, or 7811
in all other instances, owned by or located on real property owned 7812
by the state or a governmental agency, and includes all parking 7813
facilities, walkways, and other auxiliary facilities, equipment, 7814
furnishings, and real and personal property and interests and 7815
rights therein, that may be appropriate for or used for or in 7816
connection with the facility or its operation, for capital costs 7817
of which state funds are spent pursuant to ~~this chapter~~ this 7818
section and section 123.281 of the Revised Code. A facility 7819
constructed as an Ohio sports facility may be both an Ohio 7820
cultural facility and an Ohio sports facility. 7821

~~(P)~~(N) "Motorsports" means sporting events in which motor 7822
vehicles are driven on a clearly demarcated tracked surface. 7823

Sec. ~~3383-07~~ 123.281. (A) The Ohio facilities construction 7824
commission shall provide for the construction of a cultural 7825
project in conformity with Chapter 153. of the Revised Code, 7826
except as follows: 7827

~~(1) For a cultural project other than a state historical~~ 7828
~~facility, construction services may be provided on behalf of the~~ 7829
~~state by the Ohio cultural facilities commission, or by for~~ 7830
construction services provided on behalf of the state by a 7831
governmental agency or a cultural organization in accordance with 7832

divisions (B) and (C) of this section. 7833

(B) In order for a governmental agency or a cultural 7834
organization that occupies, will occupy, or is responsible for the 7835
Ohio cultural facility, as determined by the Ohio cultural 7836
facilities commission. For a project receiving a state 7837
appropriation of fifty thousand dollars or less, the Ohio cultural 7838
facilities commission may delegate to its executive director the 7839
authority to approve the provision of construction services by 7840
such an agency or organization, but not the authority to 7841
disapprove that provision. Construction services to be provided by 7842
a governmental agency or a cultural organization shall be 7843
specified in an agreement between the Ohio cultural facilities 7844
commission and the governmental agency or cultural organization. 7845
The agreement, or any actions taken under it, are not subject to 7846
Chapter 123. or 153. of the Revised Code, except for sections 7847
123.081 and 153.011 of the Revised Code, and shall be subject to 7848
Chapter 4115. of the Revised Code. 7849

(2) For a cultural project that is to provide construction 7850
services on behalf of the state for a cultural project, other than 7851
a state historical facility, for which the general assembly has 7852
made an appropriation or specifically authorized the spending of 7853
money or the making of rental payments relating to the financing 7854
of the construction, the governmental agency or cultural 7855
organization shall submit to the Ohio facilities construction 7856
commission a cooperative agreement that includes, but is not 7857
limited to, provisions that: 7858

(1) Specify how the proposed project will support culture, as 7859
defined in section 123.28 of the Revised Code; 7860

(2) Specify that the governmental agency or cultural 7861
organization has local contributions amounting to not less than 7862
fifty per cent of the total state funding for the cultural 7863
project; 7864

<u>(3) Specify that the funds shall be used only for</u>	7865
<u>construction, as defined in section 123.28 of the Revised Code;</u>	7866
<u>(4) Identify the facility to be constructed, renovated,</u>	7867
<u>remodeled, or improved;</u>	7868
<u>(5) Specify that the project scope meets the intent and</u>	7869
<u>purpose of the project appropriation and that the project can be</u>	7870
<u>completed and ready for full occupancy without exceeding</u>	7871
<u>appropriated funds;</u>	7872
<u>(6) Specify that the governmental agency or cultural</u>	7873
<u>organization shall hold the Ohio facilities construction</u>	7874
<u>commission harmless from all liability for the operation and</u>	7875
<u>maintenance costs of the facility;</u>	7876
<u>(7) Specify that the agreement or any actions taken under it</u>	7877
<u>are not subject to Chapters 123. or 153. of the Revised Code,</u>	7878
<u>except for section 153.011 of the Revised Code, and are subject to</u>	7879
<u>Chapter 4115. of the Revised Code; and</u>	7880
<u>(8) Provide that amendments to the agreement shall require</u>	7881
<u>the approval of the Ohio facilities construction commission.</u>	7882
<u>(C) In order for a cultural organization to provide</u>	7883
<u>construction services on behalf of the state for a state</u>	7884
<u>historical facility, construction services may be provided by the</u>	7885
<u>Ohio cultural facilities commission or by a cultural organization</u>	7886
<u>that occupies, will occupy, or is responsible for the facility, as</u>	7887
<u>determined by the Ohio cultural facilities commission. For a</u>	7888
<u>facility receiving a state appropriation of fifty thousand dollars</u>	7889
<u>or less, the Ohio cultural facilities commission may delegate to</u>	7890
<u>its executive director the authority to approve the provision of</u>	7891
<u>construction services by such an organization, but not the</u>	7892
<u>authority to disapprove that provision. The construction services</u>	7893
<u>to be provided by the cultural organization shall be specified in</u>	7894
<u>an agreement between the Ohio cultural facilities commission and</u>	7895

~~the cultural organization. That agreement, and any actions taken under it, are not subject to Chapter 123., 153., or 4115. of the Revised Code.~~ 7896
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~~(B) For an Ohio sports facility that is financed in part by obligations issued pursuant to Chapter 154. of the Revised Code, construction services shall be provided on behalf of the state by or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility, all as determined by the Ohio cultural facilities commission. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to approve the provision of construction services by or at the direction of the agency or corporation, but not the authority to disapprove that provision. Any construction services to be provided by a governmental agency or nonprofit corporation shall be specified in an agreement between the Ohio cultural facilities commission and the governmental agency or nonprofit corporation. That agreement, and any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.081 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code.~~ 7899
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~~(C) General building services for an Ohio cultural facility shall be provided by the Ohio cultural facilities commission or by a cultural organization that occupies, will occupy, or is responsible for the facility, as determined by the Ohio cultural facilities commission. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to approve the provision of general building services by such an organization, but not the authority to disapprove that provision. Alternatively, the Ohio building authority may elect to~~ 7918
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~~provide those services for Ohio cultural facilities financed with
proceeds of state bonds issued by the authority. The costs of
management and general building services shall be paid by the
cultural organization that occupies, will occupy, or is
responsible for the facility as provided in an agreement between
the Ohio cultural facilities commission and the cultural
organization, except that the state may pay for general building
services for state owned cultural facilities constructed on
state owned land.~~

~~General building services for an Ohio sports facility shall
be provided by or at the direction of the governmental agency or
nonprofit corporation that will be responsible for the management
of the facility, all as determined by the Ohio cultural facilities
commission. For a facility receiving a state appropriation of
fifty thousand dollars or less, the Ohio cultural facilities
commission may delegate to its executive director the authority to
approve the provision of general building services by or at the
direction of the agency or corporation, but not the authority to
disapprove that provision. Any general building services to be
provided by a governmental agency or nonprofit corporation for an
Ohio sports facility shall be specified in an agreement between
the Ohio cultural facilities commission and the governmental
agency or nonprofit corporation. That agreement, and any actions
taken under it, are not subject to Chapter 123. or 153. of the
Revised Code, except for sections 123.081 and 153.011 of the
Revised Code, and shall be subject to Chapter 4115. of the Revised
Code.~~

~~(D) This division does not apply to a state historical
facility. No state funds, including any state bond proceeds, shall
be spent on the construction of any cultural project under this
chapter unless, with respect to the cultural project and to the
Ohio cultural facility related to the project, all of the~~

~~following apply:~~ 7960

~~(1) The Ohio cultural facilities commission has determined 7961
that there is a need for the cultural project and the Ohio 7962
cultural facility related to the project in the region of the 7963
state in which the Ohio cultural facility is located or for which 7964
the facility is proposed. For a project receiving a state 7965
appropriation of fifty thousand dollars or less, the Ohio cultural 7966
facilities commission may delegate to its executive director the 7967
authority to determine need but only in the affirmative. 7968~~

~~(2) The Ohio cultural facilities commission has determined 7969
that, as an indication of substantial regional support for the 7970
cultural project, the cultural organization has made provision 7971
satisfactory to the Ohio cultural facilities commission, in its 7972
sole discretion, for local contributions amounting to not less 7973
than fifty per cent of the total state funding for the cultural 7974
project. For a project receiving a state appropriation of fifty 7975
thousand dollars or less, the Ohio cultural facilities commission 7976
may delegate to its executive director the authority to determine 7977
the adequacy of the regional support but only in the affirmative. 7978~~

~~(3) The general assembly has specifically authorized the 7979
spending of money on, or made an appropriation for, the 7980
construction of the cultural project, or for rental payments 7981
relating to the financing of the construction of the cultural 7982
project. Authorization to spend money, or an appropriation, for 7983
planning the cultural project does not constitute authorization to 7984
spend money on, or an appropriation for, construction of the 7985
cultural project. 7986~~

~~(E) No state funds, including any state bond proceeds, shall 7987
be spent on the construction of any state historical facility 7988
under this chapter unless the general assembly has specifically 7989
authorized the spending of money on, or made an appropriation for, 7990
the construction of the state historical project related to the 7991~~

~~facility, or for rental payments relating to the financing of the 7992
construction of the state historical project. Authorization to 7993
spend money, or an appropriation, for planning the state 7994
historical project does not constitute authorization to spend 7995
money on, or an appropriation for, the construction of the state 7996
historical project. 7997~~

(F) for which the general assembly has made an appropriation 7998
or specifically authorized the spending of money or the making of 7999
rental payments relating to the financing of the construction, the 8000
cultural organization shall submit to the Ohio facilities 8001
construction commission a cooperative agreement that includes, but 8002
is not limited to, provisions that: 8003

(1) Specify how the proposed project will support culture, as 8004
defined in section 123.28 of the Revised Code; 8005

(2) Specify that the funds shall be used only for 8006
construction, as defined in section 123.28 of the Revised Code; 8007

(3) Identify the facility to be constructed, renovated, 8008
remodeled, or improved; 8009

(4) Specify that the project scope meets the intent and 8010
purpose of the project appropriation and that the project can be 8011
completed and ready for full occupancy without exceeding 8012
appropriated funds; 8013

(5) Specify that the cultural organization shall hold the 8014
Ohio facilities construction commission harmless from all 8015
liability for the operation and maintenance costs of the facility; 8016

(6) Specify that the agreement or any actions taken under it 8017
are not subject to Chapters 123., 153., or 4115. of the Revised 8018
Code; and 8019

(7) Provide that amendments to the agreement shall require 8020
the approval of the Ohio facilities construction commission. 8021

(D) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

~~(1) The Ohio cultural facilities construction commission has determined that there is a need for the facility in the region of the state for which the facility is proposed to provide the function of an Ohio sports facility as provided for in this chapter. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to determine need but only in the affirmative.~~

~~(2) As an indication of substantial local support for the facility, the Ohio cultural facilities commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the Ohio cultural facilities commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to evaluate the financial and development plan and the contribution and to determine their adequacy but only in the affirmative.~~

~~(3)~~(2) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the facility, or for rental payments relating to state financing of all or a portion of the costs of constructing the facility. Authorization to spend money, or an appropriation,

for planning or determining the feasibility of or need for the 8054
facility does not constitute authorization to spend money on, or 8055
an appropriation for, costs of constructing the facility. 8056

~~(4)~~(3) If state bond proceeds are being used for the Ohio 8057
sports facility, the state or a governmental agency owns or has 8058
sufficient property interests in the facility or in the site of 8059
the facility or in the portion or portions of the facility 8060
financed from proceeds of state bonds, which may include, but is 8061
not limited to, the right to use or to require the use of the 8062
facility for the presentation of sport and athletic events to the 8063
public at the facility. 8064

~~(G)~~(E) In addition to the requirements of division ~~(F)~~(D) of 8065
this section, no state funds, including any state bond proceeds, 8066
shall be spent on any Ohio sports facility that is a motorsports 8067
complex, unless, with respect to that facility, both of the 8068
following apply: 8069

(1) Motorsports events shall be presented at the facility 8070
pursuant to a lease entered into with the owner of the facility. 8071
The term of the lease shall be for a period of not less than the 8072
greater of the useful life of the portion of the facility financed 8073
from proceeds of state bonds as determined using the guidelines 8074
for maximum maturities as provided under divisions (B) and (C) of 8075
section 133.20 of the Revised Code, or the period of time 8076
remaining to the date of payment or provision for payment of 8077
outstanding state bonds allocable to costs of the facility, all as 8078
determined by the director of budget and management and certified 8079
by the executive director ~~to~~ of the Ohio ~~cultural~~ facilities 8080
construction commission and to the treasurer of state. 8081

(2) Any motorsports organization that commits to using the 8082
facility for an established period of time shall give the 8083
political subdivision in which the facility is located not less 8084
than six months' advance notice if the organization intends to 8085

cease utilizing the facility prior to the expiration of that 8086
established period. Such a motorsports organization shall be 8087
liable to the state for any state funds used on the construction 8088
costs of the facility. 8089

~~(H)~~(F) In addition to the requirements of division ~~(F)~~(D) of 8090
this section, no state bond proceeds shall be spent on any Ohio 8091
sports facility that is a tennis facility, unless the owner or 8092
manager of the facility provides contractual commitments from a 8093
national or international professional tennis organization in a 8094
form acceptable to the ~~cultural~~ Ohio facilities construction 8095
commission that assures that one or more sanctioned professional 8096
tennis events will be presented at the facility during each year 8097
that the bonds remain outstanding. 8098

Sec. 124.11. The civil service of the state and the several 8099
counties, cities, civil service townships, city health districts, 8100
general health districts, and city school districts of the state 8101
shall be divided into the unclassified service and the classified 8102
service. 8103

(A) The unclassified service shall comprise the following 8104
positions, which shall not be included in the classified service, 8105
and which shall be exempt from all examinations required by this 8106
chapter: 8107

(1) All officers elected by popular vote or persons appointed 8108
to fill vacancies in those offices; 8109

(2) All election officers as defined in section 3501.01 of 8110
the Revised Code; 8111

(3)(a) The members of all boards and commissions, and heads 8112
of principal departments, boards, and commissions appointed by the 8113
governor or by and with the governor's consent; 8114

(b) The heads of all departments appointed by a board of 8115

county commissioners;	8116
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	8117 8118 8119 8120
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	8121 8122 8123 8124
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	8125 8126 8127
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	8128 8129 8130
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	8131 8132 8133
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;	8134 8135 8136 8137 8138 8139 8140
(b) The library staff of any library in the state supported wholly or in part at public expense.	8141 8142
(8) Four clerical and administrative support employees for each of the elective state officers, four clerical and administrative support employees for each board of county	8143 8144 8145

commissioners and one such employee for each county commissioner, 8146
and four clerical and administrative support employees for other 8147
elective officers and each of the principal appointive executive 8148
officers, boards, or commissions, except for civil service 8149
commissions, that are authorized to appoint such clerical and 8150
administrative support employees; 8151

(9) The deputies and assistants of state agencies authorized 8152
to act for and on behalf of the agency, or holding a fiduciary or 8153
administrative relation to that agency and those persons employed 8154
by and directly responsible to elected county officials or a 8155
county administrator and holding a fiduciary or administrative 8156
relationship to such elected county officials or county 8157
administrator, and the employees of such county officials whose 8158
fitness would be impracticable to determine by competitive 8159
examination, provided that division (A)(9) of this section shall 8160
not affect those persons in county employment in the classified 8161
service as of September 19, 1961. Nothing in division (A)(9) of 8162
this section applies to any position in a county department of job 8163
and family services created pursuant to Chapter 329. of the 8164
Revised Code. 8165

(10) Bailiffs, constables, official stenographers, and 8166
commissioners of courts of record, deputies of clerks of the 8167
courts of common pleas who supervise or who handle public moneys 8168
or secured documents, and such officers and employees of courts of 8169
record and such deputies of clerks of the courts of common pleas 8170
as the appointing authority finds it impracticable to determine 8171
their fitness by competitive examination; 8172

(11) Assistants to the attorney general, special counsel 8173
appointed or employed by the attorney general, assistants to 8174
county prosecuting attorneys, and assistants to city directors of 8175
law; 8176

(12) Such teachers and employees in the agricultural 8177

experiment stations; such students in normal schools, colleges, 8178
and universities of the state who are employed by the state or a 8179
political subdivision of the state in student or intern 8180
classifications; and such unskilled labor positions as the 8181
director of administrative services, with respect to positions in 8182
the service of the state, or any municipal civil service 8183
commission may find it impracticable to include in the competitive 8184
classified service; provided such exemptions shall be by order of 8185
the commission or the director, duly entered on the record of the 8186
commission or the director with the reasons for each such 8187
exemption; 8188

(13) Any physician or dentist who is a full-time employee of 8189
the department of ~~mental health~~ mental health and addiction 8190
services, the department of developmental disabilities, or an 8191
institution under the jurisdiction of either department; and 8192
physicians who are in residency programs at the institutions; 8193

(14) Up to twenty positions at each institution under the 8194
jurisdiction of the department of ~~mental health~~ mental health and 8195
addiction services or the department of developmental disabilities 8196
that the department director determines to be primarily 8197
administrative or managerial; and up to fifteen positions in any 8198
division of either department, excluding administrative assistants 8199
to the director and division chiefs, which are within the 8200
immediate staff of a division chief and which the director 8201
determines to be primarily and distinctively administrative and 8202
managerial; 8203

(15) Noncitizens of the United States employed by the state, 8204
or its counties or cities, as physicians or nurses who are duly 8205
licensed to practice their respective professions under the laws 8206
of this state, or medical assistants, in mental or chronic disease 8207
hospitals, or institutions; 8208

(16) Employees of the governor's office; 8209

(17) Fire chiefs and chiefs of police in civil service	8210
townships appointed by boards of township trustees under section	8211
505.38 or 505.49 of the Revised Code;	8212
(18) Executive directors, deputy directors, and program	8213
directors employed by boards of alcohol, drug addiction, and	8214
mental health services under Chapter 340. of the Revised Code, and	8215
secretaries of the executive directors, deputy directors, and	8216
program directors;	8217
(19) Superintendents, and management employees as defined in	8218
section 5126.20 of the Revised Code, of county boards of	8219
developmental disabilities;	8220
(20) Physicians, nurses, and other employees of a county	8221
hospital who are appointed pursuant to sections 339.03 and 339.06	8222
of the Revised Code;	8223
(21) The executive director of the state medical board, who	8224
is appointed pursuant to division (B) of section 4731.05 of the	8225
Revised Code;	8226
(22) County directors of job and family services as provided	8227
in section 329.02 of the Revised Code and administrators appointed	8228
under section 329.021 of the Revised Code;	8229
(23) A director of economic development who is hired pursuant	8230
to division (A) of section 307.07 of the Revised Code;	8231
(24) Chiefs of construction and compliance, of operations and	8232
maintenance, of worker protection, and of licensing and	8233
certification in the division of industrial compliance in the	8234
department of commerce;	8235
(25) The executive director of a county transit system	8236
appointed under division (A) of section 306.04 of the Revised	8237
Code;	8238
(26) Up to five positions at each of the administrative	8239

departments listed in section 121.02 of the Revised Code and at 8240
the department of taxation, department of the adjutant general, 8241
department of education, Ohio board of regents, bureau of workers' 8242
compensation, industrial commission, state lottery commission, and 8243
public utilities commission of Ohio that the head of that 8244
administrative department or of that other state agency determines 8245
to be involved in policy development and implementation. The head 8246
of the administrative department or other state agency shall set 8247
the compensation for employees in these positions at a rate that 8248
is not less than the minimum compensation specified in pay range 8249
41 but not more than the maximum compensation specified in pay 8250
range 44 47 of salary schedule E-2 in section 124.152 of the 8251
Revised Code. The authority to establish positions in the 8252
unclassified service under division (A)(26) of this section is in 8253
addition to and does not limit any other authority that an 8254
administrative department or state agency has under the Revised 8255
Code to establish positions, appoint employees, or set 8256
compensation. 8257

(27) Employees of the department of agriculture employed 8258
under section 901.09 of the Revised Code; 8259

(28) For cities, counties, civil service townships, city 8260
health districts, general health districts, and city school 8261
districts, the deputies and assistants of elective or principal 8262
executive officers authorized to act for and in the place of their 8263
principals or holding a fiduciary relation to their principals; 8264

(29) Employees who receive intermittent or temporary 8265
appointments under division (B) of section 124.30 of the Revised 8266
Code; 8267

(30) Employees appointed to administrative staff positions 8268
for which an appointing authority is given specific statutory 8269
authority to set compensation; 8270

(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications; 8271
8272

(32) Employees placed in the unclassified service by another section of the Revised Code. 8273
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(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. 8275
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Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class. 8279
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(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all positions in a civil service township police or fire department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, as provided in this chapter, and the rules of the director of administrative services, by appointment from those certified to the appointing officer in accordance with this chapter. 8287
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(2) The unskilled labor class shall include ordinary 8302

unskilled laborers. Vacancies in the labor class for positions in 8303
service of the state shall be filled by appointment from lists of 8304
applicants registered by the director or the director's designee. 8305
Vacancies in the labor class for all other positions shall be 8306
filled by appointment from lists of applicants registered by a 8307
commission. The director or the commission, as applicable, by 8308
rule, shall require an applicant for registration in the labor 8309
class to furnish evidence or take tests as the director or 8310
commission considers proper with respect to age, residence, 8311
physical condition, ability to labor, honesty, sobriety, industry, 8312
capacity, and experience in the work or employment for which 8313
application is made. Laborers who fulfill the requirements shall 8314
be placed on the eligible list for the kind of labor or employment 8315
sought, and preference shall be given in employment in accordance 8316
with the rating received from that evidence or in those tests. 8317
Upon the request of an appointing officer, stating the kind of 8318
labor needed, the pay and probable length of employment, and the 8319
number to be employed, the director or commission, as applicable, 8320
shall certify from the highest on the list double the number to be 8321
employed; from this number, the appointing officer shall appoint 8322
the number actually needed for the particular work. If more than 8323
one applicant receives the same rating, priority in time of 8324
application shall determine the order in which their names shall 8325
be certified for appointment. 8326

(C) A municipal or civil service township civil service 8327
commission may place volunteer firefighters who are paid on a 8328
fee-for-service basis in either the classified or the unclassified 8329
civil service. 8330

(D)(1) This division does not apply to persons in the 8331
unclassified service who have the right to resume positions in the 8332
classified service under sections 4121.121, ~~5119.071~~ 5119.18, 8333
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the 8334

Revised Code or to cities, counties, or political subdivisions of 8335
the state. 8336

(2) A person who holds a position in the classified service 8337
of the state and who is appointed to a position in the 8338
unclassified service shall retain the right to resume the position 8339
and status held by the person in the classified service 8340
immediately prior to the person's appointment to the position in 8341
the unclassified service, regardless of the number of positions 8342
the person held in the unclassified service. An employee's right 8343
to resume a position in the classified service may only be 8344
exercised when an appointing authority demotes the employee to a 8345
pay range lower than the employee's current pay range or revokes 8346
the employee's appointment to the unclassified service and: 8347

(a) That person held a certified position prior to July 1, 8348
2007, in the classified service within the appointing authority's 8349
agency; or 8350

(b) That person held a permanent position on or after July 1, 8351
2007, in the classified service within the appointing authority's 8352
agency. 8353

(3) An employee forfeits the right to resume a position in 8354
the classified service when: 8355

(a) The employee is removed from the position in the 8356
unclassified service due to incompetence, inefficiency, 8357
dishonesty, drunkenness, immoral conduct, insubordination, 8358
discourteous treatment of the public, neglect of duty, violation 8359
of this chapter or the rules of the director of administrative 8360
services, any other failure of good behavior, any other acts of 8361
misfeasance, malfeasance, or nonfeasance in office, or conviction 8362
of a felony; or 8363

(b) Upon transfer to a different agency. 8364

(4) Reinstatement to a position in the classified service 8365

shall be to a position substantially equal to that position in the 8366
classified service held previously, as certified by the director 8367
of administrative services. If the position the person previously 8368
held in the classified service has been placed in the unclassified 8369
service or is otherwise unavailable, the person shall be appointed 8370
to a position in the classified service within the appointing 8371
authority's agency that the director of administrative services 8372
certifies is comparable in compensation to the position the person 8373
previously held in the classified service. Service in the position 8374
in the unclassified service shall be counted as service in the 8375
position in the classified service held by the person immediately 8376
prior to the person's appointment to the position in the 8377
unclassified service. When a person is reinstated to a position in 8378
the classified service as provided in this division, the person is 8379
entitled to all rights, status, and benefits accruing to the 8380
position in the classified service during the person's time of 8381
service in the position in the unclassified service. 8382

Sec. 124.14. (A)(1) The director of administrative services 8383
shall establish, and may modify or rescind, by rule, a job 8384
classification plan for all positions, offices, and employments 8385
~~the salaries of which are paid in whole or in part by~~ in the 8386
service of the state. The director shall group jobs within a 8387
classification so that the positions are similar enough in duties 8388
and responsibilities to be described by the same title, to have 8389
the same pay assigned with equity, and to have the same 8390
qualifications for selection applied. The director shall, by rule, 8391
assign a classification title to each classification within the 8392
classification plan. However, the director shall consider in 8393
establishing classifications, including classifications with 8394
parenthetical titles, and assigning pay ranges such factors as 8395
duties performed only on one shift, special skills in short supply 8396
in the labor market, recruitment problems, separation rates, 8397

comparative salary rates, the amount of training required, and 8398
other conditions affecting employment. The director shall describe 8399
the duties and responsibilities of the class, establish the 8400
qualifications for being employed in each position in the class, 8401
and file with the secretary of state a copy of specifications for 8402
all of the classifications. The director shall file new, 8403
additional, or revised specifications with the secretary of state 8404
before they are used. 8405

The director shall, by rule, assign each classification, 8406
either on a statewide basis or in particular counties or state 8407
institutions, to a pay range established under section 124.15 or 8408
section 124.152 of the Revised Code. The director may assign a 8409
classification to a pay range on a temporary basis for a period of 8410
six months. The director may establish, by rule adopted under 8411
Chapter 119. of the Revised Code, experimental classification 8412
plans for some or all employees paid directly by warrant of the 8413
director of budget and management. The rule shall include 8414
specifications for each classification within the plan and shall 8415
specifically address compensation ranges, and methods for 8416
advancing within the ranges, for the classifications, which may be 8417
assigned to pay ranges other than the pay ranges established under 8418
section 124.15 or 124.152 of the Revised Code. 8419

(2) The director of administrative services may reassign to a 8420
proper classification those positions that have been assigned to 8421
an improper classification. If the compensation of an employee in 8422
such a reassigned position exceeds the maximum rate of pay for the 8423
employee's new classification, the employee shall be placed in pay 8424
step X and shall not receive an increase in compensation until the 8425
maximum rate of pay for that classification exceeds the employee's 8426
compensation. 8427

(3) The director may reassign an exempt employee, as defined 8428
in section 124.152 of the Revised Code, to a bargaining unit 8429

classification if the director determines that the bargaining unit 8430
classification is the proper classification for that employee. 8431
Notwithstanding Chapter 4117. of the Revised Code or instruments 8432
and contracts negotiated under it, these placements are at the 8433
director's discretion. 8434

(4) The director shall, by rule, assign related 8435
classifications, which form a career progression, to a 8436
classification series. The director shall, by rule, assign each 8437
classification in the classification plan a five-digit number, the 8438
first four digits of which shall denote the classification series 8439
to which the classification is assigned. When a career progression 8440
encompasses more than ten classifications, the director shall, by 8441
rule, identify the additional classifications belonging to a 8442
classification series. The additional classifications shall be 8443
part of the classification series, notwithstanding the fact that 8444
the first four digits of the number assigned to the additional 8445
classifications do not correspond to the first four digits of the 8446
numbers assigned to other classifications in the classification 8447
series. 8448

(B) Division (A) of this section and sections 124.15 and 8449
124.152 of the Revised Code do not apply to the following persons, 8450
positions, offices, and employments: 8451

(1) Elected officials; 8452

(2) Legislative employees, employees of the legislative 8453
service commission, employees in the office of the governor, 8454
employees who are in the unclassified civil service and exempt 8455
from collective bargaining coverage in the office of the secretary 8456
of state, auditor of state, treasurer of state, and attorney 8457
general, and employees of the supreme court; 8458

(3) Any position for which the authority to determine 8459
compensation is given by law to another individual or entity; 8460

(4) Employees of the bureau of workers' compensation whose 8461
compensation the administrator of workers' compensation 8462
establishes under division (B) of section 4121.121 of the Revised 8463
Code. 8464

(C) The director may employ a consulting agency to aid and 8465
assist the director in carrying out this section. 8466

(D)(1) When the director proposes to modify a classification 8467
or the assignment of classes to appropriate pay ranges, the 8468
director shall send written notice of the proposed rule to the 8469
appointing authorities of the affected employees thirty days 8470
before a hearing on the proposed rule. The appointing authorities 8471
shall notify the affected employees regarding the proposed rule. 8472
The director also shall send those appointing authorities notice 8473
of any final rule that is adopted within ten days after adoption. 8474

(2) When the director proposes to reclassify any employee in 8475
the service of the state so that the employee is adversely 8476
affected, the director shall give to the employee affected and to 8477
the employee's appointing authority a written notice setting forth 8478
the proposed new classification, pay range, and salary. Upon the 8479
request of any classified employee in the service of the state who 8480
is not serving in a probationary period, the director shall 8481
perform a job audit to review the classification of the employee's 8482
position to determine whether the position is properly classified. 8483
The director shall give to the employee affected and to the 8484
employee's appointing authority a written notice of the director's 8485
determination whether or not to reclassify the position or to 8486
reassign the employee to another classification. An employee or 8487
appointing authority desiring a hearing shall file a written 8488
request for the hearing with the state personnel board of review 8489
within thirty days after receiving the notice. The board shall set 8490
the matter for a hearing and notify the employee and appointing 8491
authority of the time and place of the hearing. The employee, the 8492

appointing authority, or any authorized representative of the 8493
employee who wishes to submit facts for the consideration of the 8494
board shall be afforded reasonable opportunity to do so. After the 8495
hearing, the board shall consider anew the reclassification and 8496
may order the reclassification of the employee and require the 8497
director to assign the employee to such appropriate classification 8498
as the facts and evidence warrant. As provided in division (A)(1) 8499
of section 124.03 of the Revised Code, the board may determine the 8500
most appropriate classification for the position of any employee 8501
coming before the board, with or without a job audit. The board 8502
shall disallow any reclassification or reassignment classification 8503
of any employee when it finds that changes have been made in the 8504
duties and responsibilities of any particular employee for 8505
political, religious, or other unjust reasons. 8506

(E)(1) Employees of each county department of job and family 8507
services shall be paid a salary or wage established by the board 8508
of county commissioners. The provisions of section 124.18 of the 8509
Revised Code concerning the standard work week apply to employees 8510
of county departments of job and family services. A board of 8511
county commissioners may do either of the following: 8512

(a) Notwithstanding any other section of the Revised Code, 8513
supplement the sick leave, vacation leave, personal leave, and 8514
other benefits of any employee of the county department of job and 8515
family services of that county, if the employee is eligible for 8516
the supplement under a written policy providing for the 8517
supplement; 8518

(b) Notwithstanding any other section of the Revised Code, 8519
establish alternative schedules of sick leave, vacation leave, 8520
personal leave, or other benefits for employees not inconsistent 8521
with the provisions of a collective bargaining agreement covering 8522
the affected employees. 8523

(2) Division (E)(1) of this section does not apply to 8524

employees for whom the state employment relations board 8525
establishes appropriate bargaining units pursuant to section 8526
4117.06 of the Revised Code, except in either of the following 8527
situations: 8528

(a) The employees for whom the state employment relations 8529
board establishes appropriate bargaining units elect no 8530
representative in a board-conducted representation election. 8531

(b) After the state employment relations board establishes 8532
appropriate bargaining units for such employees, all employee 8533
organizations withdraw from a representation election. 8534

(F)(1) Notwithstanding any contrary provision of sections 8535
124.01 to 124.64 of the Revised Code, the board of trustees of 8536
each state university or college, as defined in section 3345.12 of 8537
the Revised Code, shall carry out all matters of governance 8538
involving the officers and employees of the university or college, 8539
including, but not limited to, the powers, duties, and functions 8540
of the department of administrative services and the director of 8541
administrative services specified in this chapter. Officers and 8542
employees of a state university or college shall have the right of 8543
appeal to the state personnel board of review as provided in this 8544
chapter. 8545

(2) Each board of trustees shall adopt rules under section 8546
111.15 of the Revised Code to carry out the matters of governance 8547
described in division (F)(1) of this section. Until the board of 8548
trustees adopts those rules, a state university or college shall 8549
continue to operate pursuant to the applicable rules adopted by 8550
the director of administrative services under this chapter. 8551

(G)(1) Each board of county commissioners may, by a 8552
resolution adopted by a majority of its members, establish a 8553
county personnel department to exercise the powers, duties, and 8554
functions specified in division (G) of this section. As used in 8555

division (G) of this section, "county personnel department" means 8556
a county personnel department established by a board of county 8557
commissioners under division (G)(1) of this section. 8558

(2)(a) Each board of county commissioners, by a resolution 8559
adopted by a majority of its members, may designate the county 8560
personnel department of the county to exercise the powers, duties, 8561
and functions specified in sections 124.01 to 124.64 and Chapter 8562
325. of the Revised Code with regard to employees in the service 8563
of the county, except for the powers and duties of the state 8564
personnel board of review, which powers and duties shall not be 8565
construed as having been modified or diminished in any manner by 8566
division (G)(2) of this section, with respect to the employees for 8567
whom the board of county commissioners is the appointing authority 8568
or co-appointing authority. 8569

(b) Nothing in division (G)(2) of this section shall be 8570
construed to limit the right of any employee who possesses the 8571
right of appeal to the state personnel board of review to continue 8572
to possess that right of appeal. 8573

(c) Any board of county commissioners that has established a 8574
county personnel department may contract with the department of 8575
administrative services, in accordance with division (H) of this 8576
section, another political subdivision, or an appropriate public 8577
or private entity to provide competitive testing services or other 8578
appropriate services. 8579

(3) After the county personnel department of a county has 8580
been established as described in division (G)(2) of this section, 8581
any elected official, board, agency, or other appointing authority 8582
of that county, upon written notification to the county personnel 8583
department, may elect to use the services and facilities of the 8584
county personnel department. Upon receipt of the notification by 8585
the county personnel department, the county personnel department 8586
shall exercise the powers, duties, and functions as described in 8587

division (G)(2) of this section with respect to the employees of 8588
that elected official, board, agency, or other appointing 8589
authority. 8590

(4) Each board of county commissioners, by a resolution 8591
adopted by a majority of its members, may disband the county 8592
personnel department. 8593

(5) Any elected official, board, agency, or appointing 8594
authority of a county may end its involvement with a county 8595
personnel department upon actual receipt by the department of a 8596
certified copy of the notification that contains the decision to 8597
no longer participate. 8598

(6) A county personnel department, in carrying out its 8599
duties, shall adhere to merit system principles with regard to 8600
employees of county departments of job and family services, child 8601
support enforcement agencies, and public child welfare agencies so 8602
that there is no threatened loss of federal funding for these 8603
agencies, and the county is financially liable to the state for 8604
any loss of federal funds due to the action or inaction of the 8605
county personnel department. 8606

(H) County agencies may contract with the department of 8607
administrative services for any human resources services, 8608
including, but not limited to, establishment and modification of 8609
job classification plans, competitive testing services, and 8610
periodic audits and reviews of the county's uniform application of 8611
the powers, duties, and functions specified in sections 124.01 to 8612
124.64 and Chapter 325. of the Revised Code with regard to 8613
employees in the service of the county. Nothing in this division 8614
modifies the powers and duties of the state personnel board of 8615
review with respect to employees in the service of the county. 8616
Nothing in this division limits the right of any employee who 8617
possesses the right of appeal to the state personnel board of 8618
review to continue to possess that right of appeal. 8619

(I) The director of administrative services shall establish 8620
the rate and method of compensation for all employees who are paid 8621
directly by warrant of the director of budget and management and 8622
who are serving in positions that the director of administrative 8623
services has determined impracticable to include in the state job 8624
classification plan. This division does not apply to elected 8625
officials, legislative employees, employees of the legislative 8626
service commission, employees who are in the unclassified civil 8627
service and exempt from collective bargaining coverage in the 8628
office of the secretary of state, auditor of state, treasurer of 8629
state, and attorney general, employees of the courts, employees of 8630
the bureau of workers' compensation whose compensation the 8631
administrator of workers' compensation establishes under division 8632
(B) of section 4121.121 of the Revised Code, or employees of an 8633
appointing authority authorized by law to fix the compensation of 8634
those employees. 8635

(J) The director of administrative services shall set the 8636
rate of compensation for all intermittent, seasonal, temporary, 8637
emergency, and casual employees in the service of the state who 8638
are not considered public employees under section 4117.01 of the 8639
Revised Code. Those employees are not entitled to receive employee 8640
benefits. This rate of compensation shall be equitable in terms of 8641
the rate of employees serving in the same or similar 8642
classifications. This division does not apply to elected 8643
officials, legislative employees, employees of the legislative 8644
service commission, employees who are in the unclassified civil 8645
service and exempt from collective bargaining coverage in the 8646
office of the secretary of state, auditor of state, treasurer of 8647
state, and attorney general, employees of the courts, employees of 8648
the bureau of workers' compensation whose compensation the 8649
administrator establishes under division (B) of section 4121.121 8650
of the Revised Code, or employees of an appointing authority 8651
authorized by law to fix the compensation of those employees. 8652

Sec. 124.18. (A) Forty hours shall be the standard work week 8653
for all employees whose salary or wage is paid in whole or in part 8654
by the state or by any state-supported college or university. When 8655
any employee whose salary or wage is paid in whole or in part by 8656
the state or by any state-supported college or university is 8657
required by an authorized administrative authority to be in an 8658
active pay status more than forty hours in any calendar week, the 8659
employee shall be compensated for such time over forty hours, 8660
except as otherwise provided in this section, at one and one-half 8661
times the employee's regular rate of pay. The use of sick leave or 8662
any leave used in lieu of sick leave shall not be considered to be 8663
active pay status for the purposes of earning overtime or 8664
compensatory time by employees whose wages are paid directly by 8665
warrant of the director of budget and management. A flexible-hours 8666
employee is not entitled to compensation for overtime work unless 8667
the employee's authorized administrative authority required the 8668
employee to be in active pay status for more than forty hours in a 8669
calendar week, regardless of the number of hours the employee 8670
works on any day in the same calendar week. 8671

Such compensation for overtime work shall be paid no later 8672
than at the conclusion of the next succeeding pay period. 8673

If the employee elects to take compensatory time off in lieu 8674
of overtime pay for any overtime worked, such compensatory time 8675
shall be granted by the employee's administrative superior, on a 8676
time and one-half basis, at a time mutually convenient to the 8677
employee and the administrative superior. Compensatory time is not 8678
available for use until it appears on the employee's earning 8679
statement and the compensation described in the earning statement 8680
is available to the employee. 8681

An employee may accrue compensatory time to a maximum of two 8682
hundred forty hours, except that public safety employees and other 8683

employees who meet the criteria established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, may accrue a maximum of four hundred eighty hours of compensatory time. An employee shall be paid at the employee's regular rate of pay for any hours of compensatory time accrued in excess of these maximum amounts if the employee has not used the compensatory time within three hundred sixty-five days after it is granted, if the employee transfers to another agency of the state, or if a change in the employee's status exempts the employee from the payment of overtime compensation. Upon the termination of employment, any employee with accrued but unused compensatory time shall be paid for that time at a rate that is the greater of the employee's final regular rate of pay or the employee's average regular rate of pay during the employee's last three years of employment with the state.

No overtime, as described in this section, can be paid unless it has been authorized by the authorized administrative authority. Employees may be exempted from the payment of compensation as required by this section only under the criteria for exemption from the payment of overtime compensation established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. With the approval of the director of administrative services, the appointing authority may establish a policy to grant compensatory time or to pay compensation to ~~state~~ employees in the service of the state who are exempt from overtime compensation. With the approval of the board of county commissioners, a county human services department may establish a policy to grant compensatory time or to pay compensation to employees of the department who are exempt from overtime compensation.

(B)(1) An employee, whose salary or wage is paid in whole or in part by the state, shall be paid for the holidays declared in

section 124.19 of the Revised Code and shall not be required to 8716
work on those holidays, unless, in the opinion of the employee's 8717
responsible administrative authority, failure to work on those 8718
holidays would impair the public service. 8719

(2) An employee paid directly by warrant of the director of 8720
budget and management who is scheduled to work on the first day of 8721
January, the commemoration of memorial day, the fourth day of 8722
July, the fourth Thursday in November, or the twenty-fifth day of 8723
December and who does not report to work the day before, the day 8724
of, or the day after the holiday due to an illness of the employee 8725
or of a member of the employee's immediate family shall not 8726
receive holiday pay as provided by this division, unless the 8727
employee can provide documentation of extenuating circumstances 8728
that prohibited the employee from so reporting to work. If the 8729
employee works a shift between the employee's scheduled shift and 8730
the holiday, the employee shall be paid for the holiday. 8731

(3) An employee also shall not be paid for a holiday unless 8732
the employee was in active pay status on the scheduled work day 8733
immediately preceding the holiday, except that an employee need 8734
not be in active pay status on that work day in order to be paid 8735
for the holiday if the employee is participating in a mandatory or 8736
voluntary cost savings day under section 124.392 of the Revised 8737
Code. 8738

(4) If any of the holidays declared in section 124.19 of the 8739
Revised Code falls on Saturday, the Friday immediately preceding 8740
shall be observed as the holiday. If any of the holidays declared 8741
in section 124.19 of the Revised Code falls on Sunday, the Monday 8742
immediately succeeding shall be observed as the holiday. Employees 8743
whose work schedules are based on the requirements of a 8744
seven-days-a-week work operation shall observe holidays on the 8745
actual days specified in section 124.19 of the Revised Code. 8746

(5) If an employee's work schedule is other than Monday 8747

through Friday, the employee shall be entitled to eight hours of 8748
holiday pay for holidays observed on the employee's day off 8749
regardless of the day of the week on which they are observed. 8750

(6) A full-time permanent employee is entitled to a minimum 8751
of eight hours of pay for each holiday regardless of the 8752
employee's work shift and work schedule. A flexible-hours 8753
employee, who is normally scheduled to work in excess of eight 8754
hours on a day on which a holiday falls, either shall be required 8755
to work an alternate schedule for that week or shall receive 8756
additional holiday pay for the hours the employee is normally 8757
scheduled to work. Such an alternate schedule may require a 8758
flexible-hours employee to work five shifts consisting of eight 8759
hours each during the week including the holiday, and, in that 8760
case, the employee shall receive eight hours of holiday pay for 8761
the day the holiday is observed. 8762

(7) Except as provided under section 124.392 of the Revised 8763
Code, part-time permanent employees shall receive four hours of 8764
holiday pay regardless of the employee's work shift and work 8765
schedule. 8766

(8) When an employee who is eligible for overtime pay under 8767
this section is required by the employee's responsible 8768
administrative authority to work on the day observed as a holiday, 8769
the employee shall be entitled to pay for such time worked at one 8770
and one-half times the employee's regular rate of pay in addition 8771
to the employee's regular pay, or to be granted compensatory time 8772
off at time and one-half thereafter, at the employee's option. 8773
Payment at such rate shall be excluded in the calculation of hours 8774
in active pay status. 8775

(C) Each appointing authority may designate the number of 8776
employees in an agency who are flexible-hours employees. The 8777
appointing authority may establish for each flexible-hours 8778
employee a specified minimum number of hours to be worked each day 8779

that is consistent with the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended.

(D) This section shall be uniformly administered for employees as defined in section 124.01 of the Revised Code and by the personnel departments of state-supported colleges and universities for employees of state-supported colleges and universities. If employees are not paid directly by warrant of the director of budget and management, the political subdivision shall determine whether the use of sick leave shall be considered to be active pay status for purposes of those employees earning overtime or compensatory time.

(E) Policies relating to the payment of overtime pay or the granting of compensatory time off shall be adopted by the chief administrative officer of the house of representatives for employees of the house of representatives, by the clerk of the senate for employees of the senate, and by the director of the legislative service commission for all other legislative employees.

(F) As used in this section, "regular rate of pay" means the base rate of pay an employee receives plus any pay supplements received pursuant to section 124.181 of the Revised Code.

Sec. 124.30. (A) Classified positions in the civil service may be filled without competition as follows:

(1) Whenever there are urgent reasons for filling a vacancy in any position in the classified civil service and the director of administrative services is unable to certify to the appointing authority, upon its request, a list of persons eligible for appointment to the position after a competitive examination, the appointing authority may fill the position by noncompetitive examination.

A temporary appointment may be made without regard to the 8810
rules of sections 124.01 to 124.64 of the Revised Code. Except as 8811
otherwise provided in this division, the temporary appointment may 8812
not continue longer than one hundred twenty days, and in no case 8813
shall successive temporary appointments be made. A temporary 8814
appointment longer than one hundred twenty days may be made if 8815
necessary by reason of sickness, disability, or other approved 8816
leave of absence of regular officers or employees, in which case 8817
it may continue during the period of sickness, disability, or 8818
other approved leave of absence, subject to the rules of the 8819
director. 8820

(2) In case of a vacancy in a position in the classified 8821
civil service where peculiar and exceptional qualifications of a 8822
scientific, managerial, professional, or educational character are 8823
required, and upon satisfactory evidence that for specified 8824
reasons competition in this special case is impracticable and that 8825
the position can best be filled by a selection of some designated 8826
person of high and recognized attainments in those qualities, the 8827
director may suspend the provisions of sections 124.01 to 124.64 8828
of the Revised Code that require competition in this special case, 8829
but no suspension shall be general in its application. All such 8830
cases of suspension shall be reported in the annual report of the 8831
director with the reasons for each suspension. The director shall 8832
suspend the provisions when ~~the~~ either of the following applies: 8833

(a) The director of job and family services provides the 8834
certification under section 5101.051 of the Revised Code that a 8835
position with the department of job and family services can best 8836
be filled if the provisions are suspended; 8837

(b) The medicaid director provides the certification under 8838
section 5160.051 of the Revised Code that a position with the 8839
department of medicaid can best be filled if the provisions are 8840
suspended. 8841

(3) The acceptance or refusal by an eligible person of a 8842
temporary appointment shall not affect the person's standing on 8843
the eligible list for permanent appointment, nor shall the period 8844
of temporary service be counted as a part of the probationary 8845
service in case of subsequent appointment to a permanent position. 8846

(B) Persons who receive temporary or intermittent 8847
appointments are in the unclassified civil service and serve at 8848
the pleasure of their appointing authority. 8849

Sec. 124.341. (A) If an employee in the classified or 8850
unclassified civil service becomes aware in the course of 8851
employment of a violation of state or federal statutes, rules, or 8852
regulations or the misuse of public resources, and the employee's 8853
supervisor or appointing authority has authority to correct the 8854
violation or misuse, the employee may file a written report 8855
identifying the violation or misuse with the supervisor or 8856
appointing authority. In addition to or instead of filing a 8857
written report with the supervisor or appointing authority, the 8858
employee may file a written report with the office of internal 8859
~~auditing~~ audit created under section 126.45 of the Revised Code or 8860
file a complaint with the auditor of state's fraud-reporting 8861
system under section 117.103 of the Revised Code. 8862

If the employee reasonably believes that a violation or 8863
misuse of public resources is a criminal offense, the employee, in 8864
addition to or instead of filing a written report or complaint 8865
with the supervisor, appointing authority, the office of internal 8866
~~auditing~~ audit, or the auditor of state's fraud-reporting system, 8867
may report it to a prosecuting attorney, director of law, village 8868
solicitor, or similar chief legal officer of a municipal 8869
corporation, to a peace officer, as defined in section 2935.01 of 8870
the Revised Code, or, if the violation or misuse of public 8871
resources is within the jurisdiction of the inspector general, to 8872

the inspector general in accordance with section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the employee may report it to the appropriate ethics commission.

(B) Except as otherwise provided in division (C) of this section, no officer or employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report or filing a complaint as authorized by division (A) of this section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.

(C) An employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section.

(D) If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified employee as a result of the employee's having filed a report or complaint

under division (A) of this section, the employee's sole and 8903
exclusive remedy, notwithstanding any other provision of law, is 8904
to file an appeal with the state personnel board of review within 8905
thirty days after receiving actual notice of the appointing 8906
authority's action. If the employee files such an appeal, the 8907
board shall immediately notify the employee's appointing authority 8908
and shall hear the appeal. The board may affirm or disaffirm the 8909
action of the appointing authority or may issue any other order as 8910
is appropriate. The order of the board is appealable in accordance 8911
with Chapter 119. of the Revised Code. 8912

(E) As used in this section: 8913

(1) "Purposely," "knowingly," and "recklessly" have the same 8914
meanings as in section 2901.22 of the Revised Code. 8915

(2) "Appropriate ethics commission" has the same meaning as 8916
in section 102.01 of the Revised Code. 8917

(3) "Inspector general" means the inspector general appointed 8918
under section 121.48 of the Revised Code. 8919

Sec. 124.381. (A)(1)(a) An employee in the service of the 8920
state may be eligible to receive salary continuation not to exceed 8921
four hundred eighty hours at the employee's total rate of pay for 8922
absence as a result of injury incurred during the performance of, 8923
or arising out of, state employment. When an eligible employee's 8924
absence as a result of such an injury extends beyond four hundred 8925
eighty hours, the employee immediately becomes subject to sections 8926
124.382 and 124.385 of the Revised Code regarding sick leave and 8927
disability leave benefits. 8928

An employee is ineligible to receive salary continuation 8929
until the date of implementation is established in the rules 8930
adopted under division (C)(1) of this section. 8931

(b) Employees of the secretary of state, auditor of state, 8932

treasurer of state, attorney general, supreme court, general 8933
assembly, or legislative service commission are not subject to 8934
division (A)(1)(a) of this section unless the relevant appointing 8935
authority notifies the director of administrative services in 8936
writing of the intent to have all of the appointing authority's 8937
employees participate in salary continuation. The relevant 8938
appointing authority also may discontinue salary continuation for 8939
all of its employees by providing written notice of the 8940
discontinuation to the director. 8941

Participation in salary continuation is subject to rules 8942
adopted under division (C)(1) of this section. 8943

(2) Each employee of the department of rehabilitation and 8944
correction, the department of ~~mental health~~ mental health and 8945
addiction services, the department of developmental disabilities, 8946
the department of veterans services, or the Ohio schools for the 8947
deaf and blind, and each employee of the department of youth 8948
services as established in division (A) of section 124.14 of the 8949
Revised Code who sustains a qualifying physical condition 8950
inflicted by a ward of these agencies during the time the employee 8951
is lawfully carrying out the assigned duties of the employee's 8952
position shall be paid occupational injury leave at the employee's 8953
total rate of pay during the period the employee is disabled as a 8954
result of that qualifying physical condition, but in no case to 8955
exceed nine hundred sixty hours, in lieu of workers' compensation. 8956
Pay made according to this division shall not be charged to the 8957
employee's accumulation of sick leave credit. In any case when an 8958
employee's disability as a result of such a qualifying physical 8959
condition extends beyond nine hundred sixty hours, the employee 8960
immediately becomes subject to sections 124.382 and 124.385 of the 8961
Revised Code regarding sick leave and disability leave benefits. 8962

(B) An employee who is receiving salary continuation or 8963
occupational injury leave under division (A)(1) or (2) of this 8964

section is not eligible for other paid leave, including holiday 8965
pay, while receiving benefits under either division. While an 8966
employee is receiving salary continuation or occupational injury 8967
leave under division (A)(1) or (2) of this section, vacation leave 8968
credit ceases to accrue to the employee under section 124.134 of 8969
the Revised Code, but sick leave credit and personal leave credit 8970
continue to accrue to the employee under sections 124.382 and 8971
124.386 of the Revised Code. 8972

(C)(1) The director of administrative services shall adopt 8973
rules for the administration of both the salary continuation 8974
program and the occupational injury leave program. The rules shall 8975
include, but not be limited to, provisions for determining a 8976
disability, for filing a claim for leave under this section, and 8977
for allowing or denying claims for the leave. 8978

(2) The director also may adopt rules for the payment of 8979
health benefits while an employee is on workers' compensation 8980
leave. 8981

(D) An appointing authority may apply to the director of 8982
administrative services to grant salary continuation under 8983
division (A)(1) of this section or occupational injury leave under 8984
division (A)(2) of this section to law enforcement personnel 8985
employed by the agency. 8986

Sec. 124.57. (A) No officer or employee in the classified 8987
service of the state, the several counties, cities, and city 8988
school districts of the state, or the civil service townships of 8989
the state shall directly or indirectly, orally or by letter, 8990
solicit or receive, or be in any manner concerned in soliciting or 8991
receiving, any assessment, subscription, or contribution for any 8992
political party or for any candidate for public office; nor shall 8993
any person solicit directly or indirectly, orally or by letter, or 8994
be in any manner concerned in soliciting, any such assessment, 8995

contribution, or payment from any officer or employee in the 8996
classified service of the state, the several counties, cities, or 8997
city school districts of the state, or the civil service townships 8998
of the state; nor shall any officer or employee in the classified 8999
service of the state, the several counties, cities, and city 9000
school districts of the state, or the civil service townships of 9001
the state be an officer in any political organization or take part 9002
in politics other than to vote as the officer or employee pleases 9003
and to express freely political opinions. 9004

(B)(1) Nothing in division (A) of this section prohibits an 9005
officer or employee described in that division from serving as a 9006
precinct election official under section 3501.22 of the Revised 9007
Code. 9008

(2) Nothing in division (A) of this section prohibits an 9009
employee of ~~the Ohio cooperative~~ OSU extension ~~service~~ whose 9010
position is transferred from the unclassified civil service to the 9011
classified civil service and who also holds the office of 9012
president of a city legislative authority from completing the 9013
existing term of office as president. 9014

Sec. 125.05. Except as provided in division (F) of this 9015
section, no state agency shall purchase any supplies or services 9016
except as provided in divisions (A) to (D) of this section. 9017

(A) Subject to division (E) of this section, a state agency 9018
may, without competitive selection, make any purchase of supplies 9019
or services that cost twenty-five thousand dollars or less. The 9020
agency may make the purchase directly or may make the purchase 9021
from or through the department of administrative services, 9022
whichever the agency determines. The agency shall adopt written 9023
procedures consistent with the department's purchasing procedures 9024
and shall use those procedures when making purchases under this 9025
division. 9026

(B) Subject to division (E) of this section and in accordance 9027
with section 125.051 of the Revised Code, a state agency may make 9028
purchases of supplies and services that cost more than twenty-five 9029
thousand dollars but less than fifty thousand dollars if the 9030
purchases are made under the direction of an employee of the 9031
agency who is certified by the department to make purchases and if 9032
the purchases comply with the department's purchasing procedures. 9033
Section 127.16 of the Revised Code does not apply to purchases 9034
made under this division. Until the certification effective date 9035
established by the department in rules adopted under section 9036
125.051 of the Revised Code, state agencies may make purchases of 9037
supplies and services that cost more than twenty-five thousand 9038
dollars but less than fifty thousand dollars in the same manner as 9039
provided in division (A) of this section. 9040

(C) Subject to division (E) of this section, a state agency 9041
wanting to purchase supplies or services that cost more than 9042
twenty-five thousand dollars shall, unless otherwise authorized by 9043
law, make the purchase from or through the department. The 9044
department shall make the purchase by competitive selection. If 9045
the director of administrative services determines that it is not 9046
possible or not advantageous to the state for the department to 9047
make the purchase, the department shall grant the agency a release 9048
and permit under section 125.06 of the Revised Code to make the 9049
purchase. Section 127.16 of the Revised Code does not apply to 9050
purchases the department makes under this section. 9051

(D) An agency that has been granted a release and permit to 9052
make a purchase may make the purchase without competitive 9053
selection if after making the purchase the cumulative purchase 9054
threshold as computed under division (E) of section 127.16 of the 9055
Revised Code would: 9056

(1) Be exceeded and the controlling board approves the 9057
purchase; 9058

(2) Not be exceeded and the department of administrative services approves the purchase. 9059
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(E) Not later than the thirty-first day of January of each even-numbered year, the directors of administrative services and budget and management shall review and recommend to the general assembly, if necessary, adjustments to the amounts specified in divisions (A) to (C) of this section and division (B) of section 127.16 of the Revised Code. 9061
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(F) If ~~the eTech Ohio commission~~, the department of education~~,~~ or the Ohio education computer network determines that it can purchase software services or supplies for specified school districts at a price less than the price for which the districts could purchase the same software services or supplies for themselves, the ~~commission~~, department~~,~~ or network shall certify that fact to the department of administrative services and, acting as an agent for the specified school districts, shall make that purchase without following the provisions in divisions (A) to (D) of this section. 9067
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Sec. 125.21. The director of administrative services shall process payroll information for the purpose of payment for personal services of state officials and employees on the basis of rates of pay determined by pertinent law, the director, or other competent authority. 9077
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Calculation of payrolls may be made after the conclusion of each pay period based upon the amount of time served as certified by the appropriate appointing authority. Payment for personal service rendered by an official or employee during any pay period shall be made no later than at the conclusion of the official's or employee's next succeeding pay period. 9082
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The director of administrative services shall furnish to the director of budget and management all necessary data for drawing 9088
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state official and employee pay warrants and preparing earning 9090
statements. These data shall include the rate at which paid; the 9091
time for which paid, including overtime and any other adjustments 9092
affecting the official's or employee's gross pay; all taxes 9093
withheld, including, whenever practicable, year-to-date figures on 9094
all taxes withheld; the amount of contribution to the appropriate 9095
retirement system; any voluntary deductions made in accordance 9096
with authorizations filed by the official or employee; and whether 9097
a direct deposit is to be made in accordance with an authorization 9098
filed by the official or employee. 9099

Amounts deducted from the salaries or wages of all officials 9100
and employees shall be transferred to the payroll ~~withholding~~ 9101
deduction fund, which is hereby created in the state treasury for 9102
the purpose of consolidating all such deductions made in any 9103
month. Payments from this fund shall be made at intervals for the 9104
intended purpose of the deduction or for refund where it is 9105
determined that deductions were made in error. 9106

Sec. 125.212. The life insurance investment fund is hereby 9107
created in the state treasury. The fund shall consist of amounts 9108
from ~~the payroll withholding fund created by section 125.21 of the~~ 9109
~~Revised Code~~ state agencies, life insurance premium refunds 9110
received by the state, and other receipts related to the state's 9111
life insurance benefit program. The fund shall be used to pay the 9112
costs of the state's life insurance benefit program. All 9113
investment earnings of the life insurance investment fund shall be 9114
credited to the fund. 9115

Sec. 125.27. (A) There is hereby created in the state 9116
treasury the building improvement fund. The fund shall retain the 9117
interest earned. 9118

(B) The fund shall consist of any payments made by intrastate 9119

transfer voucher from the appropriation item for office building 9120
operating payments. 9121

(C) The fund shall be used for major maintenance or 9122
improvements required in the James A. Rhodes or Frank J. Lausche 9123
state office tower, Toledo government center, Senator Oliver R. 9124
Ocasek government office building, and Vern Riffe center for 9125
government and the arts. 9126

Sec. 125.28. (A)(1) Each state agency that is supported in 9127
whole or in part by nongeneral revenue fund money and that 9128
occupies space in the James A. Rhodes or Frank J. Lausche state 9129
office tower, Toledo government center, Senator Oliver R. Ocasek 9130
government office building, Vern Riffe center for government and 9131
the arts, capitol square, or governor's mansion shall reimburse 9132
the general revenue fund for the cost of occupying the space in 9133
the ratio that the occupied space in each facility attributable to 9134
the nongeneral revenue fund money bears to the total space 9135
occupied by the state agency in the facility. 9136

(2) All agencies that occupy space in the old blind school or 9137
that occupy warehouse space in the general services facility shall 9138
reimburse the department of administrative services for the cost 9139
of occupying the space. The director of administrative services 9140
shall determine the amount of debt service, if any, to be charged 9141
to building tenants and shall collect reimbursements for it. 9142

(3) Each agency that is supported in whole or in part by 9143
nongeneral revenue fund money and that occupies space in any other 9144
facility or facilities owned and maintained by the department of 9145
administrative services or space in the general services facility 9146
other than warehouse space shall reimburse the department for the 9147
cost of occupying the space, including debt service, if any, in 9148
the ratio that the occupied space in each facility attributable to 9149
the nongeneral revenue fund money bears to the total space 9150

occupied by the state agency in the facility. 9151

(B) The director of administrative services may provide 9152
building maintenance services and ~~skilled trades~~ minor 9153
construction project management services to any state agency 9154
~~occupying space in a facility that is not owned by the department~~ 9155
~~of administrative services~~ and may collect reimbursements for the 9156
cost of providing those services. 9157

(C) All money collected by the department of administrative 9158
services for operating expenses of facilities owned or maintained 9159
by the department shall be deposited into the state treasury to 9160
the credit of the building management fund, which is hereby 9161
created, or to the credit of the building operation fund, which is 9162
hereby created. All money collected by the department for ~~skilled~~ 9163
~~trades~~ minor construction project management services shall be 9164
deposited into the state treasury to the credit of the ~~skilled~~ 9165
~~trades~~ minor construction project management fund, which is hereby 9166
created. All money collected for debt service shall be deposited 9167
into the general revenue fund. 9168

(D) The director of administrative services shall determine 9169
the reimbursable cost of space in state-owned or state-leased 9170
facilities and shall collect reimbursements for that cost. 9171

Sec. 125.602. (A) The department of developmental 9172
disabilities, the department of ~~mental health~~ mental health and 9173
addiction services, the department of job and family services, the 9174
rehabilitation services commission, and any other state or 9175
governmental agency or community rehabilitation program 9176
responsible for the provision of rehabilitation and vocational 9177
educational services to persons with work-limiting disabilities 9178
may, through written agreement, cooperate in providing resources 9179
to the department of administrative services for the operation of 9180
the office of procurement from community rehabilitation programs. 9181

These resources may include, but are not limited to, leadership 9182
and assistance in dealing with the societal aspects of meeting the 9183
needs of persons with work-limiting disabilities. 9184

(B) The office and all governmental entities that administer 9185
socioeconomic programs may enter into contractual agreements, 9186
cooperative working relationships, or other arrangements that are 9187
necessary for effective coordination and realization of the 9188
objectives of these entities. 9189

Sec. 125.603. (A) The office of procurement from community 9190
rehabilitation programs shall do the following in addition to 9191
other duties specified in sections 125.60 to 125.6012 of the 9192
Revised Code: 9193

(1) Establish, maintain, and periodically update a 9194
procurement list of approved supplies and services available from 9195
qualified nonprofit agencies; 9196

(2) Monitor the procurement practices of government ordering 9197
offices to ensure compliance with sections 125.60 to 125.6012 of 9198
the Revised Code; 9199

(3) In cooperation with qualified nonprofit agencies, 9200
government ordering offices, the department of developmental 9201
disabilities, the department of ~~mental health~~ mental health and 9202
addiction services, the department of job and family services, and 9203
the rehabilitation services commission, develop and recommend to 9204
the director of administrative services rules the director shall 9205
adopt in accordance with Chapter 119. of the Revised Code for the 9206
effective and efficient administration of sections 125.60 to 9207
125.6012 of the Revised Code; 9208

(4) Prepare a report of its activities by the last day of 9209
December of each year. The report shall be posted electronically 9210
on the office's web site. 9211

(B) The office of procurement from community rehabilitation programs may enter into contractual agreements and establish pilot programs to further the objectives of sections 125.60 to 125.6012 of the Revised Code.

Sec. 125.832. (A) The department of administrative services is granted exclusive authority over the acquisition and management of all motor vehicles used by state agencies. In carrying out this authority, the department shall do both of the following:

(1) Approve the purchase or lease of each motor vehicle for use by a state agency. The department shall decide if a motor vehicle shall be leased or purchased for that use.

Except as otherwise provided in division (A)(1) of this section, on and after July 1, 2005, each state agency shall acquire all passenger motor vehicles under the department's master leasing program. If the department determines that acquisition under that program is not the most economical method and if the department and the state agency acquiring the passenger motor vehicle can provide economic justification for doing so, the department may approve the purchase, rather than the lease, of a passenger motor vehicle for the acquiring state agency.

(2) Direct and approve all funds that are expended for the purchase, lease, repair, maintenance, registration, insuring, and other costs related to the possession and operation of motor vehicles for the use of state agencies.

(B) The director of administrative services shall establish and operate a fleet management program. The director shall operate the program for purposes including, but not limited to, cost-effective acquisition, maintenance, management, analysis, and disposal of all motor vehicles owned or leased by the state. All state agencies shall comply with statewide fleet management policies and procedures established by the director for the

program, including, but not limited to, motor vehicle assignments, 9243
additions of motor vehicles to fleets or motor vehicle 9244
replacements, motor vehicle fueling, and motor vehicle repairs. 9245

(C) The director shall establish and maintain a fleet 9246
reporting system and shall require state agencies to submit to the 9247
department information relative to state motor vehicles, including 9248
motor vehicles described in division (G)(2) of section 125.831 of 9249
the Revised Code, to be used in operating the fleet management 9250
program. State agencies shall provide to the department fleet data 9251
and other information, including, but not limited to, mileage and 9252
costs. The data and other information shall be submitted in 9253
formats and in a manner determined by the department. 9254

(D) All state agency purchases or leases of motor vehicles 9255
are subject to the prior approval of the director under division 9256
(A)(1) of this section. 9257

(E) State agencies that utilize state motor vehicles or pay 9258
mileage reimbursements to employees shall provide a fleet plan to 9259
the department as directed by the department. 9260

(F)(1) The fleets of state agencies that consist of one 9261
hundred or less vehicles on July 1, 2004, shall be managed by the 9262
department's fleet management program on a time schedule 9263
determined by the department, unless the state agency has received 9264
delegated authority as described in division (G) of this section. 9265

(2) The fleets of state agencies that consist of greater than 9266
one hundred motor vehicles, but less than five hundred motor 9267
vehicles, on July 1, 2005, also shall be managed by the 9268
department's fleet management program on a time schedule 9269
determined by the department, unless the state agency has received 9270
delegated authority as described in division (G) of this section. 9271

(G)(1) The department may delegate any or all of its duties 9272
regarding fleet management to a state agency, if the state agency 9273

demonstrates to the satisfaction of the department both of the	9274
following:	9275
(a) Capabilities to institute and manage a fleet management	9276
program, including, but not limited to, the presence of a	9277
certified fleet manager;	9278
(b) Fleet management performance, as demonstrated by fleet	9279
data and other information submitted pursuant to annual reporting	9280
requirements and any other criteria the department considers	9281
necessary in evaluating the performance.	9282
(2) The department may determine that a state agency is not	9283
in compliance with this section and direct that the agency's fleet	9284
management duties be transferred to the department.	9285
(H) The proceeds derived from the disposition of any motor	9286
vehicles under this section shall be paid to whichever of the	9287
following applies:	9288
(1) The fund that originally provided moneys for the purchase	9289
or lease of the motor vehicles;	9290
(2) If the motor vehicles were originally purchased with	9291
moneys derived from the general revenue fund, the proceeds shall	9292
be deposited, in the director's discretion, into the state	9293
treasury to the credit of either the fleet management fund created	9294
by section 125.83 of the Revised Code or the investment recovery	9295
fund created by section 125.14 of the Revised Code.	9296
(I)(1) The department shall create and maintain a certified	9297
fleet manager program.	9298
(2) State agencies that have received delegated authority as	9299
described in division (G) of this section shall have a certified	9300
fleet manager.	9301
(J) The department annually shall prepare and submit a	9302
statewide fleet report to the governor, the speaker of the house	9303

of representatives, and the president of the senate. The report 9304
shall be submitted not later than the thirty-first day of January 9305
following the end of each fiscal year. It may include, but is not 9306
limited to, the numbers and types of motor vehicles, their 9307
mileage, miles per gallon, and cost per mile, mileage 9308
reimbursements, accident and insurance data, and information 9309
regarding compliance by state agencies having delegated authority 9310
under division (G) of this section with applicable fleet 9311
management requirements. 9312

(K) The director shall adopt rules for implementing the fleet 9313
management program that are consistent with recognized best 9314
practices. The program shall be supported by reasonable fee 9315
charges for the services provided. The director shall collect 9316
these fees and deposit them into the state treasury to the credit 9317
for the fleet management fund created by section 125.83 of the 9318
Revised Code. The setting and collection of fees under this 9319
division is not subject to any restriction imposed by law upon the 9320
director's or the department's authority to set or collect fees. 9321

(L) The director also shall adopt rules that prohibit, except 9322
in very limited circumstances, the exclusive assignment of 9323
state-owned, leased, or pooled motor vehicles to state employees 9324
and that prohibit the reimbursement under section 126.31 of the 9325
Revised Code of state employees who use their own motor vehicles 9326
for any mileage they incur above an amount that the department 9327
shall determine annually unless reimbursement for the excess 9328
mileage is approved by the department in accordance with standards 9329
for that approval the director shall establish in those rules. 9330
Beginning on September 26, 2003, no state-owned, leased, or pooled 9331
motor vehicle shall be personally assigned as any form of 9332
compensation or benefit of state employment, and no state-owned, 9333
leased, or pooled motor vehicle shall be assigned to an employee 9334
solely for commuting to and from home and work. 9335

- (M) The director shall do both of the following: 9336
- (1) Implement to the greatest extent possible the 9337
recommendations from the 2002 report entitled "Administrative 9338
Analysis of the Ohio Fleet Management Program" in connection with 9339
the authority granted to the department by this section; 9340
- (2) Attempt to reduce the number of passenger vehicles used 9341
by state agencies during the fiscal years ending on June 30, 2004, 9342
and June 30, 2005. 9343
- (N) Each state agency shall reimburse the department for all 9344
costs incurred in the assignment of motor vehicles to the state 9345
agency. 9346
- (O) The director shall do all of the following in managing 9347
the fleet management program: 9348
- (1) Determine how motor vehicles will be maintained, insured, 9349
operated, financed, and licensed; 9350
- (2) Pursuant to the formula in division (O)(3) of this 9351
section, annually establish the minimum number of business miles 9352
per year an employee of a state agency must drive in order to 9353
qualify for approval by the department to receive a motor vehicle 9354
for business use; 9355
- (3) Establish the minimum number of business miles per year 9356
at an amount that results when the annual motor vehicle cost is 9357
divided by the amount that is the reimbursement rate per mile 9358
minus the amount that is the sum of the fuel cost, the operating 9359
cost, and the insurance cost. As used in this division: 9360
- (a) "Annual motor vehicle cost" means the price of a motor 9361
vehicle divided by the number of years an average motor vehicle is 9362
used. 9363
- (b) "Fuel cost" means the average price per gallon of motor 9364
fuel divided by the miles per gallon fuel efficiency of a motor 9365

vehicle. 9366

(c) "Insurance cost" means the cost of insuring a motor 9367
vehicle per year divided by the number of miles an average motor 9368
vehicle is driven per year. 9369

(d) "Operating cost" means the maintenance cost of a motor 9370
vehicle per year divided by the product resulting when the number 9371
of miles an average motor vehicle is driven per year is multiplied 9372
by the number of years an average motor vehicle is used. 9373

(e) "Reimbursement rate per mile" means the reimbursement per 9374
mile rate for travel expenses as provided by rule of the director 9375
of budget and management adopted under division (B) of section 9376
126.31 of the Revised Code. 9377

~~(P)(1) Not later than the fifteenth day of September of each 9378
year, each state institution of higher education shall report to 9379
the department on all of the following topics relating to motor 9380
vehicles that the institution acquires and manages:~~ 9381

~~(a) The methods it uses to track the motor vehicles; 9382~~

~~(b) Whether or not it uses a fuel card program to purchase 9383
fuel for, or to pay for the maintenance of, the motor vehicles; 9384~~

~~(c) Whether or not it makes bulk purchases of fuel for the 9385
motor vehicles. 9386~~

~~(2) Assuming it does not use the fleet management tracking, 9387
fuel card program, and bulk fuel purchases tools and services that 9388
the department provides, the report of a state institution of 9389
higher education required by division (P)(1) of this section also 9390
shall include both of the following: 9391~~

~~(a) An analysis of the amount the institution would save, if 9392
any, if it were to use the fleet management tracking, fuel card 9393
program, and bulk fuel purchases tools and services that the 9394
department provides instead of the fleet management system the 9395~~

~~institution regularly uses;~~ 9396

~~(b) A rationale for either continuing with the fleet management system that the institution regularly uses or changing to the use of those tools and services that the department provides.~~ 9397
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~~(3) The department shall certify within ninety days after receipt of all reports under division (P)(1) of this section a list of those state institutions of higher education that the department determines would save amounts if they were to use the fleet management tracking, fuel card program, and bulk fuel purchases tools and services that the department provides. The institutions so certified then shall use those tools and services that the department provides until the department next certifies institutions under division (P)(3) of this section.~~ 9401
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Sec. 125.836. (A) As used in this section: 9410

(1) "Biodiesel," "blended biodiesel," and "diesel fuel" have the same meanings as in section 125.831 of the Revised Code. 9411
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~~(2) "Credit" means a credit generated by the acquisition of alternative fueled vehicles in accordance with the "Energy Policy Act of 1992," 106 Stat. 2897, 42 U.S.C. 13257.~~ 9413
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~~(3) "Incremental cost" means the difference in cost between blended biodiesel and conventional petroleum-based diesel fuel at the time the blended biodiesel is purchased.~~ 9416
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~~(B) The department of administrative services shall establish and administer a credit banking and selling program. The department may sell or trade credits in accordance with procedures established pursuant to the "Energy Policy Act of 1992," 106 Stat. 2897, 42 U.S.C. 13258.~~ 9419
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~~(C) There is hereby created in the state treasury the "biodiesel revolving fund," to which shall be credited moneys~~ 9424
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~~received from the sale of credits under this section, any moneys~~ 9426
~~appropriated to the fund by the general assembly, and any other~~ 9427
~~moneys obtained or accepted by the department~~ development services 9428
agency for crediting to the fund. Moneys credited to the fund 9429
shall be used to pay for the incremental cost of biodiesel for use 9430
in vehicles owned or leased by the state that use diesel fuel. The 9431
director ~~of administrative services, after consultation with the~~ 9432
~~director~~ of development, services may direct the director of 9433
budget and management to transfer available moneys in the 9434
biodiesel revolving fund to the alternative fuel transportation 9435
fund created in section 122.075 of the Revised Code to be used by 9436
the ~~department of development~~ services agency for the purposes 9437
specified in that section. 9438

~~(D) The director of administrative services shall adopt rules~~ 9439
~~under Chapter 119. of the Revised Code that are necessary for the~~ 9440
~~administration of the credit banking and selling program.~~ 9441

Sec. 126.07. Except as provided in division (B) of section 9442
126.21 of the Revised Code, no contract, agreement, or obligation 9443
involving the expenditure of money chargeable to an appropriation, 9444
nor any resolution or order for the expenditure of money 9445
chargeable to an appropriation, shall be valid and enforceable 9446
unless the director of budget and management first certifies that 9447
there is a balance in the appropriation not already obligated to 9448
pay existing obligations, in an amount at least equal to the 9449
portion of the contract, agreement, obligation, resolution, or 9450
order to be performed in the current fiscal year. Any written 9451
contract or agreement entered into by the state shall contain a 9452
clause stating that the obligations of the state are subject to 9453
this section. 9454

The chief administrative officer of a state agency is 9455
responsible for the preaudit and approval of expenditures and 9456

other transactions of the agency. In order to initiate the making 9457
of a payment from the state treasury, the person in a state agency 9458
who requests that the payment be made shall first submit to the 9459
chief administrative officer of the agency all invoices, claims, 9460
vouchers, and other documentation related to the payment. The 9461
chief administrative officer shall examine each voucher and all 9462
other documentation required to support the voucher and determine 9463
whether they meet all the requirements established by the director 9464
of budget and management for making the payment. If they do meet 9465
those requirements, the chief administrative officer shall certify 9466
to the director the approval of the chief administrative officer 9467
for payment. 9468

Prior to drawing a warrant or processing an electronic funds 9469
transfer as provided in section 126.35 of the Revised Code, the 9470
director may review and audit the voucher, any documentation 9471
accompanying the voucher, and any other documentation related to 9472
the transaction that the director may require to determine if the 9473
transaction is in accordance with law. The director shall not 9474
approve payment to be made if the director finds that there is not 9475
an unobligated balance in the appropriation for the payment, that 9476
the payment is not for a valid claim against the state that is 9477
legally due, or that insufficient documentation has been 9478
submitted. If the director does not approve payment, the director 9479
shall notify the agency of the reasons the director has not given 9480
approval. 9481

In approving payments to be made under this section, the 9482
director, upon receipt of certification from the director of job 9483
and family services pursuant to section 4141.231 of the Revised 9484
Code, shall withhold from amounts otherwise payable to a person 9485
who is the subject of the director of jobs and family services' 9486
certification, the amount certified to be due and unpaid to the 9487
director of job and family services, and shall approve for payment 9488

to the director of job and family services, the amount withheld. 9489

As used in this section and in section 126.21 of the Revised 9490
Code, "chief administrative officer" means either of the 9491
following: 9492

(A) The director of the agency or, in the case of a state 9493
agency without a director, the equivalent officer of that agency; 9494

(B) The designee of the chief administrative officer for the 9495
purposes of such sections. 9496

Sec. 126.14. The release of any money appropriated for the 9497
purchase of real estate shall be approved by the controlling 9498
board. The release of money appropriated for all other capital 9499
projects is also subject to the approval of the controlling board, 9500
except that the director of budget and management may approve the 9501
release of money appropriated for specific projects in accordance 9502
with the requirements of this section and except that the director 9503
of budget and management may approve the release of unencumbered 9504
capital balances, for a project to repair, remove, or prevent a 9505
public exigency declared to exist by the executive director of 9506
~~administrative services~~ the Ohio facilities construction 9507
commission under section 123.10 of the Revised Code, ~~or by the~~ 9508
~~executive director of the Ohio facilities construction commission~~ 9509
~~under section 123.23 of the Revised Code,~~ in the amount designated 9510
in that declaration. 9511

Within sixty days after the effective date of any act 9512
appropriating money for capital projects, the director shall 9513
determine which appropriations are for general projects and which 9514
are for specific projects. Specific projects may include specific 9515
higher education projects that are to be funded from general 9516
purpose appropriations from the higher education improvement fund 9517
or the higher education improvement taxable fund created in 9518
section 154.21 of the Revised Code. Upon determining which 9519

projects are general and which are specific, the director shall 9520
submit to the controlling board a list that includes a brief 9521
description of and the estimated expenditures for each specific 9522
project. The release of money for any specific higher education 9523
projects that are to be funded from general purpose appropriations 9524
from the higher education improvement fund or the higher education 9525
improvement taxable fund but that are not included on the list, 9526
and the release of money for any specific higher education 9527
projects included on the list that will exceed the estimated 9528
expenditures by more than ten per cent, are subject to the 9529
approval of the controlling board. 9530

The director may create new appropriation items and make 9531
transfers of appropriations to them for specific higher education 9532
projects included on the list that are to be funded from general 9533
purpose appropriations for basic renovations that are made from 9534
the higher education improvement fund or the higher education 9535
improvement taxable fund. 9536

Sec. 126.32. (A) Any officer of any state agency may 9537
authorize reimbursement for travel, including the costs of 9538
transportation, for lodging, and for meals to any person who is 9539
interviewing for a position that is classified in pay range 13 or 9540
above in schedule E-1 or schedule E-1 for step seven only, or is 9541
classified in schedule E-2, of section 124.152 of the Revised 9542
Code. 9543

(B) If a person is appointed to a position listed in section 9544
121.03 of the Revised Code, to the position of chairperson of the 9545
industrial commission, adjutant general, chancellor of the Ohio 9546
board of regents, superintendent of public instruction, 9547
chairperson of the public utilities commission of Ohio, or 9548
director of the state lottery commission, to a position holding a 9549
fiduciary relationship to the governor, to a position of an 9550

appointing authority of the department of ~~mental health~~ mental 9551
health and addiction services, developmental disabilities, or 9552
rehabilitation and correction, to a position of superintendent in 9553
the department of youth services, or to a position under section 9554
122.05 of the Revised Code, and if that appointment requires a 9555
permanent change of residence, the appropriate state agency may 9556
reimburse the person for the person's actual and necessary 9557
expenses, including the cost of in-transit storage of household 9558
goods and personal effects, of moving the person and members of 9559
the person's immediate family residing in the person's household, 9560
and of moving their household goods and personal effects, to the 9561
person's new location. 9562

Until that person moves the person's permanent residence to 9563
the new location, but not for a period that exceeds thirty 9564
consecutive days, the state agency may reimburse the person for 9565
the person's temporary living expenses at the new location that 9566
the person has incurred on behalf of the person and members of the 9567
person's immediate family residing in the person's household. In 9568
addition, the state agency may reimburse that person for the 9569
person's travel expenses between the new location and the person's 9570
former residence during this period for a maximum number of trips 9571
specified by rule of the director of budget and management, but 9572
the state agency shall not reimburse the person for travel 9573
expenses incurred for those trips by members of the person's 9574
immediate family. With the prior written approval of the director, 9575
the maximum thirty-day period for temporary living expenses may be 9576
extended for a person appointed to a position under section 122.05 9577
of the Revised Code. 9578

The director of development services may reimburse a person 9579
appointed to a position under section 122.05 of the Revised Code 9580
for the person's actual and necessary expenses of moving the 9581
person and members of the person's immediate family residing in 9582

the person's household back to the United States and may reimburse 9583
a person appointed to such a position for the cost of storage of 9584
household goods and personal effects of the person and the 9585
person's immediate family while the person is serving outside the 9586
United States, if the person's office outside the United States is 9587
the person's primary job location. 9588

(C) All reimbursement under division (A) or (B) of this 9589
section shall be made in the manner, and at rates that do not 9590
exceed those, provided by rule of the director of budget and 9591
management in accordance with section 111.15 of the Revised Code. 9592
Reimbursements may be made under division (B) of this section 9593
directly to the persons who incurred the expenses or directly to 9594
the providers of goods or services the persons receive, as 9595
determined by the director of budget and management. 9596

Sec. 126.35. (A) The director of budget and management shall 9597
draw warrants or process electronic funds transfers against the 9598
treasurer of state pursuant to all requests for payment that the 9599
director has approved under section 126.07 of the Revised Code. 9600

(B) Unless a cash assistance payment is to be made by 9601
electronic benefit transfer, payment by the director of budget and 9602
management to a participant in the Ohio works first program 9603
pursuant to Chapter 5107. of the Revised Code, a recipient of 9604
disability financial assistance pursuant to Chapter 5115. of the 9605
Revised Code, or a recipient of cash assistance provided under the 9606
refugee assistance program established under section 5101.49 of 9607
the Revised Code shall be made by direct deposit to the account of 9608
the participant or recipient in the financial institution 9609
designated under section 329.03 of the Revised Code. Payment by 9610
the director of budget and management to a recipient of benefits 9611
distributed through the medium of electronic benefit transfer 9612
pursuant to section 5101.33 of the Revised Code shall be by 9613

electronic benefit transfer. Payment by the director of budget and management as compensation to an employee of the state who has, pursuant to section 124.151 of the Revised Code, designated a financial institution and account for the direct deposit of such payments shall be made by direct deposit to the account of the employee. Payment to any other payee who has designated a financial institution and account for the direct deposit of such payment may be made by direct deposit to the account of the payee in the financial institution as provided in section 9.37 of the Revised Code. Accounts maintained by the director of budget and management or the director's agent in a financial institution for the purpose of effectuating payment by direct deposit or electronic benefit transfer shall be maintained in accordance with section 135.18 of the Revised Code.

(C) All other payments from the state treasury shall be made by paper warrants, electronic funds transfers, or by direct deposit payable to the respective payees. The director of budget and management may mail the paper warrants to the respective payees or distribute them through other state agencies, whichever the director determines to be the better procedure.

~~(D) If the average per transaction cost the director of budget and management incurs in making direct deposits for a state agency exceeds the average per transaction cost the director incurs in drawing paper warrants for all public offices during the same period of time, the director may certify the difference in cost and the number of direct deposits for the agency to the director of administrative services. The director of administrative services shall reimburse the director of budget and management for such additional costs and add the amount to the processing charge assessed upon the state agency.~~

Sec. 126.45. (A) As used in sections 126.45 to 126.48 of the

Revised Code, "state agency" means the administrative departments 9645
listed in section 121.02 of the Revised Code, the department of 9646
taxation, the bureau of workers' compensation, ~~and~~ the Ohio board 9647
of regents, the rehabilitation services commission, the public 9648
utilities commission of Ohio, the adjutant general, and the state 9649
lottery commission. 9650

(B) The office of internal ~~auditing~~ audit is hereby created 9651
in the office of budget and management to ~~conduct~~ direct internal 9652
audits of state agencies or divisions of state agencies to improve 9653
their operations in the areas of risk management, internal 9654
controls, and governance. The director of budget and management, 9655
with the approval of the governor, shall appoint for the office of 9656
internal ~~auditing~~ audit a chief internal auditor who meets the 9657
qualifications specified in division ~~(C)~~(E) of this section. The 9658
chief internal auditor shall serve at the director's pleasure and 9659
be responsible for the administration of the office of internal 9660
~~auditing~~ audit consistent with sections 126.45 to 126.48 of the 9661
Revised Code. 9662

(C) The office of internal ~~auditing~~ audit shall conduct 9663
programs for the internal auditing of state agencies. The programs 9664
shall include an annual internal audit plan, reviewed by the state 9665
audit committee, that utilizes risk assessment techniques and 9666
identifies the specific audits to be ~~conducted~~ directed during the 9667
year. The programs also shall include periodic audits of each 9668
state agency's major systems and controls, including those systems 9669
and controls pertaining to accounting, administration, and 9670
~~electronic data processing~~ information technology. Upon the 9671
request of the office of internal ~~auditing~~ audit, each state 9672
agency shall provide office employees access to all records and 9673
documents necessary for the performance of an internal audit. 9674

The director of budget and management shall assess a charge 9675
against each state agency for which the office of internal 9676

~~auditing~~ audit conducts internal auditing programs under sections 9677
126.45 to 126.48 of the Revised Code so that the total amount of 9678
these charges is sufficient to cover the costs of the operation of 9679
the office of internal ~~auditing~~ audit. 9680

(D) At the request of any other organized body, office, or 9681
agency established by the laws of the state for the exercise of 9682
any function of state government that is not described in division 9683
(A) of this section, the office of internal audit may direct an 9684
internal audit of all or part of that body, office, or agency. The 9685
office of internal audit shall charge an amount sufficient to 9686
cover the costs it incurs in relation to the requested audit. 9687

~~(C)~~(E) The chief internal auditor of the office of internal 9688
~~auditing~~ audit shall hold at least a bachelor's degree and be one 9689
of the following: 9690

(1) A certified internal auditor, a certified government 9691
auditing professional, or a certified public accountant, who also 9692
has held a PA registration or a CPA certificate authorized by 9693
Chapter 4701. of the Revised Code for at least four years and has 9694
at least six years of auditing experience; 9695

(2) An auditor who has held a PA registration or a CPA 9696
certificate authorized by Chapter 4701. of the Revised Code for at 9697
least four years and has at least ten years of auditing 9698
experience. 9699

~~(D)~~(F) The chief internal auditor, subject to the direction 9700
and control of the director of budget and management, may appoint 9701
and maintain any staff necessary to carry out the duties assigned 9702
by sections 126.45 to 126.48 of the Revised Code to the office of 9703
internal ~~auditing~~ audit or to the chief internal auditor. 9704

Sec. 126.46. (A)(1) There is hereby created the state audit 9705
committee, consisting of the following five members: one public 9706

member appointed by the governor; two public members appointed by 9707
the speaker of the house of representatives, one of which may be a 9708
person who is recommended by the minority leader of the house of 9709
representatives; and two public members appointed by the president 9710
of the senate, one of which may be a person who is recommended by 9711
the minority leader of the senate. Not more than two of the four 9712
members appointed by the speaker of the house of representatives 9713
and the president of the senate shall belong to or be affiliated 9714
with the same political party. The member appointed by the 9715
governor shall have the program and management expertise required 9716
to perform the duties of the committee's chairperson. 9717

Each member of the committee shall be external to the 9718
management structure of state government and shall serve a 9719
three-year term. Each term shall commence on the first day of July 9720
and end on the thirtieth day of June. Any member may continue in 9721
office subsequent to the expiration date of the member's term 9722
until the member's successor takes office or until a period of 9723
ninety days has elapsed, whichever occurs first. Members may be 9724
reappointed to serve one additional term. 9725

~~On the effective date of the amendment of this section by~~ 9726
~~H.B. 153 of the 129th general assembly September 29, 2011,~~ the 9727
terms of the members shall be altered as follows: 9728

(a) The terms of the members appointed by the president shall 9729
expire on June 30, 2012. 9730

(b) The term of the member appointed by the speaker scheduled 9731
to expire on November 17, 2012, shall expire on June 30, 2013. 9732

(c) The term of the other member appointed by the speaker 9733
shall expire on June 30, 2014. 9734

(d) The term of the member appointed by the governor shall 9735
expire on June 30, 2014. 9736

The committee shall include at least one member who is a 9737

financial expert; at least one member who is an active, inactive, 9738
or retired certified public accountant; at least one member who is 9739
familiar with governmental financial accounting; at least one 9740
member who is familiar with information technology systems and 9741
services; and at least one member who is a representative of the 9742
public. 9743

Any vacancy on the committee shall be filled in the same 9744
manner as provided in this division, and, when applicable, the 9745
person appointed to fill a vacancy shall serve the remainder of 9746
the predecessor's term. 9747

(2) Members of the committee shall receive reimbursement for 9748
actual and necessary expenses incurred in the discharge of their 9749
duties. 9750

(3) The member of the committee appointed by the governor 9751
shall serve as the committee's chairperson. 9752

(4) Members of the committee shall be subject to the 9753
disclosure statement requirements of section 102.02 of the Revised 9754
Code. 9755

(B) The state audit committee shall do all of the following: 9756

(1) ~~Ensure that~~ Evaluate whether the internal audits 9757
~~conducted~~ directed by the office of internal ~~auditing~~ audit in the 9758
office of budget and management conform to the institute of 9759
internal auditors' international ~~standards for the~~ professional 9760
~~practice of~~ practices framework for internal auditing and to the 9761
institute of internal auditors' code of ethics; 9762

(2) Review and comment on the process used by the office of 9763
budget and management to prepare ~~its annual budgetary financial~~ 9764
~~report and~~ the state's comprehensive annual financial report 9765
required under division (A)(9) of section 126.21 of the Revised 9766
Code; 9767

(3) Review and comment on unaudited financial statements submitted to the auditor of state and communicate with external auditors as required by government auditing standards;	9768 9769 9770
(4) Perform the additional functions imposed upon it by section 126.47 of the Revised Code.	9771 9772
(C) As used in this section, "financial expert" means a person who has all of the following:	9773 9774
(1) An understanding of generally accepted accounting principles and financial statements;	9775 9776
(2) The ability to assess the general application of those principles in connection with accounting for estimates, accruals, and reserves;	9777 9778 9779
(3) Experience preparing, auditing, analyzing, or evaluating financial statements presenting accounting issues that generally are of comparable breadth and level of complexity to those likely to be presented by a state agency's financial statements, or experience actively supervising one or more persons engaged in those activities;	9780 9781 9782 9783 9784 9785
(4) An understanding of internal controls and procedures for financial reporting; and	9786 9787
(5) An understanding of audit committee functions.	9788
Sec. 126.47. (A) The state audit committee created by section 126.46 of the Revised Code shall ensure that the office of internal auditing <u>audit</u> in the office of budget and management has an annual internal audit plan that identifies the internal audits of state agencies or divisions of state agencies scheduled for the next fiscal year. The chief internal auditor of the office of internal auditing <u>audit</u> shall submit the plan to the state audit committee for review and comment before the beginning of each fiscal year. The chief internal auditor may submit a revised	9789 9790 9791 9792 9793 9794 9795 9796 9797

internal audit plan for review and comment at any time the 9798
director of budget and management believes there is reason to 9799
modify the previously submitted plan for a fiscal year. 9800

(B) To determine the state agencies or divisions of state 9801
agencies that are to be internally audited, the office of internal 9802
~~auditing~~ audit, in the formulation of an annual or revised 9803
internal audit plan, and the state audit committee, in reviewing a 9804
submitted annual or revised internal audit plan, shall consider 9805
the following factors: 9806

(1) The risk for fraud, waste, or abuse of public money 9807
within an agency or division; 9808

(2) The length of time since an agency or division was last 9809
subject to an internal audit; 9810

(3) The size of an agency or division, and the amount of time 9811
and resources necessary to audit it; 9812

(4) Any other factor the state audit committee determines to 9813
be relevant. 9814

(C) All internal audits shall be ~~conducted only~~ directed by 9815
employees of the office of internal ~~auditing~~ audit. 9816

(D) After the conclusion of an internal audit, the chief 9817
internal auditor shall submit a preliminary report of the internal 9818
audit's findings and recommendations to the state audit committee 9819
and to the director of the state agency involved. The state agency 9820
or division of the state agency covered by the preliminary report 9821
shall be provided an opportunity to respond within thirty days 9822
after receipt of the preliminary report. The response shall 9823
include a corrective action plan for any recommendations in the 9824
preliminary report that are not disputed by the agency or 9825
division. Any response received by the office of internal ~~auditing~~ 9826
audit within that thirty-day period shall be included in the 9827
office's final report of the internal audit's findings and 9828

recommendations. The final report shall be issued by the office of 9829
internal ~~auditing~~ audit within thirty days after the termination 9830
of the thirty-day response period. Copies of the final report 9831
shall be submitted to the state audit committee, the governor, and 9832
the director of the state agency involved. The state audit 9833
committee shall determine an appropriate method for making the 9834
preliminary and final reports available for public inspection in a 9835
timely manner. 9836

Any suspected fraud or other illegal activity discovered by 9837
the office of internal ~~auditing~~ audit during ~~the conduct of~~ an 9838
internal audit shall be reported immediately to the state audit 9839
committee, the director of the state agency in which the fraud or 9840
illegal activity is suspected to have occurred, and the auditor of 9841
state. 9842

(E) The chief internal auditor shall prepare an annual report 9843
and submit the report to the governor, the president of the 9844
senate, the speaker of the house of representatives, and the 9845
auditor of state. The office of budget and management shall make 9846
the report available to the public by posting it on the office's 9847
web site before the first of ~~July~~ August of each year. 9848

Sec. 126.48. ~~Any~~ (A) Except as provided in division (B) of 9849
this section, any preliminary or final report of an internal 9850
audit's findings and recommendations which is produced by the 9851
office of internal ~~auditing~~ audit in the office of budget and 9852
management and all work papers of the internal audit are 9853
confidential and are not public records under section 149.43 of 9854
the Revised Code until the final report of an internal audit's 9855
findings and recommendations is submitted to the state audit 9856
committee, the governor, and the director of the state agency 9857
involved. 9858

(B) The following are not public records under section 149.43 9859

<u>of the Revised Code:</u>	9860
<u>(1) An internal audit report that meets the definition of a security record under section 149.433 of the Revised Code;</u>	9861 9862
<u>(2) Any information derived from a state tax return or state tax return information as permitted to be used by the office of internal audit under section 5703.21 of the Revised Code.</u>	9863 9864 9865
Sec. 127.14. The controlling board may, at the request of any state agency or the director of budget and management, authorize, with respect to the provisions of any appropriation act:	9866 9867 9868 9869
(A) Transfers of all or part of an appropriation within but not between state agencies, except such transfers as the director of budget and management is authorized by law to make, provided that no transfer shall be made by the director for the purpose of effecting new or changed levels of program service not authorized by the general assembly;	9870 9871 9872 9873 9874 9875
(B) Transfers of all or part of an appropriation from one fiscal year to another;	9876 9877
(C) Transfers of all or part of an appropriation within or between state agencies made necessary by administrative reorganization or by the abolition of an agency or part of an agency;	9878 9879 9880 9881
(D) Transfers of all or part of cash balances in excess of needs from any fund of the state to the general revenue fund or to such other fund of the state to which the money would have been credited in the absence of the fund from which the transfers are authorized to be made, except that the controlling board may not authorize such transfers from the accrued leave liability fund, auto registration distribution fund, local motor vehicle license tax fund, budget stabilization fund, <u>building improvement fund,</u>	9882 9883 9884 9885 9886 9887 9888 9889

development bond retirement fund, facilities establishment fund, 9890
gasoline excise tax fund, general revenue fund, higher education 9891
improvement fund, highway improvement bond retirement fund, 9892
highway obligations bond retirement fund, highway capital 9893
improvement fund, highway operating fund, horse racing tax fund, 9894
improvements bond retirement fund, public library fund, liquor 9895
control fund, local government fund, local transportation 9896
improvement program fund, mental health facilities improvement 9897
fund, Ohio fairs fund, parks and recreation improvement fund, 9898
public improvements bond retirement fund, school district income 9899
tax fund, state agency facilities improvement fund, state and 9900
local government highway distribution fund, state highway safety 9901
fund, state lottery fund, undivided liquor permit fund, Vietnam 9902
conflict compensation bond retirement fund, volunteer fire 9903
fighters' dependents fund, waterways safety fund, wildlife fund, 9904
workers' compensation fund, or any fund not specified in this 9905
division that the director of budget and management determines to 9906
be a bond fund or bond retirement fund; 9907

(E) Transfers of all or part of those appropriations included 9908
in the emergency purposes account of the controlling board; 9909

(F) Temporary transfers of all or part of an appropriation or 9910
other moneys into and between existing funds, or new funds, as may 9911
be established by law when needed for capital outlays for which 9912
notes or bonds will be issued; 9913

(G) Transfer or release of all or part of an appropriation to 9914
a state agency requiring controlling board approval of such 9915
transfer or release as provided by law; 9916

(H) Temporary transfer of funds included in the emergency 9917
purposes appropriation of the controlling board. Such temporary 9918
transfers may be made subject to conditions specified by the 9919
controlling board at the time temporary transfers are authorized. 9920
No transfers shall be made under this division for the purpose of 9921

effecting new or changed levels of program service not authorized 9922
by the general assembly. 9923

As used in this section, "request" means an application by a 9924
state agency or the director of budget and management seeking some 9925
action by the controlling board. 9926

When authorizing the transfer of all or part of an 9927
appropriation under this section, the controlling board may 9928
authorize the transfer to an existing appropriation item and the 9929
creation of and transfer to a new appropriation item. 9930

Whenever there is a transfer of all or part of funds included 9931
in the emergency purposes appropriation by the controlling board, 9932
pursuant to division (E) of this section, the state agency or the 9933
director of budget and management receiving such transfer shall 9934
keep a detailed record of the use of the transferred funds. At the 9935
earliest scheduled meeting of the controlling board following the 9936
accomplishment of the purposes specified in the request originally 9937
seeking the transfer, or following the total expenditure of the 9938
transferred funds for the specified purposes, the state agency or 9939
the director of budget and management shall submit a report on the 9940
expenditure of such funds to the board. The portion of any 9941
appropriation so transferred which is not required to accomplish 9942
the purposes designated in the original request to the controlling 9943
board shall be returned to the proper appropriation of the 9944
controlling board at this time. 9945

Notwithstanding any provisions of law providing for the 9946
deposit of revenues received by a state agency to the credit of a 9947
particular fund in the state treasury, whenever there is a 9948
temporary transfer of funds included in the emergency purposes 9949
appropriation of the controlling board pursuant to division (H) of 9950
this section, revenues received by any state agency receiving such 9951
a temporary transfer of funds shall, as directed by the 9952
controlling board, be transferred back to the emergency purposes 9953

appropriation. 9954

The board may delegate to the director of budget and 9955
management authority to approve transfers among items of 9956
appropriation under division (A) of this section. 9957

Sec. 127.16. (A) Upon the request of either a state agency or 9958
the director of budget and management and after the controlling 9959
board determines that an emergency or a sufficient economic reason 9960
exists, the controlling board may approve the making of a purchase 9961
without competitive selection as provided in division (B) of this 9962
section. 9963

(B) Except as otherwise provided in this section, no state 9964
agency, using money that has been appropriated to it directly, 9965
shall: 9966

(1) Make any purchase from a particular supplier, that would 9967
amount to fifty thousand dollars or more when combined with both 9968
the amount of all disbursements to the supplier during the fiscal 9969
year for purchases made by the agency and the amount of all 9970
outstanding encumbrances for purchases made by the agency from the 9971
supplier, unless the purchase is made by competitive selection or 9972
with the approval of the controlling board; 9973

(2) Lease real estate from a particular supplier, if the 9974
lease would amount to seventy-five thousand dollars or more when 9975
combined with both the amount of all disbursements to the supplier 9976
during the fiscal year for real estate leases made by the agency 9977
and the amount of all outstanding encumbrances for real estate 9978
leases made by the agency from the supplier, unless the lease is 9979
made by competitive selection or with the approval of the 9980
controlling board. 9981

(C) Any person who authorizes a purchase in violation of 9982
division (B) of this section shall be liable to the state for any 9983

state funds spent on the purchase, and the attorney general shall 9984
collect the amount from the person. 9985

(D) Nothing in division (B) of this section shall be 9986
construed as: 9987

(1) A limitation upon the authority of the director of 9988
transportation as granted in sections 5501.17, 5517.02, and 9989
5525.14 of the Revised Code; 9990

(2) Applying to medicaid provider agreements under ~~Chapter~~ 9991
~~5111. of the Revised Code~~ medicaid program; 9992

(3) Applying to the purchase of examinations from a sole 9993
supplier by a state licensing board under Title XLVII of the 9994
Revised Code; 9995

(4) Applying to entertainment contracts for the Ohio state 9996
fair entered into by the Ohio expositions commission, provided 9997
that the controlling board has given its approval to the 9998
commission to enter into such contracts and has approved a total 9999
budget amount for such contracts as agreed upon by commission 10000
action, and that the commission causes to be kept itemized records 10001
of the amounts of money spent under each contract and annually 10002
files those records with the clerk of the house of representatives 10003
and the clerk of the senate following the close of the fair; 10004

(5) Limiting the authority of the chief of the division of 10005
mineral resources management to contract for reclamation work with 10006
an operator mining adjacent land as provided in section 1513.27 of 10007
the Revised Code; 10008

(6) Applying to investment transactions and procedures of any 10009
state agency, except that the agency shall file with the board the 10010
name of any person with whom the agency contracts to make, broker, 10011
service, or otherwise manage its investments, as well as the 10012
commission, rate, or schedule of charges of such person with 10013
respect to any investment transactions to be undertaken on behalf 10014

of the agency. The filing shall be in a form and at such times as	10015
the board considers appropriate.	10016
(7) Applying to purchases made with money for the per cent	10017
for arts program established by section 3379.10 of the Revised	10018
Code;	10019
(8) Applying to purchases made by the rehabilitation services	10020
commission of services, or supplies, that are provided to persons	10021
with disabilities, or to purchases made by the commission in	10022
connection with the eligibility determinations it makes for	10023
applicants of programs administered by the social security	10024
administration;	10025
(9) Applying to payments by the department of job and family	10026
services <u>medicaid</u> under section 5111.13 <u>5164.85</u> of the Revised	10027
Code for group health plan premiums, deductibles, coinsurance, and	10028
other cost-sharing expenses;	10029
(10) Applying to any agency of the legislative branch of the	10030
state government;	10031
(11) Applying to agreements or contracts entered into under	10032
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	10033
Revised Code;	10034
(12) Applying to purchases of services by the adult parole	10035
authority under section 2967.14 of the Revised Code or by the	10036
department of youth services under section 5139.08 of the Revised	10037
Code;	10038
(13) Applying to dues or fees paid for membership in an	10039
organization or association;	10040
(14) Applying to purchases of utility services pursuant to	10041
section 9.30 of the Revised Code;	10042
(15) Applying to purchases made in accordance with rules	10043
adopted by the department of administrative services of motor	10044

vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	10045 10046
(16) Applying to purchases of tickets for passenger air transportation;	10047 10048
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	10049 10050 10051
(18) Applying to the judicial branch of state government;	10052
(19) Applying to purchases of liquor for resale by the division of liquor control;	10053 10054
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	10055 10056 10057
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	10058 10059 10060 10061
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	10062 10063 10064
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	10065 10066
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	10067 10068 10069 10070
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	10071 10072 10073
(26) Applying to payments by the department of job and family	10074

services to the United States department of health and human	10075
services for printing and mailing notices pertaining to the tax	10076
refund offset program of the internal revenue service of the	10077
United States department of the treasury;	10078
(27) Applying to contracts entered into by the department of	10079
developmental disabilities under section 5123.18 of the Revised	10080
Code;	10081
(28) Applying to payments made by the department of mental	10082
health <u>mental health and addiction services</u> under a physician	10083
recruitment program authorized by section 5119.101 <u>5119.185</u> of the	10084
Revised Code;	10085
(29) Applying to contracts entered into with persons by the	10086
director of commerce for unclaimed funds collection and remittance	10087
efforts as provided in division (F) of section 169.03 of the	10088
Revised Code. The director shall keep an itemized accounting of	10089
unclaimed funds collected by those persons and amounts paid to	10090
them for their services.	10091
(30) Applying to purchases made by a state institution of	10092
higher education in accordance with the terms of a contract	10093
between the vendor and an inter-university purchasing group	10094
comprised of purchasing officers of state institutions of higher	10095
education;	10096
(31) Applying to the department of job and family services	10097
<u>medicaid's</u> purchases of health assistance services under the	10098
children's health insurance program part I provided for under	10099
section 5101.50 of the Revised Code, the children's health	10100
insurance program part II provided for under section 5101.51 of	10101
the Revised Code, or the children's health insurance program part	10102
III provided for under section 5101.52 of the Revised Code;	10103
(32) Applying to payments by the attorney general from the	10104
reparations fund to hospitals and other emergency medical	10105

facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;	10106 10107
(33) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	10108 10109 10110
(34) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;	10111 10112 10113 10114
(35) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;	10115 10116 10117 10118
(36) Applying to contracts entered into by the department of job and family services <u>medicaid</u> under section 5111.054 <u>5164.47</u> of the Revised Code;	10119 10120 10121
<u>(37) Applying to contracts entered into under section 5160.12 of the Revised Code.</u>	10122 10123
(E) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1) and (2) of this section, all of the following purchases by such agency shall not be considered:	10124 10125 10126 10127
(1) Purchases made through competitive selection or with controlling board approval;	10128 10129
(2) Purchases listed in division (D) of this section;	10130
(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.	10131 10132
(F) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.	10133 10134 10135

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 10136
and 2151.655 of the Revised Code, in other sections of the Revised 10137
Code that make reference to this chapter unless the context does 10138
not permit, and in related proceedings, unless otherwise expressly 10139
provided: 10140

(A) "Acquisition" as applied to real or personal property 10141
includes, among other forms of acquisition, acquisition by 10142
exercise of a purchase option, and acquisition of interests in 10143
property, including, without limitation, easements and 10144
rights-of-way, and leasehold and other lease interests initially 10145
extending or extendable for a period of at least sixty months. 10146

(B) "Anticipatory securities" means securities, including 10147
notes, issued in anticipation of the issuance of other securities. 10148

(C) "Board of elections" means the county board of elections 10149
of the county in which the subdivision is located. If the 10150
subdivision is located in more than one county, "board of 10151
elections" means the county board of elections of the county that 10152
contains the largest portion of the population of the subdivision 10153
or that otherwise has jurisdiction in practice over and 10154
customarily handles election matters relating to the subdivision. 10155

(D) "Bond retirement fund" means the bond retirement fund 10156
provided for in section 5705.09 of the Revised Code, and also 10157
means a sinking fund or any other special fund, regardless of the 10158
name applied to it, established by or pursuant to law or the 10159
proceedings for the payment of debt charges. Provision may be made 10160
in the applicable proceedings for the establishment in a bond 10161
retirement fund of separate accounts relating to debt charges on 10162
particular securities, or on securities payable from the same or 10163
common sources, and for the application of moneys in those 10164
accounts only to specified debt charges on specified securities or 10165
categories of securities. Subject to law and any provisions in the 10166

applicable proceedings, moneys in a bond retirement fund or 10167
separate account in a bond retirement fund may be transferred to 10168
other funds and accounts. 10169

(E) "Capitalized interest" means all or a portion of the 10170
interest payable on securities from their date to a date stated or 10171
provided for in the applicable legislation, which interest is to 10172
be paid from the proceeds of the securities. 10173

(F) "Chapter 133. securities" means securities authorized by 10174
or issued pursuant to or in accordance with this chapter. 10175

(G) "County auditor" means the county auditor of the county 10176
in which the subdivision is located. If the subdivision is located 10177
in more than one county, "county auditor" means the county auditor 10178
of the county that contains the highest amount of the tax 10179
valuation of the subdivision or that otherwise has jurisdiction in 10180
practice over and customarily handles property tax matters 10181
relating to the subdivision. In the case of a county that has 10182
adopted a charter, "county auditor" means the officer who 10183
generally has the duties and functions provided in the Revised 10184
Code for a county auditor. 10185

(H) "Credit enhancement facilities" means letters of credit, 10186
lines of credit, stand-by, contingent, or firm securities purchase 10187
agreements, insurance, or surety arrangements, guarantees, and 10188
other arrangements that provide for direct or contingent payment 10189
of debt charges, for security or additional security in the event 10190
of nonpayment or default in respect of securities, or for making 10191
payment of debt charges to and at the option and on demand of 10192
securities holders or at the option of the issuer or upon certain 10193
conditions occurring under put or similar arrangements, or for 10194
otherwise supporting the credit or liquidity of the securities, 10195
and includes credit, reimbursement, marketing, remarketing, 10196
indexing, carrying, interest rate hedge, and subrogation 10197
agreements, and other agreements and arrangements for payment and 10198

reimbursement of the person providing the credit enhancement 10199
facility and the security for that payment and reimbursement. 10200

(I) "Current operating expenses" or "current expenses" means 10201
the lawful expenditures of a subdivision, except those for 10202
permanent improvements and for payments of debt charges of the 10203
subdivision. 10204

(J) "Debt charges" means the principal, including any 10205
mandatory sinking fund deposits and mandatory redemption payments, 10206
interest, and any redemption premium, payable on securities as 10207
those payments come due and are payable. The use of "debt charges" 10208
for this purpose does not imply that any particular securities 10209
constitute debt within the meaning of the Ohio Constitution or 10210
other laws. 10211

(K) "Financing costs" means all costs and expenses relating 10212
to the authorization, including any required election, issuance, 10213
sale, delivery, authentication, deposit, custody, clearing, 10214
registration, transfer, exchange, fractionalization, replacement, 10215
payment, and servicing of securities, including, without 10216
limitation, costs and expenses for or relating to publication and 10217
printing, postage, delivery, preliminary and final official 10218
statements, offering circulars, and informational statements, 10219
travel and transportation, underwriters, placement agents, 10220
investment bankers, paying agents, registrars, authenticating 10221
agents, remarketing agents, custodians, clearing agencies or 10222
corporations, securities depositories, financial advisory 10223
services, certifications, audits, federal or state regulatory 10224
agencies, accounting and computation services, legal services and 10225
obtaining approving legal opinions and other legal opinions, 10226
credit ratings, redemption premiums, and credit enhancement 10227
facilities. Financing costs may be paid from any moneys available 10228
for the purpose, including, unless otherwise provided in the 10229
proceedings, from the proceeds of the securities to which they 10230

relate and, as to future financing costs, from the same sources 10231
from which debt charges on the securities are paid and as though 10232
debt charges. 10233

(L) "Fiscal officer" means the following, or, in the case of 10234
absence or vacancy in the office, a deputy or assistant authorized 10235
by law or charter to act in the place of the named officer, or if 10236
there is no such authorization then the deputy or assistant 10237
authorized by legislation to act in the place of the named officer 10238
for purposes of this chapter, in the case of the following 10239
subdivisions: 10240

(1) A county, the county auditor; 10241

(2) A municipal corporation, the city auditor or village 10242
clerk or clerk-treasurer, or the officer who, by virtue of a 10243
charter, has the duties and functions provided in the Revised Code 10244
for the city auditor or village clerk or clerk-treasurer; 10245

(3) A school district, the treasurer of the board of 10246
education; 10247

(4) A regional water and sewer district, the secretary of the 10248
board of trustees; 10249

(5) A joint township hospital district, the treasurer of the 10250
district; 10251

(6) A joint ambulance district, the clerk of the board of 10252
trustees; 10253

(7) A joint recreation district, the person designated 10254
pursuant to section 755.15 of the Revised Code; 10255

(8) A detention facility district or a district organized 10256
under section 2151.65 of the Revised Code or a combined district 10257
organized under sections 2152.41 and 2151.65 of the Revised Code, 10258
the county auditor of the county designated by law to act as the 10259
auditor of the district; 10260

(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township;	10261 10262 10263
(10) A joint fire district, the clerk of the board of trustees of that district;	10264 10265
(11) A regional or county library district, the person responsible for the financial affairs of that district;	10266 10267
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	10268 10269 10270
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	10271 10272 10273
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	10274 10275 10276
(15) A subdivision described in division (MM) (18) <u>(19)</u> of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer;	10277 10278 10279
(16) A joint police district, the treasurer of the district;	10280
<u>(17) A lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code.</u>	10281 10282
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	10283 10284
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf	10285 10286 10287 10288 10289 10290

of an obligor pursuant to public obligations.	10291
(O) "Fully registered securities" means securities in	10292
certificated or uncertificated form, registered as to both	10293
principal and interest in the name of the owner.	10294
(P) "Fund" means to provide for the payment of debt charges	10295
and expenses related to that payment at or prior to retirement by	10296
purchase, call for redemption, payment at maturity, or otherwise.	10297
(Q) "General obligation" means securities to the payment of	10298
debt charges on which the full faith and credit and the general	10299
property taxing power, including taxes within the tax limitation	10300
if available to the subdivision, of the subdivision are pledged.	10301
(R) "Interest" or "interest equivalent" means those payments	10302
or portions of payments, however denominated, that constitute or	10303
represent consideration for forbearing the collection of money, or	10304
for deferring the receipt of payment of money to a future time.	10305
(S) "Internal Revenue Code" means the "Internal Revenue Code	10306
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and	10307
includes any laws of the United States providing for application	10308
of that code.	10309
(T) "Issuer" means any public issuer and any nonprofit	10310
corporation authorized to issue securities for or on behalf of any	10311
public issuer.	10312
(U) "Legislation" means an ordinance or resolution passed by	10313
a majority affirmative vote of the then members of the taxing	10314
authority unless a different vote is required by charter	10315
provisions governing the passage of the particular legislation by	10316
the taxing authority.	10317
(V) "Mandatory sinking fund redemption requirements" means	10318
amounts required by proceedings to be deposited in a bond	10319
retirement fund for the purpose of paying in any year or fiscal	10320

year by mandatory redemption prior to stated maturity the 10321
principal of securities that is due and payable, except for 10322
mandatory prior redemption requirements as provided in those 10323
proceedings, in a subsequent year or fiscal year. 10324

(W) "Mandatory sinking fund requirements" means amounts 10325
required by proceedings to be deposited in a year or fiscal year 10326
in a bond retirement fund for the purpose of paying the principal 10327
of securities that is due and payable in a subsequent year or 10328
fiscal year. 10329

(X) "Net indebtedness" has the same meaning as in division 10330
(A) of section 133.04 of the Revised Code. 10331

(Y) "Obligor," in the case of securities or fractionalized 10332
interests in public obligations issued by another person the debt 10333
charges or their equivalents on which are payable from payments 10334
made by a public issuer, means that public issuer. 10335

(Z) "One purpose" relating to permanent improvements means 10336
any one permanent improvement or group or category of permanent 10337
improvements for the same utility, enterprise, system, or project, 10338
development or redevelopment project, or for or devoted to the 10339
same general purpose, function, or use or for which 10340
self-supporting securities, based on the same or different sources 10341
of revenues, may be issued or for which special assessments may be 10342
levied by a single ordinance or resolution. "One purpose" 10343
includes, but is not limited to, in any case any off-street 10344
parking facilities relating to another permanent improvement, and: 10345

(1) Any number of roads, highways, streets, bridges, 10346
sidewalks, and viaducts; 10347

(2) Any number of off-street parking facilities; 10348

(3) In the case of a county, any number of permanent 10349
improvements for courthouse, jail, county offices, and other 10350
county buildings, and related facilities; 10351

(4) In the case of a school district, any number of facilities and buildings for school district purposes, and related facilities. 10352
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(AA) "Outstanding," referring to securities, means securities that have been issued, delivered, and paid for, except any of the following: 10355
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(1) Securities canceled upon surrender, exchange, or transfer, or upon payment or redemption; 10358
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(2) Securities in replacement of which or in exchange for which other securities have been issued; 10360
10361

(3) Securities for the payment, or redemption or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the applicable legislation or other proceedings or any applicable law, by mandatory sinking fund redemption requirements, mandatory sinking fund requirements, or otherwise, have been deposited, and credited for the purpose in a bond retirement fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of securities to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected security holders has been filed with the subdivision or its agent for the purpose. 10362
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(BB) "Paying agent" means the one or more banks, trust companies, or other financial institutions or qualified persons, including an appropriate office or officer of the subdivision, designated as a paying agent or place of payment of debt charges on the particular securities. 10375
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(CC) "Permanent improvement" or "improvement" means any property, asset, or improvement certified by the fiscal officer, which certification is conclusive, as having an estimated life or 10380
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period of usefulness of five years or more, and includes, but is 10383
not limited to, real estate, buildings, and personal property and 10384
interests in real estate, buildings, and personal property, 10385
equipment, furnishings, and site improvements, and reconstruction, 10386
rehabilitation, renovation, installation, improvement, 10387
enlargement, and extension of property, assets, or improvements so 10388
certified as having an estimated life or period of usefulness of 10389
five years or more. The acquisition of all the stock ownership of 10390
a corporation is the acquisition of a permanent improvement to the 10391
extent that the value of that stock is represented by permanent 10392
improvements. A permanent improvement for parking, highway, road, 10393
and street purposes includes resurfacing, but does not include 10394
ordinary repair. 10395

(DD) "Person" has the same meaning as in section 1.59 of the 10396
Revised Code and also includes any federal, state, interstate, 10397
regional, or local governmental agency, any subdivision, and any 10398
combination of those persons. 10399

(EE) "Proceedings" means the legislation, certifications, 10400
notices, orders, sale proceedings, trust agreement or indenture, 10401
mortgage, lease, lease-purchase agreement, assignment, credit 10402
enhancement facility agreements, and other agreements, 10403
instruments, and documents, as amended and supplemented, and any 10404
election proceedings, authorizing, or providing for the terms and 10405
conditions applicable to, or providing for the security or sale or 10406
award of, public obligations, and includes the provisions set 10407
forth or incorporated in those public obligations and proceedings. 10408

(FF) "Public issuer" means any of the following that is 10409
authorized by law to issue securities or enter into public 10410
obligations: 10411

(1) The state, including an agency, commission, officer, 10412
institution, board, authority, or other instrumentality of the 10413
state; 10414

(2) A taxing authority, subdivision, district, or other local public or governmental entity, and any combination or consortium, or public division, district, commission, authority, department, board, officer, or institution, thereof;	10415 10416 10417 10418
(3) Any other body corporate and politic, or other public entity.	10419 10420
(GG) "Public obligations" means both of the following:	10421
(1) Securities;	10422
(2) Obligations of a public issuer to make payments under installment sale, lease, lease purchase, or similar agreements, which obligations may bear interest or interest equivalent.	10423 10424 10425
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	10426 10427 10428
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	10429 10430 10431
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	10432 10433 10434
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section.	10435 10436 10437 10438 10439 10440 10441 10442
(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of	10443 10444

permanent improvements to the extent that receipts of the 10445
subdivision, other than the proceeds of taxes levied by that 10446
subdivision, derived from or with respect to the improvements or 10447
the operation of the improvements being financed, or the 10448
enterprise, system, project, or category of improvements of which 10449
the improvements being financed are part, are estimated by the 10450
fiscal officer to be sufficient to pay the current expenses of 10451
that operation or of those improvements or enterprise, system, 10452
project, or categories of improvements and the debt charges 10453
payable from those receipts on securities issued for the purpose. 10454
Until such time as the improvements or increases in rates and 10455
charges have been in operation or effect for a period of at least 10456
six months, the receipts therefrom, for purposes of this 10457
definition, shall be those estimated by the fiscal officer, except 10458
that those receipts may include, without limitation, payments made 10459
and to be made to the subdivision under leases or agreements in 10460
effect at the time the estimate is made. In the case of an 10461
operation, improvements, or enterprise, system, project, or 10462
category of improvements without at least a six-month history of 10463
receipts, the estimate of receipts by the fiscal officer, other 10464
than those to be derived under leases and agreements then in 10465
effect, shall be confirmed by the taxing authority. 10466

(MM) "Subdivision" means any of the following: 10467

(1) A county, including a county that has adopted a charter 10468
under Article X, Ohio Constitution; 10469

(2) A municipal corporation, including a municipal 10470
corporation that has adopted a charter under Article XVIII, Ohio 10471
Constitution; 10472

(3) A school district; 10473

(4) A regional water and sewer district organized under 10474
Chapter 6119. of the Revised Code; 10475

(5) A joint township hospital district organized under section 513.07 of the Revised Code;	10476 10477
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	10478 10479
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	10480 10481
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	10482 10483 10484 10485
(9) A township police district organized under section 505.48 of the Revised Code;	10486 10487
(10) A township;	10488
(11) A joint fire district organized under section 505.371 of the Revised Code;	10489 10490
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	10491 10492 10493
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	10494 10495
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	10496 10497
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	10498 10499
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	10500 10501
(17) A joint police district organized under section 505.482 of the Revised Code;	10502 10503
(18) <u>A lake facilities authority created under Chapter 353.</u>	10504

<u>of the Revised Code;</u>	10505
(19) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	10506 10507 10508
(NN) "Taxing authority" means in the case of the following subdivisions:	10509 10510
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	10511 10512 10513 10514 10515 10516
(2) A municipal corporation, the legislative authority;	10517
(3) A school district, the board of education;	10518
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	10519 10520 10521 10522
(5) A joint township hospital district, the joint township hospital board;	10523 10524
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	10525 10526 10527 10528 10529
(7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees;	10530 10531 10532
(8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of	10533 10534

directors of the district; 10535

(9) A subdivision described in division (MM)~~(18)~~(19) of this 10536
section, the legislative or governing body or official; 10537

(10) A joint police district, the joint police district 10538
board; 10539

(11) A lake facilities authority, the board of directors. 10540

(OO) "Tax limitation" means the "ten-mill limitation" as 10541
defined in section 5705.02 of the Revised Code without diminution 10542
by reason of section 5705.313 of the Revised Code or otherwise, 10543
or, in the case of a municipal corporation or county with a 10544
different charter limitation on property taxes levied to pay debt 10545
charges on unvoted securities, that charter limitation. Those 10546
limitations shall be respectively referred to as the "ten-mill 10547
limitation" and the "charter tax limitation." 10548

(PP) "Tax valuation" means the aggregate of the valuations of 10549
property subject to ad valorem property taxation by the 10550
subdivision on the real property, personal property, and public 10551
utility property tax lists and duplicates most recently certified 10552
for collection, and shall be calculated without deductions of the 10553
valuations of otherwise taxable property exempt in whole or in 10554
part from taxation by reason of exemptions of certain amounts of 10555
taxable value under division (C) of section 5709.01, tax 10556
reductions under section 323.152 of the Revised Code, or similar 10557
laws now or in the future in effect. 10558

For purposes of section 133.06 of the Revised Code, "tax 10559
valuation" shall not include the valuation of tangible personal 10560
property used in business, telephone or telegraph property, 10561
interexchange telecommunications company property, or personal 10562
property owned or leased by a railroad company and used in 10563
railroad operations listed under or described in section 5711.22, 10564
division (B) or (F) of section 5727.111, or section 5727.12 of the 10565

Revised Code. 10566

(QQ) "Year" means the calendar year. 10567

(RR) "Administrative agent," "agent," "commercial paper," 10568
"floating rate interest structure," "indexing agent," "interest 10569
rate hedge," "interest rate period," "put arrangement," and 10570
"remarketing agent" have the same meanings as in section 9.98 of 10571
the Revised Code. 10572

(SS) "Sales tax supported" means obligations to the payment 10573
of debt charges on which an additional sales tax or additional 10574
sales taxes have been pledged by the taxing authority of a county 10575
pursuant to section 133.081 of the Revised Code. 10576

Sec. 133.06. (A) A school district shall not incur, without a 10577
vote of the electors, net indebtedness that exceeds an amount 10578
equal to one-tenth of one per cent of its tax valuation, except as 10579
provided in divisions (G) and (H) of this section and in division 10580
(C) of section 3313.372 of the Revised Code, or as prescribed in 10581
section 3318.052 or 3318.44 of the Revised Code, or as provided in 10582
division (J) of this section. 10583

(B) Except as provided in divisions (E), (F), and (I) of this 10584
section, a school district shall not incur net indebtedness that 10585
exceeds an amount equal to nine per cent of its tax valuation. 10586

(C) A school district shall not submit to a vote of the 10587
electors the question of the issuance of securities in an amount 10588
that will make the district's net indebtedness after the issuance 10589
of the securities exceed an amount equal to four per cent of its 10590
tax valuation, unless the superintendent of public instruction, 10591
acting under policies adopted by the state board of education, and 10592
the tax commissioner, acting under written policies of the 10593
commissioner, consent to the submission. A request for the 10594
consents shall be made at least one hundred twenty days prior to 10595

the election at which the question is to be submitted. 10596

The superintendent of public instruction shall certify to the 10597
district the superintendent's and the tax commissioner's decisions 10598
within thirty days after receipt of the request for consents. 10599

If the electors do not approve the issuance of securities at 10600
the election for which the superintendent of public instruction 10601
and tax commissioner consented to the submission of the question, 10602
the school district may submit the same question to the electors 10603
on the date that the next special election may be held under 10604
section 3501.01 of the Revised Code without submitting a new 10605
request for consent. If the school district seeks to submit the 10606
same question at any other subsequent election, the district shall 10607
first submit a new request for consent in accordance with this 10608
division. 10609

(D) In calculating the net indebtedness of a school district, 10610
none of the following shall be considered: 10611

(1) Securities issued to acquire school buses and other 10612
equipment used in transporting pupils or issued pursuant to 10613
division (D) of section 133.10 of the Revised Code; 10614

(2) Securities issued under division (F) of this section, 10615
under section 133.301 of the Revised Code, and, to the extent in 10616
excess of the limitation stated in division (B) of this section, 10617
under division (E) of this section; 10618

(3) Indebtedness resulting from the dissolution of a joint 10619
vocational school district under section 3311.217 of the Revised 10620
Code, evidenced by outstanding securities of that joint vocational 10621
school district; 10622

(4) Loans, evidenced by any securities, received under 10623
sections 3313.483, 3317.0210, and 3317.0211, ~~and 3317.64~~ of the 10624
Revised Code; 10625

(5) Debt incurred under section 3313.374 of the Revised Code;	10626
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	10627 10628 10629
(7) Debt incurred under section 3318.042 of the Revised Code.	10630
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	10631 10632
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	10633 10634 10635
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	10636 10637
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	10638 10639 10640 10641
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	10642 10643 10644
(a) The history of and a projection of the growth of the tax valuation;	10645 10646
(b) The projected needs;	10647
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	10648 10649
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	10650 10651 10652
(a) The district does not have available sufficient additional funds from state or federal sources to meet the	10653 10654

projected needs. 10655

(b) The projection of the potential average growth of tax 10656
valuation during the next five years, according to the information 10657
certified to the superintendent and any other information the 10658
superintendent obtains, indicates a likelihood of potential 10659
average growth of tax valuation of the district during the next 10660
five years of an average of not less than one and one-half per 10661
cent per year. The findings and certification of the 10662
superintendent shall be conclusive. 10663

(4) An approved special needs district may incur net 10664
indebtedness by the issuance of securities in accordance with the 10665
provisions of this chapter in an amount that does not exceed an 10666
amount equal to the greater of the following: 10667

(a) Twelve per cent of the sum of its tax valuation plus an 10668
amount that is the product of multiplying that tax valuation by 10669
the percentage by which the tax valuation has increased over the 10670
tax valuation on the first day of the sixtieth month preceding the 10671
month in which its board determines to submit to the electors the 10672
question of issuing the proposed securities; 10673

(b) Twelve per cent of the sum of its tax valuation plus an 10674
amount that is the product of multiplying that tax valuation by 10675
the percentage, determined by the superintendent of public 10676
instruction, by which that tax valuation is projected to increase 10677
during the next ten years. 10678

(F) A school district may issue securities for emergency 10679
purposes, in a principal amount that does not exceed an amount 10680
equal to three per cent of its tax valuation, as provided in this 10681
division. 10682

(1) A board of education, by resolution, may declare an 10683
emergency if it determines both of the following: 10684

(a) School buildings or other necessary school facilities in 10685

the district have been wholly or partially destroyed, or condemned 10686
by a constituted public authority, or that such buildings or 10687
facilities are partially constructed, or so constructed or planned 10688
as to require additions and improvements to them before the 10689
buildings or facilities are usable for their intended purpose, or 10690
that corrections to permanent improvements are necessary to remove 10691
or prevent health or safety hazards. 10692

(b) Existing fiscal and net indebtedness limitations make 10693
adequate replacement, additions, or improvements impossible. 10694

(2) Upon the declaration of an emergency, the board of 10695
education may, by resolution, submit to the electors of the 10696
district pursuant to section 133.18 of the Revised Code the 10697
question of issuing securities for the purpose of paying the cost, 10698
in excess of any insurance or condemnation proceeds received by 10699
the district, of permanent improvements to respond to the 10700
emergency need. 10701

(3) The procedures for the election shall be as provided in 10702
section 133.18 of the Revised Code, except that: 10703

(a) The form of the ballot shall describe the emergency 10704
existing, refer to this division as the authority under which the 10705
emergency is declared, and state that the amount of the proposed 10706
securities exceeds the limitations prescribed by division (B) of 10707
this section; 10708

(b) The resolution required by division (B) of section 133.18 10709
of the Revised Code shall be certified to the county auditor and 10710
the board of elections at least one hundred days prior to the 10711
election; 10712

(c) The county auditor shall advise and, not later than 10713
ninety-five days before the election, confirm that advice by 10714
certification to, the board of education of the information 10715
required by division (C) of section 133.18 of the Revised Code; 10716

(d) The board of education shall then certify its resolution 10717
and the information required by division (D) of section 133.18 of 10718
the Revised Code to the board of elections not less than ninety 10719
days prior to the election. 10720

(4) Notwithstanding division (B) of section 133.21 of the 10721
Revised Code, the first principal payment of securities issued 10722
under this division may be set at any date not later than sixty 10723
months after the earliest possible principal payment otherwise 10724
provided for in that division. 10725

(G)(1) The board of education may contract with an architect, 10726
professional engineer, or other person experienced in the design 10727
and implementation of energy conservation measures for an analysis 10728
and recommendations pertaining to installations, modifications of 10729
installations, or remodeling that would significantly reduce 10730
energy consumption in buildings owned by the district. The report 10731
shall include estimates of all costs of such installations, 10732
modifications, or remodeling, including costs of design, 10733
engineering, installation, maintenance, repairs, and debt service, 10734
forgone residual value of materials or equipment replaced by the 10735
energy conservation measure, as defined by the Ohio school 10736
facilities commission, a baseline analysis of actual energy 10737
consumption data for the preceding three years with the utility 10738
baseline based on only the actual energy consumption data for the 10739
preceding twelve months, and estimates of the amounts by which 10740
energy consumption and resultant operational and maintenance 10741
costs, as defined by the commission, would be reduced. 10742

If the board finds after receiving the report that the amount 10743
of money the district would spend on such installations, 10744
modifications, or remodeling is not likely to exceed the amount of 10745
money it would save in energy and resultant operational and 10746
maintenance costs over the ensuing fifteen years, the board may 10747
submit to the commission a copy of its findings and a request for 10748

approval to incur indebtedness to finance the making or 10749
modification of installations or the remodeling of buildings for 10750
the purpose of significantly reducing energy consumption. 10751

~~If the commission determines that the board's findings are~~ 10752
~~reasonable, it~~ The school facilities commission, in consultation 10753
with the auditor of state, may deny a request under this division 10754
by the board of education any school district is in a state of 10755
fiscal watch pursuant to division (A) of section 3316.03 of the 10756
Revised Code, if it determines that the expenditure of funds is 10757
not in the best interest of the school district. 10758

No district board of education of a school district that is 10759
in a state of fiscal emergency pursuant to division (B) of section 10760
3316.03 of the Revised Code shall submit a request without 10761
submitting evidence that the installations, modifications, or 10762
remodeling have been approved by the district's financial planning 10763
and supervision commission established under section 3316.05 of 10764
the Revised Code. 10765

No board of education of a school district that, for three or 10766
more consecutive years, has been declared to be in a state of 10767
academic emergency under section 3302.03 of the Revised Code, as 10768
that section existed prior to March 22, 2013, and has failed to 10769
meet adequate yearly progress, or has met any condition set forth 10770
in division (A)(2), (3), or (4) of section 3302.10 of the Revised 10771
Code shall submit a request without first receiving approval to 10772
incur indebtedness from the district's academic distress 10773
commission established under that section, for so long as such 10774
commission continues to be required for the district. 10775

(2) The school facilities commission shall approve the 10776
board's request. ~~Upon~~ provided that the following conditions are 10777
satisfied: 10778

(a) The commission determines that the board's findings are 10779

reasonable. 10780

(b) The request for approval is complete. 10781

(c) The installations, modifications, or remodeling are 10782
consistent with any project to construct or acquire classroom 10783
facilities, or to reconstruct or make additions to existing 10784
classroom facilities under sections 3318.01 to 3318.20 or sections 10785
3318.40 to 3318.45 of the Revised Code. 10786

Upon receipt of the commission's approval, the district may 10787
issue securities without a vote of the electors in a principal 10788
amount not to exceed nine-tenths of one per cent of its tax 10789
valuation for the purpose of making such installations, 10790
modifications, or remodeling, but the total net indebtedness of 10791
the district without a vote of the electors incurred under this 10792
and all other sections of the Revised Code, except section 10793
3318.052 of the Revised Code, shall not exceed one per cent of the 10794
district's tax valuation. 10795

(3) So long as any securities issued under ~~division (C)~~ of 10796
this ~~section~~ division remain outstanding, the board of education 10797
shall monitor the energy consumption and resultant operational and 10798
maintenance costs of buildings in which installations or 10799
modifications have been made or remodeling has been done pursuant 10800
to ~~division (C)~~ of this ~~section~~ division and shall maintain and 10801
annually update a report documenting the reductions in energy 10802
consumption and resultant operational and maintenance cost savings 10803
attributable to such installations, modifications, or remodeling. 10804
The report shall be certified by an architect or engineer 10805
independent of any person that provided goods or services to the 10806
board in connection with the energy conservation measures that are 10807
the subject of the report. The resultant operational and 10808
maintenance cost savings shall be certified by the school district 10809
treasurer. The report shall be submitted annually to the 10810
commission. 10811

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

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

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of public instruction approves the taxing authority's confirmation.

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

(I) A school district may incur net indebtedness by the issuance of securities in accordance with the provisions of this

chapter in excess of the limit specified in division (B) or (C) of 10844
this section when necessary to raise the school district portion 10845
of the basic project cost and any additional funds necessary to 10846
participate in a project under Chapter 3318. of the Revised Code, 10847
including the cost of items designated by the Ohio school 10848
facilities commission as required locally funded initiatives, the 10849
cost of other locally funded initiatives in an amount that does 10850
not exceed fifty per cent of the district's portion of the basic 10851
project cost, and the cost for site acquisition. The school 10852
facilities commission shall notify the superintendent of public 10853
instruction whenever a school district will exceed either limit 10854
pursuant to this division. 10855

(J) A school district whose portion of the basic project cost 10856
of its classroom facilities project under sections 3318.01 to 10857
3318.20 of the Revised Code is greater than or equal to one 10858
hundred million dollars may incur without a vote of the electors 10859
net indebtedness in an amount up to two per cent of its tax 10860
valuation through the issuance of general obligation securities in 10861
order to generate all or part of the amount of its portion of the 10862
basic project cost if the controlling board has approved the 10863
school facilities commission's conditional approval of the project 10864
under section 3318.04 of the Revised Code. The school district 10865
board and the Ohio school facilities commission shall include the 10866
dedication of the proceeds of such securities in the agreement 10867
entered into under section 3318.08 of the Revised Code. No state 10868
moneys shall be released for a project to which this section 10869
applies until the proceeds of any bonds issued under this section 10870
that are dedicated for the payment of the school district portion 10871
of the project are first deposited into the school district's 10872
project construction fund. 10873

Sec. 135.80. (A) The legislative authority of a municipal 10874
corporation, by ordinance; the board of directors of a port 10875

authority or a lake facilities authority, by resolution; or the 10876
board of county commissioners, by resolution, may establish a 10877
linked deposit program authorizing the treasurer or governing 10878
board of the municipal corporation, the board of directors of the 10879
port authority or lake facilities authority, or the investing 10880
authority of the county, as created or designated by the ordinance 10881
or resolution, to place certificates of deposit at up to three per 10882
cent below market rates with an eligible lending institution 10883
applying for interim moneys as provided in section 135.08 of the 10884
Revised Code, selected to invest port authority or lake facilities 10885
authority moneys in linked deposit programs pursuant to section 10886
4582.54 or 353.15 of the Revised Code, or applying for inactive 10887
moneys as provided in section 135.32 of the Revised Code, provided 10888
the institution agrees to lend the value of such deposit to 10889
eligible borrowers at up to three per cent below the present 10890
borrowing rate applicable to each borrower. The ordinance or 10891
resolution shall include requirements and provisions that are 10892
necessary to establish the program, including, but not limited to: 10893

(1) Eligibility requirements for borrowers who may receive 10894
reduced rate loans under the program; 10895

(2) Application procedures for borrowers and institutions 10896
wishing to participate in the program; 10897

(3) Review procedures for applications and criteria for 10898
acceptance or rejection of applications for reduced rate loans; 10899

(4) Necessary agreements between the eligible lending 10900
institution and the treasurer or governing board of the municipal 10901
corporation, the board of directors of the port authority or lake 10902
facilities authority, or the investing authority of the county to 10903
carry out the purposes of the linked deposit program; 10904

(5) Annual reports regarding the operation of the program to 10905
be made by the treasurer or governing board to the legislative 10906

authority, the eligible lending institution to the board of 10907
directors of the port authority or lake facilities authority, or 10908
the investing authority to the board of county commissioners. 10909

(B) The municipal corporation and the treasurer or governing 10910
board, the port authority or lake facilities authority and the 10911
board of directors, and the county and the investing authority or 10912
the board of county commissioners, are not liable to any eligible 10913
lending institution in any manner for the payment of the principal 10914
or interest on any reduced rate loan made under the program, and 10915
any delay in payment or default on the part of any borrower does 10916
not in any manner affect the deposit agreement between the 10917
eligible lending institution and the treasurer or governing board, 10918
the board of directors, or the investing authority or board of 10919
county commissioners. 10920

(C) For purposes of this section, ~~both of the following~~ 10921
~~apply:~~ 10922

(1) "Investing authority" has the same meaning as in section 10923
135.31 of the Revised Code. 10924

(2) "Port authority" means a port authority created in 10925
accordance with section 4582.22 of the Revised Code. 10926

(3) "Lake facilities authority" means a lake facilities 10927
authority created in accordance with section 353.02 of the Revised 10928
Code. 10929

Sec. 140.01. As used in this chapter: 10930

(A) "Hospital agency" means any public hospital agency or any 10931
nonprofit hospital agency. 10932

(B) "Public hospital agency" means any county, board of 10933
county hospital trustees established pursuant to section 339.02 of 10934
the Revised Code, county hospital commission established pursuant 10935
to section 339.14 of the Revised Code, municipal corporation, new 10936

community authority organized under Chapter 349. of the Revised 10937
Code, joint township hospital district, state or municipal 10938
university or college operating or authorized to operate a 10939
hospital facility, or the state. 10940

(C) "Nonprofit hospital agency" means a corporation or 10941
association not for profit, no part of the net earnings of which 10942
inures or may lawfully inure to the benefit of any private 10943
shareholder or individual, that has authority to own or operate a 10944
hospital facility or provides or is to provide services to one or 10945
more other hospital agencies. 10946

(D) "Governing body" means, in the case of a county, the 10947
board of county commissioners or other legislative body; in the 10948
case of a board of county hospital trustees, the board; in the 10949
case of a county hospital commission, the commission; in the case 10950
of a municipal corporation, the council or other legislative 10951
authority; in the case of a new community authority, its board of 10952
trustees; in the case of a joint township hospital district, the 10953
joint township district hospital board; in the case of a state or 10954
municipal university or college, its board of trustees or board of 10955
directors; in the case of a nonprofit hospital agency, the board 10956
of trustees or other body having general management of the agency; 10957
and, in the case of the state, the director of development 10958
services or the Ohio higher educational facility commission. 10959

(E) "Hospital facilities" means buildings, structures and 10960
other improvements, additions thereto and extensions thereof, 10961
furnishings, equipment, and real estate and interests in real 10962
estate, used or to be used for or in connection with one or more 10963
hospitals, emergency, intensive, intermediate, extended, 10964
long-term, or self-care facilities, diagnostic and treatment and 10965
out-patient facilities, facilities related to programs for home 10966
health services, clinics, laboratories, public health centers, 10967
research facilities, and rehabilitation facilities, for or 10968

pertaining to diagnosis, treatment, care, or rehabilitation of 10969
sick, ill, injured, infirm, impaired, disabled, or handicapped 10970
persons, or the prevention, detection, and control of disease, and 10971
also includes education, training, and food service facilities for 10972
health professions personnel, housing facilities for such 10973
personnel and their families, and parking and service facilities 10974
in connection with any of the foregoing; and includes any one, 10975
part of, or any combination of the foregoing; and further includes 10976
site improvements, utilities, machinery, facilities, furnishings, 10977
and any separate or connected buildings, structures, improvements, 10978
sites, utilities, facilities, or equipment to be used in, or in 10979
connection with the operation or maintenance of, or supplementing 10980
or otherwise related to the services or facilities to be provided 10981
by, any one or more of such hospital facilities. 10982

(F) "Costs of hospital facilities" means the costs of 10983
acquiring hospital facilities or interests in hospital facilities, 10984
including membership interests in nonprofit hospital agencies, 10985
costs of constructing hospital facilities, costs of improving one 10986
or more hospital facilities, including reconstructing, 10987
rehabilitating, remodeling, renovating, and enlarging, costs of 10988
equipping and furnishing such facilities, and all financing costs 10989
pertaining thereto, including, without limitation thereto, costs 10990
of engineering, architectural, and other professional services, 10991
designs, plans, specifications and surveys, and estimates of cost, 10992
costs of tests and inspections, the costs of any indemnity or 10993
surety bonds and premiums on insurance, all related direct or 10994
allocable administrative expenses pertaining thereto, fees and 10995
expenses of trustees, depositories, and paying agents for the 10996
obligations, cost of issuance of the obligations and financing 10997
charges and fees and expenses of financial advisors, attorneys, 10998
accountants, consultants and rating services in connection 10999
therewith, capitalized interest on the obligations, amounts 11000
necessary to establish reserves as required by the bond 11001

proceedings, the reimbursement of all moneys advanced or applied 11002
by the hospital agency or others or borrowed from others for the 11003
payment of any item or items of costs of such facilities, and all 11004
other expenses necessary or incident to planning or determining 11005
feasibility or practicability with respect to such facilities, and 11006
such other expenses as may be necessary or incident to the 11007
acquisition, construction, reconstruction, rehabilitation, 11008
remodeling, renovation, enlargement, improvement, equipment, and 11009
furnishing of such facilities, the financing thereof, and the 11010
placing of the same in use and operation, including any one, part 11011
of, or combination of such classes of costs and expenses, and 11012
means the costs of refinancing obligations issued by, or 11013
reimbursement of money advanced by, nonprofit hospital agencies or 11014
others the proceeds of which were used for the payment of costs of 11015
hospital facilities, if the governing body of the public hospital 11016
agency determines that the refinancing or reimbursement advances 11017
the purposes of this chapter, whether or not the refinancing or 11018
reimbursement is in conjunction with the acquisition or 11019
construction of additional hospital facilities. 11020

(G) "Hospital receipts" means all moneys received by or on 11021
behalf of a hospital agency from or in connection with the 11022
ownership, operation, acquisition, construction, improvement, 11023
equipping, or financing of any hospital facilities, including, 11024
without limitation thereto, any rentals and other moneys received 11025
from the lease, sale, or other disposition of hospital facilities, 11026
and any gifts, grants, interest subsidies, or other moneys 11027
received under any federal program for assistance in financing the 11028
costs of hospital facilities, and any other gifts, grants, and 11029
donations, and receipts therefrom, available for financing the 11030
costs of hospital facilities. 11031

(H) "Obligations" means bonds, notes, or other evidences of 11032
indebtedness or obligation, including interest coupons pertaining 11033

thereto, issued or issuable by a public hospital agency to pay 11034
costs of hospital facilities. 11035

(I) "Bond service charges" means principal, interest, and 11036
call premium, if any, required to be paid on obligations. 11037

(J) "Bond proceedings" means one or more ordinances, 11038
resolutions, trust agreements, indentures, and other agreements or 11039
documents, and amendments and supplements to the foregoing, or any 11040
combination thereof, authorizing or providing for the terms, 11041
including any variable interest rates, and conditions applicable 11042
to, or providing for the security of, obligations and the 11043
provisions contained in such obligations. 11044

(K) "Nursing home" has the same meaning as in division (A)(1) 11045
of section 5701.13 of the Revised Code. 11046

(L) "Residential care facility" has the same meaning as in 11047
division (A)(2) of section 5701.13 of the Revised Code. 11048

(M) "Independent living facility" means any self-care 11049
facility or other housing facility designed or used as a residence 11050
for elderly persons. An "independent living facility" does not 11051
include a residential facility, or that part of a residential 11052
facility, that is any of the following: 11053

(1) A hospital required to be certified by section 3727.02 of 11054
the Revised Code; 11055

(2) A nursing home or residential care facility; 11056

(3) A facility operated by a hospice care program licensed 11057
under section 3712.04 of the Revised Code and used for the 11058
program's hospice patients; 11059

(4) A residential facility licensed by the department of 11060
~~mental health~~ mental health and addiction services under section 11061
~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, 11062
supervision, and personal care services for three to sixteen 11063

unrelated adults; 11064

(5) A residential facility licensed by the department of 11065
~~mental health~~ mental health and addiction services under section 11066
~~5119.22~~ 5119.34 of the Revised Code that is not a residential 11067
facility described in division (M)(4) of this section; 11068

(6) A facility licensed to provide methadone treatment under 11069
section ~~3793.11~~ 5119.39 of the Revised Code; 11070

(7) A facility certified as ~~an alcohol and drug~~ a community 11071
addiction ~~program~~ services provider under section ~~3793.06~~ 5119.36 11072
of the Revised Code; 11073

(8) A residential facility licensed under section 5123.19 of 11074
the Revised Code or a facility providing services under a contract 11075
with the department of developmental disabilities under section 11076
5123.18 of the Revised Code; 11077

(9) A residential facility used as part of a hospital to 11078
provide housing for staff of the hospital or students pursuing a 11079
course of study at the hospital. 11080

Sec. 140.03. (A) Two or more hospital agencies may enter into 11081
agreements for the acquisition, construction, reconstruction, 11082
rehabilitation, remodeling, renovating, enlarging, equipping, and 11083
furnishing of hospital facilities, or the management, operation, 11084
occupancy, use, maintenance, and repair of hospital facilities, or 11085
for participation in programs, projects, activities, and services 11086
useful to, connected with, supplementing, or otherwise related to 11087
the services provided by, or the operation of, hospital facilities 11088
operated by one or more participating hospital agencies, including 11089
any combination of such purposes, all in such manner as to promote 11090
the public purpose stated in section 140.02 of the Revised Code. A 11091
city health district; general health district; board of alcohol, 11092
drug addiction, and mental health services; county board of 11093

developmental disabilities; the department of ~~mental health~~ mental 11094
health and addiction services; the department of developmental 11095
disabilities; or any public body engaged in the education or 11096
training of health professions personnel may join in any such 11097
agreement for purposes related to its authority under laws 11098
applicable to it, and as such a participant shall be considered a 11099
public hospital agency or hospital agency for the purposes of this 11100
section. 11101

(B) An agreement entered into under authority of this section 11102
shall, where appropriate, provide for: 11103

(1) The manner in which the title to the hospital facilities, 11104
including the sites and interest in real estate pertaining 11105
thereto, is to be held, transferred, or disposed of; 11106

(2) Unless provided for by lease pursuant to section 140.05 11107
of the Revised Code, the method by which such hospital facilities 11108
are to be acquired, constructed, or otherwise improved and by 11109
which they shall be managed, occupied, maintained, and repaired, 11110
including the designation of one of the hospital agencies to have 11111
charge of the details of acquisition, construction, or improvement 11112
pursuant to the contracting procedures prescribed under the law 11113
applicable to one of the participating public hospital agencies; 11114

(3) The management or administration of any such programs, 11115
projects, activities, or services, which may include management or 11116
administration by one of said hospital agencies or a board or 11117
agency thereof; 11118

(4) Annual, or more frequent, reports to the participating 11119
hospital agencies as to the revenues and receipts pertaining to 11120
the subject of the agreement, the expenditures thereof, the status 11121
and application of other funds contributed under such agreement, 11122
and such other matters as may be specified by or pursuant to such 11123
agreement; 11124

(5) The manner of apportionment or sharing of costs of hospital facilities, any other applicable costs of management, operation, maintenance, and repair of hospital facilities, and costs for the programs, projects, activities, and services forming the subject of the agreement, which apportionment or sharing may be prescribed in fixed amounts, or determined by ratios, formulas, or otherwise, and paid as service charges, rentals, or in such other manner as provided in the agreement, and may include amounts sufficient to meet the bond service charges and other payments and deposits required under the bond proceedings for obligations issued to pay costs of hospital facilities. A hospital agency may commit itself to make such payments at least for so long as any such obligations are outstanding. In the apportionment, different classes of costs or expenses may be apportioned to one or more, all or less than all, of the participating hospital agencies as determined under such agreement.

(C) An agreement entered into under authority of this section may provide for:

(1) An orderly process for making determinations or advising as to planning, execution, implementation, and operation, which may include designating one of the hospital agencies, or a board thereof, for any of such purposes, provisions for a committee, board, or commission, and for representation thereon, or as may otherwise be provided;

(2) Securing necessary personnel, including participation of personnel from the respective hospital agencies;

(3) Standards or conditions for the admission or participation of patients and physicians;

(4) Conditions for admittance of other hospital agencies to participation under the agreement;

(5) Fixing or establishing the method of determining charges

to be made for particular services;	11156
(6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from, the agreement, and the term of the agreement, or an indefinite term;	11157 11158 11159
(7) Designation of the applicants for or recipients of any federal, state, or other aid, assistance, or loans available by reason of any activities conducted under the agreement;	11160 11161 11162
(8) Designation of one or more of the participating hospital agencies to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement;	11163 11164 11165 11166
(9) Any incidental use of the hospital facilities, or services thereof, by participating public hospital agencies for any of their lawful purposes, which incidental use does not impair the character of the facilities as hospital facilities for any purpose of this chapter;	11167 11168 11169 11170 11171
(10) Such other matters as the parties thereto may agree upon for the purposes of division (A) of this section.	11172 11173
(D) For the purpose of paying or contributing its share under an agreement made under this section, a public hospital agency may:	11174 11175 11176
(1) Expend any moneys from its general fund, and from any other funds not otherwise restricted by law, but including funds for permanent improvements of hospital facilities of such public hospital agency where the contribution is to be made toward the costs of hospital facilities under the agreement, and including funds derived from levies for, or receipts available for, operating expenses of hospital facilities or services of such public hospital agency where the contribution or payment is to be made toward operating expenses of the hospital facilities or services under the agreement or for the services provided thereby;	11177 11178 11179 11180 11181 11182 11183 11184 11185 11186

(2) Issue obligations under Chapter 133. or section 140.06, 11187
339.14, 339.15, 513.12, or 3345.12 of the Revised Code, or Section 11188
3 of Article XVIII, Ohio Constitution, if applicable to such 11189
public hospital agency, to pay costs of hospital facilities, or 11190
issue obligations under any other provision of law authorizing 11191
such public hospital agency to issue obligations for any costs of 11192
hospital facilities; 11193

(3) Levy taxes under Chapter 5705. or section 513.13 or 11194
3709.29 of the Revised Code, if applicable to such public hospital 11195
agency, provided that the purpose of such levy may include the 11196
provision of funds for either or both permanent improvements and 11197
current expenses if required for the contribution or payment of 11198
such hospital agency under such agreement, and each such public 11199
hospital agency may issue notes in anticipation of any such levy, 11200
pursuant to the procedures provided in section 5705.191 of the 11201
Revised Code if the levy is solely for current expenses, and in 11202
section 5705.193 of the Revised Code if the levy is all or in part 11203
for permanent improvements; 11204

(4) Contribute real and personal property or interest therein 11205
without necessity for competitive bidding or public auction on 11206
disposition of such property. 11207

(E) Any funds provided by public hospital agencies that are 11208
parties to an agreement entered into under this section shall be 11209
transferred to and placed in a separate fund or funds of such 11210
participating public hospital agency as is designated under the 11211
agreement. The funds shall be applied for the purposes provided in 11212
such agreement and are subject to audit. Pursuant to any 11213
determinations to be made under such agreement, the funds shall be 11214
deposited, invested, and disbursed under the provisions of law 11215
applicable to the public hospital agency in whose custody the 11216
funds are held. This division is subject to the provisions of any 11217
applicable bond proceedings under section 133.08, 140.06, 339.15, 11218

or 3345.12 of the Revised Code or Section 3 of Article XVIII, Ohio 11219
Constitution. The records and reports of such public hospital 11220
agency under Chapter 117. of the Revised Code and sections 3702.51 11221
to 3702.62 of the Revised Code, with respect to the funds shall be 11222
sufficient without necessity for reports thereon by the other 11223
public hospital agencies participating under such agreement. 11224

(F)(1) Prior to its entry into any such agreement, the public 11225
hospital agency must determine, and set forth in a resolution or 11226
ordinance, that the contribution to be made by it under such 11227
agreement will be fair consideration for value and benefit to be 11228
derived by it under such agreement and that the agreement will 11229
promote the public purpose stated in section 140.02 of the Revised 11230
Code. 11231

(2) If the agreement is with a board of county commissioners, 11232
board of county hospital trustees, or county hospital commission 11233
and is an initial agreement for the acquisition or operation of a 11234
county hospital operated by a board of county hospital trustees 11235
under section 339.06 of the Revised Code, the governing body of 11236
the public hospital agency shall submit the agreement, accompanied 11237
by the resolution or ordinance, to the board of county 11238
commissioners for review pursuant to section 339.091 of the 11239
Revised Code. The agreement may be entered into only if the board 11240
of county commissioners adopts a resolution under that section. 11241
The requirements of division (F)(2) of this section do not apply 11242
to the agreement if one or more hospitals classified as general 11243
hospitals by the director of health under section 3701.07 of the 11244
Revised Code are operating in the same county as the county 11245
hospital. 11246

Sec. 140.05. (A)(1) A public hospital agency may lease any 11247
hospital facility to one or more hospital agencies for use as a 11248
hospital facility, or to one or more city or general health 11249

districts; boards of alcohol, drug addiction, and mental health 11250
services; county boards of developmental disabilities; the 11251
department of ~~mental health~~ mental health and addiction services;
or the department of developmental disabilities, for uses which 11252
they are authorized to make thereof under the laws applicable to 11253
them, or any combination of them, and they may lease such 11254
facilities to or from a hospital agency for such uses, upon such 11255
terms and conditions as are agreed upon by the parties. Such lease 11256
may be for a term of fifty years or less and may provide for an 11257
option of the lessee to renew for a term of fifty years or less, 11258
as therein set forth. Prior to entering into such lease, the 11259
governing body of any public hospital agency granting such lease 11260
must determine, and set forth in a resolution or ordinance, that 11261
such lease will promote the public purpose stated in section 11262
140.02 of the Revised Code and that the lessor public hospital 11263
agency will be duly benefited thereby. 11264
11265

(2) If the lease is with a board of county commissioners, 11266
board of county hospital trustees, or county hospital commission 11267
and is an agreement for the initial lease of a county hospital 11268
operated by a board of county hospital trustees under section 11269
339.06 of the Revised Code, the governing body of the public 11270
hospital agency shall submit the agreement, accompanied by the 11271
resolution or ordinance, to the board of county commissioners for 11272
review pursuant to section 339.091 of the Revised Code. The 11273
agreement may be entered into only if the board of county 11274
commissioners adopts a resolution under that section. The 11275
requirements of division (A)(2) of this section do not apply to 11276
the lease if one or more hospitals classified as general hospitals 11277
by the director of health under section 3701.07 of the Revised 11278
Code are operating in the same county as the county hospital. 11279

(B) Any lease entered into pursuant to this section shall 11280
provide that in the event that the lessee fails faithfully and 11281

efficiently to administer, maintain, and operate such leased 11282
facilities as hospital facilities, or fails to provide the 11283
services thereof without regard to race, creed, color, or national 11284
origin, or fails to require that any hospital agency using such 11285
facilities or the services thereof shall not discriminate by 11286
reason of race, creed, color, or national origin, after an 11287
opportunity to be heard upon written charges, said lease may be 11288
terminated at the time, in the manner and with consequences 11289
therein provided. If any such lease does not contain terms to the 11290
effect provided in this division, it shall nevertheless be deemed 11291
to contain such terms which shall be implemented as determined by 11292
the governing body of the lessor. 11293

(C) Such lease may provide for rentals commencing at any time 11294
agreed upon, or advance rental, and continuing for such period 11295
therein provided, notwithstanding and without diminution, rebate, 11296
or setoff by reason of time of availability of the hospital 11297
facility for use, delays in construction, failure of completion, 11298
damage or destruction of the hospital facilities, or for any other 11299
reason. 11300

(D) Such lease may provide for the sale or transfer of title 11301
of the leased facilities pursuant to an option to purchase, 11302
lease-purchase, or installment purchase upon terms therein 11303
provided or to be determined as therein provided, which may 11304
include provision for the continued use thereof as a hospital 11305
facility for some reasonable period, taking into account efficient 11306
useful life and other factors, as is provided therein. 11307

(E) Such lease may be entered as part of or in connection 11308
with an agreement pursuant to section 140.03 of the Revised Code. 11309
Any hospital facilities which are the subject of an agreement 11310
entered into under section 140.03 of the Revised Code may be 11311
leased pursuant to this section. 11312

(F) If land acquired by a public hospital agency for a 11313

hospital facility is adjacent to an existing hospital facility 11314
owned by another hospital agency, the public hospital agency may, 11315
in connection with such acquisition or the leasing of such land 11316
and hospital facilities thereon to one or more hospital agencies, 11317
enter into an agreement with the hospital agency which owns such 11318
adjacent hospital facility for the use of common walls in the 11319
construction, operation, or maintenance of hospital facilities of 11320
the public hospital agency. For the purpose of construction, 11321
operation, or maintenance of hospital facilities, a public 11322
hospital agency may acquire by purchase, gift, lease, lease with 11323
option to purchase, lease-purchase, or installment purchase, 11324
easement deed, or other agreement, real estate and interests in 11325
real estate, including rights to use space over, under or upon 11326
real property owned by others, and support, access, common wall, 11327
and other rights in connection therewith. Any public hospital 11328
agency or other political subdivision or any public agency, board, 11329
commission, institution, body, or instrumentality may grant such 11330
real estate, interests, or rights to any hospital agency upon such 11331
terms as are agreed upon without necessity for competitive bidding 11332
or public auction. 11333

Sec. 145.01. As used in this chapter: 11334

(A) "Public employee" means: 11335

(1) Any person holding an office, not elective, under the 11336
state or any county, township, municipal corporation, park 11337
district, conservancy district, sanitary district, health 11338
district, metropolitan housing authority, state retirement board, 11339
Ohio historical society, public library, county law library, union 11340
cemetery, joint hospital, institutional commissary, state 11341
university, or board, bureau, commission, council, committee, 11342
authority, or administrative body as the same are, or have been, 11343
created by action of the general assembly or by the legislative 11344

authority of any of the units of local government named in 11345
division (A)(1) of this section, or employed and paid in whole or 11346
in part by the state or any of the authorities named in division 11347
(A)(1) of this section in any capacity not covered by section 11348
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 11349

(2) A person who is a member of the public employees 11350
retirement system and who continues to perform the same or similar 11351
duties under the direction of a contractor who has contracted to 11352
take over what before the date of the contract was a publicly 11353
operated function. The governmental unit with which the contract 11354
has been made shall be deemed the employer for the purposes of 11355
administering this chapter. 11356

(3) Any person who is an employee of a public employer, 11357
notwithstanding that the person's compensation for that employment 11358
is derived from funds of a person or entity other than the 11359
employer. Credit for such service shall be included as total 11360
service credit, provided that the employee makes the payments 11361
required by this chapter, and the employer makes the payments 11362
required by sections 145.48 and 145.51 of the Revised Code. 11363

(4) A person who elects in accordance with section 145.015 of 11364
the Revised Code to remain a contributing member of the public 11365
employees retirement system. 11366

(5) A person who is an employee of the legal rights service 11367
on September 30, 2012, and continues to be employed by the 11368
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 11369
153 of the 129th general assembly. The nonprofit entity is the 11370
employer for the purpose of this chapter. 11371

In all cases of doubt, the public employees retirement board 11372
shall determine under section 145.036, 145.037, or 145.038 of the 11373
Revised Code whether any person is a public employee, and its 11374
decision is final. 11375

(B) "Member" means any public employee, other than a public employee excluded or exempted from membership in the retirement system by section 145.03, 145.031, 145.032, 145.033, 145.034, 145.035, or 145.38 of the Revised Code. "Member" includes a PERS retirant who becomes a member under division (C) of section 145.38 of the Revised Code. "Member" also includes a disability benefit recipient.

(C) "Head of the department" means the elective or appointive head of the several executive, judicial, and administrative departments, institutions, boards, and commissions of the state and local government as the same are created and defined by the laws of this state or, in case of a charter government, by that charter.

(D) "Employer" or "public employer" means the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state medical university, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in this division not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. In addition, "employer" means the employer of any public employee.

(E) "Prior military service" also means all service credited for active duty with the armed forces of the United States as provided in section 145.30 of the Revised Code.

(F) "Contributor" means any person who has an account in the employees' savings fund created by section 145.23 of the Revised Code. When used in the sections listed in division (B) of section

145.82 of the Revised Code, "contributor" includes any person 11408
participating in a PERS defined contribution plan. 11409

(G) "Beneficiary" or "beneficiaries" means the estate or a 11410
person or persons who, as the result of the death of a member, 11411
contributor, or retirant, qualify for or are receiving some right 11412
or benefit under this chapter. 11413

(H)(1) "Total service credit," except as provided in section 11414
145.37 of the Revised Code, means all service credited to a member 11415
of the retirement system since last becoming a member, including 11416
restored service credit as provided by section 145.31 of the 11417
Revised Code; credit purchased under sections 145.293 and 145.299 11418
of the Revised Code; all the member's military service credit 11419
computed as provided in this chapter; all service credit 11420
established pursuant to section 145.297 of the Revised Code; and 11421
any other service credited under this chapter. For the exclusive 11422
purpose of satisfying the service credit requirement and of 11423
determining eligibility for benefits under sections 145.32, 11424
145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the 11425
Revised Code, "five or more years of total service credit" means 11426
sixty or more calendar months of contributing service in this 11427
system. 11428

(2) "One and one-half years of contributing service credit," 11429
as used in division (B) of section 145.45 of the Revised Code, 11430
also means eighteen or more calendar months of employment by a 11431
municipal corporation that formerly operated its own retirement 11432
plan for its employees or a part of its employees, provided that 11433
all employees of that municipal retirement plan who have eighteen 11434
or more months of such employment, upon establishing membership in 11435
the public employees retirement system, shall make a payment of 11436
the contributions they would have paid had they been members of 11437
this system for the eighteen months of employment preceding the 11438
date membership was established. When that payment has been made 11439

by all such employee members, a corresponding payment shall be 11440
paid into the employers' accumulation fund by that municipal 11441
corporation as the employer of the employees. 11442

(3) Where a member also is a member of the state teachers 11443
retirement system or the school employees retirement system, or 11444
both, except in cases of retirement on a combined basis pursuant 11445
to section 145.37 of the Revised Code or as provided in section 11446
145.383 of the Revised Code, service credit for any period shall 11447
be credited on the basis of the ratio that contributions to the 11448
public employees retirement system bear to total contributions in 11449
all state retirement systems. 11450

(4) Not more than one year of credit may be given for any 11451
period of twelve months. 11452

(5) "Ohio service credit" means credit for service that was 11453
rendered to the state or any of its political subdivisions or any 11454
employer. 11455

(I) "Regular interest" means interest at any rates for the 11456
respective funds and accounts as the public employees retirement 11457
board may determine from time to time. 11458

(J) "Accumulated contributions" means the sum of all amounts 11459
credited to a contributor's individual account in the employees' 11460
savings fund together with any interest credited to the 11461
contributor's account under section 145.471 or 145.472 of the 11462
Revised Code. 11463

(K)(1) "Final average salary" means the greater of the 11464
following: 11465

(a) The sum of the member's earnable salaries for the 11466
appropriate number of calendar years of contributing service, 11467
determined under section 145.017 of the Revised Code, in which the 11468
member's earnable salary was highest, divided by the same number 11469
of calendar years or, if the member has fewer than the appropriate 11470

number of calendar years of contributing service, the total of the 11471
member's earnable salary for all years of contributing service 11472
divided by the number of calendar years of the member's 11473
contributing service; 11474

(b) The sum of a member's earnable salaries for the 11475
appropriate number of consecutive months, determined under section 11476
145.017 of the Revised Code, that were the member's last months of 11477
service, up to and including the last month, divided by the 11478
appropriate number of years or, if the time between the first and 11479
final months of service is less than the appropriate number of 11480
consecutive months, the total of the member's earnable salary for 11481
all months of contributing service divided by the number of years 11482
between the first and final months of contributing service, 11483
including any fraction of a year, except that the member's final 11484
average salary shall not exceed the member's highest earnable 11485
salary for any twelve consecutive months. 11486

(2) If contributions were made in only one calendar year, 11487
"final average salary" means the member's total earnable salary. 11488

(L) "Annuity" means payments for life derived from 11489
contributions made by a contributor and paid from the annuity and 11490
pension reserve fund as provided in this chapter. All annuities 11491
shall be paid in twelve equal monthly installments. 11492

(M) "Annuity reserve" means the present value, computed upon 11493
the basis of the mortality and other tables adopted by the board, 11494
of all payments to be made on account of any annuity, or benefit 11495
in lieu of any annuity, granted to a retirant as provided in this 11496
chapter. 11497

(N)(1) "Disability retirement" means retirement as provided 11498
in section 145.36 of the Revised Code. 11499

(2) "Disability allowance" means an allowance paid on account 11500
of disability under section 145.361 of the Revised Code. 11501

(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.

(4) "Disability benefit recipient" means a member who is receiving a disability benefit.

(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 and former section 145.34 of the Revised Code.

(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.

(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.

(R)(1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 145.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. "Earnable salary" includes the following:

(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;

(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;

(c) Allowances paid by the employer for maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;

(d) Fees and commissions paid under section 507.09 of the Revised Code;

(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;

(f) Amounts included pursuant to former division (K)(3) and former division (Y) of this section and section 145.2916 of the Revised Code.

(2) "Earnable salary" does not include any of the following:

(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;

(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;

(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the

employer's property or equipment, or amounts paid by the employer 11563
to the contributor in lieu of providing the incidental benefits; 11564

(d) Reimbursement for job-related expenses authorized by the 11565
employer, including moving and travel expenses and expenses 11566
related to professional development; 11567

(e) Payments for accrued but unused sick leave, personal 11568
leave, or vacation that are made at any time other than in the 11569
year in which the sick leave, personal leave, or vacation was 11570
accrued; 11571

(f) Payments made to or on behalf of a contributor that are 11572
in excess of the annual compensation that may be taken into 11573
account by the retirement system under division (a)(17) of section 11574
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 11575
U.S.C.A. 401(a)(17), as amended; 11576

(g) Payments made under division (B), (C), or (E) of section 11577
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 11578
No. 3 of the 119th general assembly, Section 3 of Amended 11579
Substitute Senate Bill No. 164 of the 124th general assembly, or 11580
Amended Substitute House Bill No. 405 of the 124th general 11581
assembly; 11582

(h) Anything of value received by the contributor that is 11583
based on or attributable to retirement or an agreement to retire, 11584
except that payments made on or before January 1, 1989, that are 11585
based on or attributable to an agreement to retire shall be 11586
included in earnable salary if both of the following apply: 11587

(i) The payments are made in accordance with contract 11588
provisions that were in effect prior to January 1, 1986; 11589

(ii) The employer pays the retirement system an amount 11590
specified by the retirement board equal to the additional 11591
liability resulting from the payments. 11592

(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions. 11593
11594

(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final. 11595
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(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter. 11598
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(T) "Contributing service" means both of the following: 11603

(1) All service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed in accordance with section 145.016 of the Revised Code. 11604
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(2) Service credit received by election of the member under section 145.814 of the Revised Code. 11609
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(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board. 11611
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(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.332, and 145.46 and former section 145.34 of the Revised Code. 11614
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(W) "Employer contribution" means the amount paid by an employer as determined under section 145.48 of the Revised Code. 11618
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(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs 11620
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first. 11623

(Y) "Five years of service credit," for the exclusive purpose 11624
of satisfying the service credit requirements and of determining 11625
eligibility under section 145.33 or 145.332 of the Revised Code, 11626
means employment covered under this chapter or under a former 11627
retirement plan operated, recognized, or endorsed by the employer 11628
prior to coverage under this chapter or under a combination of the 11629
coverage. 11630

(Z) "Deputy sheriff" means any person who is commissioned and 11631
employed as a full-time peace officer by the sheriff of any 11632
county, and has been so employed since on or before December 31, 11633
1965; any person who is or has been commissioned and employed as a 11634
peace officer by the sheriff of any county since January 1, 1966, 11635
and who has received a certificate attesting to the person's 11636
satisfactory completion of the peace officer training school as 11637
required by section 109.77 of the Revised Code; or any person 11638
deputized by the sheriff of any county and employed pursuant to 11639
section 2301.12 of the Revised Code as a criminal bailiff or court 11640
constable who has received a certificate attesting to the person's 11641
satisfactory completion of the peace officer training school as 11642
required by section 109.77 of the Revised Code. 11643

(AA) "Township constable or police officer in a township 11644
police department or district" means any person who is 11645
commissioned and employed as a full-time peace officer pursuant to 11646
Chapter 505. or 509. of the Revised Code, who has received a 11647
certificate attesting to the person's satisfactory completion of 11648
the peace officer training school as required by section 109.77 of 11649
the Revised Code. 11650

(BB) "Drug agent" means any person who is either of the 11651
following: 11652

(1) Employed full time as a narcotics agent by a county 11653

narcotics agency created pursuant to section 307.15 of the Revised Code and has received a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code; 11654
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11657

(2) Employed full time as an undercover drug agent as defined in section 109.79 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 11658
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(CC) "Department of public safety enforcement agent" means a full-time employee of the department of public safety who is designated under section 5502.14 of the Revised Code as an enforcement agent and who is in compliance with section 109.77 of the Revised Code. 11661
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(DD) "Natural resources law enforcement staff officer" means a full-time employee of the department of natural resources who is designated a natural resources law enforcement staff officer under section 1501.013 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 11666
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(EE) "Park officer" means a full-time employee of the department of natural resources who is designated a park officer under section 1541.10 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 11671
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(FF) "Forest officer" means a full-time employee of the department of natural resources who is designated a forest officer under section 1503.29 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 11675
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(GG) "Preserve officer" means a full-time employee of the department of natural resources who is designated a preserve officer under section 1517.10 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 11679
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(HH) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife 11683
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officer under section 1531.13 of the Revised Code and is in 11685
compliance with section 109.77 of the Revised Code. 11686

(II) "State watercraft officer" means a full-time employee of 11687
the department of natural resources who is designated a state 11688
watercraft officer under section 1547.521 of the Revised Code and 11689
is in compliance with section 109.77 of the Revised Code. 11690

(JJ) "Park district police officer" means a full-time 11691
employee of a park district who is designated pursuant to section 11692
511.232 or 1545.13 of the Revised Code and is in compliance with 11693
section 109.77 of the Revised Code. 11694

(KK) "Conservancy district officer" means a full-time 11695
employee of a conservancy district who is designated pursuant to 11696
section 6101.75 of the Revised Code and is in compliance with 11697
section 109.77 of the Revised Code. 11698

(LL) "Municipal police officer" means a member of the 11699
organized police department of a municipal corporation who is 11700
employed full time, is in compliance with section 109.77 of the 11701
Revised Code, and is not a member of the Ohio police and fire 11702
pension fund. 11703

(MM) "Veterans' home police officer" means any person who is 11704
employed at a veterans' home as a police officer pursuant to 11705
section 5907.02 of the Revised Code and is in compliance with 11706
section 109.77 of the Revised Code. 11707

(NN) "Special police officer for a mental health institution" 11708
means any person who is designated as such pursuant to section 11709
~~5119.14~~ 5119.08 of the Revised Code and is in compliance with 11710
section 109.77 of the Revised Code. 11711

(OO) "Special police officer for an institution for the 11712
developmentally disabled" means any person who is designated as 11713
such pursuant to section 5123.13 of the Revised Code and is in 11714
compliance with section 109.77 of the Revised Code. 11715

(PP) "State university law enforcement officer" means any person who is employed full time as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code. 11716
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(QQ) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B)(1) of section 101.311 of the Revised Code who has arrest authority under division (E)(1) of that section. 11721
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(RR) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C)(1) of section 101.311 of the Revised Code. 11725
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(SS) "Regional transit authority police officer" means a person who is employed full time as a regional transit authority police officer under division (Y) of section 306.35 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 11728
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(TT) "State highway patrol police officer" means a special police officer employed full time and designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person serving full time as a special police officer pursuant to that section on a permanent basis on October 21, 1997, who is in compliance with section 109.77 of the Revised Code. 11732
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(UU) "Municipal public safety director" means a person who serves full time as the public safety director of a municipal corporation with the duty of directing the activities of the municipal corporation's police department and fire department. 11739
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(VV) Notwithstanding section 2901.01 of the Revised Code, "PERS law enforcement officer" means a sheriff or any of the following whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state: a deputy 11743
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sheriff, township constable or police officer in a township police 11747
department or district, drug agent, department of public safety 11748
enforcement agent, natural resources law enforcement staff 11749
officer, park officer, forest officer, preserve officer, wildlife 11750
officer, state watercraft officer, park district police officer, 11751
conservancy district officer, veterans' home police officer, 11752
special police officer for a mental health institution, special 11753
police officer for an institution for the developmentally 11754
disabled, state university law enforcement officer, municipal 11755
police officer, house sergeant at arms, assistant house sergeant 11756
at arms, regional transit authority police officer, or state 11757
highway patrol police officer. "PERS law enforcement officer" also 11758
includes a person serving as a municipal public safety director at 11759
any time during the period from September 29, 2005, to March 24, 11760
2009, if the duties of that service were to preserve the peace, 11761
protect life and property, and enforce the laws of this state. 11762

(WW) "Hamilton county municipal court bailiff" means a person 11763
appointed by the clerk of courts of the Hamilton county municipal 11764
court under division (A)(3) of section 1901.32 of the Revised Code 11765
who is employed full time as a bailiff or deputy bailiff, who has 11766
received a certificate attesting to the person's satisfactory 11767
completion of the peace officer basic training described in 11768
division (D)(1) of section 109.77 of the Revised Code. 11769

(XX) "PERS public safety officer" means a Hamilton county 11770
municipal court bailiff, or any of the following whose primary 11771
duties are other than to preserve the peace, protect life and 11772
property, and enforce the laws of this state: a deputy sheriff, 11773
township constable or police officer in a township police 11774
department or district, drug agent, department of public safety 11775
enforcement agent, natural resources law enforcement staff 11776
officer, park officer, forest officer, preserve officer, wildlife 11777
officer, state watercraft officer, park district police officer, 11778

conservancy district officer, veterans' home police officer, 11779
special police officer for a mental health institution, special 11780
police officer for an institution for the ~~mentally retarded and~~ 11781
developmentally disabled, state university law enforcement 11782
officer, municipal police officer, house sergeant at arms, 11783
assistant house sergeant at arms, regional transit authority 11784
police officer, or state highway patrol police officer. "PERS 11785
public safety officer" also includes a person serving as a 11786
municipal public safety director at any time during the period 11787
from September 29, 2005, to March 24, 2009, if the duties of that 11788
service were other than to preserve the peace, protect life and 11789
property, and enforce the laws of this state. 11790

(YY) "Fiduciary" means a person who does any of the 11791
following: 11792

(1) Exercises any discretionary authority or control with 11793
respect to the management of the system or with respect to the 11794
management or disposition of its assets; 11795

(2) Renders investment advice for a fee, direct or indirect, 11796
with respect to money or property of the system; 11797

(3) Has any discretionary authority or responsibility in the 11798
administration of the system. 11799

(ZZ) "Actuary" means an individual who satisfies all of the 11800
following requirements: 11801

(1) Is a member of the American academy of actuaries; 11802

(2) Is an associate or fellow of the society of actuaries; 11803

(3) Has a minimum of five years' experience in providing 11804
actuarial services to public retirement plans. 11805

(AAA) "PERS defined benefit plan" means the plan described in 11806
sections 145.201 to 145.79 of the Revised Code. 11807

(BBB) "PERS defined contribution plans" means the plan or 11808

plans established under section 145.81 of the Revised Code. 11809

Sec. 145.012. (A) "Public employee," as defined in division 11810
(A) of section 145.01 of the Revised Code, does not include any 11811
person: 11812

(1) Who is employed by a private, temporary-help service and 11813
performs services under the direction of a public employer or is 11814
employed on a contractual basis as an independent contractor under 11815
a personal service contract with a public employer; 11816

(2) Who is an emergency employee serving on a temporary basis 11817
in case of fire, snow, earthquake, flood, or other similar 11818
emergency; 11819

(3) Who is employed in a program established pursuant to the 11820
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 11821
1501; 11822

(4) Who is an appointed member of either the motor vehicle 11823
salvage dealers board or the motor vehicle dealer's board whose 11824
rate and method of payment are determined pursuant to division (J) 11825
of section 124.15 of the Revised Code; 11826

(5) Who is employed as an election worker and paid less than 11827
five hundred dollars per calendar year for that service; 11828

(6) Who is employed as a firefighter in a position requiring 11829
satisfactory completion of a firefighter training course approved 11830
under former section 3303.07 or section 4765.55 of the Revised 11831
Code or conducted under section 3737.33 of the Revised Code except 11832
for the following: 11833

(a) Any firefighter who has elected under section 145.013 of 11834
the Revised Code to remain a contributing member of the public 11835
employees retirement system; 11836

(b) Any firefighter who was eligible to transfer from the 11837
public employees retirement system to the Ohio police and fire 11838

pension fund under section 742.51 or 742.515 of the Revised Code 11839
and did not elect to transfer; 11840

(c) Any firefighter who has elected under section 742.516 of 11841
the Revised Code to transfer from the Ohio police and fire pension 11842
fund to the public employees retirement system. 11843

(7) Who is a member of the board of health of a city or 11844
general health district, which pursuant to sections 3709.051 and 11845
3709.07 of the Revised Code includes a combined health district, 11846
and whose compensation for attendance at meetings of the board is 11847
set forth in division (B) of section 3709.02 or division (B) of 11848
section 3709.05 of the Revised Code, as appropriate; 11849

(8) Who participates in an alternative retirement plan 11850
established under Chapter 3305. of the Revised Code; 11851

(9) Who is a member of the board of directors of a sanitary 11852
district established under Chapter 6115. of the Revised Code; 11853

(10) Who is a member of the unemployment compensation 11854
advisory council; 11855

(11) Who is an employee, officer, or governor-appointed 11856
member of the board of directors of the nonprofit corporation 11857
formed under section 187.01 of the Revised Code; 11858

(12) Who is employed by the nonprofit entity established to 11859
provide advocacy services and a client assistance program for 11860
people with disabilities under Section 319.20 of Am. Sub. H.B. 153 11861
of the 129th general assembly and whose employment begins on or 11862
after October 1, 2012. 11863

(B) No inmate of a correctional institution operated by the 11864
department of rehabilitation and correction, no patient in a 11865
hospital for the mentally ill or criminally insane operated by the 11866
department of ~~mental health~~ mental health and addiction services, 11867
no resident in an institution for the mentally retarded operated 11868

by the department of developmental disabilities, no resident 11869
admitted as a patient of a veterans' home operated under Chapter 11870
5907. of the Revised Code, and no resident of a county home shall 11871
be considered as a public employee for the purpose of establishing 11872
membership or calculating service credit or benefits under this 11873
chapter. Nothing in this division shall be construed to affect any 11874
service credit attained by any person who was a public employee 11875
before becoming an inmate, patient, or resident at any institution 11876
listed in this division, or the payment of any benefit for which 11877
such a person or such a person's beneficiaries otherwise would be 11878
eligible. 11879

Sec. 145.22. (A) The public employees retirement board shall 11880
have prepared annually by or under the supervision of an actuary 11881
an actuarial valuation of the pension assets, liabilities, and 11882
funding requirements of the public employees retirement system as 11883
established pursuant to this chapter. The actuary shall complete 11884
the valuation in accordance with actuarial standards of practice 11885
promulgated by the actuarial standards board of the American 11886
academy of actuaries and prepare a report of the valuation. The 11887
report shall include all of the following: 11888

(1) A summary of the benefit provisions evaluated; 11889

(2) A summary of the census data and financial information 11890
used in the valuation; 11891

(3) A description of the actuarial assumptions, actuarial 11892
cost method, and asset valuation method used in the valuation, 11893
including a statement of the assumed rate of payroll growth and 11894
assumed rate of growth or decline in the number of members 11895
contributing to the retirement system; 11896

(4) A summary of findings that includes a statement of the 11897
actuarial accrued pension liabilities and unfunded actuarial 11898
accrued pension liabilities; 11899

(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;

(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.

The board shall submit the report to the Ohio retirement study council, the director of budget and management, and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation immediately upon its availability and not later than the first day of September following the year for which the valuation was made.

(B) At such time as the public employees retirement board determines, and at least once in each five-year period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, contributors, and beneficiaries of the system to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The report shall include all of the following:

(1) A summary of relevant decrement and economic assumption experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (A) of this section;

(3) A measurement of the financial effect of the recommended

changes in actuarial assumptions. 11931

The board shall submit the report to the Ohio retirement 11932
study council and the standing committees of the house of 11933
representatives and the senate with primary responsibility for 11934
retirement legislation not later than the first day of November 11935
following the last fiscal year of the period the report covers. 11936

(C) The board may at any time request the actuary to make any 11937
studies or actuarial valuations to determine the adequacy of the 11938
contribution rate determined under section 145.48 of the Revised 11939
Code, and those rates may be adjusted by the board, as recommended 11940
by the actuary, effective as of the first of any year thereafter. 11941

(D) The board shall have prepared by or under the supervision 11942
of an actuary an actuarial analysis of any introduced legislation 11943
expected to have a measurable financial impact on the retirement 11944
system. The actuarial analysis shall be completed in accordance 11945
with the actuarial standards of practice promulgated by the 11946
actuarial standards board of the American academy of actuaries. 11947
The actuary shall prepare a report of the actuarial analysis, 11948
which shall include all of the following: 11949

(1) A summary of the statutory changes that are being 11950
evaluated; 11951

(2) A description of or reference to the actuarial 11952
assumptions and actuarial cost method used in the report; 11953

(3) A description of the participant group or groups included 11954
in the report; 11955

(4) A statement of the financial impact of the legislation, 11956
including the resulting increase, if any, in the employer normal 11957
cost percentage; the increase, if any, in actuarial accrued 11958
liabilities; and the per cent of payroll that would be required to 11959
amortize the increase in actuarial accrued liabilities as a level 11960
per cent of covered payroll for all active members over a period 11961

not to exceed thirty years; 11962

(5) A statement of whether the scheduled contributions to the 11963
system after the proposed change is enacted are expected to be 11964
sufficient to satisfy the funding objectives established by the 11965
board. 11966

Not later than sixty days from the date of introduction of 11967
the legislation, the board shall submit a copy of the actuarial 11968
analysis to the legislative service commission, the standing 11969
committees of the house of representatives and the senate with 11970
primary responsibility for retirement legislation, and the Ohio 11971
retirement study council. 11972

(E) The board shall have prepared annually a report giving a 11973
full accounting of the revenues and costs relating to the 11974
provision of benefits under sections 145.58 and 145.584 of the 11975
Revised Code. The report shall be made as of December 31, 1997, 11976
and the thirty-first day of December of each year thereafter. The 11977
report shall include the following: 11978

(1) A description of the statutory authority for the benefits 11979
provided; 11980

(2) A summary of the benefits; 11981

(3) A summary of the eligibility requirements for the 11982
benefits; 11983

(4) A statement of the number of participants eligible for 11984
the benefits; 11985

(5) A description of the accounting, asset valuation, and 11986
funding method used to provide the benefits; 11987

(6) A statement of the net assets available for the provision 11988
of the benefits as of the last day of the fiscal year; 11989

(7) A statement of any changes in the net assets available 11990
for the provision of benefits, including participant and employer 11991

contributions, net investment income, administrative expenses, and 11992
benefits provided to participants, as of the last day of the 11993
fiscal year; 11994

(8) For the last six consecutive fiscal years, a schedule of 11995
the net assets available for the benefits, the annual cost of 11996
benefits, administrative expenses incurred, and annual employer 11997
contributions allocated for the provision of benefits; 11998

(9) A description of any significant changes that affect the 11999
comparability of the report required under this division; 12000

(10) A statement of the amount paid under division (C) of 12001
section 145.58 of the Revised Code. 12002

The board shall submit the report to the Ohio retirement 12003
study council, the director of budget and management, and the 12004
standing committees of the house of representatives and the senate 12005
with primary responsibility for retirement legislation immediately 12006
upon its availability and not later than the thirtieth day of June 12007
following the year for which the report was made. 12008

Sec. 149.01. Each elective state officer, the adjutant 12009
general, the adult parole authority, the department of 12010
agriculture, the director of administrative services, the public 12011
utilities commission, the superintendent of insurance, the 12012
superintendent of financial institutions, the superintendent of 12013
purchases and printing, the fire marshal, the industrial 12014
commission, the administrator of workers' compensation, the state 12015
department of transportation, the department of health, the state 12016
medical board, the state dental board, the board of embalmers and 12017
funeral directors, the Ohio commission for the blind, the 12018
accountancy board of Ohio, the state council of uniform state 12019
laws, the board of commissioners of the sinking fund, the 12020
department of taxation, the board of tax appeals, the division of 12021
liquor control, the director of state armories, the trustees of 12022

the Ohio state university, and every private or quasi-public 12023
institution, association, board, or corporation receiving state 12024
money for its use and purpose shall make annually, at the end of 12025
each fiscal year, in quadruplicate, a report of the transactions 12026
and proceedings of that office or department for that fiscal year, 12027
excepting receipts and disbursements unless otherwise specifically 12028
required by law. The report shall contain a summary of the 12029
official acts of the officer, board, council, commission, 12030
institution, association, or corporation and any suggestions and 12031
recommendations that are proper. ~~On the first day of August of~~ 12032
~~each year, one~~ 12033

One of the reports shall be filed with the governor, one with 12034
the secretary of state, and one with the state library, and one 12035
shall be kept on file in the office of the officer, board, 12036
council, commission, institution, association, or corporation. The 12037
reports shall be so filed by the first day of August, except that 12038
the report of the treasurer of state shall be so filed by the 12039
thirty-first day of December. 12040

Sec. 149.311. (A) As used in this section: 12041

(1) "Historic building" means a building, including its 12042
structural components, that is located in this state and that is 12043
either individually listed on the national register of historic 12044
places under 16 U.S.C. 470a, located in a registered historic 12045
district, and certified by the state historic preservation officer 12046
as being of historic significance to the district, or is 12047
individually listed as an historic landmark designated by a local 12048
government certified under 16 U.S.C. 470a(c). 12049

(2) "Qualified rehabilitation expenditures" means 12050
expenditures paid or incurred during the rehabilitation period, 12051
and before and after that period as determined under 26 U.S.C. 47, 12052
by an owner or qualified lessee of an historic building to 12053

rehabilitate the building. "Qualified rehabilitation expenditures" 12054
includes architectural or engineering fees paid or incurred in 12055
connection with the rehabilitation, and expenses incurred in the 12056
preparation of nomination forms for listing on the national 12057
register of historic places. "Qualified rehabilitation 12058
expenditures" does not include any of the following: 12059

(a) The cost of acquiring, expanding, or enlarging an 12060
historic building; 12061

(b) Expenditures attributable to work done to facilities 12062
related to the building, such as parking lots, sidewalks, and 12063
landscaping; 12064

(c) New building construction costs. 12065

(3) "Owner" of an historic building means a person holding 12066
the fee simple interest in the building. "Owner" does not include 12067
the state or a state agency, or any political subdivision as 12068
defined in section 9.23 of the Revised Code. 12069

(4) "Qualified lessee" means a person subject to a lease 12070
agreement for a an historic building and eligible for the federal 12071
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 12072
does not include the state or a state agency or political 12073
subdivision as defined in section 9.23 of the Revised Code. 12074

(5) "Certificate owner" means the owner or qualified lessee 12075
of an historic building to which a rehabilitation tax credit 12076
certificate was issued under this section. 12077

(6) "Registered historic district" means an historic district 12078
listed in the national register of historic places under 16 U.S.C. 12079
470a, an historic district designated by a local government 12080
certified under 16 U.S.C. 470a(c), or a local historic district 12081
certified under 36 C.F.R. 67.8 and 67.9. 12082

(7) "Rehabilitation" means the process of repairing or 12083

altering an historic building or buildings, making possible an 12084
efficient use while preserving those portions and features of the 12085
building and its site and environment that are significant to its 12086
historic, architectural, and cultural values. 12087

(8) "Rehabilitation period" means one of the following: 12088

(a) If the rehabilitation initially was not planned to be 12089
completed in stages, a period chosen by the owner or qualified 12090
lessee not to exceed twenty-four months during which 12091
rehabilitation occurs; 12092

(b) If the rehabilitation initially was planned to be 12093
completed in stages, a period chosen by the owner or qualified 12094
lessee not to exceed sixty months during which rehabilitation 12095
occurs. Each stage shall be reviewed as a phase of a 12096
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 12097
successor to that section. 12098

(9) "State historic preservation officer" or "officer" means 12099
the state historic preservation officer appointed by the governor 12100
under 16 U.S.C. 470a. 12101

(B) The owner or qualified lessee of an historic building may 12102
apply to the director of development services for a rehabilitation 12103
tax credit certificate for qualified rehabilitation expenditures 12104
paid or incurred by such owner or qualified lessee after April 4, 12105
2007, for rehabilitation of an historic building. If the owner of 12106
a an historic building enters a pass-through agreement with a 12107
qualified lessee for the purposes of the federal rehabilitation 12108
tax credit under 26 U.S.C. 47, the qualified rehabilitation 12109
expenditures paid or incurred by the owner after April 4, 2007, 12110
~~shall~~ may be attributed to the qualified lessee. 12111

The form and manner of filing such applications shall be 12112
prescribed by rule of the director. Each application shall state 12113
the amount of qualified rehabilitation expenditures the applicant 12114

estimates will be paid or incurred. The director may require 12115
applicants to furnish documentation of such estimates. 12116

The director, after consultation with the tax commissioner 12117
and in accordance with Chapter 119. of the Revised Code, shall 12118
adopt rules that establish all of the following: 12119

(1) Forms and procedures by which applicants may apply for 12120
rehabilitation tax credit certificates; 12121

(2) Criteria for reviewing, evaluating, and approving 12122
applications for certificates within the limitations under 12123
division (D) of this section, criteria for assuring that the 12124
certificates issued encompass a mixture of high and low qualified 12125
rehabilitation expenditures, and criteria for issuing certificates 12126
under division (C)(3)(b) of this section; 12127

(3) Eligibility requirements for obtaining a certificate 12128
under this section; 12129

(4) The form of rehabilitation tax credit certificates; 12130

(5) Reporting requirements and monitoring procedures; 12131

(6) Procedures and criteria for conducting cost-benefit 12132
analyses of historic buildings that are the subjects of 12133
applications filed under this section. The purpose of a 12134
cost-benefit analysis shall be to determine whether rehabilitation 12135
of the historic building will result in a net revenue gain in 12136
state and local taxes once the building is used. 12137

(7) Any other rules necessary to implement and administer 12138
this section. 12139

(C) The director of development services shall review the 12140
applications with the assistance of the state historic 12141
preservation officer and determine whether all of the following 12142
criteria are met: 12143

(1) That the building that is the subject of the application 12144

is an historic building and the applicant is the owner or 12145
qualified lessee of the building; 12146

(2) That the rehabilitation will satisfy standards prescribed 12147
by the United States secretary of the interior under 16 U.S.C. 12148
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 12149
that section; 12150

(3) That receiving a rehabilitation tax credit certificate 12151
under this section is a major factor in: 12152

(a) The applicant's decision to rehabilitate the historic 12153
building; or 12154

(b) To increase the level of investment in such 12155
rehabilitation. 12156

An applicant shall demonstrate to the satisfaction of the 12157
state historic preservation officer and director of development 12158
services that the rehabilitation will satisfy the standards 12159
described in division (C)(2) of this section before the applicant 12160
begins the physical rehabilitation of the historic building. 12161

(D)(1) If the director of development services determines 12162
that an application meets the criteria in divisions (C)(1), (2), 12163
and (3) of this section, the director shall conduct a cost-benefit 12164
analysis for the historic building that is the subject of the 12165
application to determine whether rehabilitation of the historic 12166
building will result in a net revenue gain in state and local 12167
taxes once the building is used. The director shall consider the 12168
results of the cost-benefit analysis in determining whether to 12169
approve the application. The director shall also consider the 12170
potential economic impact and the regional distributive balance of 12171
the credits throughout the state. The director may approve an 12172
application only after completion of the cost-benefit analysis. 12173

(2) A rehabilitation tax credit certificate shall not be 12174
issued for an amount greater than the estimated amount furnished 12175

by the applicant on the application for such certificate and 12176
approved by the director. The director shall not approve more than 12177
a total of sixty million dollars of rehabilitation tax credits per 12178
fiscal year but the director may reallocate unused tax credits 12179
from a prior fiscal year for new applicants and such reallocated 12180
credits shall not apply toward the dollar limit of this division. 12181

(3) For rehabilitations with a rehabilitation period not 12182
exceeding twenty-four months as provided in division (A)(7)(a) of 12183
this section, a rehabilitation tax credit certificate shall not be 12184
issued before the rehabilitation of the historic building is 12185
completed. 12186

(4) For rehabilitations with a rehabilitation period not 12187
exceeding sixty months as provided in division (A)(7)(b) of this 12188
section, a rehabilitation tax credit certificate shall not be 12189
issued before a stage of rehabilitation is completed. After all 12190
stages of rehabilitation are completed, if the director cannot 12191
determine that the criteria in division (C) of this section are 12192
satisfied for all stages of rehabilitations, the director shall 12193
certify this finding to the tax commissioner, and any 12194
rehabilitation tax credits received by the applicant shall be 12195
repaid by the applicant and may be collected by assessment as 12196
unpaid tax by the commissioner. 12197

(5) The director of development services shall require the 12198
applicant to provide a third-party cost certification by a 12199
certified public accountant of the actual costs attributed to the 12200
rehabilitation of the historic building when qualified 12201
rehabilitation expenditures exceed two hundred thousand dollars. 12202

If an applicant whose application is approved for receipt of 12203
a rehabilitation tax credit certificate fails to provide to the 12204
director sufficient evidence of reviewable progress, including a 12205
viable financial plan, copies of final construction drawings, and 12206
evidence that the applicant has obtained all historic approvals 12207

within twelve months after the date the applicant received 12208
notification of approval, and if the applicant fails to provide 12209
evidence to the director that the applicant has secured and closed 12210
on financing for the rehabilitation within eighteen months after 12211
receiving notification of approval, the director may rescind the 12212
approval of the application. The director shall notify the 12213
applicant if the approval has been rescinded. Credits that would 12214
have been available to an applicant whose approval was rescinded 12215
shall be available for other qualified applicants. Nothing in this 12216
division prohibits an applicant whose approval has been rescinded 12217
from submitting a new application for a rehabilitation tax credit 12218
certificate. 12219

(E) Issuance of a certificate represents a finding by the 12220
director of development services of the matters described in 12221
divisions (C)(1), (2), and (3) of this section only; issuance of a 12222
certificate does not represent a verification or certification by 12223
the director of the amount of qualified rehabilitation 12224
expenditures for which a tax credit may be claimed under section 12225
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 12226
Revised Code. The amount of qualified rehabilitation expenditures 12227
for which a tax credit may be claimed is subject to inspection and 12228
examination by the tax commissioner or employees of the 12229
commissioner under section 5703.19 of the Revised Code and any 12230
other applicable law. Upon the issuance of a certificate, the 12231
director shall certify to the tax commissioner, in the form and 12232
manner requested by the tax commissioner, the name of the 12233
applicant, the amount of qualified rehabilitation expenditures 12234
shown on the certificate, and any other information required by 12235
the rules adopted under this section. 12236

(F)(1) On or before the first day of April each year, the 12237
director of development services and tax commissioner jointly 12238
shall submit to the president of the senate and the speaker of the 12239

house of representatives a report on the tax credit program 12240
established under this section and sections 5725.151, 5725.34, 12241
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 12242
report shall present an overview of the program and shall include 12243
information on the number of rehabilitation tax credit 12244
certificates issued under this section during the preceding fiscal 12245
year, an update on the status of each historic building for which 12246
an application was approved under this section, the dollar amount 12247
of the tax credits granted under sections 5725.151, 5725.34, 12248
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 12249
any other information the director and commissioner consider 12250
relevant to the topics addressed in the report. 12251

(2) On or before December 1, 2015, the director of 12252
development services and tax commissioner jointly shall submit to 12253
the president of the senate and the speaker of the house of 12254
representatives a comprehensive report that includes the 12255
information required by division (F)(1) of this section and a 12256
detailed analysis of the effectiveness of issuing tax credits for 12257
rehabilitating historic buildings. The report shall be prepared 12258
with the assistance of an economic research organization jointly 12259
chosen by the director and commissioner. 12260

(G) There is hereby created in the state treasury the 12261
historic rehabilitation tax credit operating fund. The director of 12262
development services is authorized to charge reasonable 12263
application and other fees in connection with the administration 12264
of tax credits authorized by this section and sections 5725.151, 12265
5725.34, 5726.52, 5729.17, 5733.44, and 5747.76 of the Revised 12266
Code. Any such fees collected shall be credited to the fund and 12267
used to pay reasonable costs incurred by the department of 12268
development services in administering this section and sections 12269
5725.151, 5725.34, 5726.52, 5729.17, 5733.44, and 5747.76 of the 12270
Revised Code. 12271

The Ohio historic preservation office is authorized to charge 12272
reasonable fees in connection with its review and approval of 12273
applications under this section. Any such fees collected shall be 12274
credited to the fund and used to pay administrative costs incurred 12275
by the Ohio historic preservation office pursuant to this section. 12276

Sec. 149.43. (A) As used in this section: 12277

(1) "Public record" means records kept by any public office, 12278
including, but not limited to, state, county, city, village, 12279
township, and school district units, and records pertaining to the 12280
delivery of educational services by an alternative school in this 12281
state kept by the nonprofit or for-profit entity operating the 12282
alternative school pursuant to section 3313.533 of the Revised 12283
Code. "Public record" does not mean any of the following: 12284

(a) Medical records; 12285

(b) Records pertaining to probation and parole proceedings or 12286
to proceedings related to the imposition of community control 12287
sanctions and post-release control sanctions; 12288

(c) Records pertaining to actions under section 2151.85 and 12289
division (C) of section 2919.121 of the Revised Code and to 12290
appeals of actions arising under those sections; 12291

(d) Records pertaining to adoption proceedings, including the 12292
contents of an adoption file maintained by the department of 12293
health under section 3705.12 of the Revised Code; 12294

(e) Information in a record contained in the putative father 12295
registry established by section 3107.062 of the Revised Code, 12296
regardless of whether the information is held by the department of 12297
job and family services or, pursuant to section 3111.69 of the 12298
Revised Code, the office of child support in the department or a 12299
child support enforcement agency; 12300

(f) Records listed in division (A) of section 3107.42 of the 12301

Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	12302 12303
(g) Trial preparation records;	12304
(h) Confidential law enforcement investigatory records;	12305
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	12306 12307
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	12308 12309
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	12310 12311 12312 12313
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	12314 12315 12316 12317
(m) Intellectual property records;	12318
(n) Donor profile records;	12319
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	12320 12321
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	12322 12323 12324 12325 12326 12327
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the	12328 12329 12330 12331

Revised Code;	12332
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	12333 12334
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	12335 12336 12337 12338 12339 12340 12341 12342
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	12343 12344 12345 12346
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners <u>executives</u> of nursing home administrators <u>long-term services and supports</u> administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	12347 12348 12349 12350 12351 12352
(v) Records the release of which is prohibited by state or federal law;	12353 12354
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	12355 12356 12357
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	12358 12359
(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling	12360 12361

board in connection with applying for, receiving, or accounting 12362
for financial assistance from the agency, and information that 12363
identifies any individual who benefits directly or indirectly from 12364
financial assistance from the agency; 12365

~~(z)~~(y) Records listed in section 5101.29 of the Revised Code; 12366

~~(aa)~~(z) Discharges recorded with a county recorder under 12367
section 317.24 of the Revised Code, as specified in division 12368
(B)(2) of that section; 12369

~~(bb)~~(aa) Usage information including names and addresses of 12370
specific residential and commercial customers of a municipally 12371
owned or operated public utility; 12372

~~(cc)~~(bb) Records described in division (C) of section 187.04 12373
of the Revised Code that are not designated to be made available 12374
to the public as provided in that division. 12375

(2) "Confidential law enforcement investigatory record" means 12376
any record that pertains to a law enforcement matter of a 12377
criminal, quasi-criminal, civil, or administrative nature, but 12378
only to the extent that the release of the record would create a 12379
high probability of disclosure of any of the following: 12380

(a) The identity of a suspect who has not been charged with 12381
the offense to which the record pertains, or of an information 12382
source or witness to whom confidentiality has been reasonably 12383
promised; 12384

(b) Information provided by an information source or witness 12385
to whom confidentiality has been reasonably promised, which 12386
information would reasonably tend to disclose the source's or 12387
witness's identity; 12388

(c) Specific confidential investigatory techniques or 12389
procedures or specific investigatory work product; 12390

(d) Information that would endanger the life or physical 12391

safety of law enforcement personnel, a crime victim, a witness, or 12392
a confidential information source. 12393

(3) "Medical record" means any document or combination of 12394
documents, except births, deaths, and the fact of admission to or 12395
discharge from a hospital, that pertains to the medical history, 12396
diagnosis, prognosis, or medical condition of a patient and that 12397
is generated and maintained in the process of medical treatment. 12398

(4) "Trial preparation record" means any record that contains 12399
information that is specifically compiled in reasonable 12400
anticipation of, or in defense of, a civil or criminal action or 12401
proceeding, including the independent thought processes and 12402
personal trial preparation of an attorney. 12403

(5) "Intellectual property record" means a record, other than 12404
a financial or administrative record, that is produced or 12405
collected by or for faculty or staff of a state institution of 12406
higher learning in the conduct of or as a result of study or 12407
research on an educational, commercial, scientific, artistic, 12408
technical, or scholarly issue, regardless of whether the study or 12409
research was sponsored by the institution alone or in conjunction 12410
with a governmental body or private concern, and that has not been 12411
publicly released, published, or patented. 12412

(6) "Donor profile record" means all records about donors or 12413
potential donors to a public institution of higher education 12414
except the names and reported addresses of the actual donors and 12415
the date, amount, and conditions of the actual donation. 12416

(7) "Peace officer, parole officer, probation officer, 12417
bailiff, prosecuting attorney, assistant prosecuting attorney, 12418
correctional employee, community-based correctional facility 12419
employee, youth services employee, firefighter, EMT, or 12420
investigator of the bureau of criminal identification and 12421
investigation residential and familial information" means any 12422

information that discloses any of the following about a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation:

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff,

prosecuting attorney, assistant prosecuting attorney, correctional 12455
employee, community-based correctional facility employee, youth 12456
services employee, firefighter, EMT, or investigator of the bureau 12457
of criminal identification and investigation by the peace 12458
officer's, parole officer's, probation officer's, bailiff's, 12459
prosecuting attorney's, assistant prosecuting attorney's, 12460
correctional employee's, community-based correctional facility 12461
employee's, youth services employee's, firefighter's, EMT's, or 12462
investigator of the bureau of criminal identification and 12463
investigation's employer; 12464

(e) The identity and amount of any charitable or employment 12465
benefit deduction made by the peace officer's, parole officer's, 12466
probation officer's, bailiff's, prosecuting attorney's, assistant 12467
prosecuting attorney's, correctional employee's, community-based 12468
correctional facility employee's, youth services employee's, 12469
firefighter's, EMT's, or investigator of the bureau of criminal 12470
identification and investigation's employer from the peace 12471
officer's, parole officer's, probation officer's, bailiff's, 12472
prosecuting attorney's, assistant prosecuting attorney's, 12473
correctional employee's, community-based correctional facility 12474
employee's, youth services employee's, firefighter's, EMT's, or 12475
investigator of the bureau of criminal identification and 12476
investigation's compensation unless the amount of the deduction is 12477
required by state or federal law; 12478

(f) The name, the residential address, the name of the 12479
employer, the address of the employer, the social security number, 12480
the residential telephone number, any bank account, debit card, 12481
charge card, or credit card number, or the emergency telephone 12482
number of the spouse, a former spouse, or any child of a peace 12483
officer, parole officer, probation officer, bailiff, prosecuting 12484
attorney, assistant prosecuting attorney, correctional employee, 12485
community-based correctional facility employee, youth services 12486

employee, firefighter, EMT, or investigator of the bureau of 12487
criminal identification and investigation; 12488

(g) A photograph of a peace officer who holds a position or 12489
has an assignment that may include undercover or plain clothes 12490
positions or assignments as determined by the peace officer's 12491
appointing authority. 12492

As used in divisions (A)(7) and (B)(9) of this section, 12493
"peace officer" has the same meaning as in section 109.71 of the 12494
Revised Code and also includes the superintendent and troopers of 12495
the state highway patrol; it does not include the sheriff of a 12496
county or a supervisory employee who, in the absence of the 12497
sheriff, is authorized to stand in for, exercise the authority of, 12498
and perform the duties of the sheriff. 12499

As used in divisions (A)(7) and (B)(5) of this section, 12500
"correctional employee" means any employee of the department of 12501
rehabilitation and correction who in the course of performing the 12502
employee's job duties has or has had contact with inmates and 12503
persons under supervision. 12504

As used in divisions (A)(7) and (B)(5) of this section, 12505
"youth services employee" means any employee of the department of 12506
youth services who in the course of performing the employee's job 12507
duties has or has had contact with children committed to the 12508
custody of the department of youth services. 12509

As used in divisions (A)(7) and (B)(9) of this section, 12510
"firefighter" means any regular, paid or volunteer, member of a 12511
lawfully constituted fire department of a municipal corporation, 12512
township, fire district, or village. 12513

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 12514
means EMTs-basic, EMTs-I, and paramedics that provide emergency 12515
medical services for a public emergency medical service 12516
organization. "Emergency medical service organization," 12517

"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 12518
section 4765.01 of the Revised Code. 12519

As used in divisions (A)(7) and (B)(9) of this section, 12520
"investigator of the bureau of criminal identification and 12521
investigation" has the meaning defined in section 2903.11 of the 12522
Revised Code. 12523

(8) "Information pertaining to the recreational activities of 12524
a person under the age of eighteen" means information that is kept 12525
in the ordinary course of business by a public office, that 12526
pertains to the recreational activities of a person under the age 12527
of eighteen years, and that discloses any of the following: 12528

(a) The address or telephone number of a person under the age 12529
of eighteen or the address or telephone number of that person's 12530
parent, guardian, custodian, or emergency contact person; 12531

(b) The social security number, birth date, or photographic 12532
image of a person under the age of eighteen; 12533

(c) Any medical record, history, or information pertaining to 12534
a person under the age of eighteen; 12535

(d) Any additional information sought or required about a 12536
person under the age of eighteen for the purpose of allowing that 12537
person to participate in any recreational activity conducted or 12538
sponsored by a public office or to use or obtain admission 12539
privileges to any recreational facility owned or operated by a 12540
public office. 12541

(9) "Community control sanction" has the same meaning as in 12542
section 2929.01 of the Revised Code. 12543

(10) "Post-release control sanction" has the same meaning as 12544
in section 2967.01 of the Revised Code. 12545

(11) "Redaction" means obscuring or deleting any information 12546
that is exempt from the duty to permit public inspection or 12547

copying from an item that otherwise meets the definition of a 12548
"record" in section 149.011 of the Revised Code. 12549

(12) "Designee" and "elected official" have the same meanings 12550
as in section 109.43 of the Revised Code. 12551

(B)(1) Upon request and subject to division (B)(8) of this 12552
section, all public records responsive to the request shall be 12553
promptly prepared and made available for inspection to any person 12554
at all reasonable times during regular business hours. Subject to 12555
division (B)(8) of this section, upon request, a public office or 12556
person responsible for public records shall make copies of the 12557
requested public record available at cost and within a reasonable 12558
period of time. If a public record contains information that is 12559
exempt from the duty to permit public inspection or to copy the 12560
public record, the public office or the person responsible for the 12561
public record shall make available all of the information within 12562
the public record that is not exempt. When making that public 12563
record available for public inspection or copying that public 12564
record, the public office or the person responsible for the public 12565
record shall notify the requester of any redaction or make the 12566
redaction plainly visible. A redaction shall be deemed a denial of 12567
a request to inspect or copy the redacted information, except if 12568
federal or state law authorizes or requires a public office to 12569
make the redaction. 12570

(2) To facilitate broader access to public records, a public 12571
office or the person responsible for public records shall organize 12572
and maintain public records in a manner that they can be made 12573
available for inspection or copying in accordance with division 12574
(B) of this section. A public office also shall have available a 12575
copy of its current records retention schedule at a location 12576
readily available to the public. If a requester makes an ambiguous 12577
or overly broad request or has difficulty in making a request for 12578
copies or inspection of public records under this section such 12579

that the public office or the person responsible for the requested 12580
public record cannot reasonably identify what public records are 12581
being requested, the public office or the person responsible for 12582
the requested public record may deny the request but shall provide 12583
the requester with an opportunity to revise the request by 12584
informing the requester of the manner in which records are 12585
maintained by the public office and accessed in the ordinary 12586
course of the public office's or person's duties. 12587

(3) If a request is ultimately denied, in part or in whole, 12588
the public office or the person responsible for the requested 12589
public record shall provide the requester with an explanation, 12590
including legal authority, setting forth why the request was 12591
denied. If the initial request was provided in writing, the 12592
explanation also shall be provided to the requester in writing. 12593
The explanation shall not preclude the public office or the person 12594
responsible for the requested public record from relying upon 12595
additional reasons or legal authority in defending an action 12596
commenced under division (C) of this section. 12597

(4) Unless specifically required or authorized by state or 12598
federal law or in accordance with division (B) of this section, no 12599
public office or person responsible for public records may limit 12600
or condition the availability of public records by requiring 12601
disclosure of the requester's identity or the intended use of the 12602
requested public record. Any requirement that the requester 12603
disclose the requestor's identity or the intended use of the 12604
requested public record constitutes a denial of the request. 12605

(5) A public office or person responsible for public records 12606
may ask a requester to make the request in writing, may ask for 12607
the requester's identity, and may inquire about the intended use 12608
of the information requested, but may do so only after disclosing 12609
to the requester that a written request is not mandatory and that 12610
the requester may decline to reveal the requester's identity or 12611

the intended use and when a written request or disclosure of the 12612
identity or intended use would benefit the requester by enhancing 12613
the ability of the public office or person responsible for public 12614
records to identify, locate, or deliver the public records sought 12615
by the requester. 12616

(6) If any person chooses to obtain a copy of a public record 12617
in accordance with division (B) of this section, the public office 12618
or person responsible for the public record may require that 12619
person to pay in advance the cost involved in providing the copy 12620
of the public record in accordance with the choice made by the 12621
person seeking the copy under this division. The public office or 12622
the person responsible for the public record shall permit that 12623
person to choose to have the public record duplicated upon paper, 12624
upon the same medium upon which the public office or person 12625
responsible for the public record keeps it, or upon any other 12626
medium upon which the public office or person responsible for the 12627
public record determines that it reasonably can be duplicated as 12628
an integral part of the normal operations of the public office or 12629
person responsible for the public record. When the person seeking 12630
the copy makes a choice under this division, the public office or 12631
person responsible for the public record shall provide a copy of 12632
it in accordance with the choice made by the person seeking the 12633
copy. Nothing in this section requires a public office or person 12634
responsible for the public record to allow the person seeking a 12635
copy of the public record to make the copies of the public record. 12636

(7) Upon a request made in accordance with division (B) of 12637
this section and subject to division (B)(6) of this section, a 12638
public office or person responsible for public records shall 12639
transmit a copy of a public record to any person by United States 12640
mail or by any other means of delivery or transmission within a 12641
reasonable period of time after receiving the request for the 12642
copy. The public office or person responsible for the public 12643

record may require the person making the request to pay in advance 12644
the cost of postage if the copy is transmitted by United States 12645
mail or the cost of delivery if the copy is transmitted other than 12646
by United States mail, and to pay in advance the costs incurred 12647
for other supplies used in the mailing, delivery, or transmission. 12648

Any public office may adopt a policy and procedures that it 12649
will follow in transmitting, within a reasonable period of time 12650
after receiving a request, copies of public records by United 12651
States mail or by any other means of delivery or transmission 12652
pursuant to this division. A public office that adopts a policy 12653
and procedures under this division shall comply with them in 12654
performing its duties under this division. 12655

In any policy and procedures adopted under this division, a 12656
public office may limit the number of records requested by a 12657
person that the office will transmit by United States mail to ten 12658
per month, unless the person certifies to the office in writing 12659
that the person does not intend to use or forward the requested 12660
records, or the information contained in them, for commercial 12661
purposes. For purposes of this division, "commercial" shall be 12662
narrowly construed and does not include reporting or gathering 12663
news, reporting or gathering information to assist citizen 12664
oversight or understanding of the operation or activities of 12665
government, or nonprofit educational research. 12666

(8) A public office or person responsible for public records 12667
is not required to permit a person who is incarcerated pursuant to 12668
a criminal conviction or a juvenile adjudication to inspect or to 12669
obtain a copy of any public record concerning a criminal 12670
investigation or prosecution or concerning what would be a 12671
criminal investigation or prosecution if the subject of the 12672
investigation or prosecution were an adult, unless the request to 12673
inspect or to obtain a copy of the record is for the purpose of 12674
acquiring information that is subject to release as a public 12675

record under this section and the judge who imposed the sentence 12676
or made the adjudication with respect to the person, or the 12677
judge's successor in office, finds that the information sought in 12678
the public record is necessary to support what appears to be a 12679
justiciable claim of the person. 12680

(9)(a) Upon written request made and signed by a journalist 12681
on or after December 16, 1999, a public office, or person 12682
responsible for public records, having custody of the records of 12683
the agency employing a specified peace officer, parole officer, 12684
probation officer, bailiff, prosecuting attorney, assistant 12685
prosecuting attorney, correctional employee, community-based 12686
correctional facility employee, youth services employee, 12687
firefighter, EMT, or investigator of the bureau of criminal 12688
identification and investigation shall disclose to the journalist 12689
the address of the actual personal residence of the peace officer, 12690
parole officer, probation officer, bailiff, prosecuting attorney, 12691
assistant prosecuting attorney, correctional employee, 12692
community-based correctional facility employee, youth services 12693
employee, firefighter, EMT, or investigator of the bureau of 12694
criminal identification and investigation and, if the peace 12695
officer's, parole officer's, probation officer's, bailiff's, 12696
prosecuting attorney's, assistant prosecuting attorney's, 12697
correctional employee's, community-based correctional facility 12698
employee's, youth services employee's, firefighter's, EMT's, or 12699
investigator of the bureau of criminal identification and 12700
investigation's spouse, former spouse, or child is employed by a 12701
public office, the name and address of the employer of the peace 12702
officer's, parole officer's, probation officer's, bailiff's, 12703
prosecuting attorney's, assistant prosecuting attorney's, 12704
correctional employee's, community-based correctional facility 12705
employee's, youth services employee's, firefighter's, EMT's, or 12706
investigator of the bureau of criminal identification and 12707
investigation's spouse, former spouse, or child. The request shall 12708

include the journalist's name and title and the name and address 12709
of the journalist's employer and shall state that disclosure of 12710
the information sought would be in the public interest. 12711

(b) Division (B)(9)(a) of this section also applies to 12712
journalist requests for customer information maintained by a 12713
municipally owned or operated public utility, other than social 12714
security numbers and any private financial information such as 12715
credit reports, payment methods, credit card numbers, and bank 12716
account information. 12717

(c) As used in division (B)(9) of this section, "journalist" 12718
means a person engaged in, connected with, or employed by any news 12719
medium, including a newspaper, magazine, press association, news 12720
agency, or wire service, a radio or television station, or a 12721
similar medium, for the purpose of gathering, processing, 12722
transmitting, compiling, editing, or disseminating information for 12723
the general public. 12724

(C)(1) If a person allegedly is aggrieved by the failure of a 12725
public office or the person responsible for public records to 12726
promptly prepare a public record and to make it available to the 12727
person for inspection in accordance with division (B) of this 12728
section or by any other failure of a public office or the person 12729
responsible for public records to comply with an obligation in 12730
accordance with division (B) of this section, the person allegedly 12731
aggrieved may commence a mandamus action to obtain a judgment that 12732
orders the public office or the person responsible for the public 12733
record to comply with division (B) of this section, that awards 12734
court costs and reasonable attorney's fees to the person that 12735
instituted the mandamus action, and, if applicable, that includes 12736
an order fixing statutory damages under division (C)(1) of this 12737
section. The mandamus action may be commenced in the court of 12738
common pleas of the county in which division (B) of this section 12739
allegedly was not complied with, in the supreme court pursuant to 12740

its original jurisdiction under Section 2 of Article IV, Ohio 12741
Constitution, or in the court of appeals for the appellate 12742
district in which division (B) of this section allegedly was not 12743
complied with pursuant to its original jurisdiction under Section 12744
3 of Article IV, Ohio Constitution. 12745

If a requestor transmits a written request by hand delivery 12746
or certified mail to inspect or receive copies of any public 12747
record in a manner that fairly describes the public record or 12748
class of public records to the public office or person responsible 12749
for the requested public records, except as otherwise provided in 12750
this section, the requestor shall be entitled to recover the 12751
amount of statutory damages set forth in this division if a court 12752
determines that the public office or the person responsible for 12753
public records failed to comply with an obligation in accordance 12754
with division (B) of this section. 12755

The amount of statutory damages shall be fixed at one hundred 12756
dollars for each business day during which the public office or 12757
person responsible for the requested public records failed to 12758
comply with an obligation in accordance with division (B) of this 12759
section, beginning with the day on which the requester files a 12760
mandamus action to recover statutory damages, up to a maximum of 12761
one thousand dollars. The award of statutory damages shall not be 12762
construed as a penalty, but as compensation for injury arising 12763
from lost use of the requested information. The existence of this 12764
injury shall be conclusively presumed. The award of statutory 12765
damages shall be in addition to all other remedies authorized by 12766
this section. 12767

The court may reduce an award of statutory damages or not 12768
award statutory damages if the court determines both of the 12769
following: 12770

(a) That, based on the ordinary application of statutory law 12771
and case law as it existed at the time of the conduct or 12772

threatened conduct of the public office or person responsible for 12773
the requested public records that allegedly constitutes a failure 12774
to comply with an obligation in accordance with division (B) of 12775
this section and that was the basis of the mandamus action, a 12776
well-informed public office or person responsible for the 12777
requested public records reasonably would believe that the conduct 12778
or threatened conduct of the public office or person responsible 12779
for the requested public records did not constitute a failure to 12780
comply with an obligation in accordance with division (B) of this 12781
section; 12782

(b) That a well-informed public office or person responsible 12783
for the requested public records reasonably would believe that the 12784
conduct or threatened conduct of the public office or person 12785
responsible for the requested public records would serve the 12786
public policy that underlies the authority that is asserted as 12787
permitting that conduct or threatened conduct. 12788

(2)(a) If the court issues a writ of mandamus that orders the 12789
public office or the person responsible for the public record to 12790
comply with division (B) of this section and determines that the 12791
circumstances described in division (C)(1) of this section exist, 12792
the court shall determine and award to the relator all court 12793
costs. 12794

(b) If the court renders a judgment that orders the public 12795
office or the person responsible for the public record to comply 12796
with division (B) of this section, the court may award reasonable 12797
attorney's fees subject to reduction as described in division 12798
(C)(2)(c) of this section. The court shall award reasonable 12799
attorney's fees, subject to reduction as described in division 12800
(C)(2)(c) of this section when either of the following applies: 12801

(i) The public office or the person responsible for the 12802
public records failed to respond affirmatively or negatively to 12803
the public records request in accordance with the time allowed 12804

under division (B) of this section. 12805

(ii) The public office or the person responsible for the 12806
public records promised to permit the relator to inspect or 12807
receive copies of the public records requested within a specified 12808
period of time but failed to fulfill that promise within that 12809
specified period of time. 12810

(c) Court costs and reasonable attorney's fees awarded under 12811
this section shall be construed as remedial and not punitive. 12812
Reasonable attorney's fees shall include reasonable fees incurred 12813
to produce proof of the reasonableness and amount of the fees and 12814
to otherwise litigate entitlement to the fees. The court may 12815
reduce an award of attorney's fees to the relator or not award 12816
attorney's fees to the relator if the court determines both of the 12817
following: 12818

(i) That, based on the ordinary application of statutory law 12819
and case law as it existed at the time of the conduct or 12820
threatened conduct of the public office or person responsible for 12821
the requested public records that allegedly constitutes a failure 12822
to comply with an obligation in accordance with division (B) of 12823
this section and that was the basis of the mandamus action, a 12824
well-informed public office or person responsible for the 12825
requested public records reasonably would believe that the conduct 12826
or threatened conduct of the public office or person responsible 12827
for the requested public records did not constitute a failure to 12828
comply with an obligation in accordance with division (B) of this 12829
section; 12830

(ii) That a well-informed public office or person responsible 12831
for the requested public records reasonably would believe that the 12832
conduct or threatened conduct of the public office or person 12833
responsible for the requested public records as described in 12834
division (C)(2)(c)(i) of this section would serve the public 12835
policy that underlies the authority that is asserted as permitting 12836

that conduct or threatened conduct. 12837

(D) Chapter 1347. of the Revised Code does not limit the 12838
provisions of this section. 12839

(E)(1) To ensure that all employees of public offices are 12840
appropriately educated about a public office's obligations under 12841
division (B) of this section, all elected officials or their 12842
appropriate designees shall attend training approved by the 12843
attorney general as provided in section 109.43 of the Revised 12844
Code. In addition, all public offices shall adopt a public records 12845
policy in compliance with this section for responding to public 12846
records requests. In adopting a public records policy under this 12847
division, a public office may obtain guidance from the model 12848
public records policy developed and provided to the public office 12849
by the attorney general under section 109.43 of the Revised Code. 12850
Except as otherwise provided in this section, the policy may not 12851
limit the number of public records that the public office will 12852
make available to a single person, may not limit the number of 12853
public records that it will make available during a fixed period 12854
of time, and may not establish a fixed period of time before it 12855
will respond to a request for inspection or copying of public 12856
records, unless that period is less than eight hours. 12857

(2) The public office shall distribute the public records 12858
policy adopted by the public office under division (E)(1) of this 12859
section to the employee of the public office who is the records 12860
custodian or records manager or otherwise has custody of the 12861
records of that office. The public office shall require that 12862
employee to acknowledge receipt of the copy of the public records 12863
policy. The public office shall create a poster that describes its 12864
public records policy and shall post the poster in a conspicuous 12865
place in the public office and in all locations where the public 12866
office has branch offices. The public office may post its public 12867
records policy on the internet web site of the public office if 12868

the public office maintains an internet web site. A public office 12869
that has established a manual or handbook of its general policies 12870
and procedures for all employees of the public office shall 12871
include the public records policy of the public office in the 12872
manual or handbook. 12873

(F)(1) The bureau of motor vehicles may adopt rules pursuant 12874
to Chapter 119. of the Revised Code to reasonably limit the number 12875
of bulk commercial special extraction requests made by a person 12876
for the same records or for updated records during a calendar 12877
year. The rules may include provisions for charges to be made for 12878
bulk commercial special extraction requests for the actual cost of 12879
the bureau, plus special extraction costs, plus ten per cent. The 12880
bureau may charge for expenses for redacting information, the 12881
release of which is prohibited by law. 12882

(2) As used in division (F)(1) of this section: 12883

(a) "Actual cost" means the cost of depleted supplies, 12884
records storage media costs, actual mailing and alternative 12885
delivery costs, or other transmitting costs, and any direct 12886
equipment operating and maintenance costs, including actual costs 12887
paid to private contractors for copying services. 12888

(b) "Bulk commercial special extraction request" means a 12889
request for copies of a record for information in a format other 12890
than the format already available, or information that cannot be 12891
extracted without examination of all items in a records series, 12892
class of records, or ~~data base~~ database by a person who intends to 12893
use or forward the copies for surveys, marketing, solicitation, or 12894
resale for commercial purposes. "Bulk commercial special 12895
extraction request" does not include a request by a person who 12896
gives assurance to the bureau that the person making the request 12897
does not intend to use or forward the requested copies for 12898
surveys, marketing, solicitation, or resale for commercial 12899
purposes. 12900

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product. 12901
12902

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services. 12903
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(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research. 12910
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Sec. 149.60. (A) There is the local government information exchange grant program in the department of administrative services. The program shall be administered by the director of administrative services. The director shall adopt rules under Chapter 119. of the Revised Code as are necessary to administer the program. The rules shall include all of the following: 12916
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(1) Grant eligibility criteria; 12922

(2) A requirement that exchange-related electronic data be posted on the internet in an open format in such a manner that the data is searchable and downloadable through the internet by the public; 12923
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(3) Specifications for consistent formatting of, and specifications for accounting and technology standards for, information provided by participating local governments for inclusion in the exchange; and 12927
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(4) Specifications for data that must be included by participating local governments in the information they provide, which must include budgetary data, revenues, expenditures, staffing information, and employee compensation. 12931
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(B) The director shall disburse a grant of ten thousand dollars to each local government that meets the grant eligibility criteria established by the director. Grants shall be awarded to local governments in the order in which the local governments have met the grant eligibility criteria. The total amount of grants awarded shall not exceed the amount that can be funded with appropriations made by the general assembly for this purpose. 12935
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(C) Not later than July 1, 2014, the director shall prepare and issue to members of the general assembly a demonstration report that does all of the following: 12942
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(1) Demonstrates how the information exchange may provide local governments with insights regarding efficiency and productivity; 12945
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(2) Demonstrates how the information exchange may help local governments improve services to vulnerable populations by providing insights regarding programs that benefit the poor, including general welfare support programs; and 12948
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(3) Demonstrates how information exchange data may create opportunities for private sector and research institutions to provide value-added products or services that may be commercialized or create jobs, and thereby contribute to the state economy. 12952
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Sec. 149.63. A public office that posts a public record on its web site, or on a public web site maintained by the state, shall post the record in such a way that the public record, or the data contained in the public record, is capable of being searched 12957
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and downloaded by the public, and is in a format that is machine readable. 12961
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This section does not apply to public records that were posted on a public web site prior to the effective date of this section. 12963
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Sec. 151.11. (A) As used in this section: 12966

(1) "Costs of sites and facilities" includes related direct 12967
administrative expenses and allocable portions of the direct costs 12968
of those projects. "Costs of sites and facilities" includes 12969
"allowable costs" as defined in section 122.085 of the Revised 12970
Code. 12971

(2) "Obligations" means obligations as defined in section 12972
151.01 of the Revised Code issued to pay costs of sites and 12973
facilities in Ohio for and in support of industry, commerce, 12974
distribution, and research and development purposes as referred to 12975
in division (A)(3) of Section 2p of Article VIII, Ohio 12976
Constitution. 12977

(B) The issuing authority shall issue general obligations of 12978
the state to pay costs of sites and facilities pursuant to 12979
division (B)(3) of Section 2p of Article VIII, Ohio Constitution, 12980
section 151.01 of the Revised Code, and this section. The issuing 12981
authority shall issue obligations in the amount determined by the 12982
issuing authority to be required for those purposes. The total 12983
principal amount of obligations issued under this section shall 12984
not exceed one hundred fifty million dollars. 12985

(C) Net proceeds of obligations shall be deposited into the 12986
job ready site development fund created by section 122.0820 of the 12987
Revised Code. 12988

(D) There is hereby created in the state treasury the job 12989
ready site development bond service fund. All moneys received by 12990

the state and required by the bond proceedings, consistent with 12991
section 151.01 of the Revised Code and this section, to be 12992
deposited, transferred, or credited to the bond service fund, and 12993
all other moneys transferred or allocated to or received for the 12994
purposes of that fund, shall be deposited and credited to the bond 12995
service fund, subject to any applicable provisions of the bond 12996
proceedings, but without necessity for any act of appropriation. 12997
During the period beginning with the date of the first issuance of 12998
obligations and continuing during the time that any obligations 12999
are outstanding in accordance with their terms, so long as moneys 13000
in the bond service fund are insufficient to pay debt service when 13001
due on those obligations payable from that fund, except the 13002
principal amounts of bond anticipation notes payable from the 13003
proceeds of renewal notes or bonds anticipated, and due in the 13004
particular fiscal year, a sufficient amount of revenues of the 13005
state is committed and, without necessity for further act of 13006
appropriation, shall be paid to the bond service fund for the 13007
purpose of paying that debt service when due. All investment 13008
earnings on the cash balance in the fund shall be credited to the 13009
fund. 13010

Sec. 151.50. (A) There is hereby created in the state 13011
treasury the clean Ohio distribution fund. The fund shall consist 13012
of money credited to it under section 1509.73 of the Revised Code. 13013

(B) Not later than the fifth day of October each year, the 13014
director of budget and management shall determine the balance of 13015
the fund. If the balance of the fund is twenty-five million 13016
dollars or more, the director shall transfer the total balance of 13017
the fund as follows: 13018

(1) Seventy-five per cent of the money shall be credited to 13019
the clean Ohio conservation fund created in section 164.27 of the 13020
Revised Code. 13021

(2) Twelve and one-half per cent of the money shall be 13022
credited to the clean Ohio agricultural easement fund created in 13023
section 901.21 of the Revised Code. 13024

(3) Twelve and one-half per cent of the money shall be 13025
credited to the clean Ohio trail fund created in section 1519.05 13026
of the Revised Code. 13027

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 13028
152.33 of the Revised Code: 13029

(1) "Obligations" means bonds, notes, or other evidences of 13030
obligation, including interest coupons pertaining thereto, issued 13031
pursuant to sections 152.09 to 152.33 of the Revised Code. 13032

(2) "State agencies" means the state of Ohio and branches, 13033
officers, boards, commissions, authorities, departments, 13034
divisions, courts, general assembly, or other units or agencies of 13035
the state. "State agency" also includes counties, municipal 13036
corporations, and governmental entities of this state that enter 13037
into leases with the Ohio building authority pursuant to section 13038
152.31 of the Revised Code or that are designated by law as state 13039
agencies for the purpose of performing a state function that is to 13040
be housed by a capital facility for which the Ohio building 13041
authority is authorized to issue revenue obligations pursuant to 13042
sections 152.09 to 152.33 of the Revised Code. 13043

(3) "Bond service charges" means principal, including 13044
mandatory sinking fund requirements for retirement of obligations, 13045
and interest, and redemption premium, if any, required to be paid 13046
by the Ohio building authority on obligations. 13047

(4) "Capital facilities" means buildings, structures, and 13048
other improvements, and equipment, real estate, and interests in 13049
real estate therefor, within the state, and any one, part of, or 13050
combination of the foregoing, for housing of branches and agencies 13051

of state government, including capital facilities for the purpose 13052
of housing personnel, equipment, or functions, or any combination 13053
thereof that the state agencies are responsible for housing, for 13054
which the Ohio building authority is authorized to issue 13055
obligations pursuant to Chapter 152. of the Revised Code, and 13056
includes storage and parking facilities related to such capital 13057
facilities. For purposes of sections 152.10 to 152.15 of the 13058
Revised Code, "capital facilities" includes community or technical 13059
college capital facilities. 13060

(5) "Cost of capital facilities" means the costs of 13061
assessing, planning, acquiring, constructing, reconstructing, 13062
rehabilitating, remodeling, renovating, enlarging, improving, 13063
altering, maintaining, equipping, furnishing, repairing, painting, 13064
decorating, managing, or operating capital facilities, and the 13065
financing thereof, including the cost of clearance and preparation 13066
of the site and of any land to be used in connection with capital 13067
facilities, the cost of participating in capital facilities 13068
pursuant to section 152.33 of the Revised Code, the cost of any 13069
indemnity and surety bonds and premiums on insurance, all related 13070
direct administrative expenses and allocable portions of direct 13071
costs of the authority and lessee state agencies, cost of 13072
engineering and architectural services, designs, plans, 13073
specifications, surveys, and estimates of cost, legal fees, fees 13074
and expenses of trustees, depositories, and paying agents for the 13075
obligations, cost of issuance of the obligations and financing 13076
charges and fees and expenses of financial advisers and 13077
consultants in connection therewith, interest on obligations from 13078
the date thereof to the time when interest is to be covered from 13079
sources other than proceeds of obligations, amounts that represent 13080
the portion of investment earnings to be rebated or to be paid to 13081
the federal government in order to maintain the exclusion from 13082
gross income for federal income tax purposes of interest on those 13083
obligations pursuant to section 148(f) of the Internal Revenue 13084

Code, amounts necessary to establish reserves as required by the 13085
resolutions or the obligations, trust agreements, or indentures, 13086
costs of audits, the reimbursement of all moneys advanced or 13087
applied by or borrowed from any governmental entity, whether to or 13088
by the authority or others, from whatever source provided, for the 13089
payment of any item or items of cost of the capital facilities, 13090
any share of the cost undertaken by the authority pursuant to 13091
arrangements made with governmental entities under division (J) of 13092
section 152.21 of the Revised Code, and all other expenses 13093
necessary or incident to assessing, planning, or determining the 13094
feasibility or practicability with respect to capital facilities, 13095
and such other expenses as may be necessary or incident to the 13096
assessment, planning, acquisition, construction, reconstruction, 13097
rehabilitation, remodeling, renovation, enlargement, improvement, 13098
alteration, maintenance, equipment, furnishing, repair, painting, 13099
decoration, management, or operation of capital facilities, the 13100
financing thereof and the placing of the same in use and 13101
operation, including any one, part of, or combination of such 13102
classes of costs and expenses. 13103

(6) "Governmental entity" means any state agency, municipal 13104
corporation, county, township, school district, and any other 13105
political subdivision or special district in this state 13106
established pursuant to law, and, except where otherwise 13107
indicated, also means the United States or any of the states or 13108
any department, division, or agency thereof, and any agency, 13109
commission, or authority established pursuant to an interstate 13110
compact or agreement. 13111

(7) "Governing body" means: 13112

(a) In the case of a county, the board of county 13113
commissioners or other legislative authority; in the case of a 13114
municipal corporation, the legislative authority; in the case of a 13115
township, the board of township trustees; in the case of a school 13116

district, the board of education; 13117

(b) In the case of any other governmental entity, the 13118
officer, board, commission, authority, or other body having the 13119
general management of the entity or having jurisdiction or 13120
authority in the particular circumstances. 13121

(8) "Available receipts" means fees, charges, revenues, 13122
grants, subsidies, income from the investment of moneys, proceeds 13123
from the sale of goods or services, and all other revenues or 13124
receipts received by or on behalf of any state agency for which 13125
capital facilities are financed with obligations issued under 13126
Chapter 152. of the Revised Code, any state agency participating 13127
in capital facilities pursuant to section 152.33 of the Revised 13128
Code, or any state agency by which the capital facilities are 13129
constructed or financed; revenues or receipts derived by the 13130
authority from the operation, leasing, or other disposition of 13131
capital facilities, and the proceeds of obligations issued under 13132
Chapter 152. of the Revised Code; and also any moneys appropriated 13133
by a governmental entity, gifts, grants, donations, and pledges, 13134
and receipts therefrom, available for the payment of bond service 13135
charges on such obligations. 13136

(9) "Available community or technical college receipts" means 13137
all money received by a community or technical college or 13138
community or technical college district, including income, 13139
revenues, and receipts from the operation, ownership, or control 13140
of facilities, grants, gifts, donations, and pledges and receipts 13141
therefrom, receipts from fees and charges, the allocated state 13142
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 13143
Revised Code, and the proceeds of the sale of obligations, 13144
including proceeds of obligations issued to refund obligations 13145
previously issued, but excluding any special fee, and receipts 13146
therefrom, charged pursuant to division (D) of section 154.21 of 13147
the Revised Code. 13148

(10) "Community or technical college," "college," "community or technical college district," and "district" have the same meanings as in section ~~3333.90~~ 3333.59 of the Revised Code.

(11) "Community or technical college capital facilities" means auxiliary facilities, education facilities, and housing and dining facilities, as those terms are defined in section 3345.12 of the Revised Code, to the extent permitted to be financed by the issuance of obligations under division (A)(2) of section 3357.112 of the Revised Code, that are authorized by sections 3354.121, 3357.112, and 3358.10 of the Revised Code to be financed by obligations issued by a community or technical college district, and for which the Ohio building authority is authorized to issue obligations pursuant to Chapter 152. of the Revised Code, and includes any one, part of, or any combination of the foregoing, and further includes site improvements, utilities, machinery, furnishings, and any separate or connected buildings, structures, improvements, sites, open space and green space areas, utilities, or equipment to be used in, or in connection with the operation or maintenance of, or supplementing or otherwise related to the services or facilities to be provided by, such facilities.

(12) "Cost of community or technical college capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing community or technical college capital facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with community or technical college capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the authority, community or technical college or community or technical college district, cost of engineering, architectural services, design, plans,

specifications and surveys, estimates of cost, legal fees, fees 13181
and expenses of trustees, depositories, bond registrars, and 13182
paying agents for the obligations, cost of issuance of the 13183
obligations and financing costs and fees and expenses of financial 13184
advisers and consultants in connection therewith, interest on the 13185
obligations from the date thereof to the time when interest is to 13186
be covered by available receipts or other sources other than 13187
proceeds of the obligations, amounts that represent the portion of 13188
investment earnings to be rebated or to be paid to the federal 13189
government in order to maintain the exclusion from gross income 13190
for federal income tax purposes of interest on those obligations 13191
pursuant to section 148(f) of the Internal Revenue Code, amounts 13192
necessary to establish reserves as required by the bond 13193
proceedings, costs of audits, the reimbursements of all moneys 13194
advanced or applied by or borrowed from the community or technical 13195
college, community or technical college district, or others, from 13196
whatever source provided, including any temporary advances from 13197
state appropriations, for the payment of any item or items of cost 13198
of community or technical college facilities, and all other 13199
expenses necessary or incident to planning or determining 13200
feasibility or practicability with respect to such facilities, and 13201
such other expenses as may be necessary or incident to the 13202
acquisition, construction, reconstruction, rehabilitation, 13203
remodeling, renovation, enlargement, improvement, equipment, and 13204
furnishing of community or technical college capital facilities, 13205
the financing thereof and the placing of them in use and 13206
operation, including any one, part of, or combination of such 13207
classes of costs and expenses. 13208

(B) Pursuant to the powers granted to the general assembly 13209
under Section 2i of Article VIII, Ohio Constitution, to authorize 13210
the issuance of revenue obligations and other obligations, the 13211
owners or holders of which are not given the right to have excises 13212
or taxes levied by the general assembly for the payment of 13213

principal thereof or interest thereon, the Ohio building authority 13214
may issue obligations, in accordance with Chapter 152. of the 13215
Revised Code, and shall cause the net proceeds thereof, after any 13216
deposits of accrued interest for the payment of bond service 13217
charges and after any deposit of all or such lesser portion as the 13218
authority may direct of the premium received upon the sale of 13219
those obligations for the payment of the bond service charges, to 13220
be applied to the costs of capital facilities designated by or 13221
pursuant to act of the general assembly for housing state agencies 13222
as authorized by Chapter 152. of the Revised Code. The authority 13223
shall provide by resolution for the issuance of such obligations. 13224
The bond service charges and all other payments required to be 13225
made by the trust agreement or indenture securing such obligations 13226
shall be payable solely from available receipts of the authority 13227
pledged thereto as provided in such resolution. The available 13228
receipts pledged and thereafter received by the authority are 13229
immediately subject to the lien of such pledge without any 13230
physical delivery thereof or further act, and the lien of any such 13231
pledge is valid and binding against all parties having claims of 13232
any kind against the authority, irrespective of whether those 13233
parties have notice thereof, and creates a perfected security 13234
interest for all purposes of Chapter 1309. of the Revised Code and 13235
a perfected lien for purposes of any real property interest, all 13236
without the necessity for separation or delivery of funds or for 13237
the filing or recording of the resolution, trust agreement, 13238
indenture, or other agreement by which such pledge is created or 13239
any certificate, statement, or other document with respect 13240
thereto; and the pledge of such available receipts is effective 13241
and the money therefrom and thereof may be applied to the purposes 13242
for which pledged. Every pledge, and every covenant and agreement 13243
made with respect to the pledge, made in the resolution may 13244
therein be extended to the benefit of the owners and holders of 13245
obligations authorized by Chapter 152. of the Revised Code, the 13246

net proceeds of which are to be applied to the costs of capital 13247
facilities, and to any trustee therefor, for the further securing 13248
of the payment of the bond service charges, and all or any rights 13249
under any agreement or lease made under this section may be 13250
assigned for such purpose. Obligations may be issued at one time 13251
or from time to time, and each issue shall be dated, shall mature 13252
at such time or times as determined by the authority not exceeding 13253
forty years from the date of issue, and may be redeemable before 13254
maturity at the option of the authority at such price or prices 13255
and under such terms and conditions as are fixed by the authority 13256
prior to the issuance of the obligations. The authority shall 13257
determine the form of the obligations, fix their denominations, 13258
establish their interest rate or rates, which may be a variable 13259
rate or rates, or the maximum interest rate, and establish within 13260
or without this state a place or places of payment of bond service 13261
charges. 13262

(C) The obligations shall be signed by the authority 13263
chairperson, vice-chairperson, and secretary-treasurer, and the 13264
authority seal shall be affixed. The signatures may be facsimile 13265
signatures and the seal affixed may be a facsimile seal, as 13266
provided by resolution of the authority. Any coupons attached may 13267
bear the facsimile signature of the chairperson. In case any 13268
officer who has signed any obligations, or caused the officer's 13269
facsimile signature to be affixed thereto, ceases to be such 13270
officer before such obligations have been delivered, such 13271
obligations may, nevertheless, be issued and delivered as though 13272
the person who had signed the obligations or caused the person's 13273
facsimile signature to be affixed thereto had not ceased to be 13274
such officer. 13275

Any obligations may be executed on behalf of the authority by 13276
an officer who, on the date of execution, is the proper officer 13277
although on the date of such obligations such person was not the 13278

proper officer. 13279

(D) All obligations issued by the authority shall have all 13280
the qualities and incidents of negotiable instruments and may be 13281
issued in coupon or in registered form, or both, as the authority 13282
determines. Provision may be made for the registration of any 13283
obligations with coupons attached thereto as to principal alone or 13284
as to both principal and interest, their exchange for obligations 13285
so registered, and for the conversion or reconversion into 13286
obligations with coupons attached thereto of any obligations 13287
registered as to both principal and interest, and for reasonable 13288
charges for such registration, exchange, conversion, and 13289
reconversion. The authority may sell its obligations in any manner 13290
and for such prices as it determines, except that the authority 13291
shall sell obligations sold at public or private sale in 13292
accordance with section 152.091 of the Revised Code. 13293

(E) The obligations of the authority, principal, interest, 13294
and any proceeds from their sale or transfer, are exempt from all 13295
taxation within this state. 13296

(F) The authority is authorized to issue revenue obligations 13297
and other obligations under Section 2i of Article VIII, Ohio 13298
Constitution, for the purpose of paying the cost of capital 13299
facilities for housing of branches and agencies of state 13300
government, including capital facilities for the purpose of 13301
housing personnel, equipment, or functions, or any combination 13302
thereof that the state agencies are responsible for housing, as 13303
are authorized by Chapter 152. of the Revised Code, and that are 13304
authorized by the general assembly by the appropriation of lease 13305
payments or other moneys for such capital facilities or by any 13306
other act of the general assembly, but not including the 13307
appropriation of moneys for feasibility studies for such capital 13308
facilities. This division does not authorize the authority to 13309
issue obligations pursuant to Section 2i of Article VIII, Ohio 13310

Constitution, to pay the cost of capital facilities for mental 13311
hygiene and retardation, parks and recreation, or state-supported 13312
or state-assisted institutions of higher education. 13313

(G) The authority is authorized to issue revenue obligations 13314
under Section 2i of Article VIII, Ohio Constitution, on behalf of 13315
a community or technical college district and shall cause the net 13316
proceeds thereof, after any deposits of accrued interest for the 13317
payment of bond service charges and after any deposit of all or 13318
such lesser portion as the authority may direct of the premium 13319
received upon the sale of those obligations for the payment of the 13320
bond service charges, to be applied to the cost of community or 13321
technical college capital facilities, provided that the issuance 13322
of such obligations is subject to the execution of a written 13323
agreement in accordance with division (C) of section ~~3333.90~~ 13324
3333.59 of the Revised Code for the withholding and depositing of 13325
funds otherwise due the district, or the college it operates, in 13326
respect of its allocated state share of instruction. 13327

The authority shall provide by resolution for the issuance of 13328
such obligations. The bond service charges and all other payments 13329
required to be made by the trust agreement or indenture securing 13330
the obligations shall be payable solely from available community 13331
or technical college receipts pledged thereto as provided in the 13332
resolution. The available community or technical college receipts 13333
pledged and thereafter received by the authority are immediately 13334
subject to the lien of such pledge without any physical delivery 13335
thereof or further act, and the lien of any such pledge is valid 13336
and binding against all parties having claims of any kind against 13337
the authority, irrespective of whether those parties have notice 13338
thereof, and creates a perfected security interest for all 13339
purposes of Chapter 1309. of the Revised Code and a perfected lien 13340
for purposes of any real property interest, all without the 13341
necessity for separation or delivery of funds or for the filing or 13342

recording of the resolution, trust agreement, indenture, or other 13343
agreement by which such pledge is created or any certificate, 13344
statement, or other document with respect thereto; and the pledge 13345
of such available community or technical college receipts is 13346
effective and the money therefrom and thereof may be applied to 13347
the purposes for which pledged. Every pledge, and every covenant 13348
and agreement made with respect to the pledge, made in the 13349
resolution may therein be extended to the benefit of the owners 13350
and holders of obligations authorized by this division, and to any 13351
trustee therefor, for the further securing of the payment of the 13352
bond service charges, and all or any rights under any agreement or 13353
lease made under this section may be assigned for such purpose. 13354
Obligations may be issued at one time or from time to time, and 13355
each issue shall be dated, shall mature at such time or times as 13356
determined by the authority not exceeding forty years from the 13357
date of issue, and may be redeemable before maturity at the option 13358
of the authority at such price or prices and under such terms and 13359
conditions as are fixed by the authority prior to the issuance of 13360
the obligations. The authority shall determine the form of the 13361
obligations, fix their denominations, establish their interest 13362
rate or rates, which may be a variable rate or rates, or the 13363
maximum interest rate, and establish within or without this state 13364
a place or places of payment of bond service charges. 13365

Sec. 153.692. For every design-build contract, the public 13366
authority planning to contract for design-build services shall 13367
first obtain the services of a criteria architect or engineer by 13368
doing either of the following: 13369

(A) Contracting for the services consistent with sections 13370
153.65 to 153.70 of the Revised Code; 13371

(B) Obtaining the services through an architect or engineer 13372
who is an employee of the public authority and notifying the 13373

~~department of administrative services~~ Ohio facilities construction 13374
commission before the services are performed. 13375

Sec. 154.01. As used in this chapter: 13376

(A) "Commission" means the Ohio public facilities commission 13377
created in section 151.02 of the Revised Code. 13378

(B) "Obligations" means bonds, notes, or other evidences of 13379
obligation, including interest coupons pertaining thereto, issued 13380
pursuant to Chapter 154. of the Revised Code. 13381

(C) "Bond proceedings" means the order or orders, resolution 13382
or resolutions, trust agreement, indenture, lease, and other 13383
agreements, amendments and supplements to the foregoing, or any 13384
combination thereof, authorizing or providing for the terms and 13385
conditions applicable to, or providing for the security of, 13386
obligations issued pursuant to Chapter 154. of the Revised Code, 13387
and the provisions contained in such obligations. 13388

(D) "State agencies" means the state of Ohio and officers, 13389
boards, commissions, departments, divisions, or other units or 13390
agencies of the state. 13391

(E) "Governmental agency" means state agencies, state 13392
supported and assisted institutions of higher education, municipal 13393
corporations, counties, townships, school districts, and any other 13394
political subdivision or special district in this state 13395
established pursuant to law, and, except where otherwise 13396
indicated, also means the United States or any department, 13397
division, or agency thereof, and any agency, commission, or 13398
authority established pursuant to an interstate compact or 13399
agreement. 13400

(F) "Institutions of higher education" and "state supported 13401
or state assisted institutions of higher education" means the 13402
state universities identified in section 3345.011 of the Revised 13403

Code, the northeast Ohio medical university, state universities or 13404
colleges at any time created, community college districts, 13405
university branch districts, and technical college districts at 13406
any time established or operating under Chapter 3354., 3355., or 13407
3357. of the Revised Code, and other institutions for education, 13408
including technical education, beyond the high school, receiving 13409
state support or assistance for their expenses of operation. 13410

(G) "Governing body" means: 13411

(1) In the case of institutions of higher education, the 13412
board of trustees, board of directors, commission, or other body 13413
vested by law with the general management, conduct, and control of 13414
one or more institutions of higher education; 13415

(2) In the case of a county, the board of county 13416
commissioners or other legislative body; in the case of a 13417
municipal corporation, the council or other legislative body; in 13418
the case of a township, the board of township trustees; in the 13419
case of a school district, the board of education; 13420

(3) In the case of any other governmental agency, the 13421
officer, board, commission, authority or other body having the 13422
general management thereof or having jurisdiction or authority in 13423
the particular circumstances. 13424

(H) "Person" means any person, firm, partnership, 13425
association, or corporation. 13426

(I) "Bond service charges" means principal, including 13427
mandatory sinking fund requirements for retirement of obligations, 13428
and interest, and redemption premium, if any, required to be paid 13429
by the state on obligations. If not prohibited by the applicable 13430
bond proceedings, bond service charges may include costs relating 13431
to credit enhancement facilities that are related to and 13432
represent, or are intended to provide a source of payment of or 13433
limitation on, other bond service charges. 13434

(J) "Capital facilities" means buildings, structures, and 13435
other improvements, and equipment, real estate, and interests in 13436
real estate therefor, within the state, and any one, part of, or 13437
combination of the foregoing, to serve the general purposes for 13438
which the issuing authority is authorized to issue obligations 13439
pursuant to Chapter 154. of the Revised Code, including, but not 13440
limited to, drives, roadways, parking facilities, walks, lighting, 13441
machinery, furnishings, utilities, landscaping, wharves, docks, 13442
piers, reservoirs, dams, tunnels, bridges, retaining walls, 13443
riprap, culverts, ditches, channels, watercourses, retention 13444
basins, standpipes and water storage facilities, waste treatment 13445
and disposal facilities, heating, air conditioning and 13446
communications facilities, inns, lodges, cabins, camping sites, 13447
golf courses, boat and bathing facilities, athletic and 13448
recreational facilities, and site improvements. 13449

(K) "Costs of capital facilities" means the costs of 13450
acquiring, constructing, reconstructing, rehabilitating, 13451
remodeling, renovating, enlarging, improving, equipping, or 13452
furnishing capital facilities, and the financing thereof, 13453
including the cost of clearance and preparation of the site and of 13454
any land to be used in connection with capital facilities, the 13455
cost of any indemnity and surety bonds and premiums on insurance, 13456
all related direct administrative expenses and allocable portions 13457
of direct costs of the commission or issuing authority and 13458
department of administrative services, or other designees of the 13459
commission under section 154.17 of the Revised Code, cost of 13460
engineering and architectural services, designs, plans, 13461
specifications, surveys, and estimates of cost, legal fees, fees 13462
and expenses of trustees, depositories, and paying agents for the 13463
obligations, cost of issuance of the obligations and financing 13464
charges and fees and expenses of financial advisers and 13465
consultants in connection therewith, interest on obligations, 13466
including but not limited to, interest from the date of their 13467

issuance to the time when interest is to be covered from sources 13468
other than proceeds of obligations, amounts necessary to establish 13469
reserves as required by the bond proceedings, costs of audits, the 13470
reimbursement of all moneys advanced or applied by or borrowed 13471
from any governmental agency, whether to or by the commission or 13472
others, from whatever source provided, for the payment of any item 13473
or items of cost of the capital facilities, any share of the cost 13474
undertaken by the commission pursuant to arrangements made with 13475
governmental agencies under division (H) of section 154.06 of the 13476
Revised Code, and all other expenses necessary or incident to 13477
planning or determining feasibility or practicability with respect 13478
to capital facilities, and such other expenses as may be necessary 13479
or incident to the acquisition, construction, reconstruction, 13480
rehabilitation, remodeling, renovation, enlargement, improvement, 13481
equipment, and furnishing of capital facilities, the financing 13482
thereof and the placing of the same in use and operation, 13483
including any one, part of, or combination of such classes of 13484
costs and expenses. 13485

(L) "Public service facilities" means inns, lodges, hotels, 13486
cabins, camping sites, scenic trails, picnic sites, restaurants, 13487
commissaries, golf courses, boating and bathing facilities and 13488
other similar facilities in state parks. 13489

(M) "State parks" means: 13490

(1) State reservoirs described and identified in section 13491
1541.06 of the Revised Code; 13492

(2) All lands or interests therein of the state identified as 13493
administered by the division of parks and recreation in the 13494
"inventory of state owned lands administered by the department of 13495
natural resources as of June 1, 1963," as recorded in the journal 13496
of the director, which inventory was prepared by the real estate 13497
section of the department and is supported by maps now on file in 13498
said real estate section; 13499

(3) All lands or interests in lands of the state designated 13500
after June 1, 1963, as state parks in the journal of the director 13501
with the approval of the recreation and resources council. 13502

State parks do not include any lands or interest in lands of 13503
the state administered jointly by two or more divisions of the 13504
department of natural resources. The designation of lands as state 13505
parks under divisions (M)(1) to (3) of this section is conclusive 13506
and such lands shall be under the control of and administered by 13507
the division of parks and recreation. No order or proceeding 13508
designating lands as state parks or park purchase areas is subject 13509
to any appeal or review by any officer, board, commission, or 13510
court. 13511

(N) "Bond service fund" means the applicable fund created for 13512
and pledged to the payment of bond service charges under section 13513
154.20, 154.21, 154.22, or 154.23 of the Revised Code, including 13514
all moneys and investments, and earnings from investments, 13515
credited and to be credited thereto. 13516

(O) "Improvement fund" means the applicable fund created for 13517
the payment of costs of capital facilities under section 123.201, 13518
154.20, 154.21, or 154.22, ~~or 3383.09~~ of the Revised Code, 13519
including all moneys and investments, and earnings from 13520
investments, credited and to be credited thereto. 13521

(P) "Special funds" or "funds" means, except where the 13522
context does not permit, the bond service funds, the improvements 13523
funds, and any other funds for similar or different purposes 13524
created under bond proceedings, including all moneys and 13525
investments, and earnings from investments, credited and to be 13526
credited thereto. 13527

(Q) "Year" unless the context indicates a different meaning 13528
or intent, means a calendar year beginning on the first day of 13529
January and ending on the thirty-first day of December. 13530

(R) "Fiscal year" means the period of twelve months beginning 13531
on the first day of July and ending on the thirtieth day of June. 13532

(S) "Issuing authority" means the treasurer of state or the 13533
officer or employee who by law performs the functions of that 13534
office. 13535

(T) "Credit enhancement facilities" has the same meaning as 13536
in section 133.01 of the Revised Code. 13537

(U) "Ohio cultural facility" and "Ohio sports facility" have 13538
the same meanings as in section ~~3383.01~~ 123.28 of the Revised 13539
Code. 13540

Sec. 154.17. The departments of administrative services, 13541
~~mental health~~ mental health and addiction services, developmental 13542
disabilities, rehabilitation and correction, and natural 13543
resources, the Ohio board of regents, institutions of higher 13544
education, and other state officers and state agencies shall 13545
cooperate with the commission in providing services and 13546
information requested by the commission for purposes of Chapter 13547
154. of the Revised Code, and the commission may make mutually 13548
satisfactory arrangements therefor and may thereunder designate 13549
any governmental agency for the management or performance of 13550
particular functions of the commission, other than the 13551
authorization and issuance of obligations provided for in Chapter 13552
154. of the Revised Code, pursuant to which designation, upon 13553
acceptance thereof by that governmental agency, that function may 13554
be carried out with the full force and effect as if performed by 13555
the commission. Any such designation shall be made only by formal 13556
action or written agreement of the commission. In the management 13557
of capital facilities or performance of other functions with 13558
respect thereto, a governmental agency may exercise all powers 13559
which it has under law with respect to other similar facilities 13560
under its jurisdiction. 13561

Contracts relating to capital facilities shall be made in 13562
accordance with the law pertaining to the governmental agency 13563
designated under authority of this section to perform such 13564
contracting function, and in any other case shall be made in 13565
accordance with Chapter 153. of the Revised Code, for which 13566
purpose the commission shall be considered the owner, provided 13567
that the commission may assign the function of owner to the 13568
department of administrative services or other governmental agency 13569
as it determines. The commission may acquire by assignment from 13570
any governmental agency contracts which are not completed and 13571
which involve acquiring, constructing, reconstructing, 13572
rehabilitating, remodeling, renovating, enlarging, improving, 13573
equipping, or furnishing capital facilities, provided that such 13574
governmental agency has complied with the procedures prescribed by 13575
laws for its letting of such contract. 13576

No contract shall be let or assignment thereof accepted under 13577
this section involving performance in accordance with plans and 13578
specifications until such plans and specifications have been 13579
submitted to and approved by the governmental agency to have 13580
responsibility for the management of the capital facilities 13581
provided for in such plans and specifications, which approval 13582
shall be considered to be given if no approval or disapproval is 13583
communicated in writing to the commission or its designee for such 13584
purpose within sixty days following such submission of plans and 13585
specifications. Approval by such governmental agency of changes in 13586
plans and specifications is not required if the director of 13587
administrative services or the designee of the commission for such 13588
purpose shall certify that such changes do not substantially 13589
change the location, character, or extent of such capital 13590
facilities. 13591

Sec. 154.20. (A) Subject to authorization by the general 13592
assembly under section 154.02 of the Revised Code, the issuing 13593

authority may issue obligations pursuant to this chapter to pay 13594
costs of capital facilities for mental hygiene and retardation, 13595
including housing for mental hygiene and retardation patients. 13596

(B) Any capital facilities for mental hygiene or retardation, 13597
including housing for mental hygiene and retardation patients, may 13598
be leased by the commission to the department of ~~mental health,~~ 13599
mental health and addiction services or the department of 13600
developmental disabilities, ~~or the department of alcohol and drug~~ 13601
~~addiction services,~~ and other agreements may be made by the 13602
commission and any one or more of these departments with respect 13603
to the use or purchase of such capital facilities or, subject to 13604
the approval of the director of the department, the commission may 13605
lease such capital facilities to, and make or provide for other 13606
agreements with respect to the use or purchase thereof with, any 13607
governmental agency having authority under law to operate such 13608
capital facilities, and the director of the department may 13609
sublease such capital facilities to, and make other agreements 13610
with respect to the use or purchase thereof with, any such 13611
governmental agency, which may include provisions for transmittal 13612
to the mental health bond service trust fund created under 13613
division (E) of this section, by such governmental agency or by a 13614
nonprofit corporation providing mental hygiene and retardation 13615
services for or under contract with or the supervision of that 13616
governmental agency, of receipts of that agency or nonprofit 13617
corporation from charges for the treatment or care of mental 13618
hygiene and retardation patients, all upon such terms and 13619
conditions as the parties may agree upon and pursuant to this 13620
chapter, notwithstanding any other provision of law affecting the 13621
leasing, acquisition, or disposition of capital facilities by the 13622
parties. 13623

(C) For purposes of this section, "available receipts" means 13624
all receipts of the state from charges for the treatment or care 13625

of mental hygiene and retardation patients, including support 13626
payments received under Chapter 5121. of the Revised Code and 13627
moneys required to be transmitted to the mental health bond 13628
service trust fund pursuant to subleases and other agreements 13629
between any of the departments and another governmental agency 13630
pursuant to division (B) of this section as the subleases and 13631
other agreements may be further implemented for internal planning, 13632
budgeting, and accounting purposes pursuant to rules adopted by 13633
the director of ~~mental health~~, mental health and addiction 13634
services or director of developmental disabilities, ~~or director of~~ 13635
~~alcohol and drug addiction services~~, any revenues or receipts 13636
derived by the commission from the operation, leasing, or other 13637
disposition of capital facilities financed under this section, the 13638
proceeds of obligations issued under this section and sections 13639
154.11 and 154.12 of the Revised Code, and also means any gifts, 13640
grants, donations, and pledges, and receipts therefrom, available 13641
for the payment of bond service charges on such obligations. The 13642
issuing authority may pledge all, or such portion as that 13643
authority determines, of the available receipts to the payment of 13644
bond service charges on obligations issued under this section and 13645
under sections 154.11 and 154.12 of the Revised Code and for the 13646
establishment and maintenance of any reserves, as provided in the 13647
bond proceedings, and make other provisions therein with respect 13648
to such available receipts as authorized by this chapter, which 13649
provisions shall be controlling notwithstanding any other 13650
provision of law pertaining thereto. 13651

(D) The issuing authority may covenant in the bond 13652
proceedings that the state and state agencies shall, so long as 13653
any obligations issued under this section are outstanding, cause 13654
to be charged and collected charges for the treatment or care of 13655
mental hygiene and retardation patients sufficient in amount to 13656
provide for the payment of bond service charges on such 13657
obligations and for the establishment and maintenance of any 13658

reserves, as provided in the bond proceedings, and such covenants 13659
shall be controlling notwithstanding any other provision of law 13660
pertaining to such charges. 13661

(E) There is hereby created the mental health bond service 13662
trust fund, which shall be in the custody of the treasurer of 13663
state but shall be separate and apart from and not a part of the 13664
state treasury. All moneys received by or on account of the 13665
commission or issuing authority or state agencies and required by 13666
the applicable bond proceedings to be deposited, transferred, or 13667
credited to the fund, and all other moneys transferred or 13668
allocated to or received for the purposes of the fund, shall be 13669
deposited with the treasurer of state and credited to such fund, 13670
subject to applicable provisions of the bond proceedings, but 13671
without necessity for any act of appropriation. The mental health 13672
bond service trust fund is a trust fund and is hereby pledged to 13673
the payment of bond service charges on the obligations issued 13674
pursuant to this section and sections 154.11 and 154.12 of the 13675
Revised Code to the extent provided in the applicable bond 13676
proceedings, and payment thereof from such fund shall be made or 13677
provided for by the treasurer of state in accordance with such 13678
bond proceedings without necessity for any act of appropriation. 13679

(F) There is hereby created in the state treasury the mental 13680
health facilities improvement fund. Subject to the bond 13681
proceedings therefor, all of the proceeds of the sale of 13682
obligations pursuant to this section shall be credited to the 13683
fund, except that any accrued interest shall be credited to the 13684
mental health bond service fund. The mental health facilities 13685
improvement fund may also be comprised of gifts, grants, 13686
appropriated moneys, and other sums and securities received to the 13687
credit of such fund. All investment earnings on the cash balance 13688
in the fund shall be credited to the fund. The fund shall be 13689
applied only to the following purposes: 13690

(1) Paying costs of capital facilities for mental hygiene and 13691
retardation, including housing for mental hygiene and retardation 13692
patients, under the jurisdiction of the department of ~~mental~~ 13693
~~health,~~ mental health and addiction services or department of 13694
developmental disabilities, ~~or department of alcohol and drug~~ 13695
~~addiction services;~~ 13696

(2) Participating in capital facilities for mental hygiene 13697
and retardation, including housing for mental hygiene and 13698
retardation patients, with the federal government, municipal 13699
corporations, counties, or other governmental agencies, or a 13700
nonprofit corporation specifically chartered to provide a mental 13701
health or mental retardation service when such service fulfills a 13702
public purpose, which participation may be by grants or 13703
contributions to them for such capital facilities. Except as 13704
provided in division (G) of this section, the nonprofit 13705
corporation may act in concert with a limited partnership or a 13706
limited liability company eligible to participate in the nonprofit 13707
set-aside described in section 42(h)(5) of the "Internal Revenue 13708
Code of 1986," 100 Stat. 2198, 26 U.S.C. 42, and the Ohio housing 13709
finance agency's housing tax credit program for the purpose of 13710
making use of low-income housing tax credits in support of housing 13711
for mental hygiene and retardation patients. 13712

(G) A nonprofit corporation providing a mental retardation 13713
service must obtain written approval from the director of 13714
developmental disabilities before acting in concert with a limited 13715
partnership or limited liability company as described in division 13716
(F)(2) of this section. However, the director may issue one 13717
blanket approval for all such nonprofit corporations. 13718

(H) This section is to be applied with other applicable 13719
provisions of this chapter. 13720

Sec. 154.22. (A) Subject to authorization by the general 13721

assembly under section 154.02 of the Revised Code, the issuing 13722
authority may authorize and issue obligations pursuant to this 13723
chapter to pay costs of capital facilities for parks and 13724
recreation. 13725

(B) Any capital facilities for parks and recreation may be 13726
leased by the commission to the department of natural resources 13727
and other agreements may be made by the commission and such 13728
department with respect to the use or purchase of such capital 13729
facilities or, subject to the approval of the director of such 13730
department, the commission may lease such capital facilities to, 13731
and make other agreements with respect to their use or purchase 13732
with, any governmental agency having authority under law to 13733
operate such capital facilities, and the director of such 13734
department may sublease such capital facilities to, and make other 13735
agreements with respect to the use or purchase thereof with, any 13736
such governmental agency, or such director may sublease or 13737
contract for the operation of such capital facilities in 13738
accordance with the applicable provisions of sections 1501.09, 13739
1501.091, and 1501.10 of the Revised Code, all upon such terms and 13740
conditions as the parties may agree upon and pursuant to this 13741
chapter, notwithstanding any other provisions of law affecting the 13742
leasing, acquisition, or disposition of capital facilities by such 13743
parties. 13744

(C) For purposes of this section, "available receipts" means 13745
all receipts, including fees, charges, and rentals, derived or to 13746
be derived from state parks and public service facilities in any 13747
state park or parks, any other receipts of state agencies with 13748
respect to parks and recreational facilities, any revenues or 13749
receipts derived by the commission from the operation, leasing, or 13750
other disposition of capital facilities financed under this 13751
section, the proceeds of obligations issued under this section and 13752
sections 154.11 and 154.12 of the Revised Code, and also means any 13753

gifts, grants, donations, and pledges, and receipts thereon, 13754
available for the payment of bond service charges on obligations 13755
issued under this section. The issuing authority may pledge all, 13756
or such portion as it determines, of the available receipts to the 13757
payment of bond service charges on obligations issued under this 13758
section and sections 154.11 and 154.12 of the Revised Code and for 13759
the establishment and maintenance of any reserves, as provided in 13760
the bond proceedings, and make other provisions therein with 13761
respect to such available receipts as authorized by this chapter, 13762
which provisions shall be controlling notwithstanding any other 13763
provision of law pertaining thereto. 13764

(D) The issuing authority may covenant in the bond proceeding 13765
that the state and state agencies shall, so long as any 13766
obligations issued under this section are outstanding, cause to be 13767
charged and collected fees, charges, and rentals for the use of 13768
state parks and public service facilities and other fees and 13769
charges with respect to parks and recreation sufficient in amount 13770
to provide for the payment of bond service charges on such 13771
obligations and for the establishment and maintenance of any 13772
reserves as provided in the bond proceedings, and such covenants 13773
shall be controlling notwithstanding any other provision of law 13774
pertaining to such charges except any provision of law prohibiting 13775
or limiting charges for the use of swimming facilities of state 13776
parks and public service facilities by persons under sixteen years 13777
of age. 13778

(E) There is hereby created the parks and recreation bond 13779
service trust fund, which shall be in the custody of the treasurer 13780
of state but shall be separate and apart from and not a part of 13781
the state treasury. All moneys received by or on account of the 13782
commission or issuing authority or state agencies and required by 13783
the applicable bond proceedings to be deposited, transferred, or 13784
allocated to or received for the purposes of the trust fund shall 13785

be deposited with the treasurer of state and credited to such 13786
fund, subject to applicable provisions of the bond proceedings but 13787
without necessity for any act of appropriation. The trust fund is 13788
hereby pledged to the payment of bond service charges on the 13789
obligations issued pursuant to this section and sections 154.11 13790
and 154.12 of the Revised Code to the extent provided in the 13791
applicable bond proceedings, and payment thereof from such fund 13792
shall be made or provided for by the treasurer of state in 13793
accordance with such bond proceedings without necessity for any 13794
act of appropriation. 13795

(F) There is hereby created in the state treasury the parks 13796
and recreation improvement fund. Subject to the bond proceedings 13797
therefor, all of the proceeds of the sale of obligations issued 13798
pursuant to this section shall be credited to such fund, except 13799
that any accrued interest received shall be credited to the parks 13800
and recreation bond service trust fund. The parks and recreation 13801
improvement fund may also be comprised of gifts, grants, 13802
appropriated moneys, and other sums and securities received to the 13803
credit of such fund. Such fund shall be applied only to the 13804
purpose of paying costs of capital facilities for parks and 13805
recreation under the jurisdiction of the department of natural 13806
resources or for participation in capital facilities for parks and 13807
recreation with the federal government, municipal corporations, 13808
counties, or other governmental agencies, or any one or more of 13809
them, which participation may be by grants or contributions to 13810
them for such capital facilities. All investment earnings on the 13811
cash balance in the fund shall be credited to the fund. 13812

(G) All state parks shall be exclusively under the control 13813
and administration of the division of parks and recreation. With 13814
the approval of the recreation and resources council, the director 13815
of natural resources may by order remove from the classification 13816
as state parks any of the lands or interests therein referred to 13817

in divisions (M)(2) and (3) of section 154.01 of the Revised Code, 13818
subject to the limitations, provisions, and conditions in any 13819
order authorizing state park revenue bonds, in any trust agreement 13820
securing such bonds, or in bond proceedings with respect to 13821
obligations issued pursuant to this section. Lands or interests 13822
therein so removed shall be transferred to other divisions of the 13823
department for administration or may be sold as provided by law. 13824
Proceeds of any sale shall be used or transferred as provided in 13825
the order authorizing state park revenue bonds or in such trust 13826
agreement, or in bond proceedings with respect to obligations 13827
issued pursuant to this section, and if no such provision is made 13828
shall be transferred to the state park fund created by section 13829
1541.22 of the Revised Code. 13830

(H) This section shall be applied with other applicable 13831
provisions of this chapter. 13832

(I) Any instrument by which real property is acquired 13833
pursuant to this section shall identify the agency of the state 13834
that has the use and benefit of the real property as specified in 13835
section 5301.012 of the Revised Code. 13836

Sec. 154.23. (A) Subject to authorization by the general 13837
assembly under section 154.02 of the Revised Code, the issuing 13838
authority may issue obligations pursuant to this chapter to pay 13839
costs of capital facilities for Ohio cultural facilities and Ohio 13840
sports facilities. 13841

(B) The Ohio public facilities commission may lease any 13842
capital facilities for Ohio cultural facilities or Ohio sports 13843
facilities to, and make or provide for other agreements with 13844
respect to the use or purchase of such capital facilities with, 13845
the Ohio ~~cultural~~ facilities construction commission and, with the 13846
Ohio ~~cultural~~ facilities construction commission's approval, any 13847
governmental agency having authority under law to operate such 13848

capital facilities. ~~Any lease or agreement shall be subject to~~ 13849
~~Chapter 3383. of the Revised Code.~~ 13850

(C) For purposes of this section, "available receipts" means 13851
any revenues or receipts derived by the Ohio public facilities 13852
commission from the operation, leasing, or other disposition of 13853
capital facilities financed under this section, the proceeds of 13854
obligations issued under this section and section 154.11 or 154.12 13855
of the Revised Code, and also means any gifts, grants, donations, 13856
and pledges, and receipts thereon, available for the payment of 13857
bond service charges on obligations issued under this section. The 13858
issuing authority may pledge all, or such portion as it 13859
determines, of the available receipts to the payment of bond 13860
service charges on obligations issued under this section and 13861
section 154.11 or 154.12 of the Revised Code and for the 13862
establishment and maintenance of any reserves, as provided in the 13863
bond proceedings, and make other provisions therein with respect 13864
to such available receipts as authorized by this chapter, which 13865
provisions shall be controlling notwithstanding any other 13866
provision of law pertaining thereto. 13867

(D) There is hereby created one or more funds, as determined 13868
by the issuing authority in the bond proceedings, designated as 13869
the "Ohio cultural facilities ~~commission~~ bond service fund" with, 13870
if more than one such fund, such further identifying name as the 13871
issuing authority determines, which shall be in the custody of the 13872
treasurer of state but shall be separate and apart from and not a 13873
part of the state treasury. All money received by or on account of 13874
the issuing authority or the Ohio ~~cultural~~ facilities construction 13875
commission and required by the applicable bond proceedings to be 13876
deposited, transferred, or credited to the Ohio cultural 13877
facilities ~~commission~~ bond service fund, and all other money 13878
transferred or allocated to or received for the purposes of that 13879
fund shall be deposited with the treasurer of state and credited 13880

to the applicable fund, subject to applicable provisions of the 13881
bond proceedings, but without necessity of any act or 13882
appropriation. The Ohio cultural facilities ~~commission~~ bond 13883
service funds are trust funds and are hereby pledged to the 13884
payment of bond service charges on the applicable obligations 13885
issued pursuant to this section and section 154.11 or 154.12 of 13886
the Revised Code to the extent provided in the applicable bond 13887
proceedings, and payment thereof from such funds shall be made or 13888
provided for by the treasurer of state in accordance with the 13889
applicable bond proceedings without necessity for any act or 13890
appropriation. 13891

(E) This section is to be applied with other applicable 13892
provisions of this chapter. 13893

Sec. 154.25. (A) As used in this section: 13894

(1) "Available community or technical college receipts" means 13895
all money received by a community or technical college or 13896
community or technical college district, including income, 13897
revenues, and receipts from the operation, ownership, or control 13898
of facilities, grants, gifts, donations, and pledges and receipts 13899
therefrom, receipts from fees and charges, the allocated state 13900
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 13901
Revised Code, and the proceeds of the sale of obligations, 13902
including proceeds of obligations issued to refund obligations 13903
previously issued, but excluding any special fee, and receipts 13904
therefrom, charged pursuant to division (D) of section 154.21 of 13905
the Revised Code. 13906

(2) "Community or technical college," "college," "community 13907
or technical college district," and "district" have the same 13908
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 13909

(3) "Community or technical college capital facilities" means 13910
auxiliary facilities, education facilities, and housing and dining 13911

facilities, as those terms are defined in section 3345.12 of the Revised Code, to the extent permitted to be financed by the issuance of obligations under division (A)(2) of section 3357.112 of the Revised Code, that are authorized by sections 3354.121, 3357.112, and 3358.10 of the Revised Code to be financed by obligations issued by a community or technical college district, and for which the issuing authority is authorized to issue obligations pursuant to this section, and includes any one, part of, or any combination of the foregoing, and further includes site improvements, utilities, machinery, furnishings, and any separate or connected buildings, structures, improvements, sites, open space and green space areas, utilities, or equipment to be used in, or in connection with the operation or maintenance of, or supplementing or otherwise related to the services or facilities to be provided by, such facilities.

(4) "Cost of community or technical college capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing community or technical college capital facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with community or technical college capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the commission and the issuing authority, community or technical college or community or technical college district, cost of engineering, architectural services, design, plans, specifications and surveys, estimates of cost, legal fees, fees and expenses of trustees, depositories, bond registrars, and paying agents for obligations, cost of issuance of obligations and financing costs and fees and expenses of financial advisers and consultants in connection therewith, interest on obligations from the date thereof to the time when

interest is to be covered by available receipts or other sources 13945
other than proceeds of those obligations, amounts necessary to 13946
establish reserves as required by the bond proceedings, costs of 13947
audits, the reimbursements of all moneys advanced or applied by or 13948
borrowed from the community or technical college, community or 13949
technical college district, or others, from whatever source 13950
provided, including any temporary advances from state 13951
appropriations, for the payment of any item or items of cost of 13952
community or technical college facilities, and all other expenses 13953
necessary or incident to planning or determining feasibility or 13954
practicability with respect to such facilities, and such other 13955
expenses as may be necessary or incident to the acquisition, 13956
construction, reconstruction, rehabilitation, remodeling, 13957
renovation, enlargement, improvement, equipment, and furnishing of 13958
community or technical college capital facilities, the financing 13959
thereof and the placing of them in use and operation, including 13960
any one, part of, or combination of such classes of costs and 13961
expenses. 13962

(5) "Capital facilities" includes community or technical 13963
college capital facilities. 13964

(6) "Obligations" has the same meaning as in section 154.01 13965
or 3345.12 of the Revised Code, as the context requires. 13966

(B) The issuing authority is authorized to issue revenue 13967
obligations under Section 2i of Article VIII, Ohio Constitution, 13968
on behalf of a community or technical college district and shall 13969
cause the net proceeds thereof, after any deposits of accrued 13970
interest for the payment of bond service charges and after any 13971
deposit of all or such lesser portion as the issuing authority may 13972
direct of the premium received upon the sale of those obligations 13973
for the payment of the bond service charges, to be applied to the 13974
cost of community or technical college capital facilities, 13975
provided that the issuance of such obligations is subject to the 13976

execution of a written agreement in accordance with division (C) 13977
of section ~~3333.90~~ 3333.59 of the Revised Code for the withholding 13978
and depositing of funds otherwise due the district, or the college 13979
it operates, in respect of its allocated state share of 13980
instruction. 13981

(C) The bond service charges and all other payments required 13982
to be made by the trust agreement or indenture securing the 13983
obligations shall be payable solely from available community or 13984
technical college receipts pledged thereto as provided in the 13985
resolution. The available community or technical college receipts 13986
pledged and thereafter received by the commission are immediately 13987
subject to the lien of such pledge without any physical delivery 13988
thereof or further act, and the lien of any such pledge is valid 13989
and binding against all parties having claims of any kind against 13990
the authority, irrespective of whether those parties have notice 13991
thereof, and creates a perfected security interest for all 13992
purposes of Chapter 1309. of the Revised Code and a perfected lien 13993
for purposes of any real property interest, all without the 13994
necessity for separation or delivery of funds or for the filing or 13995
recording of the resolution, trust agreement, indenture, or other 13996
agreement by which such pledge is created or any certificate, 13997
statement, or other document with respect thereto; and the pledge 13998
of such available community or technical college receipts is 13999
effective and the money therefrom and thereof may be applied to 14000
the purposes for which pledged. Every pledge, and every covenant 14001
and agreement made with respect to the pledge, made in the 14002
resolution may therein be extended to the benefit of the owners 14003
and holders of obligations authorized by this section, and to any 14004
trustee therefor, for the further securing of the payment of the 14005
bond service charges, and all or any rights under any agreement or 14006
lease made under this section may be assigned for such purpose. 14007

(D) This section is to be applied with other applicable 14008

provisions of this chapter. 14009

Sec. 156.02. The executive director of ~~administrative~~ 14010
~~services~~ the Ohio facilities construction commission may contract 14011
with an energy or a water services company, architect, 14012
professional engineer, contractor, or other person experienced in 14013
the design and implementation of energy or water conservation 14014
measures for a report containing an analysis and recommendations 14015
pertaining to the implementation of energy or water conservation 14016
measures that result in energy, water, or wastewater cost savings, 14017
operating cost savings, or avoided capital costs for the 14018
institution. The report shall include estimates of all costs of 14019
such installations, including the costs of design, engineering, 14020
installation, maintenance, repairs, and debt service, and 14021
estimates of the energy, water, or wastewater cost savings, 14022
operating cost savings, and avoided capital costs created. 14023

Sec. 156.03. (A) If the executive director of ~~administrative~~ 14024
~~services~~ the Ohio facilities construction commission wishes to 14025
enter into an installment payment contract pursuant to section 14026
156.04 of the Revised Code or any other contract to implement one 14027
or more energy or water saving measures, the executive director 14028
may proceed under Chapter 153. of the Revised Code, or, 14029
alternatively, the executive director may request the controlling 14030
board to exempt the contract from Chapter 153. of the Revised 14031
Code. 14032

If the controlling board by a majority vote approves an 14033
exemption, that chapter shall not apply to the contract and 14034
instead the executive director shall request proposals from at 14035
least three parties for the implementation of the energy or water 14036
saving measures. Prior to providing any interested party a copy of 14037
any such request, the executive director shall advertise, in a 14038
newspaper of general circulation in the county where the contract 14039

is to be performed, and may advertise by electronic means pursuant 14040
to rules adopted by the executive director, the executive 14041
director's intent to request proposals for the implementation of 14042
the energy or water saving measures. The notice shall invite 14043
interested parties to submit proposals for consideration and shall 14044
be published at least thirty days prior to the date for accepting 14045
proposals. 14046

(B) Upon receiving the proposals, the executive director 14047
shall analyze them and, after considering the cost estimates of 14048
each proposal and the availability of funds to pay for each with 14049
current appropriations or by financing the cost of each through an 14050
installment payment contract under section 156.04 of the Revised 14051
Code, may select one or more proposals or reject all proposals. In 14052
selecting proposals, the executive director shall select the one 14053
or more proposals most likely to result in the greatest energy, 14054
water, or wastewater savings, operating costs savings, and avoided 14055
capital costs created. 14056

(C) No contract shall be awarded to implement energy or water 14057
saving measures under this section, unless the executive director 14058
finds that both of the following circumstances exists: 14059

(1) Not less than one-fifteenth of the costs of the contract 14060
shall be paid within two years from the date of purchase; 14061

(2) In the case of a contract for a cogeneration system 14062
described in division (B)(8) of section 156.01 of the Revised 14063
Code, the remaining balance of the cost of the contract shall be 14064
paid within twenty years from the date of purchase, and, in the 14065
case of all other contracts, fifteen years. 14066

Sec. 156.04. (A) In accordance with this section and section 14067
156.03 of the Revised Code, the executive director of 14068
~~administrative services~~ the Ohio facilities construction 14069
commission may enter into an installment payment contract for the 14070

implementation of one or more energy or water saving measures. If 14071
the executive director wishes an installment payment contract to 14072
be exempted from Chapter 153. of the Revised Code, the executive 14073
director shall proceed pursuant to section 156.03 of the Revised 14074
Code. 14075

(B) Any installment payment contract under this section shall 14076
provide that all payments, except payments for repairs and 14077
obligations on termination of the contract prior to its 14078
expiration, are to be a stated percentage of calculated energy, 14079
water, or wastewater cost savings, operating costs, and avoided 14080
capital costs attributable to the one or more measures over a 14081
defined period of time and are to be made only to the extent that 14082
those calculated amounts actually occur. No such contract shall 14083
contain either of the following: 14084

(1) A requirement of any additional capital investment or 14085
contribution of funds, other than funds available from state or 14086
federal grants; 14087

(2) In the case of a contract for a cogeneration system 14088
described in division (B)(8) of section 156.01 of the Revised 14089
Code, a payment term longer than twenty years, and, in the case of 14090
all other contracts, a payment term longer than fifteen years. 14091

(C) Any installment payment contract entered into under this 14092
section shall terminate no later than the last day of the fiscal 14093
biennium for which funds have been appropriated to the ~~department~~ 14094
~~of administrative services~~ Ohio facilities construction commission 14095
by the general assembly and shall be renewed in each succeeding 14096
fiscal biennium in which any balance of the contract remains 14097
unpaid, provided that both an appropriation for that succeeding 14098
fiscal biennium and the certification required by section 126.07 14099
of the Revised Code are made. 14100

(D) Any installment payment contract entered into under this 14101

section shall be eligible for financing provided through the Ohio 14102
air quality development authority under Chapter 3706. of the 14103
Revised Code. 14104

Sec. 156.05. In accordance with Chapter 119. of the Revised 14105
Code, the executive director of ~~administrative services~~ the Ohio 14106
facilities construction commission shall adopt, and enforce rules 14107
necessary to administer sections 156.01 to 156.04 of the Revised 14108
Code. Rules adopted under this section shall establish procedures 14109
by which the executive director may authorize in ~~his~~ the executive 14110
director's stead the manager of any building owned by the state to 14111
enter into contracts authorized under sections 156.01 to 156.04 of 14112
the Revised Code. 14113

Sec. 164.27. (A) The clean Ohio conservation fund is hereby 14114
created in the state treasury. Seventy-five per cent of the net 14115
proceeds of obligations issued and sold by the issuing authority 14116
pursuant to sections 151.01 and 151.09 of the Revised Code shall 14117
be deposited into the fund. The fund also shall consist of money 14118
credited to it under section 151.50 of the Revised Code. 14119
Investment earnings of the fund shall be credited to the fund and 14120
may be used to pay costs incurred by the Ohio public works 14121
commission in administering sections 164.20 to 164.27 of the 14122
Revised Code. Moneys in the clean Ohio conservation fund shall be 14123
used to make grants to local political subdivisions and nonprofit 14124
organizations for projects that have been approved for grants 14125
under sections 164.20 to 164.27 of the Revised Code. 14126

The clean Ohio conservation fund shall be administered by the 14127
Ohio public works commission. 14128

(B) For the purpose of grants issued under sections 164.20 to 14129
164.27 of the Revised Code, moneys shall be allocated on an annual 14130
basis from the clean Ohio conservation fund to districts 14131

represented by natural resources assistance councils as follows: 14132

(1) Each district shall receive an amount that is equal to 14133
one-fourth of one per cent of the total annual amount allocated to 14134
all districts each year for each county that is represented by the 14135
district. 14136

(2) The remaining moneys shall be allocated to each district 14137
annually on a per capita basis. 14138

(C) A grant that is awarded under sections 164.20 to 164.27 14139
of the Revised Code may provide up to seventy-five per cent of the 14140
estimated cost of a project. Matching funds from a grant recipient 14141
may consist of contributions of money by any person, any local 14142
political subdivision, or the federal government or of 14143
contributions in-kind by such entities through the purchase or 14144
donation of equipment, land, easements, interest in land, labor, 14145
or materials necessary to complete the project. 14146

(D) The director of the Ohio public works commission shall 14147
notify the director of budget and management of the amounts 14148
allocated pursuant to this section, and that information shall be 14149
entered in the state accounting system. The director of budget and 14150
management may establish appropriate line items or other 14151
mechanisms that are needed to track the allocations. 14152

(E) Grants awarded under sections 164.20 to 164.27 of the 14153
Revised Code from the clean Ohio conservation fund shall be used 14154
by a local political subdivision or nonprofit organization only to 14155
pay the costs related to the purposes for which grants may be 14156
issued under section 164.22 of the Revised Code and shall not be 14157
used by a local political subdivision or nonprofit organization to 14158
pay any administrative costs incurred by the local political 14159
subdivision or nonprofit organization. 14160

Sec. 166.02. (A) The general assembly finds that many local 14161

areas throughout the state are experiencing economic stagnation or 14162
decline, and that the economic development programs provided for 14163
in this chapter will constitute deserved, necessary reinvestment 14164
by the state in those areas, materially contribute to their 14165
economic revitalization, and result in improving the economic 14166
welfare of all the people of the state. Accordingly, it is 14167
declared to be the public policy of the state, through the 14168
operations of this chapter and other applicable laws adopted 14169
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 14170
and other authority vested in the general assembly, to assist in 14171
and facilitate the establishment or development of eligible 14172
projects or assist and cooperate with any governmental agency in 14173
achieving such purpose. 14174

(B) In furtherance of such public policy and to implement 14175
such purpose, the director of development may: 14176

(1) After consultation with appropriate governmental 14177
agencies, enter into agreements with persons engaged in industry, 14178
commerce, distribution, or research and with governmental agencies 14179
to induce such persons to acquire, construct, reconstruct, 14180
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 14181
otherwise develop, eligible projects and make provision therein 14182
for project facilities and governmental actions, as authorized by 14183
this chapter and other applicable laws, subject to any required 14184
actions by the general assembly or the controlling board and 14185
subject to applicable local government laws and regulations; 14186

(2) Provide for the guarantees and loans as provided for in 14187
sections 166.06 and 166.07 of the Revised Code; 14188

(3) Subject to release of such moneys by the controlling 14189
board, contract for labor and materials needed for, or contract 14190
with others, including governmental agencies, to provide, project 14191
facilities the allowable costs of which are to be paid for or 14192
reimbursed from moneys in the facilities establishment fund, and 14193

contract for the operation of such project facilities;	14194
(4) Subject to release thereof by the controlling board, from	14195
moneys in the facilities establishment fund acquire or contract to	14196
acquire by gift, exchange, or purchase, including the obtaining	14197
and exercise of purchase options, property, and convey or	14198
otherwise dispose of, or provide for the conveyance or disposition	14199
of, property so acquired or contracted to be acquired by sale,	14200
exchange, lease, lease purchase, conditional or installment sale,	14201
transfer, or other disposition, including the grant of an option	14202
to purchase, to any governmental agency or to any other person	14203
without necessity for competitive bidding and upon such terms and	14204
conditions and manner of consideration pursuant to and as the	14205
director determines to be appropriate to satisfy the objectives of	14206
sections 166.01 to 166.11 of the Revised Code;	14207
(5) Retain the services of or employ financial consultants,	14208
appraisers, consulting engineers, superintendents, managers,	14209
construction and accounting experts, attorneys, and employees,	14210
agents, and independent contractors as are necessary in the	14211
director's judgment and fix the compensation for their services;	14212
(6) Receive and accept from any person grants, gifts, and	14213
contributions of money, property, labor, and other things of	14214
value, to be held, used and applied only for the purpose for which	14215
such grants, gifts, and contributions are made;	14216
(7) Enter into appropriate arrangements and agreements with	14217
any governmental agency for the taking or provision by that	14218
governmental agency of any governmental action;	14219
(8) Do all other acts and enter into contracts and execute	14220
all instruments necessary or appropriate to carry out the	14221
provisions of this chapter;	14222
(9) Adopt rules to implement any of the provisions of this	14223
chapter applicable to the director.	14224

(C) The determinations by the director that facilities 14225
constitute eligible projects, that facilities are project 14226
facilities, that costs of such facilities are allowable costs, and 14227
all other determinations relevant thereto or to an action taken or 14228
agreement entered into shall be conclusive for purposes of the 14229
validity and enforceability of rights of parties arising from 14230
actions taken and agreements entered into under this chapter. 14231

(D) Except as otherwise prescribed in this chapter, all 14232
expenses and obligations incurred by the director in carrying out 14233
the director's powers and in exercising the director's duties 14234
under this chapter, shall be payable solely from, as appropriate, 14235
moneys in the facilities establishment fund, the loan guarantee 14236
fund, the innovation Ohio loan guarantee fund, the innovation Ohio 14237
loan fund, the research and development loan fund, the logistics 14238
and distribution infrastructure fund, ~~the logistics and~~ 14239
~~distribution infrastructure taxable bond fund~~, or moneys 14240
appropriated for such purpose by the general assembly. This 14241
chapter does not authorize the director or the issuing authority 14242
under section 166.08 of the Revised Code to incur bonded 14243
indebtedness of the state or any political subdivision thereof, or 14244
to obligate or pledge moneys raised by taxation for the payment of 14245
any bonds or notes issued or guarantees made pursuant to this 14246
chapter. 14247

(E) Any governmental agency may enter into an agreement with 14248
the director, any other governmental agency, or a person to be 14249
assisted under this chapter, to take or provide for the purposes 14250
of this chapter any governmental action it is authorized to take 14251
or provide, and to undertake on behalf and at the request of the 14252
director any action which the director is authorized to undertake 14253
pursuant to divisions (B)(3), (4), and (5) of this section or 14254
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 14255
Code. Governmental agencies of the state shall cooperate with and 14256

provide assistance to the director of development and the 14257
controlling board in the exercise of their respective functions 14258
under this chapter. 14259

Sec. 166.03. (A) There is hereby created the facilities 14260
establishment fund within the state treasury, consisting of 14261
proceeds from the issuance of obligations as specified under 14262
section 166.08 of the Revised Code; the moneys received by the 14263
state from the sources specified in section 166.09 of the Revised 14264
Code; service charges imposed under sections 166.06 and 166.07 of 14265
the Revised Code; any grants, gifts, or contributions of moneys 14266
received by the director of development services to be used for 14267
loans made under section 166.07 of the Revised Code or for the 14268
payment of the allowable costs of project facilities; and all 14269
other moneys appropriated or transferred to the fund. Moneys in 14270
the loan guarantee fund in excess of the loan guarantee reserve 14271
requirement, but subject to the provisions and requirements of any 14272
guarantee contracts, may be transferred to the facilities 14273
establishment fund by the treasurer of state upon the order of the 14274
director of development services. Moneys received by the state 14275
under Chapter 122. of the Revised Code, to the extent allocable to 14276
the utilization of moneys derived from proceeds of the sale of 14277
obligations pursuant to section 166.08 of the Revised Code, shall 14278
be credited to the facilities establishment fund. All investment 14279
earnings on the cash balance in the fund shall be credited to the 14280
fund. 14281

(B) All moneys appropriated or transferred to the facilities 14282
establishment fund may be released at the request of the director 14283
of development services for payment of allowable costs or the 14284
making of loans under section 166.07 of the Revised Code, for 14285
transfer to the loan guarantee fund established in section 166.06 14286
of the Revised Code, or for use for the purpose of or transfer to 14287
the funds established by sections 122.35, 122.42, 122.54, 122.55, 14288

122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 14289
and, until July 1, 2003, the fund established by section 166.031 14290
of the Revised Code, and, until July 1, 2007, the fund established 14291
by section 122.26 of the Revised Code, but only for such of those 14292
purposes as are within the authorization of Section 13 of Article 14293
VIII, Ohio Constitution, in all cases subject to the approval of 14294
the controlling board. 14295

(C) The ~~department of~~ development services agency, in the 14296
administration of the facilities establishment fund, is encouraged 14297
to utilize and promote the utilization of, to the maximum 14298
practicable extent, the other existing programs, business 14299
incentives, and tax incentives that department is required or 14300
authorized to administer or supervise. 14301

Sec. 166.04. (A) Prior to entering into each agreement to 14302
provide assistance under sections 166.02, 166.06, and 166.07 of 14303
the Revised Code, the director of development services shall 14304
determine whether the assistance will conform to the requirements 14305
of sections 166.01 to 166.11 of the Revised Code. Such 14306
determination, and the facts upon which it is based, shall be set 14307
forth, where required, by the director in submissions made to the 14308
controlling board when the director seeks a release of moneys 14309
under section 166.02 of the Revised Code. An agreement to provide 14310
assistance under sections 166.02, 166.06, and 166.07 of the 14311
Revised Code shall set forth such determination, which shall be 14312
conclusive for purposes of the validity and enforceability of such 14313
agreement and any loan guarantees, loans, or other agreements 14314
entered into pursuant to such agreement to provide assistance. 14315

(B) Whenever a person applies for financial assistance under 14316
sections 166.02, 166.06, and 166.07 of the Revised Code and the 14317
project for which assistance is requested is to relocate 14318
facilities that are currently being operated by the person and 14319

that are located in another county, municipal corporation, or township, the ~~director~~ person shall provide written notification of the relocation to the appropriate local governmental bodies ~~and state officials~~. ~~The~~ Prior to entering into an agreement to provide the assistance, the director shall verify that such notification shall contain the following information:

~~(1) The name of the person applying for financial assistance;~~

~~(2) The county, and the municipal corporation or township, in which the project for which assistance is requested is located;~~
~~and~~

~~(3) The county, and the municipal corporation or township, in which the facility to be replaced is located has been provided.~~

(C) As used in division (B) of this section:

~~(1), "Appropriate appropriate local governmental bodies"~~
means:

~~(a)(1) The ~~boards~~ board of county commissioners or legislative ~~authorities~~ authority of the county in which the project for which assistance is requested is located and of the county in which the facility to be replaced is located;~~

~~(b)(2) The legislative authority of the municipal corporation or the board of township trustees of the township in which the project for which assistance is requested is located; and~~

~~(c) The legislative authority of the municipal corporation or the board of township trustees of the township in which the facility to be replaced is located.~~

~~(2) "State officials" means:~~

~~(a) The state representative and state senator in whose districts the project for which assistance is requested is located;~~

~~(b) The state representative and state senator in whose~~

~~districts the facility to be replaced is located.~~ 14350

Sec. 166.08. (A) As used in this chapter: 14351

(1) "Bond proceedings" means the resolution, order, trust 14352
agreement, indenture, lease, and other agreements, amendments and 14353
supplements to the foregoing, or any one or more or combination 14354
thereof, authorizing or providing for the terms and conditions 14355
applicable to, or providing for the security or liquidity of, 14356
obligations issued pursuant to this section, and the provisions 14357
contained in such obligations. 14358

(2) "Bond service charges" means principal, including 14359
mandatory sinking fund requirements for retirement of obligations, 14360
and interest, and redemption premium, if any, required to be paid 14361
by the state on obligations. 14362

(3) "Bond service fund" means the applicable fund and 14363
accounts therein created for and pledged to the payment of bond 14364
service charges, which may be, or may be part of, the economic 14365
development bond service fund created by division (S) of this 14366
section including all moneys and investments, and earnings from 14367
investments, credited and to be credited thereto. 14368

(4) "Issuing authority" means the treasurer of state, or the 14369
officer who by law performs the functions of such officer. 14370

(5) "Obligations" means bonds, notes, or other evidence of 14371
obligation including interest coupons pertaining thereto, issued 14372
pursuant to this section. 14373

(6) "Pledged receipts" means all receipts of the state 14374
representing the gross profit on the sale of spirituous liquor, as 14375
referred to in division (B)(4) of section 4301.10 of the Revised 14376
Code, after paying all costs and expenses of the division of 14377
liquor control and providing an adequate working capital reserve 14378
for the division of liquor control as provided in that division, 14379

but excluding the sum required by the second paragraph of section 14380
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 14381
paid into the state treasury; moneys accruing to the state from 14382
the lease, sale, or other disposition, or use, of project 14383
facilities, and from the repayment, including interest, of loans 14384
made from proceeds received from the sale of obligations; accrued 14385
interest received from the sale of obligations; income from the 14386
investment of the special funds; and any gifts, grants, donations, 14387
and pledges, and receipts therefrom, available for the payment of 14388
bond service charges. 14389

(7) "Special funds" or "funds" means, except where the 14390
context does not permit, the bond service fund, and any other 14391
funds, including reserve funds, created under the bond 14392
proceedings, and the economic development bond service fund 14393
created by division (S) of this section to the extent provided in 14394
the bond proceedings, including all moneys and investments, and 14395
earnings from investment, credited and to be credited thereto. 14396

(B) Subject to the limitations provided in section 166.11 of 14397
the Revised Code, the issuing authority, upon the certification by 14398
the director of development or, with respect to eligible advanced 14399
energy projects, the Ohio air quality development authority to the 14400
issuing authority of the amount of moneys or additional moneys 14401
needed in the facilities establishment fund, the loan guarantee 14402
fund, the innovation Ohio loan fund, the innovation Ohio loan 14403
guarantee fund, the research and development loan fund, the 14404
logistics and distribution infrastructure fund, ~~the logistics and~~ 14405
~~distribution infrastructure taxable bond fund,~~ the advanced energy 14406
research and development fund, or the advanced energy research and 14407
development taxable fund, as applicable, for the purpose of 14408
paying, or making loans for, allowable costs from the facilities 14409
establishment fund, allowable innovation costs from the innovation 14410
Ohio loan fund, allowable costs from the research and development 14411

loan fund, allowable costs from the logistics and distribution 14412
infrastructure fund, ~~allowable costs from the logistics and~~ 14413
~~distribution infrastructure taxable bond fund,~~ allowable costs 14414
from the advanced energy research and development fund, or 14415
allowable costs from the advanced energy research and development 14416
taxable fund, as applicable, or needed for capitalized interest, 14417
for funding reserves, and for paying costs and expenses incurred 14418
in connection with the issuance, carrying, securing, paying, 14419
redeeming, or retirement of the obligations or any obligations 14420
refunded thereby, including payment of costs and expenses relating 14421
to letters of credit, lines of credit, insurance, put agreements, 14422
standby purchase agreements, indexing, marketing, remarketing and 14423
administrative arrangements, interest swap or hedging agreements, 14424
and any other credit enhancement, liquidity, remarketing, renewal, 14425
or refunding arrangements, all of which are authorized by this 14426
section, or providing moneys for the loan guarantee fund or the 14427
innovation Ohio loan guarantee fund, as provided in this chapter 14428
or needed for the purposes of funds established in accordance with 14429
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 14430
122.561, 122.57, and 122.80 of the Revised Code which are within 14431
the authorization of Section 13 of Article VIII, Ohio 14432
Constitution, or, with respect to certain eligible advanced energy 14433
projects, Section 2p of Article VIII, Ohio Constitution, shall 14434
issue obligations of the state under this section in the required 14435
amount; provided that such obligations may be issued to satisfy 14436
the covenants in contracts of guarantee made under section 166.06 14437
or 166.15 of the Revised Code, notwithstanding limitations 14438
otherwise applicable to the issuance of obligations under this 14439
section. The proceeds of such obligations, except for the portion 14440
to be deposited in special funds, including reserve funds, as may 14441
be provided in the bond proceedings, shall as provided in the bond 14442
proceedings be deposited by the director of development to the 14443
facilities establishment fund, the loan guarantee fund, the 14444

innovation Ohio loan guarantee fund, the innovation Ohio loan 14445
fund, the research and development loan fund, or the logistics and 14446
distribution infrastructure fund, ~~or the logistics and~~ 14447
~~distribution infrastructure taxable bond fund,~~ or be deposited by 14448
the Ohio air quality development authority to the advanced energy 14449
research and development fund or the advanced energy research and 14450
development taxable fund. Bond proceedings for project financing 14451
obligations may provide that the proceeds derived from the 14452
issuance of such obligations shall be deposited into such fund or 14453
funds provided for in the bond proceedings and, to the extent 14454
provided for in the bond proceedings, such proceeds shall be 14455
deemed to have been deposited into the facilities establishment 14456
fund and transferred to such fund or funds. The issuing authority 14457
may appoint trustees, paying agents, and transfer agents and may 14458
retain the services of financial advisors, accounting experts, and 14459
attorneys, and retain or contract for the services of marketing, 14460
remarketing, indexing, and administrative agents, other 14461
consultants, and independent contractors, including printing 14462
services, as are necessary in the issuing authority's judgment to 14463
carry out this section. The costs of such services are allowable 14464
costs payable from the facilities establishment fund or the 14465
research and development loan fund, allowable innovation costs 14466
payable from the innovation Ohio loan fund, or allowable costs 14467
payable from the logistics and distribution infrastructure fund, 14468
~~the logistics and distribution infrastructure taxable bond fund,~~ 14469
the advanced energy research and development fund, or the advanced 14470
energy research and development taxable fund, as applicable. 14471

(C) The holders or owners of such obligations shall have no 14472
right to have moneys raised by taxation obligated or pledged, and 14473
moneys raised by taxation shall not be obligated or pledged, for 14474
the payment of bond service charges. Such holders or owners shall 14475
have no rights to payment of bond service charges from any moneys 14476
accruing to the state from the lease, sale, or other disposition, 14477

or use, of project facilities, or from payment of the principal of 14478
or interest on loans made, or fees charged for guarantees made, or 14479
from any money or property received by the director, treasurer of 14480
state, or the state under Chapter 122. of the Revised Code, or 14481
from any other use of the proceeds of the sale of the obligations, 14482
and no such moneys may be used for the payment of bond service 14483
charges, except for accrued interest, capitalized interest, and 14484
reserves funded from proceeds received upon the sale of the 14485
obligations and except as otherwise expressly provided in the 14486
applicable bond proceedings pursuant to written directions by the 14487
director. The right of such holders and owners to payment of bond 14488
service charges is limited to all or that portion of the pledged 14489
receipts and those special funds pledged thereto pursuant to the 14490
bond proceedings in accordance with this section, and each such 14491
obligation shall bear on its face a statement to that effect. 14492

(D) Obligations shall be authorized by resolution or order of 14493
the issuing authority and the bond proceedings shall provide for 14494
the purpose thereof and the principal amount or amounts, and shall 14495
provide for or authorize the manner or agency for determining the 14496
principal maturity or maturities, not exceeding twenty-five years 14497
from the date of issuance, the interest rate or rates or the 14498
maximum interest rate, the date of the obligations and the dates 14499
of payment of interest thereon, their denomination, and the 14500
establishment within or without the state of a place or places of 14501
payment of bond service charges. Sections 9.98 to 9.983 of the 14502
Revised Code are applicable to obligations issued under this 14503
section, subject to any applicable limitation under section 166.11 14504
of the Revised Code. The purpose of such obligations may be stated 14505
in the bond proceedings in terms describing the general purpose or 14506
purposes to be served. The bond proceedings also shall provide, 14507
subject to the provisions of any other applicable bond 14508
proceedings, for the pledge of all, or such part as the issuing 14509
authority may determine, of the pledged receipts and the 14510

applicable special fund or funds to the payment of bond service 14511
charges, which pledges may be made either prior or subordinate to 14512
other expenses, claims, or payments, and may be made to secure the 14513
obligations on a parity with obligations theretofore or thereafter 14514
issued, if and to the extent provided in the bond proceedings. The 14515
pledged receipts and special funds so pledged and thereafter 14516
received by the state are immediately subject to the lien of such 14517
pledge without any physical delivery thereof or further act, and 14518
the lien of any such pledges is valid and binding against all 14519
parties having claims of any kind against the state or any 14520
governmental agency of the state, irrespective of whether such 14521
parties have notice thereof, and shall create a perfected security 14522
interest for all purposes of Chapter 1309. of the Revised Code, 14523
without the necessity for separation or delivery of funds or for 14524
the filing or recording of the bond proceedings by which such 14525
pledge is created or any certificate, statement or other document 14526
with respect thereto; and the pledge of such pledged receipts and 14527
special funds is effective and the money therefrom and thereof may 14528
be applied to the purposes for which pledged without necessity for 14529
any act of appropriation. Every pledge, and every covenant and 14530
agreement made with respect thereto, made in the bond proceedings 14531
may therein be extended to the benefit of the owners and holders 14532
of obligations authorized by this section, and to any trustee 14533
therefor, for the further security of the payment of the bond 14534
service charges. 14535

(E) The bond proceedings may contain additional provisions as 14536
to: 14537

(1) The redemption of obligations prior to maturity at the 14538
option of the issuing authority at such price or prices and under 14539
such terms and conditions as are provided in the bond proceedings; 14540

(2) Other terms of the obligations; 14541

(3) Limitations on the issuance of additional obligations; 14542

(4) The terms of any trust agreement or indenture securing 14543
the obligations or under which the same may be issued; 14544

(5) The deposit, investment and application of special funds, 14545
and the safeguarding of moneys on hand or on deposit, without 14546
regard to Chapter 131. or 135. of the Revised Code, but subject to 14547
any special provisions of this chapter, with respect to particular 14548
funds or moneys, provided that any bank or trust company which 14549
acts as depository of any moneys in the special funds may furnish 14550
such indemnifying bonds or may pledge such securities as required 14551
by the issuing authority; 14552

(6) Any or every provision of the bond proceedings being 14553
binding upon such officer, board, commission, authority, agency, 14554
department, or other person or body as may from time to time have 14555
the authority under law to take such actions as may be necessary 14556
to perform all or any part of the duty required by such provision; 14557

(7) Any provision that may be made in a trust agreement or 14558
indenture; 14559

(8) Any other or additional agreements with the holders of 14560
the obligations, or the trustee therefor, relating to the 14561
obligations or the security therefor, including the assignment of 14562
mortgages or other security obtained or to be obtained for loans 14563
under section 122.43, 166.07, or 166.16 of the Revised Code. 14564

(F) The obligations may have the great seal of the state or a 14565
facsimile thereof affixed thereto or printed thereon. The 14566
obligations and any coupons pertaining to obligations shall be 14567
signed or bear the facsimile signature of the issuing authority. 14568
Any obligations or coupons may be executed by the person who, on 14569
the date of execution, is the proper issuing authority although on 14570
the date of such bonds or coupons such person was not the issuing 14571
authority. If the issuing authority whose signature or a facsimile 14572
of whose signature appears on any such obligation or coupon ceases 14573

to be the issuing authority before delivery thereof, such 14574
signature or facsimile is nevertheless valid and sufficient for 14575
all purposes as if the former issuing authority had remained the 14576
issuing authority until such delivery; and if the seal to be 14577
affixed to obligations has been changed after a facsimile of the 14578
seal has been imprinted on such obligations, such facsimile seal 14579
shall continue to be sufficient as to such obligations and 14580
obligations issued in substitution or exchange therefor. 14581

(G) All obligations are negotiable instruments and securities 14582
under Chapter 1308. of the Revised Code, subject to the provisions 14583
of the bond proceedings as to registration. The obligations may be 14584
issued in coupon or in registered form, or both, as the issuing 14585
authority determines. Provision may be made for the registration 14586
of any obligations with coupons attached thereto as to principal 14587
alone or as to both principal and interest, their exchange for 14588
obligations so registered, and for the conversion or reconversion 14589
into obligations with coupons attached thereto of any obligations 14590
registered as to both principal and interest, and for reasonable 14591
charges for such registration, exchange, conversion, and 14592
reconversion. 14593

(H) Obligations may be sold at public sale or at private 14594
sale, as determined in the bond proceedings. 14595

Obligations issued to provide moneys for the loan guarantee 14596
fund or the innovation Ohio loan guarantee fund may, as determined 14597
by the issuing authority, be sold at private sale, and without 14598
publication of a notice of sale. 14599

(I) Pending preparation of definitive obligations, the 14600
issuing authority may issue interim receipts or certificates which 14601
shall be exchanged for such definitive obligations. 14602

(J) In the discretion of the issuing authority, obligations 14603
may be secured additionally by a trust agreement or indenture 14604

between the issuing authority and a corporate trustee which may be 14605
any trust company or bank having a place of business within the 14606
state. Any such agreement or indenture may contain the resolution 14607
or order authorizing the issuance of the obligations, any 14608
provisions that may be contained in any bond proceedings, and 14609
other provisions which are customary or appropriate in an 14610
agreement or indenture of such type, including, but not limited 14611
to: 14612

(1) Maintenance of each pledge, trust agreement, indenture, 14613
or other instrument comprising part of the bond proceedings until 14614
the state has fully paid the bond service charges on the 14615
obligations secured thereby, or provision therefor has been made; 14616

(2) In the event of default in any payments required to be 14617
made by the bond proceedings, or any other agreement of the 14618
issuing authority made as a part of the contract under which the 14619
obligations were issued, enforcement of such payments or agreement 14620
by mandamus, the appointment of a receiver, suit in equity, action 14621
at law, or any combination of the foregoing; 14622

(3) The rights and remedies of the holders of obligations and 14623
of the trustee, and provisions for protecting and enforcing them, 14624
including limitations on rights of individual holders of 14625
obligations; 14626

(4) The replacement of any obligations that become mutilated 14627
or are destroyed, lost, or stolen; 14628

(5) Such other provisions as the trustee and the issuing 14629
authority agree upon, including limitations, conditions, or 14630
qualifications relating to any of the foregoing. 14631

(K) Any holders of obligations or trustees under the bond 14632
proceedings, except to the extent that their rights are restricted 14633
by the bond proceedings, may by any suitable form of legal 14634
proceedings, protect and enforce any rights under the laws of this 14635

state or granted by such bond proceedings. Such rights include the 14636
right to compel the performance of all duties of the issuing 14637
authority, the director of development, the Ohio air quality 14638
development authority, or the division of liquor control required 14639
by this chapter or the bond proceedings; to enjoin unlawful 14640
activities; and in the event of default with respect to the 14641
payment of any bond service charges on any obligations or in the 14642
performance of any covenant or agreement on the part of the 14643
issuing authority, the director of development, the Ohio air 14644
quality development authority, or the division of liquor control 14645
in the bond proceedings, to apply to a court having jurisdiction 14646
of the cause to appoint a receiver to receive and administer the 14647
pledged receipts and special funds, other than those in the 14648
custody of the treasurer of state, which are pledged to the 14649
payment of the bond service charges on such obligations or which 14650
are the subject of the covenant or agreement, with full power to 14651
pay, and to provide for payment of bond service charges on, such 14652
obligations, and with such powers, subject to the direction of the 14653
court, as are accorded receivers in general equity cases, 14654
excluding any power to pledge additional revenues or receipts or 14655
other income or moneys of the issuing authority or the state or 14656
governmental agencies of the state to the payment of such 14657
principal and interest and excluding the power to take possession 14658
of, mortgage, or cause the sale or otherwise dispose of any 14659
project facilities. 14660

Each duty of the issuing authority and the issuing 14661
authority's officers and employees, and of each governmental 14662
agency and its officers, members, or employees, undertaken 14663
pursuant to the bond proceedings or any agreement or lease, 14664
lease-purchase agreement, or loan made under authority of this 14665
chapter, and in every agreement by or with the issuing authority, 14666
is hereby established as a duty of the issuing authority, and of 14667
each such officer, member, or employee having authority to perform 14668

such duty, specifically enjoined by the law resulting from an 14669
office, trust, or station within the meaning of section 2731.01 of 14670
the Revised Code. 14671

The person who is at the time the issuing authority, or the 14672
issuing authority's officers or employees, are not liable in their 14673
personal capacities on any obligations issued by the issuing 14674
authority or any agreements of or with the issuing authority. 14675

(L) The issuing authority may authorize and issue obligations 14676
for the refunding, including funding and retirement, and advance 14677
refunding with or without payment or redemption prior to maturity, 14678
of any obligations previously issued by the issuing authority. 14679
Such obligations may be issued in amounts sufficient for payment 14680
of the principal amount of the prior obligations, any redemption 14681
premiums thereon, principal maturities of any such obligations 14682
maturing prior to the redemption of the remaining obligations on a 14683
parity therewith, interest accrued or to accrue to the maturity 14684
dates or dates of redemption of such obligations, and any 14685
allowable costs including expenses incurred or to be incurred in 14686
connection with such issuance and such refunding, funding, and 14687
retirement. Subject to the bond proceedings therefor, the portion 14688
of proceeds of the sale of obligations issued under this division 14689
to be applied to bond service charges on the prior obligations 14690
shall be credited to an appropriate account held by the trustee 14691
for such prior or new obligations or to the appropriate account in 14692
the bond service fund for such obligations. Obligations authorized 14693
under this division shall be deemed to be issued for those 14694
purposes for which such prior obligations were issued and are 14695
subject to the provisions of this section pertaining to other 14696
obligations, except as otherwise provided in this section; 14697
provided that, unless otherwise authorized by the general 14698
assembly, any limitations imposed by the general assembly pursuant 14699
to this section with respect to bond service charges applicable to 14700

the prior obligations shall be applicable to the obligations 14701
issued under this division to refund, fund, advance refund or 14702
retire such prior obligations. 14703

(M) The authority to issue obligations under this section 14704
includes authority to issue obligations in the form of bond 14705
anticipation notes and to renew the same from time to time by the 14706
issuance of new notes. The holders of such notes or interest 14707
coupons pertaining thereto shall have a right to be paid solely 14708
from the pledged receipts and special funds that may be pledged to 14709
the payment of the bonds anticipated, or from the proceeds of such 14710
bonds or renewal notes, or both, as the issuing authority provides 14711
in the resolution or order authorizing such notes. Such notes may 14712
be additionally secured by covenants of the issuing authority to 14713
the effect that the issuing authority and the state will do such 14714
or all things necessary for the issuance of such bonds or renewal 14715
notes in appropriate amount, and apply the proceeds thereof to the 14716
extent necessary, to make full payment of the principal of and 14717
interest on such notes at the time or times contemplated, as 14718
provided in such resolution or order. For such purpose, the 14719
issuing authority may issue bonds or renewal notes in such 14720
principal amount and upon such terms as may be necessary to 14721
provide funds to pay when required the principal of and interest 14722
on such notes, notwithstanding any limitations prescribed by or 14723
for purposes of this section. Subject to this division, all 14724
provisions for and references to obligations in this section are 14725
applicable to notes authorized under this division. 14726

The issuing authority in the bond proceedings authorizing the 14727
issuance of bond anticipation notes shall set forth for such bonds 14728
an estimated interest rate and a schedule of principal payments 14729
for such bonds and the annual maturity dates thereof, and for 14730
purposes of any limitation on bond service charges prescribed 14731
under division (A) of section 166.11 of the Revised Code, the 14732

amount of bond service charges on such bond anticipation notes is 14733
deemed to be the bond service charges for the bonds anticipated 14734
thereby as set forth in the bond proceedings applicable to such 14735
notes, but this provision does not modify any authority in this 14736
section to pledge receipts and special funds to, and covenant to 14737
issue bonds to fund, the payment of principal of and interest and 14738
any premium on such notes. 14739

(N) Obligations issued under this section are lawful 14740
investments for banks, societies for savings, savings and loan 14741
associations, deposit guarantee associations, trust companies, 14742
trustees, fiduciaries, insurance companies, including domestic for 14743
life and domestic not for life, trustees or other officers having 14744
charge of sinking and bond retirement or other special funds of 14745
political subdivisions and taxing districts of this state, the 14746
commissioners of the sinking fund of the state, the administrator 14747
of workers' compensation, the state teachers retirement system, 14748
the public employees retirement system, the school employees 14749
retirement system, and the Ohio police and fire pension fund, 14750
notwithstanding any other provisions of the Revised Code or rules 14751
adopted pursuant thereto by any governmental agency of the state 14752
with respect to investments by them, and are also acceptable as 14753
security for the deposit of public moneys. 14754

(O) Unless otherwise provided in any applicable bond 14755
proceedings, moneys to the credit of or in the special funds 14756
established by or pursuant to this section may be invested by or 14757
on behalf of the issuing authority only in notes, bonds, or other 14758
obligations of the United States, or of any agency or 14759
instrumentality of the United States, obligations guaranteed as to 14760
principal and interest by the United States, obligations of this 14761
state or any political subdivision of this state, and certificates 14762
of deposit of any national bank located in this state and any 14763
bank, as defined in section 1101.01 of the Revised Code, subject 14764

to inspection by the superintendent of banks. If the law or the 14765
instrument creating a trust pursuant to division (J) of this 14766
section expressly permits investment in direct obligations of the 14767
United States or an agency of the United States, unless expressly 14768
prohibited by the instrument, such moneys also may be invested in 14769
no-front-end-load money market mutual funds consisting exclusively 14770
of obligations of the United States or an agency of the United 14771
States and in repurchase agreements, including those issued by the 14772
fiduciary itself, secured by obligations of the United States or 14773
an agency of the United States; and in common trust funds 14774
established in accordance with section 1111.20 of the Revised Code 14775
and consisting exclusively of any such securities, notwithstanding 14776
division (A)(4) of that section. The income from such investments 14777
shall be credited to such funds as the issuing authority 14778
determines, and such investments may be sold at such times as the 14779
issuing authority determines or authorizes. 14780

(P) Provision may be made in the applicable bond proceedings 14781
for the establishment of separate accounts in the bond service 14782
fund and for the application of such accounts only to the 14783
specified bond service charges on obligations pertinent to such 14784
accounts and bond service fund and for other accounts therein 14785
within the general purposes of such fund. Unless otherwise 14786
provided in any applicable bond proceedings, moneys to the credit 14787
of or in the several special funds established pursuant to this 14788
section shall be disbursed on the order of the treasurer of state, 14789
provided that no such order is required for the payment from the 14790
bond service fund when due of bond service charges on obligations. 14791

(Q) The issuing authority may pledge all, or such portion as 14792
the issuing authority determines, of the pledged receipts to the 14793
payment of bond service charges on obligations issued under this 14794
section, and for the establishment and maintenance of any 14795
reserves, as provided in the bond proceedings, and make other 14796

provisions therein with respect to pledged receipts as authorized 14797
by this chapter, which provisions are controlling notwithstanding 14798
any other provisions of law pertaining thereto. 14799

(R) The issuing authority may covenant in the bond 14800
proceedings, and any such covenants are controlling 14801
notwithstanding any other provision of law, that the state and 14802
applicable officers and governmental agencies of the state, 14803
including the general assembly, so long as any obligations are 14804
outstanding, shall: 14805

(1) Maintain statutory authority for and cause to be charged 14806
and collected wholesale and retail prices for spirituous liquor 14807
sold by the state or its agents so that the pledged receipts are 14808
sufficient in amount to meet bond service charges, and the 14809
establishment and maintenance of any reserves and other 14810
requirements provided for in the bond proceedings, and, as 14811
necessary, to meet covenants contained in contracts of guarantee 14812
made under section 166.06 of the Revised Code; 14813

(2) Take or permit no action, by statute or otherwise, that 14814
would impair the exemption from federal income taxation of the 14815
interest on the obligations. 14816

(S) There is hereby created the economic development bond 14817
service fund, which shall be in the custody of the treasurer of 14818
state but shall be separate and apart from and not a part of the 14819
state treasury. All moneys received by or on account of the 14820
issuing authority or state agencies and required by the applicable 14821
bond proceedings, consistent with this section, to be deposited, 14822
transferred, or credited to a bond service fund or the economic 14823
development bond service fund, and all other moneys transferred or 14824
allocated to or received for the purposes of the fund, shall be 14825
deposited and credited to such fund and to any separate accounts 14826
therein, subject to applicable provisions of the bond proceedings, 14827
but without necessity for any act of appropriation. During the 14828

period beginning with the date of the first issuance of 14829
obligations and continuing during such time as any such 14830
obligations are outstanding, and so long as moneys in the 14831
pertinent bond service funds are insufficient to pay all bond 14832
services charges on such obligations becoming due in each year, a 14833
sufficient amount of the gross profit on the sale of spirituous 14834
liquor included in pledged receipts are committed and shall be 14835
paid to the bond service fund or economic development bond service 14836
fund in each year for the purpose of paying the bond service 14837
charges becoming due in that year without necessity for further 14838
act of appropriation for such purpose and notwithstanding anything 14839
to the contrary in Chapter 4301. of the Revised Code. The economic 14840
development bond service fund is a trust fund and is hereby 14841
pledged to the payment of bond service charges to the extent 14842
provided in the applicable bond proceedings, and payment thereof 14843
from such fund shall be made or provided for by the treasurer of 14844
state in accordance with such bond proceedings without necessity 14845
for any act of appropriation. 14846

(T) The obligations, the transfer thereof, and the income 14847
therefrom, including any profit made on the sale thereof, shall at 14848
all times be free from taxation within the state. 14849

Sec. 166.25. (A) The director of development services, with 14850
the approval of the controlling board and subject to the other 14851
applicable provisions of this chapter, may lend money in the 14852
logistics and distribution infrastructure fund ~~and the logistics~~ 14853
~~and distribution infrastructure taxable bond fund~~ to persons for 14854
the purpose of paying allowable costs of eligible logistics and 14855
distribution projects. 14856

(B) In determining the eligible logistics and distribution 14857
projects to be assisted and the nature, amount, and terms of 14858
assistance to be provided for an eligible logistics and 14859

distribution project, the director shall consult with appropriate 14860
governmental agencies, including the department of transportation 14861
and the Ohio rail development commission. 14862

(C) Any loan made pursuant to this section shall be evidenced 14863
by a loan agreement, which shall contain such terms as the 14864
director determines necessary or appropriate, including 14865
performance measures and reporting requirements. The director may 14866
take actions necessary or appropriate to collect or otherwise deal 14867
with any loan made under this section, including requiring a loan 14868
recipient to repay the amount of the loan plus interest at a rate 14869
of three per cent above the federal short term interest rate or 14870
any other rate determined by the director. 14871

Sec. 169.02. Subject to division (B) of section 169.01 of the 14872
Revised Code, the following constitute unclaimed funds: 14873

(A) Except as provided in division (R) of this section, any 14874
demand, savings, or matured time deposit account, or matured 14875
certificate of deposit, together with any interest or dividend on 14876
it, less any lawful claims, that is held or owed by a holder which 14877
is a financial organization, unclaimed for a period of five years; 14878

(B) Any funds paid toward the purchase of withdrawable shares 14879
or other interest in a financial organization, and any interest or 14880
dividends on them, less any lawful claims, that is held or owed by 14881
a holder which is a financial organization, unclaimed for a period 14882
of five years; 14883

(C) Except as provided in division (A) of section 3903.45 of 14884
the Revised Code, moneys held or owed by a holder, including a 14885
fraternal association, providing life insurance, including annuity 14886
or endowment coverage, unclaimed for three years after becoming 14887
payable as established from the records of such holder under any 14888
life or endowment insurance policy or annuity contract that has 14889
matured or terminated. An insurance policy, the proceeds of which 14890

are payable on the death of the insured, not matured by proof of 14891
death of the insured is deemed matured and the proceeds payable if 14892
such policy was in force when the insured attained the limiting 14893
age under the mortality table on which the reserve is based. 14894

Moneys otherwise payable according to the records of such 14895
holder are deemed payable although the policy or contract has not 14896
been surrendered as required. 14897

(D) Any deposit made to secure payment or any sum paid in 14898
advance for utility services of a public utility and any amount 14899
refundable from rates or charges collected by a public utility for 14900
utility services held or owed by a holder, less any lawful claims, 14901
that has remained unclaimed for one year after the termination of 14902
the services for which the deposit or advance payment was made or 14903
one year from the date the refund was payable, whichever is 14904
earlier; 14905

(E) Except as provided in division (R) of this section, any 14906
certificates, securities as defined in section 1707.01 of the 14907
Revised Code, nonwithdrawable shares, other instruments evidencing 14908
ownership, or rights to them or funds paid toward the purchase of 14909
them, or any dividend, capital credit, profit, distribution, 14910
interest, or payment on principal or other sum, held or owed by a 14911
holder, including funds deposited with a fiscal agent or fiduciary 14912
for payment of them, and instruments representing an ownership 14913
interest, unclaimed for five years. Any underlying share or other 14914
intangible instrument representing an ownership interest in a 14915
business association, in which the issuer has recorded on its 14916
books the issuance of the share but has been unable to deliver the 14917
certificate to the shareholder, constitutes unclaimed funds if 14918
such underlying share is unclaimed for five years. In addition, an 14919
underlying share constitutes unclaimed funds if a dividend, 14920
distribution, or other sum payable as a result of the underlying 14921
share has remained unclaimed by the owner for five years. 14922

This division shall not prejudice the rights of fiscal agents 14923
or fiduciaries for payment to return the items described in this 14924
division to their principals, according to the terms of an agency 14925
or fiduciary agreement, but such a return shall constitute the 14926
principal as the holder of the items and shall not interrupt the 14927
period for computing the time for which the items have remained 14928
unclaimed. 14929

In the case of any such funds accruing and held or owed by a 14930
corporation under division (E) of section 1701.24 of the Revised 14931
Code, such corporation shall comply with this chapter, subject to 14932
the limitation contained in section 1701.34 of the Revised Code. 14933
The period of time for which such funds have gone unclaimed 14934
specified in section 1701.34 of the Revised Code shall be 14935
computed, with respect to dividends or distributions, commencing 14936
as of the dates when such dividends or distributions would have 14937
been payable to the shareholder had such shareholder surrendered 14938
the certificates for cancellation and exchange by the date 14939
specified in the order relating to them. 14940

Capital credits of a cooperative which after January 1, 1972, 14941
have been allocated to members and which by agreement are 14942
expressly required to be paid if claimed after death of the owner 14943
are deemed payable, for the purpose of this chapter, fifteen years 14944
after either the termination of service by the cooperative to the 14945
owner or upon the nonactivity as provided in division (B) of 14946
section 169.01 of the Revised Code, whichever occurs later, 14947
provided that this provision does not apply if the payment is not 14948
mandatory. 14949

(F) Any sum payable on certified checks or other written 14950
instruments certified or issued and representing funds held or 14951
owed by a holder, less any lawful claims, that are unclaimed for 14952
five years from the date payable or from the date of issuance if 14953
payable on demand; except that the unclaimed period for money 14954

orders that are not third party bank checks is seven years, and 14955
the unclaimed period for traveler's checks is fifteen years, from 14956
the date payable or from the date of issuance if payable on 14957
demand. 14958

As used in this division, "written instruments" include, but 14959
are not limited to, certified checks, cashier's checks, bills of 14960
exchange, letters of credit, drafts, money orders, and traveler's 14961
checks. 14962

If there is no address of record for the owner or other 14963
person entitled to the funds, such address is presumed to be the 14964
address where the instrument was certified or issued. 14965

(G) Except as provided in division (R) of this section, all 14966
moneys, rights to moneys, or other intangible property, arising 14967
out of the business of engaging in the purchase or sale of 14968
securities, or otherwise dealing in intangibles, less any lawful 14969
claims, that are held or owed by a holder and are unclaimed for 14970
five years from the date of transaction. 14971

(H) Except as provided in division (A) of section 3903.45 of 14972
the Revised Code, all moneys, rights to moneys, and other 14973
intangible property distributable in the course of dissolution or 14974
liquidation of a holder that are unclaimed for one year after the 14975
date set by the holder for distribution; 14976

(I) All moneys, rights to moneys, or other intangible 14977
property removed from a safe-deposit box or other safekeeping 14978
repository located in this state or removed from a safe-deposit 14979
box or other safekeeping repository of a holder, on which the 14980
lease or rental period has expired, or any amount arising from the 14981
sale of such property, less any lawful claims, that are unclaimed 14982
for three years from the date on which the lease or rental period 14983
expired; 14984

(J) Subject to division (M)(2) of this section, all moneys, 14985

rights to moneys, or other intangible property, and any income or 14986
increment on them, held or owed by a holder which is a fiduciary 14987
for the benefit of another, or a fiduciary or custodian of a 14988
qualified retirement plan or individual retirement arrangement 14989
under section 401 or 408 of the Internal Revenue Code, unclaimed 14990
for three years after the final date for distribution; 14991

(K) All moneys, rights to moneys, or other intangible 14992
property held or owed in this state or held for or owed to an 14993
owner whose last known address is within this state, by the United 14994
States government or any state, as those terms are described in 14995
division (E) of section 169.01 of the Revised Code, unclaimed by 14996
the owner for three years, excluding any property in the control 14997
of any court in a proceeding in which a final adjudication has not 14998
been made; 14999

(L) Amounts payable pursuant to the terms of any policy of 15000
insurance, other than life insurance, or any refund available 15001
under such a policy, held or owed by any holder, unclaimed for 15002
three years from the date payable or distributable; 15003

(M)(1) Subject to division (M)(2) of this section, any funds 15004
constituting rents or lease payments due, any deposit made to 15005
secure payment of rents or leases, or any sum paid in advance for 15006
rents, leases, possible damage to property, unused services, 15007
performance requirements, or any other purpose, held or owed by a 15008
holder unclaimed for one year; 15009

(2) Any escrow funds, security deposits, or other moneys that 15010
are received by a licensed broker in a fiduciary capacity and 15011
that, pursuant to division (A)(26) of section 4735.18 of the 15012
Revised Code, are required to be deposited into and maintained in 15013
a special or trust, noninterest-bearing bank account separate and 15014
distinct from any personal or other account of the licensed 15015
broker, held or owed by the licensed broker unclaimed for two 15016
years. 15017

(N) Any sum greater than fifty dollars payable as wages, any 15018
sum payable as salaries or commissions, any sum payable for 15019
services rendered, funds owed or held as royalties, oil and 15020
mineral proceeds, funds held for or owed to suppliers, and moneys 15021
owed under pension and profit-sharing plans, held or owed by any 15022
holder unclaimed for one year from date payable or distributable, 15023
and all other credits held or owed, or to be refunded to a retail 15024
customer, by any holder unclaimed for three years from date 15025
payable or distributable; 15026

(O) Amounts held in respect of or represented by lay-aways 15027
sold after January 1, 1972, less any lawful claims, when such 15028
lay-aways are unclaimed for three years after the sale of them; 15029

(P) All moneys, rights to moneys, and other intangible 15030
property not otherwise constituted as unclaimed funds by this 15031
section, including any income or increment on them, less any 15032
lawful claims, which are held or owed by any holder, other than a 15033
holder which holds a permit issued pursuant to Chapter 3769. of 15034
the Revised Code, and which have remained unclaimed for three 15035
years after becoming payable or distributable; 15036

(Q) All moneys that arise out of a sale held pursuant to 15037
section 5322.03 of the Revised Code, that are held by a holder for 15038
delivery on demand to the appropriate person pursuant to division 15039
(I) of that section, and that are unclaimed for two years after 15040
the date of the sale. 15041

(R)(1) Any funds that are subject to an agreement between the 15042
holder and owner providing for automatic reinvestment and that 15043
constitute dividends, distributions, or other sums held or owed by 15044
a holder in connection with a security as defined in section 15045
1707.01 of the Revised Code, an ownership interest in an 15046
investment company registered under the "Investment Company Act of 15047
1940," 54 Stat. 789, 15 U.S.C. 80a-1, as amended, or a certificate 15048
of deposit, unclaimed for a period of five years. 15049

(2) The five-year period under division (R)(1) of this section commences from the date a second shareholder notification or communication mailing to the owner of the funds is returned to the holder as undeliverable by the United States postal service or other carrier. The notification or communication mailing by the holder shall be no less frequent than quarterly.

All moneys in a personal allowance account, as defined by rules adopted by the medicaid director ~~of job and family services~~, up to and including the maximum resource limitation, of a medicaid patient recipient who has died after receiving care in a long-term care facility, and for whom there is no identifiable heir or sponsor, are not subject to this chapter.

Sec. 173.03. (A) There is hereby created the Ohio advisory council for the aging, which shall consist of twelve members to be appointed by the governor with the advice and consent of the senate. Two ex officio members of the council shall be members of the house of representatives appointed by the speaker of the house of representatives and shall be members of two different political parties. Two ex officio members of the council shall be members of the senate appointed by the president of the senate and shall be members of two different political parties. The medicaid director and directors of ~~mental health~~ mental health and addiction services, developmental disabilities, health, and job and family services, or their designees, shall serve as ex officio members of the council. The council shall carry out its role as defined under the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended.

At the first meeting of the council, and annually thereafter, the members shall select one of their members to serve as chairperson and one of their members to serve as vice-chairperson.

(B) Members of the council shall be appointed for a term of

three years, except that for the first appointment members of the 15081
Ohio commission on aging who were serving on the commission 15082
immediately prior to July 26, 1984, shall become members of the 15083
council for the remainder of their unexpired terms. Thereafter, 15084
appointment to the council shall be for a three-year term by the 15085
governor. Each member shall hold office from the date of 15086
appointment until the end of the term for which the member was 15087
appointed. Any member appointed to fill a vacancy occurring prior 15088
to the expiration of the term for which the member's predecessor 15089
was appointed shall hold office for the remainder of the term. No 15090
member shall continue in office subsequent to the expiration date 15091
of the member's term unless reappointed under the provisions of 15092
this section, and no member shall serve more than three 15093
consecutive terms on the council. 15094

(C) Membership of the council shall represent all areas of 15095
Ohio and shall be as follows: 15096

(1) A majority of members of the council shall have attained 15097
the age of ~~sixty~~ fifty and have a knowledge of and continuing 15098
interest in the affairs and welfare of the older citizens of Ohio. 15099
The fields of business, labor, health, law, and human services 15100
shall be represented in the membership. 15101

(2) No more than seven members shall be of the same political 15102
party. 15103

(D) Any member of the council may be removed from office by 15104
the governor for neglect of duty, misconduct, or malfeasance in 15105
office after being informed in writing of the charges and afforded 15106
an opportunity for a hearing. Two consecutive unexcused absences 15107
from regularly scheduled meetings constitute neglect of duty. 15108

(E) The director of aging may reimburse a member for actual 15109
and necessary traveling and other expenses incurred in the 15110
discharge of official duties. But reimbursement shall be made in 15111

the manner and at rates that do not exceed those prescribed by the 15112
director of budget and management for any officer, member, or 15113
employee of, or consultant to, any state agency. 15114

(F) Council members are not limited as to the number of terms 15115
they may serve. 15116

(G)(1) The department of aging may award grants to or enter 15117
into contracts with a member of the advisory council or an entity 15118
that the member represents if any of the following apply: 15119

(a) The department determines that the member or the entity 15120
the member represents is capable of providing the goods or 15121
services specified under the terms of the grant or contract. 15122

(b) The member has not taken part in any discussion or vote 15123
of the council related to whether the council should recommend 15124
that the department of aging award the grant to or enter into the 15125
contract with the member of the advisory council or the entity 15126
that the member represents. 15127

(2) A member of the advisory council is not in violation of 15128
Chapter 102. or section 2921.42 of the Revised Code with regard to 15129
receiving a grant or entering into a contract under this section 15130
if the conditions of division (G)(1)(a) and (b) of this section 15131
have been met. 15132

Sec. 173.14. As used in sections 173.14 to 173.27 of the 15133
Revised Code: 15134

(A)(1) Except as otherwise provided in division (A)(2) of 15135
this section, "long-term care facility" includes any residential 15136
facility that provides personal care services for more than 15137
twenty-four hours for one or more unrelated adults, including all 15138
of the following: 15139

(a) A "nursing home," "residential care facility," or "home 15140
for the aging" as defined in section 3721.01 of the Revised Code; 15141

(b) A facility authorized to provide extended care services	15142
under Title XVIII of the "Social Security Act," 49 Stat. 620	15143
(1935), 42 U.S.C. 301, as amended, including a long-term acute	15144
care hospital that provides medical and rehabilitative care to	15145
patients who require an average length of stay greater than	15146
twenty-five days and is classified by the centers for medicare and	15147
medicaid services as a long-term care hospital pursuant to 42	15148
C.F.R. 412.23(e);	15149
(c) A county home or district home operated pursuant to	15150
Chapter 5155. of the Revised Code;	15151
(d) A residential facility licensed under section 5119.22	15152
<u>5119.34</u> of the Revised Code that provides accommodations,	15153
supervision, and personal care services for three to sixteen	15154
unrelated adults or accommodations and personal care services for	15155
only one or two adults who are recipients under the <u>receiving</u>	15156
residential state supplement program;	15157
(e) A facility approved by the veterans administration under	15158
section 104(a) of the "Veterans Health Care Amendments of 1983,"	15159
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for	15160
the placement and care of veterans.	15161
(2) "Long-term care facility" does not include a residential	15162
facility licensed under section 5123.19 of the Revised Code.	15163
(B) "Resident" means a resident of a long-term care facility	15164
and, where appropriate, includes a prospective, previous, or	15165
deceased resident of a long-term care facility.	15166
(C) "Community-based long-term care services" means health	15167
and social services provided to persons in their own homes or in	15168
community care settings, and includes any of the following:	15169
(1) Case management;	15170
(2) Home health care;	15171

(3) Homemaker services;	15172
(4) Chore services;	15173
(5) Respite care;	15174
(6) Adult day care;	15175
(7) Home-delivered meals;	15176
(8) Personal care;	15177
(9) Physical, occupational, and speech therapy;	15178
(10) Transportation;	15179
(11) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings.	15180 15181 15182
(D) "Recipient" means a recipient of community-based long-term care services and, where appropriate, includes a prospective, previous, or deceased recipient of community-based long-term care services.	15183 15184 15185 15186
(E) "Sponsor" means an adult relative, friend, or guardian who has an interest in or responsibility for the welfare of a resident or a recipient.	15187 15188 15189
(F) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.	15190 15191
(G) "Regional long-term care ombudsperson program" means an entity, either public or private and nonprofit, designated as a regional long-term care ombudsperson program by the state long-term care ombudsperson.	15192 15193 15194 15195
(H) "Representative of the office of the state long-term care ombudsperson program" means the state long-term care ombudsperson or a member of the ombudsperson's staff, or a person certified as a representative of the office under section 173.21 of the Revised Code.	15196 15197 15198 15199 15200

(I) "Area agency on aging" means an area agency on aging 15201
established under the "Older Americans Act of 1965," 79 Stat. 219, 15202
42 U.S.C.A. 3001, as amended. 15203

Sec. 173.17. (A) The state long-term care ~~ombuds~~person 15204
ombudsman shall do all of the following: 15205

(1) Appoint a staff and direct and administer the work of the 15206
staff; 15207

(2) Supervise the nursing home investigative unit established 15208
under division (I) of section 173.01 of the Revised Code; 15209

(3) Oversee the performance and operation of the office of 15210
the state long-term care ~~ombuds~~person ombudsman program, including 15211
the operation of regional long-term care ~~ombuds~~person ombudsman 15212
programs; 15213

(4) Establish and maintain a statewide uniform reporting 15214
system to collect and analyze information relating to complaints 15215
and conditions in long-term care facilities and complaints 15216
regarding the provision of community-based long-term care services 15217
for the purpose of identifying and resolving significant problems; 15218

(5) Provide for public forums to discuss concerns and 15219
problems relating to action, inaction, or decisions that may 15220
adversely affect the health, safety, welfare, or rights of 15221
residents and recipients of services by providers of long-term 15222
care and their representatives, public agencies and entities, and 15223
social service agencies. This may include any of the following: 15224
conducting public hearings; sponsoring workshops and conferences; 15225
holding meetings for the purpose of obtaining information about 15226
residents and recipients, discussing and publicizing their needs, 15227
and advocating solutions to their problems; and promoting the 15228
development of citizen organizations. 15229

(6) Encourage, cooperate with, and assist in the development 15230

and operation of services to provide current, objective, and 15231
verified information about long-term care; 15232

(7) Develop and implement, with the assistance of regional 15233
programs, a continuing program to publicize, through the media and 15234
civic organizations, the office, its purposes, and its methods of 15235
operation; 15236

(8) Maintain written descriptions of the duties and 15237
qualifications of representatives of the office; 15238

(9) Evaluate and make known concerns and issues regarding 15239
long-term care by doing all of the following: 15240

(a) Preparing an annual report containing information and 15241
findings regarding the types of problems experienced by residents 15242
and recipients and the complaints made by or on behalf of 15243
residents and recipients. The report shall include recommendations 15244
for policy, regulatory, and legislative changes to solve problems, 15245
resolve complaints, and improve the quality of care and life for 15246
residents and recipients and shall be submitted to the governor, 15247
the speaker of the house of representatives, the president of the 15248
senate, the directors of health and of job and family services, 15249
and the commissioner of the administration on aging of the United 15250
States department of health and human services. 15251

(b) Monitoring and analyzing the development and 15252
implementation of federal, state, and local laws, rules, and 15253
policies regarding long-term care services in this state and 15254
recommending to officials changes the office considers appropriate 15255
in these laws, rules, and policies; 15256

(c) Providing information and making recommendations to 15257
public agencies, members of the general assembly, and others 15258
regarding problems and concerns of residents and recipients. 15259

(10) Conduct training for employees and volunteers on 15260
~~ombudsperson's~~ ombudsman's staff and for representatives of the 15261

office employed by regional programs;	15262
(11) Monitor the training of representatives of the office who provide volunteer services to regional programs, and provide technical assistance to the regional programs in conducting the training;	15263 15264 15265 15266
(12) Issue certificates attesting to the successful completion of training and specifying the level of responsibility for which a representative of the office who has completed training is qualified;	15267 15268 15269 15270
(13) Register as a residents' rights advocate with the department of health under division (B) of section 3701.07 of the Revised Code;	15271 15272 15273
(14) Perform other duties specified by the department of aging.	15274 15275
(B) The state ombudsman <u>ombudsman</u> may delegate any of the ombudsman's <u>ombudsman's</u> authority or duties under sections 173.14 to 173.26 of the Revised Code to any member of the ombudsman's <u>ombudsman's</u> staff. The state ombudsman <u>ombudsman</u> is responsible for any authority or duties the ombudsman <u>ombudsman</u> delegates.	15276 15277 15278 15279 15280 15281
Sec. 173.19. (A) The office of the state long-term care ombudsman <u>ombudsman</u> program, through the state long-term care ombudsman <u>ombudsman</u> and the regional long-term care ombudsman <u>ombudsman</u> programs, shall receive, investigate, and attempt to resolve complaints made by residents, recipients, sponsors, providers of long-term care, or any person acting on behalf of a resident or recipient, relating to either of the following:	15282 15283 15284 15285 15286 15287 15288 15289
(1) The health, safety, welfare, or civil rights of a resident or recipient or any violation of a resident's rights	15290 15291

described in sections 3721.10 to 3721.17 of the Revised Code;	15292
(2) Any action or inaction or decision by a provider of	15293
long-term care or representative of a provider, a governmental	15294
entity, or a private social service agency that may adversely	15295
affect the health, safety, welfare, or rights of a resident or	15296
recipient.	15297
(B) The department of aging shall adopt rules in accordance	15298
with Chapter 119. of the Revised Code regarding the handling of	15299
complaints received under this section, including procedures for	15300
conducting investigations of complaints. The rules shall include	15301
procedures to ensure that no representative of the office	15302
investigates any complaint involving a provider of long-term care	15303
with which the representative was once employed or associated.	15304
The state ombudsperson <u>ombudsman</u> and regional programs shall	15305
establish procedures for handling complaints consistent with the	15306
department's rules. Complaints shall be dealt with in accordance	15307
with the procedures established under this division.	15308
(C) The office of the state long-term care ombudsperson	15309
<u>ombudsman</u> program may decline to investigate any complaint if it	15310
determines any of the following:	15311
(1) That the complaint is frivolous, vexatious, or not made	15312
in good faith;	15313
(2) That the complaint was made so long after the occurrence	15314
of the incident on which it is based that it is no longer	15315
reasonable to conduct an investigation;	15316
(3) That an adequate investigation cannot be conducted	15317
because of insufficient funds, insufficient staff, lack of staff	15318
expertise, or any other reasonable factor that would result in an	15319
inadequate investigation despite a good faith effort;	15320
(4) That an investigation by the office would create a real	15321

or apparent conflict of interest. 15322

(D) If a regional long-term care ~~ombudsperson~~ ombudsman 15323
program declines to investigate a complaint, it shall refer the 15324
complaint to the state long-term care ~~ombudsperson~~ ombudsman. 15325

(E) Each complaint to be investigated by a regional program 15326
shall be assigned to a representative of the office of the state 15327
long-term care ~~ombudsperson~~ ombudsman program. If the 15328
representative determines that the complaint is valid, the 15329
representative shall assist the parties in attempting to resolve 15330
it. If the representative is unable to resolve it, the 15331
representative shall refer the complaint to the state ~~ombudsperson~~ 15332
ombudsman. 15333

In order to carry out the duties of sections 173.14 to 173.26 15334
of the Revised Code, a representative has the right to private 15335
communication with residents and their sponsors and access to 15336
long-term care facilities, including the right to tour resident 15337
areas unescorted and the right to tour facilities unescorted as 15338
reasonably necessary to the investigation of a complaint. Access 15339
to facilities shall be during reasonable hours or, during 15340
investigation of a complaint, at other times appropriate to the 15341
complaint. 15342

When community-based long-term care services are provided at 15343
a location other than the recipient's home, a representative has 15344
the right to private communication with the recipient and the 15345
recipient's sponsors and access to the community-based long-term 15346
care site, including the right to tour the site unescorted. Access 15347
to the site shall be during reasonable hours or, during the 15348
investigation of a complaint, at other times appropriate to the 15349
complaint. 15350

(F) The state ~~ombudsperson~~ ombudsman shall determine whether 15351
complaints referred to the ~~ombudsperson~~ ombudsman under division 15352

(D) or (E) of this section warrant investigation. The 15353
~~ombudsperson's~~ ombudsman's determination in this matter is final. 15354

Sec. 173.20. (A) If consent is given and unless otherwise 15355
prohibited by law, a representative of the office of the state 15356
long-term care ombudsman program shall have access to any records, 15357
including medical records, of a resident or a recipient that are 15358
reasonably necessary for investigation of a complaint. Consent may 15359
be given in any of the following ways: 15360

(1) In writing by the resident or recipient; 15361

(2) Orally by the resident or recipient, witnessed in writing 15362
at the time it is given by one other person, and, if the records 15363
involved are being maintained by a long-term care provider, also 15364
by an employee of the long-term care provider designated under 15365
division (E)(1) of this section; 15366

(3) In writing by the guardian of the resident or recipient; 15367

(4) In writing by the attorney in fact of the resident or 15368
recipient, if the resident or recipient has authorized the 15369
attorney in fact to give such consent; 15370

(5) In writing by the executor or administrator of the estate 15371
of a deceased resident or recipient. 15372

(B) If consent to access to records is not refused by a 15373
resident or recipient or ~~his~~ the resident's or recipient's legal 15374
representative but cannot be obtained and any of the following 15375
circumstances exist, a representative of the office of the state 15376
long-term care ombudsman program, on approval of the state 15377
long-term care ombudsman, may inspect the records of a resident or 15378
a recipient, including medical records, that are reasonably 15379
necessary for investigation of a complaint: 15380

(1) The resident or recipient is unable to express written or 15381
oral consent and there is no guardian or attorney in fact; 15382

(2) There is a guardian or attorney in fact, but ~~he~~ the
guardian or attorney in fact cannot be contacted within three
working days; 15383
15384
15385

(3) There is a guardianship or durable power of attorney, but 15386
its existence is unknown by the long-term care provider and the 15387
representative of the office at the time of the investigation; 15388

(4) There is no executor or administrator of the estate of a 15389
deceased resident or recipient. 15390

(C) If a representative of the office of the state long-term 15391
care ombudsman program has been refused access to records by a 15392
guardian or attorney in fact, but has reasonable cause to believe 15393
that the guardian or attorney in fact is not acting in the best 15394
interests of the resident or recipient, the representative may, on 15395
approval of the state long-term care ombudsman, inspect the 15396
records of the resident or recipient, including medical records, 15397
that are reasonably necessary for investigation of a complaint. 15398

(D) A representative of the office of the state long-term 15399
care ombudsman program shall have access to any records of a 15400
long-term care provider reasonably necessary to an investigation 15401
conducted under this section, including but not limited to: 15402
incident reports, dietary records, policies and procedures of a 15403
facility required to be maintained under section ~~5111.21~~ 5165.06 15404
of the Revised Code, admission agreements, staffing schedules, any 15405
document depicting the actual staffing pattern of the provider, 15406
any financial records that are matters of public record, resident 15407
council and grievance committee minutes, and any waiting list 15408
maintained by a facility in accordance with section ~~5111.31~~ 15409
5165.08 of the Revised Code, or any similar records or lists 15410
maintained by a provider of community-based long-term care 15411
services. Pursuant to division (E)(2) of this section, a 15412
representative shall be permitted to make or obtain copies of any 15413
of these records after giving the long-term care provider 15414

twenty-four hours' notice. A long-term care provider may impose a charge for providing copies of records under this division that does not exceed the actual and necessary expense of making the copies.

The state ombudsman shall take whatever action is necessary to ensure that any copy of a record made or obtained under this division is returned to the long-term care provider no later than three years after the date the investigation for which the copy was made or obtained is completed.

(E)(1) Each long-term care provider shall designate one or more of its employees to be responsible for witnessing the giving of oral consent under division (A) of this section. In the event that a designated employee is not available when a resident or recipient attempts to give oral consent, the provider shall designate another employee to witness the consent.

(2) Each long-term care provider shall designate one or more of its employees to be responsible for releasing records for copying to representatives of the office of the long-term care ombudsman program who request permission to make or obtain copies of records specified in division (D) of this section. In the event that a designated employee is not available when a representative of the office makes the request, the long-term care provider shall designate another employee to release the records for copying.

(F) A long-term care provider or any employee of such a provider is immune from civil or criminal liability or action taken pursuant to a professional disciplinary procedure for the release or disclosure of records to a representative of the office pursuant to this section.

(G) A state or local government agency or entity with records relevant to a complaint or investigation being conducted by a representative of the office shall provide the representative

access to the records. 15446

(H) The state ombudsman, with the approval of the director of 15447
aging, may issue a subpoena to compel any person ~~he~~ the ombudsman 15448
reasonably believes may be able to provide information to appear 15449
before ~~him~~ the ombudsman or ~~his~~ the ombudsman's designee and give 15450
sworn testimony and to produce documents, books, records, papers, 15451
or other evidence the state ombudsman believes is relevant to the 15452
investigation. On the refusal of a witness to be sworn or to 15453
answer any question put to ~~him~~ the witness, or if a person 15454
disobeys a subpoena, the ombudsman shall apply to the Franklin 15455
county court of common pleas for a contempt order, as in the case 15456
of disobedience of the requirements of a subpoena issued from the 15457
court, or a refusal to testify in the court. 15458

(I) The state ombudsman may petition the court of common 15459
pleas in the county in which a long-term care facility is located 15460
to issue an injunction against any long-term care facility in 15461
violation of sections 3721.10 to 3721.17 of the Revised Code. 15462

(J) Any suspected violation of Chapter 3721. of the Revised 15463
Code discovered during the course of an investigation may be 15464
reported to the department of health. Any suspected criminal 15465
violation discovered during the course of an investigation shall 15466
be reported to the attorney general or other appropriate law 15467
enforcement authorities. 15468

(K) The department of aging shall adopt rules in accordance 15469
with Chapter 119. of the Revised Code for referral by the state 15470
ombudsman and regional long-term care ombudsman programs of 15471
complaints to other public agencies or entities. A public agency 15472
or entity to which a complaint is referred shall keep the state 15473
ombudsman or regional program handling the complaint advised and 15474
notified in writing in a timely manner of the disposition of the 15475
complaint to the extent permitted by law. 15476

Sec. 173.21. (A) The office of the state long-term care 15477
~~ombudsperson~~ ombudsman program, through the state long-term care 15478
~~ombudsperson~~ ombudsman and the regional long-term care 15479
~~ombudsperson~~ ombudsman programs, shall require each representative 15480
of the office to complete a training and certification program in 15481
accordance with this section and to meet the continuing education 15482
requirements established under this section. 15483

(B) The department of aging shall adopt rules under Chapter 15484
119. of the Revised Code specifying the content of training 15485
programs for representatives of the office of the state long-term 15486
care ~~ombudsperson~~ ombudsman program. Training for representatives 15487
other than those who are volunteers providing services through 15488
regional long-term care ~~ombudsperson~~ ombudsman programs shall 15489
include instruction regarding federal, state, and local laws, 15490
rules, and policies on long-term care facilities and 15491
community-based long-term care services; investigative techniques; 15492
and other topics considered relevant by the department and shall 15493
consist of the following: 15494

(1) A minimum of forty clock hours of basic instruction, 15495
which shall be completed before the trainee is permitted to handle 15496
complaints without the supervision of a representative of the 15497
office certified under this section; 15498

(2) An additional sixty clock hours of instruction, which 15499
shall be completed within the first fifteen months of employment; 15500

(3) An internship of twenty clock hours, which shall be 15501
completed within the first twenty-four months of employment, 15502
including instruction in, and observation of, basic nursing care 15503
and long-term care provider operations and procedures. The 15504
internship shall be performed at a site that has been approved as 15505
an internship site by the state long-term care ~~ombudsperson~~ 15506
ombudsman. 15507

(4) One of the following, which shall be completed within the first twenty-four months of employment:

(a) Observation of a survey conducted by the director of health to certify a nursing facility to ~~receive funds under sections 5111.20 to 5111.32 of the Revised Code~~ participate in the medicaid program;

(b) Observation of an inspection conducted by the director of ~~mental health~~ mental health and addiction services to license a residential facility under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(5) Any other training considered appropriate by the department.

(C) ~~Persons~~ Any person who for a period of at least six months prior to June 11, 1990, served as ~~ombudsmen~~ an ombudsman through the long-term care ~~ombudsperson~~ ombudsman program established by the department of aging under division (M) of section 173.01 of the Revised Code shall not be required to complete a training program. ~~These persons~~ Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office.

(D) The state ~~ombudsperson~~ ombudsman and each regional program shall conduct training programs for volunteers on their respective staffs in accordance with the rules of the department

of aging adopted under division (B) of this section. Training 15539
programs may be conducted that train volunteers to complete some, 15540
but not all, of the duties of a representative of the office. Each 15541
regional office shall bear the cost of training its 15542
representatives who are volunteers. On completion of a training 15543
program, the representative shall take an examination administered 15544
by the department of aging. On attainment of a passing score, a 15545
volunteer shall be certified by the department as a representative 15546
authorized to perform services specified in the certification. The 15547
department shall issue an identification card, which the 15548
representative shall show at the request of any person with whom 15549
the representative deals while performing the representative's 15550
duties and which shall be surrendered at the time the 15551
representative separates from the office. Except as a supervised 15552
part of a training program, no volunteer shall perform any duty 15553
unless he is certified as a representative having received 15554
appropriate training for that duty. 15555

(E) The state ~~ombudsperson~~ ombudsman shall provide technical 15556
assistance to regional programs conducting training programs for 15557
volunteers and shall monitor the training programs. 15558

(F) Prior to scheduling an observation of a certification 15559
survey or licensing inspection for purposes of division (B)(4) of 15560
this section, the state ~~ombudsperson~~ ombudsman shall obtain 15561
permission to have the survey or inspection observed from both the 15562
director of health and the long-term care facility at which the 15563
survey or inspection is to take place. 15564

(G) The department of aging shall establish continuing 15565
education requirements for representatives of the office. 15566

Sec. 173.23. (A) Representatives of the office of the state 15567
long-term care ~~ombudsperson~~ ombudsman program are immune from 15568
civil or criminal liability for any action taken in the good faith 15569

performance of their official duties under sections 173.14 to 15570
173.26 of the Revised Code. 15571

(B) A person acting in good faith is immune from civil or 15572
criminal liability incident to any of the following: providing 15573
information to the office, participating in registration of a 15574
complaint with the office, participating in investigation of a 15575
complaint by the office, or participating in an administrative or 15576
judicial proceeding resulting from a complaint. 15577

(C) No person shall knowingly register a false complaint with 15578
the office, or knowingly swear or affirm the truth of a false 15579
complaint previously registered, when the statement is made with 15580
purpose to incriminate another. 15581

(D) The attorney general shall provide legal counsel to the 15582
office of the state long-term care ~~ombudsperson~~ ombudsman program 15583
and to the regional long-term care ~~ombudsperson~~ ombudsman 15584
programs. The attorney general shall represent any representative 15585
of the office and any representative of a regional program against 15586
whom any legal action is brought in connection with the 15587
representative's official duties under sections 173.14 to 173.26 15588
of the Revised Code. 15589

Sec. 173.25. The office of the state long-term care 15590
~~ombudsperson~~ ombudsman program shall, in carrying out the 15591
provisions and purposes of sections 173.14 to 173.26 of the 15592
Revised Code, advise, consult, and cooperate with any agency, 15593
program, or other entity related to the purposes of the office. 15594
Any agency, program, or other entity related to the purposes of 15595
the office shall advise, consult, and cooperate with the office. 15596

The office shall attempt to establish effective coordination 15597
with government-sponsored programs that provide legal services to 15598
the elderly and with protective and advocacy programs for 15599
individuals with developmental disabilities, mental retardation, 15600

or mental illness. 15601

Sec. 173.26. (A) Each of the following facilities shall 15602
annually pay to the department of aging six dollars for each bed 15603
~~maintained by the facility for use by a resident~~ was licensed or 15604
otherwise authorized to maintain during any part of the previous 15605
year: 15606

(1) Nursing homes, and residential care facilities, ~~and homes~~ 15607
~~for the aging~~ as defined in section 3721.01 of the Revised Code; 15608

(2) Facilities authorized to provide extended care services 15609
under Title XVIII of the "Social Security Act," 49 Stat. 620 15610
(1935), 42 U.S.C. 301, as amended, including a long-term acute 15611
care hospital that provides medical and rehabilitative care to 15612
patients who require an average length of stay greater than 15613
twenty-five days and is classified by the centers for medicare and 15614
medicaid services as a long-term care hospital pursuant to 42 15615
C.F.R. 412.23(e); 15616

(3) County homes and district homes operated pursuant to 15617
Chapter 5155. of the Revised Code; 15618

(4) Residential facilities licensed under section ~~5119.22~~ 15619
5119.34 of the Revised Code that provide accommodations, 15620
supervision, and personal care services for three to sixteen 15621
unrelated adults; 15622

(5) Facilities approved by the Veterans Administration under 15623
Section 104(a) of the "Veterans Health Care Amendments of 1983," 15624
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 15625
the placement and care of veterans. 15626

The department shall, by rule adopted in accordance with 15627
Chapter 119. of the Revised Code, establish deadlines for payments 15628
required by this section. A facility that fails, within ninety 15629
days after the established deadline, to pay a payment required by 15630

this section shall be assessed at two times the original invoiced 15631
payment. 15632

(B) All money collected under this section shall be deposited 15633
in the state treasury to the credit of the office of the state 15634
long-term care ~~ombudsperson~~ ombudsman program fund, which is 15635
hereby created. Money credited to the fund shall be used solely to 15636
pay the costs of operating the regional long-term care 15637
~~ombudsperson~~ ombudsman programs. 15638

(C) The state long-term care ~~ombudsperson~~ ombudsman and the 15639
regional programs may solicit and receive contributions to support 15640
the operation of the office or a regional program, except that no 15641
contribution shall be solicited or accepted that would interfere 15642
with the independence or objectivity of the office or program. 15643

Sec. 173.27. (A) As used in this section: 15644

(1) "Applicant" means a person who is under final 15645
consideration for employment ~~with the office of the state~~ 15646
~~long-term care ombudsperson program~~ by a responsible party in a 15647
full-time, part-time, or temporary position that involves 15648
providing ~~ombudsperson~~ ombudsman services to residents and 15649
recipients. "Applicant" includes a person who is under final 15650
consideration for employment as the state long-term care 15651
~~ombudsperson~~ ombudsman or the head of a regional long-term care 15652
~~ombudsperson~~ ombudsman program. "Applicant" does not include a 15653
person seeking to provide ~~ombudsperson~~ ombudsman services to 15654
residents and recipients as a volunteer without receiving or 15655
expecting to receive any form of remuneration other than 15656
reimbursement for actual expenses. 15657

(2) "Criminal records check" has the same meaning as in 15658
section 109.572 of the Revised Code. 15659

(3) "Disqualifying offense" means any of the offenses listed 15660

or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 15661
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(4) "Employee" means a person employed by ~~the office of the state long-term care ombudsperson program~~ a responsible party in a full-time, part-time, or temporary position that involves providing ~~ombudsperson~~ ombudsman services to residents and recipients. "Employee" includes the person employed as the state long-term care ~~ombudsperson~~ ombudsman and a person employed as the head of a regional long-term care ~~ombudsperson~~ ombudsman program. "Employee" does not include a person who provides ~~ombudsperson~~ ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 15663
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(5) "Responsible ~~entity~~ party" means the following: 15674

(a) In the case of an applicant who is under final consideration for employment as the state long-term care ~~ombudsperson~~ ombudsman or the person employed as the state long-term care ~~ombudsperson~~ ombudsman, the director of aging; 15675
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(b) In the case of any other applicant who is under final consideration for employment with the state long-term care ombudsman program or any other employee of the state long-term care ombudsman program, the state long-term care ~~ombudsperson~~ ombudsman; ~~the ombudsperson's designee~~ ombudsman; 15679
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(c) In the case of an applicant who is under final consideration for employment with a regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the regional long-term care ombudsman program. 15684
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(B) ~~The office of the state long-term care ombudsperson program~~ A responsible party may not employ an applicant or 15690
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continue to employ an employee in a position that involves 15692
providing ~~ombudsperson~~ ombudsman services to residents and 15693
recipients if any of the following apply: 15694

(1) A review of the databases listed in division (D) of this 15695
section reveals any of the following: 15696

(a) That the applicant or employee is included in one or more 15697
of the databases listed in divisions (D)(1) to (5) of this 15698
section; 15699

(b) That there is in the state nurse aide registry 15700
established under section 3721.32 of the Revised Code a statement 15701
detailing findings by the director of health that the applicant or 15702
employee neglected or abused a long-term care facility or 15703
residential care facility resident or misappropriated property of 15704
such a resident; 15705

(c) That the applicant or employee is included in one or more 15706
of the databases, if any, specified in rules adopted under this 15707
section and the rules prohibit the ~~office~~ responsible party from 15708
employing an applicant or continuing to employ an employee 15709
included in such a database in a position that involves providing 15710
~~ombudsperson~~ ombudsman services to residents and recipients. 15711

(2) After the applicant or employee is provided, pursuant to 15712
division (E)(2)(a) of this section, a copy of the form prescribed 15713
pursuant to division (C)(1) of section 109.572 of the Revised Code 15714
and the standard impression sheet prescribed pursuant to division 15715
(C)(2) of that section, the applicant or employee fails to 15716
complete the form or provide the applicant's or employee's 15717
fingerprint impressions on the standard impression sheet. 15718

(3) ~~Except as provided~~ Unless the applicant or employee meets 15719
standards specified in rules adopted under this section, the 15720
applicant or employee is found by a criminal records check 15721
required by this section to have been convicted of, pleaded guilty 15722

to, or been found eligible for intervention in lieu of conviction 15723
for a disqualifying offense. 15724

(C) ~~The~~ A responsible ~~entity party or a responsible party's~~ 15725
designee shall inform each applicant of both of the following at 15726
the time of the applicant's initial application for employment in 15727
a position that involves providing ~~ombudsperson~~ ombudsman services 15728
to residents and recipients: 15729

(1) That a review of the databases listed in division (D) of 15730
this section will be conducted to determine whether the ~~office of~~ 15731
~~the state long term care ombudsperson program~~ responsible party is 15732
prohibited by division (B)(1) of this section from employing the 15733
applicant in the position; 15734

(2) That, unless the database review reveals that the 15735
applicant may not be employed in the position, a criminal records 15736
check of the applicant will be conducted and the applicant is 15737
required to provide a set of the applicant's fingerprint 15738
impressions as part of the criminal records check. 15739

(D) As a condition of any applicant's being employed by ~~the~~ 15740
~~office of the state long term care ombudsperson program~~ a 15741
responsible party in a position that involves providing 15742
~~ombudsperson~~ ombudsman services to residents and recipients, the 15743
responsible ~~entity party or designee~~ shall conduct a database 15744
review of the applicant in accordance with rules adopted under 15745
this section. If rules adopted under this section so require, the 15746
responsible ~~entity party or designee~~ shall conduct a database 15747
review of an employee in accordance with the rules as a condition 15748
of the ~~office's~~ responsible party continuing to employ the 15749
employee in a position that involves providing ~~ombudsperson~~ 15750
ombudsman services to residents and recipients. A database review 15751
shall determine whether the applicant or employee is included in 15752
any of the following: 15753

(1) The excluded parties list system that is maintained by 15754
the United States general services administration pursuant to 15755
subpart 9.4 of the federal acquisition regulation and available at 15756
the federal web site known as the system for award management; 15757

(2) The list of excluded individuals and entities maintained 15758
by the office of inspector general in the United States department 15759
of health and human services pursuant to section 1128 of the 15760
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 15761
amended, and section 1156 of the "Social Security Act," 96 Stat. 15762
388 (1982), 42 U.S.C. 1320c-5, as amended; 15763

(3) The registry of MR/DD employees established under section 15764
5123.52 of the Revised Code; 15765

(4) The internet-based sex offender and child-victim offender 15766
database established under division (A)(11) of section 2950.13 of 15767
the Revised Code; 15768

(5) The internet-based database of inmates established under 15769
section 5120.66 of the Revised Code; 15770

(6) The state nurse aide registry established under section 15771
3721.32 of the Revised Code; 15772

(7) Any other database, if any, specified in rules adopted 15773
under this section. 15774

(E)(1) As a condition of any applicant's being employed by 15775
~~the office of the state long term care ombudsperson program a~~ 15776
responsible party in a position that involves providing 15777
~~ombudsperson~~ ombudsman services to residents and recipients, the 15778
responsible ~~entity~~ party or designee shall request that the 15779
superintendent of the bureau of criminal identification and 15780
investigation conduct a criminal records check of the applicant. 15781
If rules adopted under this section so require, the responsible 15782
~~entity~~ party or designee shall request that the superintendent 15783
conduct a criminal records check of an employee at times specified 15784

in the rules as a condition of the ~~office's~~ responsible party 15785
continuing to employ the employee in a position that involves 15786
providing ~~ombuds person~~ ombudsman services to residents and 15787
recipients. However, the responsible ~~entity~~ party or designee is 15788
not required to request the criminal records check of the 15789
applicant or employee if the ~~office~~ responsible party is 15790
prohibited by division (B)(1) of this section from employing the 15791
applicant or continuing to employ the employee in a position that 15792
involves providing ~~ombuds person~~ ombudsman services to residents 15793
and recipients. If an applicant or employee for whom a criminal 15794
records check request is required by this section does not present 15795
proof of having been a resident of this state for the five-year 15796
period immediately prior to the date the criminal records check is 15797
requested or provide evidence that within that five-year period 15798
the superintendent has requested information about the applicant 15799
or employee from the federal bureau of investigation in a criminal 15800
records check, the responsible ~~entity~~ party or designee shall 15801
request that the superintendent obtain information from the 15802
federal bureau of investigation as part of the criminal records 15803
check. Even if an applicant or employee for whom a criminal 15804
records check request is required by this section presents proof 15805
of having been a resident of this state for the five-year period, 15806
the responsible ~~entity~~ party or designee may request that the 15807
superintendent include information from the federal bureau of 15808
investigation in the criminal records check. 15809

(2) ~~The~~ A responsible ~~entity~~ party or designee shall do all 15810
of the following: 15811

(a) Provide to each applicant and employee for whom a 15812
criminal records check request is required by this section a copy 15813
of the form prescribed pursuant to division (C)(1) of section 15814
109.572 of the Revised Code and a standard impression sheet 15815
prescribed pursuant to division (C)(2) of that section; 15816

(b) Obtain the completed form and standard impression sheet from the applicant or employee;	15817 15818
(c) Forward the completed form and standard impression sheet to the superintendent.	15819 15820
(3) The office of the state long term care ombudsperson program <u>A responsible party</u> shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible <u>entity party or the responsible party's designee</u> requests under this section. The office <u>responsible party</u> may charge an applicant a fee not exceeding the amount the office <u>responsible party</u> pays to the bureau under this section if the responsible <u>entity party or designee</u> notifies the applicant at the time of initial application for employment of the amount of the fee.	15821 15822 15823 15824 15825 15826 15827 15828 15829 15830 15831
(F)(1) The office of the state long term care ombudsperson program <u>A responsible party</u> may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if <u>both of the office following apply:</u>	15832 15833 15834 15835 15836
(a) <u>The responsible party</u> is not prohibited by division (B)(1) of this section from employing the applicant in a position that involves providing ombudsperson <u>ombudsman</u> services to residents and recipients and the;	15837 15838 15839 15840
(b) <u>The responsible entity party or designee</u> requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.	15841 15842 15843 15844
(2) The office of the state long term care ombudsperson program <u>A responsible party</u> shall terminate the employment of an applicant employed conditionally under division (F)(1) of this	15845 15846 15847

section if the results of the criminal records check, other than 15848
the results of any request for information from the federal bureau 15849
of investigation, are not obtained within the period ending sixty 15850
days after the date the request for the criminal records check is 15851
made. Regardless of when the results of the criminal records check 15852
are obtained, if the results indicate that the applicant has been 15853
convicted of, pleaded guilty to, or been found eligible for 15854
intervention in lieu of conviction for a disqualifying offense, 15855
the ~~office~~ responsible party shall terminate the applicant's 15856
employment unless ~~circumstances~~ the applicant meets standards 15857
specified in rules adopted under this section that permit the 15858
~~office~~ responsible party to employ the applicant ~~exist~~ and the 15859
~~office~~ responsible party chooses to employ the applicant. 15860
Termination of employment under this division shall be considered 15861
just cause for discharge for purposes of division (D)(2) of 15862
section 4141.29 of the Revised Code if the applicant makes any 15863
attempt to deceive the ~~office~~ responsible party or designee about 15864
the applicant's criminal record. 15865

(G) The report of any criminal records check conducted 15866
pursuant to a request made under this section is not a public 15867
record for the purposes of section 149.43 of the Revised Code and 15868
shall not be made available to any person other than the 15869
following: 15870

(1) The applicant or employee who is the subject of the 15871
criminal records check or the applicant's or employee's 15872
representative; 15873

(2) The responsible ~~entity~~ party or ~~the responsible entity's~~ 15874
~~representative~~ designee; 15875

(3) ~~If the state long term care ombudsperson designates the~~ 15876
~~head or other employee of~~ In the case of a criminal records check 15877
conducted for an applicant who is under final consideration for 15878
employment with a regional long-term care ~~ombudsperson~~ ombudsman 15879

program to request a criminal records check under this section 15880
(including as the head of the regional program) or an employee of 15881
a regional long-term care ombudsman program (including the head of 15882
a regional program), the state long-term care ombudsman or a 15883
representative of the office of the state long-term care 15884
~~ombudsperson~~ ombudsman program who is responsible for monitoring 15885
the regional program's compliance with this section; 15886

(4) A court, hearing officer, or other necessary individual 15887
involved in a case dealing with any of the following: 15888

(a) A denial of employment of the applicant or employee; 15889

(b) Employment or unemployment benefits of the applicant or 15890
employee; 15891

(c) A civil or criminal action regarding the medicaid program 15892
or a program the department of aging administers. 15893

(H) In a tort or other civil action for damages that is 15894
brought as the result of an injury, death, or loss to person or 15895
property caused by an applicant or employee who ~~the office of the~~ 15896
~~state long term care ombudsperson program~~ a responsible party 15897
employs in a position that involves providing ~~ombudsperson~~ 15898
ombudsman services to residents and recipients, all of the 15899
following shall apply: 15900

(1) If the ~~office~~ responsible party employed the applicant or 15901
employee in good faith and reasonable reliance on the report of a 15902
criminal records check requested under this section, the ~~office~~ 15903
responsible party shall not be found negligent solely because of 15904
its reliance on the report, even if the information in the report 15905
is determined later to have been incomplete or inaccurate. 15906

(2) If the ~~office~~ responsible party employed the applicant in 15907
good faith on a conditional basis pursuant to division (F) of this 15908
section, the ~~office~~ responsible party shall not be found negligent 15909
solely because it employed the applicant prior to receiving the 15910

report of a criminal records check requested under this section. 15911
15912

(3) If the ~~office~~ responsible party in good faith employed 15913
the applicant or employee ~~according to~~ because the ~~personal~~ 15914
~~character~~ applicant or employee meets standards ~~established~~ 15915
specified in rules adopted under this section, the ~~office~~ 15916
responsible party shall not be found negligent solely because the 15917
applicant or employee has been convicted of, pleaded guilty to, or 15918
been found eligible for intervention in lieu of conviction for a 15919
disqualifying offense. 15920

(I) The state long-term care ombudsman may not act as the 15921
director of aging's designee for the purpose of this section. The 15922
head of a regional long-term care ombudsman program may not act as 15923
the regional program's designee for the purpose of this section if 15924
the head is the employee for whom a database review or criminal 15925
records check is being conducted. 15926

(J) The director of aging shall adopt rules in accordance 15927
with Chapter 119. of the Revised Code to implement this section. 15928

(1) The rules may do the following: 15929

(a) Require employees to undergo database reviews and 15930
criminal records checks under this section; 15931

(b) If the rules require employees to undergo database 15932
reviews and criminal records checks under this section, exempt one 15933
or more classes of employees from the requirements; 15934

(c) For the purpose of division (D)(7) of this section, 15935
specify other databases that are to be checked as part of a 15936
database review conducted under this section. 15937

(2) The rules shall specify all of the following: 15938

(a) The procedures for conducting database reviews under this 15939
section; 15940

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which ~~the office of the state long-term care ombudsperson program~~ a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) ~~Circumstances under which the office of the state long-term care ombudsperson program may employ~~ Standards that an applicant or employee ~~who~~ must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a position that involves providing ombudsman services to residents and recipients if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense ~~but~~ meets personal character standards.

Sec. 173.28. (A)(1) As used in this division, "incident" means the occurrence of a violation with respect to a resident or recipient, as those terms are defined in section 173.14 of the Revised Code. A violation is a separate incident for each day it occurs and for each resident who is subject to it.

In lieu of the fine that may be imposed under division (A) of section 173.99 of the Revised Code, the director of aging may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, or a person employed by a long-term care provider or other entity, for a violation of division (C) of section 173.24 of the Revised Code. The fine shall not exceed one

thousand dollars per incident. 15972

(2) In lieu of the fine that may be imposed under division 15973
(C) of section 173.99 of the Revised Code, the director may, under 15974
Chapter 119. of the Revised Code, fine a long-term care provider 15975
or other entity, or a person employed by a long-term care provider 15976
or other entity, for violating division (E) of section 173.19 of 15977
the Revised Code by denying a representative of the office of the 15978
state long-term care ~~ombuds~~ombudsman program the access 15979
required by that division. The fine shall not exceed five hundred 15980
dollars for each day the violation continued. 15981

(B) On request of the director, the attorney general shall 15982
bring and prosecute to judgment a civil action to collect any fine 15983
imposed under division (A)(1) or (2) of this section that remains 15984
unpaid thirty days after the violator's final appeal is exhausted. 15985

(C) All fines collected under this section shall be deposited 15986
into the state treasury to the credit of the state long-term care 15987
~~ombuds~~ombudsman program fund created under section 173.26 15988
of the Revised Code. 15989

Sec. ~~173.394~~ 173.38. (A) As used in this section: 15990

(1) "Applicant" means a person who is under final 15991
consideration for employment with a ~~community-based long-term care~~ 15992
~~agency~~ responsible party in a full-time, part-time, or temporary 15993
~~direct-care~~ position that ~~involves providing direct care to an~~ 15994
~~individual~~ or is referred to a ~~community-based long-term care~~ 15995
~~agency~~ responsible party by an employment service for such a 15996
position. "Applicant" does not include a person ~~who provides~~ 15997
~~direct care to an individual~~ being considered for a direct-care 15998
position as a volunteer ~~without receiving or expecting to receive~~ 15999
~~any form of remuneration other than reimbursement for actual~~ 16000
~~expenses.~~ 16001

<u>(2) "Area agency on aging" has the same meaning as in section</u>	16002
<u>173.14 of the Revised Code.</u>	16003
<u>(3) "Community-based long-term care services" means</u>	16004
<u>community-based long-term care services, as defined in section</u>	16005
<u>173.14 of the Revised Code, that are provided under a program the</u>	16006
<u>department of aging administers.</u>	16007
<u>(4) "Consumer" means an individual who receives</u>	16008
<u>community-based long-term care services.</u>	16009
<u>(5) "Criminal records check" has the same meaning as in</u>	16010
<u>section 109.572 of the Revised Code.</u>	16011
<u>(6) "Direct-care position" means an employment position in</u>	16012
<u>which an employee has either or both of the following:</u>	16013
<u>(i) In-person contact with one or more consumers;</u>	16014
<u>(ii) Access to one or more consumers' personal property or</u>	16015
<u>records.</u>	16016
<u>(7) "Disqualifying offense" means any of the offenses listed</u>	16017
<u>or described in divisions (A)(3)(a) to (e) of section 109.572 of</u>	16018
<u>the Revised Code.</u>	16019
<u>(8) "Employee" means a person employed by a community based</u>	16020
<u>long term care agency <u>responsible party</u> in a full-time, part-time,</u>	16021
<u>or temporary <u>direct-care</u> position that involves providing direct</u>	16022
<u>care to an individual and a person who works in such a position</u>	16023
<u>due to being referred to a community based long term care agency</u>	16024
<u><u>responsible party</u> by an employment service. "Employee" does not</u>	16025
<u>include a person who provides direct care to an individual <u>works</u></u>	16026
<u><u>in a direct-care position</u> as a volunteer without receiving or</u>	16027
<u>expecting to receive any form of remuneration other than</u>	16028
<u>reimbursement for actual expenses.</u>	16029
<u>(9) "PASSPORT administrative agency" has the same meaning as</u>	16030
<u>in section 173.42 of the Revised Code.</u>	16031

(10) "Provider" has the same meaning as in section 173.39 of the Revised Code. 16032
16033

(11) "Responsible party" means the following: 16034

(a) An area agency on aging in the case of either of the following: 16035
16036

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position; 16037
16038
16039
16040

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service. 16041
16042
16043
16044

(b) A PASSPORT administrative agency in the case of either of the following: 16045
16046

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position; 16047
16048
16049
16050

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service. 16051
16052
16053
16054

(c) A provider in the case of either of the following: 16055

(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position; 16056
16057
16058
16059
16060

(ii) A person who is an employee because the person is 16061

employed by the provider in a full-time, part-time, or temporary 16062
direct-care position or works in such a position due to being 16063
referred to the provider by an employment service. 16064

(d) A subcontractor in the case of either of the following: 16065

(i) A person who is an applicant because the person is under 16066
final consideration for employment with the subcontractor in a 16067
full-time, part-time, or temporary direct-care position or is 16068
referred to the subcontractor by an employment service for such a 16069
position; 16070

(ii) A person who is an employee because the person is 16071
employed by the subcontractor in a full-time, part-time, or 16072
temporary direct-care position or works in such a position due to 16073
being referred to the subcontractor by an employment service. 16074

(12) "Subcontractor" has the meaning specified in rules 16075
adopted under this section. 16076

(13) "Volunteer" means a person who serves in a direct-care 16077
position without receiving or expecting to receive any form of 16078
remuneration other than reimbursement for actual expenses. 16079

(14) "Waiver agency" has the same meaning as in section 16080
5111.033 5164.342 of the Revised Code. 16081

(B) This section does not apply to any individual who is 16082
subject to a database review or criminal records check under 16083
section 3701.881 of the Revised Code or to any individual who is 16084
subject to a criminal records check under section 3721.121 of the 16085
Revised Code. If a ~~community-based long-term care agency provider~~ 16086
or subcontractor also is a waiver agency, the ~~agency provider or~~ 16087
subcontractor may provide for applicants and employees to undergo 16088
database reviews and criminal records checks in accordance with 16089
section ~~5111.033~~ 5164.342 of the Revised Code rather than this 16090
section. 16091

(C) No ~~community based long term care agency~~ responsible 16092
party shall employ an applicant or continue to employ an employee 16093
in a direct-care position ~~that involves providing direct care to~~ 16094
~~an individual~~ if any of the following apply: 16095

(1) A review of the databases listed in division (E) of this 16096
section reveals any of the following: 16097

(a) That the applicant or employee is included in one or more 16098
of the databases listed in divisions (E)(1) to (5) of this 16099
section; 16100

(b) That there is in the state nurse aide registry 16101
established under section 3721.32 of the Revised Code a statement 16102
detailing findings by the director of health that the applicant or 16103
employee neglected or abused a long-term care facility or 16104
residential care facility resident or misappropriated property of 16105
such a resident; 16106

(c) That the applicant or employee is included in one or more 16107
of the databases, if any, specified in rules adopted under this 16108
section and the rules prohibit the ~~agency~~ responsible party from 16109
employing an applicant or continuing to employ an employee 16110
included in such a database in a direct-care position ~~that~~ 16111
~~involves providing direct care to an individual.~~ 16112

(2) After the applicant or employee is provided, pursuant to 16113
division (F)(2)(a) of this section, a copy of the form prescribed 16114
pursuant to division (C)(1) of section 109.572 of the Revised Code 16115
and the standard impression sheet prescribed pursuant to division 16116
(C)(2) of that section, the applicant or employee fails to 16117
complete the form or provide the applicant's or employee's 16118
fingerprint impressions on the standard impression sheet. 16119

(3) ~~Except as provided~~ Unless the applicant or employee meets 16120
standards specified in rules adopted under this section, the 16121
applicant or employee is found by a criminal records check 16122

required by this section to have been convicted of, pleaded guilty 16123
to, or been found eligible for intervention in lieu of conviction 16124
for a disqualifying offense. 16125

(D) Except as provided by division (G) of this section, the 16126
chief administrator of a ~~community based long term care agency~~ 16127
responsible party shall inform each applicant of both of the 16128
following at the time of the applicant's initial application for 16129
employment or referral to the ~~agency~~ responsible party by an 16130
employment service for a direct-care position ~~that involves~~ 16131
~~providing direct care to an individual:~~ 16132

(1) That a review of the databases listed in division (E) of 16133
this section will be conducted to determine whether the ~~agency~~ 16134
responsible party is prohibited by division (C)(1) of this section 16135
from employing the applicant in the direct-care position; 16136

(2) That, unless the database review reveals that the 16137
applicant may not be employed in the direct-care position, a 16138
criminal records check of the applicant will be conducted and the 16139
applicant is required to provide a set of the applicant's 16140
fingerprint impressions as part of the criminal records check. 16141

(E) As a condition of employing any applicant in a 16142
direct-care position ~~that involves providing direct care to an~~ 16143
~~individual~~, the chief administrator of a ~~community based long term~~ 16144
~~care agency~~ responsible party shall conduct a database review of 16145
the applicant in accordance with rules adopted under this section. 16146
If rules adopted under this section so require, the chief 16147
administrator of a ~~community based long term care agency~~ 16148
responsible party shall conduct a database review of an employee 16149
in accordance with the rules as a condition of continuing to 16150
employ the employee in a direct-care position ~~that involves~~ 16151
~~providing direct care to an individual~~. However, a chief 16152
administrator is not required to conduct a database review of an 16153
applicant or employee if division (G) of this section applies. A 16154

database review shall determine whether the applicant or employee 16155
is included in any of the following: 16156

(1) The excluded parties list system that is maintained by 16157
the United States general services administration pursuant to 16158
subpart 9.4 of the federal acquisition regulation and available at 16159
the federal web site known as the system for award management; 16160

(2) The list of excluded individuals and entities maintained 16161
by the office of inspector general in the United States department 16162
of health and human services pursuant to ~~section 1128~~ of the 16163
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 16164
1156, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156~~ of the 16165
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as~~ 16166
~~amended;~~ 16167

(3) The registry of MR/DD employees established under section 16168
5123.52 of the Revised Code; 16169

(4) The internet-based sex offender and child-victim offender 16170
database established under division (A)(11) of section 2950.13 of 16171
the Revised Code; 16172

(5) The internet-based database of inmates established under 16173
section 5120.66 of the Revised Code; 16174

(6) The state nurse aide registry established under section 16175
3721.32 of the Revised Code; 16176

(7) Any other database, if any, specified in rules adopted 16177
under this section. 16178

(F)(1) As a condition of employing any applicant in a 16179
direct-care position ~~that involves providing direct care to an~~ 16180
~~individual~~, the chief administrator of a ~~community based long term~~ 16181
~~care agency~~ responsible party shall request that the 16182
superintendent of the bureau of criminal identification and 16183
investigation conduct a criminal records check of the applicant. 16184

If rules adopted under this section so require, the chief administrator of a ~~community based long term care agency~~ responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position ~~that involves providing direct care to an individual~~. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the ~~agency~~ responsible party is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a direct-care position ~~that involves providing direct care to an individual~~. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

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

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

prescribed pursuant to division (C)(2) of that section; 16217

(b) Obtain the completed form and standard impression sheet 16218
from the applicant or employee; 16219

(c) Forward the completed form and standard impression sheet 16220
to the superintendent. 16221

(3) A ~~community based long term care agency~~ responsible party 16222
shall pay to the bureau of criminal identification and 16223
investigation the fee prescribed pursuant to division (C)(3) of 16224
section 109.572 of the Revised Code for each criminal records 16225
check the agency responsible party requests under this section. ~~An~~ 16226
~~agency~~ A responsible party may charge an applicant a fee not 16227
exceeding the amount the agency responsible party pays to the 16228
bureau under this section if both of the following apply: 16229

(a) The agency responsible party notifies the applicant at 16230
the time of initial application for employment of the amount of 16231
the fee and that, unless the fee is paid, the applicant will not 16232
be considered for employment. 16233

(b) The medicaid program ~~established under Chapter 5111. of~~ 16234
~~the Revised Code~~ does not ~~reimburse~~ pay the agency responsible 16235
party for the fee it pays to the bureau under this section. 16236

(G) Divisions (D) to (F) of this section do not apply with 16237
regard to an applicant or employee if the applicant or employee is 16238
referred to a ~~community based long term agency~~ responsible party 16239
by an employment service that supplies full-time, part-time, or 16240
temporary staff for direct-care positions ~~that involve providing~~ 16241
~~direct care to an individual~~ and both of the following apply: 16242

(1) The chief administrator of the agency responsible party 16243
receives from the employment service confirmation that a review of 16244
the databases listed in division (E) of this section was conducted 16245
of the applicant or employee. 16246

(2) The chief administrator of the agency responsible party 16247
receives from the employment service, applicant, or employee a 16248
report of the results of a criminal records check of the applicant 16249
or employee that has been conducted by the superintendent within 16250
the one-year period immediately preceding the following: 16251

(a) In the case of an applicant, the date of the applicant's 16252
referral by the employment service to the agency responsible 16253
party; 16254

(b) In the case of an employee, the date by which the agency 16255
responsible party would otherwise have to request a criminal 16256
records check of the employee under division (F) of this section. 16257

(H)(1) A ~~community-based long-term care~~ agency responsible 16258
party may employ conditionally an applicant for whom a criminal 16259
records check request is required by this section prior to 16260
obtaining the results of the criminal records check if the agency 16261
responsible party is not prohibited by division (C)(1) of this 16262
section from employing the applicant in a direct-care position 16263
~~that involves providing direct care to an individual~~ and either of 16264
the following applies: 16265

(a) The chief administrator of the agency responsible party 16266
requests the criminal records check in accordance with division 16267
(F) of this section not later than five business days after the 16268
applicant begins conditional employment. 16269

(b) The applicant is referred to the agency responsible party 16270
by an employment service, the employment service or the applicant 16271
provides the chief administrator of the agency responsible party a 16272
letter that is on the letterhead of the employment service, the 16273
letter is dated and signed by a supervisor or another designated 16274
official of the employment service, and the letter states all of 16275
the following: 16276

(i) That the employment service has requested the 16277

superintendent to conduct a criminal records check regarding the 16278
applicant; 16279

(ii) That the requested criminal records check is to include 16280
a determination of whether the applicant has been convicted of, 16281
pleaded guilty to, or been found eligible for intervention in lieu 16282
of conviction for a disqualifying offense; 16283

(iii) That the employment service has not received the 16284
results of the criminal records check as of the date set forth on 16285
the letter; 16286

(iv) That the employment service promptly will send a copy of 16287
the results of the criminal records check to the chief 16288
administrator of the ~~agency~~ responsible party when the employment 16289
service receives the results. 16290

(2) If a ~~community based long term care agency~~ responsible 16291
party employs an applicant conditionally pursuant to division 16292
(H)(1)(b) of this section, the employment service, on its receipt 16293
of the results of the criminal records check, promptly shall send 16294
a copy of the results to the chief administrator of the ~~agency~~ 16295
responsible party. 16296

(3) A ~~community based long term care agency~~ responsible party 16297
that employs an applicant conditionally pursuant to division 16298
(H)(1)(a) or (b) of this section shall terminate the applicant's 16299
employment if the results of the criminal records check, other 16300
than the results of any request for information from the federal 16301
bureau of investigation, are not obtained within the period ending 16302
sixty days after the date the request for the criminal records 16303
check is made. Regardless of when the results of the criminal 16304
records check are obtained, if the results indicate that the 16305
applicant has been convicted of, pleaded guilty to, or been found 16306
eligible for intervention in lieu of conviction for a 16307
disqualifying offense, the ~~agency~~ responsible party shall 16308

terminate the applicant's employment unless ~~circumstances~~ the 16309
applicant meets standards specified in rules adopted under this 16310
section that permit the ~~agency~~ responsible party to employ the 16311
applicant ~~exist~~ and the ~~agency~~ responsible party chooses to employ 16312
the applicant. Termination of employment under this division shall 16313
be considered just cause for discharge for purposes of division 16314
(D)(2) of section 4141.29 of the Revised Code if the applicant 16315
makes any attempt to deceive the ~~agency~~ responsible party about 16316
the applicant's criminal record. 16317

(I) The report of any criminal records check conducted 16318
pursuant to a request made under this section is not a public 16319
record for the purposes of section 149.43 of the Revised Code and 16320
shall not be made available to any person other than the 16321
following: 16322

(1) The applicant or employee who is the subject of the 16323
criminal records check or the applicant's or employee's 16324
representative; 16325

(2) The chief administrator of the ~~community-based long-term~~ 16326
~~care~~ ~~agency~~ responsible party requesting the criminal records 16327
check or the administrator's representative; 16328

(3) The administrator of any other facility, agency, or 16329
program that provides ~~direct care to individuals~~ community-based 16330
long-term care services that is owned or operated by the same 16331
entity that owns or operates the ~~community-based long-term care~~ 16332
~~agency~~ responsible party that requested the criminal records 16333
check; 16334

(4) The employment service that requested the criminal 16335
records check; 16336

(5) The director of aging or a person authorized by the 16337
director to monitor a ~~community-based long-term care agency's~~ 16338
responsible party's compliance with this section; 16339

(6) The medicaid director ~~of job and family services~~ and the 16340
staff of the department of ~~job and family services~~ medicaid who 16341
are involved in the administration of the medicaid program if 16342
either of the following apply: 16343

(a) In the case of a criminal records check requested by a 16344
~~community based long term care agency~~ provider or subcontractor, 16345
the ~~agency~~ provider or subcontractor also is a waiver agency; 16346

(b) In the case of a criminal records check requested by an 16347
employment service, the employment service makes the request for 16348
an applicant or employee the employment service refers to a 16349
~~community based long term care agency~~ provider or subcontractor 16350
that also is a waiver agency. 16351

(7) A court, hearing officer, or other necessary individual 16352
involved in a case dealing with any of the following: 16353

(a) A denial of employment of the applicant or employee; 16354

(b) Employment or unemployment benefits of the applicant or 16355
employee; 16356

(c) A civil or criminal action regarding the medicaid program 16357
or a program the department of aging administers. 16358

(J) In a tort or other civil action for damages that is 16359
brought as the result of an injury, death, or loss to person or 16360
property caused by an applicant or employee who a ~~community based~~ 16361
~~long term care agency~~ responsible party employs in a direct-care 16362
position ~~that involves providing direct care to individuals~~, all 16363
of the following shall apply: 16364

(1) If the ~~agency~~ responsible party employed the applicant or 16365
employee in good faith and reasonable reliance on the report of a 16366
criminal records check requested under this section, the ~~agency~~ 16367
responsible party shall not be found negligent solely because of 16368
its reliance on the report, even if the information in the report 16369

is determined later to have been incomplete or inaccurate. 16370

(2) If the ~~agency~~ responsible party employed the applicant in 16371
good faith on a conditional basis pursuant to division (H) of this 16372
section, the ~~agency~~ responsible party shall not be found negligent 16373
solely because it employed the applicant prior to receiving the 16374
report of a criminal records check requested under this section. 16375
16376

(3) If the ~~agency~~ responsible party in good faith employed 16377
the applicant or employee ~~according to~~ because the ~~personal~~ 16378
~~character~~ applicant or employee meets standards ~~established~~ 16379
specified in rules adopted under this section, the ~~agency~~ 16380
responsible party shall not be found negligent solely because the 16381
applicant or employee has been convicted of, pleaded guilty to, or 16382
been found eligible for intervention in lieu of conviction for a 16383
disqualifying offense. 16384

(K) The director of aging shall adopt rules in accordance 16385
with Chapter 119. of the Revised Code to implement this section. 16386

(1) The rules may do the following: 16387

(a) Require employees to undergo database reviews and 16388
criminal records checks under this section; 16389

(b) If the rules require employees to undergo database 16390
reviews and criminal records checks under this section, exempt one 16391
or more classes of employees from the requirements; 16392

(c) For the purpose of division (E)(7) of this section, 16393
specify other databases that are to be checked as part of a 16394
database review conducted under this section. 16395

(2) The rules shall specify all of the following: 16396

(a) The meaning of the term "subcontractor"; 16397

(b) The procedures for conducting database reviews under this 16398
section; 16399

~~(b)(c)~~ If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 16400
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~~(e)(d)~~ If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a ~~community-based long-term care agency~~ responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 16404
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~~(d) Circumstances under which a community-based long-term care agency may employ~~ (e) Standards that an applicant or employee ~~who must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee~~ is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense ~~but meets personal character standards.~~ 16410
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Sec. 173.39. (A) As used in sections 173.39 to ~~173.394~~ 173.393 of the Revised Code: 16419
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(1) "~~Community-based long-term care agency~~ Provider" means a person or ~~government~~ governmental entity that provides community-based long-term care services under a program the department of aging administers, ~~regardless of whether the person or government entity is certified under section 173.391 or authorized to receive payment for the services from the department under section 173.392 of the Revised Code.~~ "Community-based ~~long-term care agency~~ Provider" includes a person or ~~government~~ governmental entity that provides home and community-based services to older adults through the PASSPORT program ~~created~~ 16421
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~~under as defined in section 173.40~~ 173.51 of the Revised Code. 16431

(2) "Community-based long-term care services" has the same 16432
meaning as in section 173.14 of the Revised Code. 16433

(B) Except as provided in section 173.392 of the Revised 16434
Code, the department of aging may not pay a ~~person or government~~ 16435
~~entity~~ provider for providing community-based long-term care 16436
services under a program the department administers unless the 16437
~~person or government entity~~ provider is certified under section 16438
173.391 of the Revised Code and provides the services. 16439

Sec. 173.391. (A) The department of aging or its designee 16440
shall do all of the following in accordance with Chapter 119. of 16441
the Revised Code: 16442

(1) Certify a ~~person or government entity~~ provider to provide 16443
community-based long-term care services under a program the 16444
department administers if the ~~person or government entity~~ provider 16445
satisfies the requirements for certification established by rules 16446
adopted under division (B) of this section and pays the fee, if 16447
any, established by rules adopted under division (G) of this 16448
section; 16449

(2) When required to do so by rules adopted under division 16450
(B) of this section, take one or more of the following 16451
disciplinary actions against a ~~person or government entity~~ 16452
provider certified under division (A)(1) of this section: 16453

(a) Issue a written warning; 16454

(b) Require the submission of a plan of correction or 16455
evidence of compliance with requirements identified by the 16456
department; 16457

(c) Suspend referrals; 16458

(d) Remove clients; 16459

(e) Impose a fiscal sanction such as a civil monetary penalty	16460
or an order that unearned funds be repaid;	16461
(f) Suspend the certification;	16462
(g) Revoke the certification;	16463
(h) Impose another sanction.	16464
(3) Except as provided in division (E) of this section, hold	16465
hearings when there is a dispute between the department or its	16466
designee and a person or government entity <u>provider</u> concerning	16467
actions the department or its designee takes regarding a decision	16468
not to certify the person or government entity <u>provider</u> under	16469
division (A)(1) of this section or a disciplinary action under	16470
divisions (A)(2)(e) to (h) of this section.	16471
(B) The director of aging shall adopt rules in accordance	16472
with Chapter 119. of the Revised Code establishing certification	16473
requirements and standards for determining which type of	16474
disciplinary action to take under division (A)(2) of this section	16475
in individual situations. The rules shall establish procedures for	16476
all of the following:	16477
(1) Ensuring that community based long term care agencies	16478
<u>providers</u> comply with section 173.394 <u>173.38</u> of the Revised Code;	16479
(2) Evaluating the services provided by the agencies	16480
<u>providers</u> to ensure that the services are provided in a quality	16481
manner advantageous to the individual receiving the services;	16482
(3) Determining when to take disciplinary action under	16483
division (A)(2) of this section and which disciplinary action to	16484
take;	16485
(4) Determining what constitutes another sanction for	16486
purposes of division (A)(2)(h) of this section.	16487
(C) The procedures established in rules adopted under	16488
division (B)(2) of this section shall require that all of the	16489

following be considered as part of an evaluation described in 16490
division (B)(2) of this section: 16491

(1) The ~~community-based long-term care agency's~~ provider's 16492
experience and financial responsibility; 16493

(2) The ~~agency's~~ provider's ability to comply with standards 16494
for the community-based long-term care services that the ~~agency~~ 16495
provider provides under a program the department administers; 16496

(3) The ~~agency's~~ provider's ability to meet the needs of the 16497
individuals served; 16498

(4) Any other factor the director considers relevant. 16499

(D) The rules adopted under division (B)(3) of this section 16500
shall specify that the reasons disciplinary action may be taken 16501
under division (A)(2) of this section include good cause, 16502
including misfeasance, malfeasance, nonfeasance, confirmed abuse 16503
or neglect, financial irresponsibility, or other conduct the 16504
director determines is injurious, or poses a threat, to the health 16505
or safety of individuals being served. 16506

(E) Subject to division (F) of this section, the department 16507
is not required to hold hearings under division (A)(3) of this 16508
section if any of the following conditions apply: 16509

(1) Rules adopted by the director of aging pursuant to this 16510
chapter require the ~~community-based long-term care agency~~ provider 16511
to be a party to a provider agreement; hold a license, 16512
certificate, or permit; or maintain a certification, any of which 16513
is required or issued by a state or federal government entity 16514
other than the department of aging, and either of the following is 16515
the case: 16516

(a) The provider agreement has not been entered into or the 16517
license, certificate, permit, or certification has not been 16518
obtained or maintained. 16519

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

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

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

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

(c) The agency provider or a principal owner or manager of the agency provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if ~~none of the personal character~~ the provider, principal owner, or manager does not meet standards established specified by the director in rules adopted under section ~~173.394~~ 173.38 of the Revised Code ~~apply~~.

(d) The United States department of health and human services has taken adverse action against the agency provider and that action impacts the ~~agency's~~ provider's participation in the

medicaid program. 16551

(e) The agency provider has failed to enter into or renew a 16552
provider agreement with the PASSPORT administrative agency, as 16553
that term is defined in section 173.42 of the Revised Code, that 16554
administers programs on behalf of the department of aging in the 16555
region of the state in which the agency provider is certified to 16556
provide services. 16557

(f) The agency provider has not billed or otherwise submitted 16558
a claim to the department for payment under the medicaid program 16559
in at least two years. 16560

(g) The agency provider denied or failed to provide the 16561
department or its designee access to the agency's provider's 16562
facilities during the agency's provider's normal business hours 16563
for purposes of conducting an audit or structural compliance 16564
review. 16565

(h) The agency provider has ceased doing business. 16566

(i) The agency provider has voluntarily relinquished its 16567
certification for any reason. 16568

(3) The agency's provider's provider agreement with the 16569
department of ~~job and family services~~ medicaid has been suspended 16570
under division (C) of section ~~5111.031~~ 5164.37 of the Revised 16571
Code. 16572

(4) The agency's provider's provider agreement with the 16573
department of ~~job and family services~~ medicaid is denied or 16574
revoked because the agency provider or its owner, officer, 16575
authorized agent, associate, manager, or employee has been 16576
convicted of an offense that caused the provider agreement to be 16577
suspended under section ~~5111.031~~ 5164.37 of the Revised Code. 16578

(F) If the department does not hold hearings when any 16579
condition described in division (E) of this section applies, the 16580

department may send a notice to the ~~agency~~ provider describing a 16581
decision not to certify the ~~agency~~ provider under division (A)(1) 16582
of this section or the disciplinary action the department proposes 16583
to take under division (A)(2)(e) to (h) of this section. The 16584
notice shall be sent to the ~~agency's~~ provider's address that is on 16585
record with the department and may be sent by regular mail. 16586

(G) The director of aging may adopt rules in accordance with 16587
Chapter 119. of the Revised Code establishing a fee to be charged 16588
by the department of aging or its designee for certification 16589
issued under this section. 16590

All fees collected by the department or its designee under 16591
this section shall be deposited in the state treasury to the 16592
credit of the provider certification fund, which is hereby 16593
created. Money credited to the fund shall be used to pay for 16594
community-based long-term care services, administrative costs 16595
associated with ~~community based long term care~~ agency provider 16596
certification under this section, and administrative costs related 16597
to the publication of the Ohio long-term care consumer guide. 16598

Sec. 173.392. (A) The department of aging may pay a ~~person or~~ 16599
~~government entity~~ provider for providing community-based long-term 16600
care services under a program the department administers, even 16601
though the ~~person or government entity~~ provider is not certified 16602
under section 173.391 of the Revised Code, if all of the following 16603
are the case: 16604

(1) The ~~person or government entity~~ provider has a contract 16605
with the department of aging or the department's designee to 16606
provide the services in accordance with the contract or has 16607
received a grant from the department or its designee to provide 16608
the services in accordance with a grant agreement; 16609

(2) The contract or grant agreement includes detailed 16610
conditions of participation for ~~providers of services under a~~ 16611

~~program the department administers the provider~~ and service 16612
standards that the ~~person or government entity~~ provider is 16613
required to satisfy; 16614

(3) The ~~person or government entity~~ provider complies with 16615
the contract or grant agreement; 16616

(4) The contract or grant is not for medicaid-funded 16617
services, other than services provided under the PACE program 16618
administered by the department of aging under section 173.50 of 16619
the Revised Code. 16620

(B) The director of aging shall adopt rules in accordance 16621
with Chapter 119. of the Revised Code governing both of the 16622
following: 16623

(1) Contracts and grant agreements between the department of 16624
aging or its designee and ~~persons and government entities~~ 16625
~~regarding community based long term care services provided under a~~ 16626
~~program the department administers~~ providers; 16627

(2) The department's payment for community-based long-term 16628
care services under this section. 16629

Sec. 173.42. (A) As used in sections 173.42 to 173.434 of the 16630
Revised Code: 16631

(1) "Area agency on aging" means a public or private 16632
nonprofit entity designated under section 173.011 of the Revised 16633
Code to administer programs on behalf of the department of aging. 16634

(2) "Department of aging-administered medicaid waiver 16635
component" means each of the following: 16636

(a) The medicaid-funded component of the PASSPORT program 16637
created under section ~~173.40~~ 173.52 of the Revised Code; 16638

(b) The choices program created under section ~~173.403~~ 173.53 16639
of the Revised Code; 16640

- (c) The medicaid-funded component of the assisted living program created under section ~~5111.89~~ 173.54 of the Revised Code; 16641
16642
- (d) Any other medicaid waiver component, as defined in section ~~5111.85~~ 5166.01 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code. 16643
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- (3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following: 16648
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- (a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component; 16651
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- (b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section ~~5111.02~~ 5164.02 of the Revised Code: 16653
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- (i) Home health services; 16657
- (ii) Private duty nursing services; 16658
- (iii) Durable medical equipment; 16659
- (iv) Services of a clinical nurse specialist; 16660
- (v) Services of a certified nurse practitioner. 16661
- (c) Services available to a participant of the PACE program. 16662
- (4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section. 16663
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- (5) ~~"Medicaid" means the medical assistance program established under Chapter 5111. of the Revised Code.~~ 16667
16668
- ~~(6)~~ "Nursing facility" has the same meaning as in section 16669

~~5111.20~~ 5165.01 of the Revised Code. 16670

~~(7)~~(6) "PACE program" means the component of the medicaid 16671
program the department of aging administers pursuant to section 16672
173.50 of the Revised Code. 16673

~~(8)~~(7) "PASSPORT administrative agency" means an entity under 16674
contract with the department of aging to provide administrative 16675
services regarding the PASSPORT program. 16676

~~(9)~~(8) "Program administrator" means an area agency on aging 16677
or other entity under contract with the department of aging to 16678
administer the long-term care consultation program in a geographic 16679
region specified in the contract. 16680

~~(10)~~(9) "Representative" means a person acting on behalf of 16681
an individual specified in division (G) of this section. A 16682
representative may be a family member, attorney, hospital social 16683
worker, or any other person chosen to act on behalf of the 16684
individual. 16685

(B) The department of aging shall develop a long-term care 16686
consultation program whereby individuals or their representatives 16687
are provided with long-term care consultations and receive through 16688
these professional consultations information about options 16689
available to meet long-term care needs and information about 16690
factors to consider in making long-term care decisions. The 16691
long-term care consultations provided under the program may be 16692
provided at any appropriate time, as permitted or required under 16693
this section and the rules adopted under it, including either 16694
prior to or after the individual who is the subject of a 16695
consultation has been admitted to a nursing facility or granted 16696
assistance in receiving home and community-based services covered 16697
by medicaid components the department of aging administers. 16698

(C) The long-term care consultation program shall be 16699
administered by the department of aging, except that the 16700

department may have the program administered on a regional basis 16701
by one or more program administrators. The department and each 16702
program administrator shall administer the program in such a 16703
manner that all of the following are included: 16704

(1) Coordination and collaboration with respect to all 16705
available funding sources for long-term care services; 16706

(2) Assessments of individuals regarding their long-term care 16707
service needs; 16708

(3) Assessments of individuals regarding their on-going 16709
eligibility for long-term care services; 16710

(4) Procedures for assisting individuals in obtaining access 16711
to, and coordination of, health and supportive services, including 16712
department of aging-administered medicaid waiver components; 16713

(5) Priorities for using available resources efficiently and 16714
effectively. 16715

(D) The program's long-term care consultations shall be 16716
provided by individuals certified by the department under section 16717
173.422 of the Revised Code. 16718

(E) The information provided through a long-term care 16719
consultation shall be appropriate to the individual's needs and 16720
situation and shall address all of the following: 16721

(1) The availability of any long-term care options open to 16722
the individual; 16723

(2) Sources and methods of both public and private payment 16724
for long-term care services; 16725

(3) Factors to consider when choosing among the available 16726
programs, services, and benefits; 16727

(4) Opportunities and methods for maximizing independence and 16728
self-reliance, including support services provided by the 16729
individual's family, friends, and community. 16730

(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections ~~5111.202, 5119.061~~ 5119.40, ~~and 5123.021,~~ and 5165.03 of the Revised Code and may be provided concurrently with the assessment required under section ~~5111.204~~ 173.546 or 5165.04 of the Revised Code.

(G)(1) Unless an exemption specified in division (I) of this section is applicable, each of the following shall be provided with a long-term care consultation:

(a) An individual who applies or indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for the individual's care in a nursing facility;

(b) An individual who requests a long-term care consultation;

(c) An individual identified by the department or a program administrator as being likely to benefit from a long-term care consultation.

(2) In addition to the individuals specified in division (G)(1) of this section, a long-term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility.

(H)(1) Except as provided in division (H)(2) or (3) of this section, a long-term care consultation provided pursuant to division (G) of this section shall be provided as follows:

(a) If the individual for whom the consultation is being provided has applied for medicaid and the consultation is being provided concurrently with the assessment required under section ~~5111.204~~ 5165.04 of the Revised Code, the consultation shall be completed in accordance with the applicable time frames specified

in that section for providing a level of care determination based 16762
on the assessment. 16763

(b) In all other cases, the consultation shall be provided 16764
not later than five calendar days after the department or program 16765
administrator receives notice of the reason for which the 16766
consultation is to be provided pursuant to division (G) of this 16767
section. 16768

(2) An individual or the individual's representative may 16769
request that a long-term care consultation be provided on a date 16770
that is later than the date required under division (H)(1)(a) or 16771
(b) of this section. 16772

(3) If a long-term care consultation cannot be completed 16773
within the number of days required by division (H)(1) or (2) of 16774
this section, the department or program administrator may do any 16775
of the following: 16776

(a) In the case of an individual specified in division (G)(1) 16777
of this section, exempt the individual from the consultation 16778
pursuant to rules that may be adopted under division (L) of this 16779
section; 16780

(b) In the case of an applicant for admission to a nursing 16781
facility, provide the consultation after the individual is 16782
admitted to the nursing facility; 16783

(c) In the case of a resident of a nursing facility, provide 16784
the consultation as soon as practicable. 16785

(I) An individual is not required to be provided a long-term 16786
care consultation under division (G)(1) of this section if any of 16787
the following apply: 16788

(1) The department or program administrator has attempted to 16789
provide the consultation, but the individual or the individual's 16790
representative refuses to cooperate; 16791

(2) The individual is to receive care in a nursing facility 16792
under a contract for continuing care as defined in section 173.13 16793
of the Revised Code; 16794

(3) The individual has a contractual right to admission to a 16795
nursing facility operated as part of a system of continuing care 16796
in conjunction with one or more facilities that provide a less 16797
intensive level of services, including a residential care facility 16798
licensed under Chapter 3721. of the Revised Code, a residential 16799
facility licensed under section ~~5119.22~~ 5119.34 of the Revised 16800
Code that provides accommodations, supervision, and personal care 16801
services for three to sixteen unrelated adults, or an independent 16802
living arrangement; 16803

(4) The individual is to receive continual care in a home for 16804
the aged exempt from taxation under section 5701.13 of the Revised 16805
Code; 16806

(5) The individual is seeking admission to a facility that is 16807
not a nursing facility with a provider agreement under section 16808
~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or ~~5111.672~~ 5165.512 of the 16809
Revised Code; 16810

(6) The individual is exempted from the long-term care 16811
consultation requirement by the department or the program 16812
administrator pursuant to rules that may be adopted under division 16813
(L) of this section. 16814

(J) As part of the long-term care consultation program, the 16815
department or program administrator shall assist an individual or 16816
individual's representative in accessing all sources of care and 16817
services that are appropriate for the individual and for which the 16818
individual is eligible, including all available home and 16819
community-based services covered by medicaid components the 16820
department of aging administers. The assistance shall include 16821
providing for the conduct of assessments or other evaluations and 16822

the development of individualized plans of care or services under 16823
section 173.424 of the Revised Code. 16824

(K) No nursing facility for which an operator has a provider 16825
agreement under section ~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or 16826
~~5111.672~~ 5165.512 of the Revised Code shall admit any individual 16827
as a resident, unless the nursing facility has received evidence 16828
that a long-term care consultation has been completed for the 16829
individual or division (I) of this section is applicable to the 16830
individual. 16831

(L) The director of aging may adopt any rules the director 16832
considers necessary for the implementation and administration of 16833
this section. The rules shall be adopted in accordance with 16834
Chapter 119. of the Revised Code and may specify any or all of the 16835
following: 16836

(1) Procedures for providing long-term care consultations 16837
pursuant to this section; 16838

(2) Information to be provided through long-term care 16839
consultations regarding long-term care services that are 16840
available; 16841

(3) Criteria and procedures to be used to identify and 16842
recommend appropriate service options for an individual receiving 16843
a long-term care consultation; 16844

(4) Criteria for exempting individuals from the long-term 16845
care consultation requirement; 16846

(5) Circumstances under which it may be appropriate to 16847
provide an individual's long-term care consultation after the 16848
individual's admission to a nursing facility rather than before 16849
admission; 16850

(6) Criteria for identifying nursing facility residents who 16851
would benefit from the provision of a long-term care consultation; 16852

(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;

(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;

(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section.

(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules ~~adopted under~~ authorized by section ~~5111.02~~ 5165.191 of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the department of health, department of ~~job and family services~~ medicaid, or nursing facility holding the data shall grant access to the data on receipt of the request from the department of aging or program administrator.

(N)(1) The director of aging, after providing notice and an opportunity for a hearing, may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code for any of the following reasons:

(a) The nursing facility admits an individual, without evidence that a long-term care consultation has been provided, as required by this section;

(b) The nursing facility denies a person attempting to provide a long-term care consultation access to the facility or a resident of the facility;

(c) The nursing facility denies the department of aging or program administrator access to the facility or a resident of the facility, as the department or administrator considers necessary to administer the program.

(2) In accordance with section ~~5111.62~~ 5162.66 of the Revised Code, all fines collected under division (N)(1) of this section shall be deposited into the state treasury to the credit of the residents protection fund.

Sec. 173.43. (A) ~~Subject to section 173.433 of the Revised Code, the~~ The department of aging shall enter into an interagency agreement with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code under which the department of aging is required to establish for each biennium a unified long-term care budget for home and community-based services covered by medicaid components the department of aging administers. The interagency agreement shall require the department of aging to do all of the following:

(1) Administer the unified long-term care budget in accordance with sections 173.43 to 173.434 of the Revised Code and the general assembly's appropriations for home and community-based services covered by medicaid components the department of aging administers for the applicable biennium;

(2) Contract with each PASSPORT administrative agency for assistance in the administration of the unified long-term care budget;

(3) Provide individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers a choice of services that meet the individuals' needs and improve their quality of life;

(4) Provide a continuum of services that meet the life-long

needs of individuals who are eligible for home and community-based 16914
services covered by medicaid components the department of aging 16915
administrators. 16916

(B) The director of budget and management shall create new 16917
appropriation items as necessary for establishment of the unified 16918
long-term care budget. 16919

~~Sec. 173.431. Subject to section 173.433 of the Revised Code,~~ 16920
~~the~~ The department of aging shall ensure that the unified 16921
long-term care budget established under section 173.43 of the 16922
Revised Code is administered in a manner that provides medicaid 16923
coverage of and expands access to all of the following as 16924
necessary to meet the needs of individuals receiving home and 16925
community-based services covered by medicaid components the 16926
department of aging administrators: 16927

(A) To the extent permitted by the medicaid waivers 16928
authorizing department of aging-administered medicaid waiver 16929
components, all of the following medicaid waiver services provided 16930
under department of aging-administered medicaid waiver components: 16931

- (1) Personal care services; 16932
- (2) Home-delivered meals; 16933
- (3) Adult day-care; 16934
- (4) Homemaker services; 16935
- (5) Emergency response services; 16936
- (6) Medical equipment and supplies; 16937
- (7) Chore services; 16938
- (8) Social work counseling; 16939
- (9) Nutritional counseling; 16940
- (10) Independent living assistance; 16941

(11) Medical transportation;	16942
(12) Nonmedical transportation;	16943
(13) Home care attendant services;	16944
(14) Assisted living services;	16945
(15) Community transition services;	16946
(16) Enhanced community living services;	16947
(17) All other medicaid waiver services provided under department of aging-administered medicaid waiver components.	16948 16949
(B) All of the following state medicaid plan services as specified in rules adopted under section 5111.02 <u>5164.02</u> of the Revised Code:	16950 16951 16952
(1) Home health services;	16953
(2) Private duty nursing services;	16954
(3) Durable medical equipment;	16955
(4) Services of a clinical nurse specialist;	16956
(5) Services of a certified nurse practitioner.	16957
(C) The services that the PACE program provides.	16958
Sec. 173.432. Subject to section 173.433 of the Revised Code, the <u>The</u> department of aging or its designee shall provide care management and authorization services with regard to the state plan services specified in division (B) of section 173.431 of the Revised Code that are provided to participants of department of aging-administered medicaid waiver components. The department or its designee shall ensure that no person providing the care management and authorization services performs an activity that may not be performed without a valid certificate or license issued by an agency of this state unless the person holds the valid certificate or license.	16959 16960 16961 16962 16963 16964 16965 16966 16967 16968 16969

~~Sec. 173.434. The director of job and family services shall~~ 16970
~~adopt~~ To the extent authorized by rules under authorized by 16971
~~section 5111.85~~ 5162.021 of the Revised Code ~~to authorize,~~ the 16972
director of aging ~~to~~ shall adopt rules that are needed to 16973
implement sections 173.43 to 173.432 of the Revised Code. The 16974
~~director of aging's~~ rules shall be adopted in accordance with 16975
Chapter 119. of the Revised Code. 16976

Sec. 173.45. As used in this section and in sections 173.46 16977
to 173.49 of the Revised Code: 16978

(A) "Residential facility" means a residential facility 16979
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 16980
provides accommodations, supervision, and personal care services 16981
for three to sixteen unrelated adults. 16982

(B) "Community-based long-term care services" has the same 16983
meaning as in section 173.14 of the Revised Code. 16984

(C) "Long-term care facility" means a nursing home or 16985
residential care facility. 16986

(D) "Nursing home" and "residential care facility" have the 16987
same meanings as in section 3721.01 of the Revised Code. 16988

(E) "Nursing facility" has the same meaning as in section 16989
~~5111.20~~ 5165.01 of the Revised Code. 16990

Sec. 173.47. (A) For purposes of publishing the Ohio 16991
long-term care consumer guide, the department of aging shall 16992
conduct or provide for the conduct of an annual customer 16993
satisfaction survey of each long-term care facility. The results 16994
of the surveys may include information obtained from long-term 16995
care facility residents, their families, or both. A survey that is 16996
to include information obtained from nursing facility residents 16997
shall include the questions specified in divisions (C)(7)(a) and 16998

(b) and (18) ~~and (D)(7)(a) and (b)~~ of section ~~5111.244~~ 5165.25 of 16999
the Revised Code. A survey that is to include information obtained 17000
from the families of nursing facility residents shall include the 17001
questions specified in divisions (C)(8)(a) and (b) and (19) ~~and~~ 17002
~~(D)(8)(a) and (b)~~ of section ~~5111.244~~ 5165.25 of the Revised Code. 17003

(B) Each long-term care facility shall cooperate in the 17004
conduct of its annual customer satisfaction survey. 17005

Sec. 173.48. (A)(1) The department of aging may charge annual 17006
fees to long-term care facilities for the publication of the Ohio 17007
long-term care consumer guide. The department may contract with 17008
any person or government entity to collect the fees on its behalf. 17009
All fees collected under this section shall be deposited in 17010
accordance with division (B) of this section. 17011

(2) The annual fees charged under this section shall not 17012
exceed the following amounts: 17013

(a) Six hundred fifty dollars for each long-term care 17014
facility that is a nursing home; 17015

(b) Three hundred dollars for each long-term care facility 17016
that is a residential care facility. 17017

(3) Fees paid by a long-term care facility that is a nursing 17018
facility shall be reimbursed through the medicaid program ~~operated~~ 17019
~~under Chapter 5111. of the Revised Code.~~ 17020

(B) There is hereby created in the state treasury the 17021
long-term care consumer guide fund. Money collected from the fees 17022
charged for the publication of the Ohio long-term care consumer 17023
guide under division (A) of this section shall be credited to the 17024
fund. The department shall use money in the fund for costs 17025
associated with publishing the Ohio long-term care consumer guide, 17026
including, but not limited to, costs incurred in conducting or 17027
providing for the conduct of customer satisfaction surveys. 17028

Sec. 173.50. (A) Pursuant to a contract entered into with the department of ~~job and family services~~ medicaid as an interagency agreement under section ~~5111.91~~ 5162.35 of the Revised Code, the department of aging shall carry out the day-to-day administration of the component of the medicaid program ~~established under Chapter 5111. of the Revised Code~~ known as the program of all-inclusive care for the elderly or PACE. The department of aging shall carry out its PACE administrative duties in accordance with the provisions of the interagency agreement and all applicable federal laws, including the "Social Security Act," ~~79 Stat. 286 (1965)~~ section 1934, 42 U.S.C. 1396u-4, ~~as amended~~.

(B) ~~The department~~ To the extent authorized by rules authorized by section 5162.021 of the Revised Code, the director of aging may adopt rules in accordance with Chapter 119. of the Revised Code regarding the PACE program, including rules establishing priorities for enrolling in the program pursuant to section 173.501 of the Revised Code. ~~The department's rules are subject to both of the following:~~

~~(1) The rules shall be authorized by rules adopted by the department of job and family services.~~

~~(2) The rules~~ shall address only those issues that are not addressed in rules adopted by the ~~department of job and family services~~ medicaid director for the PACE program.

Sec. 173.501. (A) As used in this section:

"Nursing facility" has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised Code.

"PACE provider" has the same meaning as in the "Social Security Act," section 1934(a)(3), 42 U.S.C. 1396u-4(a)(3).

(B) The department of aging shall establish a home first component of the PACE program under which eligible individuals may

be enrolled in the PACE program in accordance with this section. 17059
An individual is eligible for the PACE program's home first 17060
component if both of the following apply: 17061

(1) The individual has been determined to be eligible for the 17062
PACE program. 17063

(2) At least one of the following applies: 17064

(a) The individual has been admitted to a nursing facility. 17065

(b) A physician has determined and documented in writing that 17066
the individual has a medical condition that, unless the individual 17067
is enrolled in home and community-based services such as the PACE 17068
program, will require the individual to be admitted to a nursing 17069
facility within thirty days of the physician's determination. 17070

(c) The individual has been hospitalized and a physician has 17071
determined and documented in writing that, unless the individual 17072
is enrolled in home and community-based services such as the PACE 17073
program, the individual is to be transported directly from the 17074
hospital to a nursing facility and admitted. 17075

(d) Both of the following apply: 17076

(i) The individual is the subject of a report made under 17077
section 5101.61 of the Revised Code regarding abuse, neglect, or 17078
exploitation or such a report referred to a county department of 17079
job and family services under section 5126.31 of the Revised Code 17080
or has made a request to a county department for protective 17081
services as defined in section 5101.60 of the Revised Code. 17082

(ii) A county department of job and family services and an 17083
area agency on aging have jointly documented in writing that, 17084
unless the individual is enrolled in home and community-based 17085
services such as the PACE program, the individual should be 17086
admitted to a nursing facility. 17087

(C) Each month, the department of aging shall identify 17088

individuals who are eligible for the home first component of the PACE program. When the department identifies such an individual, the department shall notify the PACE provider serving the area in which the individual resides. The PACE provider shall determine whether the PACE program is appropriate for the individual and whether the individual would rather participate in the PACE program than continue or begin to reside in a nursing facility. If the PACE provider determines that the PACE program is appropriate for the individual and the individual would rather participate in the PACE program than continue or begin to reside in a nursing facility, the PACE provider shall so notify the department of aging. On receipt of the notice from the PACE provider, the department of aging shall approve the individual's enrollment in the PACE program in accordance with priorities established in rules adopted under section 173.50 of the Revised Code.

Sec. 173.51. As used in sections 173.51 to 173.56 of the Revised Code:

"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

"Assisted living program" means the program that consists of a medicaid-funded component created under section 173.54 of the Revised Code and a state-funded component created under section 173.543 of the Revised Code and provides assisted living services to individuals who meet the program's applicable eligibility requirements.

"Assisted living services" means the following home and community-based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming.

"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human

<u>services that authorizes the medicaid-funded component of the</u>	17120
<u>assisted living program.</u>	17121
<u>"Choices program" means the program created under section</u>	17122
<u>173.53 of the Revised Code.</u>	17123
<u>"County or district home" means a county or district home</u>	17124
<u>operated under Chapter 5155. of the Revised Code.</u>	17125
<u>"Long-term care consultation program" means the program the</u>	17126
<u>department of aging is required to develop under section 173.42 of</u>	17127
<u>the Revised Code.</u>	17128
<u>"Long-term care consultation program administrator" or</u>	17129
<u>"administrator" means the department of aging or, if the</u>	17130
<u>department contracts with an area agency on aging or other entity</u>	17131
<u>to administer the long-term care consultation program for a</u>	17132
<u>particular area, that agency or entity.</u>	17133
<u>"Medicaid waiver component" has the same meaning as in</u>	17134
<u>section 5166.01 of the Revised Code.</u>	17135
<u>"Nursing facility" has the same meaning as in section 5165.01</u>	17136
<u>of the Revised Code.</u>	17137
<u>"PASSPORT program" means the preadmission screening system</u>	17138
<u>providing options and resources today program (PASSPORT) that</u>	17139
<u>consists of a medicaid-funded component created under section</u>	17140
<u>173.52 of the Revised Code and a state-funded component created</u>	17141
<u>under section 173.522 of the Revised Code and provides home and</u>	17142
<u>community-based services as an alternative to nursing facility</u>	17143
<u>placement for individuals who are aged and disabled and meet the</u>	17144
<u>program's applicable eligibility requirements.</u>	17145
<u>"PASSPORT waiver" means the federal medicaid waiver granted</u>	17146
<u>by the United States secretary of health and human services that</u>	17147
<u>authorizes the medicaid-funded component of the PASSPORT program.</u>	17148
<u>"Representative" means a person acting on behalf of an</u>	17149

applicant for the medicaid-funded component or state-funded component of the assisted living program. A representative may be a family member, attorney, hospital social worker, or any other person chosen to act on behalf of an applicant. 17150
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"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 17154
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"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code. 17156
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~~Sec. 173.40 173.52. (A) As used in sections 173.40 to 173.402 of the Revised Code:~~ 17159
17160

~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 17161
17162

~~"PASSPORT program" means the program created under this section.~~ 17163
17164

~~"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid funded component of the PASSPORT program.~~ 17165
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~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 17168
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~~(B) There is hereby created The department of medicaid shall create the medicaid-funded component of the preadmission screening system providing options and resources today program, or PASSPORT program. The PASSPORT program shall provide home and community based services as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements. Subject to division (C) of this section, the program shall have a medicaid funded component and a state funded component. In creating the~~ 17171
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medicaid-funded component, the department of medicaid shall 17180
collaborate with the department of aging. 17181

~~(C)(1)~~(B) Unless the medicaid-funded component of the 17182
PASSPORT program is terminated under division ~~(C)(2)~~ of this 17183
section, all of the following apply: 17184

~~(a)(1)~~ The department of aging shall administer the 17185
medicaid-funded component through a contract entered into with the 17186
department of ~~job and family services~~ medicaid under section 17187
~~5111.91~~ 5162.35 of the Revised Code. 17188

~~(b)(2)~~ The medicaid-funded component shall be operated as a 17189
separate medicaid waiver component. 17190

~~(c)(3)~~ For an individual to be eligible for the 17191
medicaid-funded component, the individual must be a medicaid 17192
recipient and meet the additional eligibility requirements 17193
applicable to the individual established in rules adopted under 17194
division ~~(C)(1)(d)~~(B)(4) of this section. 17195

~~(d)~~ ~~The director of job and family services shall adopt (4)~~ 17196
To the extent authorized by rules under authorization by section 17197
~~5111.85~~ 5162.021 of the Revised Code ~~and,~~ the director of aging 17198
shall adopt rules in accordance with Chapter 119. of the Revised 17199
Code to implement the medicaid-funded component. 17200

~~(2)(C)~~ If the unified long-term services and support medicaid 17201
waiver component is created, the departments of aging and ~~job and~~ 17202
~~family services~~ medicaid shall work together to determine whether 17203
the medicaid-funded component of the PASSPORT program should 17204
continue to operate as a separate medicaid waiver component or be 17205
terminated. If the departments determine that the medicaid-funded 17206
component of the PASSPORT program should be terminated, the 17207
medicaid-funded component shall cease to exist on a date the 17208
departments shall specify. 17209

~~(D)(1)~~ ~~The department of aging shall administer the~~ 17210

~~state funded component of the PASSPORT program. The state funded component shall not be administered as part of the medicaid program.~~ 17211
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~~(2) For an individual to be eligible for the state funded component, the individual must meet one of the following requirements and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (D)(4) of this section:~~ 17214
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~~(a) The individual must have been enrolled in the state funded component on September 1, 1991, (as the state funded component was authorized by uncodified law in effect at that time) and have had one or more applications for enrollment in the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) denied.~~ 17219
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~~(b) The individual must have had the individual's enrollment in the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) terminated and the individual must still need the home and community based services provided under the PASSPORT program to protect the individual's health and safety.~~ 17226
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~~(c) The individual must have an application for the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) and not have reason to doubt that the individual~~ 17233
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~~meets the financial eligibility requirements of the~~ 17243
~~medicaid funded component (or, if the medicaid funded component is~~ 17244
~~terminated under division (C)(2) of this section, the unified~~ 17245
~~long term services and support medicaid waiver component).~~ 17246

~~(3) An individual who is eligible for the state funded~~ 17247
~~component because the individual meets the requirement of division~~ 17248
~~(D)(2)(c) of this section may participate in the component on that~~ 17249
~~basis for not more than ninety days.~~ 17250

~~(4) The director of aging shall adopt rules in accordance~~ 17251
~~with section 111.15 of the Revised Code to implement the~~ 17252
~~state funded component. The additional eligibility requirements~~ 17253
~~established in the rules may vary for the different groups of~~ 17254
~~individuals specified in divisions (D)(2)(a), (b), and (c) of this~~ 17255
~~section.~~ 17256

Sec. ~~173.401~~ 173.521. (A) ~~As used in this section:~~ 17257

~~"Area agency on aging" has the same meaning as in section~~ 17258
~~173.14 of the Revised Code.~~ 17259

~~"Long term care consultation program" means the program the~~ 17260
~~department of aging is required to develop under section 173.42 of~~ 17261
~~the Revised Code.~~ 17262

~~"Long term care consultation program administrator" or~~ 17263
~~"administrator" means the department of aging or, if the~~ 17264
~~department contracts with an area agency on aging or other entity~~ 17265
~~to administer the long term care consultation program for a~~ 17266
~~particular area, that agency or entity.~~ 17267

~~"Nursing facility" has the same meaning as in section 5111.20~~ 17268
~~of the Revised Code.~~ 17269

~~(B) Subject Unless the medicaid-funded component of the~~ 17270
~~PASSPORT program is terminated pursuant to division (C)(2) of~~ 17271
~~section ~~173.40~~ 173.52 of the Revised Code, the department shall~~ 17272

establish a home first component of the PASSPORT program under 17273
which eligible individuals may be enrolled in the medicaid-funded 17274
component of the PASSPORT program in accordance with this section. 17275
An individual is eligible for the PASSPORT program's home first 17276
component if both of the following apply: 17277

(1) The individual has been determined to be eligible for the 17278
medicaid-funded component of the PASSPORT program. 17279

(2) At least one of the following applies: 17280

(a) The individual has been admitted to a nursing facility. 17281

(b) A physician has determined and documented in writing that 17282
the individual has a medical condition that, unless the individual 17283
is enrolled in home and community-based services such as the 17284
PASSPORT program, will require the individual to be admitted to a 17285
nursing facility within thirty days of the physician's 17286
determination. 17287

(c) The individual has been hospitalized and a physician has 17288
determined and documented in writing that, unless the individual 17289
is enrolled in home and community-based services such as the 17290
PASSPORT program, the individual is to be transported directly 17291
from the hospital to a nursing facility and admitted. 17292

(d) Both of the following apply: 17293

(i) The individual is the subject of a report made under 17294
section 5101.61 of the Revised Code regarding abuse, neglect, or 17295
exploitation or such a report referred to a county department of 17296
job and family services under section 5126.31 of the Revised Code 17297
or has made a request to a county department for protective 17298
services as defined in section 5101.60 of the Revised Code. 17299

(ii) A county department of job and family services and an 17300
area agency on aging have jointly documented in writing that, 17301
unless the individual is enrolled in home and community-based 17302

services such as the PASSPORT program, the individual should be 17303
admitted to a nursing facility. 17304

~~(C)~~(B) Each month, each area agency on aging shall identify 17305
individuals residing in the area that the agency serves who are 17306
eligible for the home first component of the PASSPORT program. 17307
When an area agency on aging identifies such an individual, the 17308
agency shall notify the long-term care consultation program 17309
administrator serving the area in which the individual resides. 17310
The administrator shall determine whether the PASSPORT program is 17311
appropriate for the individual and whether the individual would 17312
rather participate in the PASSPORT program than continue or begin 17313
to reside in a nursing facility. If the administrator determines 17314
that the PASSPORT program is appropriate for the individual and 17315
the individual would rather participate in the PASSPORT program 17316
than continue or begin to reside in a nursing facility, the 17317
administrator shall so notify the department of aging. On receipt 17318
of the notice from the administrator, the department shall approve 17319
the individual's enrollment in the medicaid-funded component of 17320
the PASSPORT program regardless of the unified waiting list 17321
established under section ~~173.404~~ 173.55 of the Revised Code, 17322
unless the enrollment would cause the component to exceed any 17323
limit on the number of individuals who may be enrolled in the 17324
component as set by the United States secretary of health and 17325
human services in the PASSPORT waiver. 17326

Sec. 173.522. (A) The department of aging shall create and 17327
administer the state-funded component of the PASSPORT program. The 17328
state-funded component shall not be administered as part of the 17329
medicaid program. 17330

(B) For an individual to be eligible for the state-funded 17331
component of the PASSPORT program, the individual must meet one of 17332
the following requirements and meet the additional eligibility 17333

requirements applicable to the individual established in rules 17334
adopted under division (D) of this section: 17335

(1) The individual must have been enrolled in the 17336
state-funded component on September 1, 1991, (as the state-funded 17337
component was authorized by uncodified law in effect at that time) 17338
and have had one or more applications for enrollment in the 17339
medicaid-funded component of the PASSPORT program (or, if the 17340
medicaid-funded component is terminated under division (C) of 17341
section 173.52 of the Revised Code, the unified long-term services 17342
and support medicaid waiver component) denied. 17343

(2) The individual must have had the individual's enrollment 17344
in the medicaid-funded component of the PASSPORT program (or, if 17345
the medicaid-funded component is terminated under division (C) of 17346
section 173.52 of the Revised Code, the unified long-term services 17347
and support medicaid waiver component) terminated and the 17348
individual must still need the home and community-based services 17349
provided under the PASSPORT program to protect the individual's 17350
health and safety. 17351

(3) The individual must have an application for the 17352
medicaid-funded component of the PASSPORT program (or, if the 17353
medicaid-funded component is terminated under division (C) of 17354
section 173.52 of the Revised Code, the unified long-term services 17355
and support medicaid waiver component) pending and the department 17356
or the department's designee must have determined that the 17357
individual meets the nonfinancial eligibility requirements of the 17358
medicaid-funded component (or, if the medicaid-funded component is 17359
terminated under division (C) of section 173.52 of the Revised 17360
Code, the unified long-term services and support medicaid waiver 17361
component) and not have reason to doubt that the individual meets 17362
the financial eligibility requirements of the medicaid-funded 17363
component (or, if the medicaid-funded component is terminated 17364
under division (C) of section 173.52 of the Revised Code, the 17365

unified long-term services and support medicaid waiver component). 17366

(C) An individual who is eligible for the state-funded 17367
component of the PASSPORT program because the individual meets the 17368
requirement of division (B)(3) of this section may participate in 17369
the component on that basis for not more than ninety days. 17370

(D) The director of aging shall adopt rules in accordance 17371
with section 111.15 of the Revised Code to implement the 17372
state-funded component of the PASSPORT program. The additional 17373
eligibility requirements established in the rules may vary for the 17374
different groups of individuals specified in divisions (B)(1), 17375
(2), and (3) of this section. 17376

Sec. 173.523. (A) An individual who is an applicant for or 17377
participant or former participant in the state-funded component of 17378
the PASSPORT program may appeal an adverse action taken or 17379
proposed to be taken by the department of aging or an entity 17380
designated by the department concerning participation in or 17381
services provided under the component if the action will result in 17382
any of the following: 17383

(1) Denial of enrollment or continued enrollment in the 17384
component; 17385

(2) Denial of or reduction in the amount of services 17386
requested by or offered to the individual under the component; 17387

(3) Assessment of any patient liability payment pursuant to 17388
rules adopted by the department under this section. 17389

The appeal shall be made in accordance with section 173.56 of 17390
the Revised Code and rules adopted pursuant to that section. 17391

(B) An individual who is an applicant for or participant or 17392
former participant in the state-funded component of the PASSPORT 17393
program may not bring an appeal under this or any other section of 17394
the Revised Code if any of the following is the case: 17395

(1) The individual has voluntarily withdrawn the application for enrollment in the component; 17396
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(2) The individual has voluntarily terminated enrollment in the component; 17398
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(3) The individual agrees with the action being taken or proposed; 17400
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(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code; 17402
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(5) The individual has received services under the component for the maximum time permitted by this section. 17405
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Sec. ~~173.402~~ 173.524. An individual enrolled in the PASSPORT 17407
program may request that home-delivered meals provided to the 17408
individual under the PASSPORT program be kosher. If such a request 17409
is made, the department of aging or the department's designee 17410
shall ensure that each home-delivered meal provided to the 17411
individual under the PASSPORT program is kosher. In complying with 17412
this requirement, the department or department's designee shall 17413
require each entity that provides home-delivered meals to the 17414
individual to provide the individual with meals that meet, as much 17415
as possible, the requirements established in rules adopted under 17416
~~section 173.40~~ sections 173.52 and 173.522 of the Revised Code 17417
governing the home-delivered meal service while complying with 17418
kosher practices for meal preparation and dietary restrictions. 17419

An entity that provides a kosher home-delivered meal to a 17420
PASSPORT program enrollee pursuant to this section shall be 17421
reimbursed for the meal at a rate equal to the rate for 17422
home-delivered meals furnished to PASSPORT program enrollees 17423
requiring a therapeutic diet. 17424

Sec. ~~173.403~~ 173.53. (A) ~~As used in this section:~~ 17425

~~"Choices program" means the program created under this section.~~ 17426
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~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 17428
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~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 17430
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~~(B) Subject to division (C) of this section, there is hereby created The department of medicaid shall create the choices program. In creating the choices program, the department of medicaid shall collaborate with the department of aging. Subject to division (B) of this section:~~ 17433
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~~(1) The choices program shall provide home and community-based services. ~~The;~~~~ 17438
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~~(2) The department of aging shall administer the choices program through a contract entered into with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code. ~~Subject to federal approval, the;~~~~ 17440
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~~(3) The choices program shall be available statewide.~~ 17444

~~(C)(B) If the unified long-term services and support medicaid waiver component is created, the departments of aging and ~~job and family services~~ medicaid shall ~~work together~~ collaborate to determine whether the choices program should continue to operate as a separate medicaid waiver component or be terminated. If the departments determine that the choices program should be terminated, the program shall cease to exist on a date the departments shall specify.~~ 17445
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~~(C) If the choices program is terminated pursuant to division (B) of this section or for another reason, not sooner than six months before the date on which the program ceases to exist, the~~ 17453
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<u>director of aging may do both of the following:</u>	17456
<u>(1) Suspend new enrollments in the choices program;</u>	17457
<u>(2) Transfer participants of the choices program to the</u>	17458
<u>following:</u>	17459
<u>(a) Except as provided in division (C)(2)(b) of this section,</u>	17460
<u>the medicaid-funded component of the PASSPORT program created</u>	17461
<u>under section 173.52 of the Revised Code;</u>	17462
<u>(b) If the medicaid-funded component of the PASSPORT program</u>	17463
<u>is terminated pursuant to division (C) of section 173.52 of the</u>	17464
<u>Revised Code, the unified long-term services and support medicaid</u>	17465
<u>waiver component.</u>	17466
Sec. 5111.89 173.54. (A) As used in sections 5111.89 to	17467
5111.894 of the Revised Code:	17468
"Area agency on aging" has the same meaning as in section	17469
173.14 of the Revised Code.	17470
"Assisted living program" means the program created under	17471
this section.	17472
"Assisted living services" means the following home and	17473
community based services: personal care, homemaker, chore,	17474
attendant care, companion, medication oversight, and therapeutic	17475
social and recreational programming.	17476
"Assisted living waiver" means the federal medicaid waiver	17477
granted by the United States secretary of health and human	17478
services that authorizes the medicaid funded component of the	17479
assisted living program.	17480
"County or district home" means a county or district home	17481
operated under Chapter 5155. of the Revised Code.	17482
"Long term care consultation program" means the program the	17483
department of aging is required to develop under section 173.42 of	17484

~~the Revised Code.~~ 17485

~~"Long term care consultation program administrator" or
"administrator" means the department of aging or, if the
department contracts with an area agency on aging or other entity
to administer the long term care consultation program for a
particular area, that agency or entity.~~ 17486
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~~"Medicaid waiver component" has the same meaning as in
section 5111.85 of the Revised Code.~~ 17491
17492

~~"Nursing facility" has the same meaning as in section 5111.20
of the Revised Code.~~ 17493
17494

~~"Residential care facility" has the same meaning as in
section 3721.01 of the Revised Code.~~ 17495
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~~"Unified long term services and support medicaid waiver
component" means the medicaid waiver component authorized by
section 5111.864 of the Revised Code.~~ 17497
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~~(B) There is hereby created The department of medicaid shall
create the medicaid-funded component of the assisted living
program. The program shall provide assisted living services to
individuals who meet the program's applicable eligibility
requirements. Subject to division (C) of this section, the program
shall have a medicaid funded component and a state funded
component In creating the medicaid-funded component, the
department of medicaid shall collaborate with the department of
aging.~~ 17500
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~~(C)(1)(B) Unless the medicaid-funded component of the
assisted living program is terminated under division (C)(2) of
this section, all of the following apply:~~ 17509
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~~(a)(1) The department of aging shall administer the
medicaid-funded component through a contract entered into with the
department of ~~job and family services~~ medicaid under section~~ 17512
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~~5111.91~~ 5162.35 of the Revised Code. 17515

~~(b)(2)~~ The contract shall include an estimate of the 17516
medicaid-funded component's costs. 17517

~~(e)(3)~~ The medicaid-funded component shall be operated as a 17518
separate medicaid waiver component. 17519

~~(d)(4)~~ The medicaid-funded component may not serve more 17520
individuals than is set by the United States secretary of health 17521
and human services in the assisted living waiver. 17522

~~(e) The director of job and family services may adopt rules 17523
under section 5111.85 of the Revised Code regarding the 17524
medicaid funded component. 17525~~

~~(f) The (5) To the extent authorized by rules authorized by 17526
section 5162.021 of the Revised Code, the director of aging may 17527
adopt rules under Chapter 119. of the Revised Code regarding the 17528
medicaid-funded component that the rules adopted by the director 17529
of job and family services under division (C)(1)(e) of this 17530
section authorize the director of aging to adopt. 17531~~

~~(2)(C)~~ If the unified long-term services and support medicaid 17532
waiver component is created, the departments of aging and ~~job and 17533
family services~~ medicaid shall ~~work together~~ collaborate to 17534
determine whether the medicaid-funded component of the assisted 17535
living program should continue to operate as a separate medicaid 17536
waiver component or be terminated. If the departments determine 17537
that the medicaid-funded component of the assisted living program 17538
should be terminated, the medicaid-funded component shall cease to 17539
exist on a date the departments shall specify. 17540

~~(D) The department of aging shall administer the state funded 17541
component of the assisted living program. The state funded 17542
component shall not be administered as part of the medicaid 17543
program. 17544~~

~~An individual who is eligible for the state funded component~~ 17545
~~may participate in the component for not more than ninety days.~~ 17546

~~The director of aging shall adopt rules in accordance with~~ 17547
~~section 111.15 of the Revised Code to implement the state funded~~ 17548
~~component.~~ 17549

Sec. ~~5111.891~~ 173.541. To be eligible for the medicaid-funded 17550
component of the assisted living program, an individual must meet 17551
all of the following requirements: 17552

(A) Need an intermediate level of care as determined ~~under~~ 17553
~~rule 5101:3-3-06 by an assessment conducted under section 173.546~~ 17554
of the ~~Administrative~~ Revised Code; 17555

(B) While receiving assisted living services under the 17556
medicaid-funded component, reside in a residential care facility 17557
that is authorized by a valid medicaid provider agreement to 17558
participate in the component, including both of the following: 17559

(1) A residential care facility that is owned or operated by 17560
a metropolitan housing authority that has a contract with the 17561
United States department of housing and urban development to 17562
receive an operating subsidy or rental assistance for the 17563
residents of the facility; 17564

(2) A county or district home licensed as a residential care 17565
facility. 17566

(C) Meet all other eligibility requirements for the 17567
medicaid-funded component established in rules adopted ~~pursuant to~~ 17568
~~division (C) of~~ under section ~~5111.89~~ 173.54 of the Revised Code. 17569

Sec. ~~5111.894~~ 173.542. (A) ~~Subject~~ Unless the medicaid-funded 17570
component of the assisted living program is terminated pursuant to 17571
division (C)~~(2)~~ of section ~~5111.89~~ 173.54 of the Revised Code, the 17572
department of aging shall establish a home first component of the 17573

assisted living program under which eligible individuals may be 17574
enrolled in the medicaid-funded component of the assisted living 17575
program in accordance with this section. An individual is eligible 17576
for the assisted living program's home first component if both of 17577
the following apply: 17578

(1) The individual has been determined to be eligible for the 17579
medicaid-funded component of the assisted living program. 17580

(2) At least one of the following applies: 17581

(a) The individual has been admitted to a nursing facility. 17582

(b) A physician has determined and documented in writing that 17583
the individual has a medical condition that, unless the individual 17584
is enrolled in home and community-based services such as the 17585
assisted living program, will require the individual to be 17586
admitted to a nursing facility within thirty days of the 17587
physician's determination. 17588

(c) The individual has been hospitalized and a physician has 17589
determined and documented in writing that, unless the individual 17590
is enrolled in home and community-based services such as the 17591
assisted living program, the individual is to be transported 17592
directly from the hospital to a nursing facility and admitted. 17593

(d) Both of the following apply: 17594

(i) The individual is the subject of a report made under 17595
section 5101.61 of the Revised Code regarding abuse, neglect, or 17596
exploitation or such a report referred to a county department of 17597
job and family services under section 5126.31 of the Revised Code 17598
or has made a request to a county department for protective 17599
services as defined in section 5101.60 of the Revised Code. 17600

(ii) A county department of job and family services and an 17601
area agency on aging have jointly documented in writing that, 17602
unless the individual is enrolled in home and community-based 17603

services such as the assisted living program, the individual 17604
should be admitted to a nursing facility. 17605

(B) Each month, each area agency on aging shall identify 17606
individuals residing in the area that the area agency on aging 17607
serves who are eligible for the home first component of the 17608
assisted living program. When an area agency on aging identifies 17609
such an individual and determines that there is a vacancy in a 17610
residential care facility participating in the medicaid-funded 17611
component of the assisted living program that is acceptable to the 17612
individual, the agency shall notify the long-term care 17613
consultation program administrator serving the area in which the 17614
individual resides. The administrator shall determine whether the 17615
assisted living program is appropriate for the individual and 17616
whether the individual would rather participate in the assisted 17617
living program than continue or begin to reside in a nursing 17618
facility. If the administrator determines that the assisted living 17619
program is appropriate for the individual and the individual would 17620
rather participate in the assisted living program than continue or 17621
begin to reside in a nursing facility, the administrator shall so 17622
notify the department of aging. On receipt of the notice from the 17623
administrator, the department shall approve the individual's 17624
enrollment in the medicaid-funded component of the assisted living 17625
program regardless of the unified waiting list established under 17626
section ~~173.404~~ 173.55 of the Revised Code, unless the enrollment 17627
would cause the component to exceed any limit on the number of 17628
individuals who may participate in the component as set by the 17629
United States secretary of health and human services in the 17630
assisted living waiver. 17631

Sec. 173.543. The department of aging shall create and 17632
administer the state-funded component of the assisted living 17633
program. The state-funded component shall not be administered as 17634
part of the medicaid program. 17635

An individual who is eligible for the state-funded component 17636
may participate in the component for not more than ninety days. 17637

The director of aging shall adopt rules in accordance with 17638
section 111.15 of the Revised Code to implement the state-funded 17639
component. 17640

Sec. ~~5111.892~~ 173.544. To be eligible for the state-funded 17641
component of the assisted living program, an individual must meet 17642
all of the following requirements: 17643

(A) The individual must need an intermediate level of care as 17644
determined ~~under rule 5101:3-3-06~~ by an assessment conducted under 17645
section 173.546 of the ~~Administrative Revised Code~~. 17646

(B) The individual must have an application for the 17647
medicaid-funded component of the assisted living program (or, if 17648
the medicaid-funded component is terminated under division (C)~~(2)~~ 17649
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 17650
long-term services and support medicaid waiver component) pending 17651
and the department or the department's designee must have 17652
determined that the individual meets the nonfinancial eligibility 17653
requirements of the medicaid-funded component (or, if the 17654
medicaid-funded component is terminated under division (C)~~(2)~~ of 17655
section ~~5111.89~~ 173.54 of the Revised Code, the unified long-term 17656
services and support medicaid waiver component) and not have 17657
reason to doubt that the individual meets the financial 17658
eligibility requirements of the medicaid-funded component (or, if 17659
the medicaid-funded component is terminated under division (C)~~(2)~~ 17660
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 17661
long-term services and support medicaid waiver component). 17662

(C) While receiving assisted living services under the 17663
state-funded component, the individual must reside in a 17664
residential care facility that is authorized by a valid provider 17665
agreement to participate in the component, including both of the 17666

following: 17667

(1) A residential care facility that is owned or operated by 17668
a metropolitan housing authority that has a contract with the 17669
United States department of housing and urban development to 17670
receive an operating subsidy or rental assistance for the 17671
residents of the facility; 17672

(2) A county or district home licensed as a residential care 17673
facility. 17674

(D) The individual must meet all other eligibility 17675
requirements for the state-funded component established in rules 17676
adopted under ~~division (D) of section 5111.89~~ 173.54 of the 17677
Revised Code. 17678

Sec. 173.545. (A) An individual who is an applicant for or 17679
participant or former participant in the state-funded component of 17680
the assisted living program may appeal an adverse action taken or 17681
proposed to be taken by the department of aging or an entity 17682
designated by the department concerning participation in or 17683
services provided under the component if the action will result in 17684
any of the following: 17685

(1) Denial of enrollment or continued enrollment in the 17686
component; 17687

(2) Denial of or reduction in the amount of services 17688
requested by or offered to the individual under the component; 17689

(3) Assessment of any patient liability payment pursuant to 17690
rules adopted by the department under this section. 17691

The appeal shall be made in accordance with section 173.56 of 17692
the Revised Code and rules adopted pursuant to that section. 17693

(B) An individual who is an applicant for or participant or 17694
former participant in the state-funded component of the assisted 17695
living program may not bring an appeal under this or any other 17696

<u>section of the Revised Code if any of the following is the case:</u>	17697
<u>(1) The individual has voluntarily withdrawn the application for enrollment in the component;</u>	17698
<u>(2) The individual has voluntarily terminated enrollment in the component;</u>	17699
<u>(3) The individual agrees with the action being taken or proposed;</u>	17700
<u>(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code;</u>	17701
<u>(5) The individual has received services under the component for the maximum time permitted by this section.</u>	17702
<u>Sec. 173.546. (A) Each applicant for the assisted living program shall undergo an assessment to determine whether the applicant needs an intermediate level of care. The department of medicaid or an agency under contract pursuant to division (C) of this section shall conduct the assessment. The assessment may be performed concurrently with a long-term care consultation provided under section 173.42 of the Revised Code.</u>	17703
<u>(B) An applicant or applicant's representative has the right to appeal an assessment's findings. Section 5160.31 of the Revised Code applies to appeals regarding the medicaid-funded component of the assisted living program. The department or an agency under contract to conduct the assessment shall provide written notice of this right to the applicant or applicant's representative and the residential care facility in which the applicant intends to reside if enrolled in the assisted living program. The notice shall include an explanation of the appeal procedures. The department or agency under contract to conduct the assessment shall represent the state in any appeal of an assessment's findings.</u>	17704
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(C) The department may contract with one or more agencies to perform assessments under this section. A contract shall specify the agency's responsibilities regarding the assessments. 17727
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Sec. ~~5111.893~~ 173.547. A residential care facility providing services covered by the assisted living program to an individual enrolled in the program shall have staff on-site twenty-four hours each day who are able to do all of the following: 17730
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(A) Meet the scheduled and unpredicted needs of the individuals enrolled in the assisted living program in a manner that promotes the individuals' dignity and independence; 17734
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(B) Provide supervision services for those individuals; 17737

(C) Help keep the individuals safe and secure. 17738

Sec. ~~173.404~~ 173.55. (A) As used in this section: 17739

(1) "Department of aging-administered medicaid waiver component" means each of the following: 17740
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(a) The medicaid-funded component of the PASSPORT program ~~created under section 173.40 of the Revised Code;~~ 17742
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(b) The choices program ~~created under section 173.403 of the Revised Code;~~ 17744
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(c) The medicaid-funded component of the assisted living program ~~created under section 5111.89 of the Revised Code.~~ 17746
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(2) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code. 17748
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(B) If the department of aging determines that there are insufficient funds to enroll all individuals who have applied and been determined eligible for department of aging-administered medicaid waiver components and the PACE program, the department 17751
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shall establish a unified waiting list for the components and 17755
program. Only individuals eligible for a department of 17756
aging-administered medicaid waiver component or the PACE program 17757
may be placed on the unified waiting list. An individual who may 17758
be enrolled in a department of aging-administered medicaid waiver 17759
component or the PACE program through a home first component 17760
established under section ~~173.401~~, 173.501, 173.521 or ~~5111.894~~ 17761
173.542 of the Revised Code may be so enrolled without being 17762
placed on the unified waiting list. 17763

Sec. 173.56. (A) The department of aging shall adopt rules in 17764
accordance with section 111.15 of the Revised Code governing 17765
appeals brought under section 173.523 or 173.545 of the Revised 17766
Code. The rules shall require notice and the opportunity for a 17767
hearing. The rules may allow an appeal hearing to be conducted by 17768
telephone and permit the department to record hearings conducted 17769
by telephone. Chapter 119. of the Revised Code applies to a 17770
hearing under section 173.523 or 173.545 of the Revised Code only 17771
to the extent provided in rules the department adopts under this 17772
section. 17773

(B) An appeal shall be commenced by submission of a written 17774
request for a hearing to the director of aging within the time 17775
specified in the rules adopted under this section. The hearing may 17776
be recorded, but neither the recording nor a transcript of the 17777
recording is part of the official record of the proceeding. The 17778
director shall notify the individual bringing the appeal of the 17779
director's decision and of the procedure for appealing the 17780
decision. 17781

(C) The director's decision may be appealed to a court of 17782
common pleas pursuant to section 119.12 of the Revised Code. The 17783
appeal shall be governed by that section except as follows: 17784

(1) The appeal shall be in the court of common pleas of the 17785

county in which the individual who brings the appeal resides or, 17786
if the individual does not reside in this state, to the Franklin 17787
county court of common pleas. 17788

(2) The notice of appeal must be mailed to the department and 17789
filed with the court not later than thirty days after the 17790
department mails notice of the director's decision. For good cause 17791
shown, the court may extend the time for mailing and filing the 17792
notice of appeal, but the time cannot exceed six months from the 17793
date the department mails the notice of the director's decision. 17794

(3) If an individual applies to the court for designation as 17795
an indigent and the court grants the application, the individual 17796
shall not be required to furnish the costs of the appeal. 17797

(4) The department is required to file a transcript of the 17798
testimony of the state hearing with the court only if the court 17799
orders that the transcript be filed. The court shall make such an 17800
order only if it finds that the department and the individual 17801
bringing the appeal are unable to stipulate to the facts of the 17802
case and that the transcript is essential to a determination of 17803
the appeal. The department shall file the transcript not later 17804
than thirty days after such an order is issued. 17805

Sec. 173.60. (A) As used in this section: 17806

(1) "Nursing home" has the same meaning as in section 3721.01 17807
of the Revised Code. 17808

(2) "Person-centered care" means a relationship-based 17809
approach to care that honors and respects the opinions of 17810
individuals receiving care and those working closely with them. 17811

(B) The department of aging shall implement a nursing home 17812
quality initiative to improve person-centered care that nursing 17813
homes provide. The office of the state long-term care ombudsman 17814
program shall assist the department with the initiative. The 17815

initiative shall include quality improvement projects that provide 17816
nursing homes with resources and on-site education promoting 17817
person-centered strategies and positive resident outcomes, as well 17818
as other assistance designed to improve the quality of nursing 17819
home services. 17820

(C) The department shall make available a list of quality 17821
improvement projects offered by the following entities that may be 17822
used by nursing homes in meeting the requirements of section 17823
3721.072 of the Revised Code: 17824

(1) The department; 17825

(2) A quality improvement organization under contract with 17826
the United States secretary of health and human services to carry 17827
out the state functions described in section 1154 of the "Social 17828
Security Act," 42 U.S.C. 1320c-3; 17829

(3) Other state agencies; 17830

(4) The Ohio person-centered care coalition; 17831

(5) Any other academic, research, or health care entity 17832
identified by the department. 17833

(D) The department shall consult with representatives of 17834
nursing homes when developing the list of quality improvement 17835
projects under division (C) of this section and include projects 17836
that the department and representatives agree should be on the 17837
list. 17838

(E) The director of aging may adopt rules in accordance with 17839
Chapter 119. of the Revised Code as necessary to implement this 17840
section. 17841

Sec. 173.99. (A) A long-term care provider, person employed 17842
by a long-term care provider, other entity, or employee of such 17843
other entity that violates division (C) of section 173.24 of the 17844
Revised Code is subject to a fine not to exceed one thousand 17845

dollars for each violation. 17846

(B) Whoever violates division (C) of section 173.23 of the 17847
Revised Code is guilty of registering a false complaint, a 17848
misdemeanor of the first degree. 17849

(C) A long-term care provider, other entity, or person 17850
employed by a long-term care provider or other entity that 17851
violates division (E) of section 173.19 of the Revised Code by 17852
denying a representative of the office of the state long-term care 17853
~~ombudsperson~~ ombudsman program the access required by that 17854
division is subject to a fine not to exceed five hundred dollars 17855
for each violation. 17856

(D) Whoever violates division (C) of section 173.44 of the 17857
Revised Code is subject to a fine of one hundred dollars. 17858

Sec. 189.04. (A) The local government innovation council 17859
shall award loans to a qualified political subdivision or a 17860
qualified group of political subdivisions to be used for the 17861
purchase of equipment, facilities, or systems or for 17862
implementation costs. 17863

Loans made under division (A) of this section shall be repaid 17864
by recipients using savings achieved from the innovation project. 17865

(B) Up to twenty per cent of the funds in the local 17866
government innovation fund, established in section 189.05 of the 17867
Revised Code, may be awarded by the council as grants to political 17868
subdivisions for use in process improvement or implementation of 17869
innovation project awards. 17870

(C) The council shall award not more than one hundred 17871
thousand dollars in total grants and not more than one hundred 17872
thousand dollars in total loans to an individual political 17873
subdivision per innovation project under this section. For an 17874
innovation project involving a qualified group of political 17875

subdivisions, the council shall award, in total grants and loans, 17876
not more than five hundred thousand dollars, and the average 17877
amount per political subdivision shall not exceed one hundred 17878
thousand dollars. 17879

(D)(1) On and after July 1, 2013, the council shall not award 17880
grants from the local government innovation fund to any political 17881
subdivision described in division (A) of Section 263.325 of H.B. 17882
59 of the 130th General Assembly. 17883

(2) On and after July 1, 2014, the council shall not award 17884
loans from the local government innovation fund to any political 17885
subdivision described in division (A) of Section 263.325 of H.B. 17886
59 of the 130th General Assembly. 17887

Sec. 189.06. (A) All political subdivisions of the state are 17888
eligible to apply for awards under the local government innovation 17889
program, except as provided in division (D) of section 189.04 of 17890
the Revised Code. Applications shall be submitted to the 17891
department of development on a form specified by the director of 17892
development. The department shall provide the application to the 17893
local government innovation council for evaluation and selection. 17894

The local government innovation council shall award loans and 17895
grants under the program in accordance with a competitive process 17896
to be developed by the council. 17897

(B) Not later than December 31, 2011, the council shall 17898
establish criteria for evaluating proposals and making awards to 17899
political subdivisions. The criteria shall be developed in 17900
consultation with nonpublic entities involved in local government 17901
issues, state institutions of higher education, and the department 17902
of development, as determined by the council. The criteria shall 17903
include a requirement that at least one of the political 17904
subdivisions that is a party to the proposal provide matching 17905
funds. The matching funds may be provided by a nonpublic entity. 17906

The criteria for evaluating proposals may include the following provisions:	17907 17908
(1) The expected return on investment, based on the ratio of expected savings;	17909 17910
(2) The number of participating entities in the proposal;	17911
(3) The probability of the proposal's success;	17912
(4) The percentage of local matching funds available;	17913
(5) The ability to replicate the proposal in other political subdivisions;	17914 17915
(6) Whether the proposal is part of a larger consolidation effort by the applicant or applicants;	17916 17917
(7) Whether the proposal is to implement performance audit or other audit recommendations under Chapter 117. of the Revised Code;	17918 17919 17920
(8) Whether the applicant has successfully completed an innovation project in the past.	17921 17922
 Sec. 191.01. As used in this chapter:	 17923
(A) "Administrative safeguards," "availability," "confidentiality," "integrity," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.	17924 17925 17926 17927
(B) "Business associate," "covered entity," "health plan," "individually identifiable health information," and "protected health information" have the same meanings as in 45 C.F.R. 160.103.	17928 17929 17930 17931
(C) "Executive director of the office of health transformation" or "executive director" means the executive director of the office of health transformation or the chief administrative officer of a successor governmental entity	17932 17933 17934 17935

responsible for health system oversight in this state.	17936
(D) "Government program providing public benefits" means any program administered by a state agency that has been identified, pursuant to section 191.02 of the Revised Code, by the executive director of the office of health transformation in consultation with the individuals specified in that section.	17937 17938 17939 17940 17941
(E) "Office of health transformation" means the office of health transformation created by executive order 2011-02K.	17942 17943
(F) "Operating protocol" means a protocol adopted by the executive director of the office of health transformation or the executive director's designee under division (D) of section 191.06 of the Revised Code.	17944 17945 17946 17947
(G) "Participating agency" means a state agency that participates in a health transformation initiative as specified in the one or more operating protocols adopted for the initiative under division (D) of section 191.06 of the Revised Code.	17948 17949 17950 17951
(H) "Personally identifiable information" means information that meets both of the following criteria:	17952 17953
(1) It identifies an individual or there is a reasonable basis to believe that it may be used to identify an individual;	17954 17955
(2) It relates to an individual's eligibility for, application for, or receipt of public benefits from a government program providing public benefits.	17956 17957 17958
(I) "State agency" means each of the following:	17959
(1) The department of aging;	17960
(2) The department of alcohol and drug addiction services;	17961
(3) The department of development <u>services agency</u>;	17962
(4) (3) The department of developmental disabilities;	17963
(5) (4) The department of education;	17964

(6) (5) The department of health;	17965
(7) (6) The department of insurance;	17966
(8) (7) The department of job and family services;	17967
(9) (8) <u>The department of medicaid;</u>	17968
(9) The department of mental health <u>mental health and</u>	17969
<u>addiction services;</u>	17970
(10) The department of rehabilitation and correction;	17971
(11) The department of taxation;	17972
(12) The department of veterans services;	17973
(13) The department of youth services.	17974
(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.	17975
Sec. 191.02. The executive director of the office of health	17976
transformation, in consultation with all of the following	17977
individuals, shall identify each government program administered	17978
by a state agency that is to be considered a government program	17979
providing public benefits for purposes of section 191.04 of the	17980
Revised Code:	17981
(A) The director of aging;	17982
(B) The director of alcohol and drug addiction services;	17983
(C) The director of development <u>services;</u>	17984
(D) (C) The director of developmental disabilities;	17985
(E) (D) The director of health;	17986
(F) (E) The director <u>of</u> job and family services;	17987
(G) (F) <u>The director of medicaid;</u>	17988
(G) The director of mental health <u>mental health and addiction</u>	17989
<u>services;</u>	17990
(H) The director of rehabilitation and correction;	17991

(I) The director of veterans services;	17992
(J) The director of youth services;	17993
(K) The administrator of the rehabilitation services commission;	17994 17995
(L) The administrator of workers' compensation;	17996
(M) The superintendent of insurance;	17997
(N) The superintendent of public instruction;	17998
(O) The tax commissioner.	17999
Sec. 191.04. (A) In accordance with federal laws governing	18000
the confidentiality of individually identifiable health	18001
information, including the "Health Insurance Portability and	18002
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021,	18003
42 U.S.C. 1320d et seq., as amended, and regulations promulgated	18004
by the United States department of health and human services to	18005
implement the act, a state agency may exchange protected health	18006
information with another state agency relating to eligibility for	18007
or enrollment in a health plan or relating to participation in a	18008
government program providing public benefits if the exchange of	18009
information is necessary for either or both of the following:	18010
(1) Operating a health plan;	18011
(2) Coordinating, or improving the administration or	18012
management of, the health care-related functions of at least one	18013
government program providing public benefits.	18014
(B) For fiscal year <u>years</u> 2013, 2014, and 2015 only, a state	18015
agency also may exchange personally identifiable information with	18016
another state agency for purposes related to and in support of a	18017
health transformation initiative identified by the executive	18018
director of the office of health transformation pursuant to	18019
division (C) of section 191.06 of the Revised Code.	18020

(C) With respect to a state agency that uses or discloses personally identifiable information, all of the following conditions apply:

(1) The state agency shall use or disclose the information only as permitted or required by state and federal law. In addition, if the information is obtained during fiscal year 2013 from an exchange of personally identifiable information permitted under division (B) of this section, the agency shall also use or disclose the information in accordance with all operating protocols that apply to the use or disclosure.

(2) If the state agency is a state agency other than the department of ~~job and family services~~ medicaid and it uses or discloses protected health information that is related to a medicaid recipient and obtained from the department of ~~job and family services~~ medicaid or another agency operating a component of the medicaid program, the state agency shall comply with all state and federal laws that apply to the department of ~~job and family services~~ medicaid when that department, as the state's single state agency to supervise the medicaid program ~~as specified in section 5111.01 of the Revised Code~~, uses or discloses protected health information.

(3) A state agency shall implement administrative, physical, and technical safeguards for the purpose of protecting the confidentiality, integrity, and availability of personally identifiable information the creation, receipt, maintenance, or transmittal of which is affected or governed by this section.

(4) If a state agency discovers an unauthorized use or disclosure of unsecured protected health information or unsecured individually identifiable health information, the state agency shall, not later than seventy-two hours after the discovery, do all of the following:

(a) Identify the individuals who are the subject of the 18052
protected health information or individually identifiable health 18053
information; 18054

(b) Report the discovery and the names of all individuals 18055
identified pursuant to division (C)(4)(a) of this section to all 18056
other state agencies and the executive director of the office of 18057
health transformation or the executive director's designee; 18058

(c) Mitigate, to the extent reasonably possible, any 18059
potential adverse effects of the unauthorized use or disclosure. 18060

(5) A state agency shall make available to the executive 18061
director of the office of health transformation or the executive 18062
director's designee, and to any other state or federal 18063
governmental entity required by law to have access on that 18064
entity's request, all internal practices, records, and 18065
documentation relating to personally identifiable information it 18066
receives, uses, or discloses that is affected or governed by this 18067
section. 18068

(6) On termination or expiration of an operating protocol and 18069
if feasible, a state agency shall return or destroy all personally 18070
identifiable information received directly from or received on 18071
behalf of another state agency. If the personally identifiable 18072
information is not returned or destroyed, the state agency 18073
maintaining the information shall extend the protections set forth 18074
in this section for as long as it is maintained. 18075

(7) If a state agency enters into a subcontract or, when 18076
required by 45 C.F.R. 164.502(e)(2), a business associate 18077
agreement, the subcontract or business associate agreement shall 18078
require the subcontractor or business associate to comply with the 18079
terms of this section as if the subcontractor or business 18080
associate were a state agency. 18081

Sec. 191.06. (A) The provisions of this section shall apply 18082
only for fiscal ~~year~~ years 2013, 2014, and 2015. 18083

(B) The executive director of the office of health 18084
transformation or the executive director's designee may facilitate 18085
the coordination of operations and exchange of information between 18086
state agencies. The purpose of the executive director's authority 18087
under this section is to support agency collaboration for health 18088
transformation purposes, including modernization of the medicaid 18089
program, streamlining of health and human services programs in 18090
this state, and improving the quality, continuity, and efficiency 18091
of health care and health care support systems in this state. 18092

(C) In furtherance of the authority of the executive director 18093
of the office of health transformation under division (B) of this 18094
section, the executive director or the executive director's 18095
designee shall identify each health transformation initiative in 18096
this state that involves the participation of two or more state 18097
agencies and that permits or requires an interagency agreement to 18098
be entered into for purposes of specifying each participating 18099
agency's role in coordinating, operating, or funding the 18100
initiative, or facilitating the exchange of data or other 18101
information for the initiative. The executive director shall 18102
publish a list of the identified health transformation initiatives 18103
on the internet web site maintained by the office of health 18104
transformation. 18105

(D) For each health transformation initiative that is 18106
identified under division (C) of this section, the executive 18107
director or the executive director's designee shall, in 18108
consultation with each participating agency, adopt one or more 18109
operating protocols. Notwithstanding any law enacted by the 18110
general assembly or rule adopted by a state agency, the provisions 18111
in a protocol shall supersede any provisions in an interagency 18112

agreement, including an interagency agreement entered into under 18113
section 5101.10 or ~~5111.91~~ 5162.35 of the Revised Code, that 18114
differ from the provisions of the protocol. 18115

(E)(1) An operating protocol adopted under division (D) of 18116
this section shall include both of the following: 18117

(a) All terms necessary to meet the requirements of "other 18118
arrangements" between a covered entity and a business associate 18119
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 18120

(b) If known, the date on which the protocol will terminate 18121
or expire. 18122

(2) In addition, a protocol may specify the extent to which 18123
each participating agency is responsible and accountable for 18124
completing the tasks necessary for successful completion of the 18125
initiative, including tasks relating to the following components 18126
of the initiative: 18127

(a) Workflow; 18128

(b) Funding; 18129

(c) Exchange of data or other information that is 18130
confidential pursuant to state or federal law. 18131

(F) An operating protocol adopted under division (D) of this 18132
section shall have the same force and effect as an interagency 18133
agreement or data sharing agreement, and each participating agency 18134
shall comply with it. 18135

~~(G) The director of job and family services shall determine 18136
whether a waiver of federal medicaid requirements or a medicaid 18137
state plan amendment is necessary to fulfill the requirements of 18138
this section. If the director determines a waiver or medicaid 18139
state plan amendment is necessary, the director shall apply to the 18140
United States secretary of health and human services for the 18141
waiver or amendment. 18142~~

<u>Sec. 191.061. (A) As used in this section:</u>	18143
<u>(1) "Core competencies" means the minimum standards a direct care worker must meet when providing direct care services and engaging in any one or more of the following activities associated with care for a medicaid recipient: maintaining a clean and safe environment, ensuring recipient-centered care, promoting the recipient's development, assisting the recipient with activities of daily living, communicating with the recipient, completing administrative tasks, and participating in professional development activities.</u>	18144 18145 18146 18147 18148 18149 18150 18151 18152
<u>(2) "Direct care services" means health care services, ancillary services, or services related to or in support of the provision of health care or ancillary services.</u>	18153 18154 18155
<u>(3) "Direct care worker" means an individual who, for direct or indirect payment, provides direct care services to a medicaid recipient in the recipient's home, place of residence, or other setting as specified in rules adopted under section 5164.02 of the Revised Code.</u>	18156 18157 18158 18159 18160
<u>(B) Not later than June 30, 2014, the executive director of the office of health transformation or the executive director's designee, in consultation with the medicaid director and the directors of aging, developmental disabilities, health, and mental health and addiction services, shall execute an operating protocol in accordance with division (D) of section 191.06 of the Revised Code documenting the manner in which each of the directors' departments determine that direct care workers associated with programs administered by the departments demonstrate core competencies. The executive director or the executive director's designee and any one or more of the directors may decide that core competencies are demonstrated by a direct care worker attaining certification through the direct care worker certification program</u>	18161 18162 18163 18164 18165 18166 18167 18168 18169 18170 18171 18172 18173

established by the director of health under section 3701.95 of the 18174
Revised Code. A decision to this effect does not preclude a 18175
director from specifying additional requirements a direct care 18176
worker must meet to participate in a program administered by the 18177
director's department. 18178

Sec. 301.28. (A) As used in this section: 18179

(1) "Financial transaction device" includes a credit card, 18180
debit card, charge card, or prepaid or stored value card, or 18181
automated clearinghouse network credit, debit, or e-check entry 18182
that includes, but is not limited to, accounts receivable and 18183
internet-initiated, point of purchase, and telephone-initiated 18184
applications or any other device or method for making an 18185
electronic payment or transfer of funds. 18186

(2) "County expenses" includes fees, costs, taxes, 18187
assessments, fines, penalties, payments, or any other expense a 18188
person owes or otherwise pays to a county office under the 18189
authority of a county official, other than dog registration and 18190
kennel fees required to be paid under Chapter 955. of the Revised 18191
Code. "County expenses" includes payment to a county office of 18192
money confiscated during the commitment of an individual to a 18193
county jail, of bail, of money for a prisoner's inmate account, 18194
and of money for goods and services obtained by or for the use of 18195
an individual incarcerated by a county sheriff. 18196

(3) "County official" includes the county auditor, county 18197
treasurer, county engineer, county recorder, county prosecuting 18198
attorney, county sheriff, county coroner, county park district and 18199
board of county commissioners, the clerk of the probate court, the 18200
clerk of the juvenile court, the clerks of court for all divisions 18201
of the courts of common pleas, and the clerk of the court of 18202
common pleas, the clerk of a county-operated municipal court, and 18203
the clerk of a county court. 18204

The term "county expenses" includes county expenses owed to the board of health of the general health district or a combined health district in the county. If the board of county commissioners authorizes county expenses to be paid by financial transaction devices under this section, then the board of health and the general health district and the combined health district may accept payments by financial transaction devices under this section as if the board were a "county official" and the district were a county office. However, in the case of a general health district formed by unification of general health districts under section 3709.10 of the Revised Code, this entitlement applies only if all the boards of county commissioners of all counties in the district have authorized payments to be accepted by financial transaction devices.

(B) Notwithstanding any other section of the Revised Code and except as provided in division (D) of this section, a board of county commissioners may adopt a resolution authorizing the acceptance of payments by financial transaction devices for county expenses. The resolution shall include the following:

(1) A specification of those county officials who, and of the county offices under those county officials that, are authorized to accept payments by financial transaction devices;

(2) A list of county expenses that may be paid for through the use of a financial transaction device;

(3) Specific identification of financial transaction devices that the board authorizes as acceptable means of payment for county expenses. Uniform acceptance of financial transaction devices among different types of county expenses is not required.

(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Uniform application of

surcharges or convenience fees among different types of county expenses is not required. 18236
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(5) A specific provision as provided in division (G) of this section requiring the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason. 18238
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The board's resolution shall also designate the county treasurer as an administrative agent to solicit proposals, within guidelines established by the board in the resolution and in compliance with the procedures provided in division (C) of this section, from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices, to make recommendations about those proposals to the board, and to assist county offices in implementing the county's financial transaction devices program. The county treasurer may decline this responsibility within thirty days after receiving a copy of the board's resolution by notifying the board in writing within that period. If the treasurer so notifies the board, the board shall perform the duties of the administrative agent. 18242
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If the county treasurer is the administrative agent and fails to administer the county financial transaction devices program in accordance with the guidelines in the board's resolution, the board shall notify the treasurer in writing of the board's findings, explain the failures, and give the treasurer six months to correct the failures. If the treasurer fails to make the appropriate corrections within that six-month period, the board may pass a resolution declaring the board to be the administrative agent. The board may later rescind that resolution at its discretion. 18255
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(C) The county shall follow the procedures provided in this division whenever it plans to contract with financial institutions, issuers of financial transaction devices, or 18265
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processors of financial transaction devices for the purposes of 18268
this section. The administrative agent shall request proposals 18269
from at least three financial institutions, issuers of financial 18270
transaction devices, or processors of financial transaction 18271
devices, as appropriate in accordance with the resolution adopted 18272
under division (B) of this section. Prior to sending any financial 18273
institution, issuer, or processor a copy of any such request, the 18274
county shall advertise its intent to request proposals in a 18275
newspaper of general circulation in the county once a week for two 18276
consecutive weeks or as provided in section 7.16 of the Revised 18277
Code. The notice shall state that the county intends to request 18278
proposals; specify the purpose of the request; indicate the date, 18279
which shall be at least ten days after the second publication, on 18280
which the request for proposals will be mailed to financial 18281
institutions, issuers, or processors; and require that any 18282
financial institution, issuer, or processor, whichever is 18283
appropriate, interested in receiving the request for proposals 18284
submit written notice of this interest to the county not later 18285
than noon of the day on which the request for proposals will be 18286
mailed. 18287

Upon receiving the proposals, the administrative agent shall 18288
review them and make a recommendation to the board of county 18289
commissioners on which proposals to accept. The board of county 18290
commissioners shall consider the agent's recommendation and review 18291
all proposals submitted, and then may choose to contract with any 18292
or all of the entities submitting proposals, as appropriate. The 18293
board shall provide any financial institution, issuer, or 18294
processor that submitted a proposal, but with which the board does 18295
not enter into a contract, notice that its proposal is rejected. 18296
The notice shall state the reasons for the rejection, indicate 18297
whose proposals were accepted, and provide a copy of the terms and 18298
conditions of the successful bids. 18299

(D) A board of county commissioners adopting a resolution 18300
under this section shall send a copy of the resolution to each 18301
county official in the county who is authorized by the resolution 18302
to accept payments by financial transaction devices. After 18303
receiving the resolution and before accepting payments by 18304
financial transaction devices, a county official shall provide 18305
written notification to the board of county commissioners of the 18306
official's intent to implement the resolution within the 18307
official's office. Each county office subject to the board's 18308
resolution adopted under division (B) of this section may use only 18309
the financial institutions, issuers of financial transaction 18310
devices, and processors of financial transaction devices with 18311
which the board of county commissioners contracts, and each such 18312
office is subject to the terms of those contracts. 18313

If a county office under the authority of a county official 18314
is directly responsible for collecting one or more county expenses 18315
and the county official determines not to accept payments by 18316
financial transaction devices for one or more of those expenses, 18317
the office shall not be required to accept payments by financial 18318
transaction devices, notwithstanding the adoption of a resolution 18319
by the board of county commissioners under this section. 18320

Any office of a clerk of the court of common pleas that 18321
accepts financial transaction devices on or before July 1, 1999, 18322
and any other county office that accepted such devices before 18323
January 1, 1998, may continue to accept such devices without being 18324
subject to any resolution passed by the board of county 18325
commissioners under division (B) of this section, or any other 18326
oversight by the board of the office's financial transaction 18327
devices program. Any such office may use surcharges or convenience 18328
fees in any manner the county official in charge of the office 18329
determines to be appropriate, and, if the county treasurer 18330
consents, may appoint the county treasurer to be the office's 18331

administrative agent for purposes of accepting financial 18332
transaction devices. In order not to be subject to the resolution 18333
of the board of county commissioners adopted under division (B) of 18334
this section, a county office shall notify the board in writing 18335
within thirty days after March 30, 1999, that it accepted 18336
financial transaction devices prior to January 1, 1998, or, in the 18337
case of the office of a clerk of the court of common pleas, the 18338
clerk has accepted or will accept such devices on or before July 18339
1, 1999. Each such notification shall explain how processing costs 18340
associated with financial transaction devices are being paid and 18341
shall indicate whether surcharge or convenience fees are being 18342
passed on to consumers. 18343

(E) A board of county commissioners may establish a surcharge 18344
or convenience fee that may be imposed upon a person making 18345
payment by a financial transaction device. The surcharge or 18346
convenience fee shall not be imposed unless authorized or 18347
otherwise permitted by the rules prescribed by an agreement 18348
governing the use and acceptance of the financial transaction 18349
device. 18350

If a surcharge or convenience fee is imposed, every county 18351
office accepting payment by a financial transaction device, 18352
regardless of whether that office is subject to a resolution 18353
adopted by a board of county commissioners, shall clearly post a 18354
notice in that office and shall notify each person making a 18355
payment by such a device about the surcharge or fee. Notice to 18356
each person making a payment shall be provided regardless of the 18357
medium used to make the payment and in a manner appropriate to 18358
that medium. Each notice shall include all of the following: 18359

(1) A statement that there is a surcharge or convenience fee 18360
for using a financial transaction device; 18361

(2) The total amount of the charge or fee expressed in 18362
dollars and cents for each transaction, or the rate of the charge 18363

or fee expressed as a percentage of the total amount of the 18364
transaction, whichever is applicable; 18365

(3) A clear statement that the surcharge or convenience fee 18366
is nonrefundable. 18367

(F) If a person elects to make a payment to the county by a 18368
financial transaction device and a surcharge or convenience fee is 18369
imposed, the payment of the surcharge or fee shall be considered 18370
voluntary and the surcharge or fee is not refundable. 18371

(G) If a person makes payment by financial transaction device 18372
and the payment is returned or dishonored for any reason, the 18373
person is liable to the county for payment of a penalty over and 18374
above the amount of the expense due. The board of county 18375
commissioners shall determine the amount of the penalty, which may 18376
be either a fee not to exceed twenty dollars or payment of the 18377
amount necessary to reimburse the county for banking charges, 18378
legal fees, or other expenses incurred by the county in collecting 18379
the returned or dishonored payment. The remedies and procedures 18380
provided in this section are in addition to any other available 18381
civil or criminal remedies provided by law. 18382

(H) No person making any payment by financial transaction 18383
device to a county office shall be relieved from liability for the 18384
underlying obligation except to the extent that the county 18385
realizes final payment of the underlying obligation in cash or its 18386
equivalent. If final payment is not made by the financial 18387
transaction device issuer or other guarantor of payment in the 18388
transaction, the underlying obligation shall survive and the 18389
county shall retain all remedies for enforcement that would have 18390
applied if the transaction had not occurred. 18391

(I) A county official or employee who accepts a financial 18392
transaction device payment in accordance with this section and any 18393
applicable state or local policies or rules is immune from 18394

personal liability for the final collection of such payments. 18395

Sec. 305.23. (A) As used in this section: 18396

(1) "County office" means the offices of the county 18397
commissioner, county auditor, county treasurer, county engineer, 18398
county recorder, county prosecuting attorney, county sheriff, 18399
county coroner, county park district, veterans service commission, 18400
clerk of the juvenile court, clerks of court for all divisions of 18401
the courts of common pleas, including the clerk of the court of 18402
common pleas, clerk of a county-operated municipal court, and 18403
clerk of a county court, and any agency, department, or division 18404
under the authority of, or receiving funding in whole or in part 18405
from, any of those county offices. 18406

(2) "Human resources" means any and all functions relating to 18407
human resource management, including civil service, employee 18408
benefits administration, collective bargaining, labor relations, 18409
risk management, workers' compensation, unemployment compensation, 18410
and any human resource management function required by state or 18411
federal law, but "human resources" does not authorize a board of 18412
county commissioners to adopt a resolution establishing a 18413
centralized human resource service that requires any county office 18414
to conform to any classification and compensation plan, position 18415
descriptions, or organizational structure; to determine the rate 18416
of compensation of any employee appointed by the appointing 18417
authority of a county office or the salary ranges for positions of 18418
a county office within the aggregate limits set in the 18419
appropriation resolution of the board of county commissioners; to 18420
determine the number of or the terms of employment of any employee 18421
appointed by the appointing authority of a county office within 18422
the aggregate limits set in the board's appropriation resolution; 18423
or to exercise powers relating to the hiring, qualifications, 18424
evaluation, suspension, demotion, disciplinary action, layoff, 18425

furloughing, establishment of a modified work-week schedule, or 18426
the termination of any employee appointed by the appointing 18427
authority of any county office. 18428

(B) Subject to division (C) of this section, a board of 18429
county commissioners may adopt a resolution establishing 18430
centralized purchasing, printing, transportation, vehicle 18431
maintenance, human resources, revenue collection, and mail 18432
operation services for a county office. Before adopting a 18433
resolution under this section, the board of county commissioners, 18434
in a written notice, shall inform any other county office that 18435
will be impacted by the resolution of the board's desire to 18436
establish a centralized service or services. The written notice 18437
shall include a statement that provides the rationale and the 18438
estimated savings anticipated for centralizing a service or 18439
services. In addition, the board may request any other county 18440
office to serve as the agent and responsible party for 18441
administering a centralized service or services. That county 18442
office may enter into an agreement with the board of county 18443
commissioners to administer the centralized service or services 18444
under such terms and conditions as are included in the agreement, 18445
but nothing in this section authorizes the board of county 18446
commissioners to require a county office to serve as the agent and 18447
responsible party for administering a centralized service or 18448
services at the board's request. 18449

A resolution establishing a centralized service or services 18450
shall specify all of the following: 18451

(1) The name of the county office that will be the agent and 18452
responsible party for administering a centralized service or 18453
services, and if the agent and responsible party is not the board 18454
of county commissioners, the designation of the county office that 18455
has entered into an agreement under division (B) of this section 18456
with the board to be the agent and responsible party; 18457

(2) Which county offices are required to use the centralized services;	18458 18459
(3) If not all of the centralized services, which centralized service each county office must use;	18460 18461
(4) A list of rates and charges the county office shall pay for the centralized services;	18462 18463
(5) The date upon which each county office specified in the resolution shall begin using the centralized services.	18464 18465
Not later than ten days after a resolution is adopted under this section, the clerk of the board of county commissioners shall send a copy of the resolution to each county office that is specified in the resolution.	18466 18467 18468 18469
(C) A board of county commissioners shall not adopt a resolution that establishes a centralized service or services regarding any of the following:	18470 18471 18472
(1) Purchases made for contract services with moneys from the special fund designated as "general fund moneys to supplement the equipment <u>technology</u> needs of the county recorder" under section 317.321 of the Revised Code or from the funds that are paid out of the general fund of the county under sections 325.071 and 325.12 of the Revised Code;	18473 18474 18475 18476 18477 18478
(2) Purchases made with moneys from the real estate assessment fund established under section 325.31 of the Revised Code;	18479 18480 18481
(3) Purchases of financial software used by the county auditor;	18482 18483
(4) The printing of county property tax bills;	18484
(5) The collection of any taxes, assessments, and fees the county treasurer is required by law to collect;	18485 18486
(6) Purchases of software used by the county recorder.	18487

(D) Nothing in this section authorizes the board of county commissioners to have control or authority over funds that are received directly by a county office under another section of the Revised Code, or to control, or have authority regarding, the expenditure or use of such funds.

Sec. 307.07. (A) The board of county commissioners, by resolution, may create an office of economic development, to develop and promote plans and programs designed to assure that county resources are efficiently used, economic growth is properly balanced, and that county economic development is coordinated with that of the state and other local governments. For this purpose, the board may appropriate moneys from the county general fund, or, pursuant to section 307.64 of the Revised Code, moneys derived from a tax levied pursuant to division (EE) of section 5705.19 of the Revised Code, for the creation and operation of the office for, any economic development purpose of the office, and to provide for the establishment and operation of a program of economic development, including in support of a county land reutilization corporation organized under Chapter 1724. of the Revised Code. The board may hire a director of economic development, who shall be a member of the unclassified civil service, and fix the director's compensation; or may do any of the following:

(1) Enter into an agreement with a county planning commission within the county, created under section 713.22 of the Revised Code, or a regional planning commission, created under section 713.21 of the Revised Code, regardless of whether the county is a member of the commission, to carry out all of the functions and duties of a director of economic development under division (B) of this section. Any agreement shall set forth the procedure by which the county or regional planning commission shall gain the approval of the board of county commissioners for any actions, functions,

and duties under division (B) of this section. Any agreement may 18520
continue in effect for a period of one to three years and may be 18521
renewed with the consent of all parties. The civil service status 18522
of planning commission staff shall not be affected by any 18523
agreement under this division. 18524

(2) Enter into an agreement with ~~the Ohio cooperative~~ OSU 18525
~~extension service~~, providing for the use of employees hired by the 18526
Ohio state university under section 3335.36 of the Revised Code to 18527
carry out all of the functions and duties of a director of 18528
economic development under division (B) of this section. Any 18529
agreement shall set forth the procedure by which ~~the Ohio~~ 18530
~~cooperative OSU extension service~~ shall gain the approval of the 18531
board of county commissioners for any actions, functions, and 18532
duties under division (B) of this section. Any agreement may 18533
continue in effect for a period of one to three years and may be 18534
renewed with the consent of all parties. The employment 18535
classification of ~~Ohio cooperative OSU extension service~~ employees 18536
shall not be affected by any agreement under this division. 18537

Any moneys appropriated by the board of county commissioners 18538
to execute an agreement for the provision of services pursuant to 18539
this section by ~~the Ohio cooperative OSU extension service~~ shall 18540
be paid to the Ohio state university to the credit of the ~~Ohio~~ 18541
~~cooperative OSU extension service~~ fund created under section 18542
3335.35 of the Revised Code. 18543

(3) Enter into an agreement with a public or private 18544
nonprofit organization to carry out all of the functions and 18545
duties of a director of economic development under division (B) of 18546
this section. The agreement shall set forth the procedure by which 18547
the nonprofit organization shall gain the approval of the board of 18548
county commissioners for any actions, functions, and duties under 18549
that division. The agreement may continue in effect for a period 18550
of one to three years and may be renewed with the consent of all 18551

parties. The employment classification of the nonprofit 18552
organization's employees shall not be affected by an agreement 18553
under this division. 18554

(B) The director of economic development may: 18555

(1) With the approval of the board, hire such staff and 18556
employ such technical and advisory personnel as the director sees 18557
fit to enable the director to carry out the functions and duties 18558
of the office; 18559

(2) With the approval of the board, contract for services 18560
necessary to enable the director to carry out the functions and 18561
duties of the office; 18562

(3) With the approval of the board, enter into agreements 18563
with federal, state, and local governments and agencies thereof, 18564
and with public, private, or nonprofit organizations to carry out 18565
the functions and duties of the office; 18566

(4) Maintain membership in development organizations; 18567

(5) With the approval of the board, make loans or grants and 18568
provide other forms of financial assistance for the purpose of 18569
economic development, including financial assistance for permanent 18570
public improvements, in compliance with applicable laws of this 18571
state, and fix the rate of interest and charges to be made for 18572
such financial assistance; 18573

(6) With the approval of the board, receive and accept 18574
grants, gifts, and contributions of money, property, labor, and 18575
other things of value, to be held, used, and applied only for the 18576
purpose for which they are made, from individuals, private and 18577
public corporations, the United States government or any agency 18578
thereof, from the state or any agency thereof, or from any 18579
political subdivision or any agency thereof, and may agree to 18580
repay any contribution of money or return any property contributed 18581
or the value thereof in amounts, and on terms and conditions, 18582

excluding the payment of interest, as the director determines, and 18583
may evidence the obligations by written evidence; 18584

(7) Establish with the board any funds that are necessary for 18585
the deposit and disbursement of gifts or contributions of money 18586
accepted for economic development purposes; 18587

(8) With the approval of the board, design, implement, 18588
monitor, oversee, and evaluate economic development plans, 18589
programs, strategies, and policies; 18590

(9) Purchase real property to convey to a county land 18591
reutilization corporation to be used in accordance with its public 18592
purposes; 18593

(10) Perform all acts necessary to fulfill the functions and 18594
duties of the office. 18595

(C) The boards of county commissioners of two or more 18596
counties, by resolution, may create a joint office of economic 18597
development for the purposes set forth in division (A) of this 18598
section. The counties participating in a joint office of economic 18599
development shall enter into an agreement that sets forth the 18600
contribution of funds, services, and property to the joint office 18601
from each participating county; establishes the person, public 18602
agency, or nonprofit organization that shall carry out the 18603
functions and duties of the office; and discloses any other terms 18604
by which the joint office shall operate. 18605

The boards of county commissioners of counties participating 18606
in a joint office of economic development may appropriate moneys 18607
from their respective county general funds, or, pursuant to 18608
section 307.64 of the Revised Code, moneys derived from a tax 18609
levied pursuant to division (EE) of section 5705.19 of the Revised 18610
Code, for the creation and operation of the joint office, for any 18611
economic development purpose of the office, and to provide for the 18612
establishment and operation of a program of economic development. 18613

The participating counties may hire a director of economic development for the joint office or enter into an agreement with a public agency or nonprofit organization in a manner set forth in division (A) of this section to carry out the functions and duties set forth in division (B) of this section.

Any agreement establishing a joint office of economic development shall set forth the procedure by which the person, public agency, or nonprofit organization carrying out the functions and duties of the office shall gain the approval of the participating boards of county commissioners for any actions, functions, and duties under division (B) of this section.

(D) As used in this section, "economic development" has the same meaning as in section 307.64 of the Revised Code.

Sec. 307.673. This section applies only in a county in which a tax is levied under section 307.697, 4301.421, 5743.024, or 5743.323 of the Revised Code on ~~the effective date of this amendment~~ July 19, 1995.

(A) As used in this section:

(1) "County taxes" means taxes levied by a board of county commissioners or legislative authority of a charter county under division (D) of section 307.697, division (B) of section 4301.421, division (C) of section 5743.024, and section 5743.323 of the Revised Code.

(2) "Corporation" means a nonprofit corporation organized under the laws of this state and that includes among the purposes for which it is incorporated the authority to acquire, construct, renovate, equip, lease, manage, or operate a sports facility.

(3) "Cooperative agreement" means an agreement entered into pursuant to this section.

(4) "Cost of a sports facility" means the cost of acquiring,

constructing, renovating, equipping, or improving one or more 18644
sports facilities, including reconstructing, rehabilitating, 18645
remodeling, and enlarging; the cost of equipping and furnishing 18646
such a facility; and all financing costs pertaining thereto, 18647
including the cost of engineering, architectural, and other 18648
professional services, designs, plans, specifications and surveys, 18649
and estimates of costs; the costs of refinancing obligations 18650
issued by, or reimbursement of money advanced by, the parties to 18651
the cooperative agreement or other persons, the proceeds of which 18652
obligations were used to pay the costs of the sports facility; the 18653
cost of tests and inspections; the cost of any indemnity or surety 18654
bonds and premiums on insurance, all related direct and 18655
administrative costs pertaining thereto, fees and expenses of 18656
trustees, depositories, and paying agents for the obligations, 18657
capitalized interest on the obligations, amounts necessary to 18658
establish reserves as required by the obligation proceedings, the 18659
reimbursement of money advanced or applied by the parties to the 18660
cooperative agreement or other persons for the payment of any item 18661
of costs of the sports facility, and all other expenses necessary 18662
or incident to planning or determining the feasibility or 18663
practicability with respect to the sports facility; and any other 18664
such expenses as may be necessary or incident to the acquisition, 18665
construction, reconstruction, rehabilitation, remodeling, 18666
renovation, enlargement, improvement, equipping, and furnishing of 18667
the sports facility, the financing of the sports facility, placing 18668
the sports facility in use and operation, including any one, part 18669
of, or combination of such classes of costs and expenses. 18670

(5) "Financing costs" has the same meaning as in section 18671
133.01 of the Revised Code. 18672

(6) "Obligations" means obligations issued or incurred to pay 18673
the cost of a sports facility, including bonds, notes, 18674
certificates of indebtedness, commercial paper, and other 18675

instruments in writing, anticipatory securities as defined in 18676
section 133.01 of the Revised Code, issued or incurred by an 18677
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 18678
this section, or otherwise, to evidence the issuer's obligation to 18679
repay borrowed money, or to pay interest, by, or to pay at any 18680
future time other money obligations of, the issuer of the 18681
obligations, including obligations of an issuer or lessee to make 18682
payments under an installment sale, lease, lease-purchase, or 18683
similar agreement. 18684

(7) "Owner" means any person that owns or operates a 18685
professional athletic or sports team, that is party to a 18686
cooperative agreement, or that has a lease or other agreement with 18687
a party to a cooperative agreement, and that commits to use the 18688
sports facility that is the subject of the cooperative agreement 18689
for all of the team's home games for the period specified in that 18690
agreement. 18691

(8) "Payments," when used with reference to obligations, 18692
means payments of the principal, including any mandatory sinking 18693
fund deposits and mandatory redemption payments, interest and any 18694
redemption premium, and lease rentals, lease-purchase payments and 18695
other amounts payable under obligations in the form of installment 18696
sale, lease, lease-purchase, or similar agreements. 18697

(9) "Person" has the same meaning as defined in section 18698
133.01 of the Revised Code. 18699

(10) "Port authority" means a port authority created under 18700
Chapter 4582. of the Revised Code. 18701

(11) "Sports facility" means a facility, including a stadium, 18702
that is intended to house or provide a site for one or more major 18703
league professional athletic or sports teams or activities, 18704
together with all spectator facilities, parking facilities, 18705
walkways, and auxiliary facilities, real and personal property, 18706

property rights, easements, leasehold estates, and interests that 18707
may be appropriate for, or used in connection with, the operation 18708
of the sports facility. 18709

(B) The board of county commissioners of a county, the 18710
legislative authority of a municipal corporation, a port 18711
authority, a corporation, and an owner, or any combination 18712
thereof, may enter into one or more cooperative agreements under 18713
which the parties enter into one or more of the agreements 18714
described in divisions (B)(1) to (5) of this section. 18715

(1) The board of county commissioners agrees to do one or 18716
more of the following: 18717

(a) Levy a tax under division (D) of section 307.697, 18718
division (B) of section 4301.421, division (C) of section 18719
5743.024, and section 5743.323 of the Revised Code and make 18720
available all or a portion of the revenue from those taxes for the 18721
payment of the cost of the sports facility or to make payments on 18722
obligations; 18723

(b) Issue or incur obligations of the county pursuant to 18724
Chapter 133. of the Revised Code or this section; 18725

(c) Make available all or a portion of the revenue from those 18726
taxes or of the proceeds from the issuance of those obligations to 18727
the municipal corporation, port authority, corporation, or 18728
otherwise for the payment of the cost of a sports facility or the 18729
payment of obligations; 18730

(d) Acquire, construct, renovate, equip, lease to or from 18731
another person, and operate, directly or by a lease or management 18732
contract with another person, one or more sports facilities; 18733

(e) To the extent provided in the cooperative agreement or a 18734
lease with respect to a sports facility, authorize the municipal 18735
corporation, port authority, corporation, or owner to administer 18736
contracts for designing, planning, acquiring, constructing, 18737

renovating, or equipping a sports facility. 18738

(2) The port authority agrees to do one or more of the 18739
following: 18740

(a) Issue or incur obligations of the port authority pursuant 18741
to Chapter 133. or 4582. of the Revised Code or this section; 18742

(b) Make available all or a portion of the proceeds from the 18743
issuance of those obligations to the municipal corporation, 18744
county, or corporation for the payment of the cost of a sports 18745
facility or the payment of obligations; 18746

(c) Acquire, construct, renovate, equip, lease to or from 18747
another person, and operate, directly or by a lease or management 18748
contract with another person, one or more sports facilities; 18749

(d) To the extent provided in the cooperative agreement or a 18750
lease with respect to a sports facility, authorize the municipal 18751
corporation, county, corporation, or owner to administer contracts 18752
for designing, planning, acquiring, constructing, renovating, or 18753
equipping a sports facility. 18754

(3) The legislative authority of the municipal corporation 18755
agrees to do one or more of the following: 18756

(a) Make available the revenue from taxes levied by the 18757
legislative authority for the payment of the cost of a sports 18758
facility or to make payments on obligations; 18759

(b) Issue or incur obligations of the municipal corporation 18760
pursuant to Chapter 133. of the Revised Code or otherwise; 18761

(c) Make available all or a portion of the proceeds from the 18762
issuance of those obligations to the county, port authority, 18763
corporation, or otherwise for the payment of the cost of a sports 18764
facility or the payment of obligations; 18765

(d) Acquire, construct, renovate, equip, lease to or from 18766
another person, and operate, directly or by a lease or management 18767

contract with another person, one or more sports facilities; 18768

(e) To the extent provided in the cooperative agreement or a 18769
lease with respect to a sports facility, authorize the county, 18770
port authority, corporation, or owner to administer contracts for 18771
designing, planning, acquiring, constructing, renovating, or 18772
equipping a sports facility. 18773

(4) The corporation agrees to do one or more of the 18774
following: 18775

(a) Issue or incur obligations; 18776

(b) Make available all or a portion of the proceeds from the 18777
issuance of those obligations to the county, port authority, 18778
municipal corporation, or otherwise for the payment of the cost of 18779
a sports facility or the payment of obligations; 18780

(c) Acquire, construct, renovate, equip, lease to or from 18781
another person, and operate, directly or by a lease or management 18782
contract with another person, one or more sports facilities; 18783

(d) To the extent provided in the cooperative agreement or a 18784
lease with respect to a sports facility, agree that the 18785
corporation will administer contracts for designing, planning, 18786
acquiring, constructing, renovating, or equipping a sports 18787
facility. 18788

(5) The owner agrees to do one or more of the following: 18789

(a) Use the sports facility that is the subject of the 18790
cooperative agreement for all of the home games of the owner's 18791
professional athletic or sports team for a specified period; 18792

(b) Administer contracts for designing, planning, acquiring, 18793
constructing, renovating, or equipping a sports facility. 18794

(C) Any obligations may be secured by a trust agreement 18795
between the issuer of obligations and a corporate trustee that is 18796
a trust company or bank having the powers of a trust company in or 18797

outside this state and authorized to exercise corporate trust 18798
powers in this state. Proceeds from the issuance of any 18799
obligations or the taxes levied and collected by any party to the 18800
cooperative agreement may be deposited with and administered by a 18801
trustee pursuant to the trust agreement. 18802

(D) Any contract for the acquisition, construction, 18803
renovation, or equipping of a sports facility entered into, 18804
assigned, or assumed under this section shall provide that all 18805
laborers and mechanics employed in the acquisition, construction, 18806
renovation, or equipping of the sports facility shall be paid at 18807
the prevailing rates of wages of laborers and mechanics for the 18808
class of work called for, as those wages are determined in 18809
accordance with Chapter 4115. of the Revised Code. 18810

Sec. 307.674. (A) As used in this section: 18811

(1) "Bonds" means: 18812

(a) Revenue bonds of the port authority described in division 18813
(B)(2)(a) of this section; 18814

(b) Securities as defined in division (KK) of section 133.01 18815
of the Revised Code issued by the host municipal corporation, 18816
described in division (B)(3)(a) of this section; 18817

(c) Any bonds issued to refund any of those revenue bonds or 18818
securities. 18819

(2) "Corporation" means a nonprofit corporation that is 18820
organized under the laws of this state and that includes within 18821
the purposes for which it is incorporated the authorization to 18822
lease and operate facilities such as a port authority educational 18823
and cultural performing arts facility. 18824

(3) "Cost," as applied to a port authority educational and 18825
cultural performing arts facility, means the cost of acquiring, 18826
constructing, renovating, rehabilitating, equipping, or improving 18827

the facility, or any combination of those purposes, collectively 18828
referred to in this section as "construction," and the cost of 18829
acquisition of all land, rights of way, property rights, 18830
easements, franchise rights, and interests required for those 18831
purposes, the cost of demolishing or removing any buildings or 18832
structures on land so acquired, including the cost of acquiring 18833
any land to which those buildings or structures may be moved, the 18834
cost of public utility and common carrier relocation or 18835
duplication, the cost of all machinery, furnishings, and 18836
equipment, financing charges, interest prior to and during 18837
construction and for not more than three years after completion of 18838
construction, costs arising under guaranty agreements, 18839
reimbursement agreements, or other credit enhancement agreements 18840
relating to bonds, engineering, expenses of research and 18841
development with respect to such facility, legal expenses, plans, 18842
specifications, surveys, studies, estimates of costs and revenues, 18843
other expenses necessary or incident to determining the 18844
feasibility or practicability of acquiring or constructing the 18845
facility, administrative expense, and other expenses as may be 18846
necessary or incident to that acquisition or construction and the 18847
financing of such acquisition or construction, including, with 18848
respect to the revenue bonds of a port authority, amounts to be 18849
paid into any special funds from the proceeds of those bonds, and 18850
repayments to the port authority, host county, host municipal 18851
corporation, or corporation of any amounts advanced for the 18852
foregoing purposes. 18853

(4) "Debt service charges" means, for any period or payable 18854
at any time, the principal of and interest and any premium due on 18855
bonds for that period or payable at that time whether due at 18856
maturity or upon mandatory redemption, together with any required 18857
deposits to reserves for the payment of principal of and interest 18858
on those bonds, and includes any payments required by the port 18859
authority to satisfy any of its obligations under or arising from 18860

any guaranty agreements, reimbursement agreements, or other credit 18861
enhancement agreements described in division (C) of this section. 18862

(5) "Host county" means the county within the boundaries of 18863
which the port authority educational and cultural performing arts 18864
facility is or will be located. 18865

(6) "Host municipal corporation" means the municipal 18866
corporation within the boundaries of which the port authority 18867
educational and cultural performing arts facility is or will be 18868
located. 18869

(7) "Port authority" means a port authority created pursuant 18870
to section 4582.22 of the Revised Code. 18871

(8) "Port authority educational and cultural performing arts 18872
facility" means a facility that consists of a center for music or 18873
other performing arts, a theater or other facilities to provide 18874
programs of an educational, recreational, or cultural nature, or 18875
any combination of those purposes as determined by the parties to 18876
the cooperative agreement for which provision is made in division 18877
(B) of this section to fulfill the public educational, 18878
recreational, and cultural purposes set forth therein, together 18879
with all parking facilities, walkways, and other auxiliary 18880
facilities, real and personal property, property rights, 18881
easements, and interests that may be appropriate for, or used in 18882
connection with, the operation of the facility. 18883

(B) A host county, a host municipal corporation, and a port 18884
authority may enter into a cooperative agreement with a 18885
corporation under which, as further provided for in that 18886
agreement: 18887

(1) The host county may agree to do any or all of the 18888
following: 18889

(a) Levy and collect a tax under division (E) and division 18890
(F) of section 5739.09 of the Revised Code for the purposes, and 18891

in an amount sufficient for those purposes, described in divisions 18892
(B)(1)(b) and (c) of this section; 18893

(b) Pay to the port authority all or such portion as provided 18894
for in the cooperative agreement of the revenue from the tax, 18895
together with any investment earnings on that revenue, to be used 18896
to pay a portion of the costs of acquiring, constructing, 18897
renovating, rehabilitating, equipping, or improving the port 18898
authority educational and cultural performing arts facility; 18899

(c) Pledge and pay to the corporation all or such portion as 18900
provided for in the cooperative agreement of the revenue from the 18901
tax, together with any investment earnings on that revenue, to be 18902
used to pay a portion of the costs to the corporation of leasing 18903
the port authority educational and cultural performing arts 18904
facility from the port authority. 18905

(2) The port authority may agree to do any or all of the 18906
following: 18907

(a) Issue its revenue bonds pursuant to section 4582.48 of 18908
the Revised Code for the purpose of paying all or a portion of the 18909
costs of the port authority educational and cultural performing 18910
arts facility; 18911

(b) Acquire, construct, renovate, rehabilitate, equip, and 18912
improve the port authority educational and cultural performing 18913
arts facility; 18914

(c) Lease the port authority educational and cultural 18915
performing arts facility to the corporation; 18916

(d) To the extent provided for in the cooperative agreement 18917
or the lease to the corporation, authorize the corporation to 18918
administer on behalf of the port authority the contracts for 18919
acquiring, constructing, renovating, rehabilitating, or equipping 18920
the port authority educational and cultural performing arts 18921
facility; 18922

(e) Use the revenue derived from the lease of the port authority educational and cultural performing arts facility to the corporation solely to pay debt service charges on revenue bonds of the port authority issued pursuant to division (B)(2)(a) of this section and to pay its obligations under or arising from any guaranty agreements, reimbursement agreements, or other credit enhancement agreements provided for in this section.

(3) The host municipal corporation may agree to do either or both of the following:

(a) Issue its bonds for the purpose of paying all or a portion of the costs of the port authority educational and cultural performing arts facility, and pay the proceeds from the issuance to the port authority for that purpose;

(b) Enter into a guaranty agreement, a reimbursement agreement, or other credit enhancement agreement with the port authority to provide a guaranty or other credit enhancement of the port authority revenue bonds referred to in division (B)(2)(a) of this section pledging taxes, other than ad valorem property taxes, or other revenues for the purpose of providing the funds required to satisfy the host municipal corporation's obligations under that agreement.

The cooperative agreement may provide that the proceeds of such securities or of such guaranty agreement, reimbursement agreement, or other credit enhancement agreement be deposited with and administered by the trustee pursuant to the trust agreement authorized in division (C) of this section.

(4) The corporation may agree to do any or all of the following:

(a) Lease the port authority educational and cultural performing arts facility from the port authority;

(b) Operate and maintain the port authority educational and

cultural performing arts facility pursuant to the lease; 18954

(c) To the extent provided for in the cooperative agreement 18955
or the lease from the port authority, administer on behalf of the 18956
port authority the contracts for acquiring, constructing, 18957
renovating, rehabilitating, or equipping the port authority 18958
educational and cultural performing arts facility. 18959

(C) The pledge and payments referred to in divisions 18960
(B)(1)(b) and (c) of this section and provided for in the 18961
cooperative agreement shall be for the period stated in the 18962
cooperative agreement but shall not extend longer than the period 18963
necessary to provide for the final retirement of the port 18964
authority revenue bonds referred to in division (B)(2)(a) of this 18965
section, and for the satisfaction by the port authority of any of 18966
its obligations under or arising from any guaranty agreements, 18967
reimbursement agreements, or other credit enhancement agreements 18968
relating to those bonds or to the revenues pledged to them. The 18969
cooperative agreement shall provide for the termination of the 18970
cooperative agreement, including the pledge and payment referred 18971
to in division (B)(1)(c) of this section, if the port authority 18972
revenue bonds referred to in division (B)(2)(a) of this section 18973
have not been issued, sold, and delivered within five years of the 18974
effective date of the cooperative agreement. 18975

The cooperative agreement shall provide that any port 18976
authority revenue bonds shall be secured by a trust agreement 18977
between the port authority and a corporate trustee that is a trust 18978
company or bank having the powers of a trust company within or 18979
outside the state but authorized to exercise trust powers within 18980
the state. The host county may be a party to that trust agreement 18981
for the purpose of better securing the pledge by the host county 18982
of its payment to the corporation pursuant to division (B)(1)(c) 18983
of this section. A tax levied pursuant to section 5739.09 of the 18984
Revised Code for the purposes specified in division (B)(1)(b) or 18985

(c) of this section is not subject to diminution by initiative or 18986
referendum or diminution by statute, unless provision is made for 18987
an adequate substitute reasonably satisfactory to the trustee 18988
under the trust agreement that secures the port authority revenue 18989
bonds. 18990

(D) A pledge of money by a host county under this section 18991
shall not be net indebtedness of the host county for purposes of 18992
section 133.07 of the Revised Code. A guaranty or other credit 18993
enhancement by a host municipal corporation under this section 18994
shall not be net indebtedness of the host municipal corporation 18995
for purposes of section 133.05 of the Revised Code. 18996

(E) If the terms of the cooperative agreement so provide, any 18997
contract for the acquisition, construction, renovation, 18998
rehabilitation, equipping, or improving of a port authority 18999
educational and cultural performing arts facility shall be made in 19000
such manner as is determined by the board of directors of the port 19001
authority, and unless the cooperative agreement provides 19002
otherwise, such a contract is not subject to division (R)(2) of 19003
section 4582.31 of the Revised Code. The port authority may take 19004
the assignment of and assume any contracts for the acquisition, 19005
construction, renovation, rehabilitation, equipping, or improving 19006
of a port authority educational and cultural performing arts 19007
facility that had previously been authorized by any of the host 19008
county, the host municipality, or the corporation. Such contracts 19009
are not subject to division (R)(2) of section 4582.31 of the 19010
Revised Code. 19011

Any contract for the acquisition, construction, renovation, 19012
rehabilitation, equipping, or improving of a port authority 19013
educational and cultural performing arts facility entered into, 19014
assigned, or assumed pursuant to this division shall provide that 19015
all laborers and mechanics employed for the acquisition, 19016
construction, renovation, rehabilitation, equipping, or improving 19017

of that facility shall be paid at the prevailing rates of wages of 19018
laborers and mechanics for the class of work called for by the 19019
port authority educational and cultural performing arts facility, 19020
which wages shall be determined in accordance with the 19021
requirements of Chapter 4115. of the Revised Code for the 19022
determination of prevailing wage rates. 19023

Notwithstanding any provisions to the contrary in section 19024
~~3383.07~~ 123.281 of the Revised Code, construction services and 19025
general building services for a port authority educational and 19026
cultural performing arts facility funded completely or in part 19027
with money appropriated by the state to the Ohio ~~cultural~~ 19028
facilities construction commission may be provided by a port 19029
authority or a corporation that occupies, will occupy, or is 19030
responsible for that facility, as determined by the commission. 19031
The construction services and general building services to be 19032
provided by the port authority or the corporation shall be 19033
specified in an agreement between the commission and the port 19034
authority or corporation. That agreement, or any actions taken 19035
under it, are not subject to Chapters 123. or 153. of the Revised 19036
Code, but are subject to Chapter 4115. of the Revised Code. 19037

Sec. 307.86. Anything to be purchased, leased, leased with an 19038
option or agreement to purchase, or constructed, including, but 19039
not limited to, any product, structure, construction, 19040
reconstruction, improvement, maintenance, repair, or service, 19041
except the services of an accountant, architect, attorney at law, 19042
physician, professional engineer, construction project manager, 19043
consultant, surveyor, or appraiser, by or on behalf of the county 19044
or contracting authority, as defined in section 307.92 of the 19045
Revised Code, at a cost in excess of fifty thousand dollars, 19046
except as otherwise provided in division (D) of section 713.23 and 19047
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 19048
307.861, 339.05, 340.03, ~~340.033~~, 4115.31 to 4115.35, ~~5119.16~~ 19049

5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall be obtained through competitive bidding. However, competitive bidding is not required when any of the following applies:

(A) The board of county commissioners, by a unanimous vote of its members, makes a determination that a real and present emergency exists, and that determination and the reasons for it are entered in the minutes of the proceedings of the board, when either of the following applies:

(1) The estimated cost is less than one hundred thousand dollars.

(2) There is actual physical disaster to structures, radio communications equipment, or computers.

For purposes of this division, "unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.

Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than one hundred thousand dollars, but the estimated cost is fifty thousand dollars or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or contracting authority shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.

(B)(1) The purchase consists of supplies or a replacement or

supplemental part or parts for a product or equipment owned or 19081
leased by the county, and the only source of supply for the 19082
supplies, part, or parts is limited to a single supplier. 19083

(2) The purchase consists of services related to information 19084
technology, such as programming services, that are proprietary or 19085
limited to a single source. 19086

(C) The purchase is from the federal government, the state, 19087
another county or contracting authority of another county, or a 19088
board of education, educational service center, township, or 19089
municipal corporation. 19090

(D) The purchase is made by a county department of job and 19091
family services under section 329.04 of the Revised Code and 19092
consists of family services duties or workforce development 19093
activities or is made by a county board of developmental 19094
disabilities under section 5126.05 of the Revised Code and 19095
consists of program services, such as direct and ancillary client 19096
services, child care, case management services, residential 19097
services, and family resource services. 19098

(E) The purchase consists of criminal justice services, 19099
social services programs, family services, or workforce 19100
development activities by the board of county commissioners from 19101
nonprofit corporations or associations under programs funded by 19102
the federal government or by state grants. 19103

(F) The purchase consists of any form of an insurance policy 19104
or contract authorized to be issued under Title XXXIX of the 19105
Revised Code or any form of health care plan authorized to be 19106
issued under Chapter 1751. of the Revised Code, or any combination 19107
of such policies, contracts, plans, or services that the 19108
contracting authority is authorized to purchase, and the 19109
contracting authority does all of the following: 19110

(1) Determines that compliance with the requirements of this 19111

section would increase, rather than decrease, the cost of the purchase; 19112
19113

(2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase; 19114
19115
19116
19117
19118

(3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible. 19119
19120
19121

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government. 19122
19123
19124
19125
19126

(H) Child care services are purchased for provision to county employees. 19127
19128

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply: 19129
19130
19131

(a) The contracting authority is authorized by the Revised Code to lease the property. 19132
19133

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property. 19134
19135
19136
19137

(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving 19138
19139
19140
19141

notice under section 307.87 of the Revised Code. 19142

(d) The contracting authority negotiates with the prospective 19143
lessors to obtain a lease at the best and lowest price reasonably 19144
possible considering the fair market value of the property and any 19145
relocation and operational costs that may be incurred during the 19146
period the lease is in effect. 19147

(2) The contracting authority may use the services of a real 19148
estate appraiser to obtain advice, consultations, or other 19149
recommendations regarding the lease of property under this 19150
division. 19151

(J) The purchase is made pursuant to section 5139.34 or 19152
sections 5139.41 to 5139.46 of the Revised Code and is of programs 19153
or services that provide case management, treatment, or prevention 19154
services to any felony or misdemeanor delinquent, unruly youth, 19155
or status offender under the supervision of the juvenile court, 19156
including, but not limited to, community residential care, day 19157
treatment, services to children in their home, or electronic 19158
monitoring. 19159

(K) The purchase is made by a public children services agency 19160
pursuant to section 307.92 or 5153.16 of the Revised Code and 19161
consists of family services, programs, or ancillary services that 19162
provide case management, prevention, or treatment services for 19163
children at risk of being or alleged to be abused, neglected, or 19164
dependent children. 19165

(L) The purchase is to obtain the services of emergency 19166
medical service organizations under a contract made by the board 19167
of county commissioners pursuant to section 307.05 of the Revised 19168
Code with a joint emergency medical services district. 19169

(M) The county contracting authority determines that the use 19170
of competitive sealed proposals would be advantageous to the 19171
county and the contracting authority complies with section 307.862 19172

of the Revised Code. 19173

Any issuer of policies, contracts, plans, or services listed 19174
in division (F) of this section and any prospective lessor under 19175
division (I) of this section may have the issuer's or prospective 19176
lessor's name and address, or the name and address of an agent, 19177
placed on a special notification list to be kept by the 19178
contracting authority, by sending the contracting authority that 19179
name and address. The contracting authority shall send notice to 19180
all persons listed on the special notification list. Notices shall 19181
state the deadline and place for submitting proposals. The 19182
contracting authority shall mail the notices at least six weeks 19183
prior to the deadline set by the contracting authority for 19184
submitting proposals. Every five years the contracting authority 19185
may review this list and remove any person from the list after 19186
mailing the person notification of that action. 19187

Any contracting authority that negotiates a contract under 19188
division (F) of this section shall request proposals and negotiate 19189
with issuers in accordance with that division at least every three 19190
years from the date of the signing of such a contract, unless the 19191
parties agree upon terms for extensions or renewals of the 19192
contract. Such extension or renewal periods shall not exceed six 19193
years from the date the initial contract is signed. 19194

Any real estate appraiser employed pursuant to division (I) 19195
of this section shall disclose any fees or compensation received 19196
from any source in connection with that employment. 19197

Sec. 309.09. (A) The prosecuting attorney shall be the legal 19198
adviser of the board of county commissioners, board of elections, 19199
all other county officers and boards, and all tax-supported public 19200
libraries, and any of them may require written opinions or 19201
instructions from the prosecuting attorney in matters connected 19202
with their official duties. The prosecuting attorney shall 19203

prosecute and defend all suits and actions that any such officer, 19204
board, or tax-supported public library directs or to which it is a 19205
party, and no county officer may employ any other counsel or 19206
attorney at the expense of the county, except as provided in 19207
section 305.14 of the Revised Code. 19208

(B)(1) The prosecuting attorney shall be the legal adviser 19209
for all township officers, boards, and commissions, unless, 19210
subject to division (B)(2) of this section, the township has 19211
adopted a limited home rule government pursuant to Chapter 504. of 19212
the Revised Code and has not entered into a contract to have the 19213
prosecuting attorney serve as the township law director, in which 19214
case, subject to division (B)(2) of this section, the township law 19215
director, whether serving full-time or part-time, shall be the 19216
legal adviser for all township officers, boards, and commissions. 19217
When the board of township trustees finds it advisable or 19218
necessary to have additional legal counsel, it may employ an 19219
attorney other than the township law director or the prosecuting 19220
attorney of the county, either for a particular matter or on an 19221
annual basis, to represent the township and its officers, boards, 19222
and commissions in their official capacities and to advise them on 19223
legal matters. No such legal counsel may be employed, except on 19224
the order of the board of township trustees, duly entered upon its 19225
journal, in which the compensation to be paid for the legal 19226
services shall be fixed. The compensation shall be paid from the 19227
township fund. 19228

Nothing in this division confers any of the powers or duties 19229
of a prosecuting attorney under section 309.08 of the Revised Code 19230
upon a township law director. 19231

(2)(a) If any township in the county served by the 19232
prosecuting attorney has adopted any resolution regarding the 19233
operation of adult entertainment establishments pursuant to the 19234
authority that is granted under section 503.52 of the Revised Code 19235

or if a resolution of that nature has been adopted under section 19236
503.53 of the Revised Code in a township in the county served by 19237
the prosecuting attorney, all of the following apply: 19238

(i) Upon the request of a township in the county that has 19239
adopted, or in which has been adopted, a resolution of that nature 19240
that is made pursuant to division (E)(1)(c) of section 503.52 of 19241
the Revised Code, the prosecuting attorney shall prosecute and 19242
defend on behalf of the township in the trial and argument in any 19243
court or tribunal of any challenge to the validity of the 19244
resolution. If the challenge to the validity of the resolution is 19245
before a federal court, the prosecuting attorney may request the 19246
attorney general to assist the prosecuting attorney in prosecuting 19247
and defending the challenge and, upon the prosecuting attorney's 19248
making of such a request, the attorney general shall assist the 19249
prosecuting attorney in performing that service if the resolution 19250
was drafted in accordance with legal guidance provided by the 19251
attorney general as described in division (B)(2) of section 503.52 19252
of the Revised Code. The attorney general shall provide this 19253
assistance without charge to the township for which the service is 19254
performed. If a township adopts a resolution without the legal 19255
guidance of the attorney general, the attorney general is not 19256
required to provide assistance as described in this division to a 19257
prosecuting attorney. 19258

(ii) Upon the request of a township in the county that has 19259
adopted, or in which has been adopted, a resolution of that nature 19260
that is made pursuant to division (E)(1)(a) of section 503.52 of 19261
the Revised Code, the prosecuting attorney shall prosecute and 19262
defend on behalf of the township a civil action to enjoin the 19263
violation of the resolution in question. 19264

(iii) Upon the request of a township in the county that has 19265
adopted, or in which has been adopted, a resolution of that nature 19266
that is made pursuant to division (E)(1)(b) of section 503.52 of 19267

the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township a civil action under Chapter 3767. of the Revised Code to abate as a nuisance the place in the unincorporated area of the township at which the resolution is being or has been violated. Proceeds from the sale of personal property or contents seized pursuant to the action shall be applied and deposited in accordance with division (E)(1)(b) of section 503.52 of the Revised Code.

(b) The provisions of division (B)(2)(a) of this section apply regarding all townships, including townships that have adopted a limited home rule government pursuant to Chapter 504. of the Revised Code, and regardless of whether a township that has so adopted a limited home rule government has entered into a contract with the prosecuting attorney as described in division (B) of section 504.15 of the Revised Code or has appointed a law director as described in division (A) of that section.

The prosecuting attorney shall prosecute and defend in the actions and proceedings described in division (B)(2)(a) of this section without charge to the township for which the services are performed.

(C) Whenever the board of county commissioners employs an attorney other than the prosecuting attorney of the county, without the authorization of the court of common pleas as provided in section 305.14 of the Revised Code, either for a particular matter or on an annual basis, to represent the board in its official capacity and to advise it on legal matters, the board shall enter upon its journal an order of the board in which the compensation to be paid for the legal services shall be fixed. The compensation shall be paid from the county general fund. The total compensation paid, in any year, by the board for legal services under this division shall not exceed the total annual compensation of the prosecuting attorney for that county.

(D) The prosecuting attorney and the board of county commissioners jointly may contract with a board of park commissioners under section 1545.07 of the Revised Code for the prosecuting attorney to provide legal services to the park district the board of park commissioners operates.

(E) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint fire district created under section 505.371 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county ~~commissioner~~ commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(F) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint ambulance district created under section 505.71 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(G) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint emergency medical services district created under section 307.052 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(H) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a fire and ambulance district created under section 505.375 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(I) All money received pursuant to a contract entered into under division (D), (E), (F), (G), or (H) of this section shall be deposited into the prosecuting attorney's legal services fund, which shall be established in the county treasury of each county in which such a contract exists. Moneys in that fund may be appropriated only to the prosecuting attorney for the purpose of providing legal services to a park district, joint fire district, joint ambulance district, joint emergency medical services district, or a fire and ambulance district, as applicable, under a contract entered into under the applicable division.

(J) The prosecuting attorney shall be the legal advisor of a lake facilities authority as provided in section 353.02 of the Revised Code.

Sec. 317.08. (A) Except as provided in divisions (C), (D), and (E) of this section, the county recorder shall keep six separate sets of records as follows:

(1) A record of deeds, in which shall be recorded all deeds and other instruments of writing for the absolute and unconditional sale or conveyance of lands, tenements, and hereditaments; all notices as provided in sections 5301.47 to 5301.56 of the Revised Code; all judgments or decrees in actions brought under section 5303.01 of the Revised Code; all

declarations and bylaws, and all amendments to declarations and 19363
bylaws, as provided in Chapter 5311. of the Revised Code; 19364
affidavits as provided in sections 5301.252 and 5301.56 of the 19365
Revised Code; all certificates as provided in section 5311.17 of 19366
the Revised Code; all articles dedicating archaeological preserves 19367
accepted by the director of the Ohio historical society under 19368
section 149.52 of the Revised Code; all articles dedicating nature 19369
preserves accepted by the director of natural resources under 19370
section 1517.05 of the Revised Code; all agreements for the 19371
registration of lands as archaeological or historic landmarks 19372
under section 149.51 or 149.55 of the Revised Code; all 19373
conveyances of conservation easements and agricultural easements 19374
under section 5301.68 of the Revised Code; all instruments 19375
extinguishing agricultural easements under section 901.21 or 19376
5301.691 of the Revised Code or pursuant to terms of such an 19377
easement granted to a charitable organization under section 19378
5301.68 of the Revised Code; all instruments or orders described 19379
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 19380
no further action letters issued under section 122.654 or 3746.11 19381
of the Revised Code; all covenants not to sue issued under section 19382
3746.12 of the Revised Code, including all covenants not to sue 19383
issued pursuant to section 122.654 of the Revised Code; any 19384
restrictions on the use of property contained in a no further 19385
action letter issued under section 122.654 of the Revised Code, 19386
any restrictions on the use of property identified pursuant to 19387
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 19388
restrictions on the use of property contained in a deed or other 19389
instrument as provided in division (E) or (F) of section 3737.882 19390
of the Revised Code; any easement executed or granted under 19391
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 19392
any environmental covenant entered into in accordance with 19393
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 19394
trust, as described in division (A) of section 5301.255 of the 19395

Revised Code, that describe specific real property; and all 19396
agreements entered into under division (A) of section 1506.44 of 19397
the Revised Code; 19398

(2) A record of mortgages, in which shall be recorded all of 19399
the following: 19400

(a) All mortgages, including amendments, supplements, 19401
modifications, and extensions of mortgages, or other instruments 19402
of writing by which lands, tenements, or hereditaments are or may 19403
be mortgaged or otherwise conditionally sold, conveyed, affected, 19404
or encumbered; 19405

(b) All executory installment contracts for the sale of land 19406
executed after September 29, 1961, that by their terms are not 19407
required to be fully performed by one or more of the parties to 19408
them within one year of the date of the contracts; 19409

(c) All options to purchase real estate, including 19410
supplements, modifications, and amendments of the options, but no 19411
option of that nature shall be recorded if it does not state a 19412
specific day and year of expiration of its validity; 19413

(d) Any tax certificate sold under section 5721.33 of the 19414
Revised Code, or memorandum of it, that is presented for filing of 19415
record. 19416

(3) A record of powers of attorney, including all memoranda 19417
of trust, as described in division (A) of section 5301.255 of the 19418
Revised Code, that do not describe specific real property; 19419

(4) A record of plats, in which shall be recorded all plats 19420
and maps of town lots, of the subdivision of town lots, and of 19421
other divisions or surveys of lands, any center line survey of a 19422
highway located within the county, the plat of which shall be 19423
furnished by the director of transportation or county engineer, 19424
and all drawings and amendments to drawings, as provided in 19425
Chapter 5311. of the Revised Code; 19426

(5) A record of leases, in which shall be recorded all leases, memoranda of leases, and supplements, modifications, and amendments of leases and memoranda of leases;

(6) A record of declarations executed pursuant to section 2133.02 of the Revised Code and durable powers of attorney for health care executed pursuant to section 1337.12 of the Revised Code.

(B) All instruments or memoranda of instruments entitled to record shall be recorded in the proper record in the order in which they are presented for record. The recorder may index, keep, and record in one volume unemployment compensation liens, internal revenue tax liens and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial release of estate tax liens, discharges of recognizances, excise and franchise tax liens on corporations, broker's liens, and liens provided for in sections 1513.33, 1513.37, 3752.13, ~~5111.022~~ 5164.56, and 5311.18 of the Revised Code.

The recording of an option to purchase real estate, including any supplement, modification, and amendment of the option, under this section shall serve as notice to any purchaser of an interest in the real estate covered by the option only during the period of the validity of the option as stated in the option.

(C) In lieu of keeping the six separate sets of records required in divisions (A)(1) to (6) of this section and the records required in divisions (D) and (E) of this section, a county recorder may record all the instruments required to be recorded by this section in two separate sets of record books. One set shall be called the "official records" and shall contain the instruments listed in divisions (A)(1), (2), (3), (5), and (6) and (D) and (E) of this section. The second set of records shall

contain the instruments listed in division (A)(4) of this section. 19459

(D) Except as provided in division (C) of this section, the 19460
county recorder shall keep a separate set of records containing 19461
all corrupt activity lien notices filed with the recorder pursuant 19462
to section 2923.36 of the Revised Code and a separate set of 19463
records containing all medicaid fraud lien notices filed with the 19464
recorder pursuant to section 2933.75 of the Revised Code. 19465

(E)(1) The county recorder shall keep a separate set of 19466
records containing all transfers, conveyances, or assignments of 19467
any type of tangible or intangible personal property or any rights 19468
or interests in that property if and to the extent that any person 19469
wishes to record that personal property transaction and if the 19470
applicable instrument is acknowledged before a notary public. If 19471
the transferor is a natural person, the notice of personal 19472
property transfer shall be recorded in the county in this state in 19473
which the transferor maintains the transferor's principal 19474
residence. If the transferor is not a natural person, the notice 19475
of personal property transfer shall be recorded in the county in 19476
this state in which the transferor maintains its principal place 19477
of business. If the transferor does not maintain a principal 19478
residence or a principal place of business in this state and the 19479
transfer is to a trustee of a legacy trust formed pursuant to 19480
Chapter 5816. of the Revised Code, the notice of personal property 19481
transfer shall be recorded in the county in this state where that 19482
trustee maintains a principal residence or principal place of 19483
business. In all other instances, the notice of personal property 19484
transfer shall be recorded in the county in this state where the 19485
property described in the notice is located. 19486

(2) The records described in division (E)(1) of this section 19487
shall be maintained in or as part of the "official records" under 19488
division (C) of this section. 19489

Sec. 317.32. The county recorder shall charge and collect the following fees, to include, except as otherwise provided in division (A)(2) of this section, base fees for the recorder's services and housing trust fund fees collected pursuant to section 317.36 of the Revised Code:

(A)(1) Except as otherwise provided in division (A)(2) of this section, for recording and indexing an instrument if the photocopy or any similar process is employed, a base fee of fourteen dollars for the first two pages and a housing trust fund fee of fourteen dollars, and a base fee of four dollars and a housing trust fund fee of four dollars for each subsequent page, size eight and one-half inches by fourteen inches, or fraction of a page, including the caption page, of such instrument;

(2) For recording and indexing an instrument described in division (E)(1) of section 317.08 of the Revised Code if the photocopy or any similar process is employed, a fee of twenty-eight dollars for the first two pages to be deposited into the county treasury to the credit of the special fund designated as "general fund moneys to supplement the ~~equipment~~ technology needs of the county recorder" under section 317.321 of the Revised Code, and a fee of eight dollars to be deposited in the same manner for each subsequent page, size eight and one-half inches by fourteen inches, or fraction of a page, including the caption page, of that instrument;

(B) For certifying a photocopy from the record previously recorded, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction of a page; for each certification if the recorder's seal is required, except as to instruments issued by the armed forces of the United States, a base fee of fifty cents and a housing trust fund fee of fifty cents;

(C) For manual or typewritten recording of assignment or 19521
satisfaction of mortgage or lease or any other marginal entry, a 19522
base fee of four dollars and a housing trust fund fee of four 19523
dollars; 19524

(D) For entering any marginal reference by separate recorded 19525
instrument, a base fee of two dollars and a housing trust fund fee 19526
of two dollars for each marginal reference set out in that 19527
instrument, in addition to the fees set forth in division (A)(1) 19528
of this section; 19529

(E) For indexing in the real estate mortgage records, 19530
pursuant to section 1309.519 of the Revised Code, financing 19531
statements covering crops growing or to be grown, timber to be 19532
cut, minerals or the like, including oil and gas, accounts subject 19533
to section 1309.301 of the Revised Code, or fixture filings made 19534
pursuant to section 1309.334 of the Revised Code, a base fee of 19535
two dollars and a housing trust fund fee of two dollars for each 19536
name indexed; 19537

(F) For recording manually any plat not exceeding six lines, 19538
a base fee of two dollars and a housing trust fund fee of two 19539
dollars, and for each additional line, a base fee of ten cents and 19540
a housing trust fund fee of ten cents; 19541

(G) For filing zoning resolutions, including text and maps, 19542
in the office of the recorder as required under sections 303.11 19543
and 519.11 of the Revised Code, a base fee of twenty-five dollars 19544
and a housing trust fund fee of twenty-five dollars, regardless of 19545
the size or length of the resolutions; 19546

(H) For filing zoning amendments, including text and maps, in 19547
the office of the recorder as required under sections 303.12 and 19548
519.12 of the Revised Code, a base fee of ten dollars and a 19549
housing trust fund fee of ten dollars regardless of the size or 19550
length of the amendments; 19551

(I) For photocopying a document, other than at the time of recording and indexing as provided for in division (A)(1) or (2) of this section, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction thereof;

(J) For local facsimile transmission of a document, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction thereof; for long distance facsimile transmission of a document, a base fee of two dollars and a housing trust fund fee of two dollars per page, size eight and one-half inches by fourteen inches, or fraction thereof;

(K) For recording a declaration executed pursuant to section 2133.02 of the Revised Code or a durable power of attorney for health care executed pursuant to section 1337.12 of the Revised Code, or both a declaration and a durable power of attorney for health care, a base fee of at least fourteen dollars but not more than twenty dollars and a housing trust fund fee of at least fourteen dollars but not more than twenty dollars.

In any county in which the recorder employs the photostatic or any similar process for recording maps, plats, or prints the recorder shall determine, charge, and collect for the recording or rerecording of any map, plat, or print, a base fee of five cents and a housing trust fund fee of five cents per square inch, for each square inch of the map, plat, or print filed for that recording or rerecording, with a minimum base fee of twenty dollars and a minimum housing trust fund fee of twenty dollars; for certifying a copy from the record, a base fee of two cents and a housing trust fund fee of two cents per square inch of the record, with a minimum base fee of two dollars and a minimum housing trust fund fee of two dollars.

The fees provided in this section shall be paid upon the

presentation of the instruments for record or upon the application 19584
for any certified copy of the record, except that the payment of 19585
fees associated with the filing and recording of, or the copying 19586
of, notices of internal revenue tax liens and notices of other 19587
liens in favor of the United States as described in division (A) 19588
of section 317.09 of the Revised Code and certificates of 19589
discharge or release of those liens, shall be governed by section 19590
317.09 of the Revised Code, and the payment of fees for providing 19591
copies of instruments conveying or extinguishing agricultural 19592
easements to the office of farmland preservation in the department 19593
of agriculture under division (H) of section 5301.691 of the 19594
Revised Code shall be governed by that division. 19595

Sec. 317.321. (A) Not later than the first day of October of 19596
~~any~~ each year, the county recorder may submit to the board of 19597
county commissioners a proposal for ~~the~~ funding either or both of 19598
the following: 19599

(1) The acquisition ~~or~~ and maintenance of micrographic ~~or~~ 19600
imaging and other technological equipment ~~or for, and associated~~ 19601
expenses and contract services ~~or a proposal to therefor;~~ 19602

(2) To reserve funds for the office's future ~~equipment~~ 19603
technology needs if the county recorder has no immediate plans for 19604
the acquisition of imaging and other technological equipment or 19605
services. ~~Either~~ 19606

(B) The proposal shall be in writing and shall include at 19607
least the following: 19608

(1) A request that an amount not to exceed ~~seven~~ eight 19609
dollars of the ~~fee~~ total base fees or total fees collected for 19610
filing or recording a document for which a fee is charged as 19611
required by division (A)(1) of section 317.32 ~~of the Revised Code~~ 19612
or by section 1309.525 or 5310.15 of the Revised Code, and the 19613
total amount of the fees collected under division (A)(2) of 19614

section 317.32 of the Revised Code, be placed in the county treasury ~~and to the credit of the special fund~~ designated as "general fund moneys to supplement the ~~equipment~~ technology needs of the county recorder" for a period of one year from the date the proposal is approved;

~~(2) The number of years, not to exceed five, for which the county recorder requests that the amount requested under division (A)(1) of this section be given the designation specified in that division;~~

~~(3)~~ An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code;

~~(4)~~(3) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 ~~of the Revised Code~~ or by section 1309.525 or 5310.15 of the Revised Code that will be credited to the special fund designated as "general fund moneys to supplement the ~~equipment~~ technology needs of the county recorder," ~~if the request submitted under division (A)(1) of this section is approved by the board of county commissioners.~~

A proposal ~~for the acquisition or maintenance of micrographic or other equipment or for contract services may~~ shall include a description or summary of the ~~micrographic or~~ imaging and other technological equipment, ~~or maintenance of the micrographic or other equipment,~~ that the county recorder proposes to acquire and maintain, and the associated expenses therefor, or the nature of the contract services that the county recorder proposes to utilize, if the proposal is for those purposes. A proposal to reserve funds for the office's future ~~equipment~~ technology needs if the county recorder has no immediate plans for the acquisition

of imaging and other technological equipment or services shall 19647
explain the general needs of the office for equipment or services, 19648
if the proposal is for that purpose. 19649

~~(B)~~(C) The board of county commissioners shall receive ~~either~~ 19650
the proposal and the clerk shall enter it on the journal. At the 19651
same time, the board shall establish a date, not sooner than 19652
fifteen or later than thirty days after the ~~board's receipt of~~ 19653
board receives the proposal, on which to meet with the recorder to 19654
review the proposal. 19655

~~(C)~~(1)(D) Not later than the fifteenth day of December of any 19656
year in which a proposal ~~for the acquisition or maintenance of~~ 19657
~~micrographic or other equipment or for contract services~~ is 19658
submitted under division (A) of this section, the board of county 19659
commissioners shall approve, ~~reject, or modify~~ the proposal ~~and,~~ 19660
if the proposal includes the estimates required by divisions 19661
(B)(2) and (3) of this section. Once the board approves the 19662
proposal, the board shall notify the county recorder of its action 19663
~~on the proposal. If the board rejects or modifies the proposal, it~~ 19664
~~shall make a written finding that the request is for a purpose~~ 19665
~~other than for acquiring, leasing, or otherwise obtaining~~ 19666
~~micrographic or other equipment or contracts for use by the county~~ 19667
~~recorder or that the amount requested for the acquisition or~~ 19668
~~maintenance of micrographic or other equipment or for contract~~ 19669
~~services is excessive as determined by the board. If the board~~ 19670
~~approves the proposal, it~~ and shall request the establishment of a 19671
special fund under section 5705.12 of the Revised Code ~~for any~~ 19672
~~fees~~ designated as "general fund moneys to supplement the 19673
~~equipment~~ technology needs of the county recorder," in which the 19674
fees shall be deposited." 19675

~~(2)~~ Not later than the fifteenth day of December of any year 19676
in which a proposal to reserve funds for the office's future 19677
~~equipment needs is submitted under division (A) of this section,~~ 19678

~~the board of county commissioners shall approve the proposal, 19679
notify the county recorder of its action on the proposal, and 19680
request the establishment of a special fund under section 5705.12 19681
of the Revised Code for any fees designated as "general fund 19682
moneys to supplement the equipment needs of the county recorder." 19683~~

~~(D)(E) The acquisition ~~or~~ and maintenance of ~~micrographic or 19684
imaging and~~ other technological equipment, ~~and the acquisition of 19685
associated expenses and~~ contract services therefor, shall be 19686
specifically governed by sections 307.80 to 307.806, 307.84 to 19687
307.846, 307.86 to 307.92, and 5705.38, and by division (D) of 19688
section 5705.41 of the Revised Code. 19689~~

~~(F) Funding provided under this section does not diminish the 19690
duty of the board of county commissioners to provide funding for 19691
the expenses incurred by, and the personnel necessary for, the 19692
county recorder to perform the duties of office set forth in the 19693
Revised Code. 19694~~

Sec. 317.36. (A) The county recorder shall collect the low- 19695
and moderate-income housing trust fund fee as specified in 19696
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 19697
4509.60, ~~5111.022~~ 5164.56, 5310.15, 5719.07, 5727.56, 5733.18, 19698
5733.22, 6101.09, and 6115.09 of the Revised Code. The amount of 19699
any housing trust fund fee the recorder is authorized to collect 19700
is equal to the amount of any base fee the recorder is authorized 19701
to collect for services. The housing trust fund fee shall be 19702
collected in addition to the base fee. 19703

(B) The recorder shall certify the amounts collected as 19704
housing trust fund fees pursuant to division (A) of this section 19705
into the county treasury as housing trust fund fees to be paid to 19706
the treasurer of state pursuant to section 319.63 of the Revised 19707
Code. 19708

Sec. 321.35. Upon demand of the treasurer of state while 19709
holding a school district, county, township, or municipal 19710
corporation obligation purchased under division (G)(1) of section 19711
135.143 of the Revised Code, in making any payment under section 19712
321.31 or 321.34 of the Revised Code, the county auditor shall 19713
withhold funds of the school district, county, township, or 19714
municipal corporation in an amount sufficient to pay debt service 19715
charges on that obligation and any of the fee for the agreement to 19716
purchase that obligation, less any amount deposited for that 19717
purpose under division (D) of section 3317.18 of the Revised Code. 19718
The county auditor shall promptly pay to the treasurer of state 19719
the amount withheld. 19720

Sec. 321.44. (A)(1) A county probation services fund shall be 19721
established in the county treasury of each county. The fund a 19722
county establishes under this division shall contain all moneys 19723
paid to the treasurer of the county under section 2951.021 of the 19724
Revised Code for deposit into the fund. The moneys paid into the 19725
fund shall be deposited by the treasurer of the county into the 19726
appropriate account established under divisions (A)(1)(a) to (d) 19727
of this section. Separate accounts shall be maintained in 19728
accordance with the following criteria in the fund a county 19729
establishes under this division: 19730

(a) If a county department of probation is established in the 19731
county, a separate account shall be maintained in the fund for the 19732
county department of probation. 19733

(b) If the judges of the court of common pleas of the county 19734
have affiliated with the judges of the court of common pleas of 19735
one or more other counties and have established a multicounty 19736
department of probation, a separate account shall be maintained in 19737
the fund for the multicounty department of probation. 19738

(c) If a department of probation is established in a 19739
county-operated municipal court that has jurisdiction within the 19740
county, a separate account shall be maintained in the fund for the 19741
municipal court department of probation. 19742

(d) If a county department of probation has not been 19743
established in the county and if the court of common pleas of the 19744
county, pursuant to section 2301.32 of the Revised Code, has 19745
entered into an agreement with the adult parole authority under 19746
which the court may place defendants under a community control 19747
sanction in charge of the authority, a separate account shall be 19748
maintained in the fund for the court of common pleas. 19749

(2) For any county, if a county department of probation is 19750
established in the county or if a department of probation is 19751
established in a county-operated municipal court that has 19752
jurisdiction within the county, the board of county commissioners 19753
of the county shall appropriate to the county department of 19754
probation or municipal court department of probation all money 19755
that is contained in the department's account in the county 19756
probation services fund established in the county for use only for 19757
specialized staff, purchase of equipment, purchase of services, 19758
reconciliation programs for offenders and victims, other treatment 19759
programs, including ~~alcohol and drug~~ community addiction ~~programs~~ 19760
services providers certified under section ~~3793.06~~ 5119.36 of the 19761
Revised Code, determined to be appropriate by the chief probation 19762
officer of the department of probation, and other similar expenses 19763
related to placing offenders under a community control sanction. 19764

For any county, if the judges of the court of common pleas of 19765
the county have affiliated with the judges of the court of common 19766
pleas of one or more other counties and have established a 19767
multicounty department of probation to serve the counties, the 19768
board of county commissioners of the county shall appropriate and 19769
the county treasurer shall transfer to the multicounty probation 19770

services fund established for the multicounty department of 19771
probation under division (B) of this section all money that is 19772
contained in the multicounty department of probation account in 19773
the county probation services fund established in the county for 19774
use in accordance with that division. 19775

For any county, if a county department of probation has not 19776
been established in the county and if the court of common pleas of 19777
the county, pursuant to section 2301.32 of the Revised Code, has 19778
entered into an agreement with the adult parole authority under 19779
which the court may place defendants under a community control 19780
sanction in charge of the authority, the board of county 19781
commissioners of the county shall appropriate to the court all 19782
money that is contained in the court's account in the county 19783
probation services fund established in the county for use only for 19784
specialized staff, purchase of equipment, purchase of services, 19785
reconciliation programs for offenders and victims, other treatment 19786
and recovery support services, including properly credentialed 19787
treatment and recovery support services program providers or those 19788
certified under section ~~3793.06~~ 5119.36 of the Revised Code, 19789
determined to be appropriate by the authority, and other similar 19790
uses related to placing offenders under a community control 19791
sanction. 19792

(B) If the judges of the courts of common pleas of two or 19793
more counties have established a multicounty department of 19794
probation, a multicounty probation services fund shall be 19795
established in the county treasury of the county whose treasurer, 19796
in accordance with section 2301.27 of the Revised Code, is 19797
designated by the judges of the courts of common pleas as the 19798
treasurer to whom monthly supervision fees are to be appropriated 19799
and transferred under division (A)(2) of this section for deposit 19800
into the fund. The fund shall contain all moneys that are paid to 19801
the treasurer of any member county under section 2951.021 of the 19802

Revised Code for deposit into the county's probation services fund 19803
and that subsequently are appropriated and transferred to the 19804
multicounty probation services fund under division (A)(2) of this 19805
section. The board of county commissioners of the county in which 19806
the multicounty probation services fund is established shall 19807
appropriate the money contained in that fund to the multicounty 19808
department of probation, for use only for specialized staff, 19809
purchase of equipment, purchase of services, reconciliation 19810
programs for offenders and victims, other treatment programs, 19811
including ~~alcohol and drug~~ community addiction programs services 19812
providers certified under section ~~3793.06~~ 5119.36 of the Revised 19813
Code, determined to be appropriate by the chief probation officer, 19814
and for other similar expenses related to placing offenders under 19815
a community control sanction. 19816

(C) Any money in a county or multicounty probation services 19817
fund at the end of a fiscal year shall not revert to the general 19818
fund of the county but shall be retained in the fund. 19819

(D) As used in this section: 19820

(1) "County-operated municipal court" has the same meaning as 19821
in section 1901.03 of the Revised Code. 19822

(2) "Multicounty department of probation" means a probation 19823
department established under section 2301.27 of the Revised Code 19824
to serve more than one county. 19825

(3) "Community control sanction" has the same meaning as in 19826
section 2929.01 of the Revised Code. 19827

Sec. 329.04. (A) The county department of job and family 19828
services shall have, exercise, and perform the following powers 19829
and duties: 19830

(1) Perform any duties assigned by the state department of 19831
job and family services or department of medicaid regarding the 19832

provision of public family services, including the provision of 19833
the following services to prevent or reduce economic or personal 19834
dependency and to strengthen family life: 19835

(a) Services authorized by a Title IV-A program, as defined 19836
in section 5101.80 of the Revised Code; 19837

(b) Social services authorized by Title XX of the "Social 19838
Security Act" and provided for by section 5101.46 or 5101.461 of 19839
the Revised Code; 19840

(c) If the county department is designated as the child 19841
support enforcement agency, services authorized by Title IV-D of 19842
the "Social Security Act" and provided for by Chapter 3125. of the 19843
Revised Code. The county department may perform the services 19844
itself or contract with other government entities, and, pursuant 19845
to division (C) of section 2301.35 and section 2301.42 of the 19846
Revised Code, private entities, to perform the Title IV-D 19847
services. 19848

(d) Duties assigned under section ~~5111.98~~ 5162.031 of the 19849
Revised Code. 19850

(2) Administer disability financial assistance, as required 19851
by the state department of job and family services under section 19852
5115.03 of the Revised Code; 19853

(3) Administer burials insofar as the administration of 19854
burials was, prior to September 12, 1947, imposed upon the board 19855
of county commissioners and if otherwise required by state law; 19856

(4) Cooperate with state and federal authorities in any 19857
matter relating to family services and to act as the agent of such 19858
authorities; 19859

(5) Submit an annual account of its work and expenses to the 19860
board of county commissioners and to the state department of job 19861
and family services and department of medicaid at the close of 19862

each fiscal year;	19863
(6) Exercise any powers and duties relating to family	19864
services duties or workforce development activities imposed upon	19865
the county department of job and family services by law, by	19866
resolution of the board of county commissioners, or by order of	19867
the governor, when authorized by law, to meet emergencies during	19868
war or peace;	19869
(7) Determine the eligibility for medical assistance of	19870
recipients of aid under Title XVI of the "Social Security Act";	19871
(8) If assigned by the state director of job and family	19872
services under section 5101.515 or 5101.525 of the Revised Code,	19873
determine applicants' eligibility for health assistance under the	19874
children's health insurance program part II or part III;	19875
(9) Enter into a plan of cooperation with the board of county	19876
commissioners under section 307.983, consult with the board in the	19877
development of the transportation work plan developed under	19878
section 307.985, establish with the board procedures under section	19879
307.986 for providing services to children whose families relocate	19880
frequently, and comply with the contracts the board enters into	19881
under sections 307.981 and 307.982 of the Revised Code that affect	19882
the county department;	19883
(10) (8) For the purpose of complying with a grant agreement	19884
the board of county commissioners enters into under sections	19885
307.98 and 5101.21 of the Revised Code, exercise the powers and	19886
perform the duties the grant agreement assigns to the county	19887
department;	19888
(11) (9) If the county department is designated as the	19889
workforce development agency, provide the workforce development	19890
activities specified in the contract required by section 330.05 of	19891
the Revised Code.	19892
(B) The powers and duties of a county department of job and	19893

family services are, and shall be exercised and performed, under 19894
the control and direction of the board of county commissioners. 19895
The board may assign to the county department any power or duty of 19896
the board regarding family services duties and workforce 19897
development activities. If the new power or duty necessitates the 19898
state department of job and family services or department of 19899
medicaid changing its federal cost allocation plan, the county 19900
department may not implement the power or duty unless the United 19901
States department of health and human services approves the 19902
changes. 19903

Sec. 329.051. The county department of job and family 19904
services shall make voter registration applications as prescribed 19905
by the secretary of state under section 3503.10 of the Revised 19906
Code available to persons who are applying for, receiving 19907
assistance from, or participating in any of the following: 19908

(A) The disability financial assistance program established 19909
under Chapter 5115. of the Revised Code; 19910

(B) The ~~medical assistance~~ medicaid program ~~established under~~ 19911
~~Chapter 5111. of the Revised Code;~~ 19912

(C) The Ohio works first program established under Chapter 19913
5107. of the Revised Code; 19914

(D) The prevention, retention, and contingency program 19915
established under Chapter 5108. of the Revised Code. 19916

Sec. 329.06. (A) Except as provided in division (C) of this 19917
section and section 6301.08 of the Revised Code, the board of 19918
county commissioners shall establish a county family services 19919
planning committee. The board shall appoint a member to represent 19920
the county department of job and family services; an employee in 19921
the classified civil service of the county department of job and 19922
family services, if there are any such employees; and a member to 19923

represent the public. The board shall appoint other individuals to 19924
the committee in such a manner that the committee's membership is 19925
broadly representative of the groups of individuals and the public 19926
and private entities that have an interest in the family services 19927
provided in the county. The board shall make appointments in a 19928
manner that reflects the ethnic and racial composition of the 19929
county. The following groups and entities may be represented on 19930
the committee: 19931

(1) Consumers of family services; 19932

(2) The public children services agency; 19933

(3) The child support enforcement agency; 19934

(4) The county family and children first council; 19935

(5) Public and private colleges and universities; 19936

(6) Public entities that provide family services, including 19937
boards of health, boards of education, the county board of 19938
developmental disabilities, and the board of alcohol, drug 19939
addiction, and mental health services that serves the county; 19940

(7) Private nonprofit and for-profit entities that provide 19941
family services in the county or that advocate for consumers of 19942
family services in the county, including entities that provide 19943
services to or advocate for victims of domestic violence; 19944

(8) Labor organizations; 19945

(9) Any other group or entity that has an interest in the 19946
family services provided in the county, including groups or 19947
entities that represent any of the county's business, urban, and 19948
rural sectors. 19949

(B) The county family services planning committee shall do 19950
all of the following: 19951

(1) Serve as an advisory body to the board of county 19952
commissioners with regard to the family services provided in the 19953

county, including assistance under Chapters 5107. and 5108. of the 19954
Revised Code, publicly funded child care under Chapter 5104. of 19955
the Revised Code, and social services provided under section 19956
5101.46 of the Revised Code; 19957

(2) At least once a year, review and analyze the county 19958
department of job and family services' implementation of the 19959
programs established under Chapters 5107. and 5108. of the Revised 19960
Code. In its review, the committee shall use information available 19961
to it to examine all of the following: 19962

(a) Return of assistance groups to participation in either 19963
program after ceasing to participate; 19964

(b) Teen pregnancy rates among the programs' participants; 19965

(c) The other types of assistance the programs' participants 19966
receive, including medicaid ~~under Chapter 5111. of the Revised~~ 19967
~~Code~~, publicly funded child care under Chapter 5104. of the 19968
Revised Code, supplemental nutrition assistance program benefits 19969
under section 5101.54 of the Revised Code, and energy assistance 19970
under Chapter 5117. of the Revised Code; 19971

(d) Other issues the committee considers appropriate. 19972

The committee shall make recommendations to the board of 19973
county commissioners and county department of job and family 19974
services regarding the committee's findings. 19975

(3) Conduct public hearings on proposed county profiles for 19976
the provision of social services under section 5101.46 of the 19977
Revised Code; 19978

(4) At the request of the board, make recommendations and 19979
provide assistance regarding the family services provided in the 19980
county; 19981

(5) At any other time the committee considers appropriate, 19982
consult with the board and make recommendations regarding the 19983

family services provided in the county. The committee's	19984
recommendations may address the following:	19985
(a) Implementation and administration of family service	19986
programs;	19987
(b) Use of federal, state, and local funds available for	19988
family service programs;	19989
(c) Establishment of goals to be achieved by family service	19990
programs;	19991
(d) Evaluation of the outcomes of family service programs;	19992
(e) Any other matter the board considers relevant to the	19993
provision of family services.	19994
(C) If there is a committee in existence in a county on	19995
October 1, 1997, that the board of county commissioners determines	19996
is capable of fulfilling the responsibilities of a county family	19997
services planning committee, the board may designate the committee	19998
as the county's family services planning committee and the	19999
committee shall serve in that capacity.	20000
Sec. 329.14. (A) An individual whose household income does	20001
not exceed two hundred per cent of the federal poverty line is	20002
eligible to participate in an individual development account	20003
program established by the county department of job and family	20004
services of the county in which the individual resides. An	20005
eligible individual seeking to be a participant in the program	20006
shall enter into an agreement with the fiduciary organization	20007
administering the program. The agreement shall specify the terms	20008
and conditions of uses of funds deposited, financial documentation	20009
required to be maintained by the participant, expectations and	20010
responsibilities of the participant, and services to be provided	20011
by the fiduciary organization.	20012
(B) A participant may deposit earned income, as defined in 26	20013

U.S.C. 911(d)(2), as amended, into the account. The fiduciary organization may deposit into the account an amount not exceeding four times the amount deposited by the participant except that a fiduciary organization may not, pursuant to an agreement with an employer, deposit an amount into an account held by a participant who is employed by the employer. An account may have no more than ten thousand dollars in it at any time.

(C) Notwithstanding eligibility requirements established in or pursuant to Chapter 5107.7 or 5108.7 ~~or 5111.~~ of the Revised Code, to the extent permitted by federal statutes and regulations, money in an individual development account, including interest, is exempt from consideration in determining whether the participant or a member of the participant's assistance group is eligible for assistance under Chapter 5107.7 or 5108.7 ~~or 5111.~~ of the Revised Code and the amount of assistance the participant or assistance group is eligible to receive.

(D)(1) Except as provided in division (D)(2) of this section, an individual development account program participant may use money in the account only for the following purposes:

(a) Postsecondary educational expenses paid directly from the account to an eligible education institution or vendor;

(b) Qualified acquisition expenses of a principal residence, as defined in 26 U.S.C. 1034, as amended, paid directly from the account to the person or government entity to which the expenses are due;

(c) Qualified business capitalization expenses made in accordance with a qualified business plan that has been approved by a financial institution or by a nonprofit microenterprise program having demonstrated business expertise and paid directly from the account to the person to whom the expenses are due.

(2) A fiduciary organization shall permit a participant to

withdraw money deposited by the participant if it is needed to 20045
deal with a personal emergency of the participant or a member of 20046
the participant's family or household. Withdrawal shall result in 20047
the loss of any matching funds in an amount equal to the amount of 20048
the withdrawal. 20049

(3) Regardless of the reason for the withdrawal, a withdrawal 20050
from an individual development account may be made only with the 20051
approval of the fiduciary organization. 20052

Sec. 339.02. (A) As used in this section, "area served by the 20053
hospital" means the geographic area, whether or not included 20054
within the county, from which a county hospital regularly draws 20055
patients. 20056

(B) Unless a board of county hospital trustees for the county 20057
is in existence in accordance with this section, such board shall 20058
be created pursuant to this section after the board of county 20059
commissioners first determines by resolution to establish a county 20060
hospital. Copies of such resolution shall be certified to the 20061
probate judge of the county senior in point of service and to the 20062
judge, other than a probate judge, of the court of common pleas of 20063
the county senior in point of service. The board of county 20064
commissioners together with the probate judge of the county senior 20065
in point of service and the judge of the court of common pleas of 20066
the county senior in point of service shall, within ten days after 20067
such certification, appoint a board of county hospital trustees. 20068

(C) In making appointments to a board of county hospital 20069
trustees, ~~all~~ both of the following apply with respect to the 20070
individuals who may be appointed: 20071

(1) Members shall be electors and representative of the area 20072
served by the hospital, except that not more than two members may 20073
be electors of the area served by the hospital that is outside the 20074
county in which the hospital is located. 20075

(2) In no case shall more than one half of the members be	20076
independents or be members of any one political party.	20077
(3) A physician may serve as a member, including a physician	20078
who is authorized to admit and treat patients at the hospital,	20079
except as follows:	20080
(a) Not more than two physicians may serve as members at the	20081
same time;	20082
(b) No physician who is employed by the hospital may serve as	20083
a member.	20084
(D) A board of county hospital trustees shall be composed of	20085
six members, unless the board of county commissioners determines	20086
that the board of trustees can more effectively function with	20087
eight or ten members in which case there may be eight or ten	20088
members, as designated by the board of county commissioners.	20089
(E) With respect to the initial appointment of members to a	20090
board of county hospital trustees, all of the following apply:	20091
(1) When the board is composed of six members, their terms of	20092
office shall be one for one year, one for two years, one for three	20093
years, one for four years, one for five years, and one for six	20094
years from the first Monday of March thereafter.	20095
(2) When the board is composed of eight members, their terms	20096
of office shall be one for one year, one for two years, two for	20097
three years, one for four years, one for five years, and two for	20098
six years from the first Monday of March thereafter.	20099
(3) When the board is composed of ten members, their terms of	20100
office shall be two for one year, one for two years, two for three	20101
years, two for four years, one for five years, and two for six	20102
years from the first Monday of March thereafter.	20103
(F) Except as provided in division (G)(2) of this section,	20104
all of the following apply with respect to vacancies on a board of	20105

county hospital trustees: 20106

(1) Annually, on the first Monday of March, the board of 20107
county commissioners together with the probate judge of the county 20108
senior in point of service and the judge of the court of common 20109
pleas of the county senior in point of service shall appoint or 20110
reappoint for a term of six years a sufficient number of members 20111
to replace those members whose terms have expired. 20112

(2) The appointing authority shall fill a vacancy not later 20113
than six months after the vacancy occurs. If the vacancy remains 20114
unfilled on that date, the remaining members of the board, by 20115
majority vote, shall appoint an individual to fill the vacancy. 20116

(3) The appointing authority may fill a vacancy by seeking 20117
nominations from a selection committee consisting of one county 20118
commissioner designated by the board of county commissioners, the 20119
chair of the board of county hospital trustees, and the county 20120
hospital administrator. If nominations for filling a vacancy are 20121
sought from a selection committee, the committee shall nominate at 20122
least three individuals for the vacancy. The appointing authority 20123
may fill the vacancy by appointing one of the nominated 20124
individuals or by appointing another individual selected by the 20125
appointing authority. 20126

(4) Any member appointed to fill a vacancy occurring prior to 20127
the expiration date of the term for which the member's predecessor 20128
was appointed shall hold office as a member for the remainder of 20129
that term. 20130

(G)(1) The board of county commissioners together with the 20131
probate judge senior in point of service and the judge of the 20132
court of common pleas senior in point of service in any county in 20133
which a board of county hospital trustees has been appointed may 20134
expand the number of members to eight or to ten. When the number 20135
of members is increased to eight, one shall be appointed for a 20136

three-year and one for a six-year term from the first Monday of 20137
March thereafter. When the number of members is increased from six 20138
to ten, the term for additional members shall be: one for one 20139
year, one for three years, one for four years, and one for six 20140
years from the first Monday of March thereafter. When the number 20141
of members is increased from eight to ten, the term for additional 20142
members shall be: one for one year and one for four years from the 20143
first Monday of March thereafter. Thereafter except as provided in 20144
division (G)(2) of this section, upon the expiration of the term 20145
of office of each member, the vacancy shall be filled in the 20146
manner specified in division (F) of this section. 20147

(2) The board of county commissioners together with the 20148
probate judge senior in point of service and the judge of the 20149
court of common pleas senior in point of service may reduce the 20150
number of members of a board of county hospital trustees to eight 20151
or to six. The reduction shall occur on expiration of a member's 20152
term of office, at which time no appointment shall be made. While 20153
the board of county commissioners and the judges are in the 20154
process of reducing the number of members, the board of county 20155
hospital trustees may consist of nine or seven members for one 20156
year. 20157

(H) Any member of a board of county hospital trustees may be 20158
removed from office by the appointing authority for neglect of 20159
duty, misconduct, or malfeasance in office. The member shall be 20160
informed in writing of the charges and afforded an opportunity for 20161
a hearing before the appointing authority. The appointing 20162
authority shall not remove a member from office for political 20163
reasons. 20164

(I) The board of county commissioners may provide members of 20165
a board of county hospital trustees shall a stipend for their 20166
service or require the members to serve without compensation, but, 20167
The members shall be allowed their necessary and reasonable 20168

expenses incurred in the performance of their duties, including 20169
the cost of their participation in any continuing education 20170
programs or developmental programs that the members consider 20171
necessary. Allowable stipends and expenses shall be paid out of 20172
the funds provided for the county hospital. 20173

(J) The persons selected to be members of a board of county 20174
hospital trustees shall forthwith be notified, by mail, of their 20175
appointment. When a board is initially appointed, the notice shall 20176
state a time, not more than ten days later, when such board shall 20177
meet at the county seat of such county to organize. On the date 20178
stated, the board shall meet and organize. 20179

(K) A board of county hospital trustees shall organize by 20180
electing one of its number as chairperson and such other officers 20181
as specified in the board's rules. Four members of a six-member 20182
board constitute a quorum, five members constitute a quorum of an 20183
eight-member board, and six members constitute a quorum of a 20184
ten-member board. 20185

A board of county hospital trustees shall hold meetings at 20186
least ~~once a month~~ quarterly, shall adopt necessary rules of 20187
procedure, and shall keep a record of its proceedings and a strict 20188
account of all its receipts, disbursements, and expenditures. On 20189
completion of the construction and equipping of a county hospital, 20190
the board shall file such account with the board of county 20191
commissioners and make final settlement with the board of county 20192
commissioners for the construction and equipping of the hospital. 20193

Sec. 339.05. (A) A board of county hospital trustees may 20194
adopt, annually, bidding procedures and purchasing or leasing 20195
policies ~~for services~~ provided through a joint purchasing 20196
arrangement sponsored by a nonprofit organization, ~~and~~ for 20197
services, supplies, and equipment, that are routinely used in the 20198
operation of the hospital and that cost in excess of the amount 20199

specified in section 307.86 of the Revised Code as the amount 20200
above which purchases must be competitively bid. If a board of 20201
county hospital trustees adopts those policies and procedures, and 20202
if the board of county commissioners approves them, the board of 20203
county hospital trustees may follow those policies and procedures 20204
in lieu of following the competitive bidding procedures of 20205
sections 307.86 to 307.92 of the Revised Code. 20206

(B) Notwithstanding section 307.86 of the Revised Code, the 20207
board of county hospital trustees is exempt from competitive 20208
bidding as required under that section if the board, by a 20209
unanimous vote of its members, makes a determination that a real 20210
and present emergency exists, and either of the following applies: 20211

(1) The estimated cost is less than one hundred thousand 20212
dollars. 20213

(2) There is actual physical damage to structures or 20214
equipment. 20215

The board shall enter the determination of emergency and the 20216
reasons for it in the minutes of its proceedings. 20217

For purposes of this section, a vote is unanimous if all 20218
members of a board of county hospital trustees are present, or a 20219
lesser number of members of the board if not all members are 20220
present, provided that the number of members present constitutes a 20221
quorum. 20222

Whenever a contract of purchase, lease, or construction is 20223
exempted from competitive bidding because the estimated cost is 20224
less than one hundred thousand dollars, but the estimated cost is 20225
fifty thousand dollars or more, the board shall solicit informal 20226
estimates from not fewer than three persons who could perform the 20227
contract, before awarding the contract. With regard to each such 20228
contract, the board shall maintain a record of the informal 20229
estimates, including the name of each person from whom an informal 20230

estimate was solicited. The board shall maintain the record for 20231
the longer of at least one year after the contract is awarded or 20232
an amount of time required by the federal government. 20233

Sec. 339.06. (A) The board of county hospital trustees, upon 20234
completion of construction or leasing and equipping of a county 20235
hospital, shall assume and continue the operation of the hospital. 20236

(B) The board of county hospital trustees shall have the 20237
entire management and control of the county hospital. The board 20238
may in writing delegate its management and control of the county 20239
hospital to the administrator of the county hospital employed 20240
under section 339.07 of the Revised Code. The board shall 20241
establish such rules for the hospital's government, management, 20242
control, and the admission of persons as are expedient. 20243

(C) The board of county hospital trustees has control of the 20244
property of the county hospital, including management and disposal 20245
of surplus property other than real estate or an interest in real 20246
estate. 20247

(D) With respect to the use of funds by the board of county 20248
hospital trustees and its accounting for the use of funds, all of 20249
the following apply: 20250

(1) The board of county hospital trustees has control of all 20251
funds used in the county hospital's operation, including moneys 20252
received from the operation of the hospital, moneys appropriated 20253
for its operation by the board of county commissioners, and moneys 20254
resulting from special levies submitted by the board of county 20255
commissioners as provided for in section 5705.22 of the Revised 20256
Code. 20257

(2) Of the funds used in the county hospital's operation, all 20258
or part of any amount determined not to be necessary to meet 20259
current demands on the hospital may be invested by the board of 20260

county hospital trustees or its designee in any classifications of 20261
securities and obligations eligible for deposit or investment of 20262
county moneys pursuant to section 135.35 of the Revised Code, 20263
subject to the approval of the board's written investment policy 20264
by the county investment advisory committee established pursuant 20265
to section 135.341 of the Revised Code. 20266

(3) Annually, not later than sixty days before the end of the 20267
fiscal year used by the county hospital, the board of county 20268
hospital trustees shall submit its proposed budget for the ensuing 20269
fiscal year to the board of county commissioners for that board's 20270
review. The board of county commissioners shall review and approve 20271
the proposed budget by the first day of the fiscal year to which 20272
the budget applies. If the board of county commissioners has not 20273
approved the budget by the first day of the fiscal year to which 20274
the budget applies, the budget is deemed to have been approved by 20275
the board on the first day of that fiscal year. 20276

(4) The board of county hospital trustees shall not expend 20277
funds received from taxes collected pursuant to any tax levied 20278
under section 5705.22 of the Revised Code or the amount 20279
appropriated to the county hospital by the board of county 20280
commissioners in the annual appropriation measure for the county 20281
until its budget for the applicable fiscal year is approved in 20282
accordance with division (C)(3) of this section. At any time the 20283
amount received from those sources differs from the amount shown 20284
in the approved budget, the board of county commissioners may 20285
require the board of county hospital trustees to revise the county 20286
hospital budget accordingly. 20287

(5) Funds under the control of the board of county hospital 20288
trustees may be disbursed by the board, consistent with the 20289
approved budget, for the uses and purposes of the county hospital; 20290
for the replacement of necessary equipment; for the acquisition, 20291
leasing, or construction of permanent improvements to county 20292

hospital property; or for making a donation authorized by division 20293
(E) of this section. Each disbursement of funds shall be made on a 20294
voucher signed by signatories designated and approved by the board 20295
of county hospital trustees. 20296

(6) The head of a board of county hospital trustees is not 20297
required to file an estimate of contemplated revenue and 20298
expenditures for the ensuing fiscal year under section 5705.28 of 20299
the Revised Code unless the board of county commissioners levies a 20300
tax for the county hospital, or such a tax is proposed, or the 20301
board of county hospital trustees desires that the board of county 20302
commissioners make an appropriation to the county hospital for the 20303
ensuing fiscal year. 20304

(7) All moneys appropriated by the board of county 20305
commissioners or from special levies by the board of county 20306
commissioners for the operation of the hospital, when collected 20307
shall be paid to the board of county hospital trustees on a 20308
warrant of the county auditor and approved by the board of county 20309
commissioners. 20310

(8) The board of county hospital trustees shall provide for 20311
the conduct of an annual financial audit of the county hospital. 20312
Not later than thirty days after it receives the final report of 20313
an annual financial audit, the board shall file a copy of the 20314
report with the board of county commissioners. 20315

(E) For the public purpose of improving the health, safety, 20316
and general welfare of the community, the board of county hospital 20317
trustees may donate to a nonprofit entity any of the following: 20318

(1) Moneys and other financial assets determined not to be 20319
necessary to meet current demands on the hospital; 20320

(2) Surplus hospital property, including supplies, equipment, 20321
office facilities, and other property that is not real estate or 20322
an interest in real estate; 20323

(3) Services rendered by the hospital.	20324
(F)(1) For purposes of division (F)(2) of this section:	20325
(a) "Bank" has the same meaning as in section 1101.01 of the Revised Code.	20326 20327
(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.	20328 20329
(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.	20330 20331
(2) The board of county hospital trustees may enter into a contract for a secured line of credit with a bank, savings and loan association, or savings bank if the contract meets all of the following requirements:	20332 20333 20334 20335
(a) The term of the contract does not exceed one year, except that the contract may provide for the automatic renewal of the contract for up to four additional one-year periods if, on the date of automatic renewal, the aggregate outstanding draws remaining unpaid under the secured line of credit do not exceed fifty per cent of the maximum amount that can be drawn under the secured line of credit.	20336 20337 20338 20339 20340 20341 20342
(b) The contract provides that the bank, savings and loan association, or savings bank shall not commence a civil action against the board of county commissioners, any member of the board, or the county to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board of county hospital trustees.	20343 20344 20345 20346 20347 20348 20349
(c) The contract provides that no assets other than those of the county hospital can be used to secure the line of credit.	20350 20351
(d) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a	20352 20353

secured line of credit. 20354

(3) Any obligation incurred by a board of county hospital trustees under division (F)(2) of this section is an obligation of that board only and not a general obligation of the board of county commissioners or the county within the meaning of division (Q) of section 133.01 of the Revised Code. 20355
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(4) Notwithstanding anything to the contrary in the Revised Code, the board of county hospital trustees may secure the line of credit authorized under division (F)(2) of this section by the grant of a security interest in any part or all of its tangible personal property and intangible personal property, including its deposit accounts, accounts receivable, or both. 20360
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(5) No board of county hospital trustees shall at any time have more than one secured line of credit under division (F)(2) of this section. 20366
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(G) The board of county hospital trustees shall establish a schedule of charges for all services and treatment rendered by the county hospital. It may provide for the free treatment in the hospital of soldiers, sailors, and marines of the county, under such conditions and rules as it prescribes. 20369
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(H) The board of county hospital trustees may designate the amounts and forms of insurance protection to be provided, and the board of county commissioners shall assist in obtaining such protection. The expense of providing the protection shall be paid from hospital operating funds. 20374
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(I) The board of county hospital trustees may authorize a county hospital and each of its units, hospital board members, designated hospital employees, and medical staff members to be a member of and maintain membership in any local, state, or national group or association organized and operated for the promotion of the public health and welfare or advancement of the efficiency of 20379
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hospital administration and in connection therewith to use tax 20385
funds for the payment of dues and fees and related expenses but 20386
nothing in this section prohibits the board from using receipts 20387
from hospital operation, other than tax funds, for the payment of 20388
such dues and fees. 20389

(J) The following apply to the board of county hospital 20390
trustees in relation to its employees and the employees of the 20391
county hospital: 20392

(1) The board shall adopt the wage and salary schedule for 20393
employees. 20394

(2) The board may employ the hospital's administrator 20395
pursuant to section 339.07 of the Revised Code, and the 20396
administrator may employ individuals for the hospital in 20397
accordance with that section. 20398

(3) The board may employ assistants as necessary to perform 20399
its clerical work, superintend properly the construction of the 20400
county hospital, and pay the hospital's expenses. Such employees 20401
may be paid from funds provided for the county hospital. 20402

(4) The board may hire, by contract or as salaried employees, 20403
such management consultants, accountants, attorneys, engineers, 20404
architects, construction managers, and other professional advisors 20405
as it determines are necessary and desirable to assist in the 20406
management of the programs and operation of the county hospital. 20407
Such professional advisors may be paid from county hospital 20408
operating funds. 20409

(5) Notwithstanding section 325.19 of the Revised Code, the 20410
board may grant to employees any fringe benefits the board 20411
determines to be customary and usual in the nonprofit hospital 20412
field in its community, including, but not limited to: 20413

(a) Additional vacation leave with full pay for full-time 20414
employees, including full-time hourly rate employees, after 20415

service of one year;	20416
(b) Vacation leave and holiday pay for part-time employees on a pro rata basis;	20417 20418
(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave;	20419 20420 20421
(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code;	20422 20423
(e) Moving expenses for new employees;	20424
(f) Discounts on hospital supplies and services.	20425
(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.	20426 20427 20428 20429
(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code.	20430 20431
(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.	20432 20433 20434 20435
(9) The board may provide employee recognition awards and hold employee recognition dinners.	20436 20437
(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.	20438 20439
(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for	20440 20441 20442 20443 20444 20445

the purpose of recruiting or retaining qualified employees. 20446

The board of county hospital trustees may pay reasonable 20447
expenses for recruiting or retaining physicians and other 20448
appropriate health care practitioners. 20449

(L) The board of county hospital trustees may retain counsel 20450
and institute legal action in its own name for the collection of 20451
delinquent accounts. The board may also employ any other lawful 20452
means for the collection of delinquent accounts. 20453

Sec. 339.07. (A) The board of county hospital trustees shall 20454
provide for the administration of the county hospital by directly 20455
employing a hospital administrator or by entering into a contract 20456
for the management of the hospital under which an administrator is 20457
provided. When an administrator is employed directly, the board 20458
shall adopt a job description delineating the administrator's 20459
powers and duties and the board may pay the administrator's salary 20460
and other benefits from funds provided for the hospital. 20461

(B) During the construction and equipping of the hospital, 20462
the administrator shall act in an advisory capacity to the board 20463
of county hospital trustees. After the hospital is completed, the 20464
administrator shall serve as the chief executive officer and shall 20465
carry out the administration of the county hospital according to 20466
the policies set forth by the board and any written delegation. 20467

The administrator shall administer the county hospital, make 20468
reports, and take any other action that the administrator 20469
determines is necessary for the operation of the hospital. 20470

At the end of each fiscal year, the administrator shall 20471
submit to the board a complete financial statement showing the 20472
receipts, revenues, and expenditures in detail for the entire 20473
fiscal year. 20474

The administrator shall ensure that the hospital has such 20475

physicians, nurses, and other employees as are necessary for the 20476
proper care, control, and management of the county hospital and 20477
its patients. The physicians, nurses, and other employees may be 20478
suspended or removed by the administrator at any time the welfare 20479
of the hospital warrants suspension or removal. The administrator 20480
may obtain physicians, nurses, and other employees by direct 20481
employment, entering into contracts, or granting authority to 20482
practice in the hospital. Persons employed directly shall be in 20483
the unclassified civil service, pursuant to section 124.11 of the 20484
Revised Code. 20485

Sec. 340.01. (A) As used in this chapter, "addiction," 20486
"addiction services," "alcohol and drug addiction services," and 20487
"community addiction services provider," "community mental health 20488
services provider," ~~"alcohol and drug addiction programs gambling~~ 20489
addiction services," "mental health services," and "mental 20490
illness" have the same meanings as in section ~~3793.01~~ 5119.01 of 20491
the Revised Code. 20492

(B) An alcohol, drug addiction, and mental health service 20493
district shall be established in any county or combination of 20494
counties having a population of at least fifty thousand to provide 20495
~~alcohol and drug~~ addiction services and mental health services. 20496
With the approval of the ~~directors~~ director of ~~mental health and~~ 20497
~~alcohol and drug addiction services~~ mental health and addiction 20498
services, any county or combination of counties having a 20499
population of less than fifty thousand may establish such a 20500
district. Districts comprising more than one county shall be known 20501
as joint-county districts. 20502

The board of county commissioners of any county participating 20503
in a joint-county district may submit a resolution requesting 20504
withdrawal from the district together with a comprehensive plan or 20505
plans that are in compliance with rules adopted by the director of 20506

~~mental health~~ mental health and addiction services under ~~section~~ 20507
~~5119.61~~ section 5119.22 of the Revised Code ~~and rules adopted by~~ 20508
~~the department of alcohol and drug addiction services under~~ 20509
~~section 3793.05 of the Revised Code,~~ and that provide for the 20510
equitable adjustment and division of all services, assets, 20511
property, debts, and obligations, if any, of the joint-county 20512
district to the board of alcohol, drug addiction, and mental 20513
health services, to the boards of county commissioners of each 20514
county in the district, and to the directors. No county 20515
participating in a joint-county service district may withdraw from 20516
the district without the consent of the ~~directors~~ director of 20517
~~mental health and alcohol and drug addiction services~~ mental 20518
health and addiction services nor earlier than one year after the 20519
submission of such resolution unless all of the participating 20520
counties agree to an earlier withdrawal. Any county withdrawing 20521
from a joint-county district shall continue to have levied against 20522
its tax list and duplicate any tax levied by the district during 20523
the period in which the county was a member of the district until 20524
such time as the levy expires or is renewed or replaced. 20525

Sec. 340.011. (A) This chapter shall be interpreted to 20526
accomplish all of the following: 20527

(1) Establish a unified system of treatment for mentally ill 20528
persons and persons with addictions; 20529

(2) Establish a community support system available for every 20530
alcohol, drug addiction, and mental health service district; 20531

(3) Protect the personal liberty of mentally ill persons so 20532
that they may be treated in the least restrictive environment; 20533

(4) Encourage the development of high quality, cost 20534
effective, and comprehensive services, including culturally 20535
sensitive services; 20536

(5) Foster the development of comprehensive community mental health services, based on recognized local needs, especially for severely mentally disabled children, adolescents, and adults;

(6) Ensure that services provided meet minimum standards established by the director of ~~mental health or the department of alcohol and drug addiction services~~ mental health and addiction services;

(7) Promote the delivery of high quality and cost-effective ~~alcohol and drug addiction~~ and mental health services;

(8) Promote the participation of ~~consumers of~~ persons receiving mental health services and ~~alcohol and drug addiction~~ services in the planning, delivery, and evaluation of these services.

(B) Nothing in Chapter 340., ~~3793.7~~, 5119., or 5122. of the Revised Code shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a ~~community~~ budget and statement of services to be provided by the alcohol, drug addiction, and mental health ~~plan services board~~, as developed and submitted under section ~~340.03~~ 340.08 of the Revised Code, ~~to provide the services listed in section 340.09 of the Revised Code, and nothing in those chapters shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a plan for alcohol and drug addiction services, prepared and submitted in accordance with sections 340.033 and 3793.05 of the Revised Code, to provide alcohol and drug addiction services.~~

Sec. 340.02. ~~As used in this section, "mental health professional" means a person who is qualified to work with mentally ill persons, pursuant to standards established by the director of mental health under section 5119.611 of the Revised Code.~~

(A) For each alcohol, drug addiction, and mental health service district, there shall be appointed a board of alcohol, drug addiction, and mental health services consisting of eighteen members or fourteen members, at the election of the board. Not later than January 1, 2014, each board of alcohol, drug addiction, and mental health services shall notify the department of mental health and addiction services of its election to continue to operate as an eighteen-member board or to transition to operation as a fourteen-member board. The election shall be final. Failure to provide notice of its election to the department on or before January 1, 2014, shall constitute an election to continue to operate as an eighteen-member board. If an existing board provides timely notice of its election to transition to operate as a fourteen-member board, the number of board members may decline from eighteen to fourteen by attrition as current members' terms expire. However, the composition of the board must reflect the requirements set forth in this section for fourteen-member boards. ~~Nine~~ For all boards, half of the members shall be interested in mental health ~~programs and facilities~~ services and ~~nine other half of the~~ members shall be interested in alcohol ~~or~~, drug, or gambling addiction ~~programs~~ services. All members shall be residents of the service district. The membership shall, as nearly as possible, reflect the composition of the population of the service district as to race and sex.

~~The~~ (B) For boards operating as eighteen-member boards, the director of ~~mental health~~ mental health and addiction services shall appoint ~~four~~ eight members of the board, ~~the director of alcohol and drug addiction services shall appoint four members,~~ and the board of county commissioners shall appoint ten members. For boards operating as fourteen-member boards, the director of mental health and addiction services shall appoint six members of the board and the board of county commissioners shall appoint eight members. In a joint-county district, the county

commissioners of each participating county shall appoint members 20601
in as nearly as possible the same proportion as that county's 20602
population bears to the total population of the district, except 20603
that at least one member shall be appointed from each 20604
participating county. 20605

(C) The director of ~~mental health~~ mental health and addiction 20606
services shall ensure that at least one member of the board is a 20607
~~psychiatrist and one member of the board is a mental health~~ 20608
~~professional. If the appointment of a psychiatrist is not~~ 20609
~~possible, as determined under rules adopted by the director, a~~ 20610
~~licensed physician may be appointed in place of the psychiatrist.~~ 20611
~~If the appointment of a licensed physician is not possible, the~~ 20612
~~director of mental health may waive the requirement that the~~ 20613
~~psychiatrist or licensed physician be a resident of the service~~ 20614
~~district and appoint a psychiatrist or licensed physician from a~~ 20615
~~contiguous county. The director of mental health shall ensure that~~ 20616
clinician with experience in the delivery of mental health 20617
services, at least one member of the board is a person who has 20618
received or is receiving mental health services paid for by public 20619
funds ~~and,~~ at least one member of the board is a parent or other 20620
relative of such a person. 20621

~~The director of alcohol and drug addiction services shall~~ 20622
~~ensure that at least one member of the board is a professional in~~ 20623
~~the field of alcohol or drug addiction services and one member of~~ 20624
~~the board is an advocate for persons receiving treatment for~~ 20625
~~alcohol or drug addiction. Of the members appointed by the~~ 20626
~~director of alcohol and drug addiction services, at least one~~ 20627
member of the board is a clinician with experience in the delivery 20628
of addiction services, at least one ~~shall be~~ member of the board 20629
is a person who has received or is receiving ~~services for alcohol~~ 20630
~~or drug~~ addiction services paid for by public funds, and at least 20631
one ~~shall be~~ member of the board is a parent or other relative of 20632

such a person. A single member who meets both qualifications may 20633
fulfill the requirement for a clinician with experience in the 20634
delivery of mental health services and a clinician with experience 20635
in the delivery of addiction services. 20636

(D) No member or employee of a board of alcohol, drug 20637
addiction, and mental health services shall serve as a member of 20638
the board of any ~~agency~~ provider with which the board of alcohol, 20639
drug addiction, and mental health services has entered into a 20640
contract for the provision of services or facilities. No member of 20641
a board of alcohol, drug addiction, and mental health services 20642
shall be an employee of any ~~agency~~ provider with which the board 20643
has entered into a contract for the provision of services or 20644
facilities, ~~unless the board member's employment duties with the~~ 20645
~~agency consist of providing, only outside the district the board~~ 20646
~~serves, services for which the medicaid program pays.~~ No person 20647
shall be an employee of a board and such ~~an agency~~ a provider 20648
unless the board and ~~agency~~ provider both agree in writing. 20649

(E) No person shall serve as a member of the board of 20650
alcohol, drug addiction, and mental health services whose spouse, 20651
child, parent, brother, sister, grandchild, stepparent, stepchild, 20652
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 20653
daughter-in-law, brother-in-law, or sister-in-law serves as a 20654
member of the board of any ~~agency~~ provider with which the board of 20655
alcohol, drug addiction, and mental health services has entered 20656
into a contract for the provision of services or facilities. No 20657
person shall serve as a member or employee of the board whose 20658
spouse, child, parent, brother, sister, stepparent, stepchild, 20659
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 20660
daughter-in-law, brother-in-law, or sister-in-law serves as a 20661
county commissioner of a county or counties in the alcohol, drug 20662
addiction, and mental health service district. 20663

(F) Each year each board member shall attend at least one 20664

inservice training session provided or approved by the department 20665
of ~~mental health or the department of alcohol and drug addiction~~ 20666
~~services~~ mental health and addiction services. ~~Such training~~ 20667
~~sessions shall not be considered to be regularly scheduled~~ 20668
~~meetings of the board.~~ 20669

~~Each~~ (G) For boards operating as eighteen-member boards, each 20670
member shall be appointed for a term of four years, commencing the 20671
first day of July, except that one-third of initial appointments 20672
to a newly established board, and to the extent possible to 20673
expanded boards, shall be for terms of two years, one-third of 20674
initial appointments shall be for terms of three years, and 20675
one-third of initial appointments shall be for terms of four 20676
years. For boards operating as fourteen-member boards, each member 20677
shall be appointed for a term of four years, commencing the first 20678
day of July, except that four of the initial appointments to a 20679
newly established board, and to the extent possible to expanded 20680
boards, shall be for terms of two years, five initial appointments 20681
shall be for terms of three years, and five initial appointments 20682
shall be for terms of four years. No member shall serve more than 20683
two consecutive four-year terms under the same appointing 20684
authority. A member may serve for three consecutive terms under 20685
the same appointing authority only if one of the terms is for less 20686
than two years. A member who has served two consecutive four-year 20687
terms or three consecutive terms totaling less than ten years is 20688
eligible for reappointment by the same appointing authority one 20689
year following the end of the second or third term, respectively. 20690

When a vacancy occurs, appointment for the expired or 20691
unexpired term shall be made in the same manner as an original 20692
appointment. The appointing authority shall be notified by 20693
certified mail of any vacancy and shall fill the vacancy within 20694
sixty days following that notice. 20695

Any member of the board may be removed from office by the 20696

appointing authority for neglect of duty, misconduct, or 20697
malfeasance in office, and shall be removed by the appointing 20698
authority if the member is barred by this section from serving as 20699
a board member. The member shall be informed in writing of the 20700
charges and afforded an opportunity for a hearing. Upon the 20701
absence of a member within one year from either four board 20702
meetings or from two board meetings without prior notice, the 20703
board shall notify the appointing authority, which may vacate the 20704
appointment and appoint another person to complete the member's 20705
term. 20706

Members of the board shall serve without compensation, but 20707
shall be reimbursed for actual and necessary expenses incurred in 20708
the performance of their official duties, as defined by rules of 20709
the ~~departments~~ department of ~~mental health and alcohol and drug~~ 20710
~~addiction services~~ mental health and addiction services. 20711

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 20712
health service district ~~comprised of a county with a population of~~ 20713
~~two hundred fifty thousand or more on October 10, 1989, the board~~ 20714
~~of county commissioners shall, within thirty days of October 10,~~ 20715
~~1989, establish an alcohol and drug addiction services board as~~ 20716
~~the entity responsible for providing alcohol and drug addiction~~ 20717
~~services in the county, unless, prior to that date, the board~~ 20718
~~adopts a resolution providing that the entity responsible for~~ 20719
~~providing the services is a board of alcohol, drug addiction, and~~ 20720
~~mental health services. If where the board of county commissioners~~ 20721
~~establishes~~ has established an alcohol and drug addiction services 20722
board, the community mental health board established under former 20723
section 340.02 of the Revised Code shall serve as the entity 20724
responsible for providing mental health services in the county. A 20725
community mental health board has all the powers, duties, and 20726
obligations of a board of alcohol, drug addiction, and mental 20727
health services with regard to mental health services. An alcohol 20728

and drug addiction services board has all the powers, duties, and 20729
obligations of a board of alcohol, drug addiction, and mental 20730
health services with regard to ~~alcohol and drug~~ addiction 20731
services. Any provision of the Revised Code that refers to a board 20732
of alcohol, drug addiction, and mental health services with regard 20733
to mental health services also refers to a community mental health 20734
board and any provision that refers to a board of alcohol, drug 20735
addiction, and mental health services with regard to alcohol and 20736
drug addiction services also refers to an alcohol and drug 20737
addiction services board. 20738

An alcohol and drug addiction services board shall consist of 20739
eighteen members or fourteen members, six of whom at the election 20740
of the board. Not later than January 1, 2014, each alcohol and 20741
drug addiction services board shall notify the department of 20742
mental health and addiction services of its election to operate as 20743
an eighteen-member board or to operate as a fourteen-member board. 20744
The election shall be final. Failure to provide notice of its 20745
election to the department on or before January 1, 2014, shall 20746
constitute an election to continue to operate as an 20747
eighteen-member board. If an existing board provides timely notice 20748
of its election to operate as a fourteen-member board, the number 20749
of board members may decline from eighteen to fourteen by 20750
attrition as current members' terms expire. However, the 20751
composition of the board must reflect the requirements set forth 20752
in this section and in applicable provisions of section 340.02 of 20753
the Revised Code for fourteen-member boards. For boards operating 20754
as eighteen-member boards, eight members shall be appointed by the 20755
director of ~~alcohol and drug addiction services~~ mental health and 20756
addiction services and ~~twelve of whom~~ ten members shall be 20757
appointed by the board of county commissioners. ~~Of the members~~ 20758
appointed by the ~~The~~ director, one shall be of mental health and 20759
addiction services shall ensure that at least one member of the 20760
board is a person who has received or is receiving services for 20761

alcohol ~~or~~, drug, or gambling addiction, at least one shall be 20762
member is a parent or relative of such a person, and at least one 20763
shall be member is a ~~professional in the field of alcohol or drug~~ 20764
clinician with experience in the delivery of addiction services, 20765
~~and one shall be an advocate for persons receiving treatment for~~ 20766
~~alcohol or drug addiction.~~ The membership of the board shall, as 20767
nearly as possible, reflect the composition of the population of 20768
the service district as to race and sex. Members shall be 20769
residents of the service district and shall be interested in 20770
alcohol ~~and~~, drug, or gambling addiction services. Requirements 20771
for membership, including prohibitions against certain family and 20772
business relationships, and terms of office shall be the same as 20773
those for members of boards of alcohol, drug addiction, and mental 20774
health services. 20775

A community mental health board shall consist of eighteen 20776
members or fourteen members, at the election of the board. Not 20777
later than January 1, 2014, each community mental health board 20778
shall notify the department of mental health and addiction 20779
services of its election to operate as an eighteen-member board or 20780
to operate as a fourteen-member board. The election shall be 20781
final. Failure to provide notice of its election to the department 20782
on or before January 1, 2014, shall constitute an election to 20783
continue to operate as an eighteen-member board. If an existing 20784
board provides timely notice of its election to operate as a 20785
fourteen-member board, the number of board members may decline 20786
from eighteen to fourteen by attrition as current members' terms 20787
expire. However, the composition of the board must reflect the 20788
requirements set forth in this section and in applicable 20789
provisions of section 340.02 of the Revised Code for 20790
fourteen-member boards. For boards operating as eighteen-member 20791
boards, ~~six of whom~~ eight members shall be appointed by the 20792
director of ~~mental health~~ mental health and addiction services and 20793
~~twelve of whom~~ ten members shall be appointed by the board of 20794

county commissioners. ~~Of the members appointed by the~~ The 20795
~~director, one shall be~~ of mental health and addiction services 20796
~~shall ensure that at least one member of the board is~~ a person who 20797
has received or is receiving mental health services, at least one 20798
~~shall be~~ member is a parent or relative of such a person, and at 20799
least one shall be ~~member is~~ a psychiatrist or a physician, and 20800
~~one shall be~~ a clinician with experience in the delivery of mental 20801
health professional services. The membership of the board as 20802
nearly as possible shall reflect the composition of the population 20803
of the service district as to race and sex. Members shall be 20804
residents of the service district and shall be interested in 20805
mental health services. Requirements for membership, including 20806
prohibitions against certain family and business relationships, 20807
and terms of office shall be the same as those for members of 20808
boards of alcohol, drug addiction, and mental health services. 20809

(B) ~~If a board of county commissioners subject to division~~ 20810
~~(A) of this section did not adopt a resolution providing for a~~ 20811
~~board of alcohol, drug addiction, and mental health services, the~~ 20812
~~board of county commissioners may establish such a board in~~ 20813
~~accordance with the following procedures:~~ 20814

(1) ~~Not later than January 1, 2007, the board of county~~ 20815
~~commissioners shall adopt a resolution expressing its intent to~~ 20816
~~establish a board of alcohol, drug addiction, and mental health~~ 20817
~~services.~~ 20818

(2) ~~After adopting a resolution under division (B)(1) of this~~ 20819
~~section, the board of county commissioners shall instruct the~~ 20820
~~county's community mental health board and alcohol and drug~~ 20821
~~addiction services board to prepare a report on the feasibility,~~ 20822
~~process, and proposed plan to establish a board of alcohol, drug~~ 20823
~~addiction, and mental health services. The board of county~~ 20824
~~commissioners shall specify the date by which the report must be~~ 20825
~~submitted to the board for its review.~~ 20826

~~(3) After reviewing the report prepared under division (B)(2) of this section, the board may adopt a final resolution establishing a board of alcohol, drug addiction, and mental health services. A final resolution establishing such a board shall be adopted not later than July 1, 2007.~~

~~(C)(1)~~ (1) If a board of county commissioners subject to division (A) of this section did not adopt a final resolution providing for a board of alcohol, drug addiction, and mental health services ~~and did not establish such a board under division (B) of this section on or before July 1, 2007~~, the board of county commissioners may establish a board of alcohol, drug addiction, and mental health services on or after the effective date of this amendment. To establish the board, the board of county commissioners shall adopt a resolution providing for the board's establishment. The composition of the board, the procedures for appointing members, and all other matters related to the board and its members are subject to section 340.02 of the Revised Code, with the following exceptions:

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

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

(2) If a board of alcohol, drug addiction, and mental health services is established pursuant to division ~~(C)(B)(1)~~ of this section, the board has the same rights, privileges, immunities,

powers, and duties that were possessed by the county's community 20859
mental health board and alcohol and drug addiction services board. 20860
When the board is established, all property and obligations of the 20861
community mental health board and alcohol and drug addiction 20862
services board shall be transferred to the board of alcohol, drug 20863
addiction, and mental health services. 20864

Sec. 340.03. (A) Subject to rules issued by the director of 20865
~~mental health~~ mental health and addiction services after 20866
consultation with relevant constituencies as required by division 20867
~~(L)(A)(10)~~ of section ~~5119.06~~ 5119.21 of the Revised Code, ~~with~~ 20868
~~regard to mental health services,~~ the board of alcohol, drug 20869
addiction, and mental health services shall: 20870

(1) Serve as the community addiction and mental health 20871
services planning agency for the county or counties under its 20872
jurisdiction, and in so doing it shall: 20873

(a) Evaluate the need for facilities and community addiction 20874
and mental health services; 20875

(b) In cooperation with other local and regional planning and 20876
funding bodies and with relevant ethnic organizations, assess the 20877
community addiction and mental health needs, evaluate strengths 20878
and challenges, and set priorities, ~~and develop plans for the~~ 20879
~~operation of facilities and~~ community addiction and mental health 20880
services, including treatment and prevention. When the board sets 20881
priorities for the operation of addiction services, the board 20882
shall consult with the county commissioners of the counties in the 20883
board's service district regarding the services described in 20884
section 340.15 of the Revised Code and shall give priority to 20885
those services, except that those services shall not have a 20886
priority over services provided to pregnant women under programs 20887
developed in relation to the mandate established in section 20888
5119.17 of the Revised Code; 20889

(c) In accordance with guidelines issued by the director of 20890
~~mental health~~ mental health and addiction services after 20891
consultation with board representatives, annually develop and 20892
submit to the department of ~~mental health~~ mental health and 20893
addiction services a community addiction and mental health 20894
services plan listing community addiction and mental health 20895
services needs, including the needs of all residents of the 20896
district ~~now residing in state mental institutions and severely~~ 20897
~~mentally disabled adults, children, and adolescents;~~ currently 20898
receiving inpatient services in state-operated hospitals, the 20899
needs of other populations as required by state or federal law or 20900
programs, the needs of all children subject to a determination 20901
made pursuant to section 121.38 of the Revised Code~~;~~ and all the 20902
priorities for facilities and community addiction and mental 20903
health services ~~that are or will be in operation or provided~~ 20904
during the period for which the plan will be in ~~operation in the~~ 20905
~~service district to meet such needs~~ effect. 20906

In alcohol, drug addiction, and mental health service 20907
districts that have separate alcohol and drug addiction services 20908
and community mental health boards, the alcohol and drug addiction 20909
services board shall submit a community addiction services plan 20910
and the community mental health board shall submit a community 20911
mental health services plan. Each board shall consult with its 20912
counterpart in developing its plan and address the interaction 20913
between the local addiction services and mental health services 20914
systems and populations with regard to needs and priorities in 20915
developing its plan. 20916

~~The plan shall include, but not be limited to, a statement of~~ 20917
~~which of the services listed in section 340.09 of the Revised Code~~ 20918
~~the board intends to make available. The board must include crisis~~ 20919
~~intervention services for individuals in an emergency situation in~~ 20920
~~the plan and explain how the board intends to make such services~~ 20921

available. ~~The plan must also include a statement of the inpatient and community based services the board proposes that the department operate, an assessment of the number and types of residential facilities needed, such other information as the department requests, and a budget for moneys the board expects to receive.~~ The department shall approve or disapprove the plan, in whole or in part, according to the criteria developed pursuant to section ~~5119.61~~ 5119.22 of the Revised Code. ~~The department's statement of approval or disapproval shall specify the inpatient and the community based services that the department will operate for the board.~~ Eligibility for state and federal funding shall be contingent upon an approved plan or relevant part of a plan.

If a board determines that it is necessary to amend a plan ~~or an allocation request~~ that has been approved under this division ~~(A)(1)(c) of this section~~, the board shall submit a proposed amendment to the director. The director may approve or disapprove all or part of the amendment. The director shall inform the board of the reasons for disapproval of all or part of an amendment and of the criteria that must be met before the amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment. The director shall give the board a reasonable time in which to meet the criteria, and shall offer the board technical assistance to help it meet the criteria.

The board shall ~~implement~~ operate in accordance with the plan approved by the department.

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

(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community addiction or mental health ~~agency as~~

~~defined in section 5122.01 of the Revised Code~~ services provider 20954
certified under section 5119.36 of the Revised Code or alleging 20955
abuse or neglect of a ~~person~~ resident receiving addiction services 20956
or with mental illness or severe mental disability residing in a 20957
residential facility licensed under section ~~5119.22~~ 5119.34 of the 20958
Revised Code. If the investigation substantiates the charge of 20959
abuse or neglect, the board shall take whatever action it 20960
determines is necessary to correct the situation, including 20961
notification of the appropriate authorities. Upon request, the 20962
board shall provide information about such investigations to the 20963
department. 20964

(3) For the purpose of section ~~5119.611~~ 5119.36 of the 20965
Revised Code, cooperate with the director of ~~mental health~~ mental 20966
health and addiction services in visiting and evaluating whether 20967
the services of a community addiction or mental health ~~agency~~ 20968
services provider satisfy the certification standards established 20969
by rules adopted under that section; 20970

(4) In accordance with criteria established under division 20971
(E) of section ~~5119.61~~ 5119.22 of the Revised Code, conduct 20972
program audits that review and evaluate the quality, 20973
effectiveness, and efficiency of services provided through its 20974
community addiction and mental health ~~plan~~ contracted services and 20975
submit its findings and recommendations to the department of 20976
~~mental health~~ mental health and addiction services; 20977

(5) In accordance with section ~~5119.22~~ 5119.34 of the Revised 20978
Code, review an application for a residential facility license and 20979
provide to the department of ~~mental health~~ mental health and 20980
addiction services any information about the applicant or facility 20981
that the board would like the department to consider in reviewing 20982
the application; 20983

(6) Audit, in accordance with rules adopted by the auditor of 20984
state pursuant to section 117.20 of the Revised Code, at least 20985

annually all ~~programs and~~ services provided under contract with 20986
the board. In so doing, the board may contract for or employ the 20987
services of private auditors. A copy of the fiscal audit report 20988
shall be provided to the director of ~~mental health~~ mental health 20989
and addiction services, the auditor of state, and the county 20990
auditor of each county in the board's district. 20991

(7) Recruit and promote local financial support for addiction 20992
and mental health ~~programs~~ services from private and public 20993
sources; 20994

(8)(a) Enter into contracts with public and private 20995
facilities for the operation of facility services ~~included in the~~ 20996
~~board's community mental health plan~~ and enter into contracts with 20997
public and private community addiction and mental health ~~agencies~~ 20998
service providers for the provision of community addiction and 20999
mental health services ~~that are listed in section 340.09 of the~~ 21000
~~Revised Code and included in the board's community mental health~~ 21001
~~plan~~. The board may not contract with a residential facility 21002
subject to section 5119.34 of the Revised Code unless the facility 21003
is licensed by the director of mental health and addiction 21004
services and may not contract with a community addiction or mental 21005
health ~~agency~~ services provider to provide community addiction or 21006
mental health services ~~included in the board's community mental~~ 21007
~~health plan~~ unless the services are certified by the director of 21008
~~mental health~~ mental health and addiction services under section 21009
~~5119.611~~ 5119.36 of the Revised Code. Section 307.86 of the 21010
Revised Code does not apply to contracts entered into under this 21011
division. In contracting with a community addiction or mental 21012
health ~~agency~~ services provider, a board shall consider the cost 21013
effectiveness of services provided by that ~~agency~~ provider and the 21014
quality and continuity of care, and may review cost elements, 21015
including salary costs, of the services to be provided. A 21016
utilization review process ~~shall~~ may be established as part of the 21017

contract for services entered into between a board and a community 21018
addiction or mental health agency services provider. The board may 21019
establish this process in a way that is most effective and 21020
efficient in meeting local needs. ~~Until July 1, 2012, a contract~~ 21021
~~with a community mental health agency or facility, as defined in~~ 21022
~~section 5111.023 of the Revised Code, to provide services listed~~ 21023
~~in division (B) of that section shall provide for the agency or~~ 21024
~~facility to be paid in accordance with the contract entered into~~ 21025
~~between the departments of job and family services and mental~~ 21026
~~health under section 5111.91 of the Revised Code and any rules~~ 21027
~~adopted under division (A) of section 5119.61 of the Revised Code.~~ 21028

If either the board or a facility or community addiction or 21029
mental health agency services provider with which the board 21030
contracts under this division ~~(A)(8)(a) of this section~~ proposes 21031
not to renew the contract or proposes substantial changes in 21032
contract terms, the other party shall be given written notice at 21033
least one hundred twenty days before the expiration date of the 21034
contract. During the first sixty days of this one hundred 21035
twenty-day period, both parties shall attempt to resolve any 21036
dispute through good faith collaboration and negotiation in order 21037
to continue to provide services to persons in need. If the dispute 21038
has not been resolved sixty days before the expiration date of the 21039
contract, either party may notify the department of ~~mental health~~ 21040
mental health and addiction services of the unresolved dispute. 21041
The director may require both parties to submit the dispute to a 21042
third party with the cost to be shared by the board and the 21043
facility or ~~community mental health agency~~ provider. The third 21044
party shall issue to the board, the facility or ~~agency~~ provider, 21045
and the department recommendations on how the dispute may be 21046
resolved twenty days prior to the expiration date of the contract, 21047
unless both parties agree to a time extension. The director shall 21048
adopt rules establishing the procedures of this dispute resolution 21049
process. 21050

(b) With the prior approval of the director of ~~mental health~~ 21051
mental health and addiction services, a board may operate a 21052
facility or provide a community addiction or mental health service 21053
as follows, if there is no other qualified private or public 21054
facility or community addiction or mental health ~~agency~~ services 21055
provider that is immediately available and willing to operate such 21056
a facility or provide the service: 21057

(i) In an emergency situation, any board may operate a 21058
facility or provide a community addiction or mental health service 21059
in order to provide essential services for the duration of the 21060
emergency; 21061

(ii) In a service district with a population of at least one 21062
hundred thousand but less than five hundred thousand, a board may 21063
operate a facility or provide a community addiction or mental 21064
health service for no longer than one year; 21065

(iii) In a service district with a population of less than 21066
one hundred thousand, a board may operate a facility or provide a 21067
community addiction or mental health service for no longer than 21068
one year, except that such a board may operate a facility or 21069
provide a community addiction or mental health service for more 21070
than one year with the prior approval of the director and the 21071
prior approval of the board of county commissioners, or of a 21072
majority of the boards of county commissioners if the district is 21073
a joint-county district. 21074

The director shall not give a board approval to operate a 21075
facility or provide a community addiction or mental health service 21076
under division (A)(8)(b)(ii) or (iii) of this section unless the 21077
director determines that it is not feasible to have the department 21078
operate the facility or provide the service. 21079

The director shall not give a board approval to operate a 21080
facility or provide a community addiction or mental health service 21081

under division (A)(8)(b)(iii) of this section unless the director 21082
determines that the board will provide greater administrative 21083
efficiency and more or better services than would be available if 21084
the board contracted with a private or public facility or 21085
community addiction or mental health agency services provider. 21086

The director shall not give a board approval to operate a 21087
facility previously operated by a person or other government 21088
entity unless the board has established to the director's 21089
satisfaction that the person or other government entity cannot 21090
effectively operate the facility or that the person or other 21091
government entity has requested the board to take over operation 21092
of the facility. The director shall not give a board approval to 21093
provide a community addiction or mental health service previously 21094
provided by a community addiction or mental health agency services 21095
provider unless the board has established to the director's 21096
satisfaction that the agency provider cannot effectively provide 21097
the service or that the agency provider has requested the board 21098
take over providing the service. 21099

The director shall review and evaluate a board's operation of 21100
a facility and provision of community addiction or mental health 21101
service under division (A)(8)(b) of this section. 21102

Nothing in division (A)(8)(b) of this section authorizes a 21103
board to administer or direct the daily operation of any facility 21104
or community addiction or mental health agency services provider, 21105
but a facility or agency provider may contract with a board to 21106
receive administrative services or staff direction from the board 21107
under the direction of the governing body of the facility or 21108
agency provider. 21109

(9) Approve fee schedules and related charges or adopt a unit 21110
cost schedule or other methods of payment for contract services 21111
provided by community addiction or mental health agencies services 21112
providers in accordance with guidelines issued by the department 21113

as necessary to comply with state and federal laws pertaining to	21114
financial assistance;	21115
(10) Submit to the director and the county commissioners of	21116
the county or counties served by the board, and make available to	21117
the public, an annual report of the programs <u>services</u> under the	21118
jurisdiction of the board, including a fiscal accounting;	21119
(11) Establish, to the extent resources are available, a	21120
community support system <u>continuum of care</u> , which provides for	21121
<u>prevention</u> , treatment, support, and rehabilitation services and	21122
opportunities. The essential elements of the system <u>continuum</u>	21123
include, but are not limited to, the following components in	21124
accordance with section 5119.06 <u>5119.21</u> of the Revised Code:	21125
(a) To locate persons in need of <u>addiction or</u> mental health	21126
services to inform them of available services and benefits	21127
mechanisms ;	21128
(b) Assistance for clients <u>persons receiving services</u> to	21129
obtain services necessary to meet basic human needs for food,	21130
clothing, shelter, medical care, personal safety, and income;	21131
(c) Mental <u>Addiction and mental health care services</u> ,	21132
including, but not limited to, outpatient, <u>residential</u> , partial	21133
hospitalization, and, where appropriate, inpatient care;	21134
(d) Emergency services and crisis intervention;	21135
(e) Assistance for clients <u>persons receiving services</u> to	21136
obtain vocational services and opportunities for jobs;	21137
(f) The provision of services designed to develop social,	21138
community, and personal living skills;	21139
(g) Access to a wide range of housing and the provision of	21140
residential treatment and support;	21141
(h) Support, assistance, consultation, and education for	21142
families, friends, consumers of <u>persons receiving addiction or</u>	21143

mental health services, and others; 21144

(i) Recognition and encouragement of families, friends, 21145
neighborhood networks, especially networks that include racial and 21146
ethnic minorities, churches, community organizations, and 21147
~~meaningful community~~ employment as natural supports for ~~consumers~~ 21148
~~of persons receiving addiction or~~ mental health services; 21149

(j) Grievance procedures and protection of the rights of 21150
~~consumers of persons receiving addiction or~~ mental health 21151
services; 21152

(k) ~~Case management~~ Community psychiatric supportive 21153
treatment services, which includes continual individualized 21154
assistance and advocacy to ensure that needed services are offered 21155
and procured. 21156

(12) Establish a method for evaluating referrals for 21157
involuntary commitment and affidavits filed pursuant to section 21158
5122.11 of the Revised Code in order to assist the probate 21159
division of the court of common pleas in determining whether there 21160
is probable cause that a respondent is subject to involuntary 21161
hospitalization and what alternative treatment is available and 21162
appropriate, if any; 21163

(13) Designate the treatment ~~program~~ services, agency 21164
provider, or facility, or other placement for each person 21165
involuntarily committed to the board pursuant to Chapter 5122. of 21166
the Revised Code ~~and authorize payment for such treatment.~~ The 21167
board shall provide the least restrictive and most appropriate 21168
alternative that is available for any person involuntarily 21169
committed to it and shall assure that the listed services listed 21170
~~in~~ submitted and approved in accordance with division (B) of 21171
section ~~340.09~~ 340.08 of the Revised Code are available to 21172
severely mentally disabled persons residing within its service 21173
district. The board shall establish the procedure for authorizing 21174

payment for services, which may include prior authorization in 21175
appropriate circumstances. The board may provide for services 21176
directly to a severely mentally disabled person when life or 21177
safety is endangered and when no community mental health ~~agency~~ 21178
services provider is available to provide the service. 21179

~~(13) Establish a method for evaluating referrals for 21180
involuntary commitment and affidavits filed pursuant to section 21181
5122.11 of the Revised Code in order to assist the probate 21182
division of the court of common pleas in determining whether there 21183
is probable cause that a respondent is subject to involuntary 21184
hospitalization and what alternative treatment is available and 21185
appropriate, if any;~~ 21186

(14) Ensure that apartments or rooms built, subsidized, 21187
renovated, rented, owned, or leased by the board or a community 21188
addiction or mental health agency services provider have been 21189
approved as meeting minimum fire safety standards and that persons 21190
residing in the rooms or apartments are receiving appropriate and 21191
necessary services, including culturally relevant services, from a 21192
community addiction or mental health agency services provider. 21193
This division does not apply to residential facilities licensed 21194
pursuant to section ~~5119.22~~ 5119.34 of the Revised Code. 21195

(15) Establish a mechanism for obtaining advice and 21196
involvement of consumer recommendation and advice persons 21197
receiving publicly funded addiction or mental health services on 21198
matters pertaining to addiction and mental health services in the 21199
alcohol, drug addiction, and mental health service district; 21200

(16) Perform the duties required by rules adopted under 21201
section ~~5119.61~~ 5119.22 of the Revised Code regarding referrals by 21202
the board or mental health ~~agencies~~ services providers under 21203
contract with the board of individuals with mental illness or 21204
severe mental disability to residential facilities as defined in 21205
division (A)(9)(b)(iii) of section ~~5119.22~~ 5119.34 of the Revised 21206

Code and effective arrangements for ongoing mental health services 21207
for the individuals. The board is accountable in the manner 21208
specified in the rules for ensuring that the ongoing mental health 21209
services are effectively arranged for the individuals. 21210

(B) The board shall establish such rules, operating 21211
procedures, standards, and bylaws, and perform such other duties 21212
as may be necessary or proper to carry out the purposes of this 21213
chapter. 21214

(C) A board of alcohol, drug addiction, and mental health 21215
services may receive by gift, grant, devise, or bequest any 21216
moneys, lands, or property for the benefit of the purposes for 21217
which the board is established, and may hold and apply it 21218
according to the terms of the gift, grant, or bequest. All money 21219
received, including accrued interest, by gift, grant, or bequest 21220
shall be deposited in the treasury of the county, the treasurer of 21221
which is custodian of the alcohol, drug addiction, and mental 21222
health services funds to the credit of the board and shall be 21223
available for use by the board for purposes stated by the donor or 21224
grantor. 21225

(D) No board member or employee of a board of alcohol, drug 21226
addiction, and mental health services shall be liable for injury 21227
or damages caused by any action or inaction taken within the scope 21228
of the board member's official duties or the employee's 21229
employment, whether or not such action or inaction is expressly 21230
authorized by this section, ~~section 340.033~~, or any other section 21231
of the Revised Code, unless such action or inaction constitutes 21232
willful or wanton misconduct. Chapter 2744. of the Revised Code 21233
applies to any action or inaction by a board member or employee of 21234
a board taken within the scope of the board member's official 21235
duties or employee's employment. For the purposes of this 21236
division, the conduct of a board member or employee shall not be 21237
considered willful or wanton misconduct if the board member or 21238

employee acted in good faith and in a manner that the board member 21239
or employee reasonably believed was in or was not opposed to the 21240
best interests of the board and, with respect to any criminal 21241
action or proceeding, had no reasonable cause to believe the 21242
conduct was unlawful. 21243

(E) The meetings held by any committee established by a board 21244
of alcohol, drug addiction, and mental health services shall be 21245
considered to be meetings of a public body subject to section 21246
121.22 of the Revised Code. 21247

Sec. 340.031. A board of alcohol, drug addiction, and mental 21248
health services may: 21249

(A) Inspect any residential facility licensed under section 21250
~~5119.22~~ 5119.34 of the Revised Code and located in its district, 21251
~~pursuant to a contract with the department of mental health;~~ 21252

(B) Acquire, convey, lease, or enter into a contract to 21253
purchase, lease, or sell property for community addiction and 21254
mental health ~~and alcohol and drug addiction~~ services and related 21255
purposes, and enter into loan agreements, including mortgages, for 21256
the acquisition of such property. 21257

Sec. 340.032. The board of alcohol, drug addiction, and 21258
mental health services shall employ a qualified mental health or 21259
~~alcohol or drug~~ addiction services professional with experience in 21260
administration or a professional administrator with experience in 21261
mental health or ~~alcohol or drug~~ addiction services to serve as 21262
executive director of the board and shall prescribe the director's 21263
duties. 21264

The board shall fix the compensation of the executive 21265
director. In addition to such compensation, the director shall be 21266
reimbursed for actual and necessary expenses incurred in the 21267
performance of ~~his~~ the director's official duties. The board, by 21268

majority vote of the full membership, may remove the director for 21269
cause, upon written charges, after an opportunity has been 21270
afforded ~~him~~ the director for a hearing before the board on 21271
request. 21272

The board may delegate to its executive director the 21273
authority to act in its behalf in the performance of its 21274
administrative duties. 21275

As used in this section, "mental health professional" and 21276
"addiction services professional" mean an individual who is 21277
qualified to work with mentally ill persons or persons receiving 21278
addiction services, pursuant to standards established by the 21279
director of mental health and addiction services under Chapter 21280
5119. of the Revised Code. 21281

Sec. 340.04. In addition to such other duties as may be 21282
lawfully imposed, the executive director of a board of alcohol, 21283
drug addiction, and mental health services shall: 21284

(A) Serve as executive officer of the board and subject to 21285
the prior approval of the board for each contract, execute 21286
contracts on its behalf; 21287

(B) Supervise services and facilities provided, operated, 21288
contracted, or supported by the board to the extent of determining 21289
that ~~programs~~ services and facilities are being administered in 21290
conformity with this chapter and rules of the director of ~~mental~~ 21291
~~health and the department of alcohol and drug addiction services~~ 21292
mental health and addiction services; 21293

(C) Provide consultation to ~~agencies, associations, or~~ 21294
~~individuals~~ addiction and mental health services providers 21295
providing services supported by the board; 21296

(D) Recommend to the board the changes necessary to increase 21297
the effectiveness of addiction and mental health services ~~and~~ 21298

~~alcohol and drug addiction services~~ and other matters necessary or 21299
desirable to carry out this chapter; 21300

(E) Employ and remove from office such employees and 21301
consultants in the classified civil service and, subject to the 21302
approval of the board, employ and remove from office such other 21303
employees and consultants as may be necessary for the work of the 21304
board, and fix their compensation and reimbursement within the 21305
limits set by the salary schedule and the budget approved by the 21306
board; 21307

(F) Encourage the development and expansion of preventive, 21308
treatment, rehabilitative, and consultative ~~programs~~ services in 21309
the field of addiction and mental health services with emphasis on 21310
continuity of care; 21311

(G) Prepare for board approval an annual report of the 21312
~~programs~~ services and facilities under the jurisdiction of the 21313
board, including a fiscal accounting of all services; 21314

(H) Conduct such studies as may be necessary and practicable 21315
for the promotion of mental health, promotion of addiction 21316
services, and the prevention of mental illness, emotional 21317
disorders, and addiction ~~to alcohol and drugs~~; 21318

(I) Authorize the county auditor, or in a joint-county 21319
district the county auditor designated as the auditor for the 21320
district, to issue warrants for the payment of board obligations 21321
approved by the board, provided that all payments are in 21322
accordance with the ~~comprehensive community mental health plan~~ 21323
budget submitted pursuant to section 340.08 of the Revised Code, 21324
as approved by the department of ~~mental health, or with the~~ 21325
~~alcohol and drug addiction services plan as approved by the~~ 21326
~~department of alcohol and drug addiction services~~ mental health 21327
and addiction services. 21328

Sec. 340.05. A community ~~addiction or~~ mental health ~~agency~~ services provider that receives a complaint alleging abuse or neglect of an individual with mental illness or severe mental disability, or an individual receiving addiction services, who resides in a residential facility as defined in division (A)(9)(b) of section ~~5119.22~~ 5119.34 of the Revised Code shall report the complaint to the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the residential facility is located. A board of alcohol, drug addiction, and mental health services that receives such a complaint or a report from a community ~~addiction or~~ mental health ~~agency~~ services provider of such a complaint shall report the complaint to the director of ~~mental health~~ mental health and addiction services for the purpose of the director conducting an investigation under section ~~5119.22~~ 5119.34 of the Revised Code. The board may enter the facility with or without the director and, if the health and safety of a resident is in immediate danger, take any necessary action to protect the resident. The board's action shall not violate any resident's rights specified in rules adopted by the department of ~~mental health~~ mental health and addiction services under section ~~5119.22~~ 5119.34 of the Revised Code. The board shall immediately report to the director regarding the board's actions under this section.

Sec. 340.07. The board of county commissioners of any county participating in an alcohol, drug addiction, and mental health service district or joint-county district, upon receipt from the board of alcohol, drug addition, and mental health services of a resolution so requesting, may appropriate money to such board for the operation, lease, acquisition, construction, renovation, and maintenance of addiction or mental health services, ~~programs,~~

providers and facilities for mentally ill and emotionally 21360
disturbed persons in accordance with the comprehensive community 21361
addiction and mental health plan or for alcohol and drug addiction 21362
programs in accordance with the alcohol and drug addiction 21363
services plan services budget approved by the department of mental 21364
health and addiction services pursuant to section 340.08 of the 21365
Revised Code. 21366

Sec. 340.08. In accordance with rules or guidelines issued by 21367
the director of mental health and addiction services, each board 21368
of alcohol, drug addiction, and mental health services shall do 21369
all of the following: 21370

(A) Submit to the department a report of receipts and 21371
expenditures for all federal, state, and local moneys the board 21372
expects to receive; 21373

(1) The report shall identify funds the board and public 21374
children services agencies in the board's service district have 21375
available to fund jointly the services described in section 340.15 21376
of the Revised Code. 21377

(2) The board's proposed budget for expenditures of state and 21378
federal funds distributed to the board by the department shall be 21379
deemed an application for funds, and the department shall approve 21380
or disapprove the budget for these expenditures. The department 21381
shall inform the board of the reasons for disapproval of the 21382
budget for the expenditure of state and federal funds and of the 21383
criteria that must be met before the budget may be approved. The 21384
director shall provide the board an opportunity to present its 21385
case on behalf of the submitted budget. The director shall give 21386
the board a reasonable time in which to meet the criteria and 21387
shall offer the board technical assistance to help it meet the 21388
criteria. 21389

If a board determines that it is necessary to amend a budget 21390

that has been approved under this section, the board shall submit 21391
a proposed amendment to the director. The director may approve or 21392
disapprove all or part of the amendment. The director shall inform 21393
the board of the reasons for disapproval of all or part of the 21394
amendment and of the criteria that must be met before the 21395
amendment may be approved. The director shall provide the board an 21396
opportunity to present its case on behalf of the amendment. The 21397
director shall give the board a reasonable time in which to meet 21398
the criteria and shall offer the board technical assistance to 21399
help it meet the criteria. 21400

(3) The director of mental health and addiction services, in 21401
whole or in part, may withhold funds otherwise to be allocated to 21402
a board of alcohol, drug addiction, and mental health services 21403
under Chapter 5119. of the Revised Code if the board's use of 21404
state and federal funds fails to comply with the approved budget, 21405
as it may be amended with the approval of the department. 21406

(B) Submit to the department a statement identifying the 21407
services described in section 340.09 of the Revised Code the board 21408
intends to make available. The board shall include crisis 21409
intervention services for individuals in emergency situations and 21410
services required pursuant to section 340.15 of the Revised Code, 21411
and the board shall explain the manner in which the board intends 21412
to make such services available. The list of services shall be 21413
compatible with the budget submitted pursuant to division (A) of 21414
this section. The department shall approve or disapprove the 21415
proposed listing of services to be made available. The department 21416
shall inform the board of the reasons for disapproval of the 21417
listing of proposed services and of the criteria that must be met 21418
before listing of proposed services may be approved. The director 21419
shall provide the board an opportunity to present its case on 21420
behalf of the submitted listing of proposed services. The director 21421
shall give the board a reasonable time in which to meet the 21422

criteria and shall offer the board technical assistance to help it 21423
meet the criteria. 21424

(C) Enter into a continuity of care agreement with the state 21425
institution operated by the department of mental health and 21426
addiction services and designated as the institution serving the 21427
district encompassing the board's service district. The continuity 21428
of care agreement shall outline the department's and the board's 21429
responsibilities to plan for and coordinate with each other to 21430
address the needs of board residents who are patients in the 21431
institution, with an emphasis on managing appropriate hospital bed 21432
day use and discharge planning. 21433

(D) In conjunction with the department of mental health and 21434
addiction services, operate a coordinated system for tracking and 21435
monitoring persons found not guilty by reason of insanity and 21436
committed pursuant to section 2945.40 of the Revised Code who have 21437
been granted a conditional release and persons found incompetent 21438
to stand trial and committed pursuant to section 2945.39 of the 21439
Revised Code who have been granted a conditional release. The 21440
system shall do all of the following: 21441

(1) Centralize responsibility for the tracking of those 21442
persons; 21443

(2) Provide for uniformity in monitoring those persons; 21444

(3) Provide a mechanism to allow prompt rehospitalization, 21445
reinstitutionalization, or detention when a violation of the 21446
conditional release or decompensation occurs. 21447

(E) Submit to the department a report summarizing complaints 21448
and grievances received by the board concerning the rights of 21449
persons seeking or receiving services, investigations of 21450
complaints and grievances, and outcomes of the investigations. 21451

(F) Provide to the department information to be submitted to 21452
the community addiction and mental health information system or 21453

systems established by the department under Chapter 5119. of the 21454
Revised Code. 21455

(G) Annually, and upon any change in membership, submit to 21456
the department a list of all current members of the board of 21457
alcohol, drug addiction, and mental health services, including the 21458
appointing authority for each member, and the member's specific 21459
qualification for appointment pursuant to section 340.02 or 21460
340.021 of the Revised Code, if applicable. 21461

(H) Submit to the department other information as is 21462
reasonably required for purposes of the department's operations, 21463
service evaluation, reporting activities, research, system 21464
administration, and oversight. 21465

Sec. 340.09. (A) The department of mental health mental 21466
health and addiction services shall provide assistance to any 21467
county for the operation of boards of alcohol, drug addiction, and 21468
mental health services and, the provision of the following 21469
services approved by the department within the continuum of care, 21470
and the provision of approved support functions from funds 21471
appropriated for that purpose by the general assembly+. 21472

~~(A) Outpatient;~~ 21473

(B) Categories in the continuum of care may include all of 21474
the following: 21475

(1) Inpatient; 21476

~~(C) Partial hospitalization~~ (2) Residential; 21477

~~(D) Rehabilitation~~ (3) Outpatient treatment; 21478

~~(E)~~ (4) Intensive and other supports; 21479

(5) Recovery support; 21480

(6) Prevention and wellness management. 21481

(C) Support functions may include all of the following: 21482

<u>(1)</u> Consultation;	21483
(F) Mental health education and other preventive services;	21484
(G) Emergency;	21485
(H) Crisis intervention;	21486
(I) <u>(2)</u> Research;	21487
(J) <u>(3)</u> Administrative;	21488
(K) <u>(4)</u> Referral and information;	21489
(L) Residential;	21490
(M) <u>(5)</u> Training;	21491
(N) Substance abuse;	21492
(O) <u>(6)</u> Service and program evaluation;	21493
(P) Community support system;	21494
(Q) Case management;	21495
(R) Residential housing;	21496
(S) Other services approved by the board and the director of mental health.	21497 21498
 Sec. 340.091. Each board of alcohol, drug addiction, and mental health services shall contract with a community mental health agency <u>services provider</u> under division (A) (7) <u>(8)</u> (a) of section 340.03 of the Revised Code for the agency <u>provider</u> to do all of the following in accordance with rules adopted under section 5119.61 <u>5119.22</u> of the Revised Code for an individual referred to the agency <u>provider</u> under division (D)(2) of section 5119.69 <u>5119.41</u> of the Revised Code:	21499 21500 21501 21502 21503 21504 21505 21506
(A) Assess the individual and, if the agency <u>provider</u> determines that the environment in which the individual will be living while receiving residential state supplement payments is	21507 21508 21509

appropriate for the individual's needs, issue a recommendation to 21510
the referring residential state supplement administrative agency 21511
that the referring agency should conclude that the living 21512
environment is appropriate when it makes its determination 21513
regarding the appropriateness of the environment; 21514

(B) Provide ongoing monitoring to ensure that listed services 21515
~~provided under~~ submitted and approved under division (B) of 21516
section ~~340.09~~ 340.08 of the Revised Code are available to the 21517
individual; 21518

(C) Provide discharge planning to ensure the individual's 21519
earliest possible transition to a less restrictive environment. 21520

Sec. 340.10. The county auditor or, in a joint-county 21521
alcohol, drug addiction, and mental health service district, the 21522
auditor of the county, the treasurer of which has been designated 21523
in the agreement between the counties of the district as custodian 21524
of the community addiction and mental health services funds ~~and~~ 21525
~~alcohol and drug addiction services funds~~, is hereby designated as 21526
the auditor and fiscal officer of an alcohol, drug addiction, and 21527
mental health service district or joint-county district. State 21528
funds allocated for the support of a service district shall be 21529
paid to the county treasurer or, in a joint-county district, to 21530
the treasurer of that county designated in the agreement as 21531
custodian of the community addiction and mental health services 21532
funds and authorized to make payments from such funds on order of 21533
the county auditor and on recommendation of the board of alcohol, 21534
drug addiction, and mental health services, or the executive 21535
director of the board when authorized by the board. The auditor 21536
shall submit to the board a detailed monthly statement of all 21537
receipts, disbursements, and ending balances for the community 21538
addiction and mental health services funds. 21539

Sec. 340.11. A board of alcohol, drug addiction, and mental health services may procure a policy or policies of insurance insuring board members or employees of the board or ~~agencies~~ providers with which the board contracts against liability arising from the performance of their official duties. If the liability insurance is unavailable or the amount a board has procured or is able to procure is insufficient to cover the amount of a claim, the board may indemnify a board member or employee as follows:

(A) For any action or inaction in the capacity of board member or employee or at the request of the board, whether or not the action or inaction is expressly authorized by this or any other section of the Revised Code, if both of the following apply:

(1) The board member or employee acted in good faith and in a manner that the board member or employee reasonably believed was in or was not opposed to the best interests of the board; ~~and~~

(2) With respect to any criminal action or proceeding, the board member or employee had no reason to believe the board member's or employee's conduct was unlawful.

(B) Against any expenses, including attorneys' fees, the board member or employee actually and reasonably incurs as a result of a suit or other proceeding involving the defense of any action or inaction in the capacity of board member or employee or at the request of the board, or in defense of any claim, issue, or matter raised in connection with the defense of such an action or inaction, to the extent that the board member or employee is successful on the merits or otherwise.

Sec. 340.12. No board of alcohol, drug addiction, and mental health services or any ~~agency, corporation, or association~~ addiction or mental health services provider under contract with such a board shall discriminate in the provision of services under

its authority, in employment, or contract on the basis of race, 21570
color, religion, sex, ~~ereed~~ age, ancestry, national origin, 21571
disability, ~~or national origin~~ sexual orientation, military 21572
status, or genetic information. 21573

Each board, ~~and~~ each community addiction or mental health 21574
~~agency, and each alcohol and drug addiction program~~ services 21575
provider shall have a written affirmative action program. The 21576
affirmative action program shall include goals for the employment 21577
and effective utilization of, including contracts with, members of 21578
economically disadvantaged groups as defined in division (E)(1) of 21579
section 122.71 of the Revised Code in percentages reflecting as 21580
nearly as possible the composition of the alcohol, drug addiction, 21581
and mental health service district served by the board. Each 21582
board, ~~agency,~~ and ~~program~~ provider shall file a description of 21583
the affirmative action program and a progress report on its 21584
implementation with the department of ~~mental health or the~~ 21585
~~department of alcohol and drug addiction services~~ mental health 21586
and addiction services. 21587

Sec. 340.13. (A) As used in this section, ~~"minority":~~ 21588

(1) "Minority business enterprise" has the same meaning as in 21589
~~division (E)(1) of~~ section 122.71 of the Revised Code. 21590

(2) "EDGE business enterprise" has the same meaning as in 21591
section 123.152 of the Revised Code. 21592

(B) Any minority business enterprise that desires to bid on a 21593
contract under division (C) ~~or (D)~~ of this section shall first 21594
apply to the equal employment opportunity coordinator in the 21595
department of administrative services for certification as a 21596
minority business enterprise. Any EDGE business enterprise that 21597
desires to bid on a contract under division (D) of this section 21598
shall first apply to the equal employment opportunity coordinator 21599
of the department of administrative services for certification as 21600

an EDGE business enterprise. The coordinator shall approve the 21601
application of any minority business enterprise or EDGE business 21602
enterprise that complies with the rules adopted under section 21603
122.71 or 123.152 of the Revised Code, respectively. The 21604
coordinator shall prepare and maintain a list of minority business 21605
enterprises and EDGE business enterprises certified under ~~this~~ 21606
~~section~~ those sections. 21607

(C) From the contracts to be awarded for the purchases of 21608
equipment, materials, supplies, or services, other than contracts 21609
entered into under section 340.03 ~~or 340.033~~ of the Revised Code, 21610
each board of alcohol, drug addiction, and mental health services 21611
shall select a number of contracts with an aggregate value of 21612
approximately fifteen per cent of the total estimated value of 21613
contracts to be awarded in the current fiscal year. The board 21614
shall set aside the contracts so selected for bidding by minority 21615
business enterprises only. The bidding procedures for such 21616
contracts shall be the same as for all other contracts awarded 21617
under section 307.86 of the Revised Code, except that only 21618
minority business enterprises certified and listed ~~under~~ pursuant 21619
to division (B) of this section shall be qualified to submit bids. 21620

(D) To the extent that a board is authorized to enter into 21621
contracts for construction, the board shall ~~set aside a number of~~ 21622
~~contracts~~ strive to attain a yearly contract dollar procurement 21623
goal the aggregate value of which equals approximately five per 21624
cent of the aggregate value of construction contracts for the 21625
current fiscal year for ~~bidding by minority~~ EDGE business 21626
enterprises only. ~~The bidding procedures for the contracts set~~ 21627
~~aside for minority business enterprises shall be the same as for~~ 21628
~~all other contracts awarded by the board, except that only~~ 21629
~~minority business enterprises certified and listed under division~~ 21630
~~(B) of this section shall be qualified to submit bids.~~ 21631

(E)(1) In the case of contracts set aside under ~~divisions~~ 21632

division (C) ~~and (D)~~ of this section, if no bid is submitted by a minority business enterprise, the contract shall be awarded according to normal bidding procedures. The board shall from time to time set aside such additional contracts as are necessary to replace those contracts previously set aside on which no minority business enterprise bid.

(2) If a board, after having made a good faith effort, is unable to comply with the goal of procurement for contracting with EDGE business enterprises pursuant to division (D) of this section, the board may apply in writing, on a form prescribed by the department of administrative services, to the director of mental health and addiction services for a waiver or modification of the goal.

(F) This section does not preclude any minority business enterprise or EDGE business enterprise from bidding on any other contract not specifically set aside for minority business enterprises or subject to procurement goals for EDGE business enterprises.

(G) Within ninety days after the beginning of each fiscal year, each board shall file a report with the department of ~~mental health~~ mental health and addiction services that shows for that fiscal year the name of each minority business enterprise and EDGE business enterprise with which the board entered into a contract, the value and type of each such contract, the total value of contracts awarded under divisions (C) and (D) of this section, the total value of contracts awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.03 of the Revised Code, and the total value of contracts entered into for construction.

(H) Any person who intentionally misrepresents ~~himself~~ self as owning, controlling, operating, or participating in a minority business enterprise or an EDGE business enterprise for the purpose

of obtaining contracts or any other benefits under this section 21665
shall be guilty of theft by deception as provided for in section 21666
2913.02 of the Revised Code. 21667

Sec. 340.15. (A) A public children services agency that 21668
identifies a child by a risk assessment conducted pursuant to 21669
section 5153.16 of the Revised Code as being at imminent risk of 21670
being abused or neglected because of an addiction of a parent, 21671
guardian, or custodian of the child to a drug of abuse or alcohol 21672
shall refer the child's addicted parent, guardian, or custodian 21673
and, if the agency determines that the child needs alcohol or 21674
other drug addiction services, the child to ~~an alcohol and drug a~~ 21675
community addiction program services provider certified by the 21676
department of ~~alcohol and drug addiction services~~ mental health 21677
and addiction services under section ~~3793.06~~ 5119.36 of the 21678
Revised Code. A public children services agency that is sent a 21679
court order issued pursuant to division (B) of section 2151.3514 21680
of the Revised Code shall refer the addicted parent or other 21681
caregiver of the child identified in the court order to ~~an alcohol~~ 21682
~~and drug a community~~ addiction program services provider certified 21683
by the department of ~~alcohol and drug addiction services~~ mental 21684
health and addiction services under section ~~3793.06~~ 5119.36 of the 21685
Revised Code. On receipt of a referral under this division and to 21686
the extent funding identified under division (A)(1) of section 21687
~~340.033~~ 340.08 of the Revised Code is available, the ~~program~~ 21688
provider shall provide the following services to the addicted 21689
parent, guardian, custodian, or caregiver and child in need of 21690
~~alcohol or other drug~~ addiction services: 21691

(1) If it is determined pursuant to an initial screening to 21692
be needed, assessment and appropriate treatment; 21693

(2) Documentation of progress in accordance with a treatment 21694
plan developed for the addicted parent, guardian, custodian, 21695

caregiver, or child; 21696

(3) If the referral is based on a court order issued pursuant 21697
to division (B) of section 2151.3514 of the Revised Code and the 21698
order requires the specified parent or other caregiver of the 21699
child to submit to alcohol or other drug testing during, after, or 21700
both during and after, treatment, testing in accordance with the 21701
court order. 21702

(B) The services described in division (A) of this section 21703
shall have a priority as provided in the ~~alcohol and drug~~ 21704
addiction and mental health services plan and budget established 21705
pursuant to ~~section 340.033~~ sections 340.03 and 340.08 of the 21706
Revised Code. Once a referral has been received pursuant to this 21707
section, the public children services agency and the ~~alcohol or~~ 21708
~~drug~~ addiction ~~program~~ services provider shall, in accordance with 21709
42 C.F.R. Part 2, share with each other any information concerning 21710
the persons and services described in that division that the 21711
agency and ~~program~~ provider determine are necessary to share. If 21712
the referral is based on a court order issued pursuant to division 21713
(B) of section 2151.3514 of the Revised Code, the results and 21714
recommendations of the ~~alcohol and drug~~ addiction ~~program~~ services 21715
provider also shall be provided and used as described in division 21716
(D) of that section. Information obtained or maintained by the 21717
agency or ~~program~~ provider pursuant to this section that could 21718
enable the identification of any person described in division (A) 21719
of this section is not a public record subject to inspection or 21720
copying under section 149.43 of the Revised Code. 21721

Sec. 340.16. ~~Not later than ninety days after September 5,~~ 21722
~~2001, the~~ The department of ~~mental health~~ mental health and 21723
addiction services and the department of ~~job and family services~~ 21724
medicaid shall adopt rules that establish requirements and 21725
procedures for prior notification and service coordination between 21726

public children services agencies and boards of alcohol, drug 21727
addiction, and mental health services when a public children 21728
services agency refers a child in its custody to a board for 21729
services funded by the board. The rules shall be adopted in 21730
accordance with Chapter 119. of the Revised Code. 21731

~~The department of mental health and department of job and 21732
family services shall collaborate in formulating a plan that 21733
delineates the funding responsibilities of public children 21734
services agencies and boards of alcohol, drug addiction, and 21735
mental health services for services provided under section 21736
5111.023 of the Revised Code to children in the custody of public 21737
children services agencies. The departments shall complete the 21738
plan not later than ninety days after September 5, 2001. 21739~~

Sec. 341.192. (A) As used in this section: 21740

(1) "Jail" means a county jail, or a multicounty, 21741
municipal-county, or multicounty-municipal correctional center. 21742

~~(2) "Medical assistance program" has the same meaning as in 21743
section 2913.40 of the Revised Code. 21744~~

~~(3) "Medical provider" means a physician, hospital, 21745
laboratory, pharmacy, or other health care provider that is not 21746
employed by or under contract to a county, municipal corporation, 21747
township, the department of youth services, or the department of 21748
rehabilitation and correction to provide medical services to 21749
persons confined in a jail or state correctional institution, or 21750
is in the custody of a law enforcement officer. 21751~~

~~(4)(3) "Necessary care" means medical care of a nonelective 21752
nature that cannot be postponed until after the period of 21753
confinement of a person who is confined in a jail or state 21754
correctional institution, or is in the custody of a law 21755
enforcement officer without endangering the life or health of the 21756~~

person. 21757

(B) If a physician employed by or under contract to a county, 21758
municipal corporation, township, the department of youth services, 21759
or the department of rehabilitation and correction to provide 21760
medical services to persons confined in a jail or state 21761
correctional institution determines that a person who is confined 21762
in the jail or state correctional institution or who is in the 21763
custody of a law enforcement officer prior to the person's 21764
confinement in a jail or state correctional institution requires 21765
necessary care that the physician cannot provide, the necessary 21766
care shall be provided by a medical provider. The county, 21767
municipal corporation, township, the department of youth services, 21768
or the department of rehabilitation and correction shall pay a 21769
medical provider for necessary care an amount not exceeding the 21770
authorized reimbursement rate for the same service established by 21771
the department of ~~job and family services~~ medicaid under the 21772
~~medical assistance~~ medicaid program. 21773

Sec. 351.021. (A) The resolution of the county commissioners 21774
creating a convention facilities authority, or any amendment or 21775
supplement to that resolution, may authorize the authority to levy 21776
one or both of the excise taxes authorized by division (B) of this 21777
section to pay the cost of one or more facilities; to pay 21778
principal, interest, and premium on convention facilities 21779
authority tax anticipation bonds issued to pay those costs; to pay 21780
the operating costs of the authority; to pay operating and 21781
maintenance costs of those facilities; and to pay the costs of 21782
administering the excise tax. 21783

(B) The board of directors of a convention facilities 21784
authority that has been authorized pursuant to resolution adopted, 21785
amended, or supplemented by the board of county commissioners 21786
pursuant to division (A) of this section may levy, by resolution 21787

adopted on or before December 31, 1988, either or both of the 21788
following: 21789

(1) Within the territory of the authority, an additional 21790
excise tax not to exceed four per cent on each transaction. The 21791
excise tax authorized by division (B)(1) of this section shall be 21792
in addition to any excise tax levied pursuant to section 5739.08 21793
or 5739.09 of the Revised Code, or division (B)(2) of this 21794
section. 21795

(2) Within that portion of any municipal corporation that is 21796
located within the territory of the authority or within the 21797
boundaries of any township that is located within the territory of 21798
the authority, which municipal corporation or township is levying 21799
any portion of the excise tax authorized by division (A) of 21800
section 5739.08 of the Revised Code, and with the approval, by 21801
ordinance or resolution, of the legislative authority of that 21802
municipal corporation or township, an additional excise tax not to 21803
exceed nine-tenths of one per cent on each transaction. The excise 21804
tax authorized by division (B)(2) of this section may be levied 21805
only if, on the effective date of the levy specified in the 21806
resolution making the levy, the amount being levied pursuant to 21807
division (A) of section 5739.08 of the Revised Code by each 21808
municipal corporation or township in which the tax authorized by 21809
division (B)(2) of this section will be levied, when added to the 21810
amount levied under division (B)(2) of this section, does not 21811
exceed three per cent on each transaction. The excise tax 21812
authorized by division (B)(2) of this section shall be in addition 21813
to any excise tax that is levied pursuant to section 5739.08 or 21814
5739.09 of the Revised Code, or division (B)(1) of this section. 21815

(C)(1) The board of directors of a convention facilities 21816
authority that is located in an eligible Appalachian county; that 21817
has been authorized pursuant to resolution adopted, amended, or 21818
supplemented by the board of county commissioners pursuant to 21819

division (A) of this section; and that is not levying a tax under 21820
division (B)(1) or (2) of this section may levy within the 21821
territory of the authority, by resolution adopted on or before 21822
December 31, 2005, an additional excise tax not to exceed three 21823
per cent on each transaction. The excise tax authorized under 21824
division (C)(1) of this section shall be in addition to any excise 21825
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 21826
Code. 21827

As used in division (C)(1) of this section, "eligible 21828
Appalachian county" means a county in this state designated as 21829
being in the "Appalachian region" under the "Appalachian Regional 21830
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 21831
having a population less than eighty thousand according to the 21832
most recent federal decennial census. 21833

(2) Division ~~(B)~~(C)(2) of this section applies only to a 21834
convention facilities authority located in a county with a 21835
population, according to the 2000 federal decennial census, of at 21836
least one hundred thirty-five thousand and not more than one 21837
hundred fifty thousand and containing entirely within its 21838
boundaries the territory of a municipal corporation with a 21839
population according to that census of more than fifty thousand. 21840
The board of directors of such a convention facilities authority, 21841
by resolution adopted on or before November 1, 2009, may levy 21842
within the territory of the authority an excise tax on 21843
transactions by which lodging by a hotel is or is to be furnished 21844
to transient guests at a rate not to exceed three per cent on such 21845
transactions for the same purposes for which a tax may be levied 21846
under division (B) of this section. The resolution may be adopted 21847
only if the board of county commissioners of the county, by 21848
resolution, authorizes the levy of the tax. The resolution of the 21849
board of county commissioners is subject to referendum as 21850
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 21851

pursuant to those procedures, a referendum is to be held, the 21852
board's resolution does not take effect until approved by a 21853
majority of electors voting on the question. The convention 21854
facilities authority may adopt the resolution authorized by 21855
division (C)(2) of this section before the election, but the 21856
authority's resolution shall not take effect if the board of 21857
commissioners' resolution is not approved at the election. A tax 21858
levied under division (C)(2) of this section is in addition to any 21859
tax levied under section 5739.09 of the Revised Code. 21860

(D) The authority shall provide for the administration and 21861
allocation of an excise tax levied pursuant to division (B) or (C) 21862
of this section. All receipts arising from those excise taxes 21863
shall be expended for the purposes provided in, and in accordance 21864
with this section and section 351.141 of the Revised Code. An 21865
excise tax levied under division (B) or (C) of this section shall 21866
remain in effect at the rate at which it is levied for at least 21867
the duration of the period for which the receipts from the tax 21868
have been anticipated and pledged pursuant to section 351.141 of 21869
the Revised Code. 21870

(E) Except as provided in division (B)(2) of this section, 21871
the levy of an excise tax on each transaction pursuant to sections 21872
5739.08 and 5739.09 of the Revised Code does not prevent a 21873
convention facilities authority from levying an excise tax 21874
pursuant to division (B) or (C) of this section. 21875

(F) A convention facilities authority located in a county 21876
with a population greater than eighty thousand but less than 21877
ninety thousand according to the 2010 federal decennial census 21878
that levies a tax under division (B) of this section may amend the 21879
resolution levying the tax to allocate a portion of the revenue 21880
from the tax for support of tourism-related sites or facilities 21881
and programs operated by the county or a municipal corporation 21882
within the county in which the authority is located or for the 21883

purpose of leasing lands for county fairs, erecting buildings for 21884
county fair purposes, making improvements on a county fairground, 21885
or for any purpose connected with the use of a county fairground 21886
or with the management thereof by the county in which the 21887
authority is located. The revenue allocated by the authority for 21888
such purposes in a calendar year shall not exceed fifteen per cent 21889
of the total revenue from the tax in the preceding calendar year. 21890

Sec. 353.01. For purposes of this chapter: 21891

(A) "Lake facilities authority" means a body corporate and 21892
politic created pursuant to section 353.02 of the Revised Code. 21893

(B) "Watershed" means a watershed as determined by the United 21894
States geological survey. 21895

(C) "Impacted watershed" means a watershed meeting both of 21896
the following conditions: 21897

(1) The watershed contains a natural or man-made lake of at 21898
least one-half square mile that has experienced levels of 21899
microcystin toxins in excess of eighty parts-per-billion, as 21900
measured by the Ohio environmental protection agency, during the 21901
twenty-four month period immediately preceding the date the last 21902
resolution necessary for the creation of a lake facilities 21903
authority under section 353.02 of the Revised Code was adopted. 21904

(2) The watershed is partially or completely located within a 21905
state park, as defined in section 154.01 of the Revised Code, that 21906
has averaged at least four hundred thousand visitors per year for 21907
the four calendar years preceding the calendar year in which the 21908
last resolution necessary for the creation of a lake facilities 21909
authority under section 353.02 of the Revised Code was adopted. 21910

(D) "Impacted lake district" means the territory of all 21911
townships and municipal corporations having territory in an 21912
impacted watershed. 21913

(E) "Cost" as applied to a lake facilities authority facility 21914
means the cost of acquisition or construction of the facility; the 21915
cost of acquisition of all land, rights-of-way, property rights, 21916
easements, franchise rights, and interests required for such 21917
acquisition; the cost of demolishing or removing any buildings or 21918
structures on land so acquired, including the cost of acquiring 21919
any lands to which such buildings or structures may be moved; the 21920
cost of acquiring or constructing and equipping a principal office 21921
of the lake facilities authority; the cost of diverting highways, 21922
interchange of highways, and access roads to private property, 21923
including the cost of land or easements for the access roads, the 21924
cost of public utility and common carrier relocation or 21925
duplication, the cost of all machinery, furnishings, and 21926
equipment, financing charges, interest prior to and during any 21927
construction and for no more than eighteen months after completion 21928
of any construction; engineering; expenses of research and 21929
development with respect to an impacted lake district; legal 21930
expenses; expenses of developing or obtaining plans, 21931
specifications, engineering surveys, studies, and estimates of 21932
cost and revenues; expenses necessary or incident to determining 21933
the feasibility or practicability of acquiring or constructing the 21934
facility or remediating the impacted lake district; administrative 21935
expense; and such other expenses as may be necessary or incident 21936
to the acquisition or construction of the facility, the 21937
remediation of the impacted lake district and other activities 21938
authorized by this chapter, the financing of such acquisition, 21939
construction or remediation, including the amount authorized in 21940
the resolution of the lake facilities authority providing for the 21941
issuance of lake facilities authority revenue bonds to be paid 21942
into any special funds from the proceeds of such bonds and the 21943
financing of the placing of the facility in operation, the cost of 21944
issuing the bonds, and the financing of remediation and other 21945
purposes authorized by this chapter. 21946

(F) "Revenues" means all rentals and other charges received 21947
by the lake facilities authority with respect to an impacted 21948
watershed; any gift or grant received with respect to any impacted 21949
watershed; money received in repayment of, and for interest on, 21950
any loans made by the authority to a person or governmental 21951
agency, whether from the United States or any department, 21952
administration, or agency thereof, or otherwise; proceeds of lake 21953
facilities authority revenue bonds to the extent the use thereof 21954
for payment of principal or of premium, if any, or interest on the 21955
bonds is authorized by the authority; proceeds from any insurance, 21956
appropriation, or guaranty pertaining to an impacted watershed or 21957
property mortgaged to secure bonds or pertaining to the financing 21958
of any activities authorized under this chapter; income and profit 21959
from the investment of the proceeds of lake facilities authority 21960
revenue bonds or of any revenues; and contributions of service 21961
payments in lieu of taxes generated pursuant to section 5709.40, 21962
5709.41, 5709.73, or 5709.78 of the Revised Code, and all other 21963
nontax revenues paid or payable to the lake facilities authority. 21964

(G) "Lake facilities revenue bonds," unless the context 21965
indicates a different meaning or intent, includes revenue notes, 21966
revenue renewal notes, and revenue refunding bonds. 21967

(H) "Authorized purpose" means activities that remediate, 21968
rehabilitate, enhance, foster, aid, improve, provide, or promote 21969
an impacted watershed within the jurisdiction of the lake 21970
facilities authority, including, without limitation, research and 21971
development efforts related thereto. 21972

(I) "Lake facilities authority facility" or "facility" means 21973
real or personal property, or any combination thereof owned, 21974
leased, or otherwise controlled or financed by a lake facilities 21975
authority and directly related to an authorized purpose. 21976

Sec. 353.02. A lake facilities authority may be created by 21977

the board of county commissioners of a county that contains all of 21978
the territory of an impacted watershed. If the territory of an 21979
impacted watershed is contained within more than one county, a 21980
joint facilities lake authority may be created by resolution of 21981
the board of commissioners of each county in which the impacted 21982
watershed is located. A resolution creating a lake facilities 21983
authority must include a finding that the watershed sought to be 21984
improved or remediated pursuant to this chapter is an impacted 21985
watershed. 21986

A lake facilities authority created pursuant to this section 21987
is a body corporate and politic which may sue and be sued, plead 21988
and be impleaded, and has the powers and jurisdiction enumerated 21989
in this chapter. The exercise by an authority of the powers 21990
conferred upon it shall be deemed to be essential governmental 21991
functions of this state. 21992

Within sixty days after the creation of a lake facilities 21993
authority, the county engineer of each county with territory in 21994
the impacted watershed shall prepare a survey denoting the 21995
boundaries of the impacted watershed in the county. The survey 21996
shall include references to the county auditor's permanent parcel 21997
number designations as those parcel number designations correspond 21998
to the boundaries of the impacted watershed. If requested by the 21999
county engineer of each county with territory in the impacted 22000
watershed, the cost of such surveys shall be paid from the funds 22001
of the lake facilities authority pursuant to an agreement between 22002
the lake facilities authority and the county engineer of each 22003
county. Such funds may be advanced by the board of county 22004
commissioners of any county with territory in the impacted 22005
watershed. 22006

The county auditor of the county with the greatest amount of 22007
territory in the impacted watershed shall be the fiscal officer 22008

for the lake facilities authority. The county prosecutor of the 22009
county with the greatest amount of territory in the impacted 22010
watershed shall be the legal advisor of the lake facilities 22011
authority and shall prosecute and defend all suits and actions 22012
that the lake facilities authority directs or to which it is a 22013
party. 22014

Upon the creation of a lake facilities authority, no 22015
authority that is granted by law any powers or duties that are 22016
substantially the same as the powers and duties of a lake 22017
facilities authority may be created if its territorial 22018
jurisdiction includes any territory within the impacted lake 22019
district. 22020

Sec. 353.03. A lake facilities authority may do all of the 22021
following: 22022

(A) Acquire by purchase, lease, gift, or otherwise, on such 22023
terms and in such manner as it considers proper, real and personal 22024
property necessary for an authorized purpose or any estate, 22025
interest, or right therein, within or without the impacted lake 22026
district; 22027

(B) Improve, remediate, maintain, sell, lease, or otherwise 22028
dispose of real and personal property on such terms and in such 22029
manner as it considers proper; 22030

(C) Adopt, modify, and enforce reasonable rules and 22031
regulations governing impacted watersheds; 22032

(D) Employ such managers, administrative officers, agents, 22033
engineers, architects, attorneys, contractors, subcontractors, and 22034
employees as may be appropriate in the exercise of the rights, 22035
powers, and duties conferred on it, prescribe the duties and 22036
compensation for such persons, require bonds to be given by any 22037
such persons and by officers of the authority for the faithful 22038

performance of their duties, and fix the amount and surety 22039
therefor, and pay the surety; 22040

(E) Sue and be sued in its corporate name; 22041

(F)(1) Make and enter into all contracts and agreements and 22042
execute all instruments relating to the provisions of this 22043
chapter; 22044

(2) Except as provided otherwise under divisions (F)(2) and 22045
(3) of this section, when the cost of a contract for the 22046
construction of any building, structure, or other improvement 22047
undertaken by a lake facilities authority involves an expenditure 22048
exceeding twenty-five thousand dollars, and the lake facilities 22049
authority is the contracting authority, the lake facilities 22050
authority shall make a written contract after notice calling for 22051
bids for the award of the contract has been given by publication 22052
twice, with at least seven days between publications, in a 22053
newspaper of general circulation in the impacted lake district. 22054
Each such contract shall be awarded to the lowest responsive and 22055
responsible bidder in accordance with section 9.312 of the Revised 22056
Code. The board of directors by rule may provide criteria for the 22057
negotiation and award without competitive bidding of any contract 22058
as to which the lake facilities authority is the contracting 22059
authority for the construction of any building or structure or 22060
other improvement under any of the following circumstances: 22061

(a) There exists a real and present emergency that threatens 22062
damage to property or injury to persons of the lake facilities 22063
authority or other persons, provided that a statement specifying 22064
the nature of the emergency that is the basis for the negotiation 22065
and award of a contract without competitive bidding shall be 22066
signed at the time of the contract's execution by the officer of 22067
the lake facilities authority that executes the contract and shall 22068
be attached to the contract. 22069

<u>(b) A commonly recognized industry or other standard or</u>	22070
<u>specification does not exist and cannot objectively be articulated</u>	22071
<u>for the improvement.</u>	22072
<u>(c) The contract is for any energy conservation measure as</u>	22073
<u>defined in section 307.041 of the Revised Code.</u>	22074
<u>(d) With respect to material to be incorporated into the</u>	22075
<u>improvement, only a single source or supplier exists for the</u>	22076
<u>material.</u>	22077
<u>(e) A single bid is received by the lake facilities authority</u>	22078
<u>after complying with the above provisions.</u>	22079
<u>(3) In addition to the exceptions to competitive bidding</u>	22080
<u>requirements under division (F)(2) of this section, a lake</u>	22081
<u>facilities authority may contract for the acquisition or</u>	22082
<u>construction of any property for an authorized purpose and for the</u>	22083
<u>leasing, subleasing, sale, or other disposition of the property in</u>	22084
<u>a manner determined by the lake facilities authority in its sole</u>	22085
<u>discretion, without necessity for competitive bidding or</u>	22086
<u>performance bonds.</u>	22087
<u>(4) With respect to any public improvement undertaken by, or</u>	22088
<u>under contract for, the lake facilities authority, the authority</u>	22089
<u>may elect to apply sections 4115.03 to 4115.21 of the Revised</u>	22090
<u>Code.</u>	22091
<u>(G) Accept aid or contributions from any source of money,</u>	22092
<u>property, labor, or other things of value, to be held, used, and</u>	22093
<u>applied only for the purposes for which the grants and</u>	22094
<u>contributions are made;</u>	22095
<u>(H) Apply for and accept grants, loans, or commitments of</u>	22096
<u>guarantee or insurance, including any guarantees of lake</u>	22097
<u>facilities authority bonds and notes, from the United States, the</u>	22098
<u>state, or other public body or other sources, and provide any</u>	22099
<u>consideration which may be required in order to obtain such</u>	22100

<u>grants, loans, or contracts of guarantee or insurance;</u>	22101
<u>(I) Procure insurance against loss to the lake facilities</u>	22102
<u>authority by reason of damage to its properties resulting from</u>	22103
<u>fire, theft, accident, or other casualties, or by reason of its</u>	22104
<u>liability for any damages to persons or property occurring in the</u>	22105
<u>construction or operation of facilities or areas under its</u>	22106
<u>jurisdiction or the conduct of its activities;</u>	22107
<u>(J) Maintain such funds or reserves as it considers necessary</u>	22108
<u>for the efficient performance of its duties;</u>	22109
<u>(K) Enforce any covenants, of which the lake facilities</u>	22110
<u>authority is the beneficiary, running with the land.</u>	22111
<u>(L) Appropriate for its use, under sections 163.01 to 163.22</u>	22112
<u>of the Revised Code, any land, easement, rights, rights-of-way,</u>	22113
<u>franchises, or other property in the impacted watershed necessary</u>	22114
<u>for an authorized purpose;</u>	22115
<u>(M) Issue securities for the remediation of an impacted</u>	22116
<u>watershed and directly related permanent improvements in</u>	22117
<u>compliance with Chapter 133. of the Revised Code, except that such</u>	22118
<u>bonds or notes may be issued only pursuant to a vote of the</u>	22119
<u>electors residing within the impacted lake district. The net</u>	22120
<u>indebtedness incurred by a lake facilities authority pursuant to</u>	22121
<u>this division may not exceed one-tenth of one per cent of the</u>	22122
<u>total value of all property within the territory comprising the</u>	22123
<u>impacted lake district as listed and assessed for taxation.</u>	22124
<u>(N) Issue lake facilities authority revenue bonds beyond the</u>	22125
<u>limit of bonded indebtedness provided by law, payable solely from</u>	22126
<u>revenues as provided in section 353.09 of the Revised Code for the</u>	22127
<u>purpose of providing funds to pay costs of any facility or</u>	22128
<u>facilities or parts thereof;</u>	22129
<u>(O) Advise and provide input to political subdivisions within</u>	22130
<u>the impacted lake district with respect to zoning and land use</u>	22131

planning within the impacted lake district; 22132

(P) Enter into agreements for the management, ownership, 22133

possession, or control of lands or property to be used for wetland 22134

mitigation banking. 22135

Sec. 353.04. (A) Upon the creation of a lake facilities 22136

authority under section 353.02 of the Revised Code, a board of 22137

directors consisting of the county commissioners of each county 22138

with territory in the impacted lake district shall be created. 22139

Membership on the board is not a direct or indirect interest in a 22140

contract or expenditure of money by the county. Notwithstanding 22141

any provision of law to the contrary, no member of the board shall 22142

be disqualified from holding any public office or employment by 22143

reason of membership on the board. The board is a public body for 22144

the purposes of section 121.22 of the Revised Code and a public 22145

office for the purposes of section 149.43 of the Revised Code. 22146

Notwithstanding those sections, the board may hold closed meetings 22147

and protect the confidentiality of information under the same 22148

circumstances as authorized for a community improvement 22149

corporation under section 1724.11 of the Revised Code. Chapter 22150

2744. of the Revised Code applies to the board. Each year, the 22151

board shall prepare an annual report of its activities and make it 22152

available to the public. 22153

(B) A board of directors shall consult with the advisory 22154

council created under this division in performing the remediation 22155

and other activities authorized by this chapter. 22156

Not later than sixty days after the creation of the board of 22157

directors, the board shall provide written notice of its creation 22158

to the legislative authority of each political subdivision with 22159

territory in the impacted lake district. The notice shall describe 22160

the process for the appointment of an advisory council. Upon 22161

receipt of such notice, the legislative authority of each 22162

political subdivision with territory in the impacted lake district 22163
shall appoint one representative each to serve on the advisory 22164
council. The representative need not be an elected or appointed 22165
official of the political subdivision. 22166

Sec. 353.05. The board of directors of a lake facilities 22167
authority, by resolution, may propose the levy of a tax upon the 22168
taxable property in the impacted lake district pursuant to section 22169
5705.55 of the Revised Code. 22170

Sec. 353.06. As used in this section, "hotel" and "transient 22171
guests" have the same meanings as in section 5739.01 of the 22172
Revised Code. 22173

A resolution creating a lake facilities authority under 22174
section 353.02 of the Revised Code, or any amendments or 22175
supplements thereto, may authorize the authority to levy an excise 22176
tax on transactions by which lodging in a hotel is or is to be 22177
furnished to transient guests to pay any costs authorized under 22178
this chapter; to pay principal, interest, and premium on lake 22179
facilities authority tax anticipation bonds issued to pay those 22180
costs; to pay the operating costs of the authority; and to pay the 22181
costs of administering the tax. 22182

Upon the affirmative vote of at least a majority of the 22183
qualified electors in a primary or general election within the 22184
impacted lake district voting at an election held for the purpose 22185
of authorizing the tax, the board of directors of a lake 22186
facilities authority authorized to levy a tax under this section 22187
may, by resolution, levy an additional excise tax within the 22188
territory of the impacted lake district on all transactions by 22189
which lodging in a hotel is or is to be furnished to transient 22190
guests. The rate of the tax, when added to the aggregate rate of 22191
excise taxes levied in the impacted lake district pursuant to 22192

section 351.021, 5739.08, or 5739.09 of the Revised Code, shall 22193
not cause the total aggregate rate to exceed five per cent on any 22194
such transaction. 22195

The lake facilities authority shall provide for the 22196
administration and allocation of a tax levied pursuant to this 22197
section. All receipts arising from the tax shall be expended for 22198
the purposes provided in, and in accordance with, this section. An 22199
excise tax levied under this section shall remain in effect at the 22200
rate at which it is levied for at least the duration of the period 22201
for which the receipts from the tax have been anticipated and 22202
pledged pursuant to section 353.08 of the Revised Code. 22203

The form of the ballot in an election held on the question of 22204
levying a tax proposed pursuant to this section shall be as 22205
follows or in any other form acceptable to the secretary of state: 22206

"An excise tax on all transactions by which lodging in a 22207
hotel is or is to be furnished to transient guests within the 22208
territory of the (name of impacted lake district) for 22209
the purpose of at a rate of for 22210
(number of years the tax is to be levied). 22211

	<u>For the Excise Tax</u>	"
	<u>Against the Excise Tax</u>	

Sec. 353.07. The director of natural resources may transfer 22215
real property owned by the state to a lake facilities authority 22216
for the purpose of promoting wetland banking, wildlife, or 22217
sporting activities. The division of wildlife within the 22218
department of natural resources may enter into an agreement with a 22219
lake facilities authority to establish wetland or natural areas to 22220
benefit wildlife or sporting activities. The agreement may be 22221
entered as part of, or in conjunction with, a mitigation banking 22222
program. 22223

Sec. 353.08. A lake facilities authority that levies a tax 22224
authorized by sections 353.05 and 5705.55 or section 353.06 of the 22225
Revised Code may, by resolution, anticipate the proceeds of the 22226
tax and issue lake facilities authority anticipation bonds, and 22227
notes anticipating the proceeds or the bonds, in the principal 22228
amount that, in the opinion of the authority, are necessary for 22229
the purpose of paying the cost of an authorized purpose, and that 22230
the authority is able to pay over the term of the issue with the 22231
interest on the bonds or notes, or in the case of notes 22232
anticipating bonds over the term of the bonds, by the estimated 22233
amount of the taxes anticipated. The taxes are determined by the 22234
general assembly to satisfy any applicable requirement of Section 22235
11 of Article XII, Ohio Constitution. 22236

Every issue of outstanding anticipation bonds shall be 22237
payable out of the proceeds of the taxes anticipated and other 22238
revenues of the authority that are pledged for such payment. The 22239
pledge shall be valid and binding from the time the pledge is 22240
made, and the anticipated excise taxes and revenues so pledged and 22241
thereafter received by the authority immediately shall be subject 22242
to the lien of that pledge without any physical delivery of those 22243
taxes and revenues or further act. The lien of any pledge is valid 22244
and binding as against all parties having claims of any kind in 22245
tort, contract, or otherwise against the authority, whether or not 22246
such parties have notice of the lien. Neither the resolution nor 22247
any trust agreement by which a pledge is created need be filed or 22248
recorded except in the authority's records. 22249

The anticipation bonds shall bear such date or dates, and 22250
shall mature at such time or times, in the case of any such notes 22251
or any renewals of such notes not exceeding twenty years from the 22252
date of issue of such original notes and in the case of any such 22253
bonds or any refunding bonds not exceeding forty years from the 22254
date of the original issue of notes or bonds for the purpose, and 22255

shall be executed in the manner that the resolution authorizing 22256
the bonds may provide. The anticipation bonds shall bear interest 22257
at such rates, or at a variable rate or rates changing from time 22258
to time, in accordance with provisions provided in the authorizing 22259
resolution, be in such denominations and form, either coupon or 22260
registered, carry such registration privileges, be payable in such 22261
medium of payment and at such place or places, and be subject to 22262
such terms of redemption, as the authority may authorize or 22263
provide. 22264

Sec. 353.09. A lake facilities authority at any time may 22265
issue lake facilities authority revenue bonds in such principal 22266
amounts as, in the opinion of the lake facilities authority, are 22267
necessary for the purpose of paying the cost of one or more lake 22268
facilities authority facilities or parts thereof. A lake 22269
facilities authority at any time may issue renewal notes, issue 22270
bonds to retire its notes and, whenever it considers refunding 22271
expedient, refund any bonds by the issuance of lake facilities 22272
authority revenue refunding bonds, whether the bonds to be 22273
refunded have or have not matured, and issue lake facilities 22274
authority revenue bonds partly to refund outstanding bonds and 22275
partly for any other authorized purpose. The lake facilities 22276
authority revenue refunding bonds shall be sold and the proceeds 22277
applied to the purchase, redemption, or payment of the bonds to be 22278
refunded. Lake facilities authority revenue bonds shall be special 22279
obligations of the lake facilities authority payable out of the 22280
revenues of the lake facilities authority that are pledged for 22281
such payment. The pledge shall be valid and binding from the time 22282
the pledge is made and the revenues so pledged and thereafter 22283
received by the lake facilities authority immediately shall be 22284
subject to the lien of the pledge without any physical delivery 22285
thereof or further act, and the lien of the pledge is valid and 22286
binding as against all parties having claims of any kind in tort, 22287

contract, or otherwise against the lake facilities authority, 22288
irrespective of whether those parties have notice thereof. Neither 22289
the resolution nor any trust agreement by which a pledge is 22290
created need be filed or recorded except in the records of the 22291
lake facilities authority. 22292

Whether or not the lake facilities authority revenue bonds 22293
are of such form and character as to be negotiable instruments, 22294
the lake facilities authority revenue bonds shall have all the 22295
qualities and incidents of negotiable instruments, subject only to 22296
the provisions of the bonds for registration. 22297

The lake facilities authority revenue bonds shall be 22298
authorized by resolution of the lake facilities authority, and 22299
shall bear interest at such rate or rates, shall bear such date or 22300
dates, and shall mature at such time or times, and in such number 22301
of installments as may be provided in or pursuant to that 22302
resolution. The final maturity of any lake facilities authority 22303
revenue bond in the form of a note and any renewals thereof shall 22304
not exceed five years from the date of issue of the original note. 22305
The final maturity of any issue of lake facilities authority 22306
revenue bonds shall not be later than forty-five years from the 22307
date of issue of the original issue of bonds. Any such bonds or 22308
notes shall be executed in a manner as the resolution or 22309
resolutions may provide. The lake facilities authority revenue 22310
bonds shall be in such denominations, be in such form, either 22311
coupon or registered, carry such registration privileges, be 22312
payable in such medium of payment, at such place or places, and be 22313
subject to such terms of redemption as may be provided in or 22314
pursuant to the resolution authorizing their issuance. Lake 22315
facilities authority revenue bonds of the lake facilities 22316
authority may be sold by the lake facilities authority, at public 22317
or private sale, at or at not less than a price or prices as the 22318
lake facilities authority determines. In case any officer whose 22319

signature or a facsimile of whose signature appears on any bonds, 22320
notes, or coupons, ceases to be such officer before delivery of 22321
bonds or notes, the signature or facsimile shall nevertheless be 22322
sufficient for all purposes the same as if the officer had 22323
remained in office until such delivery, and in case the seal of 22324
the lake facilities authority has been changed after a facsimile 22325
has been imprinted on such bonds or notes, the facsimile seal will 22326
continue to be sufficient for all purposes. 22327

Any resolution or resolutions authorizing any lake facilities 22328
authority revenue bonds or any issue of bonds may contain 22329
provisions, subject to any agreements with bondholders as may then 22330
exist, which provisions shall be a part of the contract with the 22331
holders of bonds, as to the pledging of all or any part of the 22332
revenues of the lake facilities authority to secure the payment of 22333
the lake facilities authority bonds or of any issue of the bonds; 22334
the use and disposition of revenues of the lake facilities 22335
authority; a covenant to fix, alter, and collect rentals and other 22336
charges so that pledged revenues will be sufficient to pay costs 22337
of operation, maintenance, and repairs, pay principal of and 22338
interest on bonds secured by the pledge of such revenues, and 22339
provide any reserves that may be required by the applicable 22340
resolution or trust agreement; the setting aside of reserve funds, 22341
sinking funds, or replacement and improvement funds and the 22342
regulation and disposition thereof; the crediting of the proceeds 22343
of the sale of bonds to and among the funds referred to or 22344
provided for in or pursuant to the resolution authorizing the 22345
issuance of the bonds or notes; the use, lease, sale, or other 22346
disposition of any lake facilities authority facility or any other 22347
assets of the lake facilities authority; limitations on the 22348
purpose to which the proceeds of sale of bonds may be applied and 22349
the pledging of those proceeds to secure the payment of the bonds 22350
or of any issue of the bonds; as to notes issued in anticipation 22351
of the issuance of bonds, the agreement of the lake facilities 22352

authority to do all things necessary for the authorization, 22353
issuance, and sale of the bonds in amounts that may be necessary 22354
for the timely retirement of the notes; limitations on the 22355
issuance of additional bonds; the terms upon which additional 22356
bonds may be issued and secured; the refunding of outstanding 22357
bonds; the procedure, if any, by which the terms of any contract 22358
with bondholders may be amended or abrogated, the amount of bonds 22359
the holders of which must consent thereto, and the manner in which 22360
such consent may be given; limitations on the amount of moneys to 22361
be expended by the lake facilities authority for operating, 22362
administrative, or other expenses of the lake facilities 22363
authority; securing any bonds or notes by a trust agreement; and 22364
any other matters, of like or different character, that in any way 22365
affect the security or protection of the bonds or notes. 22366

Neither the board of directors of the lake facilities 22367
authority nor any person executing the bonds shall be liable 22368
personally on the bonds or be subject to any personal liability or 22369
accountability by reason of the issuance thereof. 22370

The issuance of lake facilities authority revenue bonds under 22371
this section need not comply with any other law applicable to the 22372
issuance of bonds or notes. 22373

Sec. 353.10. (A) With respect to facilities, and their 22374
financing, for an authorized purpose, under agreements whereby the 22375
person to whom the facility is to be leased, subleased, or sold, 22376
or to whom a loan is to be made for the facility, is to make 22377
payments sufficient to pay all of the principal of, premium, if 22378
any, and interest on the lake facilities authority revenue bonds 22379
issued for the facility, the lake facilities authority, in 22380
addition to other powers under this chapter, may do any of the 22381
following: 22382

(1) Make loans for the acquisition or construction of the 22383

facility to such person upon such terms as the lake facilities 22384
authority may determine or authorize including secured or 22385
unsecured loans, and, in connection therewith, enter into loan 22386
agreements and other agreements, accept notes and other forms of 22387
obligation to evidence such indebtedness and mortgages, liens, 22388
pledges, assignments, or other security interests to secure such 22389
indebtedness, which may be prior or subordinate to or on a parity 22390
with other indebtedness, obligations, mortgages, pledges, 22391
assignments, other security interests, or liens or encumbrances, 22392
and take actions it considers appropriate to protect such security 22393
and safeguard against losses, including, without limitation, 22394
foreclosure and the bidding upon and purchase of property upon 22395
foreclosure or other sale; 22396

(2) Sell the facility under such terms as it may determine, 22397
including, without limitation, sale by conditional sale or 22398
installment sale, under which title may pass prior to or after 22399
completion of the facility or payment or provisions for payment of 22400
all principal of, premium, if any, and interest on the bonds, or 22401
at any other time provided in the agreement pertaining to the 22402
sale, and including sale under an option to purchase at a price 22403
which may be a nominal amount or less than true value at the time 22404
of purchase; 22405

(3) Grant a mortgage, lien, or other encumbrance on, or 22406
pledge or assignment of, or other security interest with respect 22407
to, all or any part of the facility, revenues, reserve funds, or 22408
other funds established in connection with the bonds, or on, of, 22409
or with respect to any lease, sublease, sale, conditional sale or 22410
installment sale agreement, loan agreement, or other agreement 22411
pertaining to the lease, sublease, sale, or other disposition of a 22412
facility or pertaining to a loan made for a facility, or any 22413
guaranty or insurance agreement made with respect thereto, or any 22414
interest of the lake facilities authority therein, or any other 22415

interest granted, assigned, or released to secure payments of the 22416
principal of, premium, if any, or interest on the bonds or to 22417
secure any other payments to be made by the lake facilities 22418
authority, which mortgage, lien, encumbrance, pledge, assignment, 22419
or other security interest may be prior or subordinate to or on a 22420
parity with any other mortgage, assignment, or other security 22421
interest, or lien or encumbrance; 22422

(4) Provide that the interest on the bonds may be at a 22423
variable rate or rates changing from time to time in accordance 22424
with a base or formula as authorized by the lake facilities 22425
authority; 22426

(5) Contract for the acquisition or construction of the 22427
facility or any part thereof and for the leasing, subleasing, 22428
sale, or other disposition of the facility in a manner determined 22429
by the lake facilities authority in its sole discretion, without 22430
necessity for competitive bidding or performance bonds; 22431

(6) Make appropriate provision for adequate maintenance of 22432
the facility. 22433

(B) With respect to the facilities referred to in this 22434
section, the authority granted by this section is cumulative and 22435
supplementary to all other authority granted in this chapter. The 22436
authority granted by this section does not alter or impair any 22437
similar authority granted elsewhere in this chapter for or with 22438
respect to other facilities. 22439

Sec. 353.11. In the discretion of the lake facilities 22440
authority, any lake facilities authority revenue bonds issued 22441
under this chapter may be secured by a trust agreement between the 22442
lake facilities authority and a corporate trustee that may be any 22443
trust company or bank having the powers of a trust company within 22444
or without the state. 22445

The trust agreement may pledge or assign revenues of the lake facilities authority to be received and may convey or mortgage any facility or any part thereof. The trust agreement or any resolution providing for the issuance of such bonds may contain any provisions for protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper and not in violation of law, including covenants setting forth the duties of the lake facilities authority in relation to the acquisition of property, the construction, improvement, maintenance, repair, operation, and insurance of the facility in connection with which the bonds are authorized, the rentals or other charges to be imposed for the use or services of any facility, the custody, safeguarding, and application of all moneys, and provisions for the employment of consulting engineers in connection with the construction or operation of the facility.

Any bank or trust company incorporated under the laws of this state that may act as depository of the proceeds of bonds or of revenues may furnish any indemnifying bonds or may pledge any securities that are required by the lake facilities authority. The trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing similar bonds. The trust agreement may contain any other provisions that the lake facilities authority determines reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of the trust agreement may be treated as a part of the cost of the operation of the facility.

Sec. 353.12. Any holder of lake facilities authority revenue bonds issued under sections 353.09 to 353.15 of the Revised Code, or any of the coupons pertaining to those bonds, and the trustee under any trust agreement, except to the extent the rights given

by those sections may be restricted by the applicable resolution 22478
or that trust agreement, may by suit, action, mandamus, or other 22479
proceedings, protect and enforce any rights under the laws of the 22480
state or granted under those sections, the trust agreement, or the 22481
resolution authorizing the issuance of the bonds, and may enforce 22482
and compel the performance of all duties required by those 22483
sections, or by the trust agreement or resolution, to be performed 22484
by the lake facilities authority or any officer of the lake 22485
facilities authority, including the fixing, charging, and 22486
collecting of rentals or other charges. 22487

Sec. 353.13. Lake facilities authority revenue bonds issued 22488
under sections 353.09 to 353.15 of the Revised Code do not 22489
constitute a debt, or a pledge of the faith and credit, of the 22490
state or any political subdivision of the state. The holders or 22491
owners of the bonds have no right to have taxes levied by the 22492
general assembly or taxing authority of any political subdivision 22493
of the state for the payment of the principal of or interest on 22494
the bonds. The bonds are payable solely from the revenues and 22495
funds pledged for their payment as authorized by this chapter, 22496
unless the revenue bonds are notes issued in anticipation of the 22497
issuance of the bonds, or the revenue bonds are refunded by 22498
refunding bonds issued under section 353.09 of the Revised Code, 22499
provided that the refunding bonds shall be payable solely from 22500
revenues and funds pledged for their payment as authorized by that 22501
section. All bonds shall contain on the face thereof a statement 22502
to the effect that the bonds, as to both principal and interest, 22503
are not debts of the state or any political subdivision of the 22504
state, but are payable solely from revenues and funds pledged for 22505
their payment. 22506

Sec. 353.14. All moneys, funds, properties, and assets 22507

acquired by the lake facilities authority under this chapter, 22508
whether as proceeds from the sale of lake facilities authority 22509
revenue bonds or as revenues, or otherwise, shall be held by it in 22510
trust for the purposes of carrying out its powers and duties, 22511
shall be used and reused as provided in this chapter, and shall at 22512
no time be part of other public funds. Such funds, except as 22513
otherwise provided in any resolution authorizing its lake 22514
facilities authority revenue bonds or in any trust agreement 22515
securing those bonds, or except when invested pursuant to section 22516
353.15 of the Revised Code, shall be kept in depositories selected 22517
by the lake facilities authority in the manner provided in Chapter 22518
135. of the Revised Code for the selection of eligible public 22519
depositories, and the deposits shall be secured as provided in 22520
that chapter. The resolution authorizing the issuance of such 22521
bonds or the trust agreement securing the bonds shall provide that 22522
any officer to whom, or any bank or trust company to which, such 22523
money is paid shall act as trustee of the money and hold and apply 22524
the money for the purposes for which the bonds are issued, subject 22525
to such conditions as Chapter 135. of the Revised Code and such 22526
resolutions or trust agreement provide. 22527

Sec. 353.15. Except as otherwise provided in any resolution 22528
authorizing the issuance of its lake facilities authority revenue 22529
bonds or in any trust agreement securing the bonds, moneys in the 22530
funds of the lake facilities authority in excess of current needs 22531
may be invested as permitted by sections 135.01 to 135.21 of the 22532
Revised Code or invested in linked deposit programs established by 22533
resolution of the board of directors in accordance with section 22534
135.80 of the Revised Code. Income from all investments of moneys 22535
in any fund shall be credited to funds as the lake facilities 22536
authority determines, subject to the provisions of any such 22537
resolution or trust agreement, and the investments may be sold at 22538

any time the lake facilities authority determines. 22539

Sec. 353.16. Bonds of a lake facilities authority and lake facilities authority revenue bonds are lawful investments of banks, societies for savings, trust companies, savings and loan associations, deposit guaranty associations, trustees, fiduciaries, trustees or other officers having charge of the bond retirement funds or sinking funds of port authorities and political subdivisions, and taxing districts of this state, the commissioners of the sinking fund of this state, the administrator of workers' compensation, the state teachers retirement system, the school employees retirement system, the public employees retirement system, the Ohio police and fire pension fund, and insurance companies, including domestic life insurance companies and domestic insurance companies other than life, and are acceptable as security for the deposit of public moneys. 22540
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Sec. 511.261. If a township park district enters into an agreement for the sale or lease of mineral rights regarding a park within the district, any royalties or other moneys resulting from the sale or lease shall be deposited into a special fund that the board of park commissioners shall establish under division (F) of section 5705.09 of the Revised Code. The fund shall be used exclusively for maintenance of parks within the district and for the acquisition of new park lands. 22554
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Sec. 517.271. Notwithstanding section 517.22 of the Revised Code, the company, association, or religious society that most recently owned and operated a cemetery currently owned by a board of township trustees may petition the probate court of the county in which the cemetery is located to transfer the ownership of the cemetery to the petitioner. 22562
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If the court determines that the petitioner has met all of 22568
the following conditions, the court shall transfer the ownership 22569
of the cemetery to the petitioner and shall order the board to 22570
give the petitioner all necessary records and documents concerning 22571
the cemetery, including records of the board's sale of any lots 22572
pursuant to section 517.07 of the Revised Code: 22573

(A) The petitioner has the financial resources necessary to 22574
operate and maintain the cemetery; 22575

(B) The petitioner is in compliance with all applicable laws 22576
and administrative rules concerning the owners and operators of 22577
cemeteries, including registration under section 4767.02 of the 22578
Revised Code; and 22579

(C) The petitioner owes no delinquent taxes. 22580

Sec. 715.691. (A) As used in this section: 22581

(1) "Contracting party" means a municipal corporation that 22582
has entered into a joint economic development zone contract or any 22583
party succeeding to the municipal corporation, or a township that 22584
entered into a joint economic development zone contract with a 22585
municipal corporation. 22586

(2) "Zone" means a joint economic development zone designated 22587
under this section. 22588

(B) This section provides alternative procedures and 22589
requirements for creating and operating a joint economic 22590
development zone to those set forth in section 715.69 of the 22591
Revised Code. This section applies only if one of the contracting 22592
parties to the zone does not levy a municipal income tax under 22593
Chapter 718. of the Revised Code. A municipal corporation that 22594
does not levy a municipal income tax may enter into an agreement 22595
to create and operate a joint economic development zone under this 22596
section or under section 715.69 of the Revised Code. 22597

Two or more municipal corporations or one or more townships 22598
and one or more municipal corporations may enter into a contract 22599
whereby they agree to share in the costs of improvements for an 22600
area or areas located in one or more of the contracting parties 22601
that they designate as a joint economic development zone for the 22602
purpose of facilitating new or expanded growth for commercial or 22603
economic development in the state. The contract and zone shall 22604
meet the requirements of divisions (B) to (J) of this section. 22605

(C) The contract shall set forth each contracting party's 22606
contribution to the joint economic development zone. The 22607
contributions may be in any form that the contracting parties 22608
agree to, and may include, but are not limited to, the provision 22609
of services, money, or equipment. The contract may be amended, 22610
renewed, or terminated with the consent of the contracting 22611
parties. The contract shall continue in existence throughout the 22612
term it specifies and shall be binding on the contracting parties 22613
and on any entities succeeding to the contracting parties. 22614

(D) Before the legislative authority of any of the 22615
contracting parties enacts an ordinance or resolution approving a 22616
contract to designate a joint economic development zone, the 22617
legislative authority of each of the contracting parties shall 22618
hold a public hearing concerning the contract and zone. Each 22619
legislative authority shall provide at least thirty days' public 22620
notice of the time and place of the public hearing in a newspaper 22621
of general circulation in the municipal corporation or township. 22622
During the thirty-day period prior to the public hearing, all of 22623
the following documents shall be available for public inspection 22624
in the office of the clerk of the legislative authority of a 22625
municipal corporation that is a contracting party and in the 22626
office of the fiscal officer of a township that is a contracting 22627
party: 22628

(1) A copy of the contract designating the zone; 22629

(2) A description of the area or areas to be included in the zone, including a map in sufficient detail to denote the specific boundaries of the area or areas;

(3) An economic development plan for the zone that includes a schedule for the provision of any new, expanded, or additional services, facilities, or improvements.

A public hearing held under division (D) of this section shall allow for public comment and recommendations on the contract and zone. The contracting parties may include in the contract any of those recommendations prior to approval of the contract.

(E) After the public hearings required under division (D) of this section have been held, each contracting party may enact an ordinance or resolution approving the contract to designate a joint economic development zone. After each contracting party has enacted an ordinance or resolution, the clerk of the legislative authority of a municipal corporation that is a contracting party and the fiscal officer of a township that is a contracting party shall file with the board of elections of each county within which a contracting party is located a copy of the ordinance or resolution approving the contract and shall direct the board of elections to submit the ordinance or resolution to the electors of the contracting party on the day of the next general, primary, or special election occurring at least ninety days after the ordinance or resolution is filed with the board of elections. If any of the contracting parties is a township, however, then only the township or townships shall submit the resolution to the electors.

(F)(1) If a vote is required to approve a municipal corporation as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

"Shall the ordinance of the legislative authority of the (city or village) of (name of contracting party) approving the contract with (name of each other contracting party) for the designation of a joint economic development zone be approved?

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

"

(2) If a vote is required to approve a township as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

"Shall the resolution of the board of township trustees of the township of (name of contracting party) approving the contract with (name of each other contracting party) for the designation of a joint economic development zone be approved?

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

If a majority of the electors of each contracting party voting on the issue vote for the ordinance or resolution and contract, the ordinance or resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms.

(G)(1) A board of directors shall govern each joint economic development zone created under section 715.691 of the Revised Code. The members of the board shall be appointed as provided in the contract. Each of the contracting parties shall appoint three members to the board. Terms for each member shall be for two years, each term ending on the same day of the month of the year

as did the term that it succeeds. A member may be reappointed to 22691
the board. 22692

(2) Membership on the board is not the holding of a public 22693
office or employment within the meaning of any section of the 22694
Revised Code or any charter provision prohibiting the holding of 22695
other public office or employment. Membership on the board is not 22696
a direct or indirect interest in a contract or expenditure of 22697
money by a municipal corporation, township, county, or other 22698
political subdivision with which a member may be affiliated. 22699
Notwithstanding any provision of law or a charter to the contrary, 22700
no member of the board shall forfeit or be disqualified from 22701
holding any public office or employment by reason of membership on 22702
the board. 22703

(3) The board is a public body for the purposes of section 22704
121.22 of the Revised Code. Chapter 2744. of the Revised Code 22705
applies to the board and the zone. 22706

(H) The contract may grant to the board of directors 22707
appointed under division (G) of this section the power to adopt a 22708
resolution to levy an income tax within the zone. The income tax 22709
shall be used for the purposes of the zone and for the purposes of 22710
the contracting ~~municipal corporations~~ parties pursuant to the 22711
contract. The income tax may be levied in the zone based on income 22712
earned by persons working within the zone and on the net profits 22713
of businesses located in the zone. The income tax is subject to 22714
Chapter 718. of the Revised Code, except that a vote shall be 22715
required by the electors residing in the zone to approve the rate 22716
of income tax unless a majority of the electors residing within 22717
the zone, as determined by the total number of votes cast in the 22718
zone for the office of governor at the most recent general 22719
election for that office, submit a petition to the board 22720
requesting that the election provided for in division (H)(1) of 22721
this section not be held. If no electors reside within the zone, 22722

then division (H)(3) of this section applies. The rate of the 22723
income tax shall be no higher than the highest rate being levied 22724
by a municipal corporation that is a party to the contract. 22725

(1) The board of directors may levy an income tax at a rate 22726
that is not higher than the highest rate being levied by a 22727
municipal corporation that is a party to the contract, provided 22728
that the rate of the income tax is first submitted to and approved 22729
by the electors of the zone at the succeeding regular or primary 22730
election, or a special election called by the board, occurring 22731
subsequent to ninety days after a certified copy of the resolution 22732
levying the income tax and calling for the election is filed with 22733
the board of elections. If the voters approve the levy of the 22734
income tax, the income tax shall be in force for the full period 22735
of the contract establishing the zone. No election shall be held 22736
under this section if a majority of the electors residing within 22737
the zone, determined as specified in division (H) of this section, 22738
submit a petition to that effect to the board of directors. Any 22739
increase in the rate of an income tax by the board of directors 22740
shall be approved by a vote of the electors of the zone and shall 22741
be in force for the remaining period of the contract establishing 22742
the zone. 22743

(2) Whenever a zone is located in the territory of more than 22744
one contracting party, a majority vote of the electors in each of 22745
the several portions of the territory of the contracting parties 22746
constituting the zone approving the levy of the tax is required 22747
before it may be imposed under division (H) of this section. 22748

(3) If no electors reside in the zone, no election for the 22749
approval or rejection of an income tax shall be held under this 22750
section, provided that where no electors reside in the zone, the 22751
rate of the income tax shall be no higher than the highest rate 22752
being levied by a municipal corporation that is a party to the 22753
contract. 22754

(4) The board of directors of a zone levying an income tax 22755
shall enter into an agreement with one of the municipal 22756
corporations that is a party to the contract to administer, 22757
collect, and enforce the income tax on behalf of the zone. 22758

(5) The board of directors of a zone shall publish or post 22759
public notice within the zone of any resolution adopted levying an 22760
income tax in the same manner required of municipal corporations 22761
under sections 731.21 and 731.25 of the Revised Code. 22762

(I)(1) If for any reason a contracting party reverts to or 22763
has its boundaries changed so that it is classified as a township 22764
that is the entity succeeding to that contracting party, the 22765
township is considered to be a municipal corporation for the 22766
purposes of the contract for the full period of the contract 22767
establishing the joint economic development zone, except that if 22768
that contracting party is administering, collecting, and enforcing 22769
the income tax on behalf of the district as provided in division 22770
(H)(4) of this section, the contract shall be amended to allow one 22771
of the other contracting parties to administer, collect, and 22772
enforce that tax. 22773

(2) Notwithstanding any other section of the Revised Code, if 22774
there is any change in the boundaries of a township so that a 22775
municipal corporation once located within the township is no 22776
longer so located, the township shall remain in existence even 22777
though its remaining unincorporated area contains less than 22778
twenty-two square miles, if the township has been or becomes a 22779
party to a contract creating a joint economic development zone 22780
under this section or the contract creating that joint economic 22781
development zone under this section is terminated or repudiated 22782
for any reason by any party or person. The township shall continue 22783
its existing status in all respects, including having the same 22784
form of government and the same elected board of trustees as its 22785
governing body. The township shall continue to receive all of its 22786

tax levies and sources of income as a township in accordance with 22787
any section of the Revised Code, whether the levies and sources of 22788
income generate millage within the ten-mill limitation or in 22789
excess of the ten-mill limitation. The name of the township may be 22790
changed to the name of the contracting party appearing in the 22791
contract creating a joint economic development zone under this 22792
section, so long as the name does not conflict with any other name 22793
in the state that has been certified by the secretary of state. 22794
The township shall have all of the powers set out in sections 22795
715.79, 715.80, and 715.81 of the Revised Code. 22796

(J) If, after creating and operating a joint economic 22797
development zone under this section, a contracting party that did 22798
not levy a municipal income tax under Chapter 718. of the Revised 22799
Code levies such a tax, the tax shall not apply to the zone for 22800
the full period of the contract establishing the zone, if the 22801
board of directors of the zone has levied an income tax as 22802
provided in division (H) of this section. 22803

Sec. 718.01. (A) As used in this chapter: 22804

(1) "Adjusted federal taxable income" means a C corporation's 22805
federal taxable income before net operating losses and special 22806
deductions as determined under the Internal Revenue Code, adjusted 22807
as follows: 22808

(a) Deduct intangible income to the extent included in 22809
federal taxable income. The deduction shall be allowed regardless 22810
of whether the intangible income relates to assets used in a trade 22811
or business or assets held for the production of income. 22812

(b) Add an amount equal to five per cent of intangible income 22813
deducted under division (A)(1)(a) of this section, but excluding 22814
that portion of intangible income directly related to the sale, 22815
exchange, or other disposition of property described in section 22816
1221 of the Internal Revenue Code; 22817

(c) Add any losses allowed as a deduction in the computation	22818
of federal taxable income if the losses directly relate to the	22819
sale, exchange, or other disposition of an asset described in	22820
section 1221 or 1231 of the Internal Revenue Code;	22821
(d)(i) Except as provided in division (A)(1)(d)(ii) of this	22822
section, deduct income and gain included in federal taxable income	22823
to the extent the income and gain directly relate to the sale,	22824
exchange, or other disposition of an asset described in section	22825
1221 or 1231 of the Internal Revenue Code;	22826
(ii) Division (A)(1)(d)(i) of this section does not apply to	22827
the extent the income or gain is income or gain described in	22828
section 1245 or 1250 of the Internal Revenue Code.	22829
(e) Add taxes on or measured by net income allowed as a	22830
deduction in the computation of federal taxable income;	22831
(f) In the case of a real estate investment trust and	22832
regulated investment company, add all amounts with respect to	22833
dividends to, distributions to, or amounts set aside for or	22834
credited to the benefit of investors and allowed as a deduction in	22835
the computation of federal taxable income;	22836
(g) Deduct, to the extent not otherwise deducted or excluded	22837
in computing federal taxable income, any income derived from	22838
providing public services under a contract through a project owned	22839
by the state, as described in section 126.604 of the Revised Code	22840
or derived from a transfer agreement or from the enterprise	22841
transferred under that agreement under section 4313.02 of the	22842
Revised Code.	22843
If the taxpayer is not a C corporation and is not an	22844
individual, the taxpayer shall compute adjusted federal taxable	22845
income as if the taxpayer were a C corporation, except guaranteed	22846
payments and other similar amounts paid or accrued to a partner,	22847
former partner, member, or former member shall not be allowed as a	22848

deductible expense; amounts paid or accrued to a qualified 22849
self-employed retirement plan with respect to an owner or 22850
owner-employee of the taxpayer, amounts paid or accrued to or for 22851
health insurance for an owner or owner-employee, and amounts paid 22852
or accrued to or for life insurance for an owner or owner-employee 22853
shall not be allowed as a deduction. 22854

Nothing in division (A)(1) of this section shall be construed 22855
as allowing the taxpayer to add or deduct any amount more than 22856
once or shall be construed as allowing any taxpayer to deduct any 22857
amount paid to or accrued for purposes of federal self-employment 22858
tax. 22859

Nothing in this chapter shall be construed as limiting or 22860
removing the ability of any municipal corporation to administer, 22861
audit, and enforce the provisions of its municipal income tax. 22862

(2) "Internal Revenue Code" means the Internal Revenue Code 22863
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 22864

(3) "Schedule C" means internal revenue service schedule C 22865
filed by a taxpayer pursuant to the Internal Revenue Code. 22866

(4) "Form 2106" means internal revenue service form 2106 22867
filed by a taxpayer pursuant to the Internal Revenue Code. 22868

(5) "Intangible income" means income of any of the following 22869
types: income yield, interest, capital gains, dividends, or other 22870
income arising from the ownership, sale, exchange, or other 22871
disposition of intangible property including, but not limited to, 22872
investments, deposits, money, or credits as those terms are 22873
defined in Chapter 5701. of the Revised Code, and patents, 22874
copyrights, trademarks, tradenames, investments in real estate 22875
investment trusts, investments in regulated investment companies, 22876
and appreciation on deferred compensation. "Intangible income" 22877
does not include prizes, awards, or other income associated with 22878
any lottery winnings or other similar games of chance. 22879

(6) "S corporation" means a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.	22880 22881 22882
(7) For taxable years beginning on or after January 1, 2004, "net profit" for a taxpayer other than an individual means adjusted federal taxable income and "net profit" for a taxpayer who is an individual means the individual's profit required to be reported on schedule C, schedule E, or schedule F, other than any amount allowed as a deduction under division (E)(2) or (3) of this section or amounts described in division (H) of this section.	22883 22884 22885 22886 22887 22888 22889
(8) "Taxpayer" means a person subject to a tax on income levied by a municipal corporation. Except as provided in division (L) of this section, "taxpayer" does not include any person that is a disregarded entity or a qualifying subchapter S subsidiary for federal income tax purposes, but "taxpayer" includes any other person who owns the disregarded entity or qualifying subchapter S subsidiary.	22890 22891 22892 22893 22894 22895 22896
(9) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.	22897 22898 22899
(10) "Tax administrator" means the individual charged with direct responsibility for administration of a tax on income levied by a municipal corporation and includes:	22900 22901 22902
(a) The central collection agency and the regional income tax agency and their successors in interest, and other entities organized to perform functions similar to those performed by the central collection agency and the regional income tax agency;	22903 22904 22905 22906
(b) A municipal corporation acting as the agent of another municipal corporation; and	22907 22908
(c) Persons retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the	22909 22910

municipal corporation does not compensate the person in whole or 22911
in part on a contingency basis. 22912

(11) "Person" includes individuals, firms, companies, 22913
business trusts, estates, trusts, partnerships, limited liability 22914
companies, associations, corporations, governmental entities, and 22915
any other entity. 22916

(12) "Schedule E" means internal revenue service schedule E 22917
filed by a taxpayer pursuant to the Internal Revenue Code. 22918

(13) "Schedule F" means internal revenue service schedule F 22919
filed by a taxpayer pursuant to the Internal Revenue Code. 22920

(14) "Supplemental executive retirement plan" means a 22921
nonqualified deferred compensation plan maintained by an employer 22922
to provide retirement income for certain employees, including 22923
excess benefit plans. "Supplemental executive retirement plan" 22924
does not include any portion of a nonqualified deferred 22925
compensation plan that is funded by a salary reduction agreement. 22926

(B) No municipal corporation shall tax income at other than a 22927
uniform rate. 22928

(C) No municipal corporation shall levy a tax on income at a 22929
rate in excess of one per cent without having obtained the 22930
approval of the excess by a majority of the electors of the 22931
municipality voting on the question at a general, primary, or 22932
special election. The legislative authority of the municipal 22933
corporation shall file with the board of elections at least ninety 22934
days before the day of the election a copy of the ordinance 22935
together with a resolution specifying the date the election is to 22936
be held and directing the board of elections to conduct the 22937
election. The ballot shall be in the following form: "Shall the 22938
Ordinance providing for a ... per cent levy on income for (Brief 22939
description of the purpose of the proposed levy) be passed? 22940

22941

	FOR THE INCOME TAX	22942
	AGAINST THE INCOME TAX	22943

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In the event of an affirmative vote, the proceeds of the levy may be used only for the specified purpose. 22945
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(D)(1) Except as otherwise provided in this section, no municipal corporation shall exempt from a tax on income compensation for personal services of individuals over eighteen years of age or the net profit from a business or profession. 22947
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(2)(a) For taxable years beginning on or after January 1, 2004, no municipal corporation shall tax the net profit from a business or profession using any base other than the taxpayer's adjusted federal taxable income. 22951
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(b) Division (D)(2)(a) of this section does not apply to any taxpayer required to file a return under section 5745.03 of the Revised Code or to the net profit from a sole proprietorship. 22955
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(E)(1) The legislative authority of a municipal corporation may, by ordinance or resolution, exempt from withholding and from a tax on income the following: 22958
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(a) Compensation arising from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option; or 22961
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(b) Compensation attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code. 22965
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(2) The legislative authority of a municipal corporation may adopt an ordinance or resolution that allows a taxpayer who is an individual to deduct, in computing the taxpayer's municipal income tax liability, an amount equal to the aggregate amount the 22968
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taxpayer paid in cash during the taxable year to a health savings 22972
account of the taxpayer, to the extent the taxpayer is entitled to 22973
deduct that amount on internal revenue service form 1040. 22974

(3) The legislative authority of a municipal corporation may 22975
adopt an ordinance or resolution that allows a taxpayer who has a 22976
net profit from a business or profession that is operated as a 22977
sole proprietorship to deduct from that net profit the amount that 22978
the taxpayer paid during the taxable year for medical care 22979
insurance premiums for the taxpayer, the taxpayer's spouse, and 22980
dependents as defined in section 5747.01 of the Revised Code. The 22981
deduction shall be allowed to the same extent the taxpayer is 22982
entitled to deduct the premiums on internal revenue service form 22983
1040. The deduction allowed under this division shall be net of 22984
any related premium refunds, related premium reimbursements, or 22985
related insurance premium dividends received by the taxpayer 22986
during the taxable year. 22987

(F) If an individual's taxable income includes income against 22988
which the taxpayer has taken a deduction for federal income tax 22989
purposes as reportable on the taxpayer's form 2106, and against 22990
which a like deduction has not been allowed by the municipal 22991
corporation, the municipal corporation shall deduct from the 22992
taxpayer's taxable income an amount equal to the deduction shown 22993
on such form allowable against such income, to the extent not 22994
otherwise so allowed as a deduction by the municipal corporation. 22995

(G)(1) In the case of a taxpayer who has a net profit from a 22996
business or profession that is operated as a sole proprietorship, 22997
no municipal corporation may tax or use as the base for 22998
determining the amount of the net profit that shall be considered 22999
as having a taxable situs in the municipal corporation, an amount 23000
other than the net profit required to be reported by the taxpayer 23001
on schedule C or F from such sole proprietorship for the taxable 23002
year. 23003

(2) In the case of a taxpayer who has a net profit from rental activity required to be reported on schedule E, no municipal corporation may tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the municipal corporation, an amount other than the net profit from rental activities required to be reported by the taxpayer on schedule E for the taxable year.

(H) A municipal corporation shall not tax any of the following:

(1) The military pay or allowances of members of the armed forces of the United States and of members of their reserve components, including the Ohio national guard;

(2) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities;

(3) Except as otherwise provided in division (I) of this section, intangible income;

(4) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars annually. Such compensation in excess of one thousand dollars may be subjected to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(5) Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Chapter 306. of the Revised Code for operating a transit bus or other motor vehicle for the authority or commission in or through the municipal corporation, unless the bus or vehicle is

operated on a regularly scheduled route, the operator is subject 23035
to such a tax by reason of residence or domicile in the municipal 23036
corporation, or the headquarters of the authority or commission is 23037
located within the municipal corporation; 23038

(6) The income of a public utility, when that public utility 23039
is subject to the tax levied under section 5727.24 or 5727.30 of 23040
the Revised Code, except a municipal corporation may tax the 23041
following, subject to Chapter 5745. of the Revised Code: 23042

(a) Beginning January 1, 2002, the income of an electric 23043
company or combined company; 23044

(b) Beginning January 1, 2004, the income of a telephone 23045
company. 23046

As used in division (H)(6) of this section, "combined 23047
company," "electric company," and "telephone company" have the 23048
same meanings as in section 5727.01 of the Revised Code. 23049

(7) On and after January 1, 2003, items excluded from federal 23050
gross income pursuant to section 107 of the Internal Revenue Code; 23051

(8) On and after January 1, 2001, compensation paid to a 23052
nonresident individual to the extent prohibited under section 23053
718.011 of the Revised Code; 23054

(9)(a) Except as provided in ~~division~~ divisions (H)(9)(b) and 23055
(c) of this section, an S corporation shareholder's distributive 23056
share of net profits of the S corporation, other than any part of 23057
the distributive share of net profits that represents wages as 23058
defined in section 3121(a) of the Internal Revenue Code or net 23059
earnings from self-employment as defined in section 1402(a) of the 23060
Internal Revenue Code. 23061

(b) If, pursuant to division (H) of former section 718.01 of 23062
the Revised Code as it existed before March 11, 2004, a majority 23063
of the electors of a municipal corporation voted in favor of the 23064

question at an election held on November 4, 2003, the municipal 23065
corporation may continue after 2002 to tax an S corporation 23066
shareholder's distributive share of net profits of an S 23067
corporation. 23068

(c) If, on December 6, 2002, a municipal corporation was 23069
imposing, assessing, and collecting a tax on an S corporation 23070
shareholder's distributive share of net profits of the S 23071
corporation to the extent the distributive share would be 23072
allocated or apportioned to this state under divisions (B)(1) and 23073
(2) of section 5733.05 of the Revised Code if the S corporation 23074
were a corporation subject to taxes imposed under Chapter 5733. of 23075
the Revised Code, the municipal corporation may continue to impose 23076
the tax on such distributive shares to the extent such shares 23077
would be so allocated or apportioned to this state only until 23078
December 31, 2004, unless a majority of the electors of the 23079
municipal corporation voting on the question of continuing to tax 23080
such shares after that date vote in favor of that question at an 23081
election held November 2, 2004. If a majority of those electors 23082
vote in favor of the question, the municipal corporation may 23083
continue after December 31, 2004, to impose the tax on such 23084
distributive shares only to the extent such shares would be so 23085
allocated or apportioned to this state. 23086

(d) For the purposes of division (D) of section 718.14 of the 23087
Revised Code, a municipal corporation shall be deemed to have 23088
elected to tax S corporation shareholders' distributive shares of 23089
net profits of the S corporation in the hands of the shareholders 23090
if a majority of the electors of a municipal corporation vote in 23091
favor of a question at an election held under division (H)(9)(b) 23092
or (c) of this section. The municipal corporation shall specify by 23093
ordinance or rule that the tax applies to the distributive share 23094
of a shareholder of an S corporation in the hands of the 23095
shareholder of the S corporation. 23096

(10) Employee compensation that is not "qualifying wages" as defined in section 718.03 of the Revised Code; 23097
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(11) Beginning August 1, 2007, compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, municipal income tax shall be payable only to the municipal corporation of residence or domicile. 23099
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(12) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after ~~the effective date of the amendment of this section~~ March 27, 2013, unless the person is subject to such taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, municipal income tax shall be payable only to the municipal corporation of residence or domicile. 23108
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(I) Any municipal corporation that taxes any type of intangible income on March 29, 1988, pursuant to Section 3 of Amended Substitute Senate Bill No. 238 of the 116th general assembly, may continue to tax that type of income after 1988 if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 vote in favor thereof at an election held on November 8, 1988. 23121
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(J) Nothing in this section or section 718.02 of the Revised Code shall authorize the levy of any tax on income that a municipal corporation is not authorized to levy under existing laws or shall require a municipal corporation to allow a deduction from taxable income for losses incurred from a sole proprietorship or partnership.

(K)(1) Nothing in this chapter prohibits a municipal corporation from allowing, by resolution or ordinance, a net operating loss carryforward.

(2) Nothing in this chapter requires a municipal corporation to allow a net operating loss carryforward.

(L)(1) A single member limited liability company that is a disregarded entity for federal tax purposes may elect to be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company;

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004;

(c) Not later than December 31, 2004, the limited liability company and its single member each make an election to be treated as a separate taxpayer under division (L) of this section;

(d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member;

(e) The Ohio municipal corporation that is the primary place

of business of the sole member of the limited liability company 23159
consents to the election. 23160

(2) For purposes of division (L)(1)(e) of this section, a 23161
municipal corporation is the primary place of business of a 23162
limited liability company if, for the limited liability company's 23163
taxable year ending in 2003, its income tax liability is greater 23164
in that municipal corporation than in any other municipal 23165
corporation in Ohio, and that tax liability to that municipal 23166
corporation for its taxable year ending in 2003 is at least four 23167
hundred thousand dollars. 23168

Sec. 718.03. (A) As used in this section: 23169

(1) "Other payer" means any person, other than an 23170
individual's employer or the employer's agent, that pays an 23171
individual any amount included in the federal gross income of the 23172
individual. 23173

(2) "Qualifying wages" means wages, as defined in section 23174
3121(a) of the Internal Revenue Code, without regard to any wage 23175
limitations, adjusted as follows: 23176

(a) Deduct the following amounts: 23177

(i) Any amount included in wages if the amount constitutes 23178
compensation attributable to a plan or program described in 23179
section 125 of the Internal Revenue Code; 23180

(ii) For purposes of division (B) of this section, any amount 23181
included in wages if the amount constitutes payment on account of 23182
sickness or accident disability; 23183

(iii) Any amount included in wages that is attributable to a 23184
supplemental executive retirement plan. 23185

(b) Add the following amounts: 23186

(i) Any amount not included in wages solely because the 23187

employee was employed by the employer prior to April 1, 1986;	23188
(ii) Any amount not included in wages because the amount	23189
arises from the sale, exchange, or other disposition of a stock	23190
option, the exercise of a stock option, or the sale, exchange, or	23191
other disposition of stock purchased under a stock option and the	23192
municipal corporation has not, by resolution or ordinance,	23193
exempted the amount from withholding and tax. Division	23194
(A)(2)(b)(ii) of this section applies only to those amounts	23195
constituting ordinary income.	23196
(iii) Any amount not included in wages if the amount is an	23197
amount described in section 401(k) or 457 of the Internal Revenue	23198
Code. Division (A)(2)(b)(iii) of this section applies only to	23199
employee contributions and employee deferrals.	23200
(iv) Any amount that is supplemental unemployment	23201
compensation benefits described in section 3402(o)(2) of the	23202
Internal Revenue Code and not included in wages.	23203
(c) Deduct any amount attributable to a nonqualified deferred	23204
compensation plan or program described in section 3121(v)(2)(C) of	23205
the Internal Revenue Code if the compensation is included in wages	23206
and has, by resolution or ordinance, been exempted from taxation	23207
by the municipal corporation.	23208
(d) Deduct any amount included in wages if the amount arises	23209
from the sale, exchange, or other disposition of a stock option,	23210
the exercise of a stock option, or the sale, exchange, or other	23211
disposition of stock purchased under a stock option and the	23212
municipal corporation has, by resolution or ordinance, exempted	23213
the amount from withholding and tax.	23214
(B) Except as provided in division (F) of this section, for	23215
taxable years beginning after 2003, no municipal corporation shall	23216
require any employer or any agent of any employer or any other	23217
payer, to withhold tax with respect to any amount other than	23218

qualifying wages. Nothing in this section prohibits an employer 23219
from withholding tax on a basis greater than qualifying wages. 23220

(C) An employer is not required to make any withholding with 23221
respect to an individual's disqualifying disposition of an 23222
incentive stock option if, at the time of the disqualifying 23223
disposition, the individual is not an employee of the corporation 23224
with respect to whose stock the option has been issued. 23225

(D)(1) An employee is not relieved from liability for a tax 23226
by the failure of the employer to withhold the tax as required by 23227
a municipal corporation or by the employer's exemption from the 23228
requirement to withhold the tax. 23229

(2) The failure of an employer to remit to the municipal 23230
corporation the tax withheld relieves the employee from liability 23231
for that tax unless the employee colluded with the employer in 23232
connection with the failure to remit the tax withheld. 23233

(E) Compensation deferred before June 26, 2003, is not 23234
subject to any municipal corporation income tax or municipal 23235
income tax withholding requirement to the extent the deferred 23236
compensation does not constitute qualifying wages at the time the 23237
deferred compensation is paid or distributed. 23238

(F) A municipal corporation may require a casino facility or 23239
a casino operator, as defined in Section 6(C)(9) of Article XV, 23240
Ohio Constitution, and section 3772.01 of the Revised Code, 23241
respectively, or a lottery sales agent conducting video lottery 23242
terminals on behalf of the state to withhold and remit tax with 23243
respect to amounts other than qualifying wages. 23244

Sec. 721.01. Municipal corporations have special power to 23245
sell or lease real estate or to sell personal property belonging 23246
to the municipal corporation, when such real estate or personal 23247
property is not needed for any municipal purpose. Such power shall 23248

be exercised in the manner provided by ~~sections 721.01 to 721.26,~~ 23249
~~inclusive, of the Revised Code~~ this chapter. 23250

Sec. 721.03. No contract, except as provided in section 23251
721.28 of the Revised Code, for the sale or lease of real estate 23252
belonging to a municipal corporation shall be made unless 23253
authorized by an ordinance, approved by a two-thirds vote of the 23254
members of the legislative authority of such municipal 23255
corporation, and by the board or officer having supervision or 23256
management of such real estate. When the contract is so 23257
authorized, it shall be made in writing by such board or officer, 23258
and, except as provided in section 721.27 or 721.29 of the Revised 23259
Code, only with the highest bidder, after advertisement once a 23260
week for five consecutive weeks in a newspaper of general 23261
circulation within the municipal corporation or as provided in 23262
section 7.16 of the Revised Code. Such board or officer may reject 23263
any bids and readvertise until all such real estate is sold or 23264
leased. 23265

Sec. 721.29. The legislative authority of a city may sell to 23266
a board of county commissioners real estate belonging to the city 23267
that is no longer needed for city purposes upon such lawful terms 23268
as are agreed upon between the city and the board of county 23269
commissioners, without competitive bidding as required by section 23270
721.03 of the Revised Code. No such sale shall be made unless the 23271
contract for the sale is authorized by ordinance, approved by a 23272
two-thirds vote of the members of the legislative authority of the 23273
city, and by the board or officer having supervision or management 23274
of the real estate. 23275

Sec. 731.091. (A) The legislative authority of a village may, 23276
by the adoption of an ordinance or resolution to eliminate 23277
staggered terms of office, determine that all members of the 23278

legislative authority shall be elected at the same municipal 23279
election as provided for in this section. 23280

(B) At the regular municipal election occurring not less than 23281
ninety days after the certification of the ordinance or resolution 23282
to the board of elections eliminating staggered terms of office, 23283
the following apply: 23284

(1) If there are six members of the legislative authority, 23285
~~three~~ the number of members eligible for election at that regular 23286
municipal election shall be elected ~~at the next regular municipal~~ 23287
~~election for~~ to two-year nonstaggered terms, and all members of 23288
the legislative authority shall be elected to four-year 23289
nonstaggered terms at all following municipal elections. 23290

(2) If there are five members of the legislative authority, 23291
~~three~~ a number of members that is one less than the number of 23292
members that would otherwise be eligible for election at that 23293
regular municipal election but for the first-time implementation 23294
of the new membership of five, or, in the case of a village that 23295
has previously reduced its number of members to five, then the 23296
number of members eligible for election at that regular municipal 23297
election shall be elected ~~at the next municipal election for~~ to 23298
two-year nonstaggered terms, and all members shall be elected to 23299
four-year nonstaggered terms at all following municipal elections. 23300

Sec. 737.41. (A) The legislative authority of a municipal 23301
corporation in which is established a municipal court, other than 23302
a county-operated municipal court, that has a department of 23303
probation shall establish in the municipal treasury a municipal 23304
probation services fund. The fund shall contain all moneys paid to 23305
the treasurer of the municipal corporation under section 2951.021 23306
of the Revised Code for deposit into the fund. The treasurer of 23307
the municipal corporation shall disburse the money contained in 23308
the fund at the request of the municipal court department of 23309

probation, for use only by that department for specialized staff, 23310
purchase of equipment, purchase of services, reconciliation 23311
programs for offenders and victims, other treatment programs, 23312
including ~~alcohol and drug~~ community addiction programs services 23313
providers certified under section ~~3793.06~~ 5119.36 of the Revised 23314
Code, determined to be appropriate by the chief probation officer, 23315
and other similar expenses related to placing offenders under a 23316
community control sanction. 23317

(B) Any money in a municipal probation services fund at the 23318
end of a fiscal year shall not revert to the treasury of the 23319
municipal corporation but shall be retained in the fund. 23320

(C) As used in this section: 23321

(1) "County-operated municipal court" has the same meaning as 23322
in section 1901.03 of the Revised Code. 23323

(2) "Community control sanction" has the same meaning as in 23324
section 2929.01 of the Revised Code. 23325

Sec. 742.14. (A) The board of trustees of the Ohio police and 23326
fire pension fund shall have prepared triennially by or under the 23327
supervision of an actuary an actuarial valuation of the pension 23328
assets, liabilities, and funding requirements of the Ohio police 23329
and fire pension fund as established pursuant to sections 742.01 23330
to 742.61 of the Revised Code. The actuary shall complete the 23331
valuation in accordance with actuarial standards of practice 23332
promulgated by the actuarial standards board of the American 23333
academy of actuaries and prepare a report of the valuation. The 23334
report shall include all of the following: 23335

(1) A summary of the benefit provisions evaluated; 23336

(2) A summary of the census data and financial information 23337
used in the valuation; 23338

(3) A description of the actuarial assumptions, actuarial 23339

cost method, and asset valuation method used in the valuation, 23340
including a statement of the assumed rate of payroll growth and 23341
assumed rate of growth or decline in the number of members of the 23342
fund contributing to the pension fund; 23343

(4) A summary of findings that includes a statement of the 23344
actuarial accrued pension liabilities and unfunded actuarial 23345
accrued pension liabilities; 23346

(5) A schedule showing the effect of any changes in the 23347
benefit provisions, actuarial assumptions, or cost methods since 23348
the last triennial actuarial valuation; 23349

(6) A statement of whether employee and employer 23350
contributions to the pension fund are expected to be sufficient to 23351
satisfy the funding objectives established by the board. 23352

The first triennial report shall be made not later than 23353
November 1, 2013, to the Ohio retirement study council, the 23354
director of budget and management, and the standing committees of 23355
the house of representatives and the senate with primary 23356
responsibility for retirement legislation immediately upon its 23357
availability and thereafter triennially, not later than the first 23358
day of November. 23359

(B) At such times as the board determines, and at least once 23360
in each quinquennial period, the board shall have prepared by or 23361
under the supervision of an actuary an actuarial investigation of 23362
the mortality, service, and other experience of the members of the 23363
fund and of other system retirants, as defined in section 742.26 23364
of the Revised Code, who are members of a police department or a 23365
fire department to update the actuarial assumptions used in the 23366
actuarial valuation required by division (A) of this section. The 23367
actuary shall prepare a report of the actuarial investigation. The 23368
report shall be prepared and any recommended changes in actuarial 23369
assumptions shall be made in accordance with the actuarial 23370

standards of practice promulgated by the actuarial standards board 23371
of the American academy of actuaries. The report shall include all 23372
of the following: 23373

(1) A summary of relevant decrement and economic assumption 23374
experience observed over the period of the investigation; 23375

(2) Recommended changes in actuarial assumptions to be used 23376
in subsequent actuarial valuations required by division (A) of 23377
this section; 23378

(3) A measurement of the financial effect of the recommended 23379
changes in actuarial assumptions; 23380

(4) If the investigation required by this division includes 23381
the investigation required by division (E) of this section, a 23382
report of the result of that investigation. 23383

The board shall submit the report to the Ohio retirement 23384
study council and the standing committees of the house of 23385
representatives and the senate with primary responsibility for 23386
retirement legislation not later than the first day of November 23387
following the last fiscal year of the period the report covers. 23388

(C) The board shall have prepared by or under the supervision 23389
of an actuary an actuarial analysis of any introduced legislation 23390
expected to have a measurable financial impact on the pension 23391
fund. The actuarial analysis shall be completed in accordance with 23392
the actuarial standards of practice promulgated by the actuarial 23393
standards board of the American academy of actuaries. The actuary 23394
shall prepare a report of the actuarial analysis, which shall 23395
include all of the following: 23396

(1) A summary of the statutory changes that are being 23397
evaluated; 23398

(2) A description of or reference to the actuarial 23399
assumptions and actuarial cost method used in the report; 23400

(3) A description of the participant group or groups included in the report;	23401 23402
(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members of the fund over a period not to exceed thirty years;	23403 23404 23405 23406 23407 23408 23409
(5) A statement of whether the scheduled contributions to the system after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.	23410 23411 23412 23413
Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.	23414 23415 23416 23417 23418 23419
(D) The board shall have prepared triennially a report giving a full accounting of the revenues and costs relating to the provision of benefits under section 742.45 of the Revised Code. The first triennial report shall be made as of December 31, 2013, and the thirty-first day of December triennially thereafter. The report shall include the following:	23420 23421 23422 23423 23424 23425
(1) A description of the statutory authority for the benefits provided;	23426 23427
(2) A summary of the benefits;	23428
(3) A summary of the eligibility requirements for the benefits;	23429 23430

(4) A statement of the number of participants eligible for the benefits;	23431 23432
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	23433 23434
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	23435 23436
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	23437 23438 23439 23440 23441
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	23442 23443 23444 23445
(9) A description of any significant changes that affect the comparability of the report required under this division;	23446 23447
(10) A statement of the amount paid under division (B) of section 742.45 of the Revised Code.	23448 23449
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirtieth day of June following the year for which the report was made.	23450 23451 23452 23453 23454 23455
(E) At least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the deferred retirement option plan established under section 742.43 of the Revised Code. The investigation shall include an examination of the financial	23456 23457 23458 23459 23460

impact, if any, on the fund of offering the plan to members. 23461

The actuary shall prepare a report of the actuarial 23462
investigation. The report shall include a determination of whether 23463
the plan, as established or modified, has a negative financial 23464
impact on the fund and, if so, recommendations on how to modify 23465
the plan to eliminate the negative financial impact. If the 23466
actuarial report indicates that the plan has a negative financial 23467
impact on the fund, the board may modify the plan or cease to 23468
allow members who have not already done so to elect to participate 23469
in the plan. The firefighter and police officers employers' 23470
contributions shall not be increased to offset any negative 23471
financial impact of the plan. 23472

If the board ceases to allow members to elect to participate 23473
in the plan, the rights and obligations of members who have 23474
already elected to participate shall not be altered. 23475

The board may include the actuarial investigation required 23476
under this division as part of the actuarial investigation 23477
required under division (B) of this section. If the report of the 23478
actuarial investigation required by this division is not included 23479
in the report required by division (B) of this section, the board 23480
shall submit the report required by this division to the Ohio 23481
retirement study council and the standing committees of the house 23482
of representatives and the senate with primary responsibility for 23483
retirement legislation not later than the first day of November 23484
following the last fiscal year of the period the report covers. 23485

Sec. 755.06. (A) The board of park commissioners shall have 23486
the expenditures of all moneys appropriated by the legislative 23487
authority of the city or received from any other source for the 23488
purchase, acquisition, improvement, maintenance, equipment, or 23489
enjoyment of all property mentioned in section 755.05 of the 23490
Revised Code, but no liability shall be incurred or expenditure 23491

made unless the money required therefor is in the treasury to the 23492
credit of the park fund and not appropriated for any other 23493
purpose. 23494

(B) Notwithstanding division (A) of this section, if the 23495
legislative authority of a municipal corporation enters into an 23496
agreement for the sale or lease of mineral rights regarding lands 23497
that the board of park commissioners manages or controls, any 23498
royalties or other moneys resulting from the sale or lease shall 23499
be deposited into a special fund that the legislative authority 23500
shall establish under division (F) of section 5705.09 of the 23501
Revised Code. The board of park commissioners shall use the fund 23502
exclusively for maintenance of lands that the board manages or 23503
controls and for the acquisition of new park lands. 23504

Sec. 901.21. (A) As used in this section and section 901.22 23505
of the Revised Code: 23506

(1) "Agricultural easement" has the same meaning as in 23507
section 5301.67 of the Revised Code. 23508

(2) "Agriculture" means those activities occurring on land 23509
devoted exclusively to agricultural use, as defined in section 23510
5713.30 of the Revised Code, or on land that constitutes a 23511
homestead. 23512

(3) "Homestead" means the portion of a farm on which is 23513
located a dwelling house, yard, or outbuildings such as a barn or 23514
garage. 23515

(B) The director of agriculture may acquire real property 23516
used predominantly in agriculture and agricultural easements by 23517
gift, devise, or bequest if, at the time an easement is granted, 23518
such an easement is on land that is valued for purposes of real 23519
property taxation at its current value for agricultural use under 23520
section 5713.31 of the Revised Code or that constitutes a 23521

homestead. Any terms may be included in an agricultural easement 23522
so acquired that are necessary or appropriate to preserve on 23523
behalf of the grantor of the easement the favorable tax 23524
consequences of the gift, devise, or bequest under the "Internal 23525
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 23526
The director, by any such means or by purchase or lease, may 23527
acquire, or acquire the use of, stationary personal property or 23528
equipment that is located on land acquired in fee by the director 23529
under this section and that is necessary or appropriate for the 23530
use of the land predominantly in agriculture. 23531

(C) The director may include, in an agricultural easement 23532
acquired under division (B) of this section, a provision to 23533
preserve a unique natural or physical feature on the land so long 23534
as the use of the land remains predominantly agricultural. 23535

(D) The director may do all things necessary or appropriate 23536
to retain the use of real property acquired in fee under division 23537
(B) of this section predominantly in agriculture, including, 23538
without limitation, performing any of the activities described in 23539
division (A)(1) or (2) of section 5713.30 of the Revised Code or 23540
entering into contracts to lease or rent the real property so 23541
acquired to persons or governmental entities that will use the 23542
land predominantly in agriculture. 23543

~~(D)~~(E)(1) When the director considers it to be necessary or 23544
appropriate, the director may sell real property acquired in fee, 23545
and stationary personal property or equipment acquired by gift, 23546
devise, bequest, or purchase, under division (B) of this section 23547
on such terms as the director considers to be advantageous to this 23548
state. 23549

(2) An agricultural easement acquired under division (B) of 23550
this section may be extinguished under the circumstances 23551
prescribed, and in accordance with the terms and conditions set 23552
forth, in the instrument conveying the agricultural easement. 23553

~~(E)~~(F) There is hereby created in the state treasury the 23554
agricultural easement purchase fund. The fund shall consist of the 23555
proceeds received from the sale of real and personal property 23556
under division ~~(D)~~(E) of this section; moneys received due to the 23557
extinguishment of agricultural easements acquired by the director 23558
under division (B) of this section or section 5301.691 of the 23559
Revised Code; moneys received due to the extinguishment of 23560
agricultural easements purchased with the assistance of matching 23561
grants made under section 901.22 of the Revised Code; gifts, 23562
bequests, devises, and contributions received by the director for 23563
the purpose of acquiring agricultural easements; and grants 23564
received from public or private sources for the purpose of 23565
purchasing agricultural easements. The fund shall be administered 23566
by the director, and moneys in the fund shall be used by the 23567
director exclusively to purchase agricultural easements under 23568
division (A) of section 5301.691 of the Revised Code and provide 23569
matching grants under section 901.22 of the Revised Code to 23570
municipal corporations, counties, townships, soil and water 23571
conservation districts established under Chapter 1515. of the 23572
Revised Code, and charitable organizations described in division 23573
(B) of section 5301.69 of the Revised Code for the purchase of 23574
agricultural easements. Money in the fund shall be used only to 23575
purchase agricultural easements on land that is valued for 23576
purposes of real property taxation at its current value for 23577
agricultural use under section 5713.31 of the Revised Code or that 23578
constitutes a homestead when the easement is purchased. 23579

~~(F)~~(G) There is hereby created in the state treasury the 23580
clean Ohio agricultural easement fund. Twelve and one-half per 23581
cent of net proceeds of obligations issued and sold pursuant to 23582
sections 151.01 and 151.09 of the Revised Code shall be deposited 23583
into the fund. The fund also shall consist of money credited to it 23584
under section 151.50 of the Revised Code. The fund shall be used 23585
by the director for the purposes of this section, section 901.22 23586

of the Revised Code, and the provisions of sections 5301.67 to 23587
5301.70 of the Revised Code governing agricultural easements. 23588
Investment earnings of the fund shall be credited to the fund and 23589
may be used to pay costs incurred by the director in administering 23590
those sections and provisions. 23591

~~(G)~~(H) The term of an agricultural easement purchased wholly 23592
or in part with money from the clean Ohio agricultural easement 23593
fund or the agricultural easement purchase fund shall be perpetual 23594
and shall run with the land. 23595

Sec. 901.22. (A) The director of agriculture, in accordance 23596
with Chapter 119. of the Revised Code, shall adopt rules that do 23597
all of the following: 23598

(1) Establish procedures and eligibility criteria for making 23599
matching grants to municipal corporations, counties, townships, 23600
soil and water conservation districts established under Chapter 23601
1515. of the Revised Code, and charitable organizations described 23602
in division (B) of section 5301.69 of the Revised Code for the 23603
purchase of agricultural easements. With respect to agricultural 23604
easements that are purchased or proposed to be purchased with such 23605
matching grants that consist in whole or in part of moneys from 23606
the clean Ohio agricultural easement fund created in section 23607
901.21 of the Revised Code, the rules shall establish all of the 23608
following: 23609

(a) Procedures for all of the following: 23610

(i) Soliciting and accepting applications for matching 23611
grants; 23612

(ii) Participation by local governments and by the public in 23613
the process of making matching grants to charitable organizations; 23614

(iii) Notifying local governments, charitable organizations, 23615
and organizations that represent the interests of farmers of the 23616

ranking system established in rules adopted under division	23617
(A)(1)(b) of this section.	23618
(b) A ranking system for applications for the matching grants	23619
that is based on the soil type, proximity of the land or other	23620
land that is conducive to agriculture as defined by rules adopted	23621
under this section and that is the subject of an application to	23622
other agricultural land or other land that is conducive to	23623
agriculture as defined by rules adopted under this section and	23624
that is already or is in the process of becoming permanently	23625
protected from development, farm stewardship, development	23626
pressure, and, if applicable, a local comprehensive land use plan	23627
involved with a proposed agricultural easement. The rules shall	23628
require that preference be given to proposed agricultural	23629
easements that involve the greatest proportion of all of the	23630
following:	23631
(i) Prime soils, unique or locally important soils,	23632
microclimates, or similar features;	23633
(ii) Land that is adjacent to or that is in close proximity	23634
to other agricultural land or other land that is conducive to	23635
agriculture as defined by rules adopted under this section and	23636
that is already or is in the process of becoming permanently	23637
protected from development, by agricultural easement or otherwise,	23638
so that a buffer would exist between the land involving the	23639
proposed agricultural easement and areas that have been developed	23640
or likely will be developed for purposes other than agriculture;	23641
(iii) The use of best management practices, including	23642
federally or state approved conservation plans, and a history of	23643
substantial compliance with applicable federal and state laws;	23644
(iv) Development pressure that is imminent, but not a result	23645
of current location in the direct path of urban development;	23646
(v) Areas identified for agricultural protection in local	23647

comprehensive land use plans. 23648

(c) Any other criteria that the director determines are 23649
necessary for selecting applications for matching grants; 23650

(d) Requirements regarding the information that must be 23651
included in the annual monitoring report that must be prepared for 23652
an agricultural easement under division (E)(2) of section 5301.691 23653
of the Revised Code, procedures for submitting a copy of the 23654
report to the office of farmland preservation in the department of 23655
agriculture, and requirements and procedures governing corrective 23656
actions that may be necessary to enforce the terms of the 23657
agricultural easement. 23658

(2) Establish provisions that shall be included in the 23659
instrument conveying to a municipal corporation, county, township, 23660
soil and water conservation district, or charitable organization 23661
any agricultural easement purchased with matching grant funds 23662
provided by the director under this section, including, without 23663
limitation, all of the following provisions: 23664

(a) A provision stating that an easement so purchased may be 23665
extinguished only if an unexpected change in the conditions of or 23666
surrounding the land that is subject to the easement makes 23667
impossible or impractical the continued use of the land for the 23668
purposes described in the easement, or if the requirements of the 23669
easement are extinguished by judicial proceedings; 23670

(b) A provision requiring that, upon the sale, exchange, or 23671
involuntary conversion of the land subject to the easement, the 23672
holder of the easement shall be paid an amount of money that is at 23673
least equal to the proportionate value of the easement compared to 23674
the total value of the land at the time the easement was acquired; 23675

(c) A provision requiring that, upon receipt of the portion 23676
of the proceeds of a sale, exchange, or involuntary conversion 23677
described in division (A)(2)(b) of this section, the municipal 23678

corporation, county, township, soil and water conservation 23679
district, or charitable organization remit to the director an 23680
amount of money equal to the percentage of the cost of purchasing 23681
the easement it received as a matching grant under this section. 23682

Moneys received by the director pursuant to rules adopted 23683
under division (A)(2)(c) of this section shall be credited to the 23684
agricultural easement purchase fund created in section 901.21 of 23685
the Revised Code. 23686

(3) Establish a provision that provides a charitable 23687
organization, municipal corporation, township, county, or soil and 23688
water conservation district with the option of purchasing 23689
agricultural easements either in installments or with a lump sum 23690
payment. The rules shall include a requirement that a charitable 23691
organization, municipal corporation, township, county, or soil and 23692
water conservation district negotiate with the seller of the 23693
agricultural easement concerning any installment payment terms, 23694
including the dates and amounts of payments and the interest rate 23695
on the outstanding balance. The rules also shall require the 23696
director to approve any method of payment that is undertaken in 23697
accordance with the rules adopted under division (A)(3) of this 23698
section. 23699

(4) Establish any other requirements that the director 23700
considers to be necessary or appropriate to implement or 23701
administer a program to make matching grants under this section 23702
and monitor those grants. 23703

(B) The director may develop guidelines regarding the 23704
acquisition of agricultural easements by the department of 23705
agriculture and the provisions of instruments conveying those 23706
easements. The director may make the guidelines available to 23707
public and private entities authorized to acquire and hold 23708
agricultural easements. 23709

(C) The director may provide technical assistance in 23710
developing a program for the acquisition and monitoring of 23711
agricultural easements to public and private entities authorized 23712
to hold agricultural easements. The technical assistance may 23713
include, without limitation, reviewing and providing advisory 23714
recommendations regarding draft instruments conveying agricultural 23715
easements. 23716

(D)(1) The director may make matching grants from the 23717
agricultural easement purchase fund and the clean Ohio 23718
agricultural easement fund to municipal corporations, counties, 23719
townships, soil and water conservation districts, and charitable 23720
organizations to assist those political subdivisions and 23721
charitable organizations in purchasing agricultural easements. 23722
Application for a matching grant shall be made on forms prescribed 23723
and provided by the director. The matching grants shall be made in 23724
compliance with the criteria and procedures established in rules 23725
adopted under this section. Instruments conveying agricultural 23726
easements purchased with matching grant funds provided under this 23727
section, at a minimum, shall include the mandatory provisions set 23728
forth in those rules. 23729

Matching grants made under this division using moneys from 23730
the clean Ohio agricultural easement fund created in section 23731
901.21 of the Revised Code may provide up to seventy-five per cent 23732
of the value of an agricultural easement as determined by a 23733
general real estate appraiser who is certified under Chapter 4763. 23734
of the Revised Code or as determined through a points-based 23735
appraisal system established under division (D)(2) of this 23736
section. Not less than twenty-five per cent of the value of the 23737
agricultural easement shall be provided by the recipient of the 23738
matching grant or donated by the person who is transferring the 23739
easement to the grant recipient. The amount of such a matching 23740
grant used for the purchase of a single agricultural easement 23741

shall not exceed one million dollars. 23742

(2) The director shall establish a points-based appraisal 23743
system for the purposes of division (D)(1) of this section. The 23744
director may include any or all of the following factors in the 23745
system: 23746

(a) Whether the applicable county auditor has determined that 23747
the land is land that is devoted exclusively to agriculture for 23748
the purposes of sections 5713.30 to 5713.38 of the Revised Code; 23749

(b) Changes in land values following the completion of the 23750
applicable county auditor's reappraisal or triennial update; 23751

(c) Soil types and productivity; 23752

(d) Proximity of the land to land that is already subject to 23753
an agricultural easement, conservation easement created under 23754
sections 5301.67 to 5301.70 of the Revised Code, or similar 23755
land-use limitation; 23756

(e) Proximity of the land to water and sewer lines, road 23757
interchanges, and nonagricultural development; 23758

(f) Parcel size and roadway frontage of the land; 23759

(g) Existence of an agreement entered into under division (D) 23760
of section 1515.08 of the Revised Code or of an operation and 23761
management plan developed under division (A) of section 1511.021 23762
of the Revised Code; 23763

(h) Existence of a comprehensive plan that is adopted under 23764
section 303.02 or 519.02 of the Revised Code or that is adopted by 23765
the planning commission of a municipal corporation under section 23766
713.06 of the Revised Code; 23767

(i) Any other factors that the director determines are 23768
necessary for inclusion in the system. 23769

(E) An agricultural easement acquired as a result of a 23770
matching grant awarded under division (D) of this section may 23771

include a provision to preserve a unique natural or physical 23772
feature on the land so long as the use of the land remains 23773
predominantly agricultural. 23774

(F) For any agricultural easement purchased with a matching 23775
grant that consists in whole or in part of moneys from the clean 23776
Ohio agricultural easement fund, the director shall be named as a 23777
grantee on the instrument conveying the easement, as shall the 23778
municipal corporation, county, township, soil and water 23779
conservation district, or charitable organization that receives 23780
the grant. 23781

~~(F)~~(G)(1) The director shall monitor and evaluate the 23782
effectiveness and efficiency of the agricultural easement program 23783
as a farmland preservation tool. On or before July 1, 1999, and 23784
the first day of July of each year thereafter, the director shall 23785
prepare and submit a report to the chairpersons of the standing 23786
committees of the senate and the house of representatives that 23787
consider legislation regarding agriculture. The report shall 23788
consider and address the following criteria to determine the 23789
program's effectiveness: 23790

(a) The number of agricultural easements purchased during the 23791
preceding year; 23792

(b) The location of those easements; 23793

(c) The number of acres of land preserved for agricultural 23794
use; 23795

(d) The amount of money used by a municipal corporation, 23796
township, county, or soil and water conservation district from any 23797
fund to purchase the agricultural easements; 23798

(e) The number of state matching grants given to purchase the 23799
agricultural easements; 23800

(f) The amount of state matching grant moneys used to 23801

purchase the agricultural easements. 23802

(2) The report also shall consider and include, at a minimum, 23803
the following information for each county to determine the 23804
program's efficiency: 23805

(a) The total number of acres in the county; 23806

(b) The total number of acres in current agricultural use; 23807

(c) The total number of acres preserved for agricultural use 23808
in the preceding year; 23809

(d) The average cost, per acre, of land preserved for 23810
agricultural use in the preceding year. 23811

Sec. 901.23. (A) There is hereby created the farmland 23812
preservation advisory board consisting of twelve voting members 23813
appointed by the director of agriculture as follows: 23814

(1) One member who is a county commissioner or a 23815
representative of a statewide organization that represents county 23816
commissioners; 23817

(2) One member who is a township trustee or a representative 23818
of a statewide organization that represents township trustees; 23819

(3) One representative of the Ohio state university; 23820

(4) One representative of a ~~national~~ nonprofit organization 23821
dedicated to the preservation of farmland; 23822

(5) One representative each of development, environmental, 23823
planning, and soil and water conservation interests; 23824

(6) One farmer from each of the state's four quadrants. 23825

Terms of office shall be staggered and shall be for three 23826
years, with each term ending on the same day of the same month as 23827
did the term that it succeeds. Each member shall hold office from 23828
the date of appointment until the end of the term for which the 23829

member was appointed, except that the term of any member who is a 23830
county commissioner or township trustee shall end when the member 23831
ceases to serve as a county commissioner or township trustee. 23832

Members may be reappointed. Vacancies shall be filled in the 23833
manner provided for original appointments. Any member appointed to 23834
fill a vacancy occurring prior to the expiration date of the term 23835
for which the member was appointed shall serve for the remainder 23836
of that term. A member shall continue to serve subsequent to the 23837
expiration date of the member's term until the member's successor 23838
takes office or until a period of sixty days has elapsed, 23839
whichever occurs first. Members shall serve at the pleasure of the 23840
director. 23841

The executive director of the office of farmland preservation 23842
in the department of agriculture or another employee of the 23843
department who is designated by the director shall serve as the 23844
nonvoting chairperson of the board. The director annually shall 23845
designate one member of the board to serve as its 23846
vice-chairperson. The board may adopt bylaws governing its 23847
operation and shall meet at a time when the director, or the 23848
director's designee, considers it appropriate in order for the 23849
board to provide advice as required under division (B) of this 23850
section. 23851

(B) The board shall provide advice to the director regarding 23852
all of the following: 23853

(1) The design and implementation of an agricultural easement 23854
purchase program; 23855

(2) The selection of applications that will be awarded 23856
matching grants under division (D) of section 901.22 of the 23857
Revised Code for the purchase of agricultural easements; 23858

(3) The design and implementation of any other statewide 23859
farmland protection measures that the director considers 23860

appropriate. 23861

(C) Serving as a member of the board does not constitute 23862
holding a public office or position of employment under the laws 23863
of this state and does not constitute grounds for removal of 23864
public officers or employees from their offices or positions of 23865
employment. 23866

(D) A board member shall be reimbursed for actual and 23867
necessary expenses incurred in the discharge of duties as a board 23868
member. 23869

Sec. 903.11. (A) The director of agriculture may enter into 23870
contracts or agreements to carry out the purposes of this chapter 23871
with any public or private person, including ~~the Ohio state~~ 23872
~~university~~ OSU extension ~~service~~, the natural resources 23873
conservation service in the United States department of 23874
agriculture, the environmental protection agency, the division of 23875
soil and water resources in the department of natural resources, 23876
and soil and water conservation districts established under 23877
Chapter 1515. of the Revised Code. However, the director shall not 23878
enter into a contract or agreement with a private person for the 23879
review of applications for permits to install, permits to operate, 23880
NPDES permits, or review compliance certificates that are issued 23881
under this chapter or for the inspection of a facility regulated 23882
under this chapter or with any person for the issuance of any of 23883
those permits or certificates or for the enforcement of this 23884
chapter and rules adopted under it. 23885

(B) The director may administer grants and loans using moneys 23886
from the federal government and other sources, public or private, 23887
for carrying out any of the director's functions. Nothing in this 23888
chapter shall be construed to limit the eligibility of owners or 23889
operators of animal feeding facilities or other agricultural 23890
enterprises to receive moneys from the water pollution control 23891

loan fund established under section 6111.036 of the Revised Code 23892
and the nonpoint source pollution management fund established 23893
under section 6111.037 of the Revised Code. 23894

The director of agriculture shall provide the director of 23895
environmental protection with written recommendations for 23896
providing financial assistance from those funds to agricultural 23897
enterprises. The director of environmental protection shall 23898
consider the recommendations in developing priorities for 23899
providing financial assistance from the funds. 23900

Sec. 903.30. (A) No person shall violate division (B)(1), 23901
(C)(1), (K), or (M)(1) or (2) of section 903.08 of the Revised 23902
Code or the NPDES provisions of a permit to operate. 23903

(B) No person shall violate or fail to perform any duty 23904
required by sections 903.01 to 903.07 and 903.12 of the Revised 23905
Code, violate a rule, or violate an order or term or condition of 23906
a permit issued by the director of agriculture under those 23907
sections or rules. 23908

(C) The attorney general, upon the written request of the 23909
director, shall prosecute any person who violates division (A) or 23910
(B) of this section. 23911

Sec. 903.99. (A) Whoever negligently violates division (A)~~(2)~~ 23912
of section 903.02 or division (A)(2) of section 903.03 903.30 of 23913
the Revised Code is guilty of a misdemeanor of the third degree on 23914
a first offense, a misdemeanor of the second degree on a second 23915
offense, and a misdemeanor of the first degree on a third or 23916
subsequent offense. Each ten day period that the offense continues 23917
shall be fined not more than ten thousand dollars or imprisoned 23918
for not more than ninety days, or both. Each day of violation 23919
constitutes a separate offense. For purposes of this division, 23920
notwithstanding division (D) of section 2901.22 of the Revised 23921

Code, a person acts negligently when, because of a lapse from due 23922
care, the person fails to perceive or avoid a risk that the 23923
person's conduct may cause a certain result or may be of a certain 23924
nature. A person is negligent with respect to circumstances when, 23925
because of a lapse from due care, the person fails to perceive or 23926
avoid a risk that such circumstances may exist. 23927

23928

(B) Whoever recklessly violates the ~~terms and conditions of a~~ 23929
~~permit to install issued under section 903.02 of the Revised Code~~ 23930
~~or of a permit to operate issued under section 903.03 of the~~ 23931
Revised Code, division (A) or (B)(1), (C)(1), or (M)(1) or (2) of 23932
section 903.08 of the Revised Code, or the NPDES provisions of a 23933
permit to operate shall be fined not more than twenty five 23934
thousand dollars. of section 903.30 of the Revised Code shall be 23935
fined not more than ten thousand dollars or imprisoned for not 23936
more than one year, or both. Each day of violation constitutes a 23937
separate offense. 23938

(C) Whoever knowingly violates division ~~(K)~~(A) or (B) of 23939
section ~~903.08~~ 903.30 of the Revised Code is guilty of a felony 23940
and shall be fined not more than twenty-five thousand dollars or 23941
imprisoned for not more than three years, or both. Each day of 23942
violation constitutes a separate offense. 23943

Sec. 905.06. The director of agriculture shall: 23944

(A) Gather information on the performance of various 23945
agricultural additives, including distributors' and manufacturers' 23946
claims, the results of investigation or research on additives, and 23947
the conditions when they are useful, and make the information 23948
available to the public; 23949

(B) Provide and distribute, in cooperation with ~~the~~ 23950
~~agricultural~~ OSU extension ~~service~~, information on the use of 23951

agricultural additives; 23952

(C) Provide for the prompt and thorough investigation of 23953
written complaints received concerning agricultural additives. 23954

Sec. 909.15. All moneys from registration fees and from fines 23955
imposed and recovered under sections 909.01 to 909.18 of the 23956
Revised Code, shall be paid to the director of agriculture, who 23957
shall deposit such moneys in the state treasury to the credit of 23958
the ~~general revenue~~ plant pest program fund created in section 23959
927.54 of the Revised Code. 23960

Sec. 924.06. (A) ~~Within ninety days after he has approved a~~ 23961
~~proposed amendment to an agricultural commodity marketing program~~ 23962
~~established before April 10, 1985, the director of agriculture~~ 23963
~~shall determine by a referendum whether the eligible producers~~ 23964
~~favor the proposed amendment to the program. Any proposed~~ 23965
~~amendment to a marketing program established before April 10,~~ 23966
~~1985, is favored by the producers of the agricultural commodity~~ 23967
~~which would be affected by the proposed amendment if either of the~~ 23968
~~following occurs:~~ 23969

(1) ~~Sixty six and two thirds per cent or more, by number, of~~ 23970
~~the producers who vote in the referendum, vote in favor of the~~ 23971
~~amendment, and represent a majority of the volume of the affected~~ 23972
~~commodity that was produced in the preceding marketing year by all~~ 23973
~~producers who voted in the referendum;~~ 23974

(2) ~~A majority of the producers who vote in the referendum,~~ 23975
~~vote in favor of the amendment and represent sixty six and~~ 23976
~~two thirds per cent, or more, of the volume of the affected~~ 23977
~~commodity that was produced in the preceding marketing year by all~~ 23978
~~the producers who voted in the referendum.~~ 23979

(B) ~~Within ninety days after he has approved~~ approving an 23980
agricultural commodity marketing program proposed on or after 23981

~~April 10, 1985~~ the effective date of this amendment, or a proposed 23982
amendment to ~~such a~~ an agricultural commodity marketing program, 23983
the director of agriculture shall determine by a referendum 23984
whether the eligible producers favor the proposed marketing 23985
program or amendment. Any such marketing program or amendment to 23986
~~such~~ a marketing program is favored by the producers of the 23987
agricultural commodity that would be affected by the proposed 23988
program or amendment if a majority of the producers who vote in 23989
the referendum vote in favor of the program or amendment. 23990

~~(C)~~(B) If the producers who vote in any referendum held 23991
pursuant to this section do not favor a proposed marketing 23992
program, or proposed amendment to a program, the director shall 23993
hold no additional referendum on that proposed program or proposed 23994
amendment during the ten months following the close of the 23995
referendum at which the producers did not favor that proposed 23996
program or amendment. 23997

~~(D)~~(C) In any referendum held pursuant to this section, each 23998
eligible producer of the ~~Ohio~~ agricultural commodity ~~which~~ that 23999
would be affected by the proposed marketing program, or amendment 24000
to a program, is entitled to one vote. 24001

~~(E)~~(D) In any referendum held on an agricultural commodity 24002
marketing program, or a proposed amendment to such a program, 24003
votes may be cast in person or by mailing a ballot to a polling 24004
place designated by the director. The director shall establish a 24005
three-day period during which eligible producers may vote in 24006
person during normal business hours at polling places designated 24007
by the director. The director or other appropriate person shall 24008
send a mail-in ballot by ordinary first-class mail to any eligible 24009
producer who requests one by calling the toll-free telephone 24010
number or sending in the ballot request form provided for in 24011
division ~~(F)~~(E) of this section, by calling one of the polling 24012
places designated by the director, or by any additional method 24013

that the director or operating committee may provide. No ballot 24014
returned by mail shall be valid if it is postmarked later than the 24015
third day of the election period established by the director. 24016

~~(F)~~(E) For any referendum held on an agricultural commodity 24017
marketing program, or a proposed amendment to such a program, the 24018
director or operating committee shall cause a ballot request form 24019
to be published at least thirty days before the beginning of the 24020
election period established under division ~~(E)~~(D) of this section 24021
in at least two appropriate periodicals designated by the 24022
director, and shall make the form available for reproduction to 24023
any interested group or association. The director shall provide a 24024
toll-free telephone number that producers may call to request a 24025
ballot. 24026

Sec. 927.54. The plant pest program fund is hereby created in 24027
the state treasury. The fund shall consist of money credited to it 24028
under section 909.15 of the Revised Code and under this chapter 24029
and any rules adopted under it. The director of agriculture shall 24030
use money in the fund to administer this chapter and Chapter 909. 24031
of the Revised Code. 24032

The director shall keep accurate records of all receipts into 24033
and disbursements from the fund and shall prepare, and provide 24034
upon request, an annual report classifying the receipts and 24035
disbursements that pertain to plant pests. 24036

Sec. 955.201. (A) As used in this section and in section 24037
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 24038
corporation organized by that name under Chapter 1702. of the 24039
Revised Code that consists of humane societies, veterinarians, 24040
animal shelters, companion animal breeders, dog wardens, or 24041
similar individuals and entities. 24042

(B) The Ohio pet fund shall do all of the following: 24043

(1) Establish eligibility criteria for organizations that may receive financial assistance from the Ohio pet fund. Those organizations may include any of the following:	24044 24045 24046
(a) An animal shelter as defined in section 4729.01 of the Revised Code;	24047 24048
(b) A local nonprofit veterinary association that operates a program for the sterilization of dogs and cats;	24049 24050
(c) A charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code and a purpose of which is to support programs for the sterilization of dogs and cats and educational programs concerning the proper veterinary care of those animals.	24051 24052 24053 24054 24055
(2) Establish procedures for applying for financial assistance from the Ohio pet fund. Application procedures shall require eligible organizations to submit detailed proposals that outline the intended uses of the moneys sought.	24056 24057 24058 24059
(3) Establish eligibility criteria for sterilization and educational programs for which moneys from the Ohio pet fund may be used and, consistent with division (C) of this section, establish eligibility criteria for individuals who seek sterilization for their dogs and cats from eligible organizations;	24060 24061 24062 24063 24064
(4) Establish procedures for the disbursement of moneys the Ohio pet fund receives from license plate contributions pursuant to division (C) of section 4503.551 of the Revised Code;	24065 24066 24067
(5) Advertise or otherwise provide notification of the availability of financial assistance from the Ohio pet fund for eligible organizations;	24068 24069 24070
(6) Design markings to be inscribed on "pets" license plates under section 4503.551 of the Revised Code.	24071 24072
(C)(1) The owner of a dog or cat is eligible for dog or cat	24073

sterilization services from an eligible organization when those 24074
services are subsidized in whole or in part by money from the Ohio 24075
pet fund if any of the following applies: 24076

(a) The income of the owner's family does not exceed one 24077
hundred fifty per cent of the federal poverty guideline. 24078

(b) The owner, or any member of the owner's family who 24079
resides with the owner, is a recipient or beneficiary of one of 24080
the following government assistance programs: 24081

(i) Low-income housing assistance under the "United States 24082
Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the 24083
federal section 8 housing program; 24084

(ii) The Ohio works first program established by Chapter 24085
5107. of the Revised Code; 24086

~~(iii) Title XIX of the "Social Security Act," 49 Stat. 620 24087
(1935), 42 U.S.C.A. 301, as amended, known as the medical 24088
assistance The medicaid program or medicaid, provided by the 24089
department of job and family services under Chapter 5111. of the 24090
Revised Code; 24091~~

(iv) A program or law administered by the United States 24092
department of veterans' affairs or veterans' administration for 24093
any service-connected disability; 24094

(v) The supplemental nutrition assistance program established 24095
under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), 24096
administered by the department of job and family services under 24097
section 5101.54 of the Revised Code; 24098

(vi) The "special supplemental nutrition program for women, 24099
infants, and children" established under the "Child Nutrition Act 24100
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered 24101
by the department of health under section 3701.132 of the Revised 24102
Code; 24103

(vii) Supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended;	24104 24105 24106
(viii) Social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended.	24107 24108 24109
(c) The owner of the dog or cat submits to the eligible organization operating the sterilization program either of the following:	24110 24111 24112
(i) A certificate of adoption showing that the dog or cat was adopted from a licensed animal shelter, a municipal, county, or regional pound, or a holding and impoundment facility that contracts with a municipal corporation;	24113 24114 24115 24116
(ii) A certificate of adoption showing that the dog or cat was adopted through a nonprofit corporation operating an animal adoption referral service whose holding facility, if any, is licensed in accordance with state law or a municipal ordinance.	24117 24118 24119 24120
(2) The Ohio pet fund shall determine the type of documentary evidence that must be presented by the owner of a dog or cat to show that the income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline or that the owner is eligible under division (C)(1)(b) of this section.	24121 24122 24123 24124 24125
(D) As used in division (C) of this section, "federal poverty guideline" means the official poverty guideline as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	24126 24127 24128 24129 24130 24131 24132
Sec. 956.07. (A) A person who is applying for a license to	24133

operate a high volume breeder or to act as or perform the 24134
functions of a dog retailer under section 956.04 or 956.05 of the 24135
Revised Code, as applicable, shall include with the application 24136
for a license a nonrefundable license application fee. For the 24137
purpose of calculating the application fee for a high volume 24138
breeder, the sale of one dog from a litter constitutes the sale of 24139
a litter. The application fees are as follows: 24140

(1) For a high volume breeder: 24141

(a) One hundred fifty dollars if the high volume breeder 24142
annually sells at least nine, but not more than fifteen litters; 24143

(b) Two hundred fifty dollars if the high volume breeder 24144
annually sells at least sixteen, but not more than twenty-five 24145
litters; 24146

(c) Three hundred fifty dollars if the high volume breeder 24147
annually sells at least twenty-six, but not more than thirty-five 24148
litters; 24149

(d) Five hundred dollars if the high volume breeder annually 24150
sells at least thirty-six, but not more than forty-five litters; 24151

(e) Seven hundred fifty dollars if the high volume breeder 24152
annually sells forty-six or more litters. 24153

(2) For a dog retailer, five hundred dollars. 24154

(B) Money collected by the director of agriculture from each 24155
application fee submitted under this section shall be ~~transmitted~~ 24156
~~by the director to the treasurer of~~ deposited in the state 24157
treasury to be credited to the credit of the high volume breeder 24158
kennel control license fund created in section 956.18 of the 24159
Revised Code. The ~~treasurer of state shall transfer to the county~~ 24160
~~auditor of the county in which a high volume breeder is located or~~ 24161
~~will be located~~ director shall use fifty dollars of the 24162
application fee submitted by ~~the~~ a high volume breeder under this 24163

section or an amount equal to the fee charged ~~in that county~~ for 24164
the registration of a kennel under section 955.14 of the Revised 24165
Code in the county in which the high volume breeder is located or 24166
will be located, whichever is greater, to reimburse that county. 24167
The county auditor shall deposit the transferred money into that 24168
county's dog and kennel fund created under section 955.20 of the 24169
Revised Code. 24170

Sec. 956.18. (A) All money collected by the director of 24171
agriculture from license fees under section ~~956.08~~ 956.07 and 24172
civil penalties assessed under section 956.13 of the Revised Code 24173
shall be deposited in the state treasury to the credit of the high 24174
volume breeder kennel control license fund, which is hereby 24175
created. The fund shall also consist of money appropriated to it. 24176

(B) No money may be released from the fund without 24177
controlling board approval. The director shall request the 24178
controlling board to release money in an amount not to exceed two 24179
million five hundred thousand dollars per biennium. 24180

(C) The director shall use the money in the fund for the 24181
purpose of administering this chapter and rules adopted under it. 24182

Sec. 991.03. (A) The Ohio expositions commission shall: 24183

(1) Conduct at least one fair or exposition annually; 24184

(2) Maintain and manage property held by the state for the 24185
purpose of conducting fairs, expositions, and exhibits; 24186

(3) As provided in section 109.122 of the Revised Code, 24187
provide notice of or copies of any proposed entertainment or 24188
sponsorship contracts to the attorney general. 24189

(B) The commission may: 24190

(1) Conduct such additional fairs, expositions, or 24191
exhibitions as the commission determines are in the general public 24192

interest;	24193
(2) Accept on behalf of the state conveyances of property for the purposes of conducting fairs, expositions, and exhibits, subject to any terms and conditions agreed to by the commission and approved by the controlling board;	24194 24195 24196 24197
(3) <u>Accept gifts, devises, and bequests of money, lands, and other property and apply the money, lands, or other property according to the terms of the gift, devise, or bequest. A political subdivision as authorized by law may make gifts and devises to the commission, and the commission shall apply such a gift or devise according to the terms of the gift or devise. All gifts and bequests of money accepted under this division shall be deposited into the state treasury to the credit of the Ohio expositions support fund.</u>	24198 24199 24200 24201 24202 24203 24204 24205 24206
(4) Enter into contracts that the commission considers necessary or worthwhile in the conduct of its purposes, provided that contracts made for a term exceeding two years, other than those described in division (B)(4) of this section, shall be subject to the approval of the controlling board and provided that the attorney general, pursuant to the attorney general's authority under section 109.122 of the Revised Code, has not disapproved the proposed contract;	24207 24208 24209 24210 24211 24212 24213 24214
(4) (5) Enter into contracts for the mutual exchange of goods or services;	24215 24216
(5) (6) Sell or convey all or a portion of the property, land, or buildings under its management subject to the approval of the legislature;	24217 24218 24219
(6) (7) Grant leases on all or any part of the property, land, or buildings under the management of the commission to private or public organizations, which appear to be in the best interests of the state, with the approval of the controlling board and director	24220 24221 24222 24223

of administrative services, subject to the following conditions: 24224

(a) The lessees shall make or construct improvements on such 24225
lands or buildings at no cost to the commission or to the state, 24226
subject to prior approval by the director of administrative 24227
services of detailed plans and specifications of such 24228
improvements. 24229

(b) No person, firm, or corporation shall cause a lien to be 24230
filed against any funds or property of the state or of the 24231
commission as a result of a lessee's activities pursuant to 24232
division (B)~~(6)~~(7)(a) of this section. 24233

(c) Leases shall be entered into subject to the sale of such 24234
property, lands, or buildings during the term of the lease. 24235

(d) No leases shall be made which interfere with a fair, 24236
exposition, or exhibition on such lands. 24237

~~(7)~~(8) Encumber appropriations for the entire amount of a 24238
contract at the time the contract is made, even though the 24239
contract will not be performed in the fiscal year for which the 24240
appropriations were made. 24241

~~(8)~~(9) Implement a credit card payment program permitting 24242
payment by means of a credit card of any fees, charges, and 24243
rentals associated with conducting fairs, expositions, and 24244
exhibits. The commission may open an account outside the state 24245
treasury in a financial institution for the purpose of depositing 24246
credit card receipts. By the end of the business day following the 24247
deposit of the receipts, the financial institution shall make 24248
available to the commission funds in the amount of the receipts. 24249
The commission shall then pay these funds into the state treasury 24250
to the credit of the Ohio expositions fund. 24251

The commission shall adopt rules as necessary to carry out 24252
the purposes of division (B)~~(8)~~(9) of this section. The rules 24253
shall include standards for determining eligible financial 24254

institutions and the manner in which funds shall be made available 24255
and shall be consistent with the standards contained in sections 24256
135.03, 135.18, and 135.181 of the Revised Code. 24257

The commission shall not adopt or enforce any rules which 24258
will prohibit livestock exhibited at the Ohio state fair from 24259
participating in county and independent fairs in the state. 24260

Sec. 991.04. There is hereby established in the state 24261
treasury the Ohio expositions fund. ~~All~~ Except for gifts and 24262
bequests of money accepted under division (B)(3) of section 991.03 24263
of the Revised Code, all moneys collected by the Ohio expositions 24264
commission pursuant to sections 991.01 to 991.07 of the Revised 24265
Code and any income generated from the investment of those moneys 24266
shall be paid into the fund and may be used to defray the costs of 24267
administration and carrying out the purposes of sections 991.01 to 24268
991.07 of the Revised Code. 24269

With the approval of the director of budget and management, 24270
provisions may be made for a cash fund to be established on the 24271
state fairgrounds during the period of activities related to the 24272
holding of the annual state fair. The purpose of such fund is to 24273
provide for payment of premiums and entertainers and for immediate 24274
payment of small amounts for obligations, including ticket 24275
refunds, of such nature as to require immediate payment. 24276

The expositions commission shall cause to be kept an accurate 24277
record of all transactions, contracts, and proceedings. The 24278
director of budget and management shall prescribe a system of 24279
accounting and reporting. Such system shall include methods and 24280
forms showing the sources from which all revenues of the 24281
expositions commission are received, the amount collected from 24282
each source, and the amount expended for each purpose. 24283

Sec. 991.041. There is in the state treasury the Ohio 24284

expositions support fund. All gifts and bequests of money accepted 24285
under division (B)(3) of section 991.03 of the Revised Code shall 24286
be deposited into the state treasury to the credit of the fund. 24287
Investment earnings of the fund shall be deposited into the fund. 24288
The Ohio expositions commission may use the fund, consistent with 24289
the terms of the gift or bequest, to defray the cost of 24290
administration and of carrying out the purposes of sections 991.01 24291
to 991.07 of the Revised Code. 24292

Sec. 991.06. Annually on or before the thirtieth day of 24293
September the Ohio expositions commission, through its general 24294
manager, shall prepare and file with the auditor of state a 24295
statement showing the total amount received from each source of 24296
revenue, the total amount disbursed for each class of 24297
expenditures, and the aggregate of all receipts and expenditures 24298
of the commission. This statement shall also include a summary of 24299
each contract for the mutual exchange of goods or services entered 24300
into by the commission under ~~division (B)(4) of~~ section 991.03 of 24301
the Revised Code. Upon receipt of such statement, the auditor of 24302
state shall have it verified and make a report of ~~his~~ the auditor 24303
of state's findings thereon to the governor. 24304

Assistant auditors of state shall conduct an audit of 24305
activities of the annual Ohio state fair on the Ohio exposition 24306
center during the period when the fair is in progress. 24307

The cost of such audit shall be included in the annual 24308
expenses of the Ohio expositions commission. 24309

Sec. 1332.26. (A) No political subdivision shall require a 24310
video service provider to obtain from it any authority to provide 24311
video service within its boundaries. 24312

(B) Except as authorized under division (C) of this section 24313
and under sections 1332.30 and 1332.32 of the Revised Code, no 24314

political subdivision shall request anything of value from a video service provider for providing video service; impose any fee, license, or gross receipt tax on the provision of video service by such a provider; or impose any franchise or other requirement on the provision of video service by a video service provider, including, but not limited to, any provision regulating rates charged by a video service provider or establishing any build-out requirement or requirement to deploy any facility or equipment.

(C) When requested to do so, a video service provider shall assist a municipal corporation or township in addressing video service subscriber complaints, in a manner consistent with the provider's complaint handling process set forth in its application pursuant to division (A)(7) of section 1332.24 of the Revised Code. Nothing in sections 1332.21 to 1332.34 of the Revised Code affects any authority granted under sections 1345.01 to 1345.13 of the Revised Code.

(D) A video service provider shall meet all of the following customer service standards:

(1) The provider shall restore video service within seventy-two hours after a subscriber reports a service interruption or other problem if the cause was not a natural disaster.

(2) Upon a report by a subscriber of a service interruption and if the interruption is caused by the video service provider and lasts for more than four hours in a given day, the provider shall give the subscriber a credit in the amount of the cost of each such day's video service as would be billed to the subscriber.

(3) Upon a report by a subscriber of a service interruption and if the interruption is not caused by the video service provider and lasts for more than twenty-four consecutive hours,

the provider shall give the subscriber, for each hour of service 24346
interruption, a credit in the amount of the cost of per hour video 24347
service as would be billed to the subscriber. 24348

(4) The provider shall give a subscriber at least thirty 24349
days' advance, written notice before removing a channel from the 24350
provider's video service, but no such notice is required if the 24351
provider must remove the channel because of circumstances beyond 24352
its control. 24353

(5) The provider shall give a subscriber at least ten days' 24354
advance, written notice of a disconnection of all or part of the 24355
subscriber's video service, except if ~~the disconnection~~ any of the 24356
following apply: 24357

(a) Disconnection has been requested by the subscriber, 24358

(b) Disconnection is necessary to prevent theft of video 24359
service, ~~or~~. 24360

(c) Disconnection is necessary to prevent the use of video 24361
service through fraud. 24362

(d) Disconnection is necessary to reduce or prevent signal 24363
leakage as described in 47 C.F.R. 76.611. 24364

(6) The provider shall not establish a due date earlier than 24365
fourteen days after a video service bill is issued. 24366

(7) The provider shall not disconnect all or part of a 24367
subscriber's video service for failure of the subscriber to pay 24368
any amount of its video service bill, until the ~~bill~~ amount is at 24369
least ~~forty-five~~ fourteen days past due. 24370

~~(7)~~(8) The provider shall give a subscriber at least thirty 24371
days' advance, written notice before instituting an increase in 24372
video service rates. 24373

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the 24374

Revised Code:	24375
(A) "Adult" means a person who is eighteen years of age or older.	24376 24377
(B) "Attending physician" means the physician to whom a principal or the family of a principal has assigned primary responsibility for the treatment or care of the principal or, if the responsibility has not been assigned, the physician who has accepted that responsibility.	24378 24379 24380 24381 24382
(C) "Comfort care" means any of the following:	24383
(1) Nutrition when administered to diminish the pain or discomfort of a principal, but not to postpone death;	24384 24385
(2) Hydration when administered to diminish the pain or discomfort of a principal, but not to postpone death;	24386 24387
(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a principal, but not to postpone death.	24388 24389 24390
(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a principal, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of sections 1337.11 to 1337.17 of the Revised Code, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.	24391 24392 24393 24394 24395 24396 24397 24398
(E) "Declaration for mental health treatment" has the same meaning as in section 2135.01 of the Revised Code.	24399 24400
(F) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	24401 24402 24403
(G) "Health care" means any care, treatment, service, or	24404

procedure to maintain, diagnose, or treat an individual's physical	24405
or mental condition or physical or mental health.	24406
(H) "Health care decision" means informed consent, refusal to	24407
give informed consent, or withdrawal of informed consent to health	24408
care.	24409
(I) "Health care facility" means any of the following:	24410
(1) A hospital;	24411
(2) A hospice care program, pediatric respite care program,	24412
or other institution that specializes in comfort care of patients	24413
in a terminal condition or in a permanently unconscious state;	24414
(3) A nursing home;	24415
(4) A home health agency;	24416
(5) An intermediate care facility for the mentally retarded;	24417
(6) A regulated community mental health organization.	24418
(J) "Health care personnel" means physicians, nurses,	24419
physician assistants, emergency medical technicians-basic,	24420
emergency medical technicians-intermediate, emergency medical	24421
technicians-paramedic, medical technicians, dietitians, other	24422
authorized persons acting under the direction of an attending	24423
physician, and administrators of health care facilities.	24424
(K) "Home health agency" has the same meaning as in section	24425
3701.881 of the Revised Code.	24426
(L) "Hospice care program" and "pediatric respite care	24427
program" have the same meanings as in section 3712.01 of the	24428
Revised Code.	24429
(M) "Hospital" has the same meanings as in sections 3701.01,	24430
3727.01, and 5122.01 of the Revised Code.	24431
(N) "Hydration" means fluids that are artificially or	24432
technologically administered.	24433

(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	24434 24435
(P) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 <u>5124.01</u> of the Revised Code.	24436 24437 24438
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a principal, will serve principally to prolong the process of dying.	24439 24440 24441 24442
(R) "Medical claim" has the same meaning as in section 2305.113 of the Revised Code.	24443 24444
(S) "Mental health treatment" has the same meaning as in section 2135.01 of the Revised Code.	24445 24446
(T) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	24447 24448
(U) "Nutrition" means sustenance that is artificially or technologically administered.	24449 24450
(V) "Permanently unconscious state" means a state of permanent unconsciousness in a principal that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the principal's attending physician and one other physician who has examined the principal, is characterized by both of the following:	24451 24452 24453 24454 24455 24456
(1) Irreversible unawareness of one's being and environment.	24457
(2) Total loss of cerebral cortical functioning, resulting in the principal having no capacity to experience pain or suffering.	24458 24459
(W) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities.	24460 24461 24462 24463

(X) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	24464 24465 24466
(Y) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.	24467 24468
(Z) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.	24469 24470 24471 24472
(AA) "Regulated community mental health organization" means a residential facility as defined and licensed under section 5119.22 <u>5119.34</u> of the Revised Code or a community mental health agency <u>services provider</u> as defined in section 5122.01 of the Revised Code.	24473 24474 24475 24476 24477
(BB) "Terminal condition" means an irreversible, incurable, and untreatable condition caused by disease, illness, or injury from which, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by a principal's attending physician and one other physician who has examined the principal, both of the following apply:	24478 24479 24480 24481 24482 24483
(1) There can be no recovery.	24484
(2) Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.	24485 24486
(CC) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for a breach of contract or another agreement between persons.	24487 24488 24489 24490
Sec. 1347.08. (A) Every state or local agency that maintains a personal information system, upon the request and the proper identification of any person who is the subject of personal	24491 24492 24493

information in the system, shall: 24494

(1) Inform the person of the existence of any personal 24495
information in the system of which the person is the subject; 24496

(2) Except as provided in divisions (C) and (E)(2) of this 24497
section, permit the person, the person's legal guardian, or an 24498
attorney who presents a signed written authorization made by the 24499
person, to inspect all personal information in the system of which 24500
the person is the subject; 24501

(3) Inform the person about the types of uses made of the 24502
personal information, including the identity of any users usually 24503
granted access to the system. 24504

(B) Any person who wishes to exercise a right provided by 24505
this section may be accompanied by another individual of the 24506
person's choice. 24507

(C)(1) A state or local agency, upon request, shall disclose 24508
medical, psychiatric, or psychological information to a person who 24509
is the subject of the information or to the person's legal 24510
guardian, unless a physician, psychiatrist, or psychologist 24511
determines for the agency that the disclosure of the information 24512
is likely to have an adverse effect on the person, in which case 24513
the information shall be released to a physician, psychiatrist, or 24514
psychologist who is designated by the person or by the person's 24515
legal guardian. 24516

(2) Upon the signed written request of either a licensed 24517
attorney at law or a licensed physician designated by the inmate, 24518
together with the signed written request of an inmate of a 24519
correctional institution under the administration of the 24520
department of rehabilitation and correction, the department shall 24521
disclose medical information to the designated attorney or 24522
physician as provided in division (C) of section 5120.21 of the 24523

Revised Code. 24524

(D) If an individual who is authorized to inspect personal 24525
information that is maintained in a personal information system 24526
requests the state or local agency that maintains the system to 24527
provide a copy of any personal information that the individual is 24528
authorized to inspect, the agency shall provide a copy of the 24529
personal information to the individual. Each state and local 24530
agency may establish reasonable fees for the service of copying, 24531
upon request, personal information that is maintained by the 24532
agency. 24533

(E)(1) This section regulates access to personal information 24534
that is maintained in a personal information system by persons who 24535
are the subject of the information, but does not limit the 24536
authority of any person, including a person who is the subject of 24537
personal information maintained in a personal information system, 24538
to inspect or have copied, pursuant to section 149.43 of the 24539
Revised Code, a public record as defined in that section. 24540

(2) This section does not provide a person who is the subject 24541
of personal information maintained in a personal information 24542
system, the person's legal guardian, or an attorney authorized by 24543
the person, with a right to inspect or have copied, or require an 24544
agency that maintains a personal information system to permit the 24545
inspection of or to copy, a confidential law enforcement 24546
investigatory record or trial preparation record, as defined in 24547
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 24548

(F) This section does not apply to any of the following: 24549

(1) The contents of an adoption file maintained by the 24550
department of health under section 3705.12 of the Revised Code; 24551

(2) Information contained in the putative father registry 24552
established by section 3107.062 of the Revised Code, regardless of 24553
whether the information is held by the department of job and 24554

family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency; 24555
24556
24557

(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code; 24558
24559
24560

(4) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code; 24561
24562
24563

(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual; 24564
24565
24566

(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code; 24567
24568

(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual; 24569
24570
24571

(8) Records that identify an individual described in division (A)(1) of section ~~5111.61~~ 5165.88 of the Revised Code, or that would tend to identify such an individual; 24572
24573
24574

(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer; 24575
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24577
24578
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24580

(10) Information contained in a database established and maintained pursuant to section 5101.13 of the Revised Code. 24581
24582

Sec. 1501.011. (A) The Except as provided in divisions (B), (C), and (D) of this section, the Ohio facilities construction 24583
24584

~~commission shall supervise the design and construction of, and 24585
make contracts for the construction, reconstruction, improvement, 24586
enlargement, alteration, repair, or decoration of, any projects or 24587
improvements for the department of natural resources has the 24588
following powers in addition to its other powers: to prepare, or 24589
contract to be prepared, surveys, general and detailed plans, 24590
specifications, bills of materials, and estimates of cost for, to 24591
enter into contracts for, and to supervise the performance of 24592
labor, the furnishing of materials, or the construction, repair, 24593
or maintenance of any projects, improvements, or buildings, on 24594
lands and waters under the control of the department, as that may 24595
be authorized by legislative appropriations or any other funds 24596
available therefor, the estimated cost of which amounts to two 24597
hundred thousand dollars or more or the amount determined pursuant 24598
to section 153.53 of the Revised Code or more. 24599~~

~~(B) Except as provided in division (E) of this section, the 24600
director of natural resources shall publish notice in a newspaper 24601
of general circulation in the region where the activity for which 24602
bids are submitted is to occur and in any other newspapers that 24603
the director determines are appropriate, at least once each week 24604
for four consecutive weeks, the last publication to be at least 24605
eight days preceding the day for opening bids, seeking proposals 24606
on each contract for the performance of labor, the furnishing of 24607
materials, or the construction, repair, or maintenance of 24608
projects, improvements, or buildings, as necessary for compliance 24609
with provisions of the act to make appropriations for capital 24610
improvements or the act to make general appropriations, and the 24611
director may also advertise in such trade journals as will afford 24612
adequate information to the public of the terms of the contract 24613
and the nature of the work to be performed, together with the time 24614
of the letting and place and manner of receiving proposals, and 24615
the places where plans and specifications are on file. A proposal 24616
is invalid and shall not be considered by the department unless 24617~~

~~the form for proposals specified by the department is used without~~ 24618
~~change, alteration, or addition~~ The department of natural 24619
resources shall administer the construction of improvements under 24620
an agreement with the supervisors of a soil and water conservation 24621
district pursuant to division (I) of section 1515.08 of the 24622
Revised Code. 24623

~~(C) Each bidder for a contract for the performance of labor,~~ 24624
~~the furnishing of materials, or the maintenance, construction,~~ 24625
~~demolition, alteration, repair, or reconstruction of an~~ 24626
~~improvement shall meet the requirements of section 153.54 of the~~ 24627
~~Revised Code. The director may require each bidder to furnish~~ 24628
~~under oath, upon such printed forms as the director may prescribe,~~ 24629
~~detailed information with respect to the bidder's financial~~ 24630
~~resources, equipment, past performance record, organization~~ 24631
~~personnel, and experience, together with such other information as~~ 24632
~~the director considers necessary.~~ 24633

~~(D) The director shall award the contract to the lowest~~ 24634
~~responsive and responsible bidder in accordance with section 9.312~~ 24635
~~of the Revised Code. The award shall be made within a reasonable~~ 24636
~~time after the date on which the bids were opened, and the~~ 24637
~~successful bidder shall enter into a contract within ten days from~~ 24638
~~the date the successful bidder is notified that the contract has~~ 24639
~~been awarded, or within any longer period that the director~~ 24640
~~considers necessary. Nothing in this section shall preclude the~~ 24641
~~rejection of any bid the acceptance of which is not in the best~~ 24642
~~interests of the state. No contract shall be entered into until~~ 24643
~~the bureau of workers' compensation has certified that the~~ 24644
~~corporation, partnership, or person awarded the contract has~~ 24645
~~complied with Chapter 4123. of the Revised Code and until, if the~~ 24646
~~bidder awarded the contract is a foreign corporation, the~~ 24647
~~secretary of state has certified that the corporation is~~ 24648
~~authorized to do business in this state, and until, if the bidder~~ 24649

~~so awarded the contract is a person or partnership nonresident of 24650
this state, the person or partnership has filed with the secretary 24651
of state a power of attorney designating the secretary of state as 24652
its agency for the purpose of accepting service of process. 24653~~

~~(E) With respect to the director's entering into a contract 24654
for the performance of labor, the furnishing of materials, or the 24655
construction, repair, or maintenance of any projects, 24656
improvements, or buildings on lands and waters under the control 24657
of the department, both of the following apply: 24658~~

~~(1) The director is not required to advertise for and receive 24659
bids if the total estimated cost of the contract is less than 24660
twenty five thousand dollars. 24661~~

~~(2) The director is not required to advertise for bids, 24662
regardless of the cost of the contract, if the (1) The department 24663
of natural resources shall supervise the design and construction 24664
of, and make contracts for the construction, reconstruction, 24665
improvement, enlargement, alteration, repair, or decoration of, 24666
any of the following activities, projects, or improvements: 24667~~

~~(a) Dam repairs administered by the division of engineering 24668
under Chapter 1507. of the Revised Code; 24669~~

~~(b) Projects or improvements administered by the division of 24670
watercraft and funded through the waterways safety fund 24671
established in section 1547.75 of the Revised Code; 24672~~

~~(c) Projects or improvements administered by the division of 24673
wildlife under Chapter 1531. or 1533. of the Revised Code; 24674~~

~~(d) Activities conducted by the department pursuant to 24675
section 5511.05 of the Revised Code in order to maintain the 24676
department's roadway inventory. 24677~~

~~(2) If a contract to be let under division (C)(1) of this 24678
section involves an exigency that concerns the public health, 24679~~

safety, or welfare or addresses an emergency situation in which 24680
timeliness is crucial in preventing the cost of the contract from 24681
increasing significantly. ~~Regarding such a contract, the director~~ 24682
~~may solicit bids by sending a letter to a minimum of three~~ 24683
~~contractors in the region where the contract is to be let or by~~ 24684
~~any other means that the director considers appropriate.~~ 24685

~~(F) The director may insert in any contract awarded under~~ 24686
~~this section a clause providing for value engineering change~~ 24687
~~proposals, under which a contractor who has been awarded a~~ 24688
~~contract may propose a change in the plans and specifications of~~ 24689
~~the project that saves the department time or money on the project~~ 24690
~~without impairing any of the essential functions and~~ 24691
~~characteristics of the project such as service life, reliability,~~ 24692
~~economy of operation, ease of maintenance, safety, and necessary~~ 24693
~~standardized features. If the director adopts the value~~ 24694
~~engineering proposal, the savings from the proposal shall be~~ 24695
~~divided between the department and the contractor according to~~ 24696
~~guidelines established by the director, provided that the~~ 24697
~~contractor shall receive at least fifty per cent of the savings~~ 24698
~~from the proposal. The adoption of a value engineering proposal~~ 24699
~~does not invalidate the award of the contract or require the~~ 24700
~~director to rebid the project.~~ 24701

~~(G) When in the opinion of the department the work under any~~ 24702
~~contract made under this section or any law of the state is~~ 24703
~~neglected by the contractor, the work completed is deficient in~~ 24704
~~quality or materials, or the work is not prosecuted with the~~ 24705
~~diligence and force specified or intended in the contract, the~~ 24706
~~department may require the contractor to provide, at no additional~~ 24707
~~expense to the department, any additional labor and materials that~~ 24708
~~are necessary to complete the improvements at the level of quality~~ 24709
~~and within the time of performance specified in the contract.~~ 24710
~~Procedures concerning such a requirement together with its format~~ 24711

~~shall be specified in the contract. If the contractor fails to 24712
comply with the requirement within the period specified in the 24713
contract, the department may take action to complete the work 24714
through other means, up to and including termination of the 24715
contract. 24716~~

~~(H) When an exigency occurs or there is immediate danger of 24717
an exigency that would materially impair the successful bidding, 24718
construction, or completion of a project, improvement, or 24719
building, the director may revise related plans and specifications 24720
as necessary to address the exigency through the issuance of an 24721
addendum prior to the opening of bids or, in accordance with 24722
procedures established in section 153.62 of the Revised Code, 24723
through the issuance of a change order after the contract has been 24724
awarded, pursuant to the declaration of a public exigency, the 24725
department may award the contract without competitive bidding or 24726
selection as otherwise required by Chapter 153. of the Revised 24727
Code. 24728~~

~~(D) The executive director of the Ohio facilities 24729
construction commission may authorize the department of natural 24730
resources to administer any other project or improvement, the 24731
estimated cost of which, including design fees, construction, 24732
equipment, and contingency amounts, is not more than one million 24733
five hundred thousand dollars. 24734~~

Sec. 1501.45. (A) As used in this section: 24735

(1) "Forfeiture laws" means provisions that are established 24736
in Title XXIX of the Revised Code and that govern the forfeiture 24737
and disposition of certain property that is seized pursuant to a 24738
law enforcement investigation. 24739

(2) "Law enforcement division" means the division of 24740
forestry, the division of natural areas and preserves, the 24741
division of wildlife, the division of parks and recreation, or the 24742

division of watercraft in the department of natural resources. 24743

(3) "Law enforcement fund" means a fund created in this 24744
section. 24745

(B) Except as otherwise provided in this section and 24746
notwithstanding any provision of the Revised Code that is not in 24747
Title XV of the Revised Code to the contrary, the forfeiture laws 24748
apply to a law enforcement division that substantially conducts an 24749
investigation that results in the ordered forfeiture of property 24750
and also apply to the involved forfeiture of property, and the law 24751
enforcement division shall comply with those forfeiture laws. 24752
Accordingly, the portion of the forfeiture laws that authorizes 24753
certain proceeds from forfeited property to be distributed to the 24754
law enforcement agency that substantially conducted the 24755
investigation that resulted in the seizure of the subsequently 24756
forfeited property apply to the law enforcement divisions except 24757
as provided in division (C)(2)(a) of this section. If a law 24758
enforcement division is eligible to receive such proceeds, the 24759
proceeds shall be deposited into the state treasury to the credit 24760
of the applicable law enforcement fund. 24761

(C)(1) There are hereby created in the state treasury ~~the~~ 24762
~~division of forestry law enforcement fund, the division of natural~~ 24763
~~areas and preserves law enforcement fund,~~ the division of wildlife 24764
law enforcement fund, the division of parks and recreation law 24765
enforcement fund, and the division of watercraft law enforcement 24766
fund. ~~The~~ 24767

(2) The funds shall consist of proceeds from forfeited 24768
property that are deposited ~~in accordance with this section. The~~ 24769
as follows: 24770

(a) Proceeds from forfeited property resulting from an 24771
investigation conducted by the division of forestry, the division 24772
of natural areas and preserves, or the division of parks and 24773

<u>recreation shall be deposited in the division of parks and</u>	24774
<u>recreation law enforcement fund.</u>	24775
<u>(b) Proceeds from forfeited property resulting from an</u>	24776
<u>investigation conducted by the division of wildlife shall be</u>	24777
<u>deposited in the division of wildlife law enforcement fund.</u>	24778
<u>(c) Proceeds from forfeited property resulting from an</u>	24779
<u>investigation conducted by the division of watercraft shall be</u>	24780
<u>deposited in the division of watercraft law enforcement fund.</u>	24781
<u>(3) The funds shall be used by the applicable law enforcement</u>	24782
<u>division for law enforcement purposes specified in the forfeiture</u>	24783
<u>laws; however, as follows:</u>	24784
<u>(a) Money in the division of parks and recreation law</u>	24785
<u>enforcement fund shall be used by the division of parks and</u>	24786
<u>recreation.</u>	24787
<u>(b) Money in the division of wildlife law enforcement fund</u>	24788
<u>shall be used by the division of wildlife.</u>	24789
<u>(c) Money in the division of watercraft law enforcement fund</u>	24790
<u>shall be used by the division of watercraft.</u>	24791
<u>(4) A law enforcement division shall not use such funds its</u>	24792
<u>fund to pay the salaries of its employees or to provide for any</u>	24793
<u>other remuneration of personnel.</u>	24794
<u>(D) If the forfeiture laws conflict with any provisions that</u>	24795
<u>govern forfeitures and that are established in another section of</u>	24796
<u>Title XV of the Revised Code, the provisions established in the</u>	24797
<u>other section of Title XV apply.</u>	24798
Sec. 1509.01. As used in this chapter:	24799
<u>(A) "Well" means any borehole, whether drilled or bored,</u>	24800
<u>within the state for production, extraction, or injection of any</u>	24801
<u>gas or liquid mineral, excluding potable water to be used as such,</u>	24802

but including natural or artificial brines and oil field waters.	24803
(B) "Oil" means crude petroleum oil and all other	24804
hydrocarbons, regardless of gravity, that are produced in liquid	24805
form by ordinary production methods, but does not include	24806
hydrocarbons that were originally in a gaseous phase in the	24807
reservoir.	24808
(C) "Gas" means all natural gas and all other fluid	24809
hydrocarbons that are not oil, including condensate.	24810
(D) "Condensate" means liquid hydrocarbons separated at or	24811
near the well pad or along the gas production or gathering system	24812
prior to gas processing.	24813
(E) "Pool" means an underground reservoir containing a common	24814
accumulation of oil or gas, or both, but does not include a gas	24815
storage reservoir. Each zone of a geological structure that is	24816
completely separated from any other zone in the same structure may	24817
contain a separate pool.	24818
(F) "Field" means the general area underlaid by one or more	24819
pools.	24820
(G) "Drilling unit" means the minimum acreage on which one	24821
well may be drilled, but does not apply to a well for injecting	24822
gas into or removing gas from a gas storage reservoir.	24823
(H) "Waste" includes all of the following:	24824
(1) Physical waste, as that term generally is understood in	24825
the oil and gas industry;	24826
(2) Inefficient, excessive, or improper use, or the	24827
unnecessary dissipation, of reservoir energy;	24828
(3) Inefficient storing of oil or gas;	24829
(4) Locating, drilling, equipping, operating, or producing an	24830
oil or gas well in a manner that reduces or tends to reduce the	24831
quantity of oil or gas ultimately recoverable under prudent and	24832

proper operations from the pool into which it is drilled or that 24833
causes or tends to cause unnecessary or excessive surface loss or 24834
destruction of oil or gas; 24835

(5) Other underground or surface waste in the production or 24836
storage of oil, gas, or condensate, however caused. 24837

(I) "Correlative rights" means the reasonable opportunity to 24838
every person entitled thereto to recover and receive the oil and 24839
gas in and under the person's tract or tracts, or the equivalent 24840
thereof, without having to drill unnecessary wells or incur other 24841
unnecessary expense. 24842

(J) "Tract" means a single, individually taxed parcel of land 24843
appearing on the tax list. 24844

(K) "Owner," unless referring to a mine, means the person who 24845
has the right to drill on a tract or drilling unit, to drill into 24846
and produce from a pool, and to appropriate the oil or gas 24847
produced therefrom either for the person or for others, except 24848
that a person ceases to be an owner with respect to a well when 24849
the well has been plugged in accordance with applicable rules 24850
adopted and orders issued under this chapter. "Owner" does not 24851
include a person who obtains a lease of the mineral rights for oil 24852
and gas on a parcel of land if the person does not attempt to 24853
produce or produce oil or gas from a well or obtain a permit under 24854
this chapter for a well or if the entire interest of a well is 24855
transferred to the person in accordance with division (B) of 24856
section 1509.31 of the Revised Code. 24857

(L) "Royalty interest" means the fee holder's share in the 24858
production from a well. 24859

(M) "Discovery well" means the first well capable of 24860
producing oil or gas in commercial quantities from a pool. 24861

(N) "Prepared clay" means a clay that is plastic and is 24862
thoroughly saturated with fresh water to a weight and consistency 24863

great enough to settle through saltwater in the well in which it 24864
is to be used, except as otherwise approved by the chief of the 24865
division of oil and gas resources management. 24866

(O) "Rock sediment" means the combined cutting and residue 24867
from drilling sedimentary rocks and formation. 24868

(P) "Excavations and workings," "mine," and "pillar" have the 24869
same meanings as in section 1561.01 of the Revised Code. 24870

(Q) "Coal bearing township" means a township designated as 24871
such by the chief of the division of mineral resources management 24872
under section 1561.06 of the Revised Code. 24873

(R) "Gas storage reservoir" means a continuous area of a 24874
subterranean porous sand or rock stratum or strata into which gas 24875
is or may be injected for the purpose of storing it therein and 24876
removing it therefrom and includes a gas storage reservoir as 24877
defined in section 1571.01 of the Revised Code. 24878

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 24879
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 24880
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 24881
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 24882
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 24883
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 24884
regulations adopted under those acts. 24885

(T) "Person" includes any political subdivision, department, 24886
agency, or instrumentality of this state; the United States and 24887
any department, agency, or instrumentality thereof; and any legal 24888
entity defined as a person under section 1.59 of the Revised Code. 24889

(U) "Brine" means all saline geological formation water 24890
resulting from, obtained from, or produced in connection with 24891
exploration, drilling, well stimulation, production of oil or gas, 24892
or plugging of a well. 24893

(V) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, springs, irrigation systems, drainage systems, and other bodies of water, surface or underground, natural or artificial, that are situated wholly or partially within this state or within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.

(W) "Exempt Mississippian well" means a well that meets all of the following criteria:

(1) Was drilled and completed before January 1, 1980;

(2) Is located in an unglaciated part of the state;

(3) Was completed in a reservoir no deeper than the Mississippian Big Injun sandstone in areas underlain by Pennsylvanian or Permian stratigraphy, or the Mississippian Berea sandstone in areas directly underlain by Permian stratigraphy;

(4) Is used primarily to provide oil or gas for domestic use.

(X) "Exempt domestic well" means a well that meets all of the following criteria:

(1) Is owned by the owner of the surface estate of the tract on which the well is located;

(2) Is used primarily to provide gas for the owner's domestic use;

(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;

(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.

(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities. 24924
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(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations. 24930
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(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following: 24933
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(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery; 24942
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(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities; 24945
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(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, 24949
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and well completion activities;	24955
<u>(4) Equipment and facilities at a wellpad or other location</u>	24956
<u>that are used for the transportation, handling, recycling,</u>	24957
<u>temporary storage, management, processing, or treatment of any</u>	24958
<u>equipment, material, and by-products or other substances from an</u>	24959
<u>operation at a wellpad that may be used or reused at the same or</u>	24960
<u>another operation at a wellpad or that will be disposed of in</u>	24961
<u>accordance with applicable laws and rules adopted under them.</u>	24962
(BB) "Annular overpressurization" means the accumulation of	24963
fluids within an annulus with sufficient pressure to allow	24964
migration of annular fluids into underground sources of drinking	24965
water.	24966
(CC) "Idle and orphaned well" means a well for which a bond	24967
has been forfeited or an abandoned well for which no money is	24968
available to plug the well in accordance with this chapter and	24969
rules adopted under it.	24970
(DD) "Temporarily inactive well" means a well that has been	24971
granted temporary inactive status under section 1509.062 of the	24972
Revised Code.	24973
(EE) "Material and substantial violation" means any of the	24974
following:	24975
(1) Failure to obtain a permit to drill, reopen, convert,	24976
plugback, or plug a well under this chapter;	24977
(2) Failure to obtain, maintain, update, or submit proof of	24978
insurance coverage that is required under this chapter;	24979
(3) Failure to obtain, maintain, update, or submit proof of a	24980
surety bond that is required under this chapter;	24981
(4) Failure to plug an abandoned well or idle and orphaned	24982
well unless the well has been granted temporary inactive status	24983
under section 1509.062 of the Revised Code or the chief of the	24984

division of oil and gas resources management has approved another	24985
option concerning the abandoned well or idle and orphaned well;	24986
(5) Failure to restore a disturbed land surface as required	24987
by section 1509.072 of the Revised Code;	24988
(6) Failure to reimburse the oil and gas well fund pursuant	24989
to a final order issued under section 1509.071 of the Revised	24990
Code;	24991
(7) Failure to comply with a final nonappealable order of the	24992
chief issued under section 1509.04 of the Revised Code;	24993
(8) Failure to submit a report, test result, fee, or document	24994
that is required in this chapter or rules adopted under it.	24995
(FF) "Severer" has the same meaning as in section 5749.01 of	24996
the Revised Code.	24997
(GG) "Horizontal well" means a well that is drilled for the	24998
production of oil or gas in which the wellbore reaches a	24999
horizontal or near horizontal position in the Point Pleasant,	25000
Utica, or Marcellus formation and the well is stimulated.	25001
(HH) "Well pad" means the area that is cleared or prepared	25002
for the drilling of one or more horizontal wells.	25003
Sec. 1509.02. There is hereby created in the department of	25004
natural resources the division of oil and gas resources	25005
management, which shall be administered by the chief of the	25006
division of oil and gas resources management. The division has	25007
sole and exclusive authority to regulate the permitting, location,	25008
and spacing of oil and gas wells and production operations within	25009
the state, excepting only those activities regulated under federal	25010
laws for which oversight has been delegated to the environmental	25011
protection agency and activities regulated under sections 6111.02	25012
to 6111.029 <u>6111.028</u> of the Revised Code. The regulation of oil	25013
and gas activities is a matter of general statewide interest that	25014

requires uniform statewide regulation, and this chapter and rules 25015
adopted under it constitute a comprehensive plan with respect to 25016
all aspects of the locating, drilling, well stimulation, 25017
completing, and operating of oil and gas wells within this state, 25018
including site construction and restoration, permitting related to 25019
those activities, and the disposal of wastes from those wells. In 25020
order to assist the division in the furtherance of its sole and 25021
exclusive authority as established in this section, the chief may 25022
enter into cooperative agreements with other state agencies for 25023
advice and consultation, including visitations at the surface 25024
location of a well on behalf of the division. Such cooperative 25025
agreements do not confer on other state agencies any authority to 25026
administer or enforce this chapter and rules adopted under it. In 25027
addition, such cooperative agreements shall not be construed to 25028
dilute or diminish the division's sole and exclusive authority as 25029
established in this section. Nothing in this section affects the 25030
authority granted to the director of transportation and local 25031
authorities in section 723.01 or 4513.34 of the Revised Code, 25032
provided that the authority granted under those sections shall not 25033
be exercised in a manner that discriminates against, unfairly 25034
impedes, or obstructs oil and gas activities and operations 25035
regulated under this chapter. 25036

The chief shall not hold any other public office, nor shall 25037
the chief be engaged in any occupation or business that might 25038
interfere with or be inconsistent with the duties as chief. 25039

All moneys collected by the chief pursuant to sections 25040
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 25041
1509.28, 1509.34, and 1509.50 of the Revised Code, ninety per cent 25042
of moneys received by the treasurer of state from the tax levied 25043
in divisions (A)(5) and (6) of section 5749.02 of the Revised 25044
Code, all civil penalties paid under section 1509.33 of the 25045
Revised Code, and, notwithstanding any section of the Revised Code 25046

relating to the distribution or crediting of fines for violations 25047
of the Revised Code, all fines imposed under divisions (A) and (B) 25048
of section 1509.99 of the Revised Code and fines imposed under 25049
divisions (C) and (D) of section 1509.99 of the Revised Code for 25050
all violations prosecuted by the attorney general and for 25051
violations prosecuted by prosecuting attorneys that do not involve 25052
the transportation of brine by vehicle shall be deposited into the 25053
state treasury to the credit of the oil and gas well fund, which 25054
is hereby created. Fines imposed under divisions (C) and (D) of 25055
section 1509.99 of the Revised Code for violations prosecuted by 25056
prosecuting attorneys that involve the transportation of brine by 25057
vehicle and penalties associated with a compliance agreement 25058
entered into pursuant to this chapter shall be paid to the county 25059
treasury of the county where the violation occurred. 25060

The fund shall be used solely and exclusively for the 25061
purposes enumerated in division (B) of section 1509.071 of the 25062
Revised Code, for the expenses of the division associated with the 25063
administration of this chapter and Chapter 1571. of the Revised 25064
Code and rules adopted under them, and for expenses that are 25065
critical and necessary for the protection of human health and 25066
safety and the environment related to oil and gas production in 25067
this state. The expenses of the division in excess of the moneys 25068
available in the fund shall be paid from general revenue fund 25069
appropriations to the department. 25070

Sec. 1509.062. (A)(1) The owner of a well that has not been 25071
completed, a well that has not produced within one year after 25072
completion, ~~or~~ an existing well that is not a horizontal well and 25073
that has no reported production for two consecutive reporting 25074
periods as reported in accordance with section 1509.11 of the 25075
Revised Code, or an existing horizontal well that has no reported 25076
production for eight consecutive reporting periods as reported in 25077
accordance with section 1509.11 of the Revised Code shall plug the 25078

well in accordance with section 1509.12 of the Revised Code, 25079
obtain temporary inactive well status for the well in accordance 25080
with this section, or perform another activity regarding the well 25081
that is approved by the chief of the division of oil and gas 25082
resources management. 25083

(2) If a well has a reported annual production that is less 25084
than one hundred thousand cubic feet of natural gas or fifteen 25085
barrels of crude oil, or a combination thereof, the chief may 25086
require the owner of the well to submit an application for 25087
temporary inactive well status under this section for the well. 25088

(B) In order for the owner of a well to submit an application 25089
for temporary inactive well status for the well under this 25090
division, the owner and the well shall be in compliance with this 25091
chapter and rules adopted under it, any terms and conditions of 25092
the permit for the well, and applicable orders issued by the 25093
chief. An application for temporary inactive status for a well 25094
shall be submitted to the chief on a form prescribed and provided 25095
by the chief and shall contain all of the following: 25096

(1) The owner's name and address and, if the owner is a 25097
corporation, the name and address of the corporation's statutory 25098
agent; 25099

(2) The signature of the owner or of the owner's authorized 25100
agent. When an authorized agent signs an application, the 25101
application shall be accompanied by a certified copy of the 25102
appointment as such agent. 25103

(3) The permit number assigned to the well. If the well has 25104
not been assigned a permit number, the chief shall assign a permit 25105
number to the well. 25106

(4) A map, on a scale not smaller than four hundred feet to 25107
the inch, that shows the location of the well and the tank 25108
battery, that includes the latitude and longitude of the well, and 25109

that contains all other data that are required by the chief; 25110

(5) A demonstration that the well is of future utility and 25111
that the applicant has a viable plan to utilize the well within a 25112
reasonable period of time; 25113

(6) A demonstration that the well poses no threat to the 25114
health or safety of persons, property, or the environment; 25115

(7) Any other relevant information that the chief prescribes 25116
by rule. 25117

The chief may waive any of the requirements established in 25118
divisions (B)(1) to (6) of this section if the division of oil and 25119
gas resources management possesses a current copy of the 25120
information or document that is required in the applicable 25121
division. 25122

(C) Upon receipt of an application for temporary inactive 25123
well status, the chief shall review the application and shall 25124
either deny the application by issuing an order or approve the 25125
application. The chief shall approve the application only if the 25126
chief determines that the well that is the subject of the 25127
application poses no threat to the health or safety of persons, 25128
property, or the environment. If the chief approves the 25129
application, the chief shall notify the applicant of the chief's 25130
approval. Upon receipt of the chief's approval, the owner shall 25131
shut in the well and empty all liquids and gases from all storage 25132
tanks, pipelines, and other equipment associated with the well. In 25133
addition, the owner shall maintain the well, other equipment 25134
associated with the well, and the surface location of the well in 25135
a manner that prevents hazards to the health and safety of people 25136
and the environment. The owner shall inspect the well at least 25137
every six months and submit to the chief within fourteen days 25138
after the inspection a record of inspection on a form prescribed 25139
and provided by the chief. 25140

(D) Not later than thirty days prior to the expiration of 25141
temporary inactive well status or a renewal of temporary inactive 25142
well status approved by the chief for a well, the owner of the 25143
well may submit to the chief an application for renewal of the 25144
temporary inactive well status on a form prescribed and provided 25145
by the chief. The application shall include a detailed plan that 25146
describes the ultimate disposition of the well, the time frames 25147
for that disposition, and any other information that the chief 25148
determines is necessary. The chief shall either deny an 25149
application by order or approve the application. If the chief 25150
approves the application, the chief shall notify the owner of the 25151
well of the chief's approval. 25152

(E) An application for temporary inactive well status shall 25153
be accompanied by a nonrefundable fee of one hundred dollars. An 25154
application for a renewal of temporary inactive well status shall 25155
be accompanied by a nonrefundable fee of two hundred fifty dollars 25156
for the first renewal and five hundred dollars for each subsequent 25157
renewal. 25158

(F) After a third renewal, the chief may require an owner to 25159
provide a surety bond in an amount not to exceed ten thousand 25160
dollars for each of the owner's wells that has been approved by 25161
the chief for temporary inactive well status. 25162

(G) Temporary inactive well status approved by the chief 25163
expires one year after the date of approval of the application for 25164
temporary inactive well status or production from the well 25165
commences, whichever occurs sooner. In addition, a renewal of a 25166
temporary inactive well status expires one year after the 25167
expiration date of the initial temporary inactive well status or 25168
one year after the expiration date of the previous renewal of the 25169
temporary inactive well status, as applicable, or production from 25170
the well commences, whichever occurs sooner. 25171

(H) The owner of a well that has been approved by the chief 25172

for temporary inactive well status may commence production from 25173
the well at any time. Not later than sixty days after the 25174
commencement of production from such a well, the owner shall 25175
notify the chief of the commencement of production. 25176

(I) This chapter and rules adopted under it, any terms and 25177
conditions of the permit for a well, and applicable orders issued 25178
by the chief apply to a well that has been approved by the chief 25179
for temporary inactive well status or renewal of that status. 25180

Sec. 1509.10. (A) Any person drilling within the state shall, 25181
within sixty days after the completion of drilling operations to 25182
the proposed total depth or after a determination that a well is a 25183
dry or lost hole, file with the division of oil and gas resources 25184
management all wireline electric logs and an accurate well 25185
completion record on a form that is prescribed by the chief of the 25186
division of oil and gas resources management that designates: 25187

(1) The purpose for which the well was drilled; 25188
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(2) The character, depth, and thickness of geological units 25190
encountered, including coal seams, mineral beds, associated fluids 25191
such as fresh water, brine, and crude oil, natural gas, and sour 25192
gas, if such seams, beds, fluids, or gases are known; 25193

(3) The dates on which drilling operations were commenced and 25194
completed; 25195

(4) The types of drilling tools used and the name of the 25196
person that drilled the well; 25197

(5) The length in feet of the various sizes of casing and 25198
tubing used in drilling the well, the amount removed after 25199
completion, the type and setting depth of each packer, all other 25200
data relating to cementing in the annular space behind such casing 25201
or tubing, and data indicating completion as a dry, gas, oil, 25202

combination oil and gas, brine injection, or artificial brine well 25203
or a stratigraphic test; 25204

(6) The number of perforations in the casing and the 25205
intervals of the perforations; 25206

(7) The elevation above mean sea level of the point from 25207
which the depth measurements were made, stating also the height of 25208
the point above ground level at the well, the total depth of the 25209
well, and the deepest geological unit that was penetrated in the 25210
drilling of the well; 25211

(8) If applicable, the type, volume, and concentration of 25212
acid, and the date on which acid was used in acidizing the well; 25213

(9)(a) If applicable, the trade name and the total amount of 25214
all products, fluids, and substances, and the supplier of each 25215
product, fluid, or substance, not including cement and its 25216
constituents and lost circulation materials, intentionally added 25217
to facilitate the drilling of any portion of the well until the 25218
surface casing is set and properly sealed. The owner shall 25219
identify each additive used and provide a brief description of the 25220
purpose for which the additive is used. In addition, the owner 25221
shall include a list of all chemicals, not including any 25222
information that is designated as a trade secret pursuant to 25223
division (I)(1) of this section, intentionally added to all 25224
products, fluids, or substances and include each chemical's 25225
corresponding chemical abstracts service number and the maximum 25226
concentration of each chemical. The owner shall obtain the 25227
chemical information, not including any information that is 25228
designated as a trade secret pursuant to division (I)(1) of this 25229
section, from the company that drilled the well, provided service 25230
at the well, or supplied the chemicals. If the company that 25231
drilled the well, provided service at the well, or supplied the 25232
chemicals provides incomplete or inaccurate chemical information, 25233
the owner shall make reasonable efforts to obtain the required 25234

information from the company or supplier. 25235

(b) For purposes of division (A)(9)(a) of this section, if 25236
recycled fluid was used, the total volume of recycled fluid and 25237
the well that is the source of the recycled fluid or the 25238
centralized facility that is the source of the recycled fluid. 25239

(10)(a) If applicable, the type and volume of fluid, not 25240
including cement and its constituents or information that is 25241
designated as a trade secret pursuant to division (I)(1) of this 25242
section, used to stimulate the reservoir of the well, the 25243
reservoir breakdown pressure, the method used for the containment 25244
of fluids recovered from the fracturing of the well, the methods 25245
used for the containment of fluids when pulled from the wellbore 25246
from swabbing the well, the average pumping rate of the well, and 25247
the name of the person that performed the well stimulation. In 25248
addition, the owner shall include a copy of the log from the 25249
stimulation of the well, a copy of the invoice for each of the 25250
procedures and methods described in division (A)(10) of this 25251
section that were used on a well, and a copy of the pumping 25252
pressure and rate graphs. However, the owner may redact from the 25253
copy of each invoice that is required to be included under 25254
division (A)(10) of this section the costs of and charges for the 25255
procedures and methods described in division (A)(10) of this 25256
section that were used on a well. 25257

(b) If applicable, the trade name and the total volume of all 25258
products, fluids, and substances, and the supplier of each 25259
product, fluid, or substance used to stimulate the well. The owner 25260
shall identify each additive used, provide a brief description of 25261
the purpose for which the additive is used, and include the 25262
maximum concentration of the additive used. In addition, the owner 25263
shall include a list of all chemicals, not including any 25264
information that is designated as a trade secret pursuant to 25265
division (I)(1) of this section, intentionally added to all 25266

products, fluids, or substances and include each chemical's 25267
corresponding chemical abstracts service number and the maximum 25268
concentration of each chemical. The owner shall obtain the 25269
chemical information, not including any information that is 25270
designated as a trade secret pursuant to division (I)(1) of this 25271
section, from the company that stimulated the well or supplied the 25272
chemicals. If the company that stimulated the well or supplied the 25273
chemicals provides incomplete or inaccurate chemical information, 25274
the owner shall make reasonable efforts to obtain the required 25275
information from the company or supplier. 25276

(c) For purposes of division (A)(10)(b) of this section, if 25277
recycled fluid was used, the total volume of recycled fluid and 25278
the well that is the source of the recycled fluid or the 25279
centralized facility that is the source of the recycled fluid. 25280

(11) The name of the company that performed the logging of 25281
the well and the types of wireline electric logs performed on the 25282
well. 25283

The well completion record shall be submitted in duplicate. 25284
The first copy shall be retained as a permanent record in the 25285
files of the division, and the second copy shall be transmitted by 25286
the chief to the division of geological survey. 25287

(B)(1) Not later than sixty days after the completion of the 25288
drilling operations to the proposed total depth, the owner shall 25289
file all wireline electric logs with the division of oil and gas 25290
resources management and the chief shall transmit such logs 25291
electronically, if available, to the division of geological 25292
survey. Such logs may be retained by the owner for a period of not 25293
more than six months, or such additional time as may be granted by 25294
the chief in writing, after the completion of the well 25295
substantially to the depth shown in the application required by 25296
section 1509.06 of the Revised Code. 25297

(2) If a well is not completed within sixty days after the completion of drilling operations, the owner shall file with the division of oil and gas resources management a supplemental well completion record that includes all of the information required under this section within sixty days after the completion of the well.

(3) After a well is initially completed and stimulated and until the well is plugged, the owner shall report, on a form prescribed by the chief, all materials placed into the formation to refracture, restimulate, or newly complete the well. The owner shall submit the information within sixty days after completing the refracturing, restimulation, or new completion. In addition, the owner shall report the information required in divisions (A)(10)(a) to (c) of this section, as applicable, in a manner consistent with the requirements established in this section.

(C) Upon request in writing by the chief of the division of geological survey prior to the beginning of drilling of the well, the person drilling the well shall make available a complete set of cuttings accurately identified as to depth.

(D) The form of the well completion record required by this section shall be one that has been prescribed by the chief of the division of oil and gas resources management and the chief of the division of geological survey. The filing of a log as required by this section fulfills the requirement of filing a log with the chief of the division of geological survey in section 1505.04 of the Revised Code.

(E) If a material listed or designated under division (A)(9) or (10) or (B)(3) of this section is a material for which the division of oil and gas resources management does not have a material safety data sheet, the owner shall provide a copy of the material safety data sheet for the material to the chief.

(F) An owner shall submit to the chief the information that 25329
is required in divisions (A)(10)(b) and (c) and (B)(3) of this 25330
section consistent with the requirements established in this 25331
section using one of the following methods: 25332

(1) On a form prescribed by the chief; 25333

(2) Through the chemical disclosure registry that is 25334
maintained by the ground water protection council and the 25335
interstate oil and gas compact commission; 25336

(3) Any other means approved by the chief. 25337

(G) The chief shall post on the division's web site each 25338
material safety data sheet obtained under division (E) of this 25339
section. In addition, the chief shall make available through the 25340
division's web site the chemical information that is required by 25341
divisions (A)(9) and (10) and (B)(3) of this section. 25342

(H)(1) If a medical professional, in order to assist in the 25343
diagnosis or treatment of an individual who was affected by an 25344
incident associated with the production operations of a well, 25345
requests the exact chemical composition of each product, fluid, or 25346
substance and of each chemical component in a product, fluid, or 25347
substance that is designated as a trade secret pursuant to 25348
division (I) of this section, the person claiming the trade secret 25349
protection pursuant to that division shall provide to the medical 25350
professional the exact chemical composition of the product, fluid, 25351
or substance and of the chemical component in a product, fluid, or 25352
substance that is requested. 25353

(2) A medical professional who receives information pursuant 25354
to division (H)(1) of this section shall keep the information 25355
confidential and shall not disclose the information for any 25356
purpose that is not related to the diagnosis or treatment of an 25357
individual who was affected by an incident associated with the 25358
production operations of a well. Nothing in division (H)(2) of 25359

this section precludes a medical professional from making any 25360
report required by law or professional ethical standards. 25361

(I)(1) The owner of a well who is required to submit a well 25362
completion record under division (A) of this section or a report 25363
under division (B)(3) of this section or a person that provides 25364
information to the owner as described in and for purposes of 25365
division (A)(9) or (10) or (B)(3) of this section may designate 25366
without disclosing on a form prescribed by the chief and withhold 25367
from disclosure to the chief the identity, amount, concentration, 25368
or purpose of a product, fluid, or substance or of a chemical 25369
component in a product, fluid, or substance as a trade secret. The 25370
owner or person may pursue enforcement of any rights or remedies 25371
established in sections 1333.61 to 1333.69 of the Revised Code for 25372
misappropriation, as defined in section 1333.61 of the Revised 25373
Code, with respect to the identity, amount, concentration, or 25374
purpose of a product, fluid, or substance or a chemical component 25375
in a product, fluid, or substance designated as a trade secret 25376
pursuant to division (I)(1) of this section. The division shall 25377
not disclose information regarding the identity, amount, 25378
concentration, or purpose of any product, fluid, or substance or 25379
of any chemical component in a product, fluid, or substance 25380
designated as a trade secret pursuant to division (I)(1) of this 25381
section. 25382

(2) A property owner, an adjacent property owner, or any 25383
person or agency of this state having an interest that is or may 25384
be adversely affected by a product, fluid, or substance or by a 25385
chemical component in a product, fluid, or substance may commence 25386
a civil action in the court of common pleas of Franklin county 25387
against an owner or person described in division (I)(1) of this 25388
section challenging the owner's or person's claim to entitlement 25389
to trade secret protection for the specific identity, amount, 25390
concentration, or purpose of a product, fluid, or substance or of 25391

a chemical component in a product, fluid, or substance pursuant to 25392
division (I)(1) of this section. A person who commences a civil 25393
action pursuant to division (I)(2) of this section shall provide 25394
notice to the chief in a manner prescribed by the chief. In the 25395
civil action, the court shall conduct an in camera review of 25396
information submitted by an owner or person described in division 25397
(I)(1) of this section to determine if the identity, amount, 25398
concentration, or purpose of a product, fluid, or substance or of 25399
a chemical component in a product, fluid, or substance pursuant to 25400
division (I)(1) of this section is entitled to trade secret 25401
protection. 25402

(J)(1) Except for any information that is designated as a 25403
trade secret pursuant to division (I)(1) of this section and 25404
except as provided in division (J)(2) of this section, the owner 25405
of a well shall maintain records of all chemicals placed in a well 25406
for a period of not less than two years after the date on which 25407
each such chemical was placed in the well. The chief may inspect 25408
the records at any time concerning any such chemical. 25409

(2) An owner or person who has designated the identity, 25410
amount, concentration, or purpose of a product, fluid, or 25411
substance or of a chemical component in a product, fluid, or 25412
substance as a trade secret pursuant to division (I)(1) of this 25413
section shall maintain the records for such a product, fluid, or 25414
substance or for a chemical component in a product, fluid, or 25415
substance for a period of not less than two years after the date 25416
on which each such product, fluid, or substance or each such 25417
chemical component in a product, fluid, or substance was placed in 25418
the well. Upon the request of the chief, the owner or person, as 25419
applicable, shall disclose the records to the chief if the 25420
information is necessary to respond to a spill, release, or 25421
investigation. However, the chief shall not disclose the 25422
information that is designated as a trade secret. 25423

(K)(1) For purposes of correcting inaccuracies and 25424
incompleteness in chemical information required by divisions 25425
(A)(9) and (10) and (B)(3) of this section, an owner shall be 25426
considered in substantial compliance if the owner has made 25427
reasonable efforts to obtain the required information from the 25428
supplier. 25429

(2) For purposes of reporting under this section, an owner is 25430
not required to report chemicals that occur incidentally or in 25431
trace amounts. 25432

(L) As used in this section, the term "material safety data 25433
sheet" shall conform to any revision of or change in the term by 25434
the occupational safety and health administration in the United 25435
States department of labor. 25436

Sec. 1509.11. (A)(1) The owner of any well, ~~including~~ except 25437
a horizontal well, that is producing or capable of producing oil 25438
or gas shall file with the chief of the division of oil and gas 25439
resources management, on or before the thirty-first day of March, 25440
a statement of production of oil, gas, and brine for the last 25441
preceding calendar year in such form as the chief may prescribe. 25442
An owner that has more than one hundred such wells in this state 25443
shall submit electronically the statement of production in a 25444
format that is approved by the chief. The chief shall include on 25445
the form, at the minimum, a request for the submittal of the 25446
information that a person who is regulated under this chapter is 25447
required to submit under the "Emergency Planning and Community 25448
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 25449
regulations adopted under it, and that the division of oil and gas 25450
resources management does not obtain through other reporting 25451
mechanisms. 25452

(2) The owner of any horizontal well that is producing or 25453
capable of producing oil or gas shall file with the chief, on the 25454

forty-fifth day following the close of each calendar quarter, a 25455
statement of production of oil, gas, and brine for the preceding 25456
calendar quarter in a form that the chief prescribes. An owner 25457
that has more than one hundred horizontal wells in this state 25458
shall submit electronically the statement of production in a 25459
format that is approved by the chief. The chief shall include on 25460
the form, at a minimum, a request for the submittal of the 25461
information that a person who is regulated under this chapter is 25462
required to submit under the "Emergency Planning and Community 25463
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and 25464
regulations adopted under it, and that the division does not 25465
obtain through other reporting mechanisms. 25466

(B) The chief shall not disclose information received from 25467
the department of taxation under division (C)(12) of section 25468
5703.21 of the Revised Code until the related statement of 25469
production required by division (A) of this section is filed with 25470
the chief. 25471

Sec. 1509.50. (A) An oil and gas regulatory cost recovery 25472
assessment is hereby imposed by this section on an owner. An owner 25473
shall pay the assessment in the same manner as a severer who is 25474
required to file a return under section 5749.06 of the Revised 25475
Code. However, an owner may designate a severer who shall pay the 25476
owner's assessment on behalf of the owner on the return that the 25477
severer is required to file under that section. If a severer so 25478
pays an owner's assessment, the severer may recoup from the owner 25479
the amount of the assessment. Except for an exempt domestic well, 25480
the assessment imposed shall be in addition to the taxes levied on 25481
the severance of oil and gas under section 5749.02 of the Revised 25482
Code. 25483

(B)(1) Except for an exempt domestic well, the oil and gas 25484
regulatory cost recovery assessment shall be calculated on a 25485

quarterly basis and shall be one of the following: 25486

(a) If the sum of ten cents per barrel of oil for all of the 25487
wells of the owner, one-half of one cent per one thousand cubic 25488
feet of natural gas for all of the wells of the owner, and the 25489
amount of the severance tax levied on each severer for all of the 25490
wells of the owner under divisions (A)(5) and (6) of section 25491
5749.02 of the Revised Code, as applicable, is greater than the 25492
sum of fifteen dollars for each well owned by the owner, the 25493
amount of the assessment is the sum of ten cents per barrel of oil 25494
for all of the wells of the owner and one-half of one cent per one 25495
thousand cubic feet of natural gas for all of the wells of the 25496
owner. 25497

(b) If the sum of ten cents per barrel of oil for all of the 25498
wells of the owner, one-half of one cent per one thousand cubic 25499
feet of natural gas for all of the wells of the owner, and the 25500
amount of the severance tax levied on each severer for all of the 25501
wells of the owner under divisions (A)(5) and (6) of section 25502
5749.02 of the Revised Code, as applicable, is less than the sum 25503
of fifteen dollars for each well owned by the owner, the amount of 25504
the assessment is the sum of fifteen dollars for each well owned 25505
by the owner less the amount of the tax levied on each severer for 25506
all of the wells of the owner under divisions (A)(5) and (6) of 25507
section 5749.02 of the Revised Code, as applicable. 25508

(2) The oil and gas regulatory cost recovery assessment for a 25509
well that becomes an exempt domestic well on and after June 30, 25510
2010, shall be sixty dollars to be paid to the division of oil and 25511
gas resources management on the first day of July of each year. 25512

(C) All money collected pursuant to this section shall be 25513
~~deposited in the state treasury to the credit of~~ credited to the 25514
severance tax receipts fund. After the director of budget and 25515
management transfers money from the severance tax receipts fund as 25516
required in division (H) of section 5749.06 of the Revised Code, 25517

money in the severance tax receipts fund from amounts collected 25518
pursuant to this section shall be credited to the oil and gas well 25519
fund created in section 1509.02 of the Revised Code. 25520

(D) Except for purposes of revenue distribution as specified 25521
in division (B) of section 5749.02 of the Revised Code, the oil 25522
and gas regulatory cost recovery assessment imposed by this 25523
section shall be treated the same and equivalent for all purposes 25524
as the taxes levied on the severance of oil and gas under that 25525
section. However, the assessment imposed by this section is not a 25526
tax under Chapter 5749. of the Revised Code. 25527

Sec. 1509.73. (A)(1) Beginning on ~~the effective date of this~~ 25528
~~section~~ September 30, 2011, and ending on the effective date of 25529
the rules adopted under section 1509.74 of the Revised Code, a 25530
state agency, in consultation with the oil and gas leasing 25531
commission, may lease a formation within a parcel of land that is 25532
owned or controlled by the state agency for the exploration for 25533
and development and production of oil or natural gas. The state 25534
agency shall establish bid fees, signing fees, rentals, and at 25535
least a one-eighth landowner royalty. On and after the effective 25536
date of the rules adopted under section 1509.74 of the Revised 25537
Code, a formation within a parcel of land that is owned or 25538
controlled by a state agency may be leased for the exploration for 25539
and development and production of oil or natural gas only in 25540
accordance with divisions (A)(2) to (H) of this section and those 25541
rules. 25542

(2) Not earlier than two hundred seventy days after ~~the~~ 25543
~~effective date of this section~~ September 30, 2011, a person that 25544
is an owner and that is interested in leasing a formation within a 25545
parcel of land that is owned or controlled by a state agency for 25546
the exploration for and the development and production of oil or 25547
natural gas may submit to the oil and gas leasing commission a 25548

nomination that identifies the parcel of land. A person submitting 25549
a nomination shall submit it in the manner and form established in 25550
rules adopted under section 1509.74 of the Revised Code and shall 25551
include with the nomination both of the following: 25552

(a) The information required by those rules; 25553

(b) The nomination fee established in those rules. 25554

(B)(1) Not less than thirty days, but not more than one 25555
hundred twenty days following the receipt of a nomination of a 25556
parcel of land, the commission shall conduct a meeting for the 25557
purpose of determining whether to approve or disapprove the 25558
nomination for the purpose of leasing a formation within the 25559
parcel of land that is identified in the nomination. The 25560
commission also shall review the nomination of the parcel of land 25561
and determine if the parcel of land has been classified under 25562
section 1509.72 of the Revised Code. If the parcel of land that is 25563
the subject of the nomination has not been classified, the 25564
commission immediately shall send a copy of the nomination to the 25565
state agency that owns or controls the parcel that is the subject 25566
of the nomination. Not later than fifteen days after receipt of a 25567
copy of the nomination, the state agency shall classify the parcel 25568
of land as a class 1, class 2, class 3, or class 4 property and 25569
submit the classification to the commission. On receipt of the 25570
state agency's classification of the parcel of land, the 25571
commission shall provide the department of natural resources the 25572
information necessary for the department to comply with divisions 25573
(C) and (D) of section 1509.72 of the Revised Code. 25574

After a parcel of land that is the subject of a nomination 25575
has been classified under section 1509.72 of the Revised Code or 25576
division (B)(1) of this section, as applicable, the commission 25577
shall approve or disapprove the nomination. In making its decision 25578
to approve or disapprove the nomination of the parcel of land, the 25579
commission shall consider all of the following: 25580

(a) The economic benefits, including the potential income from an oil or natural gas operation, that would result if the lease of a formation that is the subject of the nomination were approved;	25581 25582 25583 25584
(b) Whether the proposed oil or gas operation is compatible with the current uses of the parcel of land that is the subject of the nomination;	25585 25586 25587
(c) The environmental impact that would result if the lease of a formation that is the subject of the nomination were approved;	25588 25589 25590
(d) Any potential adverse geological impact that would result if the lease of a formation that is the subject of the nomination were approved;	25591 25592 25593
(e) Any potential impact to visitors or users of a parcel of land that is the subject of the nomination;	25594 25595
(f) Any potential impact to the operations or equipment of a state agency that is a state university or college if the lease of a formation within a parcel of land owned or controlled by the university or college that is the subject of the nomination were executed;	25596 25597 25598 25599 25600
(g) Any objections to the nomination submitted to the commission by the state agency that owns or controls the land on which the proposed oil or natural gas operation would take place;	25601 25602 25603
(h) Any comments or objections to the nomination submitted to the commission by residents of this state or other users of the parcel of land that is the subject of the nomination;	25604 25605 25606
(i) Any other factors that the commission establishes in rules adopted under section 1509.74 of the Revised Code.	25607 25608
(2) The commission shall disapprove a nomination of a parcel of land that is a class 3 property. The commission shall send	25609 25610

notice of the disapproval by certified mail to the person that 25611
submitted the nomination. 25612

(3) Prior to making its decision to approve or disapprove a 25613
nomination, the commission shall notify the state agency that owns 25614
or controls the land on which the oil or gas operation would take 25615
place. 25616

(4) The commission shall approve or disapprove a nomination 25617
not later than two calendar quarters following the receipt of the 25618
nomination. Notice of the decision of the commission shall be sent 25619
by certified mail to the person that submitted the nomination. 25620

(5) If the commission approves a nomination, the commission 25621
shall notify the state agency that owns or controls the parcel of 25622
land that is the subject of a nomination of the commission's 25623
approval of the nomination. The notification shall request the 25624
state agency to submit to the commission special terms and 25625
conditions that will apply to the lease of a formation within the 25626
parcel of land because of specific conditions related to the 25627
parcel of land. The state agency shall submit the special terms 25628
and conditions not later than sixty days after receipt of a notice 25629
from the commission. 25630

(6) If the commission approves a nomination for a parcel of 25631
land that is a class 1 property, the commission shall offer for 25632
lease each formation that is within the parcel of land. If the 25633
commission approves a nomination for a parcel of land that is a 25634
class 2 or class 4 property, the commission shall not offer for 25635
lease any formation that is within the parcel of land unless the 25636
state agency that owns or controls the parcel of land notifies the 25637
commission that a formation or formations that are within the 25638
parcel of land may be offered for lease. 25639

(C) Each calendar quarter, the commission shall proceed to 25640
advertise for bids for a lease for a formation within a parcel of 25641

land that was the subject of a nomination approved during the 25642
previous calendar quarter that is a class 1 property or that is a 25643
class 2 or class 4 property for which the commission has received 25644
notice from the state agency that owns or controls the parcel of 25645
land under division (B)(6) of this section that a formation or 25646
formations that are within the parcel of land may be offered for 25647
lease. The advertisement shall be provided to the department of 25648
natural resources, and the department shall publish the 25649
advertisement on its web site for a period of time established by 25650
the commission. The advertisement shall include all of the 25651
following: 25652

(1) The procedure for the submission of a bid to enter into a 25653
lease for a formation within a parcel of land; 25654

(2) A statement that a standard lease form that is consistent 25655
with the practices of the oil and natural gas industries will be 25656
used for the lease of a formation within the parcel of land; 25657

(3) A copy of the standard lease form that will be used for 25658
the lease of a formation within the parcel of land; 25659

(4) Special terms and conditions, if applicable, that apply 25660
to the lease because of specific conditions related to the parcel 25661
of land; 25662

(5) The amount of the bid fee that is required to be 25663
submitted with a bid; 25664

(6) Any other information that the commission considers 25665
pertinent to the advertisement for bids. 25666

(D) A person submitting a bid to enter into a lease under 25667
this section shall pay a bid fee established in rules adopted 25668
under section 1509.74 of the Revised Code. 25669

(E) In order to encourage the submission of bids and the 25670
responsible and reasonable development of the state's natural 25671

resources, the information that is contained in a bid submitted to 25672
the commission under this section shall be confidential and shall 25673
not be disclosed before a person is selected under division (F) of 25674
this section unless the commission determines otherwise. 25675

(F) The commission shall establish a deadline for the 25676
submission of bids for each lease regarding a particular parcel of 25677
land and shall notify the department of the deadline. The 25678
department shall post the deadline for the submission of bids for 25679
each lease on the department's web site. A person shall submit a 25680
bid in accordance with the procedures and requirements established 25681
by the commission in rules adopted under section 1509.74 of the 25682
Revised Code. 25683

The commission shall select the person who submits the 25684
highest and best bid for each formation within that parcel of 25685
land, taking into account the financial responsibility of the 25686
prospective lessee and the ability of the prospective lessee to 25687
perform its obligations under the lease. After the commission 25688
selects a person, the commission shall notify the applicable state 25689
agency and send the person's bid to the agency. The state agency 25690
shall enter into a lease with the person selected by the 25691
commission. 25692

(G)(1) Except as otherwise provided in ~~division~~ divisions 25693
(G)(2) and (3) of this section, all money received by a state 25694
agency from signing fees, rentals, and royalty payments for leases 25695
entered into under this section shall be paid by the state agency 25696
into the state treasury to the credit of the state land royalty 25697
fund created in section 131.50 of the Revised Code. 25698

(2) Money received by a state agency from signing fees, 25699
rentals, and royalty payments for leases entered into under this 25700
section on land owned or controlled by the division of forestry, 25701
or wildlife, or parks and recreation in the department of natural 25702
resources shall be deposited into one of the following funds, as 25703

applicable:	25704
(a) The forestry mineral royalties fund created in section 1503.012 of the Revised Code if the lease pertains to land owned or controlled by the division of forestry;	25705 25706 25707
(b) The wildlife habitat fund created in section 1531.33 of the Revised Code if the lease pertains to land owned or controlled by the division of wildlife;	25708 25709 25710
(c) The parks mineral royalties fund created in section 1541.26 of the Revised Code if the lease pertains to land owned or controlled by the division of parks and recreation.	25711 25712 25713
<u>(3) Money received by a state agency from signing fees, rentals, and royalty payments for leases entered into under this section on land owned or controlled by the division of parks and recreation in the department of natural resources shall be deposited in the state treasury and credited as follows:</u>	25714 25715 25716 25717 25718
<u>(a) Fifty per cent of the money shall be credited to the parks mineral royalties fund created in section 1541.26 of the Revised Code.</u>	25719 25720 25721
<u>(b) Fifty per cent of the money shall be credited to the clean Ohio distribution fund created in section 151.50 of the Revised Code.</u>	25722 25723 25724
(H) All money received from nomination fees and bid fees shall be paid into the state treasury to the credit of the oil and gas leasing commission administration fund created in section 1509.75 of the Revised Code.	25725 25726 25727 25728
(I) Notwithstanding any other provision of this section to the contrary, a nature preserve as defined in section 1517.01 of the Revised Code that is owned or controlled by a state agency shall not be nominated or leased under this section for the purpose of exploring for and developing and producing oil and	25729 25730 25731 25732 25733

natural gas resources. 25734

Sec. 1511.02. The chief of the division of soil and water 25735
resources, subject to the approval of the director of natural 25736
resources, shall do all of the following: 25737

(A) Provide administrative leadership to local soil and water 25738
conservation districts in planning, budgeting, staffing, and 25739
administering district programs and the training of district 25740
supervisors and personnel in their duties, responsibilities, and 25741
authorities as prescribed in this chapter and Chapter 1515. of the 25742
Revised Code; 25743

(B) Administer this chapter and Chapter 1515. of the Revised 25744
Code pertaining to state responsibilities and provide staff 25745
assistance to the Ohio soil and water conservation commission in 25746
exercising its statutory responsibilities; 25747

(C) Assist in expediting state responsibilities for watershed 25748
development and other natural resource conservation works of 25749
improvement; 25750

(D) Coordinate the development and implementation of 25751
cooperative programs and working agreements between local soil and 25752
water conservation districts and divisions or sections of the 25753
department of natural resources, or other agencies of local, 25754
state, and federal government; 25755

(E) Subject to the approval of the Ohio soil and water 25756
conservation commission, adopt, amend, or rescind rules pursuant 25757
to Chapter 119. of the Revised Code. Rules adopted pursuant to 25758
this section: 25759

(1) Shall establish technically feasible and economically 25760
reasonable standards to achieve a level of management and 25761
conservation practices in farming or silvicultural operations that 25762
will abate wind or water erosion of the soil or abate the 25763

degradation of the waters of the state by animal waste or by soil 25764
sediment including substances attached thereto, and establish 25765
criteria for determination of the acceptability of such management 25766
and conservation practices; 25767

(2) Shall establish technically feasible and economically 25768
reasonable standards to achieve a level of management and 25769
conservation practices that will abate wind or water erosion of 25770
the soil or abate the degradation of the waters of the state by 25771
soil sediment in conjunction with land grading, excavating, 25772
filling, or other soil-disturbing activities on land used or being 25773
developed for nonfarm commercial, industrial, residential, or 25774
other nonfarm purposes, and establish criteria for determination 25775
of the acceptability of such management and conservation 25776
practices. The standards shall be designed to implement applicable 25777
areawide waste treatment management plans prepared under section 25778
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 25779
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 25780
shall not apply in any municipal corporation or county that adopts 25781
ordinances or rules pertaining to sediment control, nor to lands 25782
being used in a strip mine operation as defined in section 1513.01 25783
of the Revised Code, nor to lands being used in a surface mining 25784
operation as defined in section 1514.01 of the Revised Code. 25785

(3) May recommend criteria and procedures for the approval of 25786
urban sediment pollution abatement plans and issuance of permits 25787
prior to any grading, excavating, filling, or other whole or 25788
partial disturbance of five or more contiguous acres of land owned 25789
by one person or operated as one development unit and require 25790
implementation of such a plan. Areas of less than five contiguous 25791
acres are not exempt from compliance with other provisions of this 25792
chapter and rules adopted under them. 25793

(4) Shall establish procedures for administration of rules 25794
for agricultural pollution abatement and urban sediment pollution 25795

abatement and for enforcement of rules for agricultural pollution 25796
abatement; 25797

(5) Shall specify the pollution abatement practices eligible 25798
for state cost sharing and determine the conditions for 25799
eligibility, the construction standards and specifications, the 25800
useful life, the maintenance requirements, and the limits of cost 25801
sharing for those practices. Eligible practices shall be limited 25802
to practices that address agricultural or silvicultural operations 25803
and that require expenditures that are likely to exceed the 25804
economic returns to the owner or operator and that abate soil 25805
erosion or degradation of the waters of the state by animal waste 25806
or soil sediment including pollutants attached thereto. 25807

(6) Shall establish procedures for administering grants to 25808
owners or operators of agricultural land or concentrated animal 25809
feeding operations for the implementation of operation and 25810
management plans; 25811

(7) Shall establish procedures for administering grants to 25812
soil and water conservation districts for urban sediment pollution 25813
abatement programs, specify the types of projects eligible for 25814
grants, establish limits on the availability of grants, and 25815
establish requirements governing the execution of projects to 25816
encourage the reduction of erosion and sedimentation associated 25817
with soil-disturbing activities; 25818

(8) Shall do all of the following with regard to composting 25819
conducted in conjunction with agricultural operations: 25820

(a) Provide for the distribution of educational material 25821
concerning composting to the offices of ~~the Ohio cooperative~~ OSU 25822
extension ~~service~~ for the purposes of section 1511.022 of the 25823
Revised Code; 25824

(b) Establish methods, techniques, or practices for 25825
composting dead animals, or particular types of dead animals, that 25826

are to be used at such operations, as the chief considers to be necessary or appropriate; 25827
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(c) Establish requirements and procedures governing the review and approval or disapproval of composting plans by the supervisors of soil and water conservation districts under division (Q) of section 1515.08 of the Revised Code. 25829
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(9) Shall be adopted, amended, or rescinded after the chief does all of the following: 25833
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(a) Mails notice to each statewide organization that the chief determines represents persons or local governmental agencies who would be affected by the proposed rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon; 25835
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(b) Mails a copy of each proposed rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request; 25840
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(c) Consults with appropriate state and local governmental agencies or their representatives, including statewide organizations of local governmental officials, industrial representatives, and other interested persons; 25843
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(d) If the rule relates to agricultural pollution abatement, develops an economic impact statement concerning the effect of the proposed rule or amendment. 25847
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(10) Shall not conflict with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. Compliance with rules adopted pursuant to this section does not affect liability for noncompliance with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. The application of a level of management and conservation practices recommended under this section to control windblown soil from farming operations creates a presumption of 25850
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compliance with section 3704.03 of the Revised Code as that 25858
section applies to windblown soil. 25859

(11) Insofar as the rules relate to urban sediment pollution, 25860
shall not be applicable in a municipal corporation or county that 25861
adopts ordinances or rules for urban sediment control, except that 25862
a municipal corporation or county that adopts such ordinances or 25863
rules may receive moneys for urban sediment control that are 25864
disbursed by the board of supervisors of the applicable soil and 25865
water conservation district under division (N) of section 1515.08 25866
of the Revised Code. The rules shall not exempt any person from 25867
compliance with municipal ordinances enacted pursuant to Section 3 25868
of Article XVIII, Ohio Constitution. 25869

(F) Cost share with landowners on practices established 25870
pursuant to division (E)(5) of this section as moneys are 25871
appropriated and available for that purpose. Any practice for 25872
which cost share is provided shall be maintained for its useful 25873
life. Failure to maintain a cost share practice for its useful 25874
life shall subject the landowner to full repayment to the 25875
division. 25876

(G) Issue orders requiring compliance with any rule adopted 25877
under division (E)(1) of this section or with section 1511.022 of 25878
the Revised Code. Before the chief issues an order, the chief 25879
shall afford each person allegedly liable an adjudication hearing 25880
under Chapter 119. of the Revised Code. The chief may require in 25881
an order that a person who has caused agricultural pollution by 25882
failure to comply with the standards established under division 25883
(E)(1) of this section operate under an operation and management 25884
plan approved by the chief under this section. The chief shall 25885
require in an order that a person who has failed to comply with 25886
division (A) of section 1511.022 of the Revised Code prepare a 25887
composting plan in accordance with rules adopted under division 25888
(E)(10)(c) of this section and operate in accordance with that 25889

plan or that a person who has failed to operate in accordance with 25890
such a plan begin to operate in accordance with it. Each order 25891
shall be issued in writing and contain a finding by the chief of 25892
the facts upon which the order is based and the standard that is 25893
not being met. 25894

(H) Employ field assistants and such other employees as are 25895
necessary for the performance of the work prescribed by Chapter 25896
1515. of the Revised Code, for performance of work of the 25897
division, and as agreed to under working agreements or contractual 25898
arrangements with local soil and water conservation districts, 25899
prescribe their duties, and fix their compensation in accordance 25900
with such schedules as are provided by law for the compensation of 25901
state employees. 25902

All employees of the division, unless specifically exempted 25903
by law, shall be employed subject to the classified civil service 25904
laws in force at the time of employment. 25905

(I) In connection with new or relocated projects involving 25906
highways, underground cables, pipelines, railroads, and other 25907
improvements affecting soil and water resources, including surface 25908
and subsurface drainage: 25909

(1) Provide engineering service as is mutually agreeable to 25910
the Ohio soil and water conservation commission and the director 25911
to aid in the design and installation of soil and water 25912
conservation practices as a necessary component of such projects; 25913

(2) Maintain close liaison between the owners of lands on 25914
which the projects are executed, local soil and water conservation 25915
districts, and authorities responsible for such projects; 25916

(3) Review plans for such projects to ensure their compliance 25917
with standards developed under division (E) of this section in 25918
cooperation with the department of transportation or with any 25919
other interested agency that is engaged in soil or water 25920

conservation projects in the state in order to minimize adverse 25921
impacts on soil and water resources adjacent to or otherwise 25922
affected by these projects; 25923

(4) Recommend measures to retard erosion and protect soil and 25924
water resources through the installation of water impoundment or 25925
other soil and water conservation practices; 25926

(5) Cooperate with other agencies and subdivisions of the 25927
state to protect the agricultural status of rural lands adjacent 25928
to such projects and control adverse impacts on soil and water 25929
resources. 25930

(J) Collect, analyze, inventory, and interpret all available 25931
information pertaining to the origin, distribution, extent, use, 25932
and conservation of the soil resources of the state; 25933

(K) Prepare and maintain up-to-date reports, maps, and other 25934
materials pertaining to the soil resources of the state and their 25935
use and make that information available to governmental agencies, 25936
public officials, conservation entities, and the public; 25937

(L) Provide soil and water conservation districts with 25938
technical assistance including on-site soil investigations and 25939
soil interpretation reports on the suitability or limitations of 25940
soil to support a particular use or to plan soil conservation 25941
measures. The assistance shall be upon such terms as are mutually 25942
agreeable to the districts and the department of natural 25943
resources. 25944

(M) Assist local government officials in utilizing land use 25945
planning and zoning, current agricultural use value assessment, 25946
development reviews, and land management activities; 25947

(N) When necessary for the purposes of this chapter or 25948
Chapter 1515. of the Revised Code, develop or approve operation 25949
and management plans. 25950

This section does not restrict the excrement of domestic or farm animals defecated on land outside a concentrated animal feeding operation or runoff therefrom into the waters of the state.

Sec. 1511.022. (A) Any person who owns or operates an agricultural operation, or owns the animals raised by the owner or operator of an agricultural operation, and who wishes to conduct composting of dead animals resulting from the agricultural operation shall do both of the following:

(1) Participate in an educational course concerning composting conducted by ~~the Ohio cooperative~~ OSU extension service and obtain a certificate of completion for the course;

(2) Use the appropriate method, technique, or practice of composting established in rules adopted under division (E)(8) of section 1511.02 of the Revised Code.

(B) Any person who fails to comply with division (A) of this section shall prepare and operate under a composting plan in accordance with an order issued by the chief of the division of soil and water resources under division (G) of section 1511.02 of the Revised Code. If the person's proposed composting plan is disapproved by the board of supervisors of the appropriate soil and water conservation district under division (Q)(3) of section 1515.08 of the Revised Code, the person may appeal the plan disapproval to the chief, who shall afford the person a hearing. Following the hearing, the chief shall uphold the plan disapproval or reverse it. If the chief reverses the disapproval, the plan shall be deemed approved.

Sec. 1519.05. (A) As used in this section, "local political subdivision" and "nonprofit organization" have the same meanings as in section 164.20 of the Revised Code.

(B) There is hereby created in the state treasury the clean Ohio trail fund. Twelve and one-half per cent of the net proceeds of obligations issued and sold pursuant to sections 151.01 and 151.09 of the Revised Code shall be deposited into the fund. The fund also shall consist of money credited to it under section 151.50 of the Revised Code.

Investment earnings of the fund shall be credited to the fund and may be used to pay costs incurred by the director of natural resources in administering this section.

Money in the clean Ohio trail fund shall not be used for the appropriation of land, rights, rights-of-way, franchises, easements, or other property through the exercise of the right of eminent domain.

The director shall use moneys in the fund exclusively to provide matching grants to nonprofit organizations and to local political subdivisions for the purposes of purchasing land or interests in land for recreational trails and for the construction of such trails. A matching grant may provide up to seventy-five per cent of the cost of a recreational trail project, and the recipient of the matching grant shall provide not less than twenty-five per cent of that cost.

(C) The director shall establish policies for the purposes of this section. The policies shall establish all of the following:

(1) Procedures for providing matching grants to nonprofit organizations and local political subdivisions for the purposes of purchasing land or interests in land for recreational trails and for the construction of such trails, including, without limitation, procedures for both of the following:

(a) Developing a grant application form and soliciting, accepting, and approving grant applications;

(b) Participation by nonprofit organizations and local

political subdivisions in the application process. 26012

(2) A requirement that an application for a matching grant 26013
for a recreational trail project include a copy of a resolution 26014
supporting the project from each county in which the proposed 26015
project is to be conducted and whichever of the following is 26016
applicable: 26017

(a) If the proposed project is to be conducted wholly within 26018
the geographical boundaries of one township, a copy of a 26019
resolution supporting the project from the township; 26020

(b) If the proposed project is to be conducted wholly within 26021
the geographical boundaries of one municipal corporation, a copy 26022
of a resolution supporting the project from the municipal 26023
corporation; 26024

(c) If the proposed project is to be conducted in more than 26025
one, but fewer than five townships or municipal corporations, a 26026
copy of a resolution supporting the project from at least one-half 26027
of the total number of townships and municipal corporations in 26028
which the proposed project is to be conducted; 26029

(d) If the proposed project is to be conducted in five or 26030
more municipal corporations, a copy of a resolution supporting the 26031
project from at least three-fifths of the total number of 26032
townships and municipal corporations in which the proposed project 26033
is to be conducted. 26034

(3) Eligibility criteria that must be satisfied by an 26035
applicant in order to receive a matching grant and that emphasize 26036
the following: 26037

(a) Synchronization with the statewide trail plan; 26038

(b) Complete regional systems and links to the statewide 26039
trail system; 26040

(c) A combination of funds from various state agencies; 26041

(d) The provision of links in urban areas that support	26042
commuter access and show economic impact on local communities;	26043
(e) The linkage of population centers with public outdoor	26044
recreation areas and facilities;	26045
(f) The purchase of rail lines that are linked to the	26046
statewide trail plan;	26047
(g) The preservation of natural corridors.	26048
(4) Items of value, such as in-kind contributions of land,	26049
easements or other interests in land, labor, or materials, that	26050
may be considered as contributing toward the percentage of the	26051
cost of a recreational trails project that must be provided by a	26052
matching grant recipient.	26053
Sec. 1531.06. (A) The chief of the division of wildlife, with	26054
the approval of the director of natural resources, may acquire by	26055
gift, lease, purchase, or otherwise lands or surface rights upon	26056
lands and waters or surface rights upon waters for wild animals,	26057
fish or game management, preservation, propagation, and	26058
protection, outdoor and nature activities, public fishing and	26059
hunting grounds, and flora and fauna preservation. The chief, with	26060
the approval of the director, may receive by grant, devise,	26061
bequest, donation, or assignment evidences of indebtedness, the	26062
proceeds of which are to be used for the purchase of such lands or	26063
surface rights upon lands and waters or surface rights upon	26064
waters.	26065
(B)(1) The chief shall adopt rules for the protection of	26066
state-owned or leased lands and waters and property under the	26067
control of the division of wildlife against wrongful use or	26068
occupancy that will ensure the carrying out of the intent of this	26069
section, protect those lands, waters, and property from	26070
depredations, and preserve them from molestation, spoilation,	26071

destruction, or any improper use or occupancy thereof, including 26072
rules with respect to recreational activities and for the 26073
government and use of such lands, waters, and property. 26074

(2) The chief may adopt rules benefiting wild animals, fish 26075
or game management, preservation, propagation, and protection, 26076
outdoor and nature activities, public fishing and hunting grounds, 26077
and flora and fauna preservation, and regulating the taking and 26078
possession of wild animals on any lands or waters owned or leased 26079
or under the division's supervision and control and, for a 26080
specified period of years, may prohibit or recall the taking and 26081
possession of any wild animal on any portion of such lands or 26082
waters. The division clearly shall define and mark the boundaries 26083
of the lands and waters owned or leased or under its supervision 26084
and control upon which the taking of any wild animal is 26085
prohibited. 26086

(C) The chief, with the approval of the director, may acquire 26087
by gift, lease, or purchase land for the purpose of establishing 26088
state fish hatcheries and game farms and may erect on it buildings 26089
or structures that are necessary. 26090

The title to or lease of such lands and waters shall be taken 26091
by the chief in the name of the state. The lease or purchase price 26092
of all such lands and waters may be paid from hunting and trapping 26093
and fishing licenses and any other funds. 26094

(D) To provide more public recreation, stream and lake 26095
agreements for public fishing only may be obtained under rules 26096
adopted by the chief. 26097

(E) The chief, with the approval of the director, may 26098
establish user fees for the use of special public facilities or 26099
participation in special activities on lands and waters 26100
administered by the division. The special facilities and 26101
activities may include hunting or fishing on special designated 26102

public lands and waters intensively managed or stocked with 26103
artificially propagated game birds or fish, field trial 26104
facilities, wildlife nature centers, firearm ranges, boat mooring 26105
facilities, camping sites, and other similar special facilities 26106
and activities. The chief shall determine whether the user fees 26107
are refundable and shall ensure that that information is provided 26108
at the time the user fees are paid. 26109

(F) The chief, with the approval of the director, may enter 26110
into lease agreements for rental of concessions or other special 26111
projects situated on state-owned or leased lands or waters or 26112
other property under the division's control. The chief shall set 26113
and collect the fees for concession rentals or other special 26114
projects; regulate through contracts between the division and 26115
concessionaires the sale of tangible objects at concessions or 26116
other special projects; and keep a record of all such fee payments 26117
showing the amount received, from whom received, and for what 26118
purpose the fee was collected. 26119

(G) The chief may sell or donate conservation-related items 26120
or items that promote wildlife conservation, including, but not 26121
limited to, stamps, pins, badges, books, bulletins, maps, 26122
publications, calendars, and any other educational article or 26123
artifact pertaining to wild animals; sell confiscated or forfeited 26124
items; and sell surplus structures and equipment, and timber or 26125
crops from lands owned, administered, leased, or controlled by the 26126
division. The chief, with the approval of the director, also may 26127
engage in campaigns and special events that promote wildlife 26128
conservation by selling or donating wildlife-related materials, 26129
memberships, and other items of promotional value. 26130

(H) The chief may sell, lease, or transfer minerals or 26131
mineral rights, with the approval of the director, when the chief 26132
and the director determine it to be in the best interest of the 26133
state. Upon approval of the director, the chief may make, execute, 26134

and deliver contracts, including leases, to mine, drill, or 26135
excavate iron ore, stone, coal, salt, and other minerals, other 26136
than oil or gas, upon and under lands owned by the state and 26137
administered by the division to any person who complies with the 26138
terms of such a contract. No such contract shall be valid for more 26139
than fifty years from its effective date. Consideration for 26140
minerals and mineral rights shall be by rental or royalty basis as 26141
prescribed by the chief and payable as prescribed by contract. 26142
Moneys collected under this division shall be paid into the state 26143
treasury to the credit of the wildlife habitat fund created in 26144
section 1531.33 of the Revised Code. Contracts entered into under 26145
this division also may provide for consideration for minerals or 26146
mineral rights in the form of acquisition of lands as provided 26147
under divisions (A) and (C) of this section. 26148

(I) All moneys received under divisions (E), (F), and (G) of 26149
this section shall be paid into the state treasury to the credit 26150
of a fund that shall be used for the purposes outlined in section 26151
1533.15 of the Revised Code and for the management of other wild 26152
animals for their ecological and nonconsumptive recreational value 26153
or benefit. 26154

(J) The chief, with the approval of the director, may barter 26155
or sell wild animals to other states, state or federal agencies, 26156
and conservation or zoological organizations. Moneys received from 26157
the sale of wild animals shall be deposited into the ~~wild animal~~ 26158
wildlife fund created in section ~~1531.34~~ 1531.17 of the Revised 26159
Code. 26160

(K) The chief shall adopt rules establishing standards and 26161
guidelines for the administration of contraceptive chemicals to 26162
noncaptive wild animals. The rules may specify chemical delivery 26163
methods and devices and monitoring requirements. 26164

The chief shall establish criteria for the issuance of and 26165
shall issue permits for the administration of contraceptive 26166

chemicals to noncaptive wild animals. No person shall administer 26167
contraceptive chemicals to noncaptive wild animals without a 26168
permit issued by the chief. 26169

(L) All fees set by the chief under this section shall be 26170
approved by the wildlife council. 26171

(M) Information contained in the wildlife diversity database 26172
that is established pursuant to division (B)(2) of this section 26173
and section 1531.25 of the Revised Code may be made available to 26174
any individual or public or private agency for research, 26175
educational, environmental, land management, or other similar 26176
purposes that are not detrimental to the conservation of a species 26177
or feature. Information regarding sensitive site locations of 26178
species that are listed pursuant to section 1531.25 of the Revised 26179
Code and of features that are included in the wildlife diversity 26180
database is not subject to section 149.43 of the Revised Code if 26181
the chief determines that the release of the information could be 26182
detrimental to the conservation of a species or feature. 26183

Sec. 1531.17. All fines, penalties, and forfeitures arising 26184
from prosecutions, convictions, confiscations, or otherwise under 26185
this chapter and Chapters 1517. and 1533. of the Revised Code, 26186
unless otherwise directed by the director of natural resources, 26187
shall be paid by the officer by whom collected to the director and 26188
by ~~him~~ the director paid into the state treasury to the credit of 26189
the wildlife fund, which is hereby created, for the use of the 26190
division of wildlife. All moneys received from the sale of wild 26191
animals under division (J) of section 1531.06 shall be paid into 26192
the state treasury to the credit of the wildlife fund for the use 26193
of the division. All moneys collected as license fees on nets in 26194
the Lake Erie fishing district shall be paid by the director into 26195
the state treasury to the credit of the wildlife fund for use only 26196
in the betterment and the propagation of fish therein or in 26197

otherwise propagating fish in such district. All investment 26198
earnings of the fund shall be credited to the fund. The wildlife 26199
fund shall not be used for compensation of personnel employed by 26200
other divisions of the department of natural resources who are 26201
assigned to law enforcement duties in aid of the division of 26202
wildlife or for compensation of division of wildlife personnel for 26203
activities related to the instruction of personnel of other 26204
divisions. 26205

~~Sec. 1545.071. The following applies until the department of 26206
administrative services implements for park districts the health 26207
care plans under section 9.901 of the Revised Code. If those plans 26208
do not include or address any benefits listed in this section, the 26209
following provisions continue in effect for those benefits. 26210~~

The board of park commissioners of any park district may 26211
procure and pay all or any part of the cost of group insurance 26212
policies that may provide benefits for hospitalization, surgical 26213
care, major medical care, disability, dental care, eye care, 26214
medical care, hearing aids, or prescription drugs, or sickness and 26215
accident insurance or a combination of any of the foregoing types 26216
of insurance or coverage for park district officers and employees 26217
and their immediate dependents issued by an insurance company duly 26218
authorized to do business in this state. 26219

The board may procure and pay all or any part of the cost of 26220
group life insurance to insure the lives of park district 26221
employees. 26222

The board also may contract for group health care services 26223
with health insuring corporations holding a certificate of 26224
authority under Chapter 1751. of the Revised Code provided that 26225
each officer or employee is permitted to: 26226

(A) Choose between a plan offered by an insurance company and 26227
a plan offered by a health insuring corporation and provided 26228

further that the officer or employee pays any amount by which the 26229
cost of the plan chosen by the officer or employee exceeds the 26230
cost of the plan offered by the board under this section; 26231

(B) Change the choice made under division (A) of this section 26232
at a time each year as determined in advance by the board. 26233

Any appointed member of the board of park commissioners and 26234
the spouse and dependent children of the member may be covered, at 26235
the option and expense of the member, as a noncompensated employee 26236
of the park district under any benefit plan described in division 26237
(A) of this section. The member shall pay to the park district the 26238
amount certified to it by the benefit provider as the provider's 26239
charge for the coverage the member has chosen under division (A) 26240
of this section. Payments for coverage shall be made, in advance, 26241
in a manner prescribed by the board. The member's exercise of an 26242
option to be covered under this section shall be in writing, 26243
announced at a regular public meeting of the board, and recorded 26244
as a public record in the minutes of the board. 26245

The board may provide the benefits authorized in this section 26246
by contributing to a health and welfare trust fund administered 26247
through or in conjunction with a collective bargaining 26248
representative of the park district employees. 26249

The board may provide the benefits described in this section 26250
through an individual self-insurance program or a joint 26251
self-insurance program as provided in section 9.833 of the Revised 26252
Code. 26253

Sec. 1545.23. If a park district enters into an agreement for 26254
the sale or lease of mineral rights regarding a park within the 26255
district, any royalties or other moneys resulting from the sale or 26256
lease shall be deposited into a special fund that the board of 26257
park commissioners shall create. The fund shall be used 26258
exclusively for maintenance of parks within the district and for 26259

the acquisition of new park lands. 26260

Sec. 1547.99. (A) Whoever violates section 1547.91 of the Revised Code is guilty of a felony of the fourth degree. 26261
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(B) Whoever violates division (F) of section 1547.08, section 1547.10, division (I) of section 1547.111, section 1547.13, or section 1547.66 of the Revised Code is guilty of a misdemeanor of the first degree. 26263
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(C) Whoever violates a provision of this chapter or a rule adopted thereunder, for which no penalty is otherwise provided, is guilty of a minor misdemeanor. 26267
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(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. 26270
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(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code causing injury to persons or damage to property is guilty of a misdemeanor of the third degree. 26273
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(F) Whoever violates division (N) of section 1547.54, division (G) of section 1547.30, or section 1547.131, 1547.25, 1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 of the Revised Code or a rule adopted under division (A)(2) of section 1547.52 of the Revised Code is guilty of a misdemeanor of the fourth degree. 26276
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(G) Whoever violates section 1547.11 of the Revised Code is guilty of a misdemeanor of the first degree and shall be punished as provided in division (G)(1), (2), or (3) of this section. 26282
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(1) Except as otherwise provided in division (G)(2) or (3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to section 2929.24 of the Revised Code to a longer jail term. In addition, the court shall impose upon the offender a fine of not 26285
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less than one hundred fifty nor more than one thousand dollars. 26290

The court may suspend the execution of the mandatory jail 26291
term of three consecutive days that it is required to impose by 26292
division (G)(1) of this section if the court, in lieu of the 26293
suspended jail term, places the offender under a community control 26294
sanction pursuant to section 2929.25 of the Revised Code and 26295
requires the offender to attend, for three consecutive days, a 26296
drivers' intervention program that is certified pursuant to 26297
section ~~3793.10~~ 5119.38 of the Revised Code. The court also may 26298
suspend the execution of any part of the mandatory jail term of 26299
three consecutive days that it is required to impose by division 26300
(G)(1) of this section if the court places the offender under a 26301
community control sanction pursuant to section 2929.25 of the 26302
Revised Code for part of the three consecutive days; requires the 26303
offender to attend, for that part of the three consecutive days, a 26304
drivers' intervention program that is certified pursuant to 26305
section ~~3793.10~~ 5119.38 of the Revised Code; and sentences the 26306
offender to a jail term equal to the remainder of the three 26307
consecutive days that the offender does not spend attending the 26308
drivers' intervention program. The court may require the offender, 26309
as a condition of community control, to attend and satisfactorily 26310
complete any treatment or education programs, in addition to the 26311
required attendance at a drivers' intervention program, that the 26312
operators of the drivers' intervention program determine that the 26313
offender should attend and to report periodically to the court on 26314
the offender's progress in the programs. The court also may impose 26315
any other conditions of community control on the offender that it 26316
considers necessary. 26317

(2) If, within six years of the offense, the offender has 26318
been convicted of or pleaded guilty to one violation of section 26319
1547.11 of the Revised Code or one other equivalent offense, the 26320
court shall sentence the offender to a jail term of ten 26321

consecutive days and may sentence the offender pursuant to section 26322
2929.24 of the Revised Code to a longer jail term. In addition, 26323
the court shall impose upon the offender a fine of not less than 26324
one hundred fifty nor more than one thousand dollars. 26325

In addition to any other sentence that it imposes upon the 26326
offender, the court may require the offender to attend a drivers' 26327
intervention program that is certified pursuant to section ~~3793.10~~ 26328
5119.38 of the Revised Code. 26329

(3) If, within six years of the offense, the offender has 26330
been convicted of or pleaded guilty to more than one violation or 26331
offense identified in division (G)(2) of this section, the court 26332
shall sentence the offender to a jail term of thirty consecutive 26333
days and may sentence the offender to a longer jail term of not 26334
more than one year. In addition, the court shall impose upon the 26335
offender a fine of not less than one hundred fifty nor more than 26336
one thousand dollars. 26337

In addition to any other sentence that it imposes upon the 26338
offender, the court may require the offender to attend a drivers' 26339
intervention program that is certified pursuant to section ~~3793.10~~ 26340
5119.38 of the Revised Code. 26341

(4) Upon a showing that serving a jail term would seriously 26342
affect the ability of an offender sentenced pursuant to division 26343
(G)(1), (2), or (3) of this section to continue the offender's 26344
employment, the court may authorize that the offender be granted 26345
work release after the offender has served the mandatory jail term 26346
of three, ten, or thirty consecutive days that the court is 26347
required by division (G)(1), (2), or (3) of this section to 26348
impose. No court shall authorize work release during the mandatory 26349
jail term of three, ten, or thirty consecutive days that the court 26350
is required by division (G)(1), (2), or (3) of this section to 26351
impose. The duration of the work release shall not exceed the time 26352
necessary each day for the offender to commute to and from the 26353

place of employment and the place in which the jail term is served 26354
and the time actually spent under employment. 26355

(5) Notwithstanding any section of the Revised Code that 26356
authorizes the suspension of the imposition or execution of a 26357
sentence or the placement of an offender in any treatment program 26358
in lieu of being imprisoned or serving a jail term, no court shall 26359
suspend the mandatory jail term of ten or thirty consecutive days 26360
required to be imposed by division (G)(2) or (3) of this section 26361
or place an offender who is sentenced pursuant to division (G)(2) 26362
or (3) of this section in any treatment program in lieu of being 26363
imprisoned or serving a jail term until after the offender has 26364
served the mandatory jail term of ten or thirty consecutive days 26365
required to be imposed pursuant to division (G)(2) or (3) of this 26366
section. Notwithstanding any section of the Revised Code that 26367
authorizes the suspension of the imposition or execution of a 26368
sentence or the placement of an offender in any treatment program 26369
in lieu of being imprisoned or serving a jail term, no court, 26370
except as specifically authorized by division (G)(1) of this 26371
section, shall suspend the mandatory jail term of three 26372
consecutive days required to be imposed by division (G)(1) of this 26373
section or place an offender who is sentenced pursuant to division 26374
(G)(1) of this section in any treatment program in lieu of 26375
imprisonment until after the offender has served the mandatory 26376
jail term of three consecutive days required to be imposed 26377
pursuant to division (G)(1) of this section. 26378

(6) As used in division (G) of this section: 26379

(a) "Equivalent offense" has the same meaning as in section 26380
4511.181 of the Revised Code. 26381

(b) "Jail term" and "mandatory jail term" have the same 26382
meanings as in section 2929.01 of the Revised Code. 26383

(H) Whoever violates section 1547.304 of the Revised Code is 26384

guilty of a misdemeanor of the fourth degree and also shall be 26385
assessed any costs incurred by the state or a county, township, 26386
municipal corporation, or other political subdivision in disposing 26387
of an abandoned junk vessel or outboard motor, less any money 26388
accruing to the state, county, township, municipal corporation, or 26389
other political subdivision from that disposal. 26390

(I) Whoever violates division (B) or (C) of section 1547.49 26391
of the Revised Code is guilty of a minor misdemeanor. 26392

(J) Whoever violates section 1547.31 of the Revised Code is 26393
guilty of a misdemeanor of the fourth degree on a first offense. 26394
On each subsequent offense, the person is guilty of a misdemeanor 26395
of the third degree. 26396

(K) Whoever violates section 1547.05 or 1547.051 of the 26397
Revised Code is guilty of a misdemeanor of the fourth degree if 26398
the violation is not related to a collision, injury to a person, 26399
or damage to property and a misdemeanor of the third degree if the 26400
violation is related to a collision, injury to a person, or damage 26401
to property. 26402

(L) The sentencing court, in addition to the penalty provided 26403
under this section for a violation of this chapter or a rule 26404
adopted under it that involves a powercraft powered by more than 26405
ten horsepower and that, in the opinion of the court, involves a 26406
threat to the safety of persons or property, shall order the 26407
offender to complete successfully a boating course approved by the 26408
national association of state boating law administrators before 26409
the offender is allowed to operate a powercraft powered by more 26410
than ten horsepower on the waters in this state. Violation of a 26411
court order entered under this division is punishable as contempt 26412
under Chapter 2705. of the Revised Code. 26413

Sec. 1548.02. The chief of the division of watercraft shall 26414
adopt such rules as the chief considers necessary to ensure 26415

uniform and orderly operation of this chapter, and the clerks of 26416
the courts of common pleas shall conform to those rules. The chief 26417
shall receive and file in the chief's office all information 26418
forwarded to the chief by the clerks under this chapter and shall 26419
maintain indexes covering the state at large for that information. 26420
These indexes shall be for the state at large and not for 26421
individual counties. 26422

The chief shall check with the chief's record all duplicate 26423
certificates of title received in the chief's office from the 26424
clerks. 26425

If it appears that any certificate of title has been 26426
improperly issued or is no longer required, the chief shall cancel 26427
the certificate. Upon the cancellation of any certificate of 26428
title, the chief shall notify the clerk who issued it, and the 26429
clerk shall enter the cancellation in the clerk's records. The 26430
chief also shall notify the person to whom the certificate of 26431
title was issued, as well as any lienholders appearing on it, of 26432
the cancellation and, if it is a physical certificate of title, 26433
shall demand the surrender of the certificate of title, but the 26434
cancellation shall not affect the validity of any lien noted on 26435
it. The holder of a physical certificate of title shall return it 26436
to the chief immediately. 26437

The clerks shall keep on hand a sufficient supply of blank 26438
forms that, except certificate of title and memorandum certificate 26439
forms, shall be furnished and distributed without charge to 26440
registered manufacturers or dealers or to other persons residing 26441
within the county. The clerks shall provide the certificates of 26442
title, ~~the~~ and ribbons, cartridges, or other devices necessary for 26443
~~data~~ the operation of the certificate of title processing, and 26444
~~removable backup media~~ equipment as determined by the automated 26445
title processing board pursuant to division (C) of section 4505.09 26446
of the Revised Code from moneys provided to the clerks from the 26447

automated title processing fund in accordance with division 26448
(B)~~(3)(b)~~ of section 4505.09 of the Revised Code. The clerks shall 26449
furnish all other supplies from other moneys available to the 26450
clerks. 26451

Sec. 1551.33. (A) The director of development services shall 26452
appoint and fix the compensation of the director of the Ohio coal 26453
development office. The director shall serve at the pleasure of 26454
the director of development services. 26455

(B) The director of the office shall do all of the following: 26456

(1) Biennially prepare and maintain the Ohio coal development 26457
agenda required under section 1551.34 of the Revised Code; 26458

(2) Propose and support policies for the office consistent 26459
with the Ohio coal development agenda and develop means to 26460
implement the agenda; 26461

(3) Initiate, undertake, and support projects to carry out 26462
the office's purposes and ensure that the projects are consistent 26463
with and meet the selection criteria established by the Ohio coal 26464
development agenda; 26465

(4) Actively encourage joint participation in and, when 26466
feasible, joint funding of the office's projects with governmental 26467
agencies, electric utilities, universities and colleges, other 26468
public or private interests, or any other person; 26469

(5) Establish a table of organization for and employ such 26470
employees and agents as are necessary for the administration and 26471
operation of the office. Any such employees shall be in the 26472
unclassified service and shall serve at the pleasure of the 26473
director of development services. 26474

(6) ~~Appoint specified members of and convene~~ Convene the 26475
technical advisory committee established under section 1551.35 of 26476
the Revised Code; 26477

(7) Review, with the assistance of the technical advisory committee, proposed coal research and development projects as defined in section 1555.01 of the Revised Code, and coal development projects, submitted to the office by public utilities for the purpose of section 4905.304 of the Revised Code. If the director and the advisory committee determine that any such facility or project has as its purpose the enhanced use of Ohio coal in an environmentally acceptable, cost effective manner, promotes energy conservation, is cost effective, and is environmentally sound, the director shall submit to the public utilities commission a report recommending that the commission allow the recovery of costs associated with the facility or project under section 4905.304 of the Revised Code and including the reasons for the recommendation.

(8) Establish such policies, procedures, and guidelines as are necessary to achieve the office's purposes.

(C) With the approval of the director of development services, the director of the office may exercise any of the powers and duties that the director of development services considers appropriate or desirable to achieve the office's purposes, including, but not limited to, the powers and duties enumerated in sections 1551.11, 1551.12, and 1551.15 of the Revised Code.

Additionally, the director of the office may make loans to governmental agencies or persons for projects to carry out the office's purposes. Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of the loans shall be such as the director of the office determines to be appropriate and in furtherance of the purposes for which the loans are made. The mortgage lien securing any moneys lent by the director of the office may be subordinate to the mortgage lien securing any moneys lent or invested by a

financial institution, but shall be superior to that securing any 26510
moneys lent or expended by any other person. The moneys used in 26511
making the loans shall be disbursed upon order of the director of 26512
the office. 26513

Sec. 1551.35. (A) There is hereby established a technical 26514
advisory committee to assist the director of the Ohio coal 26515
development office in achieving the office's purposes. The 26516
director of development services shall appoint to the committee 26517
one member of the public utilities commission and one 26518
representative each of coal production companies, the united mine 26519
workers of America, electric utilities, manufacturers that use 26520
Ohio coal, and environmental organizations, as well as two people 26521
with a background in coal research and development technology, one 26522
of whom is employed at the time of the member's appointment by a 26523
state university, as defined in section 3345.011 of the Revised 26524
Code. In addition, the committee shall include four legislative 26525
members. The speaker and minority leader of the house of 26526
representatives each shall appoint one member of the house of 26527
representatives, and the president and minority leader of the 26528
senate each shall appoint one member of the senate, to the 26529
committee. The director of environmental protection shall serve on 26530
the committee as an ex officio member. Any member of the committee 26531
may designate in writing a substitute to serve in the member's 26532
absence on the committee. The director of environmental protection 26533
may designate in writing the chief of the air pollution control 26534
division of the agency to represent the agency. Members shall 26535
serve on the committee at the pleasure of their appointing 26536
authority. Members of the committee appointed by the director of 26537
~~the office~~ development services and, notwithstanding section 26538
101.26 of the Revised Code, legislative members of the committee, 26539
when engaged in their official duties as members of the committee, 26540
shall be compensated on a per diem basis in accordance with 26541

division (J) of section 124.15 of the Revised Code, except that 26542
the member of the public utilities commission and, while employed 26543
by a state university, the member with a background in coal 26544
research, shall not be so compensated. Members shall receive their 26545
actual and necessary expenses incurred in the performance of their 26546
duties. 26547

(B) The technical advisory committee shall review and make 26548
recommendations concerning the Ohio coal development agenda 26549
required under section 1551.34 of the Revised Code, project 26550
proposals, research and development projects submitted to the 26551
office by public utilities for the purpose of section 4905.304 of 26552
the Revised Code, proposals for grants, loans, and loan guarantees 26553
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 26554
and such other topics as the director of the office considers 26555
appropriate. 26556

(C) The technical advisory committee may hold an executive 26557
session at any regular or special meeting for the purpose of 26558
considering research and development project proposals or 26559
applications for assistance submitted to the Ohio coal development 26560
office under section 1551.33, or sections 1555.01 to 1555.06, of 26561
the Revised Code, to the extent that the proposals or applications 26562
consist of trade secrets or other proprietary information. 26563

Any materials or data submitted to, made available to, or 26564
received by the ~~department of development~~ services agency or the 26565
director of the Ohio coal development office in connection with 26566
agreements for assistance entered into under this chapter or 26567
Chapter 1555. of the Revised Code, or any information taken from 26568
those materials or data for any purpose, to the extent that the 26569
materials or data consist of trade secrets or other proprietary 26570
information, are not public records for the purposes of section 26571
149.43 of the Revised Code. 26572

As used in this division, "trade secrets" has the same 26573

meaning as in section 1333.61 of the Revised Code. 26574

Sec. 1555.15. There is hereby created in the state treasury 26575
the coal research and development fund. Moneys obtained for coal 26576
research and development projects from federal grants or loans, 26577
private grants, and other sources, and moneys paid into the fund 26578
pursuant to section 151.07 or 1555.08 of the Revised Code, shall 26579
be expended for the purpose of making grants and making or 26580
guaranteeing loans for coal research and development projects that 26581
will encourage the use of Ohio coal, to any individual, 26582
association, or corporation doing business in this state, or to 26583
any educational or scientific institution located in this state as 26584
provided for in Section 15 of Article VIII, Ohio Constitution and 26585
section 1555.08 of the Revised Code, when appropriated for such 26586
purposes by the general assembly. All investment earnings on the 26587
cash balance in the fund shall be credited to the fund. 26588

The director of budget and management shall establish and 26589
maintain records or accounts for or within the coal research and 26590
development fund in such manner as to show the amounts credited to 26591
such fund pursuant to section 1555.08 of the Revised Code and that 26592
the amounts so credited have been expended for the purposes set 26593
forth in Section 15 of Article VIII, Ohio Constitution, and 26594
section 151.07 of the Revised Code. The director of budget and 26595
management may otherwise manage the fund to comply with any 26596
requirements established by federal grants or loans, private 26597
grants, or moneys from other sources. 26598

Sec. 1711.07. The board of directors of a county or 26599
independent agricultural society shall consist of at least eight 26600
members. An employee of the ~~Ohio state university~~ OSU extension 26601
~~service~~ and the county school superintendent shall be members ex 26602
officio. Their terms of office shall be determined by the rules of 26603
the department of agriculture. Any vacancy in the board caused by 26604

death, resignation, refusal to qualify, removal from county, or 26605
other cause may be filled by the board until the society's next 26606
annual election, when a director shall be elected for the 26607
unexpired term. There shall be an annual election of directors by 26608
ballot at a time and a place fixed by the board, but this election 26609
shall not be held later than the first Saturday in December 1994, 26610
and not later than the fifteenth day of November each year 26611
thereafter, beginning in 1995. The secretary of the society shall 26612
give notice of ~~such~~ the election, for three weeks prior to the 26613
holding thereof, in a newspaper of general circulation in the 26614
county or as provided in section 7.16 of the Revised Code, or by 26615
letter mailed to each member of the society. Only persons holding 26616
membership certificates at the close of the annual county fair, or 26617
at least fifteen calendar days before the date of election, as may 26618
be fixed by the board, may vote, unless ~~such~~ the election is held 26619
on the fairground during the fair, in which case all persons 26620
holding membership certificates on the date and hour of the 26621
election may vote. When the election is to be held during the 26622
fair, notice of ~~such~~ the election ~~must~~ shall be prominently 26623
mentioned in the premium list, in addition to the notice required 26624
in a newspaper. The terms of office of the retiring directors 26625
shall expire, and those of the directors-elect shall begin, not 26626
later than the first Saturday in January 1995, and not later than 26627
the thirtieth day of November each year thereafter, beginning in 26628
1995. 26629

The secretary of ~~such~~ the society shall send the name and 26630
address of each member of its board to the director of agriculture 26631
within ten days after the election. 26632

Sec. 1724.03. (A) After the articles of incorporation have 26633
been filed, and at the first meeting of the board of directors of 26634
a county land reutilization corporation, the board shall adopt 26635
regulations for the government of the corporation, the conduct of 26636

its affairs, and the management of its property, consistent with 26637
law and the articles. The content of the regulations shall be 26638
governed by section 1702.11 of the Revised Code to the extent not 26639
inconsistent with this chapter. 26640

(B) The board of directors of a county land reutilization 26641
corporation shall be composed of five, seven, or nine members, 26642
including the county treasurer, at least two of the members of the 26643
board of county commissioners, one representative of the largest 26644
municipal corporation, based on the population according to the 26645
most recent federal decennial census, that is located in the 26646
county, one representative of a township with a population of at 26647
least ten thousand in the unincorporated area of the township 26648
according to the most recent federal decennial census, if at least 26649
two such townships exist in the county, and any remaining members 26650
selected by the treasurer and the county commissioners who are 26651
members of the corporation's board. The township representative 26652
shall be chosen by a majority of the boards of township trustees 26653
of townships with a population of at least ten thousand in the 26654
unincorporated area of the township according to the most recent 26655
federal decennial census. At least one board member shall have 26656
private sector or nonprofit experience in rehabilitation or real 26657
estate acquisitions. A county treasurer and the county 26658
commissioners each may appoint a representative, as a director of 26659
the corporation, to act for the officer at any of the meetings of 26660
the corporation. Except as may otherwise be authorized by the 26661
regulations of the corporation, all members of the board of 26662
directors shall serve without compensation, but shall be 26663
reimbursed for actual and necessary expenses. 26664

Sec. 1739.061. (A)(1) This section applies to both of the 26665
following: 26666

(a) A multiple employer welfare arrangement that issues or 26667

requires the use of a standardized identification card or an 26668
electronic technology for submission and routing of prescription 26669
drug claims; 26670

(b) A person or entity that a multiple employer welfare 26671
arrangement contracts with to issue a standardized identification 26672
card or an electronic technology described in division (A)(1)(a) 26673
of this section. 26674

(2) Notwithstanding division (A)(1) of this section, this 26675
section does not apply to the issuance or required use of a 26676
standardized identification card or an electronic technology for 26677
the submission and routing of prescription drug claims in 26678
connection with any of the following: 26679

(a) Any program or arrangement covering only accident, 26680
credit, dental, disability income, long-term care, hospital 26681
indemnity, medicare supplement, medicare, tricare, specified 26682
disease, or vision care; coverage under a 26683
one-time-limited-duration policy of not longer than six months; 26684
coverage issued as a supplement to liability insurance; insurance 26685
arising out of workers' compensation or similar law; automobile 26686
medical payment insurance; or insurance under which benefits are 26687
payable with or without regard to fault and which is statutorily 26688
required to be contained in any liability insurance policy or 26689
equivalent self-insurance. 26690

(b) Coverage provided under the medicaid, ~~as defined in~~ 26691
~~section 5111.01 of the Revised Code~~ program. 26692

(c) Coverage provided under an employer's self-insurance plan 26693
or by any of its administrators, as defined in section 3959.01 of 26694
the Revised Code, to the extent that federal law supersedes, 26695
preempts, prohibits, or otherwise precludes the application of 26696
this section to the plan and its administrators. 26697

(B) A standardized identification card or an electronic 26698

technology issued or required to be used as provided in division 26699
(A)(1) of this section shall contain uniform prescription drug 26700
information in accordance with either division (B)(1) or (2) of 26701
this section. 26702

(1) The standardized identification card or the electronic 26703
technology shall be in a format and contain information fields 26704
approved by the national council for prescription drug programs or 26705
a successor organization, as specified in the council's or 26706
successor organization's pharmacy identification card 26707
implementation guide in effect on the first day of October most 26708
immediately preceding the issuance or required use of the 26709
standardized identification card or the electronic technology. 26710

(2) If the multiple employer welfare arrangement or person 26711
under contract with it to issue a standardized identification card 26712
or an electronic technology requires the information for the 26713
submission and routing of a claim, the standardized identification 26714
card or the electronic technology shall contain any of the 26715
following information: 26716

(a) The name of the multiple employer welfare arrangement; 26717

(b) The individual's name, group number, and identification 26718
number; 26719

(c) A telephone number to inquire about pharmacy-related 26720
issues; 26721

(d) The issuer's international identification number, labeled 26722
as "ANSI BIN" or "RxBIN"; 26723

(e) The processor's control number, labeled as "RxPCN"; 26724

(f) The individual's pharmacy benefits group number if 26725
different from the insured's medical group number, labeled as 26726
"RxGrp." 26727

(C) If the standardized identification card or the electronic 26728

technology issued or required to be used as provided in division 26729
(A)(1) of this section is also used for submission and routing of 26730
nonpharmacy claims, the designation "Rx" is required to be 26731
included as part of the labels identified in divisions (B)(2)(d) 26732
and (e) of this section if the issuer's international 26733
identification number or the processor's control number is 26734
different for medical and pharmacy claims. 26735

(D) Each multiple employer welfare arrangement described in 26736
division (A) of this section shall annually file a certificate 26737
with the superintendent of insurance certifying that it or any 26738
person it contracts with to issue a standardized identification 26739
card or electronic technology for submission and routing of 26740
prescription drug claims complies with this section. 26741

(E)(1) Except as provided in division (E)(2) of this section, 26742
if there is a change in the information contained in the 26743
standardized identification card or the electronic technology 26744
issued to an individual, the multiple employer welfare arrangement 26745
or person under contract with it to issue a standardized 26746
identification card or an electronic technology shall issue a new 26747
card or electronic technology to the individual. 26748

(2) A multiple employer welfare arrangement or person under 26749
contract with it is not required under division (E)(1) of this 26750
section to issue a new card or electronic technology to an 26751
individual more than once during a twelve-month period. 26752

(F) Nothing in this section shall be construed as requiring a 26753
multiple employer welfare arrangement to produce more than one 26754
standardized identification card or one electronic technology for 26755
use by individuals accessing health care benefits provided under a 26756
multiple employer welfare arrangement. 26757

Sec. 1751.01. As used in this chapter: 26758

(A)(1) "Basic health care services" means the following	26759
services when medically necessary:	26760
(a) Physician's services, except when such services are	26761
supplemental under division (B) of this section;	26762
(b) Inpatient hospital services;	26763
(c) Outpatient medical services;	26764
(d) Emergency health services;	26765
(e) Urgent care services;	26766
(f) Diagnostic laboratory services and diagnostic and	26767
therapeutic radiologic services;	26768
(g) Diagnostic and treatment services, other than	26769
prescription drug services, for biologically based mental	26770
illnesses;	26771
(h) Preventive health care services, including, but not	26772
limited to, voluntary family planning services, infertility	26773
services, periodic physical examinations, prenatal obstetrical	26774
care, and well-child care;	26775
(i) Routine patient care for patients enrolled in an eligible	26776
cancer clinical trial pursuant to section 3923.80 of the Revised	26777
Code.	26778
"Basic health care services" does not include experimental	26779
procedures.	26780
Except as provided by divisions (A)(2) and (3) of this	26781
section in connection with the offering of coverage for diagnostic	26782
and treatment services for biologically based mental illnesses, a	26783
health insuring corporation shall not offer coverage for a health	26784
care service, defined as a basic health care service by this	26785
division, unless it offers coverage for all listed basic health	26786
care services. However, this requirement does not apply to the	26787
coverage of beneficiaries enrolled in medicare pursuant to a	26788

medicare contract, or to the coverage of beneficiaries enrolled in 26789
the federal employee health benefits program pursuant to 5 26790
U.S.C.A. 8905, or to the coverage of medicaid recipients, or to 26791
the coverage of beneficiaries under any federal health care 26792
program regulated by a federal regulatory body, or to the coverage 26793
of beneficiaries under any contract covering officers or employees 26794
of the state that has been entered into by the department of 26795
administrative services. 26796

(2) A health insuring corporation may offer coverage for 26797
diagnostic and treatment services for biologically based mental 26798
illnesses without offering coverage for all other basic health 26799
care services. A health insuring corporation may offer coverage 26800
for diagnostic and treatment services for biologically based 26801
mental illnesses alone or in combination with one or more 26802
supplemental health care services. However, a health insuring 26803
corporation that offers coverage for any other basic health care 26804
service shall offer coverage for diagnostic and treatment services 26805
for biologically based mental illnesses in combination with the 26806
offer of coverage for all other listed basic health care services. 26807

(3) A health insuring corporation that offers coverage for 26808
basic health care services is not required to offer coverage for 26809
diagnostic and treatment services for biologically based mental 26810
illnesses in combination with the offer of coverage for all other 26811
listed basic health care services if all of the following apply: 26812

(a) The health insuring corporation submits documentation 26813
certified by an independent member of the American academy of 26814
actuaries to the superintendent of insurance showing that incurred 26815
claims for diagnostic and treatment services for biologically 26816
based mental illnesses for a period of at least six months 26817
independently caused the health insuring corporation's costs for 26818
claims and administrative expenses for the coverage of basic 26819
health care services to increase by more than one per cent per 26820

year. 26821

(b) The health insuring corporation submits a signed letter 26822
from an independent member of the American academy of actuaries to 26823
the superintendent of insurance opining that the increase in costs 26824
described in division (A)(3)(a) of this section could reasonably 26825
justify an increase of more than one per cent in the annual 26826
premiums or rates charged by the health insuring corporation for 26827
the coverage of basic health care services. 26828

(c) The superintendent of insurance makes the following 26829
determinations from the documentation and opinion submitted 26830
pursuant to divisions (A)(3)(a) and (b) of this section: 26831

(i) Incurred claims for diagnostic and treatment services for 26832
biologically based mental illnesses for a period of at least six 26833
months independently caused the health insuring corporation's 26834
costs for claims and administrative expenses for the coverage of 26835
basic health care services to increase by more than one per cent 26836
per year. 26837

(ii) The increase in costs reasonably justifies an increase 26838
of more than one per cent in the annual premiums or rates charged 26839
by the health insuring corporation for the coverage of basic 26840
health care services. 26841

Any determination made by the superintendent under this 26842
division is subject to Chapter 119. of the Revised Code. 26843

(B)(1) "Supplemental health care services" means any health 26844
care services other than basic health care services that a health 26845
insuring corporation may offer, alone or in combination with 26846
either basic health care services or other supplemental health 26847
care services, and includes: 26848

(a) Services of facilities for intermediate or long-term 26849
care, or both; 26850

(b) Dental care services;	26851
(c) Vision care and optometric services including lenses and frames;	26852 26853
(d) Podiatric care or foot care services;	26854
(e) Mental health services, excluding diagnostic and treatment services for biologically based mental illnesses;	26855 26856
(f) Short-term outpatient evaluative and crisis-intervention mental health services;	26857 26858
(g) Medical or psychological treatment and referral services for alcohol and drug abuse or addiction;	26859 26860
(h) Home health services;	26861
(i) Prescription drug services;	26862
(j) Nursing services;	26863
(k) Services of a dietitian licensed under Chapter 4759. of the Revised Code;	26864 26865
(l) Physical therapy services;	26866
(m) Chiropractic services;	26867
(n) Any other category of services approved by the superintendent of insurance.	26868 26869
(2) If a health insuring corporation offers prescription drug services under this division, the coverage shall include prescription drug services for the treatment of biologically based mental illnesses on the same terms and conditions as other physical diseases and disorders.	26870 26871 26872 26873 26874
(C) "Specialty health care services" means one of the supplemental health care services listed in division (B) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services.	26875 26876 26877 26878 26879

(D) "Biologically based mental illnesses" means	26880
schizophrenia, schizoaffective disorder, major depressive	26881
disorder, bipolar disorder, paranoia and other psychotic	26882
disorders, obsessive-compulsive disorder, and panic disorder, as	26883
these terms are defined in the most recent edition of the	26884
diagnostic and statistical manual of mental disorders published by	26885
the American psychiatric association.	26886
(E) "Closed panel plan" means a health care plan that	26887
requires enrollees to use participating providers.	26888
(F) "Compensation" means remuneration for the provision of	26889
health care services, determined on other than a fee-for-service	26890
or discounted-fee-for-service basis.	26891
(G) "Contractual periodic prepayment" means the formula for	26892
determining the premium rate for all subscribers of a health	26893
insuring corporation.	26894
(H) "Corporation" means a corporation formed under Chapter	26895
1701. or 1702. of the Revised Code or the similar laws of another	26896
state.	26897
(I) "Emergency health services" means those health care	26898
services that must be available on a seven-days-per-week,	26899
twenty-four-hours-per-day basis in order to prevent jeopardy to an	26900
enrollee's health status that would occur if such services were	26901
not received as soon as possible, and includes, where appropriate,	26902
provisions for transportation and indemnity payments or service	26903
agreements for out-of-area coverage.	26904
(J) "Enrollee" means any natural person who is entitled to	26905
receive health care benefits provided by a health insuring	26906
corporation.	26907
(K) "Evidence of coverage" means any certificate, agreement,	26908
policy, or contract issued to a subscriber that sets out the	26909
coverage and other rights to which such person is entitled under a	26910

health care plan. 26911

(L) "Health care facility" means any facility, except a 26912
health care practitioner's office, that provides preventive, 26913
diagnostic, therapeutic, acute convalescent, rehabilitation, 26914
mental health, mental retardation, intermediate care, or skilled 26915
nursing services. 26916

(M) "Health care services" means basic, supplemental, and 26917
specialty health care services. 26918

(N) "Health delivery network" means any group of providers or 26919
health care facilities, or both, or any representative thereof, 26920
that have entered into an agreement to offer health care services 26921
in a panel rather than on an individual basis. 26922

(O) "Health insuring corporation" means a corporation, as 26923
defined in division (H) of this section, that, pursuant to a 26924
policy, contract, certificate, or agreement, pays for, reimburses, 26925
or provides, delivers, arranges for, or otherwise makes available, 26926
basic health care services, supplemental health care services, or 26927
specialty health care services, or a combination of basic health 26928
care services and either supplemental health care services or 26929
specialty health care services, through either an open panel plan 26930
or a closed panel plan. 26931

"Health insuring corporation" does not include a limited 26932
liability company formed pursuant to Chapter 1705. of the Revised 26933
Code, an insurer licensed under Title XXXIX of the Revised Code if 26934
that insurer offers only open panel plans under which all 26935
providers and health care facilities participating receive their 26936
compensation directly from the insurer, a corporation formed by or 26937
on behalf of a political subdivision or a department, office, or 26938
institution of the state, or a public entity formed by or on 26939
behalf of a board of county commissioners, a county board of 26940
developmental disabilities, an alcohol and drug addiction services 26941

board, a board of alcohol, drug addiction, and mental health 26942
services, or a community mental health board, as those terms are 26943
used in Chapters 340. and 5126. of the Revised Code. Except as 26944
provided by division (D) of section 1751.02 of the Revised Code, 26945
or as otherwise provided by law, no board, commission, agency, or 26946
other entity under the control of a political subdivision may 26947
accept insurance risk in providing for health care services. 26948
However, nothing in this division shall be construed as 26949
prohibiting such entities from purchasing the services of a health 26950
insuring corporation or a third-party administrator licensed under 26951
Chapter 3959. of the Revised Code. 26952

(P) "Intermediary organization" means a health delivery 26953
network or other entity that contracts with licensed health 26954
insuring corporations or self-insured employers, or both, to 26955
provide health care services, and that enters into contractual 26956
arrangements with other entities for the provision of health care 26957
services for the purpose of fulfilling the terms of its contracts 26958
with the health insuring corporations and self-insured employers. 26959

(Q) "Intermediate care" means residential care above the 26960
level of room and board for patients who require personal 26961
assistance and health-related services, but who do not require 26962
skilled nursing care. 26963

~~(R) "Medicaid" has the same meaning as in section 5111.01 of~~ 26964
~~the Revised Code.~~ 26965

~~(S) "Medical record" means the personal information that~~ 26966
~~relates to an individual's physical or mental condition, medical~~ 26967
~~history, or medical treatment.~~ 26968

~~(T) "Medicare" means the program established under Title~~ 26969
~~XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C.~~ 26970
~~1395, as amended.~~ 26971

~~(U)~~(S)(1) "Open panel plan" means a health care plan that 26972

provides incentives for enrollees to use participating providers 26973
and that also allows enrollees to use providers that are not 26974
participating providers. 26975

(2) No health insuring corporation may offer an open panel 26976
plan, unless the health insuring corporation is also licensed as 26977
an insurer under Title XXXIX of the Revised Code, the health 26978
insuring corporation, on June 4, 1997, holds a certificate of 26979
authority or license to operate under Chapter 1736. or 1740. of 26980
the Revised Code, or an insurer licensed under Title XXXIX of the 26981
Revised Code is responsible for the out-of-network risk as 26982
evidenced by both an evidence of coverage filing under section 26983
1751.11 of the Revised Code and a policy and certificate filing 26984
under section 3923.02 of the Revised Code. 26985

~~(V)~~(T) "Osteopathic hospital" means a hospital registered 26986
under section 3701.07 of the Revised Code that advocates 26987
osteopathic principles and the practice and perpetuation of 26988
osteopathic medicine by doing any of the following: 26989

(1) Maintaining a department or service of osteopathic 26990
medicine or a committee on the utilization of osteopathic 26991
principles and methods, under the supervision of an osteopathic 26992
physician; 26993

(2) Maintaining an active medical staff, the majority of 26994
which is comprised of osteopathic physicians; 26995

(3) Maintaining a medical staff executive committee that has 26996
osteopathic physicians as a majority of its members. 26997

~~(W)~~(U) "Panel" means a group of providers or health care 26998
facilities that have joined together to deliver health care 26999
services through a contractual arrangement with a health insuring 27000
corporation, employer group, or other payor. 27001

~~(X)~~(V) "Person" has the same meaning as in section 1.59 of 27002
the Revised Code, and, unless the context otherwise requires, 27003

includes any insurance company holding a certificate of authority 27004
under Title XXXIX of the Revised Code, any subsidiary and 27005
affiliate of an insurance company, and any government agency. 27006

~~(Y)~~(W) "Premium rate" means any set fee regularly paid by a 27007
subscriber to a health insuring corporation. A "premium rate" does 27008
not include a one-time membership fee, an annual administrative 27009
fee, or a nominal access fee, paid to a managed health care system 27010
under which the recipient of health care services remains solely 27011
responsible for any charges accessed for those services by the 27012
provider or health care facility. 27013

~~(Z)~~(X) "Primary care provider" means a provider that is 27014
designated by a health insuring corporation to supervise, 27015
coordinate, or provide initial care or continuing care to an 27016
enrollee, and that may be required by the health insuring 27017
corporation to initiate a referral for specialty care and to 27018
maintain supervision of the health care services rendered to the 27019
enrollee. 27020

~~(AA)~~(Y) "Provider" means any natural person or partnership of 27021
natural persons who are licensed, certified, accredited, or 27022
otherwise authorized in this state to furnish health care 27023
services, or any professional association organized under Chapter 27024
1785. of the Revised Code, provided that nothing in this chapter 27025
or other provisions of law shall be construed to preclude a health 27026
insuring corporation, health care practitioner, or organized 27027
health care group associated with a health insuring corporation 27028
from employing certified nurse practitioners, certified nurse 27029
anesthetists, clinical nurse specialists, certified nurse 27030
midwives, dietitians, physician assistants, dental assistants, 27031
dental hygienists, optometric technicians, or other allied health 27032
personnel who are licensed, certified, accredited, or otherwise 27033
authorized in this state to furnish health care services. 27034

~~(BB)~~(Z) "Provider sponsored organization" means a 27035

corporation, as defined in division (H) of this section, that is 27036
at least eighty per cent owned or controlled by one or more 27037
hospitals, as defined in section 3727.01 of the Revised Code, or 27038
one or more physicians licensed to practice medicine or surgery or 27039
osteopathic medicine and surgery under Chapter 4731. of the 27040
Revised Code, or any combination of such physicians and hospitals. 27041
Such control is presumed to exist if at least eighty per cent of 27042
the voting rights or governance rights of a provider sponsored 27043
organization are directly or indirectly owned, controlled, or 27044
otherwise held by any combination of the physicians and hospitals 27045
described in this division. 27046

~~(CC)~~(AA) "Solicitation document" means the written materials 27047
provided to prospective subscribers or enrollees, or both, and 27048
used for advertising and marketing to induce enrollment in the 27049
health care plans of a health insuring corporation. 27050

~~(DD)~~(BB) "Subscriber" means a person who is responsible for 27051
making payments to a health insuring corporation for participation 27052
in a health care plan, or an enrollee whose employment or other 27053
status is the basis of eligibility for enrollment in a health 27054
insuring corporation. 27055

~~(EE)~~(CC) "Urgent care services" means those health care 27056
services that are appropriately provided for an unforeseen 27057
condition of a kind that usually requires medical attention 27058
without delay but that does not pose a threat to the life, limb, 27059
or permanent health of the injured or ill person, and may include 27060
such health care services provided out of the health insuring 27061
corporation's approved service area pursuant to indemnity payments 27062
or service agreements. 27063

Sec. 1751.11. (A) Every subscriber of a health insuring 27064
corporation is entitled to an evidence of coverage for the health 27065
care plan under which health care benefits are provided. 27066

(B) Every subscriber of a health insuring corporation that 27067
offers basic health care services is entitled to an identification 27068
card or similar document that specifies the health insuring 27069
corporation's name as stated in its articles of incorporation, and 27070
any trade or fictitious names used by the health insuring 27071
corporation. The identification card or document shall list at 27072
least one toll-free telephone number that provides the subscriber 27073
with access, to information on a twenty-four-hours-per-day, 27074
seven-days-per-week basis, as to how health care services may be 27075
obtained. The identification card or document shall also list at 27076
least one toll-free number that, during normal business hours, 27077
provides the subscriber with access to information on the coverage 27078
available under the subscriber's health care plan and information 27079
on the health care plan's internal and external review processes. 27080

(C) No evidence of coverage, or amendment to the evidence of 27081
coverage, shall be delivered, issued for delivery, renewed, or 27082
used, until the form of the evidence of coverage or amendment has 27083
been filed by the health insuring corporation with the 27084
superintendent of insurance. If the superintendent does not 27085
disapprove the evidence of coverage or amendment within sixty days 27086
after it is filed it shall be deemed approved, unless the 27087
superintendent sooner gives approval for the evidence of coverage 27088
or amendment. With respect to an amendment to an approved evidence 27089
of coverage, the superintendent only may disapprove provisions 27090
amended or added to the evidence of coverage. If the 27091
superintendent determines within the sixty-day period that any 27092
evidence of coverage or amendment fails to meet the requirements 27093
of this section, the superintendent shall so notify the health 27094
insuring corporation and it shall be unlawful for the health 27095
insuring corporation to use such evidence of coverage or 27096
amendment. At any time, the superintendent, upon at least thirty 27097
days' written notice to a health insuring corporation, may 27098
withdraw an approval, deemed or actual, of any evidence of 27099

coverage or amendment on any of the grounds stated in this 27100
section. Such disapproval shall be effected by a written order, 27101
which shall state the grounds for disapproval and shall be issued 27102
in accordance with Chapter 119. of the Revised Code. 27103

(D) No evidence of coverage or amendment shall be delivered, 27104
issued for delivery, renewed, or used: 27105

(1) If it contains provisions or statements that are 27106
inequitable, untrue, misleading, or deceptive; 27107

(2) Unless it contains a clear, concise, and complete 27108
statement of the following: 27109

(a) The health care services and insurance or other benefits, 27110
if any, to which an enrollee is entitled under the health care 27111
plan; 27112

(b) Any exclusions or limitations on the health care 27113
services, type of health care services, benefits, or type of 27114
benefits to be provided, including copayments and deductibles; 27115

(c) An enrollee's personal financial obligation for 27116
noncovered services; 27117

(d) Where and in what manner general information and 27118
information as to how health care services may be obtained is 27119
available, including a toll-free telephone number; 27120

(e) The premium rate with respect to individual and 27121
conversion contracts, and relevant copayment and deductible 27122
provisions with respect to all contracts. The statement of the 27123
premium rate, however, may be contained in a separate insert. 27124

(f) The method utilized by the health insuring corporation 27125
for resolving enrollee complaints; 27126

(g) The utilization review, internal review, and external 27127
review procedures established under sections 1751.77 to 1751.83 27128
and Chapter 3922. of the Revised Code. 27129

(3) Unless it provides for the continuation of an enrollee's coverage, in the event that the enrollee's coverage under the group policy, contract, certificate, or agreement terminates while the enrollee is receiving inpatient care in a hospital. This continuation of coverage shall terminate at the earliest occurrence of any of the following:

(a) The enrollee's discharge from the hospital;

(b) The determination by the enrollee's attending physician that inpatient care is no longer medically indicated for the enrollee; however, nothing in division (D)(3)(b) of this section precludes a health insuring corporation from engaging in utilization review as described in the evidence of coverage.

(c) The enrollee's reaching the limit for contractual benefits;

(d) The effective date of any new coverage.

(4) Unless it contains a provision that states, in substance, that the health insuring corporation is not a member of any guaranty fund, and that in the event of the health insuring corporation's insolvency, an enrollee is protected only to the extent that the hold harmless provision required by section 1751.13 of the Revised Code applies to the health care services rendered;

(5) Unless it contains a provision that states, in substance, that in the event of the insolvency of the health insuring corporation, an enrollee may be financially responsible for health care services rendered by a provider or health care facility that is not under contract to the health insuring corporation, whether or not the health insuring corporation authorized the use of the provider or health care facility.

(E) Notwithstanding divisions (C) and (D) of this section, a health insuring corporation may use an evidence of coverage that

provides for the coverage of beneficiaries enrolled in medicare 27161
pursuant to a medicare contract, or an evidence of coverage that 27162
provides for the coverage of beneficiaries enrolled in the federal 27163
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 27164
an evidence of coverage that provides for the coverage of medicaid 27165
recipients, or an evidence of coverage that provides for the 27166
coverage of beneficiaries under any other federal health care 27167
program regulated by a federal regulatory body, or an evidence of 27168
coverage that provides for the coverage of beneficiaries under any 27169
contract covering officers or employees of the state that has been 27170
entered into by the department of administrative services, if both 27171
of the following apply: 27172

(1) The evidence of coverage has been approved by the United 27173
States department of health and human services, the United States 27174
office of personnel management, the ~~Ohio~~ department of ~~job and~~ 27175
~~family services~~ medicaid, or the department of administrative 27176
services. 27177

(2) The evidence of coverage is filed with the superintendent 27178
of insurance prior to use and is accompanied by documentation of 27179
approval from the United States department of health and human 27180
services, the United States office of personnel management, the 27181
~~Ohio~~ department of ~~job and family services~~ medicaid, or the 27182
department of administrative services. 27183

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 27184
no premium rate for nongroup and conversion policies for health 27185
care services, or any amendment to them, may be used by any health 27186
insuring corporation at any time until the contractual periodic 27187
prepayment and premium rate, or amendment, have been filed with 27188
the superintendent of insurance, and shall not be effective until 27189
the expiration of sixty days after their filing unless the 27190
superintendent sooner gives approval. The filing shall be 27191

accompanied by an actuarial certification in the form prescribed 27192
by the superintendent. The superintendent shall disapprove the 27193
filing, if the superintendent determines within the sixty-day 27194
period that the contractual periodic prepayment or premium rate, 27195
or amendment, is not in accordance with sound actuarial principles 27196
or is not reasonably related to the applicable coverage and 27197
characteristics of the applicable class of enrollees. The 27198
superintendent shall notify the health insuring corporation of the 27199
disapproval, and it shall thereafter be unlawful for the health 27200
insuring corporation to use the contractual periodic prepayment or 27201
premium rate, or amendment. 27202

(2) No contractual periodic prepayment for group policies for 27203
health care services shall be used until the contractual periodic 27204
prepayment has been filed with the superintendent. The filing 27205
shall be accompanied by an actuarial certification in the form 27206
prescribed by the superintendent. The superintendent may reject a 27207
filing made under division (A)(2) of this section at any time, 27208
with at least thirty days' written notice to a health insuring 27209
corporation, if the contractual periodic prepayment is not in 27210
accordance with sound actuarial principles or is not reasonably 27211
related to the applicable coverage and characteristics of the 27212
applicable class of enrollees. 27213

(3) At any time, the superintendent, upon at least thirty 27214
days' written notice to a health insuring corporation, may 27215
withdraw the approval given under division (A)(1) of this section, 27216
deemed or actual, of any contractual periodic prepayment or 27217
premium rate, or amendment, based on information that either of 27218
the following applies: 27219

(a) The contractual periodic prepayment or premium rate, or 27220
amendment, is not in accordance with sound actuarial principles. 27221

(b) The contractual periodic prepayment or premium rate, or 27222
amendment, is not reasonably related to the applicable coverage 27223

and characteristics of the applicable class of enrollees. 27224

(4) Any disapproval under division (A)(1) of this section, 27225
any rejection of a filing made under division (A)(2) of this 27226
section, or any withdrawal of approval under division (A)(3) of 27227
this section, shall be effected by a written notice, which shall 27228
state the specific basis for the disapproval, rejection, or 27229
withdrawal and shall be issued in accordance with Chapter 119. of 27230
the Revised Code. 27231

(B) Notwithstanding division (A) of this section, a health 27232
insuring corporation may use a contractual periodic prepayment or 27233
premium rate for policies used for the coverage of beneficiaries 27234
enrolled in medicare pursuant to a medicare risk contract or 27235
medicare cost contract, or for policies used for the coverage of 27236
beneficiaries enrolled in the federal employees health benefits 27237
program pursuant to 5 U.S.C.A. 8905, or for policies used for the 27238
coverage of medicaid recipients, or for policies used for the 27239
coverage of beneficiaries under any other federal health care 27240
program regulated by a federal regulatory body, or for policies 27241
used for the coverage of beneficiaries under any contract covering 27242
officers or employees of the state that has been entered into by 27243
the department of administrative services, if both of the 27244
following apply: 27245

(1) The contractual periodic prepayment or premium rate has 27246
been approved by the United States department of health and human 27247
services, the United States office of personnel management, the 27248
department of ~~job and family services~~ medicaid, or the department 27249
of administrative services. 27250

(2) The contractual periodic prepayment or premium rate is 27251
filed with the superintendent prior to use and is accompanied by 27252
documentation of approval from the United States department of 27253
health and human services, the United States office of personnel 27254
management, the department of ~~job and family services~~ medicaid, or 27255

the department of administrative services. 27256

(C) The administrative expense portion of all contractual 27257
periodic prepayment or premium rate filings submitted to the 27258
superintendent for review must reflect the actual cost of 27259
administering the product. The superintendent may require that the 27260
administrative expense portion of the filings be itemized and 27261
supported. 27262

(D)(1) Copayments must be reasonable and must not be a 27263
barrier to the necessary utilization of services by enrollees. 27264

(2) A health insuring corporation, in order to ensure that 27265
copayments are reasonable and not a barrier to the necessary 27266
utilization of basic health care services by enrollees, may do one 27267
of the following: 27268

(a) Impose copayment charges on any single covered basic 27269
health care service that does not exceed forty per cent of the 27270
average cost to the health insuring corporation of providing the 27271
service; 27272

(b) Impose copayment charges that annually do not exceed 27273
twenty per cent of the total annual cost to the health insuring 27274
corporation of providing all covered basic health care services, 27275
including physician office visits, urgent care services, and 27276
emergency health services, when aggregated as to all persons 27277
covered under the filed product in question. In addition, annual 27278
copayment charges as to each enrollee shall not exceed twenty per 27279
cent of the total annual cost to the health insuring corporation 27280
of providing all covered basic health care services, including 27281
physician office visits, urgent care services, and emergency 27282
health services, as to such enrollee. The total annual cost of 27283
providing a health care service is the cost to the health insuring 27284
corporation of providing the health care service to its enrollees 27285
as reduced by any applicable provider discount. 27286

(3) To ensure that copayments are reasonable and not a barrier to the utilization of basic health care services, a health insuring corporation may not impose, in any contract year, on any subscriber or enrollee, copayments that exceed two hundred per cent of the average annual premium rate to subscribers or enrollees.

(4) For purposes of division (D) of this section, both of the following apply:

(a) Copayments imposed by health insuring corporations in connection with a high deductible health plan that is linked to a health savings account are reasonable and are not a barrier to the necessary utilization of services by enrollees.

(b) Divisions (D)(2) and (3) of this section do not apply to a high deductible health plan that is linked to a health savings account.

(E) A health insuring corporation shall not impose lifetime maximums on basic health care services. However, a health insuring corporation may establish a benefit limit for inpatient hospital services that are provided pursuant to a policy, contract, certificate, or agreement for supplemental health care services.

(F) A health insuring corporation may require that an enrollee pay an annual deductible that does not exceed one thousand dollars per enrollee or two thousand dollars per family, except that:

(1) A health insuring corporation may impose higher deductibles for high deductible health plans that are linked to health savings accounts;

(2) The superintendent may adopt rules allowing different annual deductible amounts for plans with a medical savings account, health reimbursement arrangement, flexible spending account, or similar account;

(3) A health insuring corporation may impose higher 27318
deductibles under health plans if requested by the group contract, 27319
policy, certificate, or agreement holder, or an individual seeking 27320
coverage under an individual health plan. This shall not be 27321
construed as requiring the health insuring corporation to create 27322
customized health plans for group contract holders or individuals. 27323

(G) As used in this section, "health savings account" and 27324
"high deductible health plan" have the same meanings as in the 27325
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 27326
amended. 27327

Sec. 1751.14. (A) Notwithstanding section 3901.71 of the 27328
Revised Code, any policy, contract, or agreement for health care 27329
services authorized by this chapter that is issued, delivered, or 27330
renewed in this state and that provides that coverage of an 27331
unmarried dependent child will terminate upon attainment of the 27332
limiting age for dependent children specified in the policy, 27333
contract, or agreement, shall also provide in substance both of 27334
the following: 27335

(1) Once an unmarried child has attained the limiting age for 27336
dependent children, as provided in the policy, contract, or 27337
agreement, upon the request of the subscriber, the health insuring 27338
corporation shall offer to cover the unmarried child until the 27339
child attains twenty-eight years of age if all of the following 27340
are true: 27341

(a) The child is the natural child, stepchild, or adopted 27342
child of the subscriber. 27343

(b) The child is a resident of this state or a full-time 27344
student at an accredited public or private institution of higher 27345
education. 27346

(c) The child is not employed by an employer that offers any 27347

health benefit plan under which the child is eligible for 27348
coverage. 27349

(d) The child is not eligible for coverage under the medicaid 27350
program ~~established under Chapter 5111. of the Revised Code~~ or the 27351
medicare program ~~established under Title XVIII of the "Social~~ 27352
~~Security Act," 42 U.S.C. 1395.~~ 27353

(2) That attainment of the limiting age for dependent 27354
children shall not operate to terminate the coverage of a 27355
dependent child if the child is and continues to be both of the 27356
following: 27357

(a) Incapable of self-sustaining employment by reason of 27358
mental retardation or physical handicap; 27359

(b) Primarily dependent upon the subscriber for support and 27360
maintenance. 27361

(B) Proof of incapacity and dependence for purposes of 27362
division (A)(2) of this section shall be furnished to the health 27363
insuring corporation within thirty-one days of the child's 27364
attainment of the limiting age. Upon request, but not more 27365
frequently than annually, the health insuring corporation may 27366
require proof satisfactory to it of the continuance of such 27367
incapacity and dependency. 27368

(C) Nothing in this section shall do any of the following: 27369

(1) Require that any policy, contract, or agreement offer 27370
coverage for dependent children or provide coverage for an 27371
unmarried dependent child's children as dependents on the policy, 27372
contract, or agreement; 27373

(2) Require an employer to pay for any part of the premium 27374
for an unmarried dependent child that has attained the limiting 27375
age for dependents, as provided in the policy, contract, or 27376
agreement; 27377

(3) Require an employer to offer health insurance coverage to the dependents of any employee.

(D) This section does not apply to any health insuring corporation policy, contract, or agreement offering only supplemental health care services or specialty health care services.

(E) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following:

(1) A public employee benefit plan;

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.

Sec. 1751.271. (A) Each health insuring corporation that provides coverage to medicaid recipients shall post a performance bond in the amount of three million dollars as security to fulfill the obligations of the health insuring corporation to pay claims of contracted providers for covered health care services provided to medicaid recipients. The bond shall be payable to the department of insurance in the event that the health insuring corporation is placed in rehabilitation or liquidation proceedings under Chapter 3903. of the Revised Code, and shall become a special deposit subject to section 3903.14 or 3903.421 of the Revised Code, as applicable. In lieu of the performance bond, a medicaid health insuring corporation may deposit securities with the superintendent of insurance, acceptable to the superintendent, in the amount of three million dollars, to satisfy the bonding requirements of this section. Upon rehabilitation or liquidation, the securities shall become a special deposit subject to sections 3903.14 and 3903.421 of the Revised Code, as applicable. The health insuring corporation shall receive the interest on the deposited securities as long as the health insuring corporation

remains solvent. 27409

(B) The bond shall be issued by a surety company licensed 27410
with the department of insurance. The bond or deposit, or any 27411
replacement bond or deposit, shall be in a form acceptable to the 27412
superintendent, and shall remain in effect during the duration of 27413
the medicaid health insuring corporation's license and thereafter 27414
until all claims against the medicaid health insuring corporation 27415
have been paid in full. 27416

(C) Documentation of the bond acceptable to the 27417
superintendent of insurance shall be filed with the superintendent 27418
prior to the issuance of a certificate of authority. Annually, 27419
thirty days prior to the renewal of its certificate of authority, 27420
every medicaid health insuring corporation shall furnish the 27421
superintendent of insurance with evidence that the required bond 27422
is still in effect. 27423

(D) As used in this section: 27424

(1) "Contracted provider" means a provider that has a 27425
contract with a medicaid health insuring corporation to provide 27426
covered health care services to medicaid recipients. 27427

(2) "Medicaid health insuring corporation" means a health 27428
insuring corporation that provides health insurance coverage or 27429
otherwise assumes claims liabilities for medicaid recipients. 27430

(3) "Medicaid recipient" means a person ~~eligible for~~ 27431
~~assistance under~~ enrolled in the medicaid program ~~operated~~ 27432
~~pursuant to Chapter 5111. of the Revised Code.~~ 27433

Sec. 1751.31. (A) Any changes in a health insuring 27434
corporation's solicitation document shall be filed with the 27435
superintendent of insurance. The superintendent, within sixty days 27436
of filing, may disapprove any solicitation document or amendment 27437
to it on any of the grounds stated in this section. Such 27438

disapproval shall be effected by written notice to the health 27439
insuring corporation. The notice shall state the grounds for 27440
disapproval and shall be issued in accordance with Chapter 119. of 27441
the Revised Code. 27442

(B) The solicitation document shall contain all information 27443
necessary to enable a consumer to make an informed choice as to 27444
whether or not to enroll in the health insuring corporation. The 27445
information shall include a specific description of the health 27446
care services to be available and the approximate number and type 27447
of full-time equivalent medical practitioners. The information 27448
shall be presented in the solicitation document in a manner that 27449
is clear, concise, and intelligible to prospective applicants in 27450
the proposed service area. 27451

(C) Every potential applicant whose subscription to a health 27452
care plan is solicited shall receive, at or before the time of 27453
solicitation, a solicitation document approved by the 27454
superintendent. 27455

(D) Notwithstanding division (A) of this section, a health 27456
insuring corporation may use a solicitation document that the 27457
corporation uses in connection with policies for medicare 27458
beneficiaries pursuant to a medicare risk contract or medicare 27459
cost contract, or for policies for beneficiaries of the federal 27460
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 27461
for policies for medicaid recipients, or for policies for 27462
beneficiaries of any other federal health care program regulated 27463
by a federal regulatory body, or for policies for beneficiaries of 27464
contracts covering officers or employees of the state entered into 27465
by the department of administrative services, if both of the 27466
following apply: 27467

(1) The solicitation document has been approved by the United 27468
States department of health and human services, the United States 27469
office of personnel management, the department of ~~job and family~~ 27470

~~services~~ medicaid, or the department of administrative services. 27471

(2) The solicitation document is filed with the 27472
superintendent of insurance prior to use and is accompanied by 27473
documentation of approval from the United States department of 27474
health and human services, the United States office of personnel 27475
management, the department of ~~job and family services~~ medicaid, or 27476
the department of administrative services. 27477

(E) No health insuring corporation, or its agents or 27478
representatives, shall use monetary or other valuable 27479
consideration, engage in misleading or deceptive practices, or 27480
make untrue, misleading, or deceptive representations to induce 27481
enrollment. Nothing in this division shall prohibit incentive 27482
forms of remuneration such as commission sales programs for the 27483
health insuring corporation's employees and agents. 27484

(F) Any person obligated for any part of a premium rate in 27485
connection with an enrollment agreement, in addition to any right 27486
otherwise available to revoke an offer, may cancel such agreement 27487
within seventy-two hours after having signed the agreement or 27488
offer to enroll. Cancellation occurs when written notice of the 27489
cancellation is given to the health insuring corporation or its 27490
agents or other representatives. A notice of cancellation mailed 27491
to the health insuring corporation shall be considered to have 27492
been filed on its postmark date. 27493

(G) Nothing in this section shall prohibit healthy lifestyle 27494
programs. 27495

Sec. 1751.60. (A) Except as provided for in divisions (E) and 27496
(F) of this section, every provider or health care facility that 27497
contracts with a health insuring corporation to provide health 27498
care services to the health insuring corporation's enrollees or 27499
subscribers shall seek compensation for covered services solely 27500
from the health insuring corporation and not, under any 27501

circumstances, from the enrollees or subscribers, except for 27502
approved copayments and deductibles. 27503

(B) No subscriber or enrollee of a health insuring 27504
corporation is liable to any contracting provider or health care 27505
facility for the cost of any covered health care services, if the 27506
subscriber or enrollee has acted in accordance with the evidence 27507
of coverage. 27508

(C) Except as provided for in divisions (E) and (F) of this 27509
section, every contract between a health insuring corporation and 27510
provider or health care facility shall contain a provision 27511
approved by the superintendent of insurance requiring the provider 27512
or health care facility to seek compensation solely from the 27513
health insuring corporation and not, under any circumstances, from 27514
the subscriber or enrollee, except for approved copayments and 27515
deductibles. 27516

(D) Nothing in this section shall be construed as preventing 27517
a provider or health care facility from billing the enrollee or 27518
subscriber of a health insuring corporation for noncovered 27519
services. 27520

(E) Upon application by a health insuring corporation and a 27521
provider or health care facility, the superintendent may waive the 27522
requirements of divisions (A) and (C) of this section when, in 27523
addition to the reserve requirements contained in section 1751.28 27524
of the Revised Code, the health insuring corporation provides 27525
sufficient assurances to the superintendent that the provider or 27526
health care facility has been provided with financial guarantees. 27527
No waiver of the requirements of divisions (A) and (C) of this 27528
section is effective as to enrollees or subscribers for whom the 27529
health insuring corporation is compensated under a provider 27530
agreement or risk contract entered into ~~pursuant to Chapter 5111-~~ 27531
~~or 5115. of the Revised Code~~ under the medicaid program. 27532

(F) The requirements of divisions (A) to (C) of this section 27533
apply only to health care services provided to an enrollee or 27534
subscriber prior to the effective date of a termination of a 27535
contract between the health insuring corporation and the provider 27536
or health care facility. 27537

Sec. 1923.14. (A) Except as otherwise provided in this 27538
section, within ten days after receiving a writ of execution 27539
described in division (A) or (B) of section 1923.13 of the Revised 27540
Code, the sheriff, police officer, constable, or bailiff shall 27541
execute it by restoring the plaintiff to the possession of the 27542
premises, and shall levy and collect the costs and make return, as 27543
upon other executions. If an appeal from the judgment of 27544
restitution is filed and if, following the filing of the appeal, a 27545
stay of execution is obtained and any required bond is filed with 27546
the court of common pleas, municipal court, or county court, the 27547
judge of that court immediately shall issue an order to the 27548
sheriff, police officer, constable, or bailiff commanding the 27549
delay of all further proceedings upon the execution. If the 27550
premises have been restored to the plaintiff, the sheriff, police 27551
officer, constable, or bailiff shall forthwith place the defendant 27552
in possession of them, and return the writ with the sheriff's, 27553
police officer's, constable's, or bailiff's proceedings and the 27554
costs taxed on it. 27555

(B)(1) After a court of common pleas, municipal court, or 27556
county court issues a writ of execution described in division (B) 27557
of section 1923.13 of the Revised Code, the clerk of the court 27558
shall send by regular mail, to the last known address of the 27559
titled owner of the manufactured home, mobile home, or 27560
recreational vehicle that is the subject of the writ and to the 27561
last known address of each other person who is listed on the writ 27562
as having any outstanding right, title, or interest in the home, 27563
vehicle, or personal property and to the auditor and treasurer of 27564

the county in which the court is located, a written notice that 27565
the home or vehicle potentially may be sold, destroyed, or have 27566
its title transferred under the circumstances described in 27567
division (B)(3) or (4) of this section. 27568

(2) Except as otherwise provided in this division, after 27569
receiving a writ of execution described in division (B) of section 27570
1923.13 of the Revised Code, and after causing the defendant to be 27571
removed from the residential premises of the manufactured home 27572
park, if necessary, in accordance with the writ, the sheriff, 27573
police officer, constable, or bailiff may cause the manufactured 27574
home, mobile home, or recreational vehicle that is the subject of 27575
the writ, and all personal property on the residential premises, 27576
at the sheriff's, police officer's, constable's, or bailiff's 27577
option, either to be removed from the manufactured home park and, 27578
if necessary, moved to a storage facility of the sheriff's, police 27579
officer's, constable's, or bailiff's choice, or to be retained at 27580
their current location on the residential premises, until they are 27581
claimed by the defendant or they are disposed of in a manner 27582
authorized by division (B)(3), (4), or (6) of this section or by 27583
another section of the Revised Code. The sheriff, police officer, 27584
constable, or bailiff shall not cause the manufactured home, 27585
mobile home, or recreational vehicle that is the subject of the 27586
writ, or the personal property, to be removed from the 27587
manufactured home park or moved to a storage facility if the 27588
holder of any outstanding lien, right, title, or interest in the 27589
home or vehicle, other than the titled owner of the home or 27590
vehicle, meets the conditions set forth in division (B)(6) or (7) 27591
of this section. 27592

The sheriff, police officer, constable, or bailiff who 27593
removes the manufactured home, mobile home, or recreational 27594
vehicle, or the abandoned personal property, from the residential 27595
premises shall be immune from civil liability pursuant to section 27596

2744.03 of the Revised Code for any damage caused to the home, 27597
vehicle, or any personal property during the removal. The park 27598
operator shall not be liable for any damage caused by the park 27599
operator's removal of the manufactured home, mobile home, or 27600
recreational vehicle or the removal of the personal property from 27601
the residential premises, or for any damage to the home, vehicle, 27602
or personal property during the time the home, vehicle, or 27603
property remains abandoned or stored in the manufactured home 27604
park, unless the damage is the result of acts that the park 27605
operator or the park operator's agents or employees performed with 27606
malicious purpose, in bad faith, or in a wanton or reckless 27607
manner. The reasonable costs for a removal of the manufactured 27608
home, mobile home, or recreational vehicle and personal property 27609
and, as applicable, the reasonable costs for its storage shall 27610
constitute a lien upon the home or vehicle payable by the titled 27611
owner of the home or vehicle or payable pursuant to division 27612
(B)(3) of this section. 27613

(3) Except as provided in divisions (B)(4), (5), and (6) of 27614
this section and division (D) of section 1923.12 of the Revised 27615
Code, within sixty days after receiving a writ of execution 27616
described in division (B) of section 1923.13 of the Revised Code, 27617
the sheriff, police officer, constable, or bailiff shall commence 27618
proceedings for the sale of the manufactured home, mobile home, or 27619
recreational vehicle that is the subject of the writ, and the 27620
abandoned personal property on the residential premises, if the 27621
home or vehicle is determined to be abandoned in accordance with 27622
the procedures for the sale of goods on execution under Chapter 27623
2329. of the Revised Code. In addition to all notices required to 27624
be given under section 2329.13 of the Revised Code, the sheriff, 27625
police officer, constable, or bailiff shall serve at their 27626
respective last known addresses a written notice of the date, 27627
time, and place of the sale upon all persons who are listed on the 27628
writ of execution as having any outstanding right, title, or 27629

interest in the abandoned manufactured home, mobile home, or 27630
recreational vehicle and the personal property and shall provide 27631
written notice to the auditor and the treasurer of the county in 27632
which the court issuing the writ is located. 27633

Unless the proceedings are governed by division (D) of 27634
section 1923.12 of the Revised Code, notwithstanding any statutory 27635
provision to the contrary, including, but not limited to, section 27636
2329.66 of the Revised Code, there shall be no stay of execution 27637
or exemption from levy or sale on execution available to the 27638
titled owner of the abandoned manufactured home, mobile home, or 27639
recreational vehicle in relation to a sale under this division. 27640
Except as otherwise provided in sections 2113.031, 2117.25, and 27641
~~5111.11~~ 5162.21 of the Revised Code in a case involving a deceased 27642
resident or resident's estate, the sheriff, police officer, 27643
constable, or bailiff shall distribute the proceeds from the sale 27644
of an abandoned manufactured home, mobile home, or recreational 27645
vehicle and any personal property under this division in the 27646
following manner: 27647

(a) The sheriff, police officer, constable, or bailiff shall 27648
first pay the costs for any moving of and any storage outside the 27649
manufactured home park of the home or vehicle and any personal 27650
property pursuant to division (B)(2) of this section, the costs of 27651
the sale, including reimbursing the park operator for the deposit 27652
that the park operator paid to the clerk of court under division 27653
(C) of section 1923.12 of the Revised Code, and any unpaid court 27654
costs assessed against the defendant in the underlying action. 27655

(b) Following the payment required by division (B)(3)(a) of 27656
this section, the sheriff, police officer, constable, or bailiff 27657
shall pay all outstanding tax liens on the home or vehicle. 27658

(c) Following the payment required by division (B)(3)(b) of 27659
this section, the sheriff, police officer, constable, or bailiff 27660
shall pay all other outstanding security interests, liens, or 27661

encumbrances on the home or vehicle by priority of filing or other 27662
priority. 27663

(d) Following the payment required by division (B)(3)(c) of 27664
this section, the sheriff, police officer, constable, or bailiff 27665
shall pay any outstanding monetary judgment rendered under section 27666
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 27667
and any costs associated with retaining the home or vehicle prior 27668
to the sale at its location on the residential premises within the 27669
manufactured home park pursuant to division (B)(2) of this 27670
section. 27671

(e) After complying with divisions (B)(3)(a) to (d) of this 27672
section, the sheriff, police officer, constable, or bailiff shall 27673
report any remaining money as unclaimed funds pursuant to Chapter 27674
169. of the Revised Code. 27675

Upon the return of any writ of execution for the satisfaction 27676
of which an abandoned manufactured home, mobile home, or 27677
recreational vehicle has been sold under this division, on careful 27678
examination of the proceedings of the sheriff, police officer, 27679
constable, or bailiff conducting the sale, if the court that 27680
issued the writ finds that the sale was made, in all respects, in 27681
conformity with the relevant provisions of Chapter 2329. of the 27682
Revised Code and with this division, it shall direct the clerk of 27683
the court to make an entry on the journal that the court is 27684
satisfied with the legality of the sale and the court shall direct 27685
the clerk of the court of common pleas of the county in which the 27686
writ was issued to issue a certificate of title, free and clear of 27687
all security interests, liens, and encumbrances, to the purchaser 27688
of the home or vehicle. The clerk of the court of common pleas 27689
shall issue the new certificate of title to the purchaser of the 27690
home or vehicle regardless of whether the writ was issued by the 27691
court of common pleas or another court duly authorized to issue 27692
the writ. If the manufactured home, mobile home, or recreational 27693

vehicle sold under this division is located in a manufactured home 27694
park, the purchaser of the home or vehicle shall have no right to 27695
maintain the home or vehicle in the manufactured home park without 27696
the park operator's consent and the sheriff, police officer, 27697
constable, or bailiff conducting the sale shall notify all 27698
prospective purchasers of this fact prior to the commencement of 27699
the sale. 27700

If, after it is offered for sale on two occasions under this 27701
division, the abandoned manufactured home, mobile home, or 27702
recreational vehicle cannot be sold due to a want of bidders, the 27703
sheriff, police officer, constable, or bailiff shall present the 27704
writ of execution unsatisfied to the clerk of the court of common 27705
pleas of the county in which the writ was issued for the issuance 27706
by the clerk in the manner prescribed in section 4505.10 of the 27707
Revised Code of a certificate of title transferring the title of 27708
the home or vehicle to the plaintiff, free and clear of all 27709
security interests, liens, and encumbrances. The clerk of the 27710
court of common pleas shall issue the new certificate of title 27711
transferring the title of the manufactured home, mobile home, or 27712
recreational vehicle to the plaintiff regardless of whether the 27713
writ was issued by the court of common pleas or another court duly 27714
authorized to issue the writ. If any taxes are owed on the home or 27715
vehicle at this time, the county auditor shall remove the 27716
delinquent taxes from the manufactured home tax list and the 27717
delinquent manufactured home tax list and remit any penalties for 27718
late payment of manufactured home taxes. Acceptance of the 27719
certificate of title by the plaintiff terminates all further 27720
proceedings under this section. 27721

(4) Except as provided in division (B)(5) or (6) of this 27722
section and division (D) of section 1923.12 of the Revised Code, 27723
within sixty days after receiving a writ of execution described in 27724
division (B) of section 1923.13 of the Revised Code, if the 27725

manufactured home, mobile home, or recreational vehicle is 27726
determined to be abandoned and to have a value of less than three 27727
thousand dollars, the sheriff, police officer, constable, or 27728
bailiff shall serve at their respective last known addresses a 27729
written notice of potential action as described in this division 27730
upon all persons who are listed on the writ as having any 27731
outstanding right, title, or interest in the home or vehicle. This 27732
notice shall be in addition to all notices required to be given 27733
under section 2329.13 of the Revised Code. Subject to the 27734
fulfillment of these notice requirements, the sheriff, police 27735
officer, constable, or bailiff shall take one of the following 27736
actions with respect to the abandoned manufactured home, mobile 27737
home, or recreational vehicle: 27738

(a) Cause its destruction if there is no person having an 27739
outstanding right, title, or interest in the home or vehicle, 27740
other than the titled owner of the home or vehicle; 27741

(b) Proceed with its sale under division (B)(3) of this 27742
section; 27743

(c) If there is no person having an outstanding right, title, 27744
or interest in the home or vehicle other than the titled owner of 27745
the home or vehicle, or if there is an outstanding right, title, 27746
or interest in the home or vehicle and the lienholder consents in 27747
writing, present the writ of execution to the clerk of the court 27748
of common pleas of the county in which the writ was issued for the 27749
issuance by the clerk in the manner prescribed in section 4505.10 27750
of the Revised Code of a certificate of title transferring the 27751
title of the home or vehicle to the plaintiff, free and clear of 27752
all security interests, liens, and encumbrances. The clerk of the 27753
court of common pleas shall issue the new certificate of title 27754
transferring the title of the home or vehicle regardless of 27755
whether the writ was issued by the court of common pleas or 27756
another court duly authorized to issue the writ. If any taxes are 27757

owed on the home or vehicle at this time, the county auditor shall 27758
remove the delinquent taxes from the manufactured home tax list 27759
and the delinquent manufactured home tax list and remit any 27760
penalties for late payment of manufactured home taxes. Acceptance 27761
of the certificate of title by the plaintiff terminates all 27762
further proceedings under this section. 27763

(5) At any time prior to the issuance of the writ of 27764
execution described in division (B) of section 1923.13 of the 27765
Revised Code, the titled owner of the manufactured home, mobile 27766
home, or recreational vehicle that would be the subject of the 27767
writ may remove the abandoned home or vehicle from the 27768
manufactured home park or other place of storage upon payment to 27769
the county auditor of all outstanding tax liens on the home or 27770
vehicle and, unless the owner is indigent, payment to the clerk of 27771
court of all unpaid court costs assessed against the defendant in 27772
the underlying action. After the issuance of the writ of 27773
execution, the titled owner of the home or vehicle may remove the 27774
abandoned home or vehicle from the manufactured home park or other 27775
place of storage at any time up to the day before the scheduled 27776
sale, destruction, or transfer of the home or vehicle pursuant to 27777
division (B)(3) or (4) of this section upon payment of all of the 27778
following: 27779

(a) All costs for moving and storage of the home or vehicle 27780
pursuant to division (B)(2) of this section and all costs incurred 27781
by the sheriff, police officer, constable, or bailiff up to and 27782
including the date of the removal of the home or vehicle; 27783

(b) All outstanding tax liens on the home or vehicle; 27784

(c) Unless the owner is indigent, all unpaid court costs 27785
assessed against the defendant in the underlying action. 27786

(6) At any time after the issuance of the writ of execution 27787
described in division (B) of section 1923.13 of the Revised Code, 27788

the holder of any outstanding lien, right, title, or interest in 27789
the manufactured home, mobile home, or recreational vehicle, other 27790
than the titled owner of the home or vehicle, may stop the 27791
sheriff, police officer, constable, or bailiff from proceeding 27792
with the sale under this division by doing both of the following: 27793

(a) Commencing a proceeding to repossess the home or vehicle 27794
pursuant to Chapters 1309. and 1317. of the Revised Code; 27795

(b) Paying to the park operator all monthly rental payments 27796
for the lot on which the home or vehicle is located from the time 27797
of the issuance of the writ of execution until the time that the 27798
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 27799
the Revised Code. 27800

(7)(a) At any time prior to the day before the scheduled sale 27801
of the property pursuant to division (B)(3) of this section, the 27802
defendant may remove any personal property of the defendant from 27803
the abandoned home or vehicle or other place of storage. 27804

(b) If personal property owned by a person other than the 27805
defendant is abandoned on the residential premises and has not 27806
previously been removed, the owner of the personal property may 27807
remove the personal property from the abandoned home or vehicle or 27808
other place of storage up to the day before the scheduled sale of 27809
the property pursuant to division (B)(3) of this section upon 27810
presentation of proof of ownership of the property that is 27811
satisfactory to the sheriff, police officer, constable, or bailiff 27812
conducting the sale. 27813

Sec. 2101.24. (A)(1) Except as otherwise provided by law, the 27814
probate court has exclusive jurisdiction: 27815

(a) To take the proof of wills and to admit to record 27816
authenticated copies of wills executed, proved, and allowed in the 27817
courts of any other state, territory, or country. If the probate 27818

judge is unavoidably absent, any judge of the court of common 27819
pleas may take proof of wills and approve bonds to be given, but 27820
the record of these acts shall be preserved in the usual records 27821
of the probate court. 27822

(b) To grant and revoke letters testamentary and of 27823
administration; 27824

(c) To direct and control the conduct and settle the accounts 27825
of executors and administrators and order the distribution of 27826
estates; 27827

(d) To appoint the attorney general to serve as the 27828
administrator of an estate pursuant to section 2113.06 of the 27829
Revised Code; 27830

(e) To appoint and remove guardians, conservators, and 27831
testamentary trustees, direct and control their conduct, and 27832
settle their accounts; 27833

(f) To grant marriage licenses; 27834

(g) To make inquests respecting persons who are so mentally 27835
impaired as a result of a mental or physical illness or 27836
disability, or mental retardation, or as a result of chronic 27837
substance abuse, that they are unable to manage their property and 27838
affairs effectively, subject to guardianship; 27839

(h) To qualify assignees, appoint and qualify trustees and 27840
commissioners of insolvents, control their conduct, and settle 27841
their accounts; 27842

(i) To authorize the sale of lands, equitable estates, or 27843
interests in lands or equitable estates, and the assignments of 27844
inchoate dower in such cases of sale, on petition by executors, 27845
administrators, and guardians; 27846

(j) To authorize the completion of real property contracts on 27847
petition of executors and administrators; 27848

(k) To construe wills;	27849
(l) To render declaratory judgments, including, but not limited to, those rendered pursuant to section 2107.084 of the Revised Code;	27850 27851 27852
(m) To direct and control the conduct of fiduciaries and settle their accounts;	27853 27854
(n) To authorize the sale or lease of any estate created by will if the estate is held in trust, on petition by the trustee;	27855 27856
(o) To terminate a testamentary trust in any case in which a court of equity may do so;	27857 27858
(p) To hear and determine actions to contest the validity of wills;	27859 27860
(q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;	27861 27862 27863
(r) To hear and determine an action commenced pursuant to section 3107.41 of the Revised Code to obtain the release of information pertaining to the birth name of the adopted person and the identity of the adopted person's biological parents and biological siblings;	27864 27865 27866 27867 27868
(s) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	27869 27870
(t) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	27871 27872
(u) To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;	27873 27874 27875
(v) To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;	27876 27877 27878

(w) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;	27879 27880 27881
(x) To hear and determine complaints that pertain to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment in connection with certain patients allegedly in a terminal condition or in a permanently unconscious state pursuant to division (E) of section 2133.08 of the Revised Code, in accordance with that division;	27882 27883 27884 27885 27886 27887
(y) To hear and determine applications that pertain to the withholding or withdrawal of nutrition and hydration from certain patients allegedly in a permanently unconscious state pursuant to section 2133.09 of the Revised Code, in accordance with that section;	27888 27889 27890 27891 27892
(z) To hear and determine applications of attending physicians in accordance with division (B) of section 2133.15 of the Revised Code;	27893 27894 27895
(aa) To hear and determine actions relative to the use or continuation of comfort care in connection with certain principals under durable powers of attorney for health care, declarants under declarations, or patients in accordance with division (E) of either section 1337.16 or 2133.12 of the Revised Code;	27896 27897 27898 27899 27900
(bb) To hear and determine applications for an order relieving an estate from administration under section 2113.03 of the Revised Code;	27901 27902 27903
(cc) To hear and determine applications for an order granting a summary release from administration under section 2113.031 of the Revised Code;	27904 27905 27906
(dd) To hear and determine actions relating to the exercise of the right of disposition, in accordance with section 2108.90 of the Revised Code;	27907 27908 27909

(ee) To hear and determine actions relating to the 27910
disinterment and reinterment of human remains under section 517.23 27911
of the Revised Code; 27912

(ff) To hear and determine petitions for an order for 27913
treatment of a person suffering from alcohol and other drug abuse 27914
filed under section ~~3793.34~~ 5119.93 of the Revised Code and to 27915
order treatment of that nature in accordance with, and take other 27916
actions afforded to the court under, sections ~~3793.31~~ 5119.90 to 27917
~~3793.39~~ 5119.98 of the Revised Code. 27918

(2) In addition to the exclusive jurisdiction conferred upon 27919
the probate court by division (A)(1) of this section, the probate 27920
court shall have exclusive jurisdiction over a particular subject 27921
matter if both of the following apply: 27922

(a) Another section of the Revised Code expressly confers 27923
jurisdiction over that subject matter upon the probate court. 27924

(b) No section of the Revised Code expressly confers 27925
jurisdiction over that subject matter upon any other court or 27926
agency. 27927

(B)(1) The probate court has concurrent jurisdiction with, 27928
and the same powers at law and in equity as, the general division 27929
of the court of common pleas to issue writs and orders, and to 27930
hear and determine actions as follows: 27931

(a) If jurisdiction relative to a particular subject matter 27932
is stated to be concurrent in a section of the Revised Code or has 27933
been construed by judicial decision to be concurrent, any action 27934
that involves that subject matter; 27935

(b) Any action that involves an inter vivos trust; a trust 27936
created pursuant to section 5815.28 of the Revised Code; a 27937
charitable trust or foundation; subject to divisions (A)(1)(u) and 27938
(z) of this section, a power of attorney, including, but not 27939
limited to, a durable power of attorney; the medical treatment of 27940

a competent adult; or a writ of habeas corpus;	27941
(c) Subject to section 2101.31 of the Revised Code, any	27942
action with respect to a probate estate, guardianship, trust, or	27943
post-death dispute that involves any of the following:	27944
(i) A designation or removal of a beneficiary of a life	27945
insurance policy, annuity contract, retirement plan, brokerage	27946
account, security account, bank account, real property, or	27947
tangible personal property;	27948
(ii) A designation or removal of a payable-on-death	27949
beneficiary or transfer-on-death beneficiary;	27950
(iii) A change in the title to any asset involving a joint	27951
and survivorship interest;	27952
(iv) An alleged gift;	27953
(v) The passing of assets upon the death of an individual	27954
otherwise than by will, intestate succession, or trust.	27955
(2) Any action that involves a concurrent jurisdiction	27956
subject matter and that is before the probate court may be	27957
transferred by the probate court, on its order, to the general	27958
division of the court of common pleas.	27959
(C) The probate court has plenary power at law and in equity	27960
to dispose fully of any matter that is properly before the court,	27961
unless the power is expressly otherwise limited or denied by a	27962
section of the Revised Code.	27963
(D) The jurisdiction acquired by a probate court over a	27964
matter or proceeding is exclusive of that of any other probate	27965
court, except when otherwise provided by law.	27966
Sec. 2108.05. (A) A donor may make an anatomical gift by	27967
doing any of the following:	27968
(1) Authorizing a statement or symbol to be imprinted on the	27969

donor's driver's license or identification card indicating that 27970
the donor has certified a willingness to make an anatomical gift; 27971

(2) Specifying in the donor's will an intent to make an 27972
anatomical gift; 27973

(3) Specifying an intent to make an anatomical gift in the 27974
donor's declaration as described in section 2133.16 of the Revised 27975
Code; 27976

(4) During a terminal illness or injury of the donor, 27977
communicating in any manner to a minimum of two adults, at least 27978
one of whom is a disinterested witness, that the donor intends to 27979
make an anatomical gift; 27980

(5) Following the procedure in division (B) of this section. 27981

(B) A donor or other person authorized to make an anatomical 27982
gift under section 2108.04 of the Revised Code may make a gift by 27983
a donor card or other record signed by the donor or other person 27984
making the gift or by authorizing that a statement or symbol 27985
indicating that the donor has certified a willingness to make an 27986
anatomical gift be included in a donor registry. If the donor or 27987
other person is physically unable to sign a record, the record may 27988
be signed by another individual at the direction of the donor or 27989
other person and shall do both of the following: 27990

(1) Be witnessed by at least two adults, at least one of whom 27991
is a disinterested witness, who have signed at the request of the 27992
donor or the other person; 27993

(2) State that it has been signed and witnessed as provided 27994
in division (B)(1) of this section. 27995

(C) Once a donor has authorized a statement or symbol to be 27996
imprinted on the donor's driver's license or identification card 27997
indicating that the donor has certified a willingness to make an 27998
anatomical gift, the donor does not need to recertify the donor's 27999

willingness to make an anatomical gift upon renewal of the 28000
driver's license or identification card. The authorization shall 28001
remain in effect until the donor withdraws that authorization. 28002

(D) Revocation, suspension, expiration, or cancellation of a 28003
driver's license or identification card upon which an anatomical 28004
gift is indicated does not invalidate the gift. 28005

~~(D)~~(E) An anatomical gift made by will takes effect on the 28006
donor's death whether or not the will is probated. Invalidation of 28007
the will after the donor's death does not invalidate the gift. 28008

Sec. 2113.041. (A) The administrator of the medicaid estate 28009
recovery program established pursuant to section ~~5111.11~~ 5162.21 28010
of the Revised Code may present an affidavit to a financial 28011
institution requesting that the financial institution release 28012
account proceeds to recover the cost of services correctly 28013
provided to a medicaid recipient who is subject to the medicaid 28014
estate recovery program. The affidavit shall include all of the 28015
following information: 28016

(1) The name of the decedent; 28017

(2) The name of any person who gave notice that the decedent 28018
was a medicaid recipient and that person's relationship to the 28019
decedent; 28020

(3) The name of the financial institution; 28021

(4) The account number; 28022

(5) A description of the claim for estate recovery; 28023

(6) The amount of funds to be recovered. 28024

(B) A financial institution may release account proceeds to 28025
the administrator of the medicaid estate recovery program if all 28026
of the following apply: 28027

(1) The decedent held an account at the financial institution 28028

that was in the decedent's name only. 28029

(2) No estate has been, and it is reasonable to assume that 28030
no estate will be, opened for the decedent. 28031

(3) The decedent has no outstanding debts known to the 28032
administrator of the medicaid estate recovery program. 28033

(4) The financial institution has received no objections or 28034
has determined that no valid objections to release of proceeds 28035
have been received. 28036

(C) If proceeds have been released pursuant to division (B) 28037
of this section and the department of ~~job and family services~~ 28038
medicaid receives notice of a valid claim to the proceeds that has 28039
a higher priority under section 2117.25 of the Revised Code than 28040
the claim of the medicaid estate recovery program, the department 28041
may refund the proceeds to the financial institution or pay them 28042
to the person or government entity with the claim. 28043

Sec. 2113.06. (A) Administration of the estate of an 28044
intestate shall be granted to persons mentioned in this division, 28045
in the following order: 28046

(1) To the surviving spouse of the deceased, if resident of 28047
the state; 28048

(2) To one of the next of kin of the deceased, resident of 28049
the state. 28050

(B) If the persons entitled to administer the estate under 28051
division (A) of this section fail to take or renounce 28052
administration voluntarily, the matter shall be set for hearing 28053
and notice given to the persons. 28054

(C) If there are no persons entitled to administration, if 28055
they are for any reason unsuitable for the discharge of the trust, 28056
or if without sufficient cause they neglect to apply within a 28057
reasonable time for the administration of the estate, their right 28058

to priority shall be lost, and the court shall commit the 28059
administration to some suitable person who is a resident of the 28060
state, or to the attorney general or the attorney general's 28061
designee, if the department of ~~job and family services~~ medicaid is 28062
seeking to recover ~~medical assistance~~ the costs of medicaid 28063
services from the deceased pursuant to section ~~5111.11~~ 5162.21 or 28064
~~5111.111~~ 5162.211 of the Revised Code. The person granted 28065
administration may be a creditor of the estate. 28066

(D) This section applies to the appointment of an 28067
administrator de bonis non. 28068

Sec. 2117.061. (A) As used in this section: 28069

(1) "Medicaid estate recovery program" means the program 28070
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 28071

(2) "Person responsible for the estate" means the executor, 28072
administrator, commissioner, or person who filed pursuant to 28073
section 2113.03 of the Revised Code for release from 28074
administration of an estate. 28075

(B) The person responsible for the estate of a decedent 28076
subject to the medicaid estate recovery program or the estate of a 28077
decedent who was the spouse of a decedent subject to the medicaid 28078
estate recovery program shall submit a properly completed medicaid 28079
estate recovery notice form to the administrator of the medicaid 28080
estate recovery program not later than thirty days after the 28081
occurrence of any of the following: 28082

(1) The granting of letters of administration or letters 28083
testamentary; 28084

(2) The filing of an application for release from 28085
administration or summary release from administration. 28086

(C) The person responsible for the estate shall mark the 28087
appropriate box on the appropriate probate form that gives notice 28088

to the administrator of the medicaid estate recovery program to 28089
indicate compliance with the requirements of division (B) of this 28090
section. 28091

(D) The administrator of the medicaid estate recovery program 28092
shall present a claim for estate recovery to the person 28093
responsible for the estate of the decedent or the person's legal 28094
representative not later than ninety days after the date on which 28095
the medicaid estate recovery notice form is received under 28096
division (B) of this section or one year after the decedent's 28097
death, whichever is later. 28098

Sec. 2117.25. (A) Every executor or administrator shall 28099
proceed with diligence to pay the debts of the decedent and shall 28100
apply the assets in the following order: 28101

(1) Costs and expenses of administration; 28102

(2) An amount, not exceeding four thousand dollars, for 28103
funeral expenses that are included in the bill of a funeral 28104
director, funeral expenses other than those in the bill of a 28105
funeral director that are approved by the probate court, and an 28106
amount, not exceeding three thousand dollars, for burial and 28107
cemetery expenses, including that portion of the funeral 28108
director's bill allocated to cemetery expenses that have been paid 28109
to the cemetery by the funeral director. 28110

For purposes of division (A)(2) of this section, burial and 28111
cemetery expenses shall be limited to the following: 28112

(a) The purchase of a right of interment; 28113

(b) Monuments or other markers; 28114

(c) The outer burial container; 28115

(d) The cost of opening and closing the place of interment; 28116

(e) The urn. 28117

(3) The allowance for support made to the surviving spouse, minor children, or both under section 2106.13 of the Revised Code;	28118 28119
(4) Debts entitled to a preference under the laws of the United States;	28120 28121
(5) Expenses of the last sickness of the decedent;	28122
(6) If the total bill of a funeral director for funeral expenses exceeds four thousand dollars, then, in addition to the amount described in division (A)(2) of this section, an amount, not exceeding two thousand dollars, for funeral expenses that are included in the bill and that exceed four thousand dollars;	28123 28124 28125 28126 28127
(7) Expenses of the decedent's last continuous stay in a nursing home as defined in section 3721.01 of the Revised Code, residential facility as defined in section 5123.19 of the Revised Code, or hospital long-term care unit as defined in section 3721.50 <u>5168.40</u> of the Revised Code.	28128 28129 28130 28131 28132
For purposes of division (A)(7) of this section, a decedent's last continuance <u>continuous</u> stay includes up to thirty consecutive days during which the decedent was temporarily absent from the nursing home, residential facility, or hospital long-term care unit.	28133 28134 28135 28136 28137
(8) Personal property taxes, claims made under the medicaid estate recovery program instituted pursuant to section 5111.11 <u>5162.21</u> of the Revised Code, and obligations for which the decedent was personally liable to the state or any of its subdivisions;	28138 28139 28140 28141 28142
(9) Debts for manual labor performed for the decedent within twelve months preceding the decedent's death, not exceeding three hundred dollars to any one person;	28143 28144 28145
(10) Other debts for which claims have been presented and finally allowed.	28146 28147

(B) The part of the bill of a funeral director that exceeds 28148
the total of six thousand dollars as described in divisions (A)(2) 28149
and (6) of this section, and the part of a claim included in 28150
division (A)(9) of this section that exceeds three hundred dollars 28151
shall be included as a debt under division (A)(10) of this 28152
section, depending upon the time when the claim for the additional 28153
amount is presented. 28154

(C) Any natural person or fiduciary who pays a claim of any 28155
creditor described in division (A) of this section shall be 28156
subrogated to the rights of that creditor proportionate to the 28157
amount of the payment and shall be entitled to reimbursement for 28158
that amount in accordance with the priority of payments set forth 28159
in that division. 28160

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 28161
to the manner in which and the time within which claims shall be 28162
presented, shall apply to claims set forth in divisions (A)(2), 28163
(6), and (9) of this section. Claims for an expense of 28164
administration or for the allowance for support need not be 28165
presented. The executor or administrator shall pay debts included 28166
in divisions (A)(4) and (8) of this section, of which the executor 28167
or administrator has knowledge, regardless of presentation. 28168

(2) The giving of written notice to an executor or 28169
administrator of a motion or application to revive an action 28170
pending against the decedent at the date of death shall be 28171
equivalent to the presentation of a claim to the executor or 28172
administrator for the purpose of determining the order of payment 28173
of any judgment rendered or decree entered in such an action. 28174

(E) No payments shall be made to creditors of one class until 28175
all those of the preceding class are fully paid or provided for. 28176
If the assets are insufficient to pay all the claims of one class, 28177
the creditors of that class shall be paid ratably. 28178

(F) If it appears at any time that the assets have been 28179
exhausted in paying prior or preferred charges, allowances, or 28180
claims, those payments shall be a bar to an action on any claim 28181
not entitled to that priority or preference. 28182

Sec. 2133.01. Unless the context otherwise requires, as used 28183
in sections 2133.01 to 2133.15 of the Revised Code: 28184

(A) "Adult" means an individual who is eighteen years of age 28185
or older. 28186

(B) "Attending physician" means the physician to whom a 28187
declarant or other patient, or the family of a declarant or other 28188
patient, has assigned primary responsibility for the treatment or 28189
care of the declarant or other patient, or, if the responsibility 28190
has not been assigned, the physician who has accepted that 28191
responsibility. 28192

(C) "Comfort care" means any of the following: 28193

(1) Nutrition when administered to diminish the pain or 28194
discomfort of a declarant or other patient, but not to postpone 28195
the declarant's or other patient's death; 28196

(2) Hydration when administered to diminish the pain or 28197
discomfort of a declarant or other patient, but not to postpone 28198
the declarant's or other patient's death; 28199

(3) Any other medical or nursing procedure, treatment, 28200
intervention, or other measure that is taken to diminish the pain 28201
or discomfort of a declarant or other patient, but not to postpone 28202
the declarant's or other patient's death. 28203

(D) "Consulting physician" means a physician who, in 28204
conjunction with the attending physician of a declarant or other 28205
patient, makes one or more determinations that are required to be 28206
made by the attending physician, or to be made by the attending 28207
physician and one other physician, by an applicable provision of 28208

this chapter, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.	28209 28210
(E) "Declarant" means any adult who has executed a declaration in accordance with section 2133.02 of the Revised Code.	28211 28212 28213
(F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code.	28214 28215
(G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the Revised Code.	28216 28217 28218
(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	28219 28220 28221
(I) "Health care facility" means any of the following:	28222
(1) A hospital;	28223
(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	28224 28225 28226
(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	28227 28228
(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency;	28229 28230 28231
(5) An intermediate care facility for the mentally retarded.	28232
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	28233 28234 28235 28236 28237 28238

(K) "Home health agency" has the same meaning as in section 3701.881 of the Revised Code.	28239 28240
(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	28241 28242 28243
(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.	28244 28245
(N) "Hydration" means fluids that are artificially or technologically administered.	28246 28247
(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	28248 28249
(P) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 <u>5124.01</u> of the Revised Code.	28250 28251 28252
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.	28253 28254 28255 28256
(R) "Nurse" means a person who is licensed to practice nursing as a registered nurse or to practice practical nursing as a licensed practical nurse pursuant to Chapter 4723. of the Revised Code.	28257 28258 28259 28260
(S) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	28261 28262
(T) "Nutrition" means sustenance that is artificially or technologically administered.	28263 28264
(U) "Permanently unconscious state" means a state of permanent unconsciousness in a declarant or other patient that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the declarant's or	28265 28266 28267 28268

other patient's attending physician and one other physician who 28269
has examined the declarant or other patient, is characterized by 28270
both of the following: 28271

(1) Irreversible unawareness of one's being and environment. 28272

(2) Total loss of cerebral cortical functioning, resulting in 28273
the declarant or other patient having no capacity to experience 28274
pain or suffering. 28275

(V) "Person" has the same meaning as in section 1.59 of the 28276
Revised Code and additionally includes political subdivisions and 28277
governmental agencies, boards, commissions, departments, 28278
institutions, offices, and other instrumentalities. 28279

(W) "Physician" means a person who is authorized under 28280
Chapter 4731. of the Revised Code to practice medicine and surgery 28281
or osteopathic medicine and surgery. 28282

(X) "Political subdivision" and "state" have the same 28283
meanings as in section 2744.01 of the Revised Code. 28284

(Y) "Professional disciplinary action" means action taken by 28285
the board or other entity that regulates the professional conduct 28286
of health care personnel, including the state medical board and 28287
the board of nursing. 28288

(Z) "Qualified patient" means an adult who has executed a 28289
declaration and has been determined to be in a terminal condition 28290
or in a permanently unconscious state. 28291

(AA) "Terminal condition" means an irreversible, incurable, 28292
and untreatable condition caused by disease, illness, or injury 28293
from which, to a reasonable degree of medical certainty as 28294
determined in accordance with reasonable medical standards by a 28295
declarant's or other patient's attending physician and one other 28296
physician who has examined the declarant or other patient, both of 28297
the following apply: 28298

(1) There can be no recovery.	28299
(2) Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.	28300 28301
(BB) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for breach of a contract or another agreement between persons.	28302 28303 28304 28305
Sec. 2133.25. (A) The department of health, by rule adopted pursuant to Chapter 119. of the Revised Code, shall adopt a standardized method of procedure for the withholding of CPR by physicians, emergency medical services personnel, and health care facilities in accordance with sections 2133.21 to 2133.26 of the Revised Code. The standardized method shall specify criteria for determining when a do-not-resuscitate order issued by a physician is current. The standardized method so adopted shall be the "do-not-resuscitate protocol" for purposes of sections 2133.21 to 2133.26 of the Revised Code. The department also shall approve one or more standard forms of DNR identification to be used throughout this state.	28306 28307 28308 28309 28310 28311 28312 28313 28314 28315 28316 28317
(B) The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code for the administration of sections 2133.21 to 2133.26 of the Revised Code.	28318 28319 28320
(C) The department of health shall appoint an advisory committee to advise the department in the development of rules under this section. The advisory committee shall include, but shall not be limited to, representatives of each of the following organizations:	28321 28322 28323 28324 28325
(1) The association for hospitals and health systems (OHA);	28326
(2) The Ohio state medical association;	28327
(3) The Ohio chapter of the American college of emergency	28328

physicians;	28329
(4) The Ohio hospice organization;	28330
(5) The Ohio council for home care;	28331
(6) The Ohio health care association;	28332
(7) The Ohio ambulance association;	28333
(8) The Ohio medical directors association;	28334
(9) The Ohio association of emergency medical services;	28335
(10) The bioethics network of Ohio;	28336
(11) The Ohio nurses association;	28337
(12) The Ohio academy of nursing homes;	28338
(13) The Ohio association of professional firefighters;	28339
(14) The department of developmental disabilities;	28340
(15) The Ohio osteopathic association;	28341
(16) The association of Ohio philanthropic homes, housing and services for the aging;	28342 28343
(17) The catholic conference of Ohio;	28344
(18) The department of aging;	28345
(19) The department of mental health <u>mental health and</u> <u>addiction services</u> ;	28346 28347
(20) The Ohio private residential association;	28348
(21) The northern Ohio fire fighters association.	28349
Sec. 2151.011. (A) As used in the Revised Code:	28350
(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:	28351 28352 28353
(a) The division of the court of common pleas specified in	28354

section 2101.022 or 2301.03 of the Revised Code as having	28355
jurisdiction under this chapter and Chapter 2152. of the Revised	28356
Code or as being the juvenile division or the juvenile division	28357
combined with one or more other divisions;	28358
(b) The juvenile court of Cuyahoga county or Hamilton county	28359
that is separately and independently created by section 2151.08 or	28360
Chapter 2153. of the Revised Code and that has jurisdiction under	28361
this chapter and Chapter 2152. of the Revised Code;	28362
(c) If division (A)(1)(a) or (b) of this section does not	28363
apply, the probate division of the court of common pleas.	28364
(2) "Juvenile judge" means a judge of a court having	28365
jurisdiction under this chapter.	28366
(3) "Private child placing agency" means any association, as	28367
defined in section 5103.02 of the Revised Code, that is certified	28368
under section 5103.03 of the Revised Code to accept temporary,	28369
permanent, or legal custody of children and place the children for	28370
either foster care or adoption.	28371
(4) "Private noncustodial agency" means any person,	28372
organization, association, or society certified by the department	28373
of job and family services that does not accept temporary or	28374
permanent legal custody of children, that is privately operated in	28375
this state, and that does one or more of the following:	28376
(a) Receives and cares for children for two or more	28377
consecutive weeks;	28378
(b) Participates in the placement of children in certified	28379
foster homes;	28380
(c) Provides adoption services in conjunction with a public	28381
children services agency or private child placing agency.	28382
(B) As used in this chapter:	28383
(1) "Adequate parental care" means the provision by a child's	28384

parent or parents, guardian, or custodian of adequate food, 28385
clothing, and shelter to ensure the child's health and physical 28386
safety and the provision by a child's parent or parents of 28387
specialized services warranted by the child's physical or mental 28388
needs. 28389

(2) "Adult" means an individual who is eighteen years of age 28390
or older. 28391

(3) "Agreement for temporary custody" means a voluntary 28392
agreement authorized by section 5103.15 of the Revised Code that 28393
transfers the temporary custody of a child to a public children 28394
services agency or a private child placing agency. 28395

(4) "Alternative response" means the public children services 28396
agency's response to a report of child abuse or neglect that 28397
engages the family in a comprehensive evaluation of child safety, 28398
risk of subsequent harm, and family strengths and needs and that 28399
does not include a determination as to whether child abuse or 28400
neglect occurred. 28401

(5) "Certified foster home" means a foster home, as defined 28402
in section 5103.02 of the Revised Code, certified under section 28403
5103.03 of the Revised Code. 28404

(6) "Child" means a person who is under eighteen years of 28405
age, except that the juvenile court has jurisdiction over any 28406
person who is adjudicated an unruly child prior to attaining 28407
eighteen years of age until the person attains twenty-one years of 28408
age, and, for purposes of that jurisdiction related to that 28409
adjudication, a person who is so adjudicated an unruly child shall 28410
be deemed a "child" until the person attains twenty-one years of 28411
age. 28412

(7) "Child day camp," "child care," "child day-care center," 28413
"part-time child day-care center," "type A family day-care home," 28414
"certified type B family day-care home," "type B home," 28415

"administrator of a child day-care center," "administrator of a type A family day-care home," "in-home aide," and "authorized provider" have the same meanings as in section 5104.01 of the Revised Code. 28416
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(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education. 28420
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(9) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code. 28428
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(10) "Commit" means to vest custody as ordered by the court. 28430

(11) "Counseling" includes both of the following: 28431

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child. 28432
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(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling. 28437
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(12) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child. 28443
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(13) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.	28447 28448
(14) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.	28449 28450 28451 28452
(15) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.	28453 28454
(16) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.	28455 28456 28457 28458
(17) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	28459 28460
(18) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.	28461 28462 28463 28464 28465
(19) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year.	28466 28467 28468 28469 28470
(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.	28471 28472
(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to	28473 28474 28475 28476

provide the child with food, shelter, education, and medical care, 28477
all subject to any residual parental rights, privileges, and 28478
responsibilities. An individual granted legal custody shall 28479
exercise the rights and responsibilities personally unless 28480
otherwise authorized by any section of the Revised Code or by the 28481
court. 28482

(22) A "legitimate excuse for absence from the public school 28483
the child is supposed to attend" includes, but is not limited to, 28484
any of the following: 28485

(a) The fact that the child in question has enrolled in and 28486
is attending another public or nonpublic school in this or another 28487
state; 28488

(b) The fact that the child in question is excused from 28489
attendance at school for any of the reasons specified in section 28490
3321.04 of the Revised Code; 28491

(c) The fact that the child in question has received an age 28492
and schooling certificate in accordance with section 3331.01 of 28493
the Revised Code. 28494

(23) "Mental illness" and "mentally ill person subject to 28495
hospitalization by court order" have the same meanings as in 28496
section 5122.01 of the Revised Code. 28497

(24) "Mental injury" means any behavioral, cognitive, 28498
emotional, or mental disorder in a child caused by an act or 28499
omission that is described in section 2919.22 of the Revised Code 28500
and is committed by the parent or other person responsible for the 28501
child's care. 28502

(25) "Mentally retarded person" has the same meaning as in 28503
section 5123.01 of the Revised Code. 28504

(26) "Nonsecure care, supervision, or training" means care, 28505
supervision, or training of a child in a facility that does not 28506

confine or prevent movement of the child within the facility or 28507
from the facility. 28508

(27) "Of compulsory school age" has the same meaning as in 28509
section 3321.01 of the Revised Code. 28510

(28) "Organization" means any institution, public, 28511
semipublic, or private, and any private association, society, or 28512
agency located or operating in the state, incorporated or 28513
unincorporated, having among its functions the furnishing of 28514
protective services or care for children, or the placement of 28515
children in certified foster homes or elsewhere. 28516

(29) "Out-of-home care" means detention facilities, shelter 28517
facilities, certified children's crisis care facilities, certified 28518
foster homes, placement in a prospective adoptive home prior to 28519
the issuance of a final decree of adoption, organizations, 28520
certified organizations, child day-care centers, type A family 28521
day-care homes, child care provided by type B family day-care home 28522
providers and by in-home aides, group home providers, group homes, 28523
institutions, state institutions, residential facilities, 28524
residential care facilities, residential camps, day camps, public 28525
schools, chartered nonpublic schools, educational service centers, 28526
hospitals, and medical clinics that are responsible for the care, 28527
physical custody, or control of children. 28528

(30) "Out-of-home care child abuse" means any of the 28529
following when committed by a person responsible for the care of a 28530
child in out-of-home care: 28531

(a) Engaging in sexual activity with a child in the person's 28532
care; 28533

(b) Denial to a child, as a means of punishment, of proper or 28534
necessary subsistence, education, medical care, or other care 28535
necessary for a child's health; 28536

(c) Use of restraint procedures on a child that cause injury 28537

or pain;	28538
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	28539 28540 28541
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	28542 28543 28544 28545 28546
(31) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	28547 28548 28549
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	28550 28551 28552
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	28553 28554 28555 28556
(c) Failure to develop a process for all of the following:	28557
(i) Administration of prescription drugs or psychotropic drugs for the child;	28558 28559
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	28560 28561
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	28562 28563 28564
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	28565 28566 28567

(e) Confinement of the child to a locked room without monitoring by staff;	28568 28569
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	28570 28571
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	28572 28573 28574
(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	28575 28576 28577 28578 28579 28580
(33) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	28581 28582 28583 28584 28585
(34) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.	28586 28587 28588
(35) "Person responsible for a child's care in out-of-home care" means any of the following:	28589 28590
(a) Any foster caregiver, in-home aide, or provider;	28591
(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential	28592 28593 28594 28595 28596 28597

care facility; residential camp; day camp; school district;	28598
community school; chartered nonpublic school; educational service	28599
center; hospital; or medical clinic;	28600
(c) Any person who supervises or coaches children as part of	28601
an extracurricular activity sponsored by a school district, public	28602
school, or chartered nonpublic school;	28603
(d) Any other person who performs a similar function with	28604
respect to, or has a similar relationship to, children.	28605
(36) "Physically impaired" means having one or more of the	28606
following conditions that substantially limit one or more of an	28607
individual's major life activities, including self-care, receptive	28608
and expressive language, learning, mobility, and self-direction:	28609
(a) A substantial impairment of vision, speech, or hearing;	28610
(b) A congenital orthopedic impairment;	28611
(c) An orthopedic impairment caused by disease, rheumatic	28612
fever or any other similar chronic or acute health problem, or	28613
amputation or another similar cause.	28614
(37) "Placement for adoption" means the arrangement by a	28615
public children services agency or a private child placing agency	28616
with a person for the care and adoption by that person of a child	28617
of whom the agency has permanent custody.	28618
(38) "Placement in foster care" means the arrangement by a	28619
public children services agency or a private child placing agency	28620
for the out-of-home care of a child of whom the agency has	28621
temporary custody or permanent custody.	28622
(39) "Planned permanent living arrangement" means an order of	28623
a juvenile court pursuant to which both of the following apply:	28624
(a) The court gives legal custody of a child to a public	28625
children services agency or a private child placing agency without	28626
the termination of parental rights.	28627

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.

(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(45) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.

(46) "Residential care facility" means an institution, residence, or facility that is licensed by the department of ~~mental health~~ mental health and addiction services under section ~~5119.22~~ 5119.34 of the Revised Code and that provides care for a child.

(47) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

(48) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

(49) "School day" means the school day established by the state board of education pursuant to section 3313.48 of the Revised Code.

(50) "School month" and "school year" have the same meanings as in section 3313.62 of the Revised Code.

(51) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

(52) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(53) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated

at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

(56) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

Sec. 2151.3514. (A) As used in this section:

(1) "~~Alcohol and drug~~ Community addiction program services provider" has the same meaning as in section ~~3793.01~~ 5119.01 of the Revised Code;

(2) "Chemical dependency" means either of the following:

(a) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others;

(b) The use of a drug of abuse to the extent that the user becomes physically or psychologically dependent on the drug or endangers the user's health, safety, or welfare or that of others.

(3) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code.

~~(4) "Medicaid" means the program established under Chapter 5111. of the Revised Code.~~

(B) If the juvenile court issues an order of temporary custody or protective supervision under division (A) of section 2151.353 of the Revised Code with respect to a child adjudicated to be an abused, neglected, or dependent child and the alcohol or other drug addiction of a parent or other caregiver of the child was the basis for the adjudication of abuse, neglect, or dependency, the court shall issue an order requiring the parent or other caregiver to submit to an assessment and, if needed, treatment from ~~an alcohol and drug~~ a community addiction program services provider certified by the department of ~~alcohol and drug addiction services~~ mental health and addiction services. The court may order the parent or other caregiver to submit to alcohol or other drug testing during, after, or both during and after, the treatment. The court shall send any order issued pursuant to this division to the public children services agency that serves the county in which the court is located for use as described in section 340.15 of the Revised Code.

(C) Any order requiring alcohol or other drug testing that is issued pursuant to division (B) of this section shall require one alcohol or other drug test to be conducted each month during a period of twelve consecutive months beginning the month immediately following the month in which the order for alcohol or other drug testing is issued. Arrangements for administering the alcohol or other drug tests, as well as funding the costs of the tests, shall be locally determined in accordance with sections ~~340.033~~ 340.03 and 340.15 of the Revised Code. If a parent or other caregiver required to submit to alcohol or other drug tests under this section is not a recipient of medicaid, the agency that refers the parent or caregiver for the tests may require the parent or caregiver to reimburse the agency for the cost of conducting the tests.

(D) The certified ~~alcohol and drug~~ community addiction

~~program~~ services provider that conducts any alcohol or other drug 28751
tests ordered in accordance with divisions (B) and (C) of this 28752
section shall send the results of the tests, along with the 28753
~~program's~~ provider's recommendations as to the benefits of 28754
continued treatment, to the court and to the public children 28755
services agency providing services to the involved family, 28756
according to federal regulations set forth in 42 C.F.R. Part 2, 28757
and division (B) of section 340.15 of the Revised Code. The court 28758
shall consider the results and the recommendations sent to it 28759
under this division in any adjudication or review by the court, 28760
according to section 2151.353, 2151.414, or 2151.419 of the 28761
Revised Code. 28762

Sec. 2151.362. (A)(1) In the manner prescribed by division 28763
(C)(1) or (2) of section 3313.64 of the Revised Code, as 28764
applicable, the court, at the time of making any order that 28765
removes a child from the child's own home or that vests legal or 28766
permanent custody of the child in a person other than the child's 28767
parent or a government agency, shall determine the school district 28768
that is to bear the cost of educating the child. The court shall 28769
make the determination a part of the order that provides for the 28770
child's placement or commitment. That school district shall bear 28771
the cost of educating the child unless and until the department of 28772
education determines that a different district shall be 28773
responsible for bearing that cost pursuant to division (A)(2) of 28774
this section. The court's order shall state that the determination 28775
of which school district is responsible to bear the cost of 28776
educating the child is subject to re-determination by the 28777
department pursuant to that division. 28778

(2) If, while the child is in the custody of a person other 28779
than the child's parent or a government agency, the department of 28780
education determines that the place of residence of the child's 28781
parent has changed since the court issued its initial order, the 28782

department may name a different school district to bear the cost 28783
of educating the child. The department shall make this new 28784
determination, and any future determinations, based on evidence 28785
received from the school district currently responsible to bear 28786
the cost of educating the child. If the department finds that the 28787
evidence demonstrates to its satisfaction that the residence of 28788
the child's parent has changed since the court issued its initial 28789
order under division (A)(1) of this section, or since the 28790
department last made a determination under division (A)(2) of this 28791
section, the department shall name the district in which the 28792
child's parent currently resides or, if the parent's residence is 28793
not known, the district in which the parent's last known residence 28794
is located. If the department cannot determine any Ohio district 28795
in which the parent currently resides or has resided, the school 28796
district designated in the initial court order under division 28797
(A)(1) of this section, or in the most recent determination made 28798
by the department under division (A)(2) of this section, shall 28799
continue to bear the cost of educating the child. 28800

(B) Whenever a child is placed in a detention facility 28801
established under section 2152.41 of the Revised Code or a 28802
juvenile facility established under section 2151.65 of the Revised 28803
Code, the facility shall be responsible for coordinating the 28804
education of the child. The facility may take any of the following 28805
measures in coordinating the education of the child: 28806

(1) If applicable, use the chartered nonpublic school that 28807
the facility operates; 28808

(2) Arrange with the school district responsible for bearing 28809
the cost of educating the child determined under division (A) of 28810
this section, for the facility to educate the child on its own; 28811

(3) Contract with an educational service center for the 28812
service center to educate the child; 28813

(4) Contract with the school district in which the facility 28814
is located for that school district to educate the child; 28815

(5) If the child is enrolled in an internet- or 28816
computer-based community school established under Chapter 3314. of 28817
the Revised Code, and provided that the facility possesses the 28818
necessary hardware, software, and internet connectivity, permit 28819
continued instruction of the child by the internet- or 28820
computer-based community school. 28821

If the facility coordinates the education of the child 28822
pursuant to division (B)(1), (2), (3), or (4) of this section, 28823
child's school district as determined by the court or the 28824
department, in the same manner as prescribed in division (A) of 28825
this section, shall pay the cost of educating the child based on 28826
the per capita cost of the educational facility within the 28827
detention home or juvenile facility. 28828

If the facility coordinates the education of the child 28829
pursuant to division (B)(5) of this section, payment for the cost 28830
of educating the child shall be made only as provided in division 28831
(C) of section 3314.08 of the Revised Code. 28832

(C) Whenever a child is placed by the court in a private 28833
institution, school, or residential treatment center or any other 28834
private facility, the state shall pay to the court a subsidy to 28835
help defray the expense of educating the child in an amount equal 28836
to the product of the daily per capita educational cost of the 28837
private facility, as determined pursuant to this section, and the 28838
number of days the child resides at the private facility, provided 28839
that the subsidy shall not exceed twenty-five hundred dollars per 28840
year per child. The daily per capita educational cost of a private 28841
facility shall be determined by dividing the actual program cost 28842
of the private facility or twenty-five hundred dollars, whichever 28843
is less, by three hundred sixty-five days or by three hundred 28844
sixty-six days for years that include February twenty-ninth. The 28845

state shall pay seventy-five per cent of the total subsidy for 28846
each year quarterly to the court. The state may adjust the 28847
remaining twenty-five per cent of the total subsidy to be paid to 28848
the court for each year to an amount that is less than twenty-five 28849
per cent of the total subsidy for that year based upon the 28850
availability of funds appropriated to the department of education 28851
for the purpose of subsidizing courts that place a child in a 28852
private institution, school, or residential treatment center or 28853
any other private facility and shall pay that adjusted amount to 28854
the court at the end of the year. 28855

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 28856
entity that appoints or employs any person responsible for a 28857
child's care in out-of-home care shall request the superintendent 28858
of BCII to conduct a criminal records check with respect to any 28859
person who is under final consideration for appointment or 28860
employment as a person responsible for a child's care in 28861
out-of-home care, except that section 3319.39 of the Revised Code 28862
shall apply instead of this section if the out-of-home care entity 28863
is a public school, educational service center, or chartered 28864
nonpublic school. 28865

(2) At the times specified in this division, the 28866
administrative director of an agency, or attorney, who arranges an 28867
adoption for a prospective adoptive parent shall request the 28868
superintendent of BCII to conduct a criminal records check with 28869
respect to that prospective adoptive parent and a criminal records 28870
check with respect to all persons eighteen years of age or older 28871
who reside with the prospective adoptive parent. The 28872
administrative director or attorney shall request a criminal 28873
records check pursuant to this division at the time of the initial 28874
home study, every four years after the initial home study at the 28875
time of an update, and at the time that an adoptive home study is 28876
completed as a new home study. 28877

(3) Before a recommending agency submits a recommendation to 28878
the department of job and family services on whether the 28879
department should issue a certificate to a foster home under 28880
section 5103.03 of the Revised Code, and every four years 28881
thereafter prior to a recertification under that section, the 28882
administrative director of the agency shall request that the 28883
superintendent of BCII conduct a criminal records check with 28884
respect to the prospective foster caregiver and a criminal records 28885
check with respect to all other persons eighteen years of age or 28886
older who reside with the foster caregiver. 28887

(B)(1) If a person subject to a criminal records check under 28888
division (A)(1) of this section does not present proof that the 28889
person has been a resident of this state for the five-year period 28890
immediately prior to the date upon which the criminal records 28891
check is requested or does not provide evidence that within that 28892
five-year period the superintendent of BCII has requested 28893
information about the person from the federal bureau of 28894
investigation in a criminal records check, the appointing or 28895
hiring officer shall request that the superintendent of BCII 28896
obtain information from the federal bureau of investigation as a 28897
part of the criminal records check, including fingerprint-based 28898
checks of national crime information databases as described in 42 28899
U.S.C. 671. If a person subject to a criminal records check under 28900
division (A)(1) of this section presents proof that the person has 28901
been a resident of this state for that five-year period, the 28902
appointing or hiring officer or attorney may request that the 28903
superintendent of BCII include information from the federal bureau 28904
of investigation in the criminal records check, including 28905
fingerprint-based checks of national crime information databases 28906
as described in 42 U.S.C. 671. 28907

When the administrative director of an agency, or attorney, 28908
who arranges an adoption for a prospective parent requests, at the 28909

time of the initial home study, a criminal records check for a 28910
person pursuant to division (A)(2) of this section, the 28911
administrative director or attorney shall request that the 28912
superintendent of BCII obtain information from the federal bureau 28913
of investigation as part of the criminal records check, including 28914
fingerprint-based checks of national crime information databases 28915
as described in 42 U.S.C. 671, for the person subject to the 28916
criminal records check. In all other cases in which the 28917
administrative director of an agency, or attorney, who arranges an 28918
adoption for a prospective parent requests a criminal records 28919
check for a person pursuant to division (A)(2) of this section, 28920
the administrative director or attorney may request that the 28921
superintendent of BCII include information from the federal bureau 28922
of investigation in the criminal records check, including 28923
fingerprint-based checks of national crime information databases 28924
as described in 42 U.S.C. 671. 28925

When the administrative director of a recommending agency 28926
requests, before submitting a recommendation to the department of 28927
job and family services on whether the department should issue a 28928
certificate to a foster home under section 5103.03 of the Revised 28929
Code, a criminal records check for a person pursuant to division 28930
(A)(3) of this section, the administrative director shall request 28931
that the superintendent of BCII obtain information from the 28932
federal bureau of investigation as part of a criminal records 28933
check, including fingerprint-based checks of national crime 28934
information databases as described in 42 U.S.C. 671, for the 28935
person subject to the criminal records check. In all other cases 28936
in which the administrative director of a recommending agency 28937
requests a criminal records check for a person pursuant to 28938
division (A)(3) of this section, the administrative director may 28939
request that the superintendent of BCII include information from 28940
the federal bureau of investigation in the criminal records check, 28941
including fingerprint-based checks of national crime information 28942

databases as described in 42 U.S.C. 671. 28943

Prior to a hearing on a final decree of adoption or 28944
interlocutory order of adoption by a probate court, the 28945
administrative director of an agency, or an attorney, who arranges 28946
an adoption for a prospective parent shall provide to the clerk of 28947
the probate court either of the following: 28948

(a) Any information received pursuant to a request made under 28949
this division from the superintendent of BCII or the federal 28950
bureau of investigation as part of the criminal records check, 28951
including fingerprint-based checks of national crime information 28952
databases as described in 42 U.S.C. 671, for the person subject to 28953
the criminal records check; 28954

(b) Written notification that the person subject to a 28955
criminal records check pursuant to this division failed upon 28956
request to provide the information necessary to complete the form 28957
or failed to provide impressions of the person's fingerprints as 28958
required under division (B)(2) of this section. 28959

(2) An appointing or hiring officer, administrative director, 28960
or attorney required by division (A) of this section to request a 28961
criminal records check shall provide to each person subject to a 28962
criminal records check a copy of the form prescribed pursuant to 28963
division (C)(1) of section 109.572 of the Revised Code and a 28964
standard impression sheet to obtain fingerprint impressions 28965
prescribed pursuant to division (C)(2) of section 109.572 of the 28966
Revised Code, obtain the completed form and impression sheet from 28967
the person, and forward the completed form and impression sheet to 28968
the superintendent of BCII at the time the criminal records check 28969
is requested. 28970

Any person subject to a criminal records check who receives 28971
pursuant to this division a copy of the form prescribed pursuant 28972
to division (C)(1) of section 109.572 of the Revised Code and a 28973

copy of an impression sheet prescribed pursuant to division (C)(2) 28974
of that section and who is requested to complete the form and 28975
provide a set of fingerprint impressions shall complete the form 28976
or provide all the information necessary to complete the form and 28977
shall provide the impression sheet with the impressions of the 28978
person's fingerprints. If a person subject to a criminal records 28979
check, upon request, fails to provide the information necessary to 28980
complete the form or fails to provide impressions of the person's 28981
fingerprints, the appointing or hiring officer shall not appoint 28982
or employ the person as a person responsible for a child's care in 28983
out-of-home care, a probate court may not issue a final decree of 28984
adoption or an interlocutory order of adoption making the person 28985
an adoptive parent, and the department of job and family services 28986
shall not issue a certificate authorizing the prospective foster 28987
caregiver to operate a foster home. 28988

(C)(1) No appointing or hiring officer shall appoint or 28989
employ a person as a person responsible for a child's care in 28990
out-of-home care, the department of job and family services shall 28991
not issue a certificate under section 5103.03 of the Revised Code 28992
authorizing a prospective foster caregiver to operate a foster 28993
home, and no probate court shall issue a final decree of adoption 28994
or an interlocutory order of adoption making a person an adoptive 28995
parent if the person or, in the case of a prospective foster 28996
caregiver or prospective adoptive parent, any person eighteen 28997
years of age or older who resides with the prospective foster 28998
caregiver or prospective adoptive parent previously has been 28999
convicted of or pleaded guilty to any of the violations described 29000
in division (A)(4) of section 109.572 of the Revised Code, unless 29001
the person meets rehabilitation standards established in rules 29002
adopted under division (F) of this section. 29003

(2) The appointing or hiring officer may appoint or employ a 29004
person as a person responsible for a child's care in out-of-home 29005

care conditionally until the criminal records check required by 29006
this section is completed and the officer receives the results of 29007
the criminal records check. If the results of the criminal records 29008
check indicate that, pursuant to division (C)(1) of this section, 29009
the person subject to the criminal records check does not qualify 29010
for appointment or employment, the officer shall release the 29011
person from appointment or employment. 29012

(3) Prior to certification or recertification under section 29013
5103.03 of the Revised Code, the prospective foster caregiver 29014
subject to a criminal records check under division (A)(3) of this 29015
section shall notify the recommending agency of the revocation of 29016
any foster home license, certificate, or other similar 29017
authorization in another state occurring within the five years 29018
prior to the date of application to become a foster caregiver in 29019
this state. The failure of a prospective foster caregiver to 29020
notify the recommending agency of any revocation of that type in 29021
another state that occurred within that five-year period shall be 29022
grounds for denial of the person's foster home application or the 29023
revocation of the person's foster home certification, whichever is 29024
applicable. If a person has had a revocation in another state 29025
within the five years prior to the date of the application, the 29026
department of job and family services shall not issue a foster 29027
home certificate to the prospective foster caregiver. 29028

(D) The appointing or hiring officer, administrative 29029
director, or attorney shall pay to the bureau of criminal 29030
identification and investigation the fee prescribed pursuant to 29031
division (C)(3) of section 109.572 of the Revised Code for each 29032
criminal records check conducted in accordance with that section 29033
upon a request pursuant to division (A) of this section. The 29034
officer, director, or attorney may charge the person subject to 29035
the criminal records check a fee for the costs the officer, 29036
director, or attorney incurs in obtaining the criminal records 29037

check. A fee charged under this division shall not exceed the 29038
amount of fees the officer, director, or attorney pays for the 29039
criminal records check. If a fee is charged under this division, 29040
the officer, director, or attorney shall notify the person who is 29041
the applicant at the time of the person's initial application for 29042
appointment or employment, an adoption to be arranged, or a 29043
certificate to operate a foster home of the amount of the fee and 29044
that, unless the fee is paid, the person who is the applicant will 29045
not be considered for appointment or employment or as an adoptive 29046
parent or foster caregiver. 29047

(E) The report of any criminal records check conducted by the 29048
bureau of criminal identification and investigation in accordance 29049
with section 109.572 of the Revised Code and pursuant to a request 29050
made under division (A) of this section is not a public record for 29051
the purposes of section 149.43 of the Revised Code and shall not 29052
be made available to any person other than the following: 29053

(1) The person who is the subject of the criminal records 29054
check or the person's representative; 29055

(2) The appointing or hiring officer, administrative 29056
director, or attorney requesting the criminal records check or the 29057
officer's, director's, or attorney's representative; 29058

(3) The department of job and family services, a county 29059
department of job and family services, or a public children 29060
services agency; 29061

(4) Any court, hearing officer, or other necessary individual 29062
involved in a case dealing with the denial of employment, a final 29063
decree of adoption or interlocutory order of adoption, or a foster 29064
home certificate. 29065

(F) The director of job and family services shall adopt rules 29066
in accordance with Chapter 119. of the Revised Code to implement 29067
this section. The rules shall include rehabilitation standards a 29068

person who has been convicted of or pleaded guilty to an offense 29069
listed in division (A)(4) of section 109.572 of the Revised Code 29070
must meet for an appointing or hiring officer to appoint or employ 29071
the person as a person responsible for a child's care in 29072
out-of-home care, a probate court to issue a final decree of 29073
adoption or interlocutory order of adoption making the person an 29074
adoptive parent, or the department to issue a certificate 29075
authorizing the prospective foster caregiver to operate a foster 29076
home or not revoke a foster home certificate for a violation 29077
specified in section 5103.0328 of the Revised Code. 29078

(G) An appointing or hiring officer, administrative director, 29079
or attorney required by division (A) of this section to request a 29080
criminal records check shall inform each person who is the 29081
applicant, at the time of the person's initial application for 29082
appointment or employment, an adoption to be arranged, or a foster 29083
home certificate, that the person subject to the criminal records 29084
check is required to provide a set of impressions of the person's 29085
fingerprints and that a criminal records check is required to be 29086
conducted and satisfactorily completed in accordance with section 29087
109.572 of the Revised Code. 29088

~~(H) The department of job and family services may waive the 29089
requirement that a criminal records check based on fingerprints be 29090
conducted for an adult resident of a prospective adoptive or 29091
foster home or the home of a foster caregiver if the recommending 29092
agency documents to the department's satisfaction that the adult 29093
resident is physically unable to comply with the fingerprinting 29094
requirement and poses no danger to foster children or adoptive 29095
children who may be placed in the home. In such cases, the 29096
recommending or approving agency shall request that the bureau of 29097
criminal identification and investigation conduct a criminal 29098
records check using the person's name and social security number. 29099~~

~~(I) As used in this section: 29100~~

- (1) "Children's hospital" means any of the following: 29101
- (a) A hospital registered under section 3701.07 of the 29102
Revised Code that provides general pediatric medical and surgical 29103
care, and in which at least seventy-five per cent of annual 29104
inpatient discharges for the preceding two calendar years were 29105
individuals less than eighteen years of age; 29106
- (b) A distinct portion of a hospital registered under section 29107
3701.07 of the Revised Code that provides general pediatric 29108
medical and surgical care, has a total of at least one hundred 29109
fifty registered pediatric special care and pediatric acute care 29110
beds, and in which at least seventy-five per cent of annual 29111
inpatient discharges for the preceding two calendar years were 29112
individuals less than eighteen years of age; 29113
- (c) A distinct portion of a hospital, if the hospital is 29114
registered under section 3701.07 of the Revised Code as a 29115
children's hospital and the children's hospital meets all the 29116
requirements of division ~~(I)~~(H)(1)(a) of this section. 29117
- (2) "Criminal records check" has the same meaning as in 29118
section 109.572 of the Revised Code. 29119
- (3) "Person responsible for a child's care in out-of-home 29120
care" has the same meaning as in section 2151.011 of the Revised 29121
Code, except that it does not include a prospective employee of 29122
the department of youth services or a person responsible for a 29123
child's care in a hospital or medical clinic other than a 29124
children's hospital. 29125
- (4) "Person subject to a criminal records check" means the 29126
following: 29127
- (a) A person who is under final consideration for appointment 29128
or employment as a person responsible for a child's care in 29129
out-of-home care; 29130

(b) A prospective adoptive parent;	29131
(c) A prospective foster caregiver;	29132
(d) A person eighteen years old or older who resides with a prospective foster caregiver or a prospective adoptive parent.	29133 29134
(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.	29135 29136 29137 29138
(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.	29139 29140
Sec. 2152.54. (A) An evaluation of a child who does not appear to the court to be a person who is at least moderately intellectually disabled shall be made by an evaluator who is one of the following:	29141 29142 29143 29144
(1) A professional employed by a psychiatric facility or center certified by the department of mental health <u>mental health and addiction services</u> to provide forensic services and appointed by the director of the facility or center to conduct the evaluation;	29145 29146 29147 29148 29149
(2) A psychiatrist or a licensed clinical psychologist who satisfies the criteria of division (I)(1) of section 5122.01 of the Revised Code and has specialized education, training, or experience in forensic evaluations of children or adolescents.	29150 29151 29152 29153
(B) An evaluation of a child who appears to the court to be a person who is at least moderately intellectually disabled shall be made by a psychiatrist or licensed clinical psychologist who satisfies the criteria of division (I)(1) of section 5122.01 of the Revised Code and has specialized education, training, or experience in forensic evaluations of children or adolescents who have intellectual disability.	29154 29155 29156 29157 29158 29159 29160

(C) If an evaluation is conducted by an evaluator of the type 29161
described in division (A)(1) or (2) of this section and the 29162
evaluator concludes that the child is a person who is at least 29163
moderately intellectually disabled, the evaluator shall 29164
discontinue the evaluation and notify the court within one 29165
business day after reaching the conclusion. Within two business 29166
days after receiving notification, the court shall order the child 29167
to undergo an evaluation by an evaluator of the type described in 29168
division (B) of this section. Within two business days after the 29169
appointment of the new evaluator, the original evaluator shall 29170
deliver to the new evaluator all information relating to the child 29171
obtained during the original evaluation. 29172

Sec. 2152.59. (A) If after a hearing held pursuant to section 29173
2152.58 of the Revised Code the court determines that a child is 29174
competent, the court shall proceed with the delinquent child's 29175
proceeding as provided by law. No statement that a child makes 29176
during an evaluation or hearing conducted under sections 2152.51 29177
through 2152.59 of the Revised Code shall be used against the 29178
child on the issue of responsibility or guilt in any child or 29179
adult proceeding. 29180

(B) If after a hearing held pursuant to section 2152.58 of 29181
the Revised Code the court determines that the child is not 29182
competent and cannot attain competency within the period of time 29183
applicable under division (D)(2) of this section, the court shall 29184
dismiss the charges without prejudice, except that the court may 29185
delay dismissal for up to ninety calendar days and do either of 29186
the following: 29187

(1) Refer the matter to a public children services agency and 29188
request that agency determine whether to file an action in 29189
accordance with section 2151.27 of the Revised Code alleging that 29190
the child is a dependent, neglected, or abused child; 29191

(2) Assign court staff to refer the child or the child's family to the local family and children first council or an agency funded by the department of ~~mental health~~ mental health and addiction services or department of developmental disabilities or otherwise secure services to reduce the potential that the child would engage in behavior that could result in delinquent child or other criminal charges.

(C) If after a hearing held pursuant to section 2152.58 of the Revised Code the court determines that a child is not competent but could likely attain competency by participating in services specifically designed to help the child develop competency, the court may order the child to participate in services specifically designed to help the child develop competency at county expense. The court shall name a reliable provider to deliver the competency attainment services and shall order the child's parent, guardian, or custodian to contact that provider by a specified date to arrange for services.

(D) The competency attainment services provided to a child shall be based on a competency attainment plan described in division (E)(2) of this section and approved by the court. Services are subject to the following conditions and time periods measured from the date the court approves the plan:

(1) Services shall be provided in the least restrictive setting that is consistent with the child's ability to attain competency and the safety of both the child and the community. If the child has been released on temporary or interim orders and refuses or fails to cooperate with the service provider, the court may reassess the orders and amend them to require a more appropriate setting.

(2) No child shall be required to participate in competency attainment services for longer than is required for the child to attain competency. The following maximum periods of participation

apply: 29224

(a) If a child is ordered to participate in competency 29225
attainment services that are provided outside of a residential 29226
setting, the child shall not participate in those services for a 29227
period exceeding three months if the child is charged with an act 29228
that would be a misdemeanor if committed by an adult, six months 29229
if the child is charged with an act that would be a felony of the 29230
third, fourth, or fifth degree if committed by an adult, or one 29231
year if the child is charged with an act that would be a felony of 29232
the first or second degree, aggravated murder, or murder if 29233
committed by an adult. 29234

(b) If a child is ordered to receive competency attainment 29235
services that are provided in a residential setting that is 29236
operated solely or in part for the purpose of providing competency 29237
attainment services, the child shall not participate in those 29238
services for a period exceeding forty-five calendar days if the 29239
child is charged with an act that would be a misdemeanor if 29240
committed by an adult, three months if the child is charged with 29241
an act that would be a felony of the third, fourth, or fifth 29242
degree if committed by an adult, six months if the child is 29243
charged with an act that would be a felony of the first or second 29244
degree if committed by an adult, or one year if the child is 29245
charged with an act that would be aggravated murder or murder if 29246
committed by an adult. 29247

(c) If a child is ordered into a residential, detention, or 29248
other secured setting for reasons other than to participate in 29249
competency attainment services and is also ordered to participate 29250
in competency attainment services concurrently, the child shall 29251
participate in the competency attainment services for not longer 29252
than the relevant period set forth in division (D)(2)(a) of this 29253
section. 29254

(d) If a child is ordered to participate in competency 29255

attainment services that require the child to live for some but 29256
not all of the duration of the services in a residential setting 29257
that is operated solely or in part for the purpose of providing 29258
competency attainment services, the child shall participate in the 29259
competency attainment services for not longer than the relevant 29260
period set forth in division (D)(2)(b) of this section. For the 29261
purpose of calculating a time period under division (D)(2)(d) of 29262
this section, two days of participation in a nonresidential 29263
setting shall equal one day of participation in a residential 29264
setting. 29265

(3) A child who receives competency attainment services in a 29266
residential setting that is operated solely or partly for the 29267
purpose of providing competency attainment services is in 29268
detention for purposes of section 2921.34 and division (B) of 29269
section 2152.18 of the Revised Code during the time that the child 29270
resides in the residential setting. 29271

(E)(1) Within ten business days after the court names the 29272
provider responsible for the child's competency attainment 29273
services under division (D) of this section, the court shall 29274
deliver to that provider a copy of each competency assessment 29275
report it has received for review. The provider shall return the 29276
copies of the reports to the court upon the termination of the 29277
services. 29278

(2) Not later than thirty calendar days after the child 29279
contacts the competency attainment services provider under 29280
division (C) of this section, the provider shall submit to the 29281
court a plan for the child to attain competency. The court shall 29282
provide copies of the plan to the prosecuting attorney, the 29283
child's attorney, the child's guardian ad litem, if any, and the 29284
child's parents, guardian, or custodian. 29285

(F) The provider that provides the child's competency 29286
attainment services pursuant to the competency attainment plan 29287

shall submit reports to the court on the following schedule: 29288

(1) A report on the child's progress every thirty calendar 29289
days and on the termination of services. The report shall not 29290
include any details of the alleged offense as reported by the 29291
child. 29292

(2) If the provider determines that the child is not 29293
cooperating to a degree that would allow the services to be 29294
effective to help the child attain competency, a report informing 29295
the court of the determination within three business days after 29296
making the determination; 29297

(3) If the provider determines that the current setting is no 29298
longer the least restrictive setting that is consistent with the 29299
child's ability to attain competency and the safety of both the 29300
child and the community, a report informing the court of the 29301
determination within three business days after making the 29302
determination; 29303

(4) If the provider determines that the child has achieved 29304
the goals of the plan and would be able to understand the nature 29305
and objectives of the proceeding against the child and to assist 29306
in the child's defense, with or without reasonable accommodations 29307
to meet the criteria set forth in division (B) of section 2152.56 29308
of the Revised Code, a report informing the court of that 29309
determination within three business days after making the 29310
determination. If the provider believes that accommodations would 29311
be necessary or desirable, the report shall include 29312
recommendations for accommodations. 29313

(5) If the provider determines that the child will not 29314
achieve the goals of the plan within the applicable period of time 29315
under division (D)(2) of this section, a report informing the 29316
court of the determination within three business days after making 29317
the determination. The report shall include recommendations for 29318

services for the child that would support the safety of the child 29319
or the community. 29320

(G) The court shall provide copies of any report made under 29321
division (F) of this section to the prosecuting attorney, the 29322
child's attorney, and the child's guardian ad litem, if any. The 29323
court shall provide copies of any report made under division (F) 29324
of this section to the child's parents, guardian, or custodian 29325
unless the court finds that doing so is not in the best interest 29326
of the child. 29327

(H)(1) Within fifteen business days after receiving a report 29328
under division (F) of this section, the court may hold a hearing 29329
to determine if a new order is necessary. To assist in making a 29330
determination under division (H) of this section, the court may 29331
order a new competency evaluation in accordance with section 29332
2152.53 of the Revised Code. Until a new order is issued or the 29333
required period of participation expires, the child shall continue 29334
to participate in competency attainment services. 29335

(2) If after a hearing held under division (H)(1) of this 29336
section the court determines that the child is not making progress 29337
toward competency or is so uncooperative that attainment services 29338
cannot be effective, the court may order a change in setting or 29339
services that would help the child attain competency within the 29340
relevant period of time under division (D)(2) of this section. 29341

(3) If after a hearing held under division (H)(1) of this 29342
section the court determines that the child has not or will not 29343
attain competency within the relevant period of time under 29344
division (D)(2) of this section, the court shall dismiss the 29345
delinquency complaint without prejudice, except that the court may 29346
delay dismissal for up to ninety calendar days and do either of 29347
the following: 29348

(a) Refer the matter to a public children services agency and 29349

request that agency determine whether to file an action in 29350
accordance with section 2151.27 of the Revised Code alleging that 29351
the child is a dependent, neglected, or abused child; 29352

(b) Assign court staff to refer the child or the child's 29353
family to the local family and children first council or an agency 29354
funded by the department of ~~mental health~~ mental health and 29355
addiction services or department of developmental disabilities or 29356
otherwise secure services to reduce the potential that the child 29357
would engage in behavior that could result in delinquency or other 29358
criminal charges. 29359

(4) A dismissal under division (H)(3) of this section does 29360
not preclude a future delinquent child proceeding or criminal 29361
prosecution as provided under section 2151.23 of the Revised Code 29362
if the child eventually attains competency. 29363

(5) If after a hearing held under division (H)(1) of this 29364
section the court determines that the child has attained 29365
competency, the court shall proceed with the delinquent child's 29366
proceeding in accordance with division (A) of this section. 29367

(6) A dismissal under this section does not bar a civil 29368
action based on the acts or omissions that formed the basis of the 29369
complaint. 29370

Sec. 2301.02. The number of judges of the court of common 29371
pleas for each county, the time for the next election of the 29372
judges in the several counties, and the beginning of their terms 29373
shall be as follows: 29374

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, 29375
elected in 1956, term to begin February 9, 1957; 29376

In Brown, Crawford, Defiance, Highland, Holmes, Morgan, 29377
Ottawa, and Union counties, one judge, to be elected in 1954, term 29378
to begin February 9, 1955; 29379

In Auglaize county, one judge, to be elected in 1956, term to begin January 9, 1957;	29380 29381
In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin, Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and Wyandot counties, one judge, to be elected in 1956, term to begin January 1, 1957;	29382 29383 29384 29385
In Morrow county, two judges, one to be elected in 1956, term to begin January 1, 1957, and one to be elected in 2006, term to begin January 1, 2007;	29386 29387 29388
In Logan county, two judges, one to be elected in 1956, term to begin January 1, 1957, and one to be elected in 2004, term to begin January 2, 2005;	29389 29390 29391
In Carroll, Clinton, Hocking, Meigs, Pickaway, Preble, Shelby, Van Wert, and Williams counties, one judge, to be elected in 1952, term to begin January 1, 1953;	29392 29393 29394
In Champaign county, two judges, one to be elected in 1952, term to begin January 1, 1953, and one to be elected in 2008, term to begin February 10, 2009-;	29395 29396 29397
In Harrison and Noble counties, one judge, to be elected in 1954, term to begin April 18, 1955;	29398 29399
In Henry county, two judges, one to be elected in 1956, term to begin May 9, 1957, and one to be elected in 2004, term to begin January 1, 2005;	29400 29401 29402
In Putnam county, one judge, to be elected in 1956, term to begin May 9, 1957;	29403 29404
In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;	29405 29406
In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;	29407 29408
In Sandusky county, two judges, one to be elected in 1954,	29409

term to begin February 10, 1955, and one to be elected in 1978,	29410
term to begin January 1, 1979+.	29411
(B) In Allen county, three judges, one to be elected in 1956,	29412
term to begin February 9, 1957, the second to be elected in 1958,	29413
term to begin January 1, 1959, and the third to be elected in	29414
1992, term to begin January 1, 1993;	29415
In Ashtabula county, three judges, one to be elected in 1954,	29416
term to begin February 9, 1955, one to be elected in 1960, term to	29417
begin January 1, 1961, and one to be elected in 1978, term to	29418
begin January 2, 1979;	29419
In Athens county, two judges, one to be elected in 1954, term	29420
to begin February 9, 1955, and one to be elected in 1990, term to	29421
begin July 1, 1991;	29422
In Erie county, four judges, one to be elected in 1956, term	29423
to begin January 1, 1957, the second to be elected in 1970, term	29424
to begin January 2, 1971, the third to be elected in 2004, term to	29425
begin January 2, 2005, and the fourth to be elected in 2008, term	29426
to begin February 9, 2009;	29427
In Fairfield county, three judges, one to be elected in 1954,	29428
term to begin February 9, 1955, the second to be elected in 1970,	29429
term to begin January 1, 1971, and the third to be elected in	29430
1994, term to begin January 2, 1995;	29431
In Geauga county, two judges, one to be elected in 1956, term	29432
to begin January 1, 1957, and the second to be elected in 1976,	29433
term to begin January 6, 1977;	29434
In Greene county, four judges, one to be elected in 1956,	29435
term to begin February 9, 1957, the second to be elected in 1960,	29436
term to begin January 1, 1961, the third to be elected in 1978,	29437
term to begin January 2, 1979, and the fourth to be elected in	29438
1994, term to begin January 1, 1995;	29439

In Hancock county, two judges, one to be elected in 1952,	29440
term to begin January 1, 1953, and the second to be elected in	29441
1978, term to begin January 1, 1979;	29442
In Lawrence county, two judges, one to be elected in 1954,	29443
term to begin February 9, 1955, and the second to be elected in	29444
1976, term to begin January 1, 1977;	29445
In Marion county, three judges, one to be elected in 1952,	29446
term to begin January 1, 1953, the second to be elected in 1976,	29447
term to begin January 2, 1977, and the third to be elected in	29448
1998, term to begin February 9, 1999;	29449
In Medina county, three judges, one to be elected in 1956,	29450
term to begin January 1, 1957, the second to be elected in 1966,	29451
term to begin January 1, 1967, and the third to be elected in	29452
1994, term to begin January 1, 1995;	29453
In Miami county, two judges, one to be elected in 1954, term	29454
to begin February 9, 1955, and one to be elected in 1970, term to	29455
begin on January 1, 1971;	29456
In Muskingum county, three judges, one to be elected in 1968,	29457
term to begin August 9, 1969, one to be elected in 1978, term to	29458
begin January 1, 1979, and one to be elected in 2002, term to	29459
begin January 2, 2003;	29460
In Portage county, three judges, one to be elected in 1956,	29461
term to begin January 1, 1957, the second to be elected in 1960,	29462
term to begin January 1, 1961, and the third to be elected in	29463
1986, term to begin January 2, 1987;	29464
In Ross county, two judges, one to be elected in 1956, term	29465
to begin February 9, 1957, and the second to be elected in 1976,	29466
term to begin January 1, 1977;	29467
In Scioto county, three judges, one to be elected in 1954,	29468
term to begin February 10, 1955, the second to be elected in 1960,	29469

term to begin January 1, 1961, and the third to be elected in 29470
1994, term to begin January 2, 1995; 29471

In Seneca county, two judges, one to be elected in 1956, term 29472
to begin January 1, 1957, and the second to be elected in 1986, 29473
term to begin January 2, 1987; 29474

In Warren county, four judges, one to be elected in 1954, 29475
term to begin February 9, 1955, the second to be elected in 1970, 29476
term to begin January 1, 1971, the third to be elected in 1986, 29477
term to begin January 1, 1987, and the fourth to be elected in 29478
2004, term to begin January 2, 2005; 29479

In Washington county, two judges, one to be elected in 1952, 29480
term to begin January 1, 1953, and one to be elected in 1986, term 29481
to begin January 1, 1987; 29482

In Wood county, three judges, one to be elected in 1968, term 29483
beginning January 1, 1969, the second to be elected in 1970, term 29484
to begin January 2, 1971, and the third to be elected in 1990, 29485
term to begin January 1, 1991; 29486

In Belmont and Jefferson counties, two judges, to be elected 29487
in 1954, terms to begin January 1, 1955, and February 9, 1955, 29488
respectively; 29489

In Clark county, four judges, one to be elected in 1952, term 29490
to begin January 1, 1953, the second to be elected in 1956, term 29491
to begin January 2, 1957, the third to be elected in 1986, term to 29492
begin January 3, 1987, and the fourth to be elected in 1994, term 29493
to begin January 2, 1995; 29494

In Clermont county, five judges, one to be elected in 1956, 29495
term to begin January 1, 1957, the second to be elected in 1964, 29496
term to begin January 1, 1965, the third to be elected in 1982, 29497
term to begin January 2, 1983, the fourth to be elected in 1986, 29498
term to begin January 2, 1987; and the fifth to be elected in 29499
2006, term to begin January 3, 2007; 29500

In Columbiana county, two judges, one to be elected in 1952, 29501
term to begin January 1, 1953, and the second to be elected in 29502
1956, term to begin January 1, 1957; 29503

In Delaware county, two judges, one to be elected in 1990, 29504
term to begin February 9, 1991, the second to be elected in 1994, 29505
term to begin January 1, 1995; 29506

In Lake county, six judges, one to be elected in 1958, term 29507
to begin January 1, 1959, the second to be elected in 1960, term 29508
to begin January 2, 1961, the third to be elected in 1964, term to 29509
begin January 3, 1965, the fourth and fifth to be elected in 1978, 29510
terms to begin January 4, 1979, and January 5, 1979, respectively, 29511
and the sixth to be elected in 2000, term to begin January 6, 29512
2001; 29513

In Licking county, four judges, one to be elected in 1954, 29514
term to begin February 9, 1955, one to be elected in 1964, term to 29515
begin January 1, 1965, one to be elected in 1990, term to begin 29516
January 1, 1991, and one to be elected in 2004, term to begin 29517
January 1, 2005; 29518

In Lorain county, nine judges, two to be elected in 1952, 29519
terms to begin January 1, 1953, and January 2, 1953, respectively, 29520
one to be elected in 1958, term to begin January 3, 1959, one to 29521
be elected in 1968, term to begin January 1, 1969, two to be 29522
elected in 1988, terms to begin January 4, 1989, and January 5, 29523
1989, respectively, two to be elected in 1998, terms to begin 29524
January 2, 1999, and January 3, 1999, respectively; and one to be 29525
elected in 2006, term to begin January 6, 2007; 29526

In Butler county, eleven judges, one to be elected in 1956, 29527
term to begin January 1, 1957; two to be elected in 1954, terms to 29528
begin January 1, 1955, and February 9, 1955, respectively; one to 29529
be elected in 1968, term to begin January 2, 1969; one to be 29530
elected in 1986, term to begin January 3, 1987; two to be elected 29531

in 1988, terms to begin January 1, 1989, and January 2, 1989, 29532
respectively; one to be elected in 1992, term to begin January 4, 29533
1993; two to be elected in 2002, terms to begin January 2, 2003, 29534
and January 3, 2003, respectively; and one to be elected in 2006, 29535
term to begin January 3, 2007; 29536

In Richland county, four judges, one to be elected in 1956, 29537
term to begin January 1, 1957, the second to be elected in 1960, 29538
term to begin February 9, 1961, the third to be elected in 1968, 29539
term to begin January 2, 1969, and the fourth to be elected in 29540
2004, term to begin January 3, 2005; 29541

In Tuscarawas county, two judges, one to be elected in 1956, 29542
term to begin January 1, 1957, and the second to be elected in 29543
1960, term to begin January 2, 1961; 29544

In Wayne county, two judges, one to be elected in 1956, term 29545
beginning January 1, 1957, and one to be elected in 1968, term to 29546
begin January 2, 1969; 29547

In Trumbull county, six judges, one to be elected in 1952, 29548
term to begin January 1, 1953, the second to be elected in 1954, 29549
term to begin January 1, 1955, the third to be elected in 1956, 29550
term to begin January 1, 1957, the fourth to be elected in 1964, 29551
term to begin January 1, 1965, the fifth to be elected in 1976, 29552
term to begin January 2, 1977, and the sixth to be elected in 29553
1994, term to begin January 3, 1995; 29554

(C) In Cuyahoga county, thirty-nine judges; eight to be 29555
elected in 1954, terms to begin on successive days beginning from 29556
January 1, 1955, to January 7, 1955, and February 9, 1955, 29557
respectively; eight to be elected in 1956, terms to begin on 29558
successive days beginning from January 1, 1957, to January 8, 29559
1957; three to be elected in 1952, terms to begin from January 1, 29560
1953, to January 3, 1953; two to be elected in 1960, terms to 29561
begin on January 8, 1961, and January 9, 1961, respectively; two 29562

to be elected in 1964, terms to begin January 4, 1965, and January 29563
5, 1965, respectively; one to be elected in 1966, term to begin on 29564
January 10, 1967; four to be elected in 1968, terms to begin on 29565
successive days beginning from January 9, 1969, to January 12, 29566
1969; two to be elected in 1974, terms to begin on January 18, 29567
1975, and January 19, 1975, respectively; five to be elected in 29568
1976, terms to begin on successive days beginning January 6, 1977, 29569
to January 10, 1977; two to be elected in 1982, terms to begin 29570
January 11, 1983, and January 12, 1983, respectively; and two to 29571
be elected in 1986, terms to begin January 13, 1987, and January 29572
14, 1987, respectively; 29573

In Franklin county, twenty-two judges; two to be elected in 29574
1954, terms to begin January 1, 1955, and February 9, 1955, 29575
respectively; four to be elected in 1956, terms to begin January 29576
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 29577
begin January 1, 1959, to January 4, 1959; three to be elected in 29578
1968, terms to begin January 5, 1969, to January 7, 1969; three to 29579
be elected in 1976, terms to begin on successive days beginning 29580
January 5, 1977, to January 7, 1977; one to be elected in 1982, 29581
term to begin January 8, 1983; one to be elected in 1986, term to 29582
begin January 9, 1987; two to be elected in 1990, terms to begin 29583
July 1, 1991, and July 2, 1991, respectively; one to be elected in 29584
1996, term to begin January 2, 1997; and one to be elected in 29585
2004, term to begin July 1, 2005; 29586

In Hamilton county, twenty-one judges; eight to be elected in 29587
1966, terms to begin January 1, 1967, January 2, 1967, and from 29588
February 9, 1967, to February 14, 1967, respectively; five to be 29589
elected in 1956, terms to begin from January 1, 1957, to January 29590
5, 1957; one to be elected in 1964, term to begin January 1, 1965; 29591
one to be elected in 1974, term to begin January 15, 1975; one to 29592
be elected in 1980, term to begin January 16, 1981; two to be 29593
elected at large in the general election in 1982, terms to begin 29594

April 1, 1983; one to be elected in 1990, term to begin July 1, 29595
1991; and two to be elected in 1996, terms to begin January 3, 29596
1997, and January 4, 1997, respectively; 29597

In Lucas county, fourteen judges; two to be elected in 1954, 29598
terms to begin January 1, 1955, and February 9, 1955, 29599
respectively; two to be elected in 1956, terms to begin January 1, 29600
1957, and October 29, 1957, respectively; two to be elected in 29601
1952, terms to begin January 1, 1953, and January 2, 1953, 29602
respectively; one to be elected in 1964, term to begin January 3, 29603
1965; one to be elected in 1968, term to begin January 4, 1969; 29604
two to be elected in 1976, terms to begin January 4, 1977, and 29605
January 5, 1977, respectively; one to be elected in 1982, term to 29606
begin January 6, 1983; one to be elected in 1988, term to begin 29607
January 7, 1989; one to be elected in 1990, term to begin January 29608
2, 1991; and one to be elected in 1992, term to begin January 2, 29609
1993; 29610

In Mahoning county, seven judges; three to be elected in 29611
1954, terms to begin January 1, 1955, January 2, 1955, and 29612
February 9, 1955, respectively; one to be elected in 1956, term to 29613
begin January 1, 1957; one to be elected in 1952, term to begin 29614
January 1, 1953; one to be elected in 1968, term to begin January 29615
2, 1969; and one to be elected in 1990, term to begin July 1, 29616
1991; 29617

In Montgomery county, fifteen judges; three to be elected in 29618
1954, terms to begin January 1, 1955, January 2, 1955, and January 29619
3, 1955, respectively; four to be elected in 1952, terms to begin 29620
January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, 29621
respectively; one to be elected in 1964, term to begin January 3, 29622
1965; one to be elected in 1968, term to begin January 3, 1969; 29623
three to be elected in 1976, terms to begin on successive days 29624
beginning January 4, 1977, to January 6, 1977; two to be elected 29625
in 1990, terms to begin July 1, 1991, and July 2, 1991, 29626

respectively; and one to be elected in 1992, term to begin January 1, 1993-; 29627
1, 1993-; 29628

In Stark county, eight judges; one to be elected in 1958, 29629
term to begin on January 2, 1959; two to be elected in 1954, terms 29630
to begin on January 1, 1955, and February 9, 1955, respectively; 29631
two to be elected in 1952, terms to begin January 1, 1953, and 29632
April 16, 1953, respectively; one to be elected in 1966, term to 29633
begin on January 4, 1967; and two to be elected in 1992, terms to 29634
begin January 1, 1993, and January 2, 1993, respectively; 29635

In Summit county, ~~thirteen~~ fourteen judges; four to be 29636
elected in 1954, terms to begin January 1, 1955, January 2, 1955, 29637
January 3, 1955, and February 9, 1955, respectively; three to be 29638
elected in 1958, terms to begin January 1, 1959, January 2, 1959, 29639
and May 17, 1959, respectively; one to be elected in 1966, term to 29640
begin January 4, 1967; one to be elected in 1968, term to begin 29641
January 5, 1969; one to be elected in 1990, term to begin May 1, 29642
1991; one to be elected in 1992, term to begin January 6, 1993; 29643
~~and~~ two to be elected in 2008, terms to begin January 5, 2009, and 29644
January 6, 2009, respectively; and one to be elected in 2014, term 29645
to begin January 1, 2015. 29646

Notwithstanding the foregoing provisions, in any county 29647
having two or more judges of the court of common pleas, in which 29648
more than one-third of the judges plus one were previously elected 29649
at the same election, if the office of one of those judges so 29650
elected becomes vacant more than fifty-six days prior to the 29651
second general election preceding the expiration of that judge's 29652
term, the office that that judge had filled shall be abolished as 29653
of the date of the next general election, and a new office of 29654
judge of the court of common pleas shall be created. The judge who 29655
is to fill that new office shall be elected for a six-year term at 29656
the next general election, and the term of that judge shall 29657
commence on the first day of the year following that general 29658

election, on which day no other judge's term begins, so that the 29659
number of judges that the county shall elect shall not be reduced. 29660

Judges of the probate division of the court of common pleas 29661
are judges of the court of common pleas but shall be elected 29662
pursuant to sections 2101.02 and 2101.021 of the Revised Code, 29663
except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot 29664
counties in which the judge of the court of common pleas elected 29665
pursuant to this section also shall serve as judge of the probate 29666
division, except in Lorain county in which the judges of the 29667
domestic relations division of the Lorain county court of common 29668
pleas elected pursuant to this section also shall perform the 29669
duties and functions of the judge of the probate division from 29670
February 9, 2009, through September 28, 2009, and except in Morrow 29671
county in which the judges of the court of common pleas elected 29672
pursuant to this section also shall perform the duties and 29673
functions of the judge of the probate division. 29674

Sec. 2301.03. (A) In Franklin county, the judges of the court 29675
of common pleas whose terms begin on January 1, 1953, January 2, 29676
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 29677
successors, shall have the same qualifications, exercise the same 29678
powers and jurisdiction, and receive the same compensation as 29679
other judges of the court of common pleas of Franklin county and 29680
shall be elected and designated as judges of the court of common 29681
pleas, division of domestic relations. They shall have all the 29682
powers relating to juvenile courts, and all cases under Chapters 29683
2151. and 2152. of the Revised Code, all parentage proceedings 29684
under Chapter 3111. of the Revised Code over which the juvenile 29685
court has jurisdiction, and all divorce, dissolution of marriage, 29686
legal separation, and annulment cases shall be assigned to them. 29687
In addition to the judge's regular duties, the judge who is senior 29688
in point of service shall serve on the children services board and 29689
the county advisory board and shall be the administrator of the 29690

domestic relations division and its subdivisions and departments. 29691
29692

(B) In Hamilton county: 29693

(1) The judge of the court of common pleas, whose term begins 29694
on January 1, 1957, and successors, and the judge of the court of 29695
common pleas, whose term begins on February 14, 1967, and 29696
successors, shall be the juvenile judges as provided in Chapters 29697
2151. and 2152. of the Revised Code, with the powers and 29698
jurisdiction conferred by those chapters. 29699

(2) The judges of the court of common pleas whose terms begin 29700
on January 5, 1957, January 16, 1981, and July 1, 1991, and 29701
successors, shall be elected and designated as judges of the court 29702
of common pleas, division of domestic relations, and shall have 29703
assigned to them all divorce, dissolution of marriage, legal 29704
separation, and annulment cases coming before the court. On or 29705
after the first day of July and before the first day of August of 29706
1991 and each year thereafter, a majority of the judges of the 29707
division of domestic relations shall elect one of the judges of 29708
the division as administrative judge of that division. If a 29709
majority of the judges of the division of domestic relations are 29710
unable for any reason to elect an administrative judge for the 29711
division before the first day of August, a majority of the judges 29712
of the Hamilton county court of common pleas, as soon as possible 29713
after that date, shall elect one of the judges of the division of 29714
domestic relations as administrative judge of that division. The 29715
term of the administrative judge shall begin on the earlier of the 29716
first day of August of the year in which the administrative judge 29717
is elected or the date on which the administrative judge is 29718
elected by a majority of the judges of the Hamilton county court 29719
of common pleas and shall terminate on the date on which the 29720
administrative judge's successor is elected in the following year. 29721

In addition to the judge's regular duties, the administrative 29722

judge of the division of domestic relations shall be the 29723
administrator of the domestic relations division and its 29724
subdivisions and departments and shall have charge of the 29725
employment, assignment, and supervision of the personnel of the 29726
division engaged in handling, servicing, or investigating divorce, 29727
dissolution of marriage, legal separation, and annulment cases, 29728
including any referees considered necessary by the judges in the 29729
discharge of their various duties. 29730

The administrative judge of the division of domestic 29731
relations also shall designate the title, compensation, expense 29732
allowances, hours, leaves of absence, and vacations of the 29733
personnel of the division, and shall fix the duties of its 29734
personnel. The duties of the personnel, in addition to those 29735
provided for in other sections of the Revised Code, shall include 29736
the handling, servicing, and investigation of divorce, dissolution 29737
of marriage, legal separation, and annulment cases and counseling 29738
and conciliation services that may be made available to persons 29739
requesting them, whether or not the persons are parties to an 29740
action pending in the division. 29741

The board of county commissioners shall appropriate the sum 29742
of money each year as will meet all the administrative expenses of 29743
the division of domestic relations, including reasonable expenses 29744
of the domestic relations judges and the division counselors and 29745
other employees designated to conduct the handling, servicing, and 29746
investigation of divorce, dissolution of marriage, legal 29747
separation, and annulment cases, conciliation and counseling, and 29748
all matters relating to those cases and counseling, and the 29749
expenses involved in the attendance of division personnel at 29750
domestic relations and welfare conferences designated by the 29751
division, and the further sum each year as will provide for the 29752
adequate operation of the division of domestic relations. 29753

The compensation and expenses of all employees and the salary 29754

and expenses of the judges shall be paid by the county treasurer 29755
from the money appropriated for the operation of the division, 29756
upon the warrant of the county auditor, certified to by the 29757
administrative judge of the division of domestic relations. 29758

The summonses, warrants, citations, subpoenas, and other 29759
writs of the division may issue to a bailiff, constable, or staff 29760
investigator of the division or to the sheriff of any county or 29761
any marshal, constable, or police officer, and the provisions of 29762
law relating to the subpoenaing of witnesses in other cases shall 29763
apply insofar as they are applicable. When a summons, warrant, 29764
citation, subpoena, or other writ is issued to an officer, other 29765
than a bailiff, constable, or staff investigator of the division, 29766
the expense of serving it shall be assessed as a part of the costs 29767
in the case involved. 29768

(3) The judge of the court of common pleas of Hamilton county 29769
whose term begins on January 3, 1997, and the successors to that 29770
judge shall each be elected and designated as the drug court judge 29771
of the court of common pleas of Hamilton county. The drug court 29772
judge may accept or reject any case referred to the drug court 29773
judge under division (B)(3) of this section. After the drug court 29774
judge accepts a referred case, the drug court judge has full 29775
authority over the case, including the authority to conduct 29776
arraignment, accept pleas, enter findings and dispositions, 29777
conduct trials, order treatment, and if treatment is not 29778
successfully completed pronounce and enter sentence. 29779

A judge of the general division of the court of common pleas 29780
of Hamilton county and a judge of the Hamilton county municipal 29781
court may refer to the drug court judge any case, and any 29782
companion cases, the judge determines meet the criteria described 29783
under divisions (B)(3)(a) and (b) of this section. If the drug 29784
court judge accepts referral of a referred case, the case, and any 29785
companion cases, shall be transferred to the drug court judge. A 29786

judge may refer a case meeting the criteria described in divisions 29787
(B)(3)(a) and (b) of this section that involves a violation of a 29788
condition of a community control sanction to the drug court judge, 29789
and, if the drug court judge accepts the referral, the referring 29790
judge and the drug court judge have concurrent jurisdiction over 29791
the case. 29792

A judge of the general division of the court of common pleas 29793
of Hamilton county and a judge of the Hamilton county municipal 29794
court may refer a case to the drug court judge under division 29795
(B)(3) of this section if the judge determines that both of the 29796
following apply: 29797

(a) One of the following applies: 29798

(i) The case involves a drug abuse offense, as defined in 29799
section 2925.01 of the Revised Code, that is a felony of the third 29800
or fourth degree if the offense is committed prior to July 1, 29801
1996, a felony of the third, fourth, or fifth degree if the 29802
offense is committed on or after July 1, 1996, or a misdemeanor. 29803

(ii) The case involves a theft offense, as defined in section 29804
2913.01 of the Revised Code, that is a felony of the third or 29805
fourth degree if the offense is committed prior to July 1, 1996, a 29806
felony of the third, fourth, or fifth degree if the offense is 29807
committed on or after July 1, 1996, or a misdemeanor, and the 29808
defendant is drug or alcohol dependent or in danger of becoming 29809
drug or alcohol dependent and would benefit from treatment. 29810

(b) All of the following apply: 29811

(i) The case involves an offense for which a community 29812
control sanction may be imposed or is a case in which a mandatory 29813
prison term or a mandatory jail term is not required to be 29814
imposed. 29815

(ii) The defendant has no history of violent behavior. 29816

(iii) The defendant has no history of mental illness.	29817
(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.	29818 29819
(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.	29820 29821
(vi) The defendant has no acute health condition.	29822
(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.	29823 29824
(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.	29825 29826 29827 29828 29829 29830 29831 29832 29833 29834 29835
(5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	29836 29837 29838 29839
(C)(1) In Lorain county:	29840
(a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, and the judge of the court of common pleas whose term begins on February 9, 2009, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of	29841 29842 29843 29844 29845 29846

Lorain county and shall be elected and designated as the judges of 29847
the court of common pleas, division of domestic relations. The 29848
judges of the court of common pleas whose terms begin on January 29849
3, 1959, January 4, 1989, and January 2, 1999, and successors, 29850
shall have all of the powers relating to juvenile courts, and all 29851
cases under Chapters 2151. and 2152. of the Revised Code, all 29852
parentage proceedings over which the juvenile court has 29853
jurisdiction, and all divorce, dissolution of marriage, legal 29854
separation, and annulment cases shall be assigned to them, except 29855
cases that for some special reason are assigned to some other 29856
judge of the court of common pleas. From February 9, 2009, through 29857
September 28, 2009, the judge of the court of common pleas whose 29858
term begins on February 9, 2009, shall have all the powers 29859
relating to juvenile courts, and cases under Chapters 2151. and 29860
2152. of the Revised Code, parentage proceedings over which the 29861
juvenile court has jurisdiction, and divorce, dissolution of 29862
marriage, legal separation, and annulment cases shall be assigned 29863
to that judge, except cases that for some special reason are 29864
assigned to some other judge of the court of common pleas. 29865

(b) From January 1, 2006, through September 28, 2009, the 29866
judges of the court of common pleas, division of domestic 29867
relations, in addition to the powers and jurisdiction set forth in 29868
division (C)(1)(a) of this section, shall have jurisdiction over 29869
matters that are within the jurisdiction of the probate court 29870
under Chapter 2101. and other provisions of the Revised Code. 29871

(c) The judge of the court of common pleas, division of 29872
domestic relations, whose term begins on February 9, 2009, is the 29873
successor to the probate judge who was elected in 2002 for a term 29874
that began on February 9, 2003. After September 28, 2009, the 29875
judge of the court of common pleas, division of domestic 29876
relations, whose term begins on February 9, 2009, shall be the 29877
probate judge. 29878

(2)(a) From February 9, 2009, through September 28, 2009, 29879
with respect to Lorain county, all references in law to the 29880
probate court shall be construed as references to the court of 29881
common pleas, division of domestic relations, and all references 29882
to the probate judge shall be construed as references to the 29883
judges of the court of common pleas, division of domestic 29884
relations. 29885

(b) From February 9, 2009, through September 28, 2009, with 29886
respect to Lorain county, all references in law to the clerk of 29887
the probate court shall be construed as references to the judge 29888
who is serving pursuant to Rule 4 of the Rules of Superintendence 29889
for the Courts of Ohio as the administrative judge of the court of 29890
common pleas, division of domestic relations. 29891

(D) In Lucas county: 29892

(1) The judges of the court of common pleas whose terms begin 29893
on January 1, 1955, and January 3, 1965, and successors, shall 29894
have the same qualifications, exercise the same powers and 29895
jurisdiction, and receive the same compensation as other judges of 29896
the court of common pleas of Lucas county and shall be elected and 29897
designated as judges of the court of common pleas, division of 29898
domestic relations. All divorce, dissolution of marriage, legal 29899
separation, and annulment cases shall be assigned to them. 29900

The judge of the division of domestic relations, senior in 29901
point of service, shall be considered as the presiding judge of 29902
the court of common pleas, division of domestic relations, and 29903
shall be charged exclusively with the assignment and division of 29904
the work of the division and the employment and supervision of all 29905
other personnel of the domestic relations division. 29906

(2) The judges of the court of common pleas whose terms begin 29907
on January 5, 1977, and January 2, 1991, and successors shall have 29908
the same qualifications, exercise the same powers and 29909

jurisdiction, and receive the same compensation as other judges of 29910
the court of common pleas of Lucas county, shall be elected and 29911
designated as judges of the court of common pleas, juvenile 29912
division, and shall be the juvenile judges as provided in Chapters 29913
2151. and 2152. of the Revised Code with the powers and 29914
jurisdictions conferred by those chapters. In addition to the 29915
judge's regular duties, the judge of the court of common pleas, 29916
juvenile division, senior in point of service, shall be the 29917
administrator of the juvenile division and its subdivisions and 29918
departments and shall have charge of the employment, assignment, 29919
and supervision of the personnel of the division engaged in 29920
handling, servicing, or investigating juvenile cases, including 29921
any referees considered necessary by the judges of the division in 29922
the discharge of their various duties. 29923

The judge of the court of common pleas, juvenile division, 29924
senior in point of service, also shall designate the title, 29925
compensation, expense allowance, hours, leaves of absence, and 29926
vacation of the personnel of the division and shall fix the duties 29927
of the personnel of the division. The duties of the personnel, in 29928
addition to other statutory duties include the handling, 29929
servicing, and investigation of juvenile cases and counseling and 29930
conciliation services that may be made available to persons 29931
requesting them, whether or not the persons are parties to an 29932
action pending in the division. 29933

(3) If one of the judges of the court of common pleas, 29934
division of domestic relations, or one of the judges of the 29935
juvenile division is sick, absent, or unable to perform that 29936
judge's judicial duties or the volume of cases pending in that 29937
judge's division necessitates it, the duties shall be performed by 29938
the judges of the other of those divisions. 29939

(E) In Mahoning county: 29940

(1) The judge of the court of common pleas whose term began 29941

on January 1, 1955, and successors, shall have the same 29942
qualifications, exercise the same powers and jurisdiction, and 29943
receive the same compensation as other judges of the court of 29944
common pleas of Mahoning county, shall be elected and designated 29945
as judge of the court of common pleas, division of domestic 29946
relations, and shall be assigned all the divorce, dissolution of 29947
marriage, legal separation, and annulment cases coming before the 29948
court. In addition to the judge's regular duties, the judge of the 29949
court of common pleas, division of domestic relations, shall be 29950
the administrator of the domestic relations division and its 29951
subdivisions and departments and shall have charge of the 29952
employment, assignment, and supervision of the personnel of the 29953
division engaged in handling, servicing, or investigating divorce, 29954
dissolution of marriage, legal separation, and annulment cases, 29955
including any referees considered necessary in the discharge of 29956
the various duties of the judge's office. 29957

The judge also shall designate the title, compensation, 29958
expense allowances, hours, leaves of absence, and vacations of the 29959
personnel of the division and shall fix the duties of the 29960
personnel of the division. The duties of the personnel, in 29961
addition to other statutory duties, include the handling, 29962
servicing, and investigation of divorce, dissolution of marriage, 29963
legal separation, and annulment cases and counseling and 29964
conciliation services that may be made available to persons 29965
requesting them, whether or not the persons are parties to an 29966
action pending in the division. 29967

(2) The judge of the court of common pleas whose term began 29968
on January 2, 1969, and successors, shall have the same 29969
qualifications, exercise the same powers and jurisdiction, and 29970
receive the same compensation as other judges of the court of 29971
common pleas of Mahoning county, shall be elected and designated 29972
as judge of the court of common pleas, juvenile division, and 29973

shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdictions conferred by those chapters. In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating juvenile cases, including any referees considered necessary by the judge in the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties, or the volume of cases pending in that judge's division necessitates it, that judge's duties shall be performed by another judge of the court of common pleas.

(F) In Montgomery county:

(1) The judges of the court of common pleas whose terms begin on January 2, 1953, and January 4, 1977, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county and shall be elected and designated as judges of the court of common pleas,

division of domestic relations. These judges shall have assigned 30006
to them all divorce, dissolution of marriage, legal separation, 30007
and annulment cases. 30008

The judge of the division of domestic relations, senior in 30009
point of service, shall be charged exclusively with the assignment 30010
and division of the work of the division and shall have charge of 30011
the employment and supervision of the personnel of the division 30012
engaged in handling, servicing, or investigating divorce, 30013
dissolution of marriage, legal separation, and annulment cases, 30014
including any necessary referees, except those employees who may 30015
be appointed by the judge, junior in point of service, under this 30016
section and sections 2301.12 and 2301.18 of the Revised Code. The 30017
judge of the division of domestic relations, senior in point of 30018
service, also shall designate the title, compensation, expense 30019
allowances, hours, leaves of absence, and vacation of the 30020
personnel of the division and shall fix their duties. 30021

(2) The judges of the court of common pleas whose terms begin 30022
on January 1, 1953, and January 1, 1993, and successors, shall 30023
have the same qualifications, exercise the same powers and 30024
jurisdiction, and receive the same compensation as other judges of 30025
the court of common pleas of Montgomery county, shall be elected 30026
and designated as judges of the court of common pleas, juvenile 30027
division, and shall be, and have the powers and jurisdiction of, 30028
the juvenile judge as provided in Chapters 2151. and 2152. of the 30029
Revised Code. 30030

In addition to the judge's regular duties, the judge of the 30031
court of common pleas, juvenile division, senior in point of 30032
service, shall be the administrator of the juvenile division and 30033
its subdivisions and departments and shall have charge of the 30034
employment, assignment, and supervision of the personnel of the 30035
juvenile division, including any necessary referees, who are 30036
engaged in handling, servicing, or investigating juvenile cases. 30037

The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of juvenile cases and of any counseling and conciliation services that are available upon request to persons, whether or not they are parties to an action pending in the division.

If one of the judges of the court of common pleas, division of domestic relations, or one of the judges of the court of common pleas, juvenile division, is sick, absent, or unable to perform that judge's duties or the volume of cases pending in that judge's division necessitates it, the duties of that judge may be performed by the judge or judges of the other of those divisions.

(G) In Richland county:

(1) The judge of the court of common pleas whose term begins on January 1, 1957, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Richland county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. That judge shall be assigned and hear all divorce, dissolution of marriage, legal separation, and annulment cases, all domestic violence cases arising under section 3113.31 of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters. The division of domestic relations has concurrent jurisdiction with the juvenile division of the court of common pleas of Richland county to determine the care, custody, or control of any child not a ward of another court of this state, and to hear and determine a request for an order for the support of any child if the request is not

ancillary to an action for divorce, dissolution of marriage, 30070
annulment, or legal separation, a criminal or civil action 30071
involving an allegation of domestic violence, or an action for 30072
support brought under Chapter 3115. of the Revised Code. Except in 30073
cases that are subject to the exclusive original jurisdiction of 30074
the juvenile court, the judge of the division of domestic 30075
relations shall be assigned and hear all cases pertaining to 30076
paternity or parentage, the care, custody, or control of children, 30077
parenting time or visitation, child support, or the allocation of 30078
parental rights and responsibilities for the care of children, all 30079
proceedings arising under Chapter 3111. of the Revised Code, all 30080
proceedings arising under the uniform interstate family support 30081
act contained in Chapter 3115. of the Revised Code, and all 30082
post-decree proceedings arising from any case pertaining to any of 30083
those matters. 30084

In addition to the judge's regular duties, the judge of the 30085
court of common pleas, division of domestic relations, shall be 30086
the administrator of the domestic relations division and its 30087
subdivisions and departments. The judge shall have charge of the 30088
employment, assignment, and supervision of the personnel of the 30089
domestic relations division, including any magistrates the judge 30090
considers necessary for the discharge of the judge's duties. The 30091
judge shall also designate the title, compensation, expense 30092
allowances, hours, leaves of absence, vacation, and other 30093
employment-related matters of the personnel of the division and 30094
shall fix their duties. 30095

(2) The judge of the court of common pleas whose term begins 30096
on January 3, 2005, and successors, shall have the same 30097
qualifications, exercise the same powers and jurisdiction, and 30098
receive the same compensation as other judges of the court of 30099
common pleas of Richland county, shall be elected and designated 30100
as judge of the court of common pleas, juvenile division, and 30101

shall be, and have the powers and jurisdiction of, the juvenile 30102
judge as provided in Chapters 2151. and 2152. of the Revised Code. 30103
Except in cases that are subject to the exclusive original 30104
jurisdiction of the juvenile court, the judge of the juvenile 30105
division shall not have jurisdiction or the power to hear, and 30106
shall not be assigned, any case pertaining to paternity or 30107
parentage, the care, custody, or control of children, parenting 30108
time or visitation, child support, or the allocation of parental 30109
rights and responsibilities for the care of children or any 30110
post-decree proceeding arising from any case pertaining to any of 30111
those matters. The judge of the juvenile division shall not have 30112
jurisdiction or the power to hear, and shall not be assigned, any 30113
proceeding under the uniform interstate family support act 30114
contained in Chapter 3115. of the Revised Code. 30115

In addition to the judge's regular duties, the judge of the 30116
juvenile division shall be the administrator of the juvenile 30117
division and its subdivisions and departments. The judge shall 30118
have charge of the employment, assignment, and supervision of the 30119
personnel of the juvenile division who are engaged in handling, 30120
servicing, or investigating juvenile cases, including any 30121
magistrates whom the judge considers necessary for the discharge 30122
of the judge's various duties. 30123

The judge of the juvenile division also shall designate the 30124
title, compensation, expense allowances, hours, leaves of absence, 30125
and vacation of the personnel of the division and shall fix their 30126
duties. The duties of the personnel, in addition to other 30127
statutory duties, include the handling, servicing, and 30128
investigation of juvenile cases and providing any counseling, 30129
conciliation, and mediation services that the court makes 30130
available to persons, whether or not the persons are parties to an 30131
action pending in the court, who request the services. 30132

(H) In Stark county, the judges of the court of common pleas 30133

whose terms begin on January 1, 1953, January 2, 1959, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Stark county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases, except cases that are assigned to some other judge of the court of common pleas for some special reason, shall be assigned to the judges.

The judge of the division of domestic relations, second most senior in point of service, shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, and necessary referees required for the judge's respective court.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 of the Revised Code and with the assignment and division of the work of the division and the employment and supervision of all other personnel of the division, including, but not limited to, that judge's necessary referees, but excepting those employees who may be appointed by the judge second most senior in point of service. The senior judge further shall serve in every other position in which the statutes permit or require a juvenile judge to serve.

(I) In Summit county:

(1) The judges of the court of common pleas whose terms begin

on January 4, 1967, and January 6, 1993, and successors, shall 30166
have the same qualifications, exercise the same powers and 30167
jurisdiction, and receive the same compensation as other judges of 30168
the court of common pleas of Summit county and shall be elected 30169
and designated as judges of the court of common pleas, division of 30170
domestic relations. The judges of the division of domestic 30171
relations shall have assigned to them and hear all divorce, 30172
dissolution of marriage, legal separation, and annulment cases 30173
that come before the court. Except in cases that are subject to 30174
the exclusive original jurisdiction of the juvenile court, the 30175
judges of the division of domestic relations shall have assigned 30176
to them and hear all cases pertaining to paternity, custody, 30177
visitation, child support, or the allocation of parental rights 30178
and responsibilities for the care of children and all post-decree 30179
proceedings arising from any case pertaining to any of those 30180
matters. The judges of the division of domestic relations shall 30181
have assigned to them and hear all proceedings under the uniform 30182
interstate family support act contained in Chapter 3115. of the 30183
Revised Code. 30184

The judge of the division of domestic relations, senior in 30185
point of service, shall be the administrator of the domestic 30186
relations division and its subdivisions and departments and shall 30187
have charge of the employment, assignment, and supervision of the 30188
personnel of the division, including any necessary referees, who 30189
are engaged in handling, servicing, or investigating divorce, 30190
dissolution of marriage, legal separation, and annulment cases. 30191
That judge also shall designate the title, compensation, expense 30192
allowances, hours, leaves of absence, and vacations of the 30193
personnel of the division and shall fix their duties. The duties 30194
of the personnel, in addition to other statutory duties, shall 30195
include the handling, servicing, and investigation of divorce, 30196
dissolution of marriage, legal separation, and annulment cases and 30197
of any counseling and conciliation services that are available 30198

upon request to all persons, whether or not they are parties to an action pending in the division. 30199
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(2) The ~~judge~~ judges of the court of common pleas whose ~~term~~ begins terms begin on January 1, 1955, and January 1, 2015, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Summit county, shall be elected and designated as ~~judge~~ judges of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile ~~judge~~ judges as provided in Chapters 2151. and 2152. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the ~~judge~~ judges of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any case pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children or any post-decree proceeding arising from any case pertaining to any of those matters. The ~~judge~~ judges of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any proceeding under the uniform interstate family support act contained in Chapter 3115. of the Revised Code. 30201
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The juvenile judge, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge senior in point of service also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall 30221
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include the handling, servicing, and investigation of juvenile 30231
cases and of any counseling and conciliation services that are 30232
available upon request to persons, whether or not they are parties 30233
to an action pending in the division. 30234

(J) In Trumbull county, the judges of the court of common 30235
pleas whose terms begin on January 1, 1953, and January 2, 1977, 30236
and successors, shall have the same qualifications, exercise the 30237
same powers and jurisdiction, and receive the same compensation as 30238
other judges of the court of common pleas of Trumbull county and 30239
shall be elected and designated as judges of the court of common 30240
pleas, division of domestic relations. They shall have all the 30241
powers relating to juvenile courts, and all cases under Chapters 30242
2151. and 2152. of the Revised Code, all parentage proceedings 30243
over which the juvenile court has jurisdiction, and all divorce, 30244
dissolution of marriage, legal separation, and annulment cases 30245
shall be assigned to them, except cases that for some special 30246
reason are assigned to some other judge of the court of common 30247
pleas. 30248

(K) In Butler county: 30249

(1) The judges of the court of common pleas whose terms begin 30250
on January 1, 1957, and January 4, 1993, and successors, shall 30251
have the same qualifications, exercise the same powers and 30252
jurisdiction, and receive the same compensation as other judges of 30253
the court of common pleas of Butler county and shall be elected 30254
and designated as judges of the court of common pleas, division of 30255
domestic relations. The judges of the division of domestic 30256
relations shall have assigned to them all divorce, dissolution of 30257
marriage, legal separation, and annulment cases coming before the 30258
court, except in cases that for some special reason are assigned 30259
to some other judge of the court of common pleas. The judges of 30260
the division of domestic relations also have concurrent 30261
jurisdiction with judges of the juvenile division of the court of 30262

common pleas of Butler county with respect to and may hear cases 30263
to determine the custody, support, or custody and support of a 30264
child who is born of issue of a marriage and who is not the ward 30265
of another court of this state, cases commenced by a party of the 30266
marriage to obtain an order requiring support of any child when 30267
the request for that order is not ancillary to an action for 30268
divorce, dissolution of marriage, annulment, or legal separation, 30269
a criminal or civil action involving an allegation of domestic 30270
violence, an action for support under Chapter 3115. of the Revised 30271
Code, or an action that is within the exclusive original 30272
jurisdiction of the juvenile division of the court of common pleas 30273
of Butler county and that involves an allegation that the child is 30274
an abused, neglected, or dependent child, and post-decree 30275
proceedings and matters arising from those types of cases. The 30276
judge senior in point of service shall be charged with the 30277
assignment and division of the work of the division and with the 30278
employment and supervision of all other personnel of the domestic 30279
relations division. 30280

The judge senior in point of service also shall designate the 30281
title, compensation, expense allowances, hours, leaves of absence, 30282
and vacations of the personnel of the division and shall fix their 30283
duties. The duties of the personnel, in addition to other 30284
statutory duties, shall include the handling, servicing, and 30285
investigation of divorce, dissolution of marriage, legal 30286
separation, and annulment cases and providing any counseling and 30287
conciliation services that the division makes available to 30288
persons, whether or not the persons are parties to an action 30289
pending in the division, who request the services. 30290

(2) The judges of the court of common pleas whose terms begin 30291
on January 3, 1987, and January 2, 2003, and successors, shall 30292
have the same qualifications, exercise the same powers and 30293
jurisdiction, and receive the same compensation as other judges of 30294

the court of common pleas of Butler county, shall be elected and 30295
designated as judges of the court of common pleas, juvenile 30296
division, and shall be the juvenile judges as provided in Chapters 30297
2151. and 2152. of the Revised Code, with the powers and 30298
jurisdictions conferred by those chapters. Except in cases that 30299
are subject to the exclusive original jurisdiction of the juvenile 30300
court, the judges of the juvenile division shall not have 30301
jurisdiction or the power to hear and shall not be assigned, but 30302
shall have the limited ability and authority to certify, any case 30303
commenced by a party of a marriage to determine the custody, 30304
support, or custody and support of a child who is born of issue of 30305
the marriage and who is not the ward of another court of this 30306
state when the request for the order in the case is not ancillary 30307
to an action for divorce, dissolution of marriage, annulment, or 30308
legal separation. The judge of the court of common pleas, juvenile 30309
division, who is senior in point of service, shall be the 30310
administrator of the juvenile division and its subdivisions and 30311
departments. The judge, senior in point of service, shall have 30312
charge of the employment, assignment, and supervision of the 30313
personnel of the juvenile division who are engaged in handling, 30314
servicing, or investigating juvenile cases, including any referees 30315
whom the judge considers necessary for the discharge of the 30316
judge's various duties. 30317

The judge, senior in point of service, also shall designate 30318
the title, compensation, expense allowances, hours, leaves of 30319
absence, and vacation of the personnel of the division and shall 30320
fix their duties. The duties of the personnel, in addition to 30321
other statutory duties, include the handling, servicing, and 30322
investigation of juvenile cases and providing any counseling and 30323
conciliation services that the division makes available to 30324
persons, whether or not the persons are parties to an action 30325
pending in the division, who request the services. 30326

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(L)(1) In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, January 9, 1961, January 18, 1975, January 19, 1975, and January 13, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Cuyahoga county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason.

(2) The administrative judge is administrator of the domestic relations division and its subdivisions and departments and has the following powers concerning division personnel:

(a) Full charge of the employment, assignment, and supervision;

(b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations.

(3) "Division personnel" include persons employed or referees engaged in hearing, servicing, investigating, counseling, or conciliating divorce, dissolution of marriage, legal separation and annulment matters.

(M) In Lake county:

(1) The judge of the court of common pleas whose term begins

on January 2, 1961, and successors, shall have the same 30358
qualifications, exercise the same powers and jurisdiction, and 30359
receive the same compensation as the other judges of the court of 30360
common pleas of Lake county and shall be elected and designated as 30361
judge of the court of common pleas, division of domestic 30362
relations. The judge shall be assigned all the divorce, 30363
dissolution of marriage, legal separation, and annulment cases 30364
coming before the court, except in cases that for some special 30365
reason are assigned to some other judge of the court of common 30366
pleas. The judge shall be charged with the assignment and division 30367
of the work of the division and with the employment and 30368
supervision of all other personnel of the domestic relations 30369
division. 30370

The judge also shall designate the title, compensation, 30371
expense allowances, hours, leaves of absence, and vacations of the 30372
personnel of the division and shall fix their duties. The duties 30373
of the personnel, in addition to other statutory duties, shall 30374
include the handling, servicing, and investigation of divorce, 30375
dissolution of marriage, legal separation, and annulment cases and 30376
providing any counseling and conciliation services that the 30377
division makes available to persons, whether or not the persons 30378
are parties to an action pending in the division, who request the 30379
services. 30380

(2) The judge of the court of common pleas whose term begins 30381
on January 4, 1979, and successors, shall have the same 30382
qualifications, exercise the same powers and jurisdiction, and 30383
receive the same compensation as other judges of the court of 30384
common pleas of Lake county, shall be elected and designated as 30385
judge of the court of common pleas, juvenile division, and shall 30386
be the juvenile judge as provided in Chapters 2151. and 2152. of 30387
the Revised Code, with the powers and jurisdictions conferred by 30388
those chapters. The judge of the court of common pleas, juvenile 30389

division, shall be the administrator of the juvenile division and 30390
its subdivisions and departments. The judge shall have charge of 30391
the employment, assignment, and supervision of the personnel of 30392
the juvenile division who are engaged in handling, servicing, or 30393
investigating juvenile cases, including any referees whom the 30394
judge considers necessary for the discharge of the judge's various 30395
duties. 30396

The judge also shall designate the title, compensation, 30397
expense allowances, hours, leaves of absence, and vacation of the 30398
personnel of the division and shall fix their duties. The duties 30399
of the personnel, in addition to other statutory duties, include 30400
the handling, servicing, and investigation of juvenile cases and 30401
providing any counseling and conciliation services that the 30402
division makes available to persons, whether or not the persons 30403
are parties to an action pending in the division, who request the 30404
services. 30405

(3) If a judge of the court of common pleas, division of 30406
domestic relations or juvenile division, is sick, absent, or 30407
unable to perform that judge's judicial duties or the volume of 30408
cases pending in the judge's division necessitates it, the duties 30409
of that judge shall be performed by the other judges of the 30410
domestic relations and juvenile divisions. 30411

(N) In Erie county: 30412

(1) The judge of the court of common pleas whose term begins 30413
on January 2, 1971, and the successors to that judge whose terms 30414
begin before January 2, 2007, shall have the same qualifications, 30415
exercise the same powers and jurisdiction, and receive the same 30416
compensation as the other judge of the court of common pleas of 30417
Erie county and shall be elected and designated as judge of the 30418
court of common pleas, division of domestic relations. The judge 30419
shall have all the powers relating to juvenile courts, and shall 30420
be assigned all cases under Chapters 2151. and 2152. of the 30421

Revised Code, parentage proceedings over which the juvenile court 30422
has jurisdiction, and divorce, dissolution of marriage, legal 30423
separation, and annulment cases, except cases that for some 30424
special reason are assigned to some other judge. 30425

On or after January 2, 2007, the judge of the court of common 30426
pleas who is elected in 2006 shall be the successor to the judge 30427
of the domestic relations division whose term expires on January 30428
1, 2007, shall be designated as judge of the court of common 30429
pleas, juvenile division, and shall be the juvenile judge as 30430
provided in Chapters 2151. and 2152. of the Revised Code with the 30431
powers and jurisdictions conferred by those chapters. 30432

(2) The judge of the court of common pleas, general division, 30433
whose term begins on January 1, 2005, and successors, the judge of 30434
the court of common pleas, general division whose term begins on 30435
January 2, 2005, and successors, and the judge of the court of 30436
common pleas, general division, whose term begins February 9, 30437
2009, and successors, shall have assigned to them, in addition to 30438
all matters that are within the jurisdiction of the general 30439
division of the court of common pleas, all divorce, dissolution of 30440
marriage, legal separation, and annulment cases coming before the 30441
court, and all matters that are within the jurisdiction of the 30442
probate court under Chapter 2101., and other provisions, of the 30443
Revised Code. 30444

(0) In Greene county: 30445

(1) The judge of the court of common pleas whose term begins 30446
on January 1, 1961, and successors, shall have the same 30447
qualifications, exercise the same powers and jurisdiction, and 30448
receive the same compensation as the other judges of the court of 30449
common pleas of Greene county and shall be elected and designated 30450
as the judge of the court of common pleas, division of domestic 30451
relations. The judge shall be assigned all divorce, dissolution of 30452
marriage, legal separation, annulment, uniform reciprocal support 30453

enforcement, and domestic violence cases and all other cases 30454
related to domestic relations, except cases that for some special 30455
reason are assigned to some other judge of the court of common 30456
pleas. 30457

The judge shall be charged with the assignment and division 30458
of the work of the division and with the employment and 30459
supervision of all other personnel of the division. The judge also 30460
shall designate the title, compensation, hours, leaves of absence, 30461
and vacations of the personnel of the division and shall fix their 30462
duties. The duties of the personnel of the division, in addition 30463
to other statutory duties, shall include the handling, servicing, 30464
and investigation of divorce, dissolution of marriage, legal 30465
separation, and annulment cases and the provision of counseling 30466
and conciliation services that the division considers necessary 30467
and makes available to persons who request the services, whether 30468
or not the persons are parties in an action pending in the 30469
division. The compensation for the personnel shall be paid from 30470
the overall court budget and shall be included in the 30471
appropriations for the existing judges of the general division of 30472
the court of common pleas. 30473

(2) The judge of the court of common pleas whose term begins 30474
on January 1, 1995, and successors, shall have the same 30475
qualifications, exercise the same powers and jurisdiction, and 30476
receive the same compensation as the other judges of the court of 30477
common pleas of Greene county, shall be elected and designated as 30478
judge of the court of common pleas, juvenile division, and, on or 30479
after January 1, 1995, shall be the juvenile judge as provided in 30480
Chapters 2151. and 2152. of the Revised Code with the powers and 30481
jurisdiction conferred by those chapters. The judge of the court 30482
of common pleas, juvenile division, shall be the administrator of 30483
the juvenile division and its subdivisions and departments. The 30484
judge shall have charge of the employment, assignment, and 30485

supervision of the personnel of the juvenile division who are 30486
engaged in handling, servicing, or investigating juvenile cases, 30487
including any referees whom the judge considers necessary for the 30488
discharge of the judge's various duties. 30489

The judge also shall designate the title, compensation, 30490
expense allowances, hours, leaves of absence, and vacation of the 30491
personnel of the division and shall fix their duties. The duties 30492
of the personnel, in addition to other statutory duties, include 30493
the handling, servicing, and investigation of juvenile cases and 30494
providing any counseling and conciliation services that the court 30495
makes available to persons, whether or not the persons are parties 30496
to an action pending in the court, who request the services. 30497

(3) If one of the judges of the court of common pleas, 30498
general division, is sick, absent, or unable to perform that 30499
judge's judicial duties or the volume of cases pending in the 30500
general division necessitates it, the duties of that judge of the 30501
general division shall be performed by the judge of the division 30502
of domestic relations and the judge of the juvenile division. 30503

(P) In Portage county, the judge of the court of common 30504
pleas, whose term begins January 2, 1987, and successors, shall 30505
have the same qualifications, exercise the same powers and 30506
jurisdiction, and receive the same compensation as the other 30507
judges of the court of common pleas of Portage county and shall be 30508
elected and designated as judge of the court of common pleas, 30509
division of domestic relations. The judge shall be assigned all 30510
divorce, dissolution of marriage, legal separation, and annulment 30511
cases coming before the court, except in cases that for some 30512
special reason are assigned to some other judge of the court of 30513
common pleas. The judge shall be charged with the assignment and 30514
division of the work of the division and with the employment and 30515
supervision of all other personnel of the domestic relations 30516
division. 30517

The judge also shall designate the title, compensation, 30518
expense allowances, hours, leaves of absence, and vacations of the 30519
personnel of the division and shall fix their duties. The duties 30520
of the personnel, in addition to other statutory duties, shall 30521
include the handling, servicing, and investigation of divorce, 30522
dissolution of marriage, legal separation, and annulment cases and 30523
providing any counseling and conciliation services that the 30524
division makes available to persons, whether or not the persons 30525
are parties to an action pending in the division, who request the 30526
services. 30527

(Q) In Clermont county, the judge of the court of common 30528
pleas, whose term begins January 2, 1987, and successors, shall 30529
have the same qualifications, exercise the same powers and 30530
jurisdiction, and receive the same compensation as the other 30531
judges of the court of common pleas of Clermont county and shall 30532
be elected and designated as judge of the court of common pleas, 30533
division of domestic relations. The judge shall be assigned all 30534
divorce, dissolution of marriage, legal separation, and annulment 30535
cases coming before the court, except in cases that for some 30536
special reason are assigned to some other judge of the court of 30537
common pleas. The judge shall be charged with the assignment and 30538
division of the work of the division and with the employment and 30539
supervision of all other personnel of the domestic relations 30540
division. 30541

The judge also shall designate the title, compensation, 30542
expense allowances, hours, leaves of absence, and vacations of the 30543
personnel of the division and shall fix their duties. The duties 30544
of the personnel, in addition to other statutory duties, shall 30545
include the handling, servicing, and investigation of divorce, 30546
dissolution of marriage, legal separation, and annulment cases and 30547
providing any counseling and conciliation services that the 30548
division makes available to persons, whether or not the persons 30549

are parties to an action pending in the division, who request the 30550
services. 30551

(R) In Warren county, the judge of the court of common pleas, 30552
whose term begins January 1, 1987, and successors, shall have the 30553
same qualifications, exercise the same powers and jurisdiction, 30554
and receive the same compensation as the other judges of the court 30555
of common pleas of Warren county and shall be elected and 30556
designated as judge of the court of common pleas, division of 30557
domestic relations. The judge shall be assigned all divorce, 30558
dissolution of marriage, legal separation, and annulment cases 30559
coming before the court, except in cases that for some special 30560
reason are assigned to some other judge of the court of common 30561
pleas. The judge shall be charged with the assignment and division 30562
of the work of the division and with the employment and 30563
supervision of all other personnel of the domestic relations 30564
division. 30565

The judge also shall designate the title, compensation, 30566
expense allowances, hours, leaves of absence, and vacations of the 30567
personnel of the division and shall fix their duties. The duties 30568
of the personnel, in addition to other statutory duties, shall 30569
include the handling, servicing, and investigation of divorce, 30570
dissolution of marriage, legal separation, and annulment cases and 30571
providing any counseling and conciliation services that the 30572
division makes available to persons, whether or not the persons 30573
are parties to an action pending in the division, who request the 30574
services. 30575

(S) In Licking county, the judges of the court of common 30576
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 30577
and successors, shall have the same qualifications, exercise the 30578
same powers and jurisdiction, and receive the same compensation as 30579
the other judges of the court of common pleas of Licking county 30580
and shall be elected and designated as judges of the court of 30581

common pleas, division of domestic relations. The judges shall be 30582
assigned all divorce, dissolution of marriage, legal separation, 30583
and annulment cases, all cases arising under Chapter 3111. of the 30584
Revised Code, all proceedings involving child support, the 30585
allocation of parental rights and responsibilities for the care of 30586
children and the designation for the children of a place of 30587
residence and legal custodian, parenting time, and visitation, and 30588
all post-decree proceedings and matters arising from those cases 30589
and proceedings, except in cases that for some special reason are 30590
assigned to another judge of the court of common pleas. The 30591
administrative judge of the division of domestic relations shall 30592
be charged with the assignment and division of the work of the 30593
division and with the employment and supervision of the personnel 30594
of the division. 30595

The administrative judge of the division of domestic 30596
relations shall designate the title, compensation, expense 30597
allowances, hours, leaves of absence, and vacations of the 30598
personnel of the division and shall fix the duties of the 30599
personnel of the division. The duties of the personnel of the 30600
division, in addition to other statutory duties, shall include the 30601
handling, servicing, and investigation of divorce, dissolution of 30602
marriage, legal separation, and annulment cases, cases arising 30603
under Chapter 3111. of the Revised Code, and proceedings involving 30604
child support, the allocation of parental rights and 30605
responsibilities for the care of children and the designation for 30606
the children of a place of residence and legal custodian, 30607
parenting time, and visitation and providing any counseling and 30608
conciliation services that the division makes available to 30609
persons, whether or not the persons are parties to an action 30610
pending in the division, who request the services. 30611

(T) In Allen county, the judge of the court of common pleas, 30612
whose term begins January 1, 1993, and successors, shall have the 30613

same qualifications, exercise the same powers and jurisdiction, 30614
and receive the same compensation as the other judges of the court 30615
of common pleas of Allen county and shall be elected and 30616
designated as judge of the court of common pleas, division of 30617
domestic relations. The judge shall be assigned all divorce, 30618
dissolution of marriage, legal separation, and annulment cases, 30619
all cases arising under Chapter 3111. of the Revised Code, all 30620
proceedings involving child support, the allocation of parental 30621
rights and responsibilities for the care of children and the 30622
designation for the children of a place of residence and legal 30623
custodian, parenting time, and visitation, and all post-decree 30624
proceedings and matters arising from those cases and proceedings, 30625
except in cases that for some special reason are assigned to 30626
another judge of the court of common pleas. The judge shall be 30627
charged with the assignment and division of the work of the 30628
division and with the employment and supervision of the personnel 30629
of the division. 30630

The judge shall designate the title, compensation, expense 30631
allowances, hours, leaves of absence, and vacations of the 30632
personnel of the division and shall fix the duties of the 30633
personnel of the division. The duties of the personnel of the 30634
division, in addition to other statutory duties, shall include the 30635
handling, servicing, and investigation of divorce, dissolution of 30636
marriage, legal separation, and annulment cases, cases arising 30637
under Chapter 3111. of the Revised Code, and proceedings involving 30638
child support, the allocation of parental rights and 30639
responsibilities for the care of children and the designation for 30640
the children of a place of residence and legal custodian, 30641
parenting time, and visitation, and providing any counseling and 30642
conciliation services that the division makes available to 30643
persons, whether or not the persons are parties to an action 30644
pending in the division, who request the services. 30645

(U) In Medina county, the judge of the court of common pleas 30646
whose term begins January 1, 1995, and successors, shall have the 30647
same qualifications, exercise the same powers and jurisdiction, 30648
and receive the same compensation as other judges of the court of 30649
common pleas of Medina county and shall be elected and designated 30650
as judge of the court of common pleas, division of domestic 30651
relations. The judge shall be assigned all divorce, dissolution of 30652
marriage, legal separation, and annulment cases, all cases arising 30653
under Chapter 3111. of the Revised Code, all proceedings involving 30654
child support, the allocation of parental rights and 30655
responsibilities for the care of children and the designation for 30656
the children of a place of residence and legal custodian, 30657
parenting time, and visitation, and all post-decree proceedings 30658
and matters arising from those cases and proceedings, except in 30659
cases that for some special reason are assigned to another judge 30660
of the court of common pleas. The judge shall be charged with the 30661
assignment and division of the work of the division and with the 30662
employment and supervision of the personnel of the division. 30663

The judge shall designate the title, compensation, expense 30664
allowances, hours, leaves of absence, and vacations of the 30665
personnel of the division and shall fix the duties of the 30666
personnel of the division. The duties of the personnel, in 30667
addition to other statutory duties, include the handling, 30668
servicing, and investigation of divorce, dissolution of marriage, 30669
legal separation, and annulment cases, cases arising under Chapter 30670
3111. of the Revised Code, and proceedings involving child 30671
support, the allocation of parental rights and responsibilities 30672
for the care of children and the designation for the children of a 30673
place of residence and legal custodian, parenting time, and 30674
visitation, and providing counseling and conciliation services 30675
that the division makes available to persons, whether or not the 30676
persons are parties to an action pending in the division, who 30677
request the services. 30678

(V) In Fairfield county, the judge of the court of common 30679
pleas whose term begins January 2, 1995, and successors, shall 30680
have the same qualifications, exercise the same powers and 30681
jurisdiction, and receive the same compensation as the other 30682
judges of the court of common pleas of Fairfield county and shall 30683
be elected and designated as judge of the court of common pleas, 30684
division of domestic relations. The judge shall be assigned all 30685
divorce, dissolution of marriage, legal separation, and annulment 30686
cases, all cases arising under Chapter 3111. of the Revised Code, 30687
all proceedings involving child support, the allocation of 30688
parental rights and responsibilities for the care of children and 30689
the designation for the children of a place of residence and legal 30690
custodian, parenting time, and visitation, and all post-decree 30691
proceedings and matters arising from those cases and proceedings, 30692
except in cases that for some special reason are assigned to 30693
another judge of the court of common pleas. The judge also has 30694
concurrent jurisdiction with the probate-juvenile division of the 30695
court of common pleas of Fairfield county with respect to and may 30696
hear cases to determine the custody of a child, as defined in 30697
section 2151.011 of the Revised Code, who is not the ward of 30698
another court of this state, cases that are commenced by a parent, 30699
guardian, or custodian of a child, as defined in section 2151.011 30700
of the Revised Code, to obtain an order requiring a parent of the 30701
child to pay child support for that child when the request for 30702
that order is not ancillary to an action for divorce, dissolution 30703
of marriage, annulment, or legal separation, a criminal or civil 30704
action involving an allegation of domestic violence, an action for 30705
support under Chapter 3115. of the Revised Code, or an action that 30706
is within the exclusive original jurisdiction of the 30707
probate-juvenile division of the court of common pleas of 30708
Fairfield county and that involves an allegation that the child is 30709
an abused, neglected, or dependent child, and post-decree 30710
proceedings and matters arising from those types of cases. 30711

The judge of the domestic relations division shall be charged 30712
with the assignment and division of the work of the division and 30713
with the employment and supervision of the personnel of the 30714
division. 30715

The judge shall designate the title, compensation, expense 30716
allowances, hours, leaves of absence, and vacations of the 30717
personnel of the division and shall fix the duties of the 30718
personnel of the division. The duties of the personnel of the 30719
division, in addition to other statutory duties, shall include the 30720
handling, servicing, and investigation of divorce, dissolution of 30721
marriage, legal separation, and annulment cases, cases arising 30722
under Chapter 3111. of the Revised Code, and proceedings involving 30723
child support, the allocation of parental rights and 30724
responsibilities for the care of children and the designation for 30725
the children of a place of residence and legal custodian, 30726
parenting time, and visitation, and providing any counseling and 30727
conciliation services that the division makes available to 30728
persons, regardless of whether the persons are parties to an 30729
action pending in the division, who request the services. When the 30730
judge hears a case to determine the custody of a child, as defined 30731
in section 2151.011 of the Revised Code, who is not the ward of 30732
another court of this state or a case that is commenced by a 30733
parent, guardian, or custodian of a child, as defined in section 30734
2151.011 of the Revised Code, to obtain an order requiring a 30735
parent of the child to pay child support for that child when the 30736
request for that order is not ancillary to an action for divorce, 30737
dissolution of marriage, annulment, or legal separation, a 30738
criminal or civil action involving an allegation of domestic 30739
violence, an action for support under Chapter 3115. of the Revised 30740
Code, or an action that is within the exclusive original 30741
jurisdiction of the probate-juvenile division of the court of 30742
common pleas of Fairfield county and that involves an allegation 30743
that the child is an abused, neglected, or dependent child, the 30744

duties of the personnel of the domestic relations division also 30745
include the handling, servicing, and investigation of those types 30746
of cases. 30747

(W)(1) In Clark county, the judge of the court of common 30748
pleas whose term begins on January 2, 1995, and successors, shall 30749
have the same qualifications, exercise the same powers and 30750
jurisdiction, and receive the same compensation as other judges of 30751
the court of common pleas of Clark county and shall be elected and 30752
designated as judge of the court of common pleas, domestic 30753
relations division. The judge shall have all the powers relating 30754
to juvenile courts, and all cases under Chapters 2151. and 2152. 30755
of the Revised Code and all parentage proceedings under Chapter 30756
3111. of the Revised Code over which the juvenile court has 30757
jurisdiction shall be assigned to the judge of the division of 30758
domestic relations. All divorce, dissolution of marriage, legal 30759
separation, annulment, uniform reciprocal support enforcement, and 30760
other cases related to domestic relations shall be assigned to the 30761
domestic relations division, and the presiding judge of the court 30762
of common pleas shall assign the cases to the judge of the 30763
domestic relations division and the judges of the general 30764
division. 30765

(2) In addition to the judge's regular duties, the judge of 30766
the division of domestic relations shall serve on the children 30767
services board and the county advisory board. 30768

(3) If the judge of the court of common pleas of Clark 30769
county, division of domestic relations, is sick, absent, or unable 30770
to perform that judge's judicial duties or if the presiding judge 30771
of the court of common pleas of Clark county determines that the 30772
volume of cases pending in the division of domestic relations 30773
necessitates it, the duties of the judge of the division of 30774
domestic relations shall be performed by the judges of the general 30775
division or probate division of the court of common pleas of Clark 30776

county, as assigned for that purpose by the presiding judge of 30777
that court, and the judges so assigned shall act in conjunction 30778
with the judge of the division of domestic relations of that 30779
court. 30780

(X) In Scioto county, the judge of the court of common pleas 30781
whose term begins January 2, 1995, and successors, shall have the 30782
same qualifications, exercise the same powers and jurisdiction, 30783
and receive the same compensation as other judges of the court of 30784
common pleas of Scioto county and shall be elected and designated 30785
as judge of the court of common pleas, division of domestic 30786
relations. The judge shall be assigned all divorce, dissolution of 30787
marriage, legal separation, and annulment cases, all cases arising 30788
under Chapter 3111. of the Revised Code, all proceedings involving 30789
child support, the allocation of parental rights and 30790
responsibilities for the care of children and the designation for 30791
the children of a place of residence and legal custodian, 30792
parenting time, visitation, and all post-decree proceedings and 30793
matters arising from those cases and proceedings, except in cases 30794
that for some special reason are assigned to another judge of the 30795
court of common pleas. The judge shall be charged with the 30796
assignment and division of the work of the division and with the 30797
employment and supervision of the personnel of the division. 30798

The judge shall designate the title, compensation, expense 30799
allowances, hours, leaves of absence, and vacations of the 30800
personnel of the division and shall fix the duties of the 30801
personnel of the division. The duties of the personnel, in 30802
addition to other statutory duties, include the handling, 30803
servicing, and investigation of divorce, dissolution of marriage, 30804
legal separation, and annulment cases, cases arising under Chapter 30805
3111. of the Revised Code, and proceedings involving child 30806
support, the allocation of parental rights and responsibilities 30807
for the care of children and the designation for the children of a 30808

place of residence and legal custodian, parenting time, and 30809
visitation, and providing counseling and conciliation services 30810
that the division makes available to persons, whether or not the 30811
persons are parties to an action pending in the division, who 30812
request the services. 30813

(Y) In Auglaize county, the judge of the probate and juvenile 30814
divisions of the Auglaize county court of common pleas also shall 30815
be the administrative judge of the domestic relations division of 30816
the court and shall be assigned all divorce, dissolution of 30817
marriage, legal separation, and annulment cases coming before the 30818
court. The judge shall have all powers as administrator of the 30819
domestic relations division and shall have charge of the personnel 30820
engaged in handling, servicing, or investigating divorce, 30821
dissolution of marriage, legal separation, and annulment cases, 30822
including any referees considered necessary for the discharge of 30823
the judge's various duties. 30824

(Z)(1) In Marion county, the judge of the court of common 30825
pleas whose term begins on February 9, 1999, and the successors to 30826
that judge, shall have the same qualifications, exercise the same 30827
powers and jurisdiction, and receive the same compensation as the 30828
other judges of the court of common pleas of Marion county and 30829
shall be elected and designated as judge of the court of common 30830
pleas, domestic relations-juvenile-probate division. Except as 30831
otherwise specified in this division, that judge, and the 30832
successors to that judge, shall have all the powers relating to 30833
juvenile courts, and all cases under Chapters 2151. and 2152. of 30834
the Revised Code, all cases arising under Chapter 3111. of the 30835
Revised Code, all divorce, dissolution of marriage, legal 30836
separation, and annulment cases, all proceedings involving child 30837
support, the allocation of parental rights and responsibilities 30838
for the care of children and the designation for the children of a 30839
place of residence and legal custodian, parenting time, and 30840

visitation, and all post-decree proceedings and matters arising 30841
from those cases and proceedings shall be assigned to that judge 30842
and the successors to that judge. Except as provided in division 30843
(Z)(2) of this section and notwithstanding any other provision of 30844
any section of the Revised Code, on and after February 9, 2003, 30845
the judge of the court of common pleas of Marion county whose term 30846
begins on February 9, 1999, and the successors to that judge, 30847
shall have all the powers relating to the probate division of the 30848
court of common pleas of Marion county in addition to the powers 30849
previously specified in this division, and shall exercise 30850
concurrent jurisdiction with the judge of the probate division of 30851
that court over all matters that are within the jurisdiction of 30852
the probate division of that court under Chapter 2101., and other 30853
provisions, of the Revised Code in addition to the jurisdiction of 30854
the domestic relations-juvenile-probate division of that court 30855
otherwise specified in division (Z)(1) of this section. 30856

(2) The judge of the domestic relations-juvenile-probate 30857
division of the court of common pleas of Marion county or the 30858
judge of the probate division of the court of common pleas of 30859
Marion county, whichever of those judges is senior in total length 30860
of service on the court of common pleas of Marion county, 30861
regardless of the division or divisions of service, shall serve as 30862
the clerk of the probate division of the court of common pleas of 30863
Marion county. 30864

(3) On and after February 9, 2003, all references in law to 30865
"the probate court," "the probate judge," "the juvenile court," or 30866
"the judge of the juvenile court" shall be construed, with respect 30867
to Marion county, as being references to both "the probate 30868
division" and "the domestic relations-juvenile-probate division" 30869
and as being references to both "the judge of the probate 30870
division" and "the judge of the domestic relations- 30871
juvenile-probate division." On and after February 9, 2003, all 30872

references in law to "the clerk of the probate court" shall be 30873
construed, with respect to Marion county, as being references to 30874
the judge who is serving pursuant to division (Z)(2) of this 30875
section as the clerk of the probate division of the court of 30876
common pleas of Marion county. 30877

(AA) In Muskingum county, the judge of the court of common 30878
pleas whose term begins on January 2, 2003, and successors, shall 30879
have the same qualifications, exercise the same powers and 30880
jurisdiction, and receive the same compensation as the other 30881
judges of the court of common pleas of Muskingum county and shall 30882
be elected and designated as the judge of the court of common 30883
pleas, division of domestic relations. The judge shall be assigned 30884
all divorce, dissolution of marriage, legal separation, and 30885
annulment cases, all cases arising under Chapter 3111. of the 30886
Revised Code, all proceedings involving child support, the 30887
allocation of parental rights and responsibilities for the care of 30888
children and the designation for the children of a place of 30889
residence and legal custodian, parenting time, and visitation, and 30890
all post-decree proceedings and matters arising from those cases 30891
and proceedings, except in cases that for some special reason are 30892
assigned to another judge of the court of common pleas. The judge 30893
shall be charged with the assignment and division of the work of 30894
the division and with the employment and supervision of the 30895
personnel of the division. 30896

The judge shall designate the title, compensation, expense 30897
allowances, hours, leaves of absence, and vacations of the 30898
personnel of the division and shall fix the duties of the 30899
personnel of the division. The duties of the personnel of the 30900
division, in addition to other statutory duties, shall include the 30901
handling, servicing, and investigation of divorce, dissolution of 30902
marriage, legal separation, and annulment cases, cases arising 30903
under Chapter 3111. of the Revised Code, and proceedings involving 30904

child support, the allocation of parental rights and 30905
responsibilities for the care of children and the designation for 30906
the children of a place of residence and legal custodian, 30907
parenting time, and visitation and providing any counseling and 30908
conciliation services that the division makes available to 30909
persons, whether or not the persons are parties to an action 30910
pending in the division, who request the services. 30911

(BB) In Henry county, the judge of the court of common pleas 30912
whose term begins on January 1, 2005, and successors, shall have 30913
the same qualifications, exercise the same powers and 30914
jurisdiction, and receive the same compensation as the other judge 30915
of the court of common pleas of Henry county and shall be elected 30916
and designated as the judge of the court of common pleas, division 30917
of domestic relations. The judge shall have all of the powers 30918
relating to juvenile courts, and all cases under Chapter 2151. or 30919
2152. of the Revised Code, all parentage proceedings arising under 30920
Chapter 3111. of the Revised Code over which the juvenile court 30921
has jurisdiction, all divorce, dissolution of marriage, legal 30922
separation, and annulment cases, all proceedings involving child 30923
support, the allocation of parental rights and responsibilities 30924
for the care of children and the designation for the children of a 30925
place of residence and legal custodian, parenting time, and 30926
visitation, and all post-decree proceedings and matters arising 30927
from those cases and proceedings shall be assigned to that judge, 30928
except in cases that for some special reason are assigned to the 30929
other judge of the court of common pleas. 30930

(CC)(1) In Logan county, the judge of the court of common 30931
pleas whose term begins January 2, 2005, and the successors to 30932
that judge, shall have the same qualifications, exercise the same 30933
powers and jurisdiction, and receive the same compensation as the 30934
other judges of the court of common pleas of Logan county and 30935
shall be elected and designated as judge of the court of common 30936

pleas, domestic relations-juvenile-probate division. Except as 30937
otherwise specified in this division, that judge, and the 30938
successors to that judge, shall have all the powers relating to 30939
juvenile courts, and all cases under Chapters 2151. and 2152. of 30940
the Revised Code, all cases arising under Chapter 3111. of the 30941
Revised Code, all divorce, dissolution of marriage, legal 30942
separation, and annulment cases, all proceedings involving child 30943
support, the allocation of parental rights and responsibilities 30944
for the care of children and designation for the children of a 30945
place of residence and legal custodian, parenting time, and 30946
visitation, and all post-decree proceedings and matters arising 30947
from those cases and proceedings shall be assigned to that judge 30948
and the successors to that judge. Notwithstanding any other 30949
provision of any section of the Revised Code, on and after January 30950
2, 2005, the judge of the court of common pleas of Logan county 30951
whose term begins on January 2, 2005, and the successors to that 30952
judge, shall have all the powers relating to the probate division 30953
of the court of common pleas of Logan county in addition to the 30954
powers previously specified in this division and shall exercise 30955
concurrent jurisdiction with the judge of the probate division of 30956
that court over all matters that are within the jurisdiction of 30957
the probate division of that court under Chapter 2101., and other 30958
provisions, of the Revised Code in addition to the jurisdiction of 30959
the domestic relations-juvenile-probate division of that court 30960
otherwise specified in division (CC)(1) of this section. 30961

(2) The judge of the domestic relations-juvenile-probate 30962
division of the court of common pleas of Logan county or the 30963
probate judge of the court of common pleas of Logan county who is 30964
elected as the administrative judge of the probate division of the 30965
court of common pleas of Logan county pursuant to Rule 4 of the 30966
Rules of Superintendence shall be the clerk of the probate 30967
division and juvenile division of the court of common pleas of 30968
Logan county. The clerk of the court of common pleas who is 30969

elected pursuant to section 2303.01 of the Revised Code shall keep 30970
all of the journals, records, books, papers, and files pertaining 30971
to the domestic relations cases. 30972

(3) On and after January 2, 2005, all references in law to 30973
"the probate court," "the probate judge," "the juvenile court," or 30974
"the judge of the juvenile court" shall be construed, with respect 30975
to Logan county, as being references to both "the probate 30976
division" and the "domestic relations-juvenile-probate division" 30977
and as being references to both "the judge of the probate 30978
division" and the "judge of the domestic 30979
relations-juvenile-probate division." On and after January 2, 30980
2005, all references in law to "the clerk of the probate court" 30981
shall be construed, with respect to Logan county, as being 30982
references to the judge who is serving pursuant to division 30983
(CC)(2) of this section as the clerk of the probate division of 30984
the court of common pleas of Logan county. 30985

(DD)(1) In Champaign county, the judge of the court of common 30986
pleas whose term begins February 9, 2003, and the judge of the 30987
court of common pleas whose term begins February 10, 2009, and the 30988
successors to those judges, shall have the same qualifications, 30989
exercise the same powers and jurisdiction, and receive the same 30990
compensation as the other judges of the court of common pleas of 30991
Champaign county and shall be elected and designated as judges of 30992
the court of common pleas, domestic relations-juvenile-probate 30993
division. Except as otherwise specified in this division, those 30994
judges, and the successors to those judges, shall have all the 30995
powers relating to juvenile courts, and all cases under Chapters 30996
2151. and 2152. of the Revised Code, all cases arising under 30997
Chapter 3111. of the Revised Code, all divorce, dissolution of 30998
marriage, legal separation, and annulment cases, all proceedings 30999
involving child support, the allocation of parental rights and 31000
responsibilities for the care of children and the designation for 31001

the children of a place of residence and legal custodian, 31002
parenting time, and visitation, and all post-decree proceedings 31003
and matters arising from those cases and proceedings shall be 31004
assigned to those judges and the successors to those judges. 31005
Notwithstanding any other provision of any section of the Revised 31006
Code, on and after February 9, 2009, the judges designated by this 31007
division as judges of the court of common pleas of Champaign 31008
county, domestic relations-juvenile-probate division, and the 31009
successors to those judges, shall have all the powers relating to 31010
probate courts in addition to the powers previously specified in 31011
this division and shall exercise jurisdiction over all matters 31012
that are within the jurisdiction of probate courts under Chapter 31013
2101., and other provisions, of the Revised Code in addition to 31014
the jurisdiction of the domestic relations-juvenile-probate 31015
division otherwise specified in division (DD)(1) of this section. 31016

(2) On and after February 9, 2009, all references in law to 31017
"the probate court," "the probate judge," "the juvenile court," or 31018
"the judge of the juvenile court" shall be construed with respect 31019
to Champaign county as being references to the "domestic 31020
relations-juvenile-probate division" and as being references to 31021
the "judge of the domestic relations-juvenile-probate division." 31022
On and after February 9, 2009, all references in law to "the clerk 31023
of the probate court" shall be construed with respect to Champaign 31024
county as being references to the judge who is serving pursuant to 31025
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 31026
the administrative judge of the court of common pleas, domestic 31027
relations-juvenile-probate division. 31028

(EE) If a judge of the court of common pleas, division of 31029
domestic relations, or juvenile judge, of any of the counties 31030
mentioned in this section is sick, absent, or unable to perform 31031
that judge's judicial duties or the volume of cases pending in the 31032
judge's division necessitates it, the duties of that judge shall 31033

be performed by another judge of the court of common pleas of that 31034
county, assigned for that purpose by the presiding judge of the 31035
court of common pleas of that county to act in place of or in 31036
conjunction with that judge, as the case may require. 31037

Sec. 2303.201. (A)(1) The court of common pleas of any county 31038
may determine that for the efficient operation of the court 31039
additional funds are required to computerize the court, to make 31040
available computerized legal research services, or to do both. 31041
Upon making a determination that additional funds are required for 31042
either or both of those purposes, the court shall authorize and 31043
direct the clerk of the court of common pleas to charge one 31044
additional fee, not to exceed six dollars, on the filing of each 31045
cause of action or appeal under divisions (A), (Q), and (U) of 31046
section 2303.20 of the Revised Code. 31047

(2) All fees collected under division (A)(1) of this section 31048
shall be paid to the county treasurer. The treasurer shall place 31049
the funds from the fees in a separate fund to be disbursed either 31050
upon an order of the court, subject to an appropriation by the 31051
board of county commissioners, or upon an order of the court, 31052
subject to the court making an annual report available to the 31053
public listing the use of all such funds, in an amount not greater 31054
than the actual cost to the court of procuring and maintaining 31055
computerization of the court, computerized legal research 31056
services, or both. 31057

(3) If the court determines that the funds in the fund 31058
described in division (A)(2) of this section are more than 31059
sufficient to satisfy the purpose for which the additional fee 31060
described in division (A)(1) of this section was imposed, the 31061
court may declare a surplus in the fund and, subject to an 31062
appropriation by the board of county commissioners, expend those 31063
surplus funds, or upon an order of the court, subject to the court 31064

making an annual report available to the public listing the use of 31065
all such funds, expend those surplus funds, for other appropriate 31066
technological expenses of the court. 31067

(B)(1) The court of common pleas of any county may determine 31068
that, for the efficient operation of the court, additional funds 31069
are required to make technological advances in or to computerize 31070
the office of the clerk of the court of common pleas and, upon 31071
that determination, authorize and direct the clerk of the court of 31072
common pleas to charge an additional fee, not to exceed twenty 31073
dollars, on the filing of each cause of action or appeal, on the 31074
filing, docketing, and endorsing of each certificate of judgment, 31075
or on the docketing and indexing of each aid in execution or 31076
petition to vacate, revive, or modify a judgment under divisions 31077
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 31078
and not to exceed one dollar each for the services described in 31079
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 31080
the Revised Code. Subject to division (B)(2) of this section, all 31081
moneys collected under division (B)(1) of this section shall be 31082
paid to the county treasurer to be disbursed, upon an order of the 31083
court of common pleas and subject to appropriation by the board of 31084
county commissioners, in an amount no greater than the actual cost 31085
to the court of procuring and maintaining technology and computer 31086
systems for the office of the clerk of the court of common pleas. 31087

(2) If the court of common pleas of a county makes the 31088
determination described in division (B)(1) of this section, the 31089
board of county commissioners of that county may issue one or more 31090
general obligation bonds for the purpose of procuring and 31091
maintaining the technology and computer systems for the office of 31092
the clerk of the court of common pleas. In addition to the 31093
purposes stated in division (B)(1) of this section for which the 31094
moneys collected under that division may be expended, the moneys 31095
additionally may be expended to pay debt charges on and financing 31096

costs related to any general obligation bonds issued pursuant to 31097
division (B)(2) of this section as they become due. General 31098
obligation bonds issued pursuant to division (B)(2) of this 31099
section are Chapter 133. securities. 31100

(C) The court of common pleas shall collect the sum of 31101
twenty-six dollars as additional filing fees in each new civil 31102
action or proceeding for the charitable public purpose of 31103
providing financial assistance to legal aid societies that operate 31104
within the state and to support the office of the state public 31105
defender. This division does not apply to proceedings concerning 31106
annulments, dissolutions of marriage, divorces, legal separation, 31107
spousal support, marital property or separate property 31108
distribution, support, or other domestic relations matters; to a 31109
juvenile division of a court of common pleas; to a probate 31110
division of a court of common pleas, except that the additional 31111
filing fees shall apply to name change, guardianship, adoption, 31112
and decedents' estate proceedings; or to an execution on a 31113
judgment, proceeding in aid of execution, or other post-judgment 31114
proceeding arising out of a civil action. The filing fees required 31115
to be collected under this division shall be in addition to any 31116
other filing fees imposed in the action or proceeding and shall be 31117
collected at the time of the filing of the action or proceeding. 31118
The court shall not waive the payment of the additional filing 31119
fees in a new civil action or proceeding unless the court waives 31120
the advanced payment of all filing fees in the action or 31121
proceeding. All such moneys collected during a month except for an 31122
amount equal to up to one per cent of those moneys retained to 31123
cover administrative costs shall be transmitted on or before the 31124
twentieth day of the following month by the clerk of the court to 31125
the treasurer of state in a manner prescribed by the treasurer of 31126
state or by the Ohio legal assistance foundation. The treasurer of 31127
state shall deposit four per cent of the funds collected under 31128
this division to the credit of the civil case filing fee fund 31129

established under section 120.07 of the Revised Code and 31130
ninety-six per cent of the funds collected under this division to 31131
the credit of the legal aid fund established under section 120.52 31132
of the Revised Code. 31133

The court may retain up to one per cent of the moneys it 31134
collects under this division to cover administrative costs, 31135
including the hiring of any additional personnel necessary to 31136
implement this division. If the court fails to transmit to the 31137
treasurer of state the moneys the court collects under this 31138
division in a manner prescribed by the treasurer of state or by 31139
the Ohio legal assistance foundation, the court shall forfeit the 31140
moneys the court retains under this division to cover 31141
administrative costs, including the hiring of any additional 31142
personnel necessary to implement this division, and shall transmit 31143
to the treasurer of state all moneys collected under this 31144
division, including the forfeited amount retained for 31145
administrative costs, for deposit in the legal aid fund. 31146

(D) On and after the thirtieth day after December 9, 1994, 31147
the court of common pleas shall collect the sum of thirty-two 31148
dollars as additional filing fees in each new action or proceeding 31149
for annulment, divorce, or dissolution of marriage for the purpose 31150
of funding shelters for victims of domestic violence pursuant to 31151
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 31152
required to be collected under this division shall be in addition 31153
to any other filing fees imposed in the action or proceeding and 31154
shall be collected at the time of the filing of the action or 31155
proceeding. The court shall not waive the payment of the 31156
additional filing fees in a new action or proceeding for 31157
annulment, divorce, or dissolution of marriage unless the court 31158
waives the advanced payment of all filing fees in the action or 31159
proceeding. On or before the twentieth day of each month, all 31160
moneys collected during the immediately preceding month pursuant 31161

to this division shall be deposited by the clerk of the court into 31162
the county treasury in the special fund used for deposit of 31163
additional marriage license fees as described in section 3113.34 31164
of the Revised Code. Upon their deposit into the fund, the moneys 31165
shall be retained in the fund and expended only as described in 31166
section 3113.34 of the Revised Code. 31167

(E)(1) The court of common pleas may determine that, for the 31168
efficient operation of the court, additional funds are necessary 31169
to acquire and pay for special projects of the court, including, 31170
but not limited to, the acquisition of additional facilities or 31171
the rehabilitation of existing facilities, the acquisition of 31172
equipment, the hiring and training of staff, community service 31173
programs, mediation or dispute resolution services, the employment 31174
of magistrates, the training and education of judges, acting 31175
judges, and magistrates, and other related services. Upon that 31176
determination, the court by rule may charge a fee, in addition to 31177
all other court costs, on the filing of each criminal cause, civil 31178
action or proceeding, or judgment by confession. 31179

If the court of common pleas offers or requires a special 31180
program or ~~service~~ additional services in cases of a specific 31181
type, the court by rule may assess an additional charge in a case 31182
of that type, over and above court costs, to cover the special 31183
program or service. The court shall adjust the special assessment 31184
periodically, but not retroactively, so that the amount assessed 31185
in those cases does not exceed the actual cost of providing the 31186
service or program. 31187

All moneys collected under division (E) of this section shall 31188
be paid to the county treasurer for deposit into either a general 31189
special projects fund or a fund established for a specific special 31190
project. Moneys from a fund of that nature shall be disbursed upon 31191
an order of the court, subject to an appropriation by the board of 31192
county commissioners, in an amount no greater than the actual cost 31193

to the court of a project. If a specific fund is terminated 31194
because of the discontinuance of a program or service established 31195
under division (E) of this section, the court may order, subject 31196
to an appropriation by the board of county commissioners, that 31197
moneys remaining in the fund be transferred to an account 31198
established under this division for a similar purpose. 31199

(2) As used in division (E) of this section: 31200

(a) "Criminal cause" means a charge alleging the violation of 31201
a statute or ordinance, or subsection of a statute or ordinance, 31202
that requires a separate finding of fact or a separate plea before 31203
disposition and of which the defendant may be found guilty, 31204
whether filed as part of a multiple charge on a single summons, 31205
citation, or complaint or as a separate charge on a single 31206
summons, citation, or complaint. "Criminal cause" does not include 31207
separate violations of the same statute or ordinance, or 31208
subsection of the same statute or ordinance, unless each charge is 31209
filed on a separate summons, citation, or complaint. 31210

(b) "Civil action or proceeding" means any civil litigation 31211
that must be determined by judgment entry. 31212

Sec. 2305.234. (A) As used in this section: 31213

(1) "Chiropractic claim," "medical claim," and "optometric 31214
claim" have the same meanings as in section 2305.113 of the 31215
Revised Code. 31216

(2) "Dental claim" has the same meaning as in section 31217
2305.113 of the Revised Code, except that it does not include any 31218
claim arising out of a dental operation or any derivative claim 31219
for relief that arises out of a dental operation. 31220

(3) "Governmental health care program" has the same meaning 31221
as in section 4731.65 of the Revised Code. 31222

(4) "Health care facility or location" means a hospital, 31223

clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person.

(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:

(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;

(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;

(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;

(f) Chiropractors licensed under Chapter 4734. of the Revised Code;

(g) Optometrists licensed under Chapter 4725. of the Revised Code;

(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;

(i) Dietitians licensed under Chapter 4759. of the Revised Code;	31254 31255
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	31256 31257
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	31258 31259 31260 31261
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	31262 31263
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	31264 31265
(n) Professional clinical counselors, professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	31266 31267 31268 31269 31270
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	31271 31272
(p) Independent chemical dependency counselors, chemical dependency counselors III, chemical dependency counselors II, and chemical dependency counselors I, licensed under Chapter 4758. of the Revised Code.	31273 31274 31275 31276
(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	31277 31278 31279 31280 31281 31282 31283

(7) "Indigent and uninsured person" means a person who meets	31284
all of the following requirements:	31285
(a) The person's income is not greater than two hundred per	31286
cent of the current poverty line as defined by the United States	31287
office of management and budget and revised in accordance with	31288
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981,"	31289
95 Stat. 511, 42 U.S.C. 9902, as amended.	31290
(b) The person is not eligible to receive medical assistance	31291
under Chapter 5111. of the Revised Code or assistance under <u>for</u>	31292
<u>the medicaid program or</u> any other governmental health care	31293
program.	31294
(c) Either of the following applies:	31295
(i) The person is not a policyholder, certificate holder,	31296
insured, contract holder, subscriber, enrollee, member,	31297
beneficiary, or other covered individual under a health insurance	31298
or health care policy, contract, or plan.	31299
(ii) The person is a policyholder, certificate holder,	31300
insured, contract holder, subscriber, enrollee, member,	31301
beneficiary, or other covered individual under a health insurance	31302
or health care policy, contract, or plan, but the insurer, policy,	31303
contract, or plan denies coverage or is the subject of insolvency	31304
or bankruptcy proceedings in any jurisdiction.	31305
(8) "Nonprofit health care referral organization" means an	31306
entity that is not operated for profit and refers patients to, or	31307
arranges for the provision of, health-related diagnosis, care, or	31308
treatment by a health care professional or health care worker.	31309
(9) "Operation" means any procedure that involves cutting or	31310
otherwise infiltrating human tissue by mechanical means, including	31311
surgery, laser surgery, ionizing radiation, therapeutic	31312
ultrasound, or the removal of intraocular foreign bodies.	31313
"Operation" does not include the administration of medication by	31314

injection, unless the injection is administered in conjunction 31315
with a procedure infiltrating human tissue by mechanical means 31316
other than the administration of medicine by injection. 31317
"Operation" does not include routine dental restorative 31318
procedures, the scaling of teeth, or extractions of teeth that are 31319
not impacted. 31320

(10) "Tort action" means a civil action for damages for 31321
injury, death, or loss to person or property other than a civil 31322
action for damages for a breach of contract or another agreement 31323
between persons or government entities. 31324

(11) "Volunteer" means an individual who provides any 31325
medical, dental, or other health-care related diagnosis, care, or 31326
treatment without the expectation of receiving and without receipt 31327
of any compensation or other form of remuneration from an indigent 31328
and uninsured person, another person on behalf of an indigent and 31329
uninsured person, any health care facility or location, any 31330
nonprofit health care referral organization, or any other person 31331
or government entity. 31332

(12) "Community control sanction" has the same meaning as in 31333
section 2929.01 of the Revised Code. 31334

(13) "Deep sedation" means a drug-induced depression of 31335
consciousness during which a patient cannot be easily aroused but 31336
responds purposefully following repeated or painful stimulation, a 31337
patient's ability to independently maintain ventilatory function 31338
may be impaired, a patient may require assistance in maintaining a 31339
patent airway and spontaneous ventilation may be inadequate, and 31340
cardiovascular function is usually maintained. 31341

(14) "General anesthesia" means a drug-induced loss of 31342
consciousness during which a patient is not arousable, even by 31343
painful stimulation, the ability to independently maintain 31344
ventilatory function is often impaired, a patient often requires 31345

assistance in maintaining a patent airway, positive pressure 31346
ventilation may be required because of depressed spontaneous 31347
ventilation or drug-induced depression of neuromuscular function, 31348
and cardiovascular function may be impaired. 31349

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 31350
health care professional who is a volunteer and complies with 31351
division (B)(2) of this section is not liable in damages to any 31352
person or government entity in a tort or other civil action, 31353
including an action on a medical, dental, chiropractic, 31354
optometric, or other health-related claim, for injury, death, or 31355
loss to person or property that allegedly arises from an action or 31356
omission of the volunteer in the provision to an indigent and 31357
uninsured person of medical, dental, or other health-related 31358
diagnosis, care, or treatment, including the provision of samples 31359
of medicine and other medical products, unless the action or 31360
omission constitutes willful or wanton misconduct. 31361

(2) To qualify for the immunity described in division (B)(1) 31362
of this section, a health care professional shall do all of the 31363
following prior to providing diagnosis, care, or treatment: 31364

(a) Determine, in good faith, that the indigent and uninsured 31365
person is mentally capable of giving informed consent to the 31366
provision of the diagnosis, care, or treatment and is not subject 31367
to duress or under undue influence; 31368

(b) Inform the person of the provisions of this section, 31369
including notifying the person that, by giving informed consent to 31370
the provision of the diagnosis, care, or treatment, the person 31371
cannot hold the health care professional liable for damages in a 31372
tort or other civil action, including an action on a medical, 31373
dental, chiropractic, optometric, or other health-related claim, 31374
unless the action or omission of the health care professional 31375
constitutes willful or wanton misconduct; 31376

(c) Obtain the informed consent of the person and a written waiver, signed by the person or by another individual on behalf of and in the presence of the person, that states that the person is mentally competent to give informed consent and, without being subject to duress or under undue influence, gives informed consent to the provision of the diagnosis, care, or treatment subject to the provisions of this section. A written waiver under division (B)(2)(c) of this section shall state clearly and in conspicuous type that the person or other individual who signs the waiver is signing it with full knowledge that, by giving informed consent to the provision of the diagnosis, care, or treatment, the person cannot bring a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, against the health care professional unless the action or omission of the health care professional constitutes willful or wanton misconduct.

(3) A physician or podiatrist who is not covered by medical malpractice insurance, but complies with division (B)(2) of this section, is not required to comply with division (A) of section 4731.143 of the Revised Code.

(C) Subject to divisions (F) and (G)(3) of this section, health care workers who are volunteers are not liable in damages to any person or government entity in a tort or other civil action, including an action upon a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the health care worker in the provision to an indigent and uninsured person of medical, dental, or other health-related diagnosis, care, or treatment, unless the action or omission constitutes willful or wanton misconduct.

(D) Subject to divisions (F) and (G)(3) of this section, a nonprofit health care referral organization is not liable in

damages to any person or government entity in a tort or other 31409
civil action, including an action on a medical, dental, 31410
chiropractic, optometric, or other health-related claim, for 31411
injury, death, or loss to person or property that allegedly arises 31412
from an action or omission of the nonprofit health care referral 31413
organization in referring indigent and uninsured persons to, or 31414
arranging for the provision of, medical, dental, or other 31415
health-related diagnosis, care, or treatment by a health care 31416
professional described in division (B)(1) of this section or a 31417
health care worker described in division (C) of this section, 31418
unless the action or omission constitutes willful or wanton 31419
misconduct. 31420

(E) Subject to divisions (F) and (G)(3) of this section and 31421
to the extent that the registration requirements of section 31422
3701.071 of the Revised Code apply, a health care facility or 31423
location associated with a health care professional described in 31424
division (B)(1) of this section, a health care worker described in 31425
division (C) of this section, or a nonprofit health care referral 31426
organization described in division (D) of this section is not 31427
liable in damages to any person or government entity in a tort or 31428
other civil action, including an action on a medical, dental, 31429
chiropractic, optometric, or other health-related claim, for 31430
injury, death, or loss to person or property that allegedly arises 31431
from an action or omission of the health care professional or 31432
worker or nonprofit health care referral organization relative to 31433
the medical, dental, or other health-related diagnosis, care, or 31434
treatment provided to an indigent and uninsured person on behalf 31435
of or at the health care facility or location, unless the action 31436
or omission constitutes willful or wanton misconduct. 31437

(F)(1) Except as provided in division (F)(2) of this section, 31438
the immunities provided by divisions (B), (C), (D), and (E) of 31439
this section are not available to a health care professional, 31440

health care worker, nonprofit health care referral organization, 31441
or health care facility or location if, at the time of an alleged 31442
injury, death, or loss to person or property, the health care 31443
professionals or health care workers involved are providing one of 31444
the following: 31445

(a) Any medical, dental, or other health-related diagnosis, 31446
care, or treatment pursuant to a community service work order 31447
entered by a court under division (B) of section 2951.02 of the 31448
Revised Code or imposed by a court as a community control 31449
sanction; 31450

(b) Performance of an operation to which any one of the 31451
following applies: 31452

(i) The operation requires the administration of deep 31453
sedation or general anesthesia. 31454

(ii) The operation is a procedure that is not typically 31455
performed in an office. 31456

(iii) The individual involved is a health care professional, 31457
and the operation is beyond the scope of practice or the 31458
education, training, and competence, as applicable, of the health 31459
care professional. 31460

(c) Delivery of a baby or any other purposeful termination of 31461
a human pregnancy. 31462

(2) Division (F)(1) of this section does not apply when a 31463
health care professional or health care worker provides medical, 31464
dental, or other health-related diagnosis, care, or treatment that 31465
is necessary to preserve the life of a person in a medical 31466
emergency. 31467

(G)(1) This section does not create a new cause of action or 31468
substantive legal right against a health care professional, health 31469
care worker, nonprofit health care referral organization, or 31470

health care facility or location. 31471

(2) This section does not affect any immunities from civil 31472
liability or defenses established by another section of the 31473
Revised Code or available at common law to which a health care 31474
professional, health care worker, nonprofit health care referral 31475
organization, or health care facility or location may be entitled 31476
in connection with the provision of emergency or other medical, 31477
dental, or other health-related diagnosis, care, or treatment. 31478

(3) This section does not grant an immunity from tort or 31479
other civil liability to a health care professional, health care 31480
worker, nonprofit health care referral organization, or health 31481
care facility or location for actions that are outside the scope 31482
of authority of health care professionals or health care workers. 31483

(4) This section does not affect any legal responsibility of 31484
a health care professional, health care worker, or nonprofit 31485
health care referral organization to comply with any applicable 31486
law of this state or rule of an agency of this state. 31487

(5) This section does not affect any legal responsibility of 31488
a health care facility or location to comply with any applicable 31489
law of this state, rule of an agency of this state, or local code, 31490
ordinance, or regulation that pertains to or regulates building, 31491
housing, air pollution, water pollution, sanitation, health, fire, 31492
zoning, or safety. 31493

Sec. 2307.65. (A) The attorney general may bring a civil 31494
action in the Franklin county court of common pleas on behalf of 31495
the department of ~~job and family services~~ medicaid, and the 31496
prosecuting attorney of the county in which a violation of 31497
division (B) of section 2913.401 of the Revised Code occurs may 31498
bring a civil action in the court of common pleas of that county 31499
on behalf of the county department of job and family services, 31500
against a person who violates division (B) of section 2913.401 of 31501

the Revised Code for the recovery of the amount of benefits paid 31502
on behalf of a person that either department would not have paid 31503
but for the violation minus any amounts paid in restitution under 31504
division (C)(2) of section 2913.401 of the Revised Code and for 31505
reasonable attorney's fees and all other fees and costs of 31506
litigation. 31507

(B) In a civil action brought under division (A) of this 31508
section, if the defendant failed to disclose a transfer of 31509
property in violation of division (B)(3) of section 2913.401 of 31510
the Revised Code, the court may also grant any of the following 31511
relief to the extent permitted by the "Social Security Act," 31512
section 1917, 42 U.S.C. 1396p: 31513

(1) Avoidance of the transfer of property that was not 31514
disclosed in violation of division (B)(3) of section 2913.401 of 31515
the Revised Code to the extent of the amount of benefits the 31516
department would not have paid but for the violation; 31517

(2) An order of attachment or garnishment against the 31518
property in accordance with Chapter 2715. or 2716. of the Revised 31519
Code; 31520

(3) An injunction against any further disposition by the 31521
transferor or transferee, or both, of the property the transfer of 31522
which was not disclosed in violation of division (B)(3) of section 31523
2913.401 of the Revised Code or against the disposition of other 31524
property by the transferor or transferee; 31525

(4) Appointment of a receiver to take charge of the property 31526
transferred or of other property of the transferee; 31527

(5) Any other relief that the court considers just and 31528
equitable. 31529

(C) To the extent permitted by the "Social Security Act," 31530
section 1917, 42 U.S.C. 1396p, the department of ~~job and family~~ 31531

~~services~~ medicaid or the county department of job and family 31532
services may enforce a judgment obtained under this section by 31533
levying on property the transfer of which was not disclosed in 31534
violation of division (B)(3) of section 2913.401 of the Revised 31535
Code or on the proceeds of the transfer of that property in 31536
accordance with Chapter 2329. of the Revised Code. 31537

(D) The remedies provided in divisions (B) and (C) of this 31538
section do not apply if the transferee of the property the 31539
transfer of which was not disclosed in violation of division 31540
(B)(3) of section 2913.401 of the Revised Code acquired the 31541
property in good faith and for fair market value. 31542

(E) The remedies provided in this section are not exclusive 31543
and do not preclude the use of any other criminal or civil remedy 31544
for any act that is in violation of section 2913.401 of the 31545
Revised Code. 31546

(F) Amounts of medicaid ~~benefits~~ services paid and recovered 31547
in an action brought under this section shall be credited to the 31548
general revenue fund, and any applicable federal share shall be 31549
returned to the appropriate agency or department of the United 31550
States. 31551

Sec. 2317.02. The following persons shall not testify in 31552
certain respects: 31553

(A)(1) An attorney, concerning a communication made to the 31554
attorney by a client in that relation or concerning the attorney's 31555
advice to a client, except that the attorney may testify by 31556
express consent of the client or, if the client is deceased, by 31557
the express consent of the surviving spouse or the executor or 31558
administrator of the estate of the deceased client. However, if 31559
the client voluntarily reveals the substance of attorney-client 31560
communications in a nonprivileged context or is deemed by section 31561
2151.421 of the Revised Code to have waived any testimonial 31562

privilege under this division, the attorney may be compelled to 31563
testify on the same subject. 31564

The testimonial privilege established under this division 31565
does not apply concerning a communication between a client who has 31566
since died and the deceased client's attorney if the communication 31567
is relevant to a dispute between parties who claim through that 31568
deceased client, regardless of whether the claims are by testate 31569
or intestate succession or by inter vivos transaction, and the 31570
dispute addresses the competency of the deceased client when the 31571
deceased client executed a document that is the basis of the 31572
dispute or whether the deceased client was a victim of fraud, 31573
undue influence, or duress when the deceased client executed a 31574
document that is the basis of the dispute. 31575

(2) An attorney, concerning a communication made to the 31576
attorney by a client in that relationship or the attorney's advice 31577
to a client, except that if the client is an insurance company, 31578
the attorney may be compelled to testify, subject to an in camera 31579
inspection by a court, about communications made by the client to 31580
the attorney or by the attorney to the client that are related to 31581
the attorney's aiding or furthering an ongoing or future 31582
commission of bad faith by the client, if the party seeking 31583
disclosure of the communications has made a prima-facie showing of 31584
bad faith, fraud, or criminal misconduct by the client. 31585

(B)(1) A physician or a dentist concerning a communication 31586
made to the physician or dentist by a patient in that relation or 31587
the physician's or dentist's advice to a patient, except as 31588
otherwise provided in this division, division (B)(2), and division 31589
(B)(3) of this section, and except that, if the patient is deemed 31590
by section 2151.421 of the Revised Code to have waived any 31591
testimonial privilege under this division, the physician may be 31592
compelled to testify on the same subject. 31593

The testimonial privilege established under this division 31594

does not apply, and a physician or dentist may testify or may be 31595
compelled to testify, in any of the following circumstances: 31596

(a) In any civil action, in accordance with the discovery 31597
provisions of the Rules of Civil Procedure in connection with a 31598
civil action, or in connection with a claim under Chapter 4123. of 31599
the Revised Code, under any of the following circumstances: 31600

(i) If the patient or the guardian or other legal 31601
representative of the patient gives express consent; 31602

(ii) If the patient is deceased, the spouse of the patient or 31603
the executor or administrator of the patient's estate gives 31604
express consent; 31605

(iii) If a medical claim, dental claim, chiropractic claim, 31606
or optometric claim, as defined in section 2305.113 of the Revised 31607
Code, an action for wrongful death, any other type of civil 31608
action, or a claim under Chapter 4123. of the Revised Code is 31609
filed by the patient, the personal representative of the estate of 31610
the patient if deceased, or the patient's guardian or other legal 31611
representative. 31612

(b) In any civil action concerning court-ordered treatment or 31613
services received by a patient, if the court-ordered treatment or 31614
services were ordered as part of a case plan journalized under 31615
section 2151.412 of the Revised Code or the court-ordered 31616
treatment or services are necessary or relevant to dependency, 31617
neglect, or abuse or temporary or permanent custody proceedings 31618
under Chapter 2151. of the Revised Code. 31619

(c) In any criminal action concerning any test or the results 31620
of any test that determines the presence or concentration of 31621
alcohol, a drug of abuse, a combination of them, a controlled 31622
substance, or a metabolite of a controlled substance in the 31623
patient's whole blood, blood serum or plasma, breath, urine, or 31624
other bodily substance at any time relevant to the criminal 31625

offense in question. 31626

(d) In any criminal action against a physician or dentist. In 31627
such an action, the testimonial privilege established under this 31628
division does not prohibit the admission into evidence, in 31629
accordance with the Rules of Evidence, of a patient's medical or 31630
dental records or other communications between a patient and the 31631
physician or dentist that are related to the action and obtained 31632
by subpoena, search warrant, or other lawful means. A court that 31633
permits or compels a physician or dentist to testify in such an 31634
action or permits the introduction into evidence of patient 31635
records or other communications in such an action shall require 31636
that appropriate measures be taken to ensure that the 31637
confidentiality of any patient named or otherwise identified in 31638
the records is maintained. Measures to ensure confidentiality that 31639
may be taken by the court include sealing its records or deleting 31640
specific information from its records. 31641

(e)(i) If the communication was between a patient who has 31642
since died and the deceased patient's physician or dentist, the 31643
communication is relevant to a dispute between parties who claim 31644
through that deceased patient, regardless of whether the claims 31645
are by testate or intestate succession or by inter vivos 31646
transaction, and the dispute addresses the competency of the 31647
deceased patient when the deceased patient executed a document 31648
that is the basis of the dispute or whether the deceased patient 31649
was a victim of fraud, undue influence, or duress when the 31650
deceased patient executed a document that is the basis of the 31651
dispute. 31652

(ii) If neither the spouse of a patient nor the executor or 31653
administrator of that patient's estate gives consent under 31654
division (B)(1)(a)(ii) of this section, testimony or the 31655
disclosure of the patient's medical records by a physician, 31656
dentist, or other health care provider under division (B)(1)(e)(i) 31657

of this section is a permitted use or disclosure of protected health information, as defined in 45 C.F.R. 160.103, and an authorization or opportunity to be heard shall not be required.

(iii) Division (B)(1)(e)(i) of this section does not require a mental health professional to disclose psychotherapy notes, as defined in 45 C.F.R. 164.501.

(iv) An interested person who objects to testimony or disclosure under division (B)(1)(e)(i) of this section may seek a protective order pursuant to Civil Rule 26.

(v) A person to whom protected health information is disclosed under division (B)(1)(e)(i) of this section shall not use or disclose the protected health information for any purpose other than the litigation or proceeding for which the information was requested and shall return the protected health information to the covered entity or destroy the protected health information, including all copies made, at the conclusion of the litigation or proceeding.

(2)(a) If any law enforcement officer submits a written statement to a health care provider that states that an official criminal investigation has begun regarding a specified person or that a criminal action or proceeding has been commenced against a specified person, that requests the provider to supply to the officer copies of any records the provider possesses that pertain to any test or the results of any test administered to the specified person to determine the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at any time relevant to the criminal offense in question, and that conforms to section 2317.022 of the Revised Code, the provider, except to the extent specifically prohibited by any law of this state or of the United States, shall supply to the officer a copy

of any of the requested records the provider possesses. If the 31690
health care provider does not possess any of the requested 31691
records, the provider shall give the officer a written statement 31692
that indicates that the provider does not possess any of the 31693
requested records. 31694

(b) If a health care provider possesses any records of the 31695
type described in division (B)(2)(a) of this section regarding the 31696
person in question at any time relevant to the criminal offense in 31697
question, in lieu of personally testifying as to the results of 31698
the test in question, the custodian of the records may submit a 31699
certified copy of the records, and, upon its submission, the 31700
certified copy is qualified as authentic evidence and may be 31701
admitted as evidence in accordance with the Rules of Evidence. 31702
Division (A) of section 2317.422 of the Revised Code does not 31703
apply to any certified copy of records submitted in accordance 31704
with this division. Nothing in this division shall be construed to 31705
limit the right of any party to call as a witness the person who 31706
administered the test to which the records pertain, the person 31707
under whose supervision the test was administered, the custodian 31708
of the records, the person who made the records, or the person 31709
under whose supervision the records were made. 31710

(3)(a) If the testimonial privilege described in division 31711
(B)(1) of this section does not apply as provided in division 31712
(B)(1)(a)(iii) of this section, a physician or dentist may be 31713
compelled to testify or to submit to discovery under the Rules of 31714
Civil Procedure only as to a communication made to the physician 31715
or dentist by the patient in question in that relation, or the 31716
physician's or dentist's advice to the patient in question, that 31717
related causally or historically to physical or mental injuries 31718
that are relevant to issues in the medical claim, dental claim, 31719
chiropractic claim, or optometric claim, action for wrongful 31720
death, other civil action, or claim under Chapter 4123. of the 31721

Revised Code. 31722

(b) If the testimonial privilege described in division (B)(1) 31723
of this section does not apply to a physician or dentist as 31724
provided in division (B)(1)(c) of this section, the physician or 31725
dentist, in lieu of personally testifying as to the results of the 31726
test in question, may submit a certified copy of those results, 31727
and, upon its submission, the certified copy is qualified as 31728
authentic evidence and may be admitted as evidence in accordance 31729
with the Rules of Evidence. Division (A) of section 2317.422 of 31730
the Revised Code does not apply to any certified copy of results 31731
submitted in accordance with this division. Nothing in this 31732
division shall be construed to limit the right of any party to 31733
call as a witness the person who administered the test in 31734
question, the person under whose supervision the test was 31735
administered, the custodian of the results of the test, the person 31736
who compiled the results, or the person under whose supervision 31737
the results were compiled. 31738

(4) The testimonial privilege described in division (B)(1) of 31739
this section is not waived when a communication is made by a 31740
physician to a pharmacist or when there is communication between a 31741
patient and a pharmacist in furtherance of the physician-patient 31742
relation. 31743

(5)(a) As used in divisions (B)(1) to (4) of this section, 31744
"communication" means acquiring, recording, or transmitting any 31745
information, in any manner, concerning any facts, opinions, or 31746
statements necessary to enable a physician or dentist to diagnose, 31747
treat, prescribe, or act for a patient. A "communication" may 31748
include, but is not limited to, any medical or dental, office, or 31749
hospital communication such as a record, chart, letter, 31750
memorandum, laboratory test and results, x-ray, photograph, 31751
financial statement, diagnosis, or prognosis. 31752

(b) As used in division (B)(2) of this section, "health care 31753

provider" means a hospital, ambulatory care facility, long-term 31754
care facility, pharmacy, emergency facility, or health care 31755
practitioner. 31756

(c) As used in division (B)(5)(b) of this section: 31757

(i) "Ambulatory care facility" means a facility that provides 31758
medical, diagnostic, or surgical treatment to patients who do not 31759
require hospitalization, including a dialysis center, ambulatory 31760
surgical facility, cardiac catheterization facility, diagnostic 31761
imaging center, extracorporeal shock wave lithotripsy center, home 31762
health agency, inpatient hospice, birthing center, radiation 31763
therapy center, emergency facility, and an urgent care center. 31764
"Ambulatory health care facility" does not include the private 31765
office of a physician or dentist, whether the office is for an 31766
individual or group practice. 31767

(ii) "Emergency facility" means a hospital emergency 31768
department or any other facility that provides emergency medical 31769
services. 31770

(iii) "Health care practitioner" has the same meaning as in 31771
section 4769.01 of the Revised Code. 31772

(iv) "Hospital" has the same meaning as in section 3727.01 of 31773
the Revised Code. 31774

(v) "Long-term care facility" means a nursing home, 31775
residential care facility, or home for the aging, as those terms 31776
are defined in section 3721.01 of the Revised Code; a residential 31777
facility licensed under section ~~5119.22~~ 5119.34 of the Revised 31778
Code that provides accommodations, supervision, and personal care 31779
services for three to sixteen unrelated adults; a nursing facility 31780
~~or intermediate care facility for the mentally retarded, as those~~ 31781
~~terms are~~ defined in section ~~5111.20~~ 5165.01 of the Revised Code; 31782
a ~~facility or portion of a facility certified as a skilled nursing~~ 31783
facility ~~under Title XVIII of the "Social Security Act," 49 Stat.~~ 31784

286 (1965), 42 U.S.C.A. 1395, as amended, as defined in section 31785
5165.01 of the Revised Code; and an intermediate care facility for 31786
the mentally retarded, as defined in section 5124.01 of the 31787
Revised Code. 31788

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 31789
the Revised Code. 31790

(d) As used in divisions (B)(1) and (2) of this section, 31791
"drug of abuse" has the same meaning as in section 4506.01 of the 31792
Revised Code. 31793

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 31794
apply to doctors of medicine, doctors of osteopathic medicine, 31795
doctors of podiatry, and dentists. 31796

(7) Nothing in divisions (B)(1) to (6) of this section 31797
affects, or shall be construed as affecting, the immunity from 31798
civil liability conferred by section 307.628 of the Revised Code 31799
or the immunity from civil liability conferred by section 2305.33 31800
of the Revised Code upon physicians who report an employee's use 31801
of a drug of abuse, or a condition of an employee other than one 31802
involving the use of a drug of abuse, to the employer of the 31803
employee in accordance with division (B) of that section. As used 31804
in division (B)(7) of this section, "employee," "employer," and 31805
"physician" have the same meanings as in section 2305.33 of the 31806
Revised Code. 31807

(C)(1) A cleric, when the cleric remains accountable to the 31808
authority of that cleric's church, denomination, or sect, 31809
concerning a confession made, or any information confidentially 31810
communicated, to the cleric for a religious counseling purpose in 31811
the cleric's professional character. The cleric may testify by 31812
express consent of the person making the communication, except 31813
when the disclosure of the information is in violation of a sacred 31814
trust and except that, if the person voluntarily testifies or is 31815

deemed by division (A)(4)(c) of section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the cleric may be compelled to testify on the same subject except when disclosure of the information is in violation of a sacred trust.

(2) As used in division (C) of this section:

(a) "Cleric" means a member of the clergy, rabbi, priest, Christian Science practitioner, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect.

(b) "Sacred trust" means a confession or confidential communication made to a cleric in the cleric's ecclesiastical capacity in the course of discipline enjoined by the church to which the cleric belongs, including, but not limited to, the Catholic Church, if both of the following apply:

(i) The confession or confidential communication was made directly to the cleric.

(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;

(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;

(F) A person who, if a party, would be restricted under 31846
section 2317.03 of the Revised Code, when the property or thing is 31847
sold or transferred by an executor, administrator, guardian, 31848
trustee, heir, devisee, or legatee, shall be restricted in the 31849
same manner in any action or proceeding concerning the property or 31850
thing. 31851

(G)(1) A school guidance counselor who holds a valid educator 31852
license from the state board of education as provided for in 31853
section 3319.22 of the Revised Code, a person licensed under 31854
Chapter 4757. of the Revised Code as a professional clinical 31855
counselor, professional counselor, social worker, independent 31856
social worker, marriage and family therapist or independent 31857
marriage and family therapist, or registered under Chapter 4757. 31858
of the Revised Code as a social work assistant concerning a 31859
confidential communication received from a client in that relation 31860
or the person's advice to a client unless any of the following 31861
applies: 31862

(a) The communication or advice indicates clear and present 31863
danger to the client or other persons. For the purposes of this 31864
division, cases in which there are indications of present or past 31865
child abuse or neglect of the client constitute a clear and 31866
present danger. 31867

(b) The client gives express consent to the testimony. 31868

(c) If the client is deceased, the surviving spouse or the 31869
executor or administrator of the estate of the deceased client 31870
gives express consent. 31871

(d) The client voluntarily testifies, in which case the 31872
school guidance counselor or person licensed or registered under 31873
Chapter 4757. of the Revised Code may be compelled to testify on 31874
the same subject. 31875

(e) The court in camera determines that the information 31876

communicated by the client is not germane to the counselor-client, 31877
marriage and family therapist-client, or social worker-client 31878
relationship. 31879

(f) A court, in an action brought against a school, its 31880
administration, or any of its personnel by the client, rules after 31881
an in-camera inspection that the testimony of the school guidance 31882
counselor is relevant to that action. 31883

(g) The testimony is sought in a civil action and concerns 31884
court-ordered treatment or services received by a patient as part 31885
of a case plan journalized under section 2151.412 of the Revised 31886
Code or the court-ordered treatment or services are necessary or 31887
relevant to dependency, neglect, or abuse or temporary or 31888
permanent custody proceedings under Chapter 2151. of the Revised 31889
Code. 31890

(2) Nothing in division (G)(1) of this section shall relieve 31891
a school guidance counselor or a person licensed or registered 31892
under Chapter 4757. of the Revised Code from the requirement to 31893
report information concerning child abuse or neglect under section 31894
2151.421 of the Revised Code. 31895

(H) A mediator acting under a mediation order issued under 31896
division (A) of section 3109.052 of the Revised Code or otherwise 31897
issued in any proceeding for divorce, dissolution, legal 31898
separation, annulment, or the allocation of parental rights and 31899
responsibilities for the care of children, in any action or 31900
proceeding, other than a criminal, delinquency, child abuse, child 31901
neglect, or dependent child action or proceeding, that is brought 31902
by or against either parent who takes part in mediation in 31903
accordance with the order and that pertains to the mediation 31904
process, to any information discussed or presented in the 31905
mediation process, to the allocation of parental rights and 31906
responsibilities for the care of the parents' children, or to the 31907
awarding of parenting time rights in relation to their children; 31908

(I) A communications assistant, acting within the scope of 31909
the communication assistant's authority, when providing 31910
telecommunications relay service pursuant to section 4931.06 of 31911
the Revised Code or Title II of the "Communications Act of 1934," 31912
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 31913
made through a telecommunications relay service. Nothing in this 31914
section shall limit the obligation of a communications assistant 31915
to divulge information or testify when mandated by federal law or 31916
regulation or pursuant to subpoena in a criminal proceeding. 31917

Nothing in this section shall limit any immunity or privilege 31918
granted under federal law or regulation. 31919

(J)(1) A chiropractor in a civil proceeding concerning a 31920
communication made to the chiropractor by a patient in that 31921
relation or the chiropractor's advice to a patient, except as 31922
otherwise provided in this division. The testimonial privilege 31923
established under this division does not apply, and a chiropractor 31924
may testify or may be compelled to testify, in any civil action, 31925
in accordance with the discovery provisions of the Rules of Civil 31926
Procedure in connection with a civil action, or in connection with 31927
a claim under Chapter 4123. of the Revised Code, under any of the 31928
following circumstances: 31929

(a) If the patient or the guardian or other legal 31930
representative of the patient gives express consent. 31931

(b) If the patient is deceased, the spouse of the patient or 31932
the executor or administrator of the patient's estate gives 31933
express consent. 31934

(c) If a medical claim, dental claim, chiropractic claim, or 31935
optometric claim, as defined in section 2305.113 of the Revised 31936
Code, an action for wrongful death, any other type of civil 31937
action, or a claim under Chapter 4123. of the Revised Code is 31938
filed by the patient, the personal representative of the estate of 31939

the patient if deceased, or the patient's guardian or other legal representative. 31940
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(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code. 31942
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(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding. 31953
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(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a chiropractor to diagnose, treat, or act for a patient. A communication may include, but is not limited to, any chiropractic, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis. 31956
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(K)(1) Except as provided under division (K)(2) of this section, a critical incident stress management team member concerning a communication received from an individual who receives crisis response services from the team member, or the team member's advice to the individual, during a debriefing session. 31964
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(2) The testimonial privilege established under division 31970

(K)(1) of this section does not apply if any of the following are true:	31971 31972
(a) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to other persons. For purposes of this division, cases in which there are indications of present or past child abuse or neglect of the individual constitute a clear and present danger.	31973 31974 31975 31976 31977
(b) The individual who received crisis response services gives express consent to the testimony.	31978 31979
(c) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent.	31980 31981 31982
(d) The individual who received crisis response services voluntarily testifies, in which case the team member may be compelled to testify on the same subject.	31983 31984 31985
(e) The court in camera determines that the information communicated by the individual who received crisis response services is not germane to the relationship between the individual and the team member.	31986 31987 31988 31989
(f) The communication or advice pertains or is related to any criminal act.	31990 31991
(3) As used in division (K) of this section:	31992
(a) "Crisis response services" means consultation, risk assessment, referral, and on-site crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster.	31993 31994 31995 31996
(b) "Critical incident stress management team member" or "team member" means an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in the Ohio	31997 31998 31999 32000

critical incident stress management network.	32001
(c) "Debriefing session" means a session at which crisis response services are rendered by a critical incident stress management team member during or after a crisis or disaster.	32002 32003 32004
(L)(1) Subject to division (L)(2) of this section and except as provided in division (L)(3) of this section, an employee assistance professional, concerning a communication made to the employee assistance professional by a client in the employee assistance professional's official capacity as an employee assistance professional.	32005 32006 32007 32008 32009 32010
(2) Division (L)(1) of this section applies to an employee assistance professional who meets either or both of the following requirements:	32011 32012 32013
(a) Is certified by the employee assistance certification commission to engage in the employee assistance profession;	32014 32015
(b) Has education, training, and experience in all of the following:	32016 32017
(i) Providing workplace-based services designed to address employer and employee productivity issues;	32018 32019
(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;	32020 32021 32022 32023
(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;	32024 32025 32026 32027
(iv) Selecting and evaluating available community resources;	32028
(v) Making appropriate referrals;	32029
(vi) Local and national employee assistance agreements;	32030

(vii) Client confidentiality.	32031
(3) Division (L)(1) of this section does not apply to any of the following:	32032 32033
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	32034 32035 32036 32037
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	32038 32039 32040
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	32041 32042 32043
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	32044 32045 32046
(e) A civil or criminal malpractice action brought against the employee assistance professional;	32047 32048
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;	32049 32050 32051
(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.	32052 32053
Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 2317.41 of the Revised Code but subject to division (B) of this section, the records, or copies or photographs of the records, of a hospital, homes required to be licensed pursuant to section 3721.01 of the Revised Code, and residential facilities licensed pursuant to section 5119.22 <u>5119.34</u> of the Revised Code that provides accommodations, supervision, and personal care services	32054 32055 32056 32057 32058 32059 32060

for three to sixteen unrelated adults, in lieu of the testimony in 32061
open court of their custodian, person who made them, or person 32062
under whose supervision they were made, may be qualified as 32063
authentic evidence if any such person endorses thereon the 32064
person's verified certification identifying such records, giving 32065
the mode and time of their preparation, and stating that they were 32066
prepared in the usual course of the business of the institution. 32067
Such records, copies, or photographs may not be qualified by 32068
certification as provided in this section unless the party 32069
intending to offer them delivers a copy of them, or of their 32070
relevant portions, to the attorney of record for each adverse 32071
party not less than five days before trial. Nothing in this 32072
section shall be construed to limit the right of any party to call 32073
the custodian, person who made such records, or person under whose 32074
supervision they were made, as a witness. 32075

(B) Division (A) of this section does not apply to any 32076
certified copy of the results of any test given to determine the 32077
presence or concentration of alcohol, a drug of abuse, a 32078
combination of them, a controlled substance, or a metabolite of a 32079
controlled substance in a patient's whole blood, blood serum or 32080
plasma, breath, or urine at any time relevant to a criminal 32081
offense that is submitted in a criminal action or proceeding in 32082
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 32083
of the Revised Code. 32084

Sec. 2329.192. (A) As used in this section: 32085

(1) "State lien" means a lien upon real estate, including 32086
lands and tenements, of persons indebted to the state for debt, 32087
taxes, or in any other manner recorded by a state agency in any 32088
office of the clerk of a county court or the county recorder. 32089

(2) "State lienholder" means the department, agency, or other 32090
division of the state in whose name a state lien has been filed or 32091

recorded. 32092

(B) In every action seeking the judicial sale of real estate that is subject to a state lien, all of the following apply: 32093

(1) The party seeking a judicial sale shall include the state lienholder as a party defendant and shall serve that state lienholder with a copy of the preliminary judicial report or commitment for an owner's fee policy of title insurance filed in accordance with section 2329.191 of the Revised Code. 32094
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(2) A state lienholder shall not be made a party defendant if no state lien has been recorded against the owner of the real estate for which the judicial sale is sought. 32100
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(3) The appearance of the state lienholder shall be presumed for purposes of jurisdiction, and the court shall take judicial notice that the state has a lien against the real estate. 32103
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(4) A state lienholder may, but is not required to, file an answer to the complaint or any other pleading in the action if the amount, validity, or priority of the state lien is not identified in the pleadings as disputed and shall file an answer to the complaint or any other pleading in the action if the amount, validity, or priority of the state lien is identified in the pleadings as disputed. If a state lien is not identified as disputed, unless the state files an answer or other responsive pleading, the party seeking the judicial sale is not required to serve the state lienholder with any answer or subsequent pleadings in the action for judicial sale. 32106
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(5) As part of any order confirming the sale of the real estate that is subject to any undisputed state lien or distributing the proceeds of any judicial sale of real estate, the undisputed state lien shall be protected as if the state had appeared in the action and filed an answer asserting the validity of the state lien as recorded in the office of the clerk of the 32117
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county court or the office of the county recorder. 32123

(6) Any party asserting a dispute as to the amount, validity, 32124
or priority of the state lien or of any lien or other interest 32125
that has priority over the state lien shall serve the state 32126
lienholder and the attorney general with notice of the dispute, 32127
and the state lienholder shall be permitted to file a responsive 32128
pleading and participate in the proceedings as if the state 32129
lienholder had been served with a summons on the date the state 32130
lienholder received notice of the dispute. 32131

(C) Upon the judicial sale of the real estate that is the 32132
subject of an action under division (B) of this section, the 32133
interest of any undisputed state lien shall transfer to the 32134
proceeds of the sale of the real estate, and the state lienholder 32135
shall be entitled to payment from the proceeds of the sale of the 32136
real estate in accordance with the state lienholder's priority as 32137
set forth in the final judicial report or commitment for an 32138
owner's fee policy of title insurance filed in accordance with 32139
section 2329.191 of the Revised Code. 32140

Sec. 2505.02. (A) As used in this section: 32141

(1) "Substantial right" means a right that the United States 32142
Constitution, the Ohio Constitution, a statute, the common law, or 32143
a rule of procedure entitles a person to enforce or protect. 32144

(2) "Special proceeding" means an action or proceeding that 32145
is specially created by statute and that prior to 1853 was not 32146
denoted as an action at law or a suit in equity. 32147

(3) "Provisional remedy" means a proceeding ancillary to an 32148
action, including, but not limited to, a proceeding for a 32149
preliminary injunction, attachment, discovery of privileged 32150
matter, suppression of evidence, a prima-facie showing pursuant to 32151
section 2307.85 or 2307.86 of the Revised Code, a prima-facie 32152

showing pursuant to section 2307.92 of the Revised Code, or a 32153
finding made pursuant to division (A)(3) of section 2307.93 of the 32154
Revised Code. 32155

(B) An order is a final order that may be reviewed, affirmed, 32156
modified, or reversed, with or without retrial, when it is one of 32157
the following: 32158

(1) An order that affects a substantial right in an action 32159
that in effect determines the action and prevents a judgment; 32160

(2) An order that affects a substantial right made in a 32161
special proceeding or upon a summary application in an action 32162
after judgment; 32163

(3) An order that vacates or sets aside a judgment or grants 32164
a new trial; 32165

(4) An order that grants or denies a provisional remedy and 32166
to which both of the following apply: 32167

(a) The order in effect determines the action with respect to 32168
the provisional remedy and prevents a judgment in the action in 32169
favor of the appealing party with respect to the provisional 32170
remedy. 32171

(b) The appealing party would not be afforded a meaningful or 32172
effective remedy by an appeal following final judgment as to all 32173
proceedings, issues, claims, and parties in the action. 32174

(5) An order that determines that an action may or may not be 32175
maintained as a class action; 32176

(6) An order determining the constitutionality of any changes 32177
to the Revised Code made by Am. Sub. S.B. 281 of the 124th general 32178
assembly, including the amendment of sections 1751.67, 2117.06, 32179
2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 32180
2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.16, 3923.63, 32181
3923.64, 4705.15, and 5111.018 (renumbered as 5164.07 by H.B. 59 32182

of the 130th general assembly), and the enactment of sections 32183
2305.113, 2323.41, 2323.43, and 2323.55 of the Revised Code or any 32184
changes made by Sub. S.B. 80 of the 125th general assembly, 32185
including the amendment of sections 2125.02, 2305.10, 2305.131, 32186
2315.18, 2315.19, and 2315.21 of the Revised Code; 32187

(7) An order in an appropriation proceeding that may be 32188
appealed pursuant to division (B)(3) of section 163.09 of the 32189
Revised Code. 32190

(C) When a court issues an order that vacates or sets aside a 32191
judgment or grants a new trial, the court, upon the request of 32192
either party, shall state in the order the grounds upon which the 32193
new trial is granted or the judgment vacated or set aside. 32194

(D) This section applies to and governs any action, including 32195
an appeal, that is pending in any court on July 22, 1998, and all 32196
claims filed or actions commenced on or after July 22, 1998, 32197
notwithstanding any provision of any prior statute or rule of law 32198
of this state. 32199

Sec. 2743.02. (A)(1) The state hereby waives its immunity 32200
from liability, except as provided for the office of the state 32201
fire marshal in division (G)(1) of section 9.60 and division (B) 32202
of section 3737.221 of the Revised Code and subject to division 32203
(H) of this section, and consents to be sued, and have its 32204
liability determined, in the court of claims created in this 32205
chapter in accordance with the same rules of law applicable to 32206
suits between private parties, except that the determination of 32207
liability is subject to the limitations set forth in this chapter 32208
and, in the case of state universities or colleges, in section 32209
3345.40 of the Revised Code, and except as provided in division 32210
(A)(2) or (3) of this section. To the extent that the state has 32211
previously consented to be sued, this chapter has no 32212
applicability. 32213

Except in the case of a civil action filed by the state, 32214
filing a civil action in the court of claims results in a complete 32215
waiver of any cause of action, based on the same act or omission, 32216
that the filing party has against any officer or employee, as 32217
defined in section 109.36 of the Revised Code. The waiver shall be 32218
void if the court determines that the act or omission was 32219
manifestly outside the scope of the officer's or employee's office 32220
or employment or that the officer or employee acted with malicious 32221
purpose, in bad faith, or in a wanton or reckless manner. 32222

(2) If a claimant proves in the court of claims that an 32223
officer or employee, as defined in section 109.36 of the Revised 32224
Code, would have personal liability for the officer's or 32225
employee's acts or omissions but for the fact that the officer or 32226
employee has personal immunity under section 9.86 of the Revised 32227
Code, the state shall be held liable in the court of claims in any 32228
action that is timely filed pursuant to section 2743.16 of the 32229
Revised Code and that is based upon the acts or omissions. 32230

(3)(a) Except as provided in division (A)(3)(b) of this 32231
section, the state is immune from liability in any civil action or 32232
proceeding involving the performance or nonperformance of a public 32233
duty, including the performance or nonperformance of a public duty 32234
that is owed by the state in relation to any action of an 32235
individual who is committed to the custody of the state. 32236

(b) The state immunity provided in division (A)(3)(a) of this 32237
section does not apply to any action of the state under 32238
circumstances in which a special relationship can be established 32239
between the state and an injured party. A special relationship 32240
under this division is demonstrated if all of the following 32241
elements exist: 32242

(i) An assumption by the state, by means of promises or 32243
actions, of an affirmative duty to act on behalf of the party who 32244
was allegedly injured; 32245

(ii) Knowledge on the part of the state's agents that	32246
inaction of the state could lead to harm;	32247
(iii) Some form of direct contact between the state's agents	32248
and the injured party;	32249
(iv) The injured party's justifiable reliance on the state's	32250
affirmative undertaking.	32251
(B) The state hereby waives the immunity from liability of	32252
all hospitals owned or operated by one or more political	32253
subdivisions and consents for them to be sued, and to have their	32254
liability determined, in the court of common pleas, in accordance	32255
with the same rules of law applicable to suits between private	32256
parties, subject to the limitations set forth in this chapter.	32257
This division is also applicable to hospitals owned or operated by	32258
political subdivisions that have been determined by the supreme	32259
court to be subject to suit prior to July 28, 1975.	32260
(C) Any hospital, as defined in section 2305.113 of the	32261
Revised Code, may purchase liability insurance covering its	32262
operations and activities and its agents, employees, nurses,	32263
interns, residents, staff, and members of the governing board and	32264
committees, and, whether or not such insurance is purchased, may,	32265
to the extent that its governing board considers appropriate,	32266
indemnify or agree to indemnify and hold harmless any such person	32267
against expense, including attorney's fees, damage, loss, or other	32268
liability arising out of, or claimed to have arisen out of, the	32269
death, disease, or injury of any person as a result of the	32270
negligence, malpractice, or other action or inaction of the	32271
indemnified person while acting within the scope of the	32272
indemnified person's duties or engaged in activities at the	32273
request or direction, or for the benefit, of the hospital. Any	32274
hospital electing to indemnify those persons, or to agree to so	32275
indemnify, shall reserve any funds that are necessary, in the	32276
exercise of sound and prudent actuarial judgment, to cover the	32277

potential expense, fees, damage, loss, or other liability. The 32278
superintendent of insurance may recommend, or, if the hospital 32279
requests the superintendent to do so, the superintendent shall 32280
recommend, a specific amount for any period that, in the 32281
superintendent's opinion, represents such a judgment. This 32282
authority is in addition to any authorization otherwise provided 32283
or permitted by law. 32284

(D)(1) Notwithstanding any other provision of the Revised 32285
Code or rules of a court to the contrary, in an action against the 32286
state to recover damages for injury, death, or loss to person or 32287
property caused by an act or omission of the state itself, by an 32288
act or omission of any officer or employee of the state while 32289
acting within the scope of employment or official 32290
responsibilities, or by an act or omission of any other person 32291
authorized to act on behalf of the state that occurred while 32292
engaged in activities at the request or direction, or for the 32293
benefit, of the state, the following apply: 32294

(a) Punitive or exemplary damages shall not be awarded. 32295

(b)(i) Recoveries against the state shall be reduced by the 32296
aggregate of insurance proceeds, disability award, benefits or 32297
other collateral recovery received by the claimant for the injury, 32298
death, or loss allegedly incurred. This division If a claimant 32299
receives or is entitled to receive benefits or other collateral 32300
recovery, the claimant or the claimant's attorney shall disclose 32301
the benefits or other collateral recovery to the court, and the 32302
court shall deduct the amount of the benefits or other collateral 32303
recovery from any award against the state recovered by the 32304
claimant. No insurer or other person is entitled to bring a civil 32305
action under a subrogation provision in an insurance or other 32306
contract against the state with respect to those benefits or other 32307
collateral recovery. Nothing in this division affects or shall be 32308
construed to limit the rights of a beneficiary under a life 32309

insurance policy or the rights of sureties under fidelity or 32310
surety bonds. 32311

(ii) Division (D)(1)(b)(i) of this section does not apply to 32312
civil actions in the court of claims against a state university or 32313
college under the circumstances described in section 3345.40 of 32314
the Revised Code. The collateral benefits provisions of division 32315
(B)(2) of that section apply under those circumstances. 32316

(c) There shall not be any limitation on compensatory damages 32317
that represent the actual loss of the person who is awarded the 32318
damages. However, except in wrongful death actions brought 32319
pursuant to Chapter 2125. of the Revised Code, damages that arise 32320
from the same cause of action, transaction or occurrence, or 32321
series of transactions or occurrences and that do not represent 32322
the actual loss of the person who is awarded the damages shall not 32323
exceed two hundred fifty thousand dollars in favor of any one 32324
person. The limitation on damages that do not represent the actual 32325
loss of the person who is awarded the damages provided in this 32326
division does not apply to court costs that are awarded to a 32327
claimant, or to interest on a judgment rendered in favor of a 32328
claimant, in an action against the state. 32329

(2) As used in division (D) of this section: 32330

(a) "Benefits" includes, but is not limited to, proceeds from 32331
a policy or policies of insurance, social security benefits, 32332
veterans' benefits, unemployment compensation, workers' 32333
compensation, medicaid benefits, medicare benefits, and disability 32334
awards. 32335

(b) "Collateral recovery" includes, but is not limited to, 32336
any settlements with and judgments against third parties that 32337
arise out of the same operative facts involved in, and the injury, 32338
death, or loss allegedly incurred, in the action against the 32339
state, or any other source of recovery for any injury, death, or 32340

<u>loss allegedly incurred in that action.</u>	32341
<u>(c) Except as provided in division (D)(2)(d) of this section,</u>	32342
<u>"the actual loss of the person who is awarded the damages"</u>	32343
<u>includes all of the following:</u>	32344
<u>(i) All wages, salaries, or other compensation lost by the</u>	32345
<u>person injured as a result of the injury, including wages,</u>	32346
<u>salaries, or other compensation lost as of the date of a judgment</u>	32347
<u>and future expected lost earnings of the injured person;</u>	32348
<u>(ii) All expenditures of the injured person or of another</u>	32349
<u>person on behalf of the injured person for medical care or</u>	32350
<u>treatment, rehabilitation services, or other care, treatment,</u>	32351
<u>services, products, or accommodations that were necessary because</u>	32352
<u>of the injury;</u>	32353
<u>(iii) All expenditures to be incurred in the future, as</u>	32354
<u>determined by the court, by the injured person or by another</u>	32355
<u>person on behalf of the injured person for medical care or</u>	32356
<u>treatment, rehabilitation services, or other care, treatment,</u>	32357
<u>services, products, or accommodations that will be necessary</u>	32358
<u>because of the injury;</u>	32359
<u>(iv) All expenditures of a person whose property was injured</u>	32360
<u>or destroyed or of another person on behalf of the person whose</u>	32361
<u>property was injured or destroyed in order to repair or replace</u>	32362
<u>the property that was injured or destroyed;</u>	32363
<u>(v) All expenditures of the injured person, of the person</u>	32364
<u>whose property was injured or destroyed, or of another person on</u>	32365
<u>behalf of the injured person or the person whose property was</u>	32366
<u>injured or destroyed in relation to the actual preparation or</u>	32367
<u>presentation of the claim involved;</u>	32368
<u>(vi) Any other expenditures of the injured person, of the</u>	32369
<u>person whose property was injured or destroyed, or of another</u>	32370
<u>person on behalf of the injured person or the person whose</u>	32371

property was injured or destroyed that the court determines 32372
represent an actual loss experienced because of the personal or 32373
property injury or property loss. 32374

(d) "The actual loss of the person who is awarded the 32375
damages" does not include either of the following: 32376

(i) Any fees paid or owed to an attorney for any services 32377
rendered in relation to the personal or property injury or 32378
property loss; 32379

(ii) Any damages awarded for pain and suffering, for the loss 32380
of society, consortium, companionship, care, assistance, 32381
attention, protection, advice, guidance, counsel, instruction, 32382
training, or education of the injured person, for mental anguish, 32383
or for any other intangible loss. 32384

(E) The only defendant in original actions in the court of 32385
claims is the state. The state may file a third-party complaint or 32386
counterclaim in any civil action, except a civil action for ten 32387
thousand dollars or less, that is filed in the court of claims. 32388

(F) A civil action against an officer or employee, as defined 32389
in section 109.36 of the Revised Code, that alleges that the 32390
officer's or employee's conduct was manifestly outside the scope 32391
of the officer's or employee's employment or official 32392
responsibilities, or that the officer or employee acted with 32393
malicious purpose, in bad faith, or in a wanton or reckless manner 32394
shall first be filed against the state in the court of claims that 32395
has exclusive, original jurisdiction to determine, initially, 32396
whether the officer or employee is entitled to personal immunity 32397
under section 9.86 of the Revised Code and whether the courts of 32398
common pleas have jurisdiction over the civil action. The officer 32399
or employee may participate in the immunity determination 32400
proceeding before the court of claims to determine whether the 32401
officer or employee is entitled to personal immunity under section 32402

9.86 of the Revised Code. 32403

The filing of a claim against an officer or employee under 32404
this division tolls the running of the applicable statute of 32405
limitations until the court of claims determines whether the 32406
officer or employee is entitled to personal immunity under section 32407
9.86 of the Revised Code. 32408

(G) If a claim lies against an officer or employee who is a 32409
member of the Ohio national guard, and the officer or employee 32410
was, at the time of the act or omission complained of, subject to 32411
the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 U.S.C. 32412
2671, et seq., the Federal Tort Claims Act is the exclusive remedy 32413
of the claimant and the state has no liability under this section. 32414

(H) If an inmate of a state correctional institution has a 32415
claim against the state for the loss of or damage to property and 32416
the amount claimed does not exceed three hundred dollars, before 32417
commencing an action against the state in the court of claims, the 32418
inmate shall file a claim for the loss or damage under the rules 32419
adopted by the director of rehabilitation and correction pursuant 32420
to this division. The inmate shall file the claim within the time 32421
allowed for commencement of a civil action under section 2743.16 32422
of the Revised Code. If the state admits or compromises the claim, 32423
the director shall make payment from a fund designated by the 32424
director for that purpose. If the state denies the claim or does 32425
not compromise the claim at least sixty days prior to expiration 32426
of the time allowed for commencement of a civil action based upon 32427
the loss or damage under section 2743.16 of the Revised Code, the 32428
inmate may commence an action in the court of claims under this 32429
chapter to recover damages for the loss or damage. 32430

The director of rehabilitation and correction shall adopt 32431
rules pursuant to Chapter 119. of the Revised Code to implement 32432
this division. 32433

Sec. 2744.05. Notwithstanding any other provisions of the 32434
Revised Code or rules of a court to the contrary, in an action 32435
against a political subdivision to recover damages for injury, 32436
death, or loss to person or property caused by an act or omission 32437
in connection with a governmental or proprietary function: 32438

(A) Punitive or exemplary damages shall not be awarded. 32439

(B)(1) If a claimant receives or is entitled to receive 32440
benefits for injuries or loss allegedly incurred from a policy or 32441
policies of insurance or any other source, the benefits shall be 32442
disclosed to the court, and the amount of the benefits shall be 32443
deducted from any award against a political subdivision recovered 32444
by that claimant. No insurer or other person is entitled to bring 32445
an action under a subrogation provision in an insurance or other 32446
contract against a political subdivision with respect to those 32447
benefits. 32448

The amount of the benefits shall be deducted from an award 32449
against a political subdivision under division (B)(1) of this 32450
section regardless of whether the claimant may be under an 32451
obligation to pay back the benefits upon recovery, in whole or in 32452
part, for the claim. A claimant whose benefits have been deducted 32453
from an award under division (B)(1) of this section is not 32454
considered fully compensated and shall not be required to 32455
reimburse a subrogated claim for benefits deducted from an award 32456
pursuant to division (B)(1) of this section. 32457

(2) Nothing in division (B)(1) of this section shall be 32458
construed to do either of the following: 32459

(a) Limit the rights of a beneficiary under a life insurance 32460
policy or the rights of sureties under fidelity or surety bonds; 32461

(b) Prohibit the department of ~~job and family services~~ 32462
medicaid from recovering from the political subdivision, pursuant 32463

to section ~~5101.58~~ 5160.37 of the Revised Code, the cost of 32464
medical assistance ~~benefits provided under Chapter 5107. or 5111.~~ 32465
~~of the Revised Code~~ provided under a medical assistance program. 32466

(C)(1) There shall not be any limitation on compensatory 32467
damages that represent the actual loss of the person who is 32468
awarded the damages. However, except in wrongful death actions 32469
brought pursuant to Chapter 2125. of the Revised Code, damages 32470
that arise from the same cause of action, transaction or 32471
occurrence, or series of transactions or occurrences and that do 32472
not represent the actual loss of the person who is awarded the 32473
damages shall not exceed two hundred fifty thousand dollars in 32474
favor of any one person. The limitation on damages that do not 32475
represent the actual loss of the person who is awarded the damages 32476
provided in this division does not apply to court costs that are 32477
awarded to a plaintiff, or to interest on a judgment rendered in 32478
favor of a plaintiff, in an action against a political 32479
subdivision. 32480

(2) As used in this division, "the actual loss of the person 32481
who is awarded the damages" includes all of the following: 32482

(a) All wages, salaries, or other compensation lost by the 32483
person injured as a result of the injury, including wages, 32484
salaries, or other compensation lost as of the date of a judgment 32485
and future expected lost earnings of the person injured; 32486

(b) All expenditures of the person injured or another person 32487
on behalf of the person injured for medical care or treatment, for 32488
rehabilitation services, or for other care, treatment, services, 32489
products, or accommodations that were necessary because of the 32490
injury; 32491

(c) All expenditures to be incurred in the future, as 32492
determined by the court, by the person injured or another person 32493
on behalf of the person injured for medical care or treatment, for 32494

rehabilitation services, or for other care, treatment, services, 32495
products, or accommodations that will be necessary because of the 32496
injury; 32497

(d) All expenditures of a person whose property was injured 32498
or destroyed or of another person on behalf of the person whose 32499
property was injured or destroyed in order to repair or replace 32500
the property that was injured or destroyed; 32501

(e) All expenditures of the person injured or of the person 32502
whose property was injured or destroyed or of another person on 32503
behalf of the person injured or of the person whose property was 32504
injured or destroyed in relation to the actual preparation or 32505
presentation of the claim involved; 32506

(f) Any other expenditures of the person injured or of the 32507
person whose property was injured or destroyed or of another 32508
person on behalf of the person injured or of the person whose 32509
property was injured or destroyed that the court determines 32510
represent an actual loss experienced because of the personal or 32511
property injury or property loss. 32512

"The actual loss of the person who is awarded the damages" 32513
does not include any fees paid or owed to an attorney for any 32514
services rendered in relation to a personal or property injury or 32515
property loss, and does not include any damages awarded for pain 32516
and suffering, for the loss of society, consortium, companionship, 32517
care, assistance, attention, protection, advice, guidance, 32518
counsel, instruction, training, or education of the person 32519
injured, for mental anguish, or for any other intangible loss. 32520

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 32521
(3) of this section or as otherwise provided in this section, a 32522
prosecution shall be barred unless it is commenced within the 32523
following periods after an offense is committed: 32524

(a) For a felony, six years;	32525
(b) For a misdemeanor other than a minor misdemeanor, two years;	32526 32527
(c) For a minor misdemeanor, six months.	32528
(2) There is no period of limitation for the prosecution of a violation of section 2903.01 or 2903.02 of the Revised Code.	32529 32530
(3) Except as otherwise provided in divisions (B) to (H) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed:	32531 32532 32533 32534
(a) A violation of section 2903.03, 2903.04, 2905.01, <u>2905.32</u> , 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of section 2903.11 or 2903.12 of the Revised Code if the victim is a peace officer, a violation of section 2903.13 of the Revised Code that is a felony, or a violation of former section 2907.12 of the Revised Code;	32535 32536 32537 32538 32539 32540 32541 32542
(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A)(3)(a) of this section.	32543 32544 32545
(B)(1) Except as otherwise provided in division (B)(2) of this section, if the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by the aggrieved person's legal representative who is not a party to the offense.	32546 32547 32548 32549 32550 32551 32552
(2) If the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution for a violation of	32553 32554

section 2913.49 of the Revised Code shall be commenced within five 32555
years after discovery of the offense either by an aggrieved person 32556
or the aggrieved person's legal representative who is not a party 32557
to the offense. 32558

(C)(1) If the period of limitation provided in division 32559
(A)(1) or (3) of this section has expired, prosecution shall be 32560
commenced for the following offenses during the following 32561
specified periods of time: 32562

(a) For an offense involving misconduct in office by a public 32563
servant, at any time while the accused remains a public servant, 32564
or within two years thereafter; 32565

(b) For an offense by a person who is not a public servant 32566
but whose offense is directly related to the misconduct in office 32567
of a public servant, at any time while that public servant remains 32568
a public servant, or within two years thereafter. 32569

(2) As used in this division: 32570

(a) An "offense is directly related to the misconduct in 32571
office of a public servant" includes, but is not limited to, a 32572
violation of section 101.71, 101.91, 121.61 or 2921.13, division 32573
(F) or (H) of section 102.03, division (A) of section 2921.02, 32574
division (A) or (B) of section 2921.43, or division (F) or (G) of 32575
section 3517.13 of the Revised Code, that is directly related to 32576
an offense involving misconduct in office of a public servant. 32577

(b) "Public servant" has the same meaning as in section 32578
2921.01 of the Revised Code. 32579

(D) An offense is committed when every element of the offense 32580
occurs. In the case of an offense of which an element is a 32581
continuing course of conduct, the period of limitation does not 32582
begin to run until such course of conduct or the accused's 32583
accountability for it terminates, whichever occurs first. 32584

(E) A prosecution is commenced on the date an indictment is returned or an information filed, or on the date a lawful arrest without a warrant is made, or on the date a warrant, summons, citation, or other process is issued, whichever occurs first. A prosecution is not commenced by the return of an indictment or the filing of an information unless reasonable diligence is exercised to issue and execute process on the same. A prosecution is not commenced upon issuance of a warrant, summons, citation, or other process, unless reasonable diligence is exercised to execute the same.

(F) The period of limitation shall not run during any time when the corpus delicti remains undiscovered.

(G) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused departed this state or concealed the accused's identity or whereabouts is prima-facie evidence of the accused's purpose to avoid prosecution.

(H) The period of limitation shall not run during any time a prosecution against the accused based on the same conduct is pending in this state, even though the indictment, information, or process that commenced the prosecution is quashed or the proceedings on the indictment, information, or process are set aside or reversed on appeal.

(I) The period of limitation for a violation of any provision of Title XXIX of the Revised Code that involves a physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of a child under eighteen years of age or of a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age shall not begin to run until either of the following occurs:

(1) The victim of the offense reaches the age of majority.

(2) A public children services agency, or a municipal or county peace officer that is not the parent or guardian of the child, in the county in which the child resides or in which the abuse or neglect is occurring or has occurred has been notified that abuse or neglect is known, suspected, or believed to have occurred.

(J) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 of the Revised Code:

(1) "Information" means information that can be integrated into the computer system and that relates to the physical or mental description of a minor including, but not limited to, height, weight, color of hair and eyes, use of eyeglasses or contact lenses, skin coloring, physical or mental handicaps, special medical conditions or needs, abnormalities, problems, scars and marks, and distinguishing characteristics, and other information that could assist in identifying a minor including, but not limited to, full name and nickname, date and place of birth, age, names and addresses of parents and other relatives, fingerprints, dental records, photographs, social security number, driver's license number, credit card numbers, bank account numbers, and clothing.

(2) "Minor" means a person under eighteen years of age.

(3) "Missing children" or "missing child" means either of the following:

(a) A minor who has run away from or who otherwise is missing from the home of, or the care, custody, and control of, the minor's parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or other person having

responsibility for the care of the minor; 32646

(b) A minor who is missing and about whom there is reason to 32647
believe the minor could be the victim of a violation of section 32648
2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a 32649
violation of section 2905.04 of the Revised Code as it existed 32650
prior to July 1, 1996. 32651

(B) When a law enforcement agency in this state that has 32652
jurisdiction in the matter is informed that a minor is or may be a 32653
missing child and that the person providing the information wishes 32654
to file a missing child report, the law enforcement agency shall 32655
take that report. Upon taking the report, the law enforcement 32656
agency shall take prompt action upon it, including, but not 32657
limited to, concerted efforts to locate the missing child. No law 32658
enforcement agency in this state shall have a rule or policy that 32659
prohibits or discourages the filing of or the taking of action 32660
upon a missing child report, within a specified period following 32661
the discovery or formulation of a belief that a minor is or could 32662
be a missing child. 32663

(C) If a missing child report is made to a law enforcement 32664
agency in this state that has jurisdiction in the matter, the law 32665
enforcement agency shall gather readily available information 32666
about the missing child and integrate it into the national crime 32667
information center computer immediately following the making of 32668
the report. The law enforcement agency shall make reasonable 32669
efforts to acquire additional information about the missing child 32670
following the transmittal of the initially available information, 32671
and promptly integrate any additional information acquired into 32672
such computer systems. 32673

Whenever a law enforcement agency integrates information 32674
about a missing child into the national crime information center 32675
computer, the law enforcement agency promptly shall notify the 32676
missing child's parents, parent who is the residential parent and 32677

legal custodian, guardian, or legal custodian, or any other person 32678
responsible for the care of the missing child, that it has so 32679
integrated the information. 32680

The parents, parent who is the residential parent and legal 32681
custodian, guardian, legal custodian, or other person responsible 32682
for the care of the missing child shall provide available 32683
information upon request, and may provide information voluntarily, 32684
to the law enforcement agency during the information gathering 32685
process. The law enforcement agency also may obtain available 32686
information about the missing child from other persons, subject to 32687
constitutional and statutory limitations. 32688

(D) Upon the filing of a missing child report, the law 32689
enforcement agency involved may notify the public or nonpublic 32690
school in which the missing child is or was most recently 32691
enrolled, as ascertained by the agency, that the child is the 32692
subject of a missing child report and that the child's school 32693
records are to be marked in accordance with section 3313.672 of 32694
the Revised Code. 32695

(E) Upon the filing of a missing child report, the law 32696
enforcement agency involved promptly shall make a reasonable 32697
attempt to notify other law enforcement agencies within its county 32698
and, if the agency has jurisdiction in a municipal corporation or 32699
township that borders another county, to notify the law 32700
enforcement agency for the municipal corporation or township in 32701
the other county with which it shares the border, that it has 32702
taken a missing child report and may be requesting assistance or 32703
cooperation in the case, and provide relevant information to the 32704
other law enforcement agencies. The agency may notify additional 32705
law enforcement agencies, or appropriate public children services 32706
agencies, about the case, request their assistance or cooperation 32707
in the case, and provide them with relevant information. 32708

Upon request from a law enforcement agency, a public children 32709

services agency shall grant the law enforcement agency access to 32710
all information concerning a missing child that the agency 32711
possesses that may be relevant to the law enforcement agency in 32712
investigating a missing child report concerning that child. The 32713
information obtained by the law enforcement agency shall be used 32714
only to further the investigation to locate the missing child. 32715

(F) Upon request, law enforcement agencies in this state 32716
shall provide assistance to, and cooperate with, other law 32717
enforcement agencies in their investigation of missing child 32718
cases. The assistance and cooperation under this paragraph shall 32719
be pursuant to any terms agreed upon by the law enforcement 32720
agencies, which may include the provision of law enforcement 32721
services or the use of law enforcement equipment or the 32722
interchange of services and equipment among the cooperating law 32723
enforcement agencies. Chapter 2744. of the Revised Code, insofar 32724
as it applies to the operation of law enforcement agencies, shall 32725
apply to the cooperating political subdivisions and to the law 32726
enforcement agency employees when they are rendering services 32727
pursuant to this paragraph outside the territory of the political 32728
subdivision by which they are employed. Law enforcement agency 32729
employees rendering services outside the territory of the 32730
political subdivision in which they are employed, pursuant to this 32731
paragraph, shall be entitled to participate in any indemnity fund 32732
established by their employer to the same extent as if they were 32733
rendering service within the territory of their employing 32734
political subdivision. Those law enforcement agency employees also 32735
shall be entitled to all the rights and benefits of Chapter 4123. 32736
of the Revised Code to the same extent as if rendering services 32737
within the territory of their employing political subdivision. 32738

The information in any missing child report made to a law 32739
enforcement agency shall be made available, upon request, to law 32740
enforcement personnel of this state, other states, and the federal 32741

government when the law enforcement personnel indicate that the 32742
request is to aid in identifying or locating a missing child or 32743
the possible identification of a deceased minor who, upon 32744
discovery, cannot be identified. 32745

(G) When a missing child has not been located within thirty 32746
days after the date on which the missing child report pertaining 32747
to the child was filed with a law enforcement agency, that law 32748
enforcement agency shall request the missing child's parents, 32749
parent who is the residential parent and legal custodian, 32750
guardian, or legal custodian, or any other person responsible for 32751
the care of the missing child, to provide written consent for the 32752
law enforcement agency to contact the missing child's dentist and 32753
request the missing child's dental records. Upon receipt of such 32754
written consent, the dentist shall release a copy of the missing 32755
child's dental records to the law enforcement agency and shall 32756
provide and encode the records in such form as requested by the 32757
law enforcement agency. The law enforcement agency then shall 32758
integrate information in the records into the national crime 32759
information center computer in order to compare the records to 32760
those of unidentified deceased persons. This division does not 32761
prevent a law enforcement agency from seeking consent to obtain 32762
copies of a missing child's dental records, or prevent a missing 32763
child's parents, parent who is the residential parent and legal 32764
custodian, guardian, or legal custodian, or any other person 32765
responsible for the care of the missing child, from granting 32766
consent for the release of copies of the missing child's dental 32767
records to a law enforcement agency, at any time. 32768

(H) A missing child's parents, parent who is the residential 32769
parent and legal custodian, guardian, or legal custodian, or any 32770
other persons responsible for the care of a missing child, 32771
immediately shall notify the law enforcement agency with which 32772
they filed the missing child report whenever the child has 32773

returned to their home or to their care, custody, and control, has 32774
been released if the missing child was the victim of an offense 32775
listed in division (A)(3)(b) of this section, or otherwise has 32776
been located. Upon such notification or upon otherwise learning 32777
that a missing child has returned to the home of, or to the care, 32778
custody, and control of the missing child's parents, parent who is 32779
the residential parent and legal custodian, guardian, legal 32780
custodian, or other person responsible for the missing child's 32781
care, has been released if the missing child was the victim of an 32782
offense listed in division (A)(3)(b) of this section, or otherwise 32783
has been located, the law enforcement agency involved promptly 32784
shall integrate the fact that the minor no longer is a missing 32785
child into the national crime information center computer and 32786
shall inform any school that was notified under division (D) of 32787
this section that the minor is no longer a missing child. 32788

~~(I) Nothing contained in this section shall be construed to 32789
impair the confidentiality of services provided to runaway minors 32790
by shelters for runaway minors pursuant to sections 5119.64 to 32791
5119.68 of the Revised Code. 32792~~

Sec. 2903.13. (A) No person shall knowingly cause or attempt 32793
to cause physical harm to another or to another's unborn. 32794

(B) No person shall recklessly cause serious physical harm to 32795
another or to another's unborn. 32796

(C)(1) Whoever violates this section is guilty of assault, 32797
and the court shall sentence the offender as provided in this 32798
division and divisions (C)(1), (2), (3), (4), (5), (6), (7), (8), 32799
~~and (9), and (10)~~ of this section. Except as otherwise provided in 32800
division (C)(2), (3), (4), (5), (6), (7), ~~or (8), or (9)~~ of this 32801
section, assault is a misdemeanor of the first degree. 32802

(2) Except as otherwise provided in this division, if the 32803
offense is committed by a caretaker against a functionally 32804

impaired person under the caretaker's care, assault is a felony of 32805
the fourth degree. If the offense is committed by a caretaker 32806
against a functionally impaired person under the caretaker's care, 32807
if the offender previously has been convicted of or pleaded guilty 32808
to a violation of this section or section 2903.11 or 2903.16 of 32809
the Revised Code, and if in relation to the previous conviction 32810
the offender was a caretaker and the victim was a functionally 32811
impaired person under the offender's care, assault is a felony of 32812
the third degree. 32813

(3) If the offense occurs in or on the grounds of a state 32814
correctional institution or an institution of the department of 32815
youth services, the victim of the offense is an employee of the 32816
department of rehabilitation and correction or the department of 32817
youth services, and the offense is committed by a person 32818
incarcerated in the state correctional institution or by a person 32819
institutionalized in the department of youth services institution 32820
pursuant to a commitment to the department of youth services, 32821
assault is a felony of the third degree. 32822

(4) If the offense is committed in any of the following 32823
circumstances, assault is a felony of the fifth degree: 32824

~~(a) The offense occurs in or on the grounds of a state 32825~~
~~correctional institution or an institution of the department of 32826~~
~~youth services, the victim of the offense is an employee of the 32827~~
~~department of rehabilitation and correction, the department of 32828~~
~~youth services, or a probation department or is on the premises of 32829~~
~~the particular institution for business purposes or as a visitor, 32830~~
~~and the offense is committed by a person incarcerated in the state 32831~~
~~correctional institution, by a person institutionalized in the 32832~~
~~department of youth services institution pursuant to a commitment 32833~~
~~to the department of youth services, by a parolee, by an offender 32834~~
~~under transitional control, under a community control sanction, or 32835~~
~~on an escorted visit, by a person under post-release control, or 32836~~

~~by an offender under any other type of supervision by a government agency.~~ 32837
32838

~~(b)~~ The offense occurs in or on the grounds of a local 32839
correctional facility, the victim of the offense is an employee of 32840
the local correctional facility or a probation department or is on 32841
the premises of the facility for business purposes or as a 32842
visitor, and the offense is committed by a person who is under 32843
custody in the facility subsequent to the person's arrest for any 32844
crime or delinquent act, subsequent to the person's being charged 32845
with or convicted of any crime, or subsequent to the person's 32846
being alleged to be or adjudicated a delinquent child. 32847

~~(e)~~(b) The offense occurs off the grounds of a state 32848
correctional institution and off the grounds of an institution of 32849
the department of youth services, the victim of the offense is an 32850
employee of the department of rehabilitation and correction, the 32851
department of youth services, or a probation department, the 32852
offense occurs during the employee's official work hours and while 32853
the employee is engaged in official work responsibilities, and the 32854
offense is committed by a person incarcerated in a state 32855
correctional institution or institutionalized in the department of 32856
youth services who temporarily is outside of the institution for 32857
any purpose, by a parolee, by an offender under transitional 32858
control, under a community control sanction, or on an escorted 32859
visit, by a person under post-release control, or by an offender 32860
under any other type of supervision by a government agency. 32861

~~(d)~~(c) The offense occurs off the grounds of a local 32862
correctional facility, the victim of the offense is an employee of 32863
the local correctional facility or a probation department, the 32864
offense occurs during the employee's official work hours and while 32865
the employee is engaged in official work responsibilities, and the 32866
offense is committed by a person who is under custody in the 32867
facility subsequent to the person's arrest for any crime or 32868

delinquent act, subsequent to the person being charged with or 32869
convicted of any crime, or subsequent to the person being alleged 32870
to be or adjudicated a delinquent child and who temporarily is 32871
outside of the facility for any purpose or by a parolee, by an 32872
offender under transitional control, under a community control 32873
sanction, or on an escorted visit, by a person under post-release 32874
control, or by an offender under any other type of supervision by 32875
a government agency. 32876

~~(e)~~(d) The victim of the offense is a school teacher or 32877
administrator or a school bus operator, and the offense occurs in 32878
a school, on school premises, in a school building, on a school 32879
bus, or while the victim is outside of school premises or a school 32880
bus and is engaged in duties or official responsibilities 32881
associated with the victim's employment or position as a school 32882
teacher or administrator or a school bus operator, including, but 32883
not limited to, driving, accompanying, or chaperoning students at 32884
or on class or field trips, athletic events, or other school 32885
extracurricular activities or functions outside of school 32886
premises. 32887

~~(4)~~(5) If the victim of the offense is a peace officer or an 32888
investigator of the bureau of criminal identification and 32889
investigation, a firefighter, or a person performing emergency 32890
medical service, while in the performance of their official 32891
duties, assault is a felony of the fourth degree. 32892

~~(5)~~(6) If the victim of the offense is a peace officer or an 32893
investigator of the bureau of criminal identification and 32894
investigation and if the victim suffered serious physical harm as 32895
a result of the commission of the offense, assault is a felony of 32896
the fourth degree, and the court, pursuant to division (F) of 32897
section 2929.13 of the Revised Code, shall impose as a mandatory 32898
prison term one of the prison terms prescribed for a felony of the 32899
fourth degree that is at least twelve months in duration. 32900

~~(6)~~(7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, assault is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.

~~(7)~~(8) If the victim of the offense is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital whom the offender knows or has reasonable cause to know is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital, if the victim is engaged in the performance of the victim's duties, and if the hospital offers de-escalation or crisis intervention training for such professionals, workers, or officers, assault is one of the following:

(a) Except as otherwise provided in division (C)~~(7)~~(8)(b) of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. Notwithstanding the fine specified in division (A)(2)(b) of section 2929.28 of the Revised Code for a misdemeanor of the first degree, in sentencing the offender under this division and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars.

(b) If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against hospital personnel, assault committed in the

specified circumstances is a felony of the fifth degree. 32933

~~(8)~~(9) If the victim of the offense is a judge, magistrate, 32934
prosecutor, or court official or employee whom the offender knows 32935
or has reasonable cause to know is a judge, magistrate, 32936
prosecutor, or court official or employee, and if the victim is 32937
engaged in the performance of the victim's duties, assault is one 32938
of the following: 32939

(a) Except as otherwise provided in division (C)~~(7)~~(8)(b) of 32940
this section, assault committed in the specified circumstances is 32941
a misdemeanor of the first degree. In sentencing the offender 32942
under this division, if the court decides to impose a fine, 32943
notwithstanding the fine specified in division (A)(2)(b) of 32944
section 2929.28 of the Revised Code for a misdemeanor of the first 32945
degree, the court may impose upon the offender a fine of not more 32946
than five thousand dollars. 32947

(b) If the offender previously has been convicted of or 32948
pleaded guilty to one or more assault or homicide offenses 32949
committed against justice system personnel, assault committed in 32950
the specified circumstances is a felony of the fifth degree. 32951

~~(9)~~(10) If an offender who is convicted of or pleads guilty 32952
to assault when it is a misdemeanor also is convicted of or pleads 32953
guilty to a specification as described in section 2941.1423 of the 32954
Revised Code that was included in the indictment, count in the 32955
indictment, or information charging the offense, the court shall 32956
sentence the offender to a mandatory jail term as provided in 32957
division (G) of section 2929.24 of the Revised Code. 32958

If an offender who is convicted of or pleads guilty to 32959
assault when it is a felony also is convicted of or pleads guilty 32960
to a specification as described in section 2941.1423 of the 32961
Revised Code that was included in the indictment, count in the 32962
indictment, or information charging the offense, except as 32963

otherwise provided in division (C)~~(5)~~(6) of this section, the 32964
court shall sentence the offender to a mandatory prison term as 32965
provided in division (B)(8) of section 2929.14 of the Revised 32966
Code. 32967

(D) As used in this section: 32968

(1) "Peace officer" has the same meaning as in section 32969
2935.01 of the Revised Code. 32970

(2) "Firefighter" has the same meaning as in section 3937.41 32971
of the Revised Code. 32972

(3) "Emergency medical service" has the same meaning as in 32973
section 4765.01 of the Revised Code. 32974

(4) "Local correctional facility" means a county, 32975
multicounty, municipal, municipal-county, or multicounty-municipal 32976
jail or workhouse, a minimum security jail established under 32977
section 341.23 or 753.21 of the Revised Code, or another county, 32978
multicounty, municipal, municipal-county, or multicounty-municipal 32979
facility used for the custody of persons arrested for any crime or 32980
delinquent act, persons charged with or convicted of any crime, or 32981
persons alleged to be or adjudicated a delinquent child. 32982

(5) "Employee of a local correctional facility" means a 32983
person who is an employee of the political subdivision or of one 32984
or more of the affiliated political subdivisions that operates the 32985
local correctional facility and who operates or assists in the 32986
operation of the facility. 32987

(6) "School teacher or administrator" means either of the 32988
following: 32989

(a) A person who is employed in the public schools of the 32990
state under a contract described in section 3311.77 or 3319.08 of 32991
the Revised Code in a position in which the person is required to 32992
have a certificate issued pursuant to sections 3319.22 to 3319.311 32993

of the Revised Code.	32994
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.	32995 32996 32997 32998
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	32999 33000
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	33001 33002
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	33003 33004
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	33005 33006 33007
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	33008 33009
(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:	33010 33011 33012 33013 33014
(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	33015 33016 33017
(b) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	33018 33019 33020
(c) The victim was engaged in the performance of the victim's duties.	33021 33022
(d) The hospital offered de-escalation or crisis intervention	33023

training for such professionals, workers, or officers. 33024

(13) "De-escalation or crisis intervention training" means 33025
de-escalation or crisis intervention training for health care 33026
professionals of a hospital, health care workers of a hospital, 33027
and security officers of a hospital to facilitate interaction with 33028
patients, members of a patient's family, and visitors, including 33029
those with mental impairments. 33030

(14) "Assault or homicide offense committed against justice 33031
system personnel" means a violation of this section or of section 33032
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 33033
2903.14 of the Revised Code committed in circumstances in which 33034
the victim of the offense was a judge, magistrate, prosecutor, or 33035
court official or employee whom the offender knew or had 33036
reasonable cause to know was a judge, magistrate, prosecutor, or 33037
court official or employee, and the victim was engaged in the 33038
performance of the victim's duties. 33039

(15) "Court official or employee" means any official or 33040
employee of a court created under the constitution or statutes of 33041
this state or of a United States court located in this state. 33042

(16) "Judge" means a judge of a court created under the 33043
constitution or statutes of this state or of a United States court 33044
located in this state. 33045

(17) "Magistrate" means an individual who is appointed by a 33046
court of record of this state and who has the powers and may 33047
perform the functions specified in Civil Rule 53, Criminal Rule 33048
19, or Juvenile Rule 40, or an individual who is appointed by a 33049
United States court located in this state who has similar powers 33050
and functions. 33051

(18) "Prosecutor" has the same meaning as in section 2935.01 33052
of the Revised Code. 33053

(19)(a) "Hospital" means, subject to division (D)(19)(b) of 33054

this section, an institution classified as a hospital under 33055
section 3701.01 of the Revised Code in which are provided to 33056
patients diagnostic, medical, surgical, obstetrical, psychiatric, 33057
or rehabilitation care or a hospital operated by a health 33058
maintenance organization. 33059

(b) "Hospital" does not include any of the following: 33060

(i) A facility licensed under Chapter 3721. of the Revised 33061
Code, a health care facility operated by the department of mental 33062
health or the department of developmental disabilities, a health 33063
maintenance organization that does not operate a hospital, or the 33064
office of any private, licensed health care professional, whether 33065
organized for individual or group practice; 33066

(ii) An institution for the sick that is operated exclusively 33067
for patients who use spiritual means for healing and for whom the 33068
acceptance of medical care is inconsistent with their religious 33069
beliefs, accredited by a national accrediting organization, exempt 33070
from federal income taxation under section 501 of the "Internal 33071
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 33072
and providing twenty-four-hour nursing care pursuant to the 33073
exemption in division (E) of section 4723.32 of the Revised Code 33074
from the licensing requirements of Chapter 4723. of the Revised 33075
Code. 33076

(20) "Health maintenance organization" has the same meaning 33077
as in section 3727.01 of the Revised Code. 33078

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the 33079
Revised Code: 33080

(A) "Care facility" means any of the following: 33081

(1) Any "home" as defined in section 3721.10 ~~or 5111.20~~ of 33082
the Revised Code; 33083

(2) Any "residential facility" as defined in section 5123.19 33084

of the Revised Code;	33085
(3) Any institution or facility operated or provided by the department of mental health <u>mental health and addiction services</u> or by the department of developmental disabilities pursuant to sections 5119.02 <u>5119.14</u> and 5123.03 of the Revised Code;	33086 33087 33088 33089
(4) Any "residential facility" as defined in section 5119.22 <u>5119.34</u> of the Revised Code;	33090 33091
(5) Any unit of any hospital, as defined in section 3701.01 of the Revised Code, that provides the same services as a nursing home, as defined in section 3721.01 of the Revised Code;	33092 33093 33094
(6) Any institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others.	33095 33096 33097 33098 33099
(B) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication, or isolation on the person.	33100 33101 33102 33103
(C)(1) "Gross neglect" means knowingly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in physical harm or serious physical harm to the person.	33104 33105 33106 33107 33108
(2) "Neglect" means recklessly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in serious physical harm to the person.	33109 33110 33111 33112
(D) "Inappropriate use of a physical or chemical restraint, medication, or isolation" means the use of physical or chemical	33113 33114

restraint, medication, or isolation as punishment, for staff 33115
convenience, excessively, as a substitute for treatment, or in 33116
quantities that preclude habilitation and treatment. 33117

Sec. 2907.22. (A) No person shall knowingly: 33118

(1) Establish, maintain, operate, manage, supervise, control, 33119
or have an interest in a brothel or any other enterprise a purpose 33120
of which is to facilitate engagement in sexual activity for hire; 33121

(2) Supervise, manage, or control the activities of a 33122
prostitute in engaging in sexual activity for hire; 33123

(3) Transport another, or cause another to be transported 33124
~~across the boundary of this state or of any county in this state,~~ 33125
in order to facilitate the other person's engaging in sexual 33126
activity for hire; 33127

(4) For the purpose of violating or facilitating a violation 33128
of this section, induce or procure another to engage in sexual 33129
activity for hire. 33130

(B) Whoever violates this section is guilty of promoting 33131
prostitution. Except as otherwise provided in this division, 33132
promoting prostitution is a felony of the fourth degree. If any 33133
prostitute in the brothel involved in the offense, or the 33134
prostitute whose activities are supervised, managed, or controlled 33135
by the offender, or the person transported, induced, or procured 33136
by the offender to engage in sexual activity for hire, is a minor, 33137
whether or not the offender knows the age of the minor, then 33138
promoting prostitution is a felony of the third degree. If the 33139
offender in any case also is convicted of or pleads guilty to a 33140
specification as described in section 2941.1422 of the Revised 33141
Code that was included in the indictment, count in the indictment, 33142
or information charging the offense, the court shall sentence the 33143
offender to a mandatory prison term as provided in division (B)(7) 33144

of section 2929.14 of the Revised Code and shall order the 33145
offender to make restitution as provided in division (B)(8) of 33146
section 2929.18 of the Revised Code. 33147

Sec. 2913.40. (A) As used in this section: 33148

(1) "Statement or representation" means any oral, written, 33149
electronic, electronic impulse, or magnetic communication that is 33150
used to identify an item of goods or a service for which 33151
reimbursement may be made under the ~~medical assistance~~ medicaid 33152
program or that states income and expense and is or may be used to 33153
determine a rate of reimbursement under the ~~medical assistance~~ 33154
medicaid program. 33155

(2) ~~"Medical assistance program" means the program~~ 33156
~~established by the department of job and family services to~~ 33157
~~provide medical assistance under section 5111.01 of the Revised~~ 33158
~~Code and the medicaid program of Title XIX of the "Social Security~~ 33159
~~Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.~~ 33160

~~(3)~~ "Provider" means any person who has signed a provider 33161
agreement with the department of ~~job and family services~~ medicaid 33162
to provide goods or services pursuant to the ~~medical assistance~~ 33163
medicaid program or any person who has signed an agreement with a 33164
party to such a provider agreement under which the person agrees 33165
to provide goods or services that are reimbursable under the 33166
~~medical assistance~~ medicaid program. 33167

~~(4)(3)~~ "Provider agreement" ~~means an oral or written~~ 33168
~~agreement between the department of job and family services and a~~ 33169
~~person in which the person agrees to provide goods or services~~ 33170
~~under the medical assistance program~~ has the same meaning as in 33171
section 5164.01 of the Revised Code. 33172

~~(5)(4)~~ "Recipient" means any individual who receives goods or 33173
services from a provider under the ~~medical assistance~~ medicaid 33174

program. 33175

~~(6)~~(5) "Records" means any medical, professional, financial, 33176
or business records relating to the treatment or care of any 33177
recipient, to goods or services provided to any recipient, or to 33178
rates paid for goods or services provided to any recipient and any 33179
records that are required by the rules of the medicaid director ~~of~~ 33180
~~job and family services~~ to be kept for the ~~medical assistance~~ 33181
medicaid program. 33182

(B) No person shall knowingly make or cause to be made a 33183
false or misleading statement or representation for use in 33184
obtaining reimbursement from the ~~medical assistance~~ medicaid 33185
program. 33186

(C) No person, with purpose to commit fraud or knowing that 33187
the person is facilitating a fraud, shall do either of the 33188
following: 33189

(1) Contrary to the terms of the person's provider agreement, 33190
charge, solicit, accept, or receive for goods or services that the 33191
person provides under the ~~medical assistance~~ medicaid program any 33192
property, money, or other consideration in addition to the amount 33193
of reimbursement under the ~~medical assistance~~ medicaid program and 33194
the person's provider agreement for the goods or services and any 33195
cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 of 33196
the Revised Code or rules adopted ~~pursuant to section 5111.01,~~ 33197
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 33198
regarding the medicaid program. 33199

(2) Solicit, offer, or receive any remuneration, other than 33200
any cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 33201
of the Revised Code or rules adopted ~~under section 5111.01,~~ 33202
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 33203
regarding the medicaid program, in cash or in kind, including, but 33204
not limited to, a kickback or rebate, in connection with the 33205

furnishing of goods or services for which whole or partial 33206
reimbursement is or may be made under the ~~medical assistance~~ 33207
medicaid program. 33208

(D) No person, having submitted a claim for or provided goods 33209
or services under the ~~medical assistance~~ medicaid program, shall 33210
do either of the following for a period of at least six years 33211
after a reimbursement pursuant to that claim, or a reimbursement 33212
for those goods or services, is received under the ~~medical~~ 33213
~~assistance~~ medicaid program: 33214

(1) Knowingly alter, falsify, destroy, conceal, or remove any 33215
records that are necessary to fully disclose the nature of all 33216
goods or services for which the claim was submitted, or for which 33217
reimbursement was received, by the person; 33218

(2) Knowingly alter, falsify, destroy, conceal, or remove any 33219
records that are necessary to disclose fully all income and 33220
expenditures upon which rates of reimbursements were based for the 33221
person. 33222

(E) Whoever violates this section is guilty of medicaid 33223
fraud. Except as otherwise provided in this division, medicaid 33224
fraud is a misdemeanor of the first degree. If the value of 33225
property, services, or funds obtained in violation of this section 33226
is one thousand dollars or more and is less than seven thousand 33227
five hundred dollars, medicaid fraud is a felony of the fifth 33228
degree. If the value of property, services, or funds obtained in 33229
violation of this section is seven thousand five hundred dollars 33230
or more and is less than one hundred fifty thousand dollars, 33231
medicaid fraud is a felony of the fourth degree. If the value of 33232
the property, services, or funds obtained in violation of this 33233
section is one hundred fifty thousand dollars or more, medicaid 33234
fraud is a felony of the third degree. 33235

(F) Upon application of the governmental agency, office, or 33236

other entity that conducted the investigation and prosecution in a 33237
case under this section, the court shall order any person who is 33238
convicted of a violation of this section for receiving any 33239
reimbursement for furnishing goods or services under the ~~medical~~ 33240
~~assistance~~ medicaid program to which the person is not entitled to 33241
pay to the applicant its cost of investigating and prosecuting the 33242
case. The costs of investigation and prosecution that a defendant 33243
is ordered to pay pursuant to this division shall be in addition 33244
to any other penalties for the receipt of that reimbursement that 33245
are provided in this section, section ~~5111.03~~ 5164.35 of the 33246
Revised Code, or any other provision of law. 33247

(G) The provisions of this section are not intended to be 33248
exclusive remedies and do not preclude the use of any other 33249
criminal or civil remedy for any act that is in violation of this 33250
section. 33251

Sec. 2913.401. (A) As used in this section: 33252

(1) "Medicaid ~~benefits services~~" ~~means benefits under the~~ 33253
~~medical assistance program established under Chapter 5111. has the~~ 33254
same meaning as in section 5164.01 of the Revised Code. 33255

(2) "Property" means any real or personal property or other 33256
asset in which a person has any legal title or interest. 33257

(B) No person shall knowingly do any of the following in an 33258
application for enrollment in the medicaid ~~benefits~~ program or in 33259
a document that requires a disclosure of assets for the purpose of 33260
determining eligibility ~~to receive for the~~ medicaid ~~benefits~~ 33261
program: 33262

(1) Make or cause to be made a false or misleading statement; 33263

(2) Conceal an interest in property; 33264

(3)(a) Except as provided in division (B)(3)(b) of this 33265
section, fail to disclose a transfer of property that occurred 33266

during the period beginning thirty-six months before submission of 33267
the application or document and ending on the date the application 33268
or document was submitted; 33269

(b) Fail to disclose a transfer of property that occurred 33270
during the period beginning sixty months before submission of the 33271
application or document and ending on the date the application or 33272
document was submitted and that was made to an irrevocable trust a 33273
portion of which is not distributable to the applicant for 33274
~~medicaid benefits~~ or the recipient of medicaid ~~benefits~~ or to a 33275
revocable trust. 33276

(C)(1) Whoever violates this section is guilty of medicaid 33277
eligibility fraud. Except as otherwise provided in this division, 33278
a violation of this section is a misdemeanor of the first degree. 33279
If the value of the medicaid ~~benefits~~ services paid as a result of 33280
the violation is one thousand dollars or more and is less than 33281
seven thousand five hundred dollars, a violation of this section 33282
is a felony of the fifth degree. If the value of the medicaid 33283
~~benefits~~ services paid as a result of the violation is seven 33284
thousand five hundred dollars or more and is less than one hundred 33285
fifty thousand dollars, a violation of this section is a felony of 33286
the fourth degree. If the value of the medicaid ~~benefits~~ services 33287
paid as a result of the violation is one hundred fifty thousand 33288
dollars or more, a violation of this section is a felony of the 33289
third degree. 33290

(2) In addition to imposing a sentence under division (C)(1) 33291
of this section, the court shall order that a person who is guilty 33292
of medicaid eligibility fraud make restitution in the full amount 33293
of any medicaid ~~benefits~~ services paid on behalf of an applicant 33294
for or recipient of medicaid ~~benefits~~ for which the applicant or 33295
recipient was not eligible, plus interest at the rate applicable 33296
to judgments on unreimbursed amounts from the date on which the 33297
~~benefits~~ medicaid services were paid to the date on which 33298

restitution is made. 33299

(3) The remedies and penalties provided in this section are 33300
not exclusive and do not preclude the use of any other criminal or 33301
civil remedy for any act that is in violation of this section. 33302

(D) This section does not apply to a person who fully 33303
disclosed in an application for medicaid ~~benefits~~ or in a document 33304
that requires a disclosure of assets for the purpose of 33305
determining eligibility ~~to receive~~ for medicaid ~~benefits~~ all of 33306
the interests in property of the applicant for or recipient of 33307
medicaid ~~benefits~~, all transfers of property by the applicant for 33308
or recipient of medicaid ~~benefits~~, and the circumstances of all 33309
those transfers. 33310

(E) Any amounts of medicaid ~~benefits~~ services recovered as 33311
restitution under this section and any interest on those amounts 33312
shall be credited to the general revenue fund, and any applicable 33313
federal share shall be returned to the appropriate agency or 33314
department of the United States. 33315

Sec. 2919.271. (A)(1)(a) If a defendant is charged with a 33316
violation of section 2919.27 of the Revised Code or of a municipal 33317
ordinance that is substantially similar to that section, the court 33318
may order an evaluation of the mental condition of the defendant 33319
if the court determines that either of the following criteria 33320
apply: 33321

(i) If the alleged violation is a violation of a protection 33322
order issued or consent agreement approved pursuant to section 33323
2919.26 or 3113.31 of the Revised Code, that the violation 33324
allegedly involves conduct by the defendant that caused physical 33325
harm to the person or property of a family or household member 33326
covered by the order or agreement, or conduct by the defendant 33327
that caused a family or household member to believe that the 33328
defendant would cause physical harm to that member or that 33329

member's property. 33330

(ii) If the alleged violation is a violation of a protection 33331
order issued pursuant to section 2903.213 or 2903.214 of the 33332
Revised Code or a protection order issued by a court of another 33333
state, that the violation allegedly involves conduct by the 33334
defendant that caused physical harm to the person or property of 33335
the person covered by the order, or conduct by the defendant that 33336
caused the person covered by the order to believe that the 33337
defendant would cause physical harm to that person or that 33338
person's property. 33339

(b) If a defendant is charged with a violation of section 33340
2903.211 of the Revised Code or of a municipal ordinance that is 33341
substantially similar to that section, the court may order an 33342
evaluation of the mental condition of the defendant. 33343

(2) An evaluation ordered under division (A)(1) of this 33344
section shall be completed no later than thirty days from the date 33345
the order is entered pursuant to that division. In that order, the 33346
court shall do either of the following: 33347

(a) Order that the evaluation of the mental condition of the 33348
defendant be preceded by an examination conducted either by a 33349
forensic center that is designated by the department of ~~mental~~ 33350
~~health~~ mental health and addiction services to conduct 33351
examinations and make evaluations of defendants charged with 33352
violations of section 2903.211 or 2919.27 of the Revised Code or 33353
of substantially similar municipal ordinances in the area in which 33354
the court is located, or by any other program or facility that is 33355
designated by the department of ~~mental health~~ mental health and 33356
addiction services or the department of developmental disabilities 33357
to conduct examinations and make evaluations of defendants charged 33358
with violations of section 2903.211 or 2919.27 of the Revised Code 33359
or of substantially similar municipal ordinances, and that is 33360
operated by either department or is certified by either department 33361

as being in compliance with the standards established under 33362
division ~~(H)~~(B)(7) of section ~~5119.01~~ 5119.10 of the Revised Code 33363
or division (C) of section 5123.04 of the Revised Code. 33364

(b) Designate a center, program, or facility other than one 33365
designated by the department of ~~mental health~~ mental health and 33366
addiction services or the department of developmental 33367
disabilities, as described in division (A)(2)(a) of this section, 33368
to conduct the evaluation and preceding examination of the mental 33369
condition of the defendant. 33370

Whether the court acts pursuant to division (A)(2)(a) or (b) 33371
of this section, the court may designate examiners other than the 33372
personnel of the center, program, facility, or department involved 33373
to make the evaluation and preceding examination of the mental 33374
condition of the defendant. 33375

(B) If the court considers that additional evaluations of the 33376
mental condition of a defendant are necessary following the 33377
evaluation authorized by division (A) of this section, the court 33378
may order up to two additional similar evaluations. These 33379
evaluations shall be completed no later than thirty days from the 33380
date the applicable court order is entered. If more than one 33381
evaluation of the mental condition of the defendant is ordered 33382
under this division, the prosecutor and the defendant may 33383
recommend to the court an examiner whom each prefers to perform 33384
one of the evaluations and preceding examinations. 33385

(C)(1) The court may order a defendant who has been released 33386
on bail to submit to an examination under division (A) or (B) of 33387
this section. The examination shall be conducted either at the 33388
detention facility in which the defendant would have been confined 33389
if the defendant had not been released on bail, or, if so 33390
specified by the center, program, facility, or examiners involved, 33391
at the premises of the center, program, or facility. Additionally, 33392
the examination shall be conducted at the times established by the 33393

examiners involved. If such a defendant refuses to submit to an 33394
examination or a complete examination as required by the court or 33395
the center, program, facility, or examiners involved, the court 33396
may amend the conditions of the bail of the defendant and order 33397
the sheriff to take the defendant into custody and deliver the 33398
defendant to the detention facility in which the defendant would 33399
have been confined if the defendant had not been released on bail, 33400
or, if so specified by the center, program, facility, or examiners 33401
involved, to the premises of the center, program, or facility, for 33402
purposes of the examination. 33403

(2) A defendant who has not been released on bail shall be 33404
examined at the detention facility in which the defendant is 33405
confined or, if so specified by the center, program, facility, or 33406
examiners involved, at the premises of the center, program, or 33407
facility. 33408

(D) The examiner of the mental condition of a defendant under 33409
division (A) or (B) of this section shall file a written report 33410
with the court within thirty days after the entry of an order for 33411
the evaluation of the mental condition of the defendant. The 33412
report shall contain the findings of the examiner; the facts in 33413
reasonable detail on which the findings are based; the opinion of 33414
the examiner as to the mental condition of the defendant; the 33415
opinion of the examiner as to whether the defendant represents a 33416
substantial risk of physical harm to other persons as manifested 33417
by evidence of recent homicidal or other violent behavior, 33418
evidence of recent threats that placed other persons in reasonable 33419
fear of violent behavior and serious physical harm, or evidence of 33420
present dangerousness; and the opinion of the examiner as to the 33421
types of treatment or counseling that the defendant needs. The 33422
court shall provide copies of the report to the prosecutor and 33423
defense counsel. 33424

(E) The costs of any evaluation and preceding examination of 33425

a defendant that is ordered pursuant to division (A) or (B) of 33426
this section shall be taxed as court costs in the criminal case. 33427

(F) If the examiner considers it necessary in order to make 33428
an accurate evaluation of the mental condition of a defendant, an 33429
examiner under division (A) or (B) of this section may request any 33430
family or household member of the defendant to provide the 33431
examiner with information. A family or household member may, but 33432
is not required to, provide information to the examiner upon 33433
receipt of the request. 33434

(G) As used in this section: 33435

(1) "Bail" includes a recognizance. 33436

(2) "Examiner" means a psychiatrist, a licensed independent 33437
social worker who is employed by a forensic center that is 33438
certified as being in compliance with the standards established 33439
under division ~~(H)(B)(7)~~ of section ~~5119.01~~ 5119.10 or division 33440
(C) of section 5123.04 of the Revised Code, a licensed 33441
professional clinical counselor who is employed at a forensic 33442
center that is certified as being in compliance with such 33443
standards, or a licensed clinical psychologist, except that in 33444
order to be an examiner, a licensed clinical psychologist shall 33445
meet the criteria of division (I)(1) of section 5122.01 of the 33446
Revised Code or be employed to conduct examinations by the 33447
department of ~~mental health~~ mental health and addiction services 33448
or by a forensic center certified as being in compliance with the 33449
standards established under division ~~(H)(B)(7)~~ of section ~~5119.01~~ 33450
5119.10 or division (C) of section 5123.04 of the Revised Code 33451
that is designated by the department of ~~mental health~~ mental 33452
health and addiction services. 33453

(3) "Family or household member" has the same meaning as in 33454
section 2919.25 of the Revised Code. 33455

(4) "Prosecutor" has the same meaning as in section 2935.01 33456

of the Revised Code. 33457

(5) "Psychiatrist" and "licensed clinical psychologist" have 33458
the same meanings as in section 5122.01 of the Revised Code. 33459

(6) "Protection order issued by a court of another state" has 33460
the same meaning as in section 2919.27 of the Revised Code. 33461

Sec. 2921.01. As used in sections 2921.01 to 2921.45 of the 33462
Revised Code: 33463

(A) "Public official" means any elected or appointed officer, 33464
or employee, or agent of the state or any political subdivision, 33465
whether in a temporary or permanent capacity, and includes, but is 33466
not limited to, legislators, judges, and law enforcement officers. 33467
"Public official" does not include an employee, officer, or 33468
governor-appointed member of the board of directors of the 33469
nonprofit corporation formed under section 187.01 of the Revised 33470
Code. 33471

(B) "Public servant" means any of the following: 33472

(1) Any public official; 33473

(2) Any person performing ad hoc a governmental function, 33474
including, but not limited to, a juror, member of a temporary 33475
commission, master, arbitrator, advisor, or consultant; 33476

(3) A person who is a candidate for public office, whether or 33477
not the person is elected or appointed to the office for which the 33478
person is a candidate. A person is a candidate for purposes of 33479
this division if the person has been nominated according to law 33480
for election or appointment to public office, or if the person has 33481
filed a petition or petitions as required by law to have the 33482
person's name placed on the ballot in a primary, general, or 33483
special election, or if the person campaigns as a write-in 33484
candidate in any primary, general, or special election. 33485

"Public servant" does not include an employee, officer, or 33486

governor-appointed member of the board of directors of the 33487
nonprofit corporation formed under section 187.01 of the Revised 33488
Code. 33489

(C) "Party official" means any person who holds an elective 33490
or appointive post in a political party in the United States or 33491
this state, by virtue of which the person directs, conducts, or 33492
participates in directing or conducting party affairs at any level 33493
of responsibility. 33494

(D) "Official proceeding" means any proceeding before a 33495
legislative, judicial, administrative, or other governmental 33496
agency or official authorized to take evidence under oath, and 33497
includes any proceeding before a referee, hearing examiner, 33498
commissioner, notary, or other person taking testimony or a 33499
deposition in connection with an official proceeding. 33500

(E) "Detention" means arrest; confinement in any vehicle 33501
subsequent to an arrest; confinement in any public or private 33502
facility for custody of persons charged with or convicted of crime 33503
in this state or another state or under the laws of the United 33504
States or alleged or found to be a delinquent child or unruly 33505
child in this state or another state or under the laws of the 33506
United States; hospitalization, institutionalization, or 33507
confinement in any public or private facility that is ordered 33508
pursuant to or under the authority of section 2945.37, 2945.371, 33509
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 33510
Code; confinement in any vehicle for transportation to or from any 33511
facility of any of those natures; detention for extradition or 33512
deportation; except as provided in this division, supervision by 33513
any employee of any facility of any of those natures that is 33514
incidental to hospitalization, institutionalization, or 33515
confinement in the facility but that occurs outside the facility; 33516
supervision by an employee of the department of rehabilitation and 33517
correction of a person on any type of release from a state 33518

correctional institution; or confinement in any vehicle, airplane, 33519
or place while being returned from outside of this state into this 33520
state by a private person or entity pursuant to a contract entered 33521
into under division (E) of section 311.29 of the Revised Code or 33522
division (B) of section 5149.03 of the Revised Code. For a person 33523
confined in a county jail who participates in a county jail 33524
industry program pursuant to section 5147.30 of the Revised Code, 33525
"detention" includes time spent at an assigned work site and going 33526
to and from the work site. 33527

(F) "Detention facility" means any public or private place 33528
used for the confinement of a person charged with or convicted of 33529
any crime in this state or another state or under the laws of the 33530
United States or alleged or found to be a delinquent child or 33531
unruly child in this state or another state or under the laws of 33532
the United States. 33533

(G) "Valuable thing or valuable benefit" includes, but is not 33534
limited to, a contribution. This inclusion does not indicate or 33535
imply that a contribution was not included in those terms before 33536
September 17, 1986. 33537

(H) "Campaign committee," "contribution," "political action 33538
committee," "legislative campaign fund," "political party," and 33539
"political contributing entity" have the same meanings as in 33540
section 3517.01 of the Revised Code. 33541

(I) "Provider agreement" ~~and "medical assistance program"~~ 33542
~~have~~ has the same ~~meanings~~ meaning as in section ~~2913.40~~ 5164.01 33543
of the Revised Code. 33544

Sec. 2921.13. (A) No person shall knowingly make a false 33545
statement, or knowingly swear or affirm the truth of a false 33546
statement previously made, when any of the following applies: 33547

(1) The statement is made in any official proceeding. 33548

- (2) The statement is made with purpose to incriminate another. 33549
33550
- (3) The statement is made with purpose to mislead a public official in performing the public official's official function. 33551
33552
- (4) The statement is made with purpose to secure a grant under Chapter 4143. of the Revised Code; the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury. 33553
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- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement. 33562
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- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths. 33565
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- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law. 33567
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- (8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment. 33569
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- (9) The statement is made with purpose to commit or facilitate the commission of a theft offense. 33576
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- (10) The statement is knowingly made to a probate court in 33578

connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.

(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a concealed handgun license or is made in an affidavit submitted to a county sheriff to obtain a concealed handgun license on a temporary emergency basis under section 2923.1213 of the Revised Code.

(15) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains

false information about the purchaser's identity. 33610

(C) No person, in an attempt to obtain a concealed handgun 33611
license under section 2923.125 of the Revised Code, shall 33612
knowingly present to a sheriff a fictitious or altered document 33613
that purports to be certification of the person's competence in 33614
handling a handgun as described in division (B)(3) of that 33615
section. 33616

(D) It is no defense to a charge under division (A)(6) of 33617
this section that the oath or affirmation was administered or 33618
taken in an irregular manner. 33619

(E) If contradictory statements relating to the same fact are 33620
made by the offender within the period of the statute of 33621
limitations for falsification, it is not necessary for the 33622
prosecution to prove which statement was false but only that one 33623
or the other was false. 33624

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 33625
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 33626
of falsification, a misdemeanor of the first degree. 33627

(2) Whoever violates division (A)(9) of this section is 33628
guilty of falsification in a theft offense. Except as otherwise 33629
provided in this division, falsification in a theft offense is a 33630
misdemeanor of the first degree. If the value of the property or 33631
services stolen is one thousand dollars or more and is less than 33632
seven thousand five hundred dollars, falsification in a theft 33633
offense is a felony of the fifth degree. If the value of the 33634
property or services stolen is seven thousand five hundred dollars 33635
or more and is less than one hundred fifty thousand dollars, 33636
falsification in a theft offense is a felony of the fourth degree. 33637
If the value of the property or services stolen is one hundred 33638
fifty thousand dollars or more, falsification in a theft offense 33639
is a felony of the third degree. 33640

(3) Whoever violates division (A)(12) or (B) of this section 33641
is guilty of falsification to purchase a firearm, a felony of the 33642
fifth degree. 33643

(4) Whoever violates division (A)(14) or (C) of this section 33644
is guilty of falsification to obtain a concealed handgun license, 33645
a felony of the fourth degree. 33646

(G) A person who violates this section is liable in a civil 33647
action to any person harmed by the violation for injury, death, or 33648
loss to person or property incurred as a result of the commission 33649
of the offense and for reasonable attorney's fees, court costs, 33650
and other expenses incurred as a result of prosecuting the civil 33651
action commenced under this division. A civil action under this 33652
division is not the exclusive remedy of a person who incurs 33653
injury, death, or loss to person or property as a result of a 33654
violation of this section. 33655

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 33656
this section, no person, knowing that a felony has been or is 33657
being committed, shall knowingly fail to report such information 33658
to law enforcement authorities. 33659

(2) No person, knowing that a violation of division (B) of 33660
section 2913.04 of the Revised Code has been, or is being 33661
committed or that the person has received information derived from 33662
such a violation, shall knowingly fail to report the violation to 33663
law enforcement authorities. 33664

(B) Except for conditions that are within the scope of 33665
division (E) of this section, no physician, limited practitioner, 33666
nurse, or other person giving aid to a sick or injured person 33667
shall negligently fail to report to law enforcement authorities 33668
any gunshot or stab wound treated or observed by the physician, 33669
limited practitioner, nurse, or person, or any serious physical 33670
harm to persons that the physician, limited practitioner, nurse, 33671

or person knows or has reasonable cause to believe resulted from 33672
an offense of violence. 33673

(C) No person who discovers the body or acquires the first 33674
knowledge of the death of a person shall fail to report the death 33675
immediately to a physician whom the person knows to be treating 33676
the deceased for a condition from which death at such time would 33677
not be unexpected, or to a law enforcement officer, an ambulance 33678
service, an emergency squad, or the coroner in a political 33679
subdivision in which the body is discovered, the death is believed 33680
to have occurred, or knowledge concerning the death is obtained. 33681

(D) No person shall fail to provide upon request of the 33682
person to whom a report required by division (C) of this section 33683
was made, or to any law enforcement officer who has reasonable 33684
cause to assert the authority to investigate the circumstances 33685
surrounding the death, any facts within the person's knowledge 33686
that may have a bearing on the investigation of the death. 33687

(E)(1) As used in this division, "burn injury" means any of 33688
the following: 33689

(a) Second or third degree burns; 33690

(b) Any burns to the upper respiratory tract or laryngeal 33691
edema due to the inhalation of superheated air; 33692

(c) Any burn injury or wound that may result in death; 33693

(d) Any physical harm to persons caused by or as the result 33694
of the use of fireworks, novelties and trick noisemakers, and wire 33695
sparklers, as each is defined by section 3743.01 of the Revised 33696
Code. 33697

(2) No physician, nurse, or limited practitioner who, outside 33698
a hospital, sanitarium, or other medical facility, attends or 33699
treats a person who has sustained a burn injury that is inflicted 33700
by an explosion or other incendiary device or that shows evidence 33701

of having been inflicted in a violent, malicious, or criminal 33702
manner shall fail to report the burn injury immediately to the 33703
local arson, or fire and explosion investigation, bureau, if there 33704
is a bureau of this type in the jurisdiction in which the person 33705
is attended or treated, or otherwise to local law enforcement 33706
authorities. 33707

(3) No manager, superintendent, or other person in charge of 33708
a hospital, sanitarium, or other medical facility in which a 33709
person is attended or treated for any burn injury that is 33710
inflicted by an explosion or other incendiary device or that shows 33711
evidence of having been inflicted in a violent, malicious, or 33712
criminal manner shall fail to report the burn injury immediately 33713
to the local arson, or fire and explosion investigation, bureau, 33714
if there is a bureau of this type in the jurisdiction in which the 33715
person is attended or treated, or otherwise to local law 33716
enforcement authorities. 33717

(4) No person who is required to report any burn injury under 33718
division (E)(2) or (3) of this section shall fail to file, within 33719
three working days after attending or treating the victim, a 33720
written report of the burn injury with the office of the state 33721
fire marshal. The report shall comply with the uniform standard 33722
developed by the state fire marshal pursuant to division (A)(15) 33723
of section 3737.22 of the Revised Code. 33724

(5) Anyone participating in the making of reports under 33725
division (E) of this section or anyone participating in a judicial 33726
proceeding resulting from the reports is immune from any civil or 33727
criminal liability that otherwise might be incurred or imposed as 33728
a result of such actions. Notwithstanding section 4731.22 of the 33729
Revised Code, the physician-patient relationship is not a ground 33730
for excluding evidence regarding a person's burn injury or the 33731
cause of the burn injury in any judicial proceeding resulting from 33732
a report submitted under division (E) of this section. 33733

(F)(1) Any doctor of medicine or osteopathic medicine, 33734
hospital intern or resident, registered or licensed practical 33735
nurse, psychologist, social worker, independent social worker, 33736
social work assistant, professional clinical counselor, or 33737
professional counselor who knows or has reasonable cause to 33738
believe that a patient or client has been the victim of domestic 33739
violence, as defined in section 3113.31 of the Revised Code, shall 33740
note that knowledge or belief and the basis for it in the 33741
patient's or client's records. 33742

(2) Notwithstanding section 4731.22 of the Revised Code, the 33743
doctor-patient privilege shall not be a ground for excluding any 33744
information regarding the report containing the knowledge or 33745
belief noted under division (F)(1) of this section, and the 33746
information may be admitted as evidence in accordance with the 33747
Rules of Evidence. 33748

(G) Divisions (A) and (D) of this section do not require 33749
disclosure of information, when any of the following applies: 33750

(1) The information is privileged by reason of the 33751
relationship between attorney and client; doctor and patient; 33752
licensed psychologist or licensed school psychologist and client; 33753
member of the clergy, rabbi, minister, or priest and any person 33754
communicating information confidentially to the member of the 33755
clergy, rabbi, minister, or priest for a religious counseling 33756
purpose of a professional character; husband and wife; or a 33757
communications assistant and those who are a party to a 33758
telecommunications relay service call. 33759

(2) The information would tend to incriminate a member of the 33760
actor's immediate family. 33761

(3) Disclosure of the information would amount to revealing a 33762
news source, privileged under section 2739.04 or 2739.12 of the 33763
Revised Code. 33764

(4) Disclosure of the information would amount to disclosure 33765
by a member of the ordained clergy of an organized religious body 33766
of a confidential communication made to that member of the clergy 33767
in that member's capacity as a member of the clergy by a person 33768
seeking the aid or counsel of that member of the clergy. 33769

(5) Disclosure would amount to revealing information acquired 33770
by the actor in the course of the actor's duties in connection 33771
with a bona fide program of treatment or services for drug 33772
dependent persons or persons in danger of drug dependence, which 33773
program is maintained or conducted by a hospital, clinic, person, 33774
agency, or ~~organization~~ services provider certified pursuant to 33775
section ~~3793.06~~ 5119.36 of the Revised Code. 33776

(6) Disclosure would amount to revealing information acquired 33777
by the actor in the course of the actor's duties in connection 33778
with a bona fide program for providing counseling services to 33779
victims of crimes that are violations of section 2907.02 or 33780
2907.05 of the Revised Code or to victims of felonious sexual 33781
penetration in violation of former section 2907.12 of the Revised 33782
Code. As used in this division, "counseling services" include 33783
services provided in an informal setting by a person who, by 33784
education or experience, is competent to provide those services. 33785

(H) No disclosure of information pursuant to this section 33786
gives rise to any liability or recrimination for a breach of 33787
privilege or confidence. 33788

(I) Whoever violates division (A) or (B) of this section is 33789
guilty of failure to report a crime. Violation of division (A)(1) 33790
of this section is a misdemeanor of the fourth degree. Violation 33791
of division (A)(2) or (B) of this section is a misdemeanor of the 33792
second degree. 33793

(J) Whoever violates division (C) or (D) of this section is 33794
guilty of failure to report knowledge of a death, a misdemeanor of 33795

the fourth degree. 33796

(K)(1) Whoever negligently violates division (E) of this 33797
section is guilty of a minor misdemeanor. 33798

(2) Whoever knowingly violates division (E) of this section 33799
is guilty of a misdemeanor of the second degree. 33800

Sec. 2921.36. (A) No person shall knowingly convey, or 33801
attempt to convey, onto the grounds of a detention facility or of 33802
an institution, office building, or other place that is under the 33803
control of the department of ~~mental health~~ mental health and 33804
addiction services, the department of developmental disabilities, 33805
the department of youth services, or the department of 33806
rehabilitation and correction any of the following items: 33807

(1) Any deadly weapon or dangerous ordnance, as defined in 33808
section 2923.11 of the Revised Code, or any part of or ammunition 33809
for use in such a deadly weapon or dangerous ordnance; 33810

(2) Any drug of abuse, as defined in section 3719.011 of the 33811
Revised Code; 33812

(3) Any intoxicating liquor, as defined in section 4301.01 of 33813
the Revised Code. 33814

(B) Division (A) of this section does not apply to any person 33815
who conveys or attempts to convey an item onto the grounds of a 33816
detention facility or of an institution, office building, or other 33817
place under the control of the department of ~~mental health~~ mental 33818
health and addiction services, the department of developmental 33819
disabilities, the department of youth services, or the department 33820
of rehabilitation and correction pursuant to the written 33821
authorization of the person in charge of the detention facility or 33822
the institution, office building, or other place and in accordance 33823
with the written rules of the detention facility or the 33824
institution, office building, or other place. 33825

(C) No person shall knowingly deliver, or attempt to deliver, 33826
to any person who is confined in a detention facility, to a child 33827
confined in a youth services facility, to a prisoner who is 33828
temporarily released from confinement for a work assignment, or to 33829
any patient in an institution under the control of the department 33830
of ~~mental health~~ mental health and addiction services or the 33831
department of developmental disabilities any item listed in 33832
division (A)(1), (2), or (3) of this section. 33833

(D) No person shall knowingly deliver, or attempt to deliver, 33834
cash to any person who is confined in a detention facility, to a 33835
child confined in a youth services facility, or to a prisoner who 33836
is temporarily released from confinement for a work assignment. 33837

(E) No person shall knowingly deliver, or attempt to deliver, 33838
to any person who is confined in a detention facility, to a child 33839
confined in a youth services facility, or to a prisoner who is 33840
temporarily released from confinement for a work assignment a 33841
cellular telephone, two-way radio, or other electronic 33842
communications device. 33843

(F)(1) It is an affirmative defense to a charge under 33844
division (A)(1) of this section that the weapon or dangerous 33845
ordnance in question was being transported in a motor vehicle for 33846
any lawful purpose, that it was not on the actor's person, and, if 33847
the weapon or dangerous ordnance in question was a firearm, that 33848
it was unloaded and was being carried in a closed package, box, or 33849
case or in a compartment that can be reached only by leaving the 33850
vehicle. 33851

(2) It is an affirmative defense to a charge under division 33852
(C) of this section that the actor was not otherwise prohibited by 33853
law from delivering the item to the confined person, the child, 33854
the prisoner, or the patient and that either of the following 33855
applies: 33856

(a) The actor was permitted by the written rules of the 33857
detention facility or the institution, office building, or other 33858
place to deliver the item to the confined person or the patient. 33859

(b) The actor was given written authorization by the person 33860
in charge of the detention facility or the institution, office 33861
building, or other place to deliver the item to the confined 33862
person or the patient. 33863

(G)(1) Whoever violates division (A)(1) of this section or 33864
commits a violation of division (C) of this section involving an 33865
item listed in division (A)(1) of this section is guilty of 33866
illegal conveyance of weapons onto the grounds of a specified 33867
governmental facility, a felony of the third degree. If the 33868
offender is an officer or employee of the department of 33869
rehabilitation and correction, the court shall impose a mandatory 33870
prison term. 33871

(2) Whoever violates division (A)(2) of this section or 33872
commits a violation of division (C) of this section involving any 33873
drug of abuse is guilty of illegal conveyance of drugs of abuse 33874
onto the grounds of a specified governmental facility, a felony of 33875
the third degree. If the offender is an officer or employee of the 33876
department of rehabilitation and correction or of the department 33877
of youth services, the court shall impose a mandatory prison term. 33878

(3) Whoever violates division (A)(3) of this section or 33879
commits a violation of division (C) of this section involving any 33880
intoxicating liquor is guilty of illegal conveyance of 33881
intoxicating liquor onto the grounds of a specified governmental 33882
facility, a misdemeanor of the second degree. 33883

(4) Whoever violates division (D) of this section is guilty 33884
of illegal conveyance of cash onto the grounds of a detention 33885
facility, a misdemeanor of the first degree. If the offender 33886
previously has been convicted of or pleaded guilty to a violation 33887

of division (D) of this section, illegal conveyance of cash onto 33888
the grounds of a detention facility is a felony of the fifth 33889
degree. 33890

(5) Whoever violates division (E) of this section is guilty 33891
of illegal conveyance of a communications device onto the grounds 33892
of a specified governmental facility, a misdemeanor of the first 33893
degree, or if the offender previously has been convicted of or 33894
pleaded guilty to a violation of division (E) of this section, a 33895
felony of the fifth degree. 33896

Sec. 2921.38. (A) No person who is confined in a detention 33897
facility, with intent to harass, annoy, threaten, or alarm another 33898
person, shall cause or attempt to cause the other person to come 33899
into contact with blood, semen, urine, feces, or another bodily 33900
substance by throwing the bodily substance at the other person, by 33901
expelling the bodily substance upon the other person, or in any 33902
other manner. 33903

(B) No person, with intent to harass, annoy, threaten, or 33904
alarm a law enforcement officer, shall cause or attempt to cause 33905
the law enforcement officer to come into contact with blood, 33906
semen, urine, feces, or another bodily substance by throwing the 33907
bodily substance at the law enforcement officer, by expelling the 33908
bodily substance upon the law enforcement officer, or in any other 33909
manner. 33910

(C) No person, with knowledge that the person is a carrier of 33911
the virus that causes acquired immunodeficiency syndrome, is a 33912
carrier of a hepatitis virus, or is infected with tuberculosis and 33913
with intent to harass, annoy, threaten, or alarm another person, 33914
shall cause or attempt to cause the other person to come into 33915
contact with blood, semen, urine, feces, or another bodily 33916
substance by throwing the bodily substance at the other person, by 33917
expelling the bodily substance upon the other person, or in any 33918

other manner. 33919

(D) Whoever violates this section is guilty of harassment 33920
with a bodily substance. A violation of division (A) or (B) of 33921
this section is a felony of the fifth degree. A violation of 33922
division (C) of this section is a felony of the third degree. 33923

(E)(1) The court, on request of the prosecutor, or the law 33924
enforcement authority responsible for the investigation of the 33925
violation, shall cause a person who allegedly has committed a 33926
violation of this section to submit to one or more appropriate 33927
tests to determine if the person is a carrier of the virus that 33928
causes acquired immunodeficiency syndrome, is a carrier of a 33929
hepatitis virus, or is infected with tuberculosis. 33930

(2) The court shall charge the offender with the costs of the 33931
test or tests ordered under division (E)(1) of this section unless 33932
the court determines that the accused is unable to pay, in which 33933
case the costs shall be charged to the entity that operates the 33934
detention facility in which the alleged offense occurred. 33935

(F) This section does not apply to a person who is 33936
hospitalized, institutionalized, or confined in a facility 33937
operated by the department of ~~mental health~~ mental health and 33938
addiction services or the department of developmental 33939
disabilities. 33940

Sec. 2923.125. (A) This section applies with respect to the 33941
application for and issuance by this state of concealed handgun 33942
licenses other than concealed handgun licenses on a temporary 33943
emergency basis that are issued under section 2923.1213 of the 33944
Revised Code. Upon the request of a person who wishes to obtain a 33945
concealed handgun license with respect to which this section 33946
applies or to renew a concealed handgun license with respect to 33947
which this section applies, a sheriff, as provided in division (I) 33948
of this section, shall provide to the person free of charge an 33949

application form and the web site address at which the pamphlet 33950
described in division (B) of section 109.731 of the Revised Code 33951
may be found. A sheriff shall accept a completed application form 33952
and the fee, items, materials, and information specified in 33953
divisions (B)(1) to (5) of this section at the times and in the 33954
manners described in division (I) of this section. 33955

(B) An applicant for a concealed handgun license with respect 33956
to which this section applies shall submit a completed application 33957
form and all of the following to the sheriff of the county in 33958
which the applicant resides or to the sheriff of any county 33959
adjacent to the county in which the applicant resides: 33960

(1)(a) A nonrefundable license fee as described in either of 33961
the following: 33962

(i) For an applicant who has been a resident of this state 33963
for five or more years, a fee of sixty-seven dollars; 33964

(ii) For an applicant who has been a resident of this state 33965
for less than five years, a fee of sixty-seven dollars plus the 33966
actual cost of having a background check performed by the federal 33967
bureau of investigation. 33968

(b) No sheriff shall require an applicant to pay for the cost 33969
of a background check performed by the bureau of criminal 33970
identification and investigation. 33971

(c) A sheriff shall waive the payment of the license fee 33972
described in division (B)(1)(a) of this section in connection with 33973
an initial or renewal application for a license that is submitted 33974
by an applicant who is a retired peace officer, a retired person 33975
described in division (B)(1)(b) of section 109.77 of the Revised 33976
Code, or a retired federal law enforcement officer who, prior to 33977
retirement, was authorized under federal law to carry a firearm in 33978
the course of duty, unless the retired peace officer, person, or 33979
federal law enforcement officer retired as the result of a mental 33980

disability. 33981

(d) The sheriff shall deposit all fees paid by an applicant 33982
under division (B)(1)(a) of this section into the sheriff's 33983
concealed handgun license issuance fund established pursuant to 33984
section 311.42 of the Revised Code. The county shall distribute 33985
the fees in accordance with section 311.42 of the Revised Code. 33986

(2) A color photograph of the applicant that was taken within 33987
thirty days prior to the date of the application; 33988

(3) One or more of the following competency certifications, 33989
each of which shall reflect that, regarding a certification 33990
described in division (B)(3)(a), (b), (c), (e), or (f) of this 33991
section, within the three years immediately preceding the 33992
application the applicant has performed that to which the 33993
competency certification relates and that, regarding a 33994
certification described in division (B)(3)(d) of this section, the 33995
applicant currently is an active or reserve member of the armed 33996
forces of the United States or within the six years immediately 33997
preceding the application the honorable discharge or retirement to 33998
which the competency certification relates occurred: 33999

(a) An original or photocopy of a certificate of completion 34000
of a firearms safety, training, or requalification or firearms 34001
safety instructor course, class, or program that was offered by or 34002
under the auspices of the national rifle association and that 34003
complies with the requirements set forth in division (G) of this 34004
section; 34005

(b) An original or photocopy of a certificate of completion 34006
of a firearms safety, training, or requalification or firearms 34007
safety instructor course, class, or program that satisfies all of 34008
the following criteria: 34009

(i) It was open to members of the general public. 34010

(ii) It utilized qualified instructors who were certified by 34011

the national rifle association, the executive director of the Ohio 34012
peace officer training commission pursuant to section 109.75 or 34013
109.78 of the Revised Code, or a governmental official or entity 34014
of another state. 34015

(iii) It was offered by or under the auspices of a law 34016
enforcement agency of this or another state or the United States, 34017
a public or private college, university, or other similar 34018
postsecondary educational institution located in this or another 34019
state, a firearms training school located in this or another 34020
state, or another type of public or private entity or organization 34021
located in this or another state. 34022

(iv) It complies with the requirements set forth in division 34023
(G) of this section. 34024

(c) An original or photocopy of a certificate of completion 34025
of a state, county, municipal, or department of natural resources 34026
peace officer training school that is approved by the executive 34027
director of the Ohio peace officer training commission pursuant to 34028
section 109.75 of the Revised Code and that complies with the 34029
requirements set forth in division (G) of this section, or the 34030
applicant has satisfactorily completed and been issued a 34031
certificate of completion of a basic firearms training program, a 34032
firearms requalification training program, or another basic 34033
training program described in section 109.78 or 109.801 of the 34034
Revised Code that complies with the requirements set forth in 34035
division (G) of this section; 34036

(d) A document that evidences both of the following: 34037

(i) That the applicant is an active or reserve member of the 34038
armed forces of the United States, was honorably discharged from 34039
military service in the active or reserve armed forces of the 34040
United States, is a retired trooper of the state highway patrol, 34041
or is a retired peace officer or federal law enforcement officer 34042

described in division (B)(1) of this section or a retired person 34043
described in division (B)(1)(b) of section 109.77 of the Revised 34044
Code and division (B)(1) of this section; 34045

(ii) That, through participation in the military service or 34046
through the former employment described in division (B)(3)(d)(i) 34047
of this section, the applicant acquired experience with handling 34048
handguns or other firearms, and the experience so acquired was 34049
equivalent to training that the applicant could have acquired in a 34050
course, class, or program described in division (B)(3)(a), (b), or 34051
(c) of this section. 34052

(e) A certificate or another similar document that evidences 34053
satisfactory completion of a firearms training, safety, or 34054
requalification or firearms safety instructor course, class, or 34055
program that is not otherwise described in division (B)(3)(a), 34056
(b), (c), or (d) of this section, that was conducted by an 34057
instructor who was certified by an official or entity of the 34058
government of this or another state or the United States or by the 34059
national rifle association, and that complies with the 34060
requirements set forth in division (G) of this section; 34061

(f) An affidavit that attests to the applicant's satisfactory 34062
completion of a course, class, or program described in division 34063
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 34064
by the applicant's instructor or an authorized representative of 34065
the entity that offered the course, class, or program or under 34066
whose auspices the course, class, or program was offered. 34067

(4) A certification by the applicant that the applicant has 34068
read the pamphlet prepared by the Ohio peace officer training 34069
commission pursuant to section 109.731 of the Revised Code that 34070
reviews firearms, dispute resolution, and use of deadly force 34071
matters. 34072

(5) A set of fingerprints of the applicant provided as 34073

described in section 311.41 of the Revised Code through use of an 34074
electronic fingerprint reading device or, if the sheriff to whom 34075
the application is submitted does not possess and does not have 34076
ready access to the use of such a reading device, on a standard 34077
impression sheet prescribed pursuant to division (C)(2) of section 34078
109.572 of the Revised Code. 34079

(C) Upon receipt of the completed application form, 34080
supporting documentation, and, if not waived, license fee of an 34081
applicant under this section, a sheriff, in the manner specified 34082
in section 311.41 of the Revised Code, shall conduct or cause to 34083
be conducted the criminal records check and the incompetency 34084
records check described in section 311.41 of the Revised Code. 34085

(D)(1) Except as provided in division (D)(3) or (4) of this 34086
section, within forty-five days after a sheriff's receipt of an 34087
applicant's completed application form for a concealed handgun 34088
license under this section, the supporting documentation, and, if 34089
not waived, the license fee, the sheriff shall make available 34090
through the law enforcement automated data system in accordance 34091
with division (H) of this section the information described in 34092
that division and, upon making the information available through 34093
the system, shall issue to the applicant a concealed handgun 34094
license that shall expire as described in division (D)(2)(a) of 34095
this section if all of the following apply: 34096

(a) The applicant is legally living in the United States, has 34097
been a resident of this state for at least forty-five days, and 34098
has been a resident of the county in which the person seeks the 34099
license or a county adjacent to the county in which the person 34100
seeks the license for at least thirty days. For purposes of 34101
division (D)(1)(a) of this section: 34102

(i) If a person is absent from the United States, from this 34103
state, or from a particular county in this state in compliance 34104
with military or naval orders as an active or reserve member of 34105

the armed forces of the United States and if prior to leaving this 34106
state in compliance with those orders the person was legally 34107
living in the United States and was a resident of this state, the 34108
person, solely by reason of that absence, shall not be considered 34109
to have lost the person's status as living in the United States or 34110
the person's residence in this state or in the county in which the 34111
person was a resident prior to leaving this state in compliance 34112
with those orders, without regard to whether or not the person 34113
intends to return to this state or to that county, shall not be 34114
considered to have acquired a residence in any other state, and 34115
shall not be considered to have become a resident of any other 34116
state. 34117

(ii) If a person is present in this state in compliance with 34118
military or naval orders as an active or reserve member of the 34119
armed forces of the United States for at least forty-five days, 34120
the person shall be considered to have been a resident of this 34121
state for that period of at least forty-five days, and, if a 34122
person is present in a county of this state in compliance with 34123
military or naval orders as an active or reserve member of the 34124
armed forces of the United States for at least thirty days, the 34125
person shall be considered to have been a resident of that county 34126
for that period of at least thirty days. 34127

(b) The applicant is at least twenty-one years of age. 34128

(c) The applicant is not a fugitive from justice. 34129

(d) The applicant is not under indictment for or otherwise 34130
charged with a felony; an offense under Chapter 2925., 3719., or 34131
4729. of the Revised Code that involves the illegal possession, 34132
use, sale, administration, or distribution of or trafficking in a 34133
drug of abuse; a misdemeanor offense of violence; or a violation 34134
of section 2903.14 or 2923.1211 of the Revised Code. 34135

(e) Except as otherwise provided in division (D)(5) of this 34136

section, the applicant has not been convicted of or pleaded guilty 34137
to a felony or an offense under Chapter 2925., 3719., or 4729. of 34138
the Revised Code that involves the illegal possession, use, sale, 34139
administration, or distribution of or trafficking in a drug of 34140
abuse; has not been adjudicated a delinquent child for committing 34141
an act that if committed by an adult would be a felony or would be 34142
an offense under Chapter 2925., 3719., or 4729. of the Revised 34143
Code that involves the illegal possession, use, sale, 34144
administration, or distribution of or trafficking in a drug of 34145
abuse; and has not been convicted of, pleaded guilty to, or 34146
adjudicated a delinquent child for committing a violation of 34147
section 2903.13 of the Revised Code when the victim of the 34148
violation is a peace officer, regardless of whether the applicant 34149
was sentenced under division (C)~~(3)~~(4) of that section. 34150

(f) Except as otherwise provided in division (D)(5) of this 34151
section, the applicant, within three years of the date of the 34152
application, has not been convicted of or pleaded guilty to a 34153
misdemeanor offense of violence other than a misdemeanor violation 34154
of section 2921.33 of the Revised Code or a violation of section 34155
2903.13 of the Revised Code when the victim of the violation is a 34156
peace officer, or a misdemeanor violation of section 2923.1211 of 34157
the Revised Code; and has not been adjudicated a delinquent child 34158
for committing an act that if committed by an adult would be a 34159
misdemeanor offense of violence other than a misdemeanor violation 34160
of section 2921.33 of the Revised Code or a violation of section 34161
2903.13 of the Revised Code when the victim of the violation is a 34162
peace officer or for committing an act that if committed by an 34163
adult would be a misdemeanor violation of section 2923.1211 of the 34164
Revised Code. 34165

(g) Except as otherwise provided in division (D)(1)(e) of 34166
this section, the applicant, within five years of the date of the 34167
application, has not been convicted of, pleaded guilty to, or 34168

adjudicated a delinquent child for committing two or more 34169
violations of section 2903.13 or 2903.14 of the Revised Code. 34170

(h) Except as otherwise provided in division (D)(5) of this 34171
section, the applicant, within ten years of the date of the 34172
application, has not been convicted of, pleaded guilty to, or 34173
adjudicated a delinquent child for committing a violation of 34174
section 2921.33 of the Revised Code. 34175

(i) The applicant has not been adjudicated as a mental 34176
defective, has not been committed to any mental institution, is 34177
not under adjudication of mental incompetence, has not been found 34178
by a court to be a mentally ill person subject to hospitalization 34179
by court order, and is not an involuntary patient other than one 34180
who is a patient only for purposes of observation. As used in this 34181
division, "mentally ill person subject to hospitalization by court 34182
order" and "patient" have the same meanings as in section 5122.01 34183
of the Revised Code. 34184

(j) The applicant is not currently subject to a civil 34185
protection order, a temporary protection order, or a protection 34186
order issued by a court of another state. 34187

(k) The applicant certifies that the applicant desires a 34188
legal means to carry a concealed handgun for defense of the 34189
applicant or a member of the applicant's family while engaged in 34190
lawful activity. 34191

(l) The applicant submits a competency certification of the 34192
type described in division (B)(3) of this section and submits a 34193
certification of the type described in division (B)(4) of this 34194
section regarding the applicant's reading of the pamphlet prepared 34195
by the Ohio peace officer training commission pursuant to section 34196
109.731 of the Revised Code. 34197

(m) The applicant currently is not subject to a suspension 34198
imposed under division (A)(2) of section 2923.128 of the Revised 34199

Code of a concealed handgun license that previously was issued to 34200
the applicant under this section or section 2923.1213 of the 34201
Revised Code. 34202

(2)(a) A concealed handgun license that a sheriff issues 34203
under division (D)(1) of this section shall expire five years 34204
after the date of issuance. 34205

If a sheriff issues a license under this section, the sheriff 34206
shall place on the license a unique combination of letters and 34207
numbers identifying the license in accordance with the procedure 34208
prescribed by the Ohio peace officer training commission pursuant 34209
to section 109.731 of the Revised Code. 34210

(b) If a sheriff denies an application under this section 34211
because the applicant does not satisfy the criteria described in 34212
division (D)(1) of this section, the sheriff shall specify the 34213
grounds for the denial in a written notice to the applicant. The 34214
applicant may appeal the denial pursuant to section 119.12 of the 34215
Revised Code in the county served by the sheriff who denied the 34216
application. If the denial was as a result of the criminal records 34217
check conducted pursuant to section 311.41 of the Revised Code and 34218
if, pursuant to section 2923.127 of the Revised Code, the 34219
applicant challenges the criminal records check results using the 34220
appropriate challenge and review procedure specified in that 34221
section, the time for filing the appeal pursuant to section 119.12 34222
of the Revised Code and this division is tolled during the 34223
pendency of the request or the challenge and review. If the court 34224
in an appeal under section 119.12 of the Revised Code and this 34225
division enters a judgment sustaining the sheriff's refusal to 34226
grant to the applicant a concealed handgun license, the applicant 34227
may file a new application beginning one year after the judgment 34228
is entered. If the court enters a judgment in favor of the 34229
applicant, that judgment shall not restrict the authority of a 34230
sheriff to suspend or revoke the license pursuant to section 34231

2923.128 or 2923.1213 of the Revised Code or to refuse to renew 34232
the license for any proper cause that may occur after the date the 34233
judgment is entered. In the appeal, the court shall have full 34234
power to dispose of all costs. 34235

(3) If the sheriff with whom an application for a concealed 34236
handgun license was filed under this section becomes aware that 34237
the applicant has been arrested for or otherwise charged with an 34238
offense that would disqualify the applicant from holding the 34239
license, the sheriff shall suspend the processing of the 34240
application until the disposition of the case arising from the 34241
arrest or charge. 34242

(4) If the sheriff determines that the applicant is legally 34243
living in the United States and is a resident of the county in 34244
which the applicant seeks the license or of an adjacent county but 34245
does not yet meet the residency requirements described in division 34246
(D)(1)(a) of this section, the sheriff shall not deny the license 34247
because of the residency requirements but shall not issue the 34248
license until the applicant meets those residency requirements. 34249

(5) If an applicant has been convicted of or pleaded guilty 34250
to an offense identified in division (D)(1)(e), (f), or (h) of 34251
this section or has been adjudicated a delinquent child for 34252
committing an act or violation identified in any of those 34253
divisions, and if a court has ordered the sealing or expungement 34254
of the records of that conviction, guilty plea, or adjudication 34255
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 34256
2953.36, or section 2953.37 of the Revised Code or a court has 34257
granted the applicant relief pursuant to section 2923.14 of the 34258
Revised Code from the disability imposed pursuant to section 34259
2923.13 of the Revised Code relative to that conviction, guilty 34260
plea, or adjudication, the sheriff with whom the application was 34261
submitted shall not consider the conviction, guilty plea, or 34262
adjudication in making a determination under division (D)(1) or 34263

(F) of this section or, in relation to an application for a
concealed handgun license on a temporary emergency basis submitted
under section 2923.1213 of the Revised Code, in making a
determination under division (B)(2) of that section.

(E) If a concealed handgun license issued under this section
is lost or is destroyed, the licensee may obtain from the sheriff
who issued that license a duplicate license upon the payment of a
fee of fifteen dollars and the submission of an affidavit
attesting to the loss or destruction of the license. The sheriff,
in accordance with the procedures prescribed in section 109.731 of
the Revised Code, shall place on the replacement license a
combination of identifying numbers different from the combination
on the license that is being replaced.

(F)(1) A licensee who wishes to renew a concealed handgun
license issued under this section shall do so not earlier than
ninety days before the expiration date of the license or at any
time after the expiration date of the license by filing with the
sheriff of the county in which the applicant resides or with the
sheriff of an adjacent county an application for renewal of the
license obtained pursuant to division (D) of this section, a
certification by the applicant that, subsequent to the issuance of
the license, the applicant has reread the pamphlet prepared by the
Ohio peace officer training commission pursuant to section 109.731
of the Revised Code that reviews firearms, dispute resolution, and
use of deadly force matters, and a nonrefundable license renewal
fee in an amount determined pursuant to division (F)(4) of this
section unless the fee is waived.

(2) A sheriff shall accept a completed renewal application,
the license renewal fee, and the information specified in division
(F)(1) of this section at the times and in the manners described
in division (I) of this section. Upon receipt of a completed
renewal application, of certification that the applicant has

reread the specified pamphlet prepared by the Ohio peace officer 34296
training commission, and of a license renewal fee unless the fee 34297
is waived, a sheriff, in the manner specified in section 311.41 of 34298
the Revised Code shall conduct or cause to be conducted the 34299
criminal records check and the incompetency records check 34300
described in section 311.41 of the Revised Code. The sheriff shall 34301
renew the license if the sheriff determines that the applicant 34302
continues to satisfy the requirements described in division (D)(1) 34303
of this section, except that the applicant is not required to meet 34304
the requirements of division (D)(1)(1) of this section. A renewed 34305
license shall expire five years after the date of issuance. A 34306
renewed license is subject to division (E) of this section and 34307
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 34308
shall comply with divisions (D)(2) to (4) of this section when the 34309
circumstances described in those divisions apply to a requested 34310
license renewal. If a sheriff denies the renewal of a concealed 34311
handgun license, the applicant may appeal the denial, or challenge 34312
the criminal record check results that were the basis of the 34313
denial if applicable, in the same manner as specified in division 34314
(D)(2)(b) of this section and in section 2923.127 of the Revised 34315
Code, regarding the denial of a license under this section. 34316

(3) A renewal application submitted pursuant to division (F) 34317
of this section shall only require the licensee to list on the 34318
application form information and matters occurring since the date 34319
of the licensee's last application for a license pursuant to 34320
division (B) or (F) of this section. A sheriff conducting the 34321
criminal records check and the incompetency records check 34322
described in section 311.41 of the Revised Code shall conduct the 34323
check only from the date of the licensee's last application for a 34324
license pursuant to division (B) or (F) of this section through 34325
the date of the renewal application submitted pursuant to division 34326
(F) of this section. 34327

(4) An applicant for a renewal concealed handgun license 34328
under this section shall submit to the sheriff of the county in 34329
which the applicant resides or to the sheriff of any county 34330
adjacent to the county in which the applicant resides a 34331
nonrefundable license fee as described in either of the following: 34332

(a) For an applicant who has been a resident of this state 34333
for five or more years, a fee of fifty dollars; 34334

(b) For an applicant who has been a resident of this state 34335
for less than five years, a fee of fifty dollars plus the actual 34336
cost of having a background check performed by the federal bureau 34337
of investigation. 34338

(G)(1) Each course, class, or program described in division 34339
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 34340
person who takes the course, class, or program the web site 34341
address at which the pamphlet prepared by the Ohio peace officer 34342
training commission pursuant to section 109.731 of the Revised 34343
Code that reviews firearms, dispute resolution, and use of deadly 34344
force matters may be found. Each such course, class, or program 34345
described in one of those divisions shall include at least twelve 34346
hours of training in the safe handling and use of a firearm that 34347
shall include all of the following: 34348

(a) At least ten hours of training on the following matters: 34349

(i) The ability to name, explain, and demonstrate the rules 34350
for safe handling of a handgun and proper storage practices for 34351
handguns and ammunition; 34352

(ii) The ability to demonstrate and explain how to handle 34353
ammunition in a safe manner; 34354

(iii) The ability to demonstrate the knowledge, skills, and 34355
attitude necessary to shoot a handgun in a safe manner; 34356

(iv) Gun handling training. 34357

(b) At least two hours of training that consists of range 34358
time and live-fire training. 34359

(2) To satisfactorily complete the course, class, or program 34360
described in division (B)(3)(a), (b), (c), or (e) of this section, 34361
the applicant shall pass a competency examination that shall 34362
include both of the following: 34363

(a) A written section on the ability to name and explain the 34364
rules for the safe handling of a handgun and proper storage 34365
practices for handguns and ammunition; 34366

(b) A physical demonstration of competence in the use of a 34367
handgun and in the rules for safe handling and storage of a 34368
handgun and a physical demonstration of the attitude necessary to 34369
shoot a handgun in a safe manner. 34370

(3) The competency certification described in division 34371
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 34372
shall attest that the course, class, or program the applicant 34373
successfully completed met the requirements described in division 34374
(G)(1) of this section and that the applicant passed the 34375
competency examination described in division (G)(2) of this 34376
section. 34377

(H) Upon deciding to issue a concealed handgun license, 34378
deciding to issue a replacement concealed handgun license, or 34379
deciding to renew a concealed handgun license pursuant to this 34380
section, and before actually issuing or renewing the license, the 34381
sheriff shall make available through the law enforcement automated 34382
data system all information contained on the license. If the 34383
license subsequently is suspended under division (A)(1) or (2) of 34384
section 2923.128 of the Revised Code, revoked pursuant to division 34385
(B)(1) of section 2923.128 of the Revised Code, or lost or 34386
destroyed, the sheriff also shall make available through the law 34387
enforcement automated data system a notation of that fact. The 34388

superintendent of the state highway patrol shall ensure that the 34389
law enforcement automated data system is so configured as to 34390
permit the transmission through the system of the information 34391
specified in this division. 34392

(I) A sheriff shall accept a completed application form or 34393
renewal application, and the fee, items, materials, and 34394
information specified in divisions (B)(1) to (5) or division (F) 34395
of this section, whichever is applicable, and shall provide an 34396
application form or renewal application to any person during at 34397
least fifteen hours a week and shall provide the web site address 34398
at which the pamphlet described in division (B) of section 109.731 34399
of the Revised Code may be found at any time, upon request. The 34400
sheriff shall post notice of the hours during which the sheriff is 34401
available to accept or provide the information described in this 34402
division. 34403

Sec. 2923.126. (A) A concealed handgun license that is issued 34404
under section 2923.125 of the Revised Code shall expire five years 34405
after the date of issuance. A licensee who has been issued a 34406
license under that section shall be granted a grace period of 34407
thirty days after the licensee's license expires during which the 34408
licensee's license remains valid. Except as provided in divisions 34409
(B) and (C) of this section, a licensee who has been issued a 34410
concealed handgun license under section 2923.125 or 2923.1213 of 34411
the Revised Code may carry a concealed handgun anywhere in this 34412
state if the licensee also carries a valid license and valid 34413
identification when the licensee is in actual possession of a 34414
concealed handgun. The licensee shall give notice of any change in 34415
the licensee's residence address to the sheriff who issued the 34416
license within forty-five days after that change. 34417

If a licensee is the driver or an occupant of a motor vehicle 34418
that is stopped as the result of a traffic stop or a stop for 34419

another law enforcement purpose and if the licensee is 34420
transporting or has a loaded handgun in the motor vehicle at that 34421
time, the licensee shall promptly inform any law enforcement 34422
officer who approaches the vehicle while stopped that the licensee 34423
has been issued a concealed handgun license and that the licensee 34424
currently possesses or has a loaded handgun; the licensee shall 34425
not knowingly disregard or fail to comply with lawful orders of a 34426
law enforcement officer given while the motor vehicle is stopped, 34427
knowingly fail to remain in the motor vehicle while stopped, or 34428
knowingly fail to keep the licensee's hands in plain sight after 34429
any law enforcement officer begins approaching the licensee while 34430
stopped and before the officer leaves, unless directed otherwise 34431
by a law enforcement officer; and the licensee shall not knowingly 34432
have contact with the loaded handgun by touching it with the 34433
licensee's hands or fingers, in any manner in violation of 34434
division (E) of section 2923.16 of the Revised Code, after any law 34435
enforcement officer begins approaching the licensee while stopped 34436
and before the officer leaves. Additionally, if a licensee is the 34437
driver or an occupant of a commercial motor vehicle that is 34438
stopped by an employee of the motor carrier enforcement unit for 34439
the purposes defined in section 5503.04 of the Revised Code and if 34440
the licensee is transporting or has a loaded handgun in the 34441
commercial motor vehicle at that time, the licensee shall promptly 34442
inform the employee of the unit who approaches the vehicle while 34443
stopped that the licensee has been issued a concealed handgun 34444
license and that the licensee currently possesses or has a loaded 34445
handgun. 34446

If a licensee is stopped for a law enforcement purpose and if 34447
the licensee is carrying a concealed handgun at the time the 34448
officer approaches, the licensee shall promptly inform any law 34449
enforcement officer who approaches the licensee while stopped that 34450
the licensee has been issued a concealed handgun license and that 34451
the licensee currently is carrying a concealed handgun; the 34452

licensee shall not knowingly disregard or fail to comply with 34453
lawful orders of a law enforcement officer given while the 34454
licensee is stopped or knowingly fail to keep the licensee's hands 34455
in plain sight after any law enforcement officer begins 34456
approaching the licensee while stopped and before the officer 34457
leaves, unless directed otherwise by a law enforcement officer; 34458
and the licensee shall not knowingly remove, attempt to remove, 34459
grasp, or hold the loaded handgun or knowingly have contact with 34460
the loaded handgun by touching it with the licensee's hands or 34461
fingers, in any manner in violation of division (B) of section 34462
2923.12 of the Revised Code, after any law enforcement officer 34463
begins approaching the licensee while stopped and before the 34464
officer leaves. 34465

(B) A valid concealed handgun license does not authorize the 34466
licensee to carry a concealed handgun in any manner prohibited 34467
under division (B) of section 2923.12 of the Revised Code or in 34468
any manner prohibited under section 2923.16 of the Revised Code. A 34469
valid license does not authorize the licensee to carry a concealed 34470
handgun into any of the following places: 34471

(1) A police station, sheriff's office, or state highway 34472
patrol station, premises controlled by the bureau of criminal 34473
identification and investigation, a state correctional 34474
institution, jail, workhouse, or other detention facility, an 34475
airport passenger terminal, or an institution that is maintained, 34476
operated, managed, and governed pursuant to division (A) of 34477
section ~~5119.02~~ 5119.14 of the Revised Code or division (A)(1) of 34478
section 5123.03 of the Revised Code; 34479

(2) A school safety zone if the licensee's carrying the 34480
concealed handgun is in violation of section 2923.122 of the 34481
Revised Code; 34482

(3) A courthouse or another building or structure in which a 34483
courtroom is located, in violation of section 2923.123 of the 34484

Revised Code;	34485
(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code;	34486 34487 34488 34489
(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle;	34490 34491 34492 34493 34494
(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;	34495 34496 34497
(7) A child day-care center, a type A family day-care home, a type B family day-care home, or a type C family day-care home, except that this division does not prohibit a licensee who resides in a type A family day-care home, a type B family day-care home, or a type C family day-care home from carrying a concealed handgun at any time in any part of the home that is not dedicated or used for day-care purposes, or from carrying a concealed handgun in a part of the home that is dedicated or used for day-care purposes at any time during which no children, other than children of that licensee, are in the home;	34498 34499 34500 34501 34502 34503 34504 34505 34506 34507
(8) An aircraft that is in, or intended for operation in, foreign air transportation, interstate air transportation, intrastate air transportation, or the transportation of mail by aircraft;	34508 34509 34510 34511
(9) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a	34512 34513 34514 34515

courthouse or other building or structure in which a courtroom is 34516
located that is subject to division (B)(3) of this section; 34517

(10) A place in which federal law prohibits the carrying of 34518
handguns. 34519

(C)(1) Nothing in this section shall negate or restrict a 34520
rule, policy, or practice of a private employer that is not a 34521
private college, university, or other institution of higher 34522
education concerning or prohibiting the presence of firearms on 34523
the private employer's premises or property, including motor 34524
vehicles owned by the private employer. Nothing in this section 34525
shall require a private employer of that nature to adopt a rule, 34526
policy, or practice concerning or prohibiting the presence of 34527
firearms on the private employer's premises or property, including 34528
motor vehicles owned by the private employer. 34529

(2)(a) A private employer shall be immune from liability in a 34530
civil action for any injury, death, or loss to person or property 34531
that allegedly was caused by or related to a licensee bringing a 34532
handgun onto the premises or property of the private employer, 34533
including motor vehicles owned by the private employer, unless the 34534
private employer acted with malicious purpose. A private employer 34535
is immune from liability in a civil action for any injury, death, 34536
or loss to person or property that allegedly was caused by or 34537
related to the private employer's decision to permit a licensee to 34538
bring, or prohibit a licensee from bringing, a handgun onto the 34539
premises or property of the private employer. As used in this 34540
division, "private employer" includes a private college, 34541
university, or other institution of higher education. 34542

(b) A political subdivision shall be immune from liability in 34543
a civil action, to the extent and in the manner provided in 34544
Chapter 2744. of the Revised Code, for any injury, death, or loss 34545
to person or property that allegedly was caused by or related to a 34546
licensee bringing a handgun onto any premises or property owned, 34547

leased, or otherwise under the control of the political 34548
subdivision. As used in this division, "political subdivision" has 34549
the same meaning as in section 2744.01 of the Revised Code. 34550

(3)(a) Except as provided in division (C)(3)(b) of this 34551
section, the owner or person in control of private land or 34552
premises, and a private person or entity leasing land or premises 34553
owned by the state, the United States, or a political subdivision 34554
of the state or the United States, may post a sign in a 34555
conspicuous location on that land or on those premises prohibiting 34556
persons from carrying firearms or concealed firearms on or onto 34557
that land or those premises. Except as otherwise provided in this 34558
division, a person who knowingly violates a posted prohibition of 34559
that nature is guilty of criminal trespass in violation of 34560
division (A)(4) of section 2911.21 of the Revised Code and is 34561
guilty of a misdemeanor of the fourth degree. If a person 34562
knowingly violates a posted prohibition of that nature and the 34563
posted land or premises primarily was a parking lot or other 34564
parking facility, the person is not guilty of criminal trespass in 34565
violation of division (A)(4) of section 2911.21 of the Revised 34566
Code and instead is subject only to a civil cause of action for 34567
trespass based on the violation. 34568

(b) A landlord may not prohibit or restrict a tenant who is a 34569
licensee and who on or after September 9, 2008, enters into a 34570
rental agreement with the landlord for the use of residential 34571
premises, and the tenant's guest while the tenant is present, from 34572
lawfully carrying or possessing a handgun on those residential 34573
premises. 34574

(c) As used in division (C)(3) of this section: 34575

(i) "Residential premises" has the same meaning as in section 34576
5321.01 of the Revised Code, except "residential premises" does 34577
not include a dwelling unit that is owned or operated by a college 34578
or university. 34579

(ii) "Landlord," "tenant," and "rental agreement" have the same meanings as in section 5321.01 of the Revised Code.

(D) A person who holds a concealed handgun license issued by another state that is recognized by the attorney general pursuant to a reciprocity agreement entered into pursuant to section 109.69 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who carries a license issued under that section.

(E) A peace officer has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code. For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this state.

(F)(1) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who carries a license issued under that section. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section shall be considered to be a licensee in this state.

(2)(a) Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card

to any person who retired from service as a peace officer with 34612
that agency, if the issuance is in accordance with the agency's 34613
policies and procedures and if the person, with respect to the 34614
person's service with that agency, satisfies all of the following: 34615

(i) The person retired in good standing from service as a 34616
peace officer with the public agency, and the retirement was not 34617
for reasons of mental instability. 34618

(ii) Before retiring from service as a peace officer with 34619
that agency, the person was authorized to engage in or supervise 34620
the prevention, detection, investigation, or prosecution of, or 34621
the incarceration of any person for, any violation of law and the 34622
person had statutory powers of arrest. 34623

(iii) At the time of the person's retirement as a peace 34624
officer with that agency, the person was trained and qualified to 34625
carry firearms in the performance of the peace officer's duties. 34626

(iv) Before retiring from service as a peace officer with 34627
that agency, the person was regularly employed as a peace officer 34628
for an aggregate of fifteen years or more, or, in the alternative, 34629
the person retired from service as a peace officer with that 34630
agency, after completing any applicable probationary period of 34631
that service, due to a service-connected disability, as determined 34632
by the agency. 34633

(b) A retired peace officer identification card issued to a 34634
person under division (F)(2)(a) of this section shall identify the 34635
person by name, contain a photograph of the person, identify the 34636
public agency of this state or of the political subdivision of 34637
this state from which the person retired as a peace officer and 34638
that is issuing the identification card, and specify that the 34639
person retired in good standing from service as a peace officer 34640
with the issuing public agency and satisfies the criteria set 34641
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 34642

addition to the required content specified in this division, a 34643
retired peace officer identification card issued to a person under 34644
division (F)(2)(a) of this section may include the firearms 34645
requalification certification described in division (F)(3) of this 34646
section, and if the identification card includes that 34647
certification, the identification card shall serve as the firearms 34648
requalification certification for the retired peace officer. If 34649
the issuing public agency issues credentials to active law 34650
enforcement officers who serve the agency, the agency may comply 34651
with division (F)(2)(a) of this section by issuing the same 34652
credentials to persons who retired from service as a peace officer 34653
with the agency and who satisfy the criteria set forth in 34654
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 34655
credentials so issued to retired peace officers are stamped with 34656
the word "RETIRED." 34657

(c) A public agency of this state or of a political 34658
subdivision of this state may charge persons who retired from 34659
service as a peace officer with the agency a reasonable fee for 34660
issuing to the person a retired peace officer identification card 34661
pursuant to division (F)(2)(a) of this section. 34662

(3) If a person retired from service as a peace officer with 34663
a public agency of this state or of a political subdivision of 34664
this state and the person satisfies the criteria set forth in 34665
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 34666
may provide the retired peace officer with the opportunity to 34667
attend a firearms requalification program that is approved for 34668
purposes of firearms requalification required under section 34669
109.801 of the Revised Code. The retired peace officer may be 34670
required to pay the cost of the course. 34671

If a retired peace officer who satisfies the criteria set 34672
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 34673
firearms requalification program that is approved for purposes of 34674

firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F)(2) of this section.

A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code may be required to pay the cost of the program.

(G) As used in this section:

(1) "Qualified retired peace officer" means a person who satisfies all of the following:

(a) The person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section.

(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) The person is not prohibited by federal law from receiving firearms. 34706
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(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer. 34708
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(3) "Government facility of this state or a political subdivision of this state" means any of the following: 34711
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(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision; 34713
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(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions. 34719
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Sec. 2925.03. (A) No person shall knowingly do any of the following: 34722
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(1) Sell or offer to sell a controlled substance or a controlled substance analog; 34724
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(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person. 34726
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(B) This section does not apply to any of the following: 34732

(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 34733
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4723., 4729., 4730., 4731., and 4741. of the Revised Code; 34736

(2) If the offense involves an anabolic steroid, any person 34737
who is conducting or participating in a research project involving 34738
the use of an anabolic steroid if the project has been approved by 34739
the United States food and drug administration; 34740

(3) Any person who sells, offers for sale, prescribes, 34741
dispenses, or administers for livestock or other nonhuman species 34742
an anabolic steroid that is expressly intended for administration 34743
through implants to livestock or other nonhuman species and 34744
approved for that purpose under the "Federal Food, Drug, and 34745
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 34746
and is sold, offered for sale, prescribed, dispensed, or 34747
administered for that purpose in accordance with that act. 34748

(C) Whoever violates division (A) of this section is guilty 34749
of one of the following: 34750

(1) If the drug involved in the violation is any compound, 34751
mixture, preparation, or substance included in schedule I or 34752
schedule II, with the exception of marihuana, cocaine, L.S.D., 34753
heroin, hashish, and controlled substance analogs, whoever 34754
violates division (A) of this section is guilty of aggravated 34755
trafficking in drugs. The penalty for the offense shall be 34756
determined as follows: 34757

(a) Except as otherwise provided in division (C)(1)(b), (c), 34758
(d), (e), or (f) of this section, aggravated trafficking in drugs 34759
is a felony of the fourth degree, and division (C) of section 34760
2929.13 of the Revised Code applies in determining whether to 34761
impose a prison term on the offender. 34762

(b) Except as otherwise provided in division (C)(1)(c), (d), 34763
(e), or (f) of this section, if the offense was committed in the 34764
vicinity of a school or in the vicinity of a juvenile, aggravated 34765
trafficking in drugs is a felony of the third degree, and division 34766

(C) of section 2929.13 of the Revised Code applies in determining 34767
whether to impose a prison term on the offender. 34768

(c) Except as otherwise provided in this division, if the 34769
amount of the drug involved equals or exceeds the bulk amount but 34770
is less than five times the bulk amount, aggravated trafficking in 34771
drugs is a felony of the third degree, and, except as otherwise 34772
provided in this division, there is a presumption for a prison 34773
term for the offense. If aggravated trafficking in drugs is a 34774
felony of the third degree under this division and if the offender 34775
two or more times previously has been convicted of or pleaded 34776
guilty to a felony drug abuse offense, the court shall impose as a 34777
mandatory prison term one of the prison terms prescribed for a 34778
felony of the third degree. If the amount of the drug involved is 34779
within that range and if the offense was committed in the vicinity 34780
of a school or in the vicinity of a juvenile, aggravated 34781
trafficking in drugs is a felony of the second degree, and the 34782
court shall impose as a mandatory prison term one of the prison 34783
terms prescribed for a felony of the second degree. 34784

(d) Except as otherwise provided in this division, if the 34785
amount of the drug involved equals or exceeds five times the bulk 34786
amount but is less than fifty times the bulk amount, aggravated 34787
trafficking in drugs is a felony of the second degree, and the 34788
court shall impose as a mandatory prison term one of the prison 34789
terms prescribed for a felony of the second degree. If the amount 34790
of the drug involved is within that range and if the offense was 34791
committed in the vicinity of a school or in the vicinity of a 34792
juvenile, aggravated trafficking in drugs is a felony of the first 34793
degree, and the court shall impose as a mandatory prison term one 34794
of the prison terms prescribed for a felony of the first degree. 34795

(e) If the amount of the drug involved equals or exceeds 34796
fifty times the bulk amount but is less than one hundred times the 34797
bulk amount and regardless of whether the offense was committed in 34798

the vicinity of a school or in the vicinity of a juvenile, 34799
aggravated trafficking in drugs is a felony of the first degree, 34800
and the court shall impose as a mandatory prison term one of the 34801
prison terms prescribed for a felony of the first degree. 34802

(f) If the amount of the drug involved equals or exceeds one 34803
hundred times the bulk amount and regardless of whether the 34804
offense was committed in the vicinity of a school or in the 34805
vicinity of a juvenile, aggravated trafficking in drugs is a 34806
felony of the first degree, the offender is a major drug offender, 34807
and the court shall impose as a mandatory prison term the maximum 34808
prison term prescribed for a felony of the first degree. 34809

(2) If the drug involved in the violation is any compound, 34810
mixture, preparation, or substance included in schedule III, IV, 34811
or V, whoever violates division (A) of this section is guilty of 34812
trafficking in drugs. The penalty for the offense shall be 34813
determined as follows: 34814

(a) Except as otherwise provided in division (C)(2)(b), (c), 34815
(d), or (e) of this section, trafficking in drugs is a felony of 34816
the fifth degree, and division (B) of section 2929.13 of the 34817
Revised Code applies in determining whether to impose a prison 34818
term on the offender. 34819

(b) Except as otherwise provided in division (C)(2)(c), (d), 34820
or (e) of this section, if the offense was committed in the 34821
vicinity of a school or in the vicinity of a juvenile, trafficking 34822
in drugs is a felony of the fourth degree, and division (C) of 34823
section 2929.13 of the Revised Code applies in determining whether 34824
to impose a prison term on the offender. 34825

(c) Except as otherwise provided in this division, if the 34826
amount of the drug involved equals or exceeds the bulk amount but 34827
is less than five times the bulk amount, trafficking in drugs is a 34828
felony of the fourth degree, and division (B) of section 2929.13 34829

of the Revised Code applies in determining whether to impose a 34830
prison term for the offense. If the amount of the drug involved is 34831
within that range and if the offense was committed in the vicinity 34832
of a school or in the vicinity of a juvenile, trafficking in drugs 34833
is a felony of the third degree, and there is a presumption for a 34834
prison term for the offense. 34835

(d) Except as otherwise provided in this division, if the 34836
amount of the drug involved equals or exceeds five times the bulk 34837
amount but is less than fifty times the bulk amount, trafficking 34838
in drugs is a felony of the third degree, and there is a 34839
presumption for a prison term for the offense. If the amount of 34840
the drug involved is within that range and if the offense was 34841
committed in the vicinity of a school or in the vicinity of a 34842
juvenile, trafficking in drugs is a felony of the second degree, 34843
and there is a presumption for a prison term for the offense. 34844

(e) Except as otherwise provided in this division, if the 34845
amount of the drug involved equals or exceeds fifty times the bulk 34846
amount, trafficking in drugs is a felony of the second degree, and 34847
the court shall impose as a mandatory prison term one of the 34848
prison terms prescribed for a felony of the second degree. If the 34849
amount of the drug involved equals or exceeds fifty times the bulk 34850
amount and if the offense was committed in the vicinity of a 34851
school or in the vicinity of a juvenile, trafficking in drugs is a 34852
felony of the first degree, and the court shall impose as a 34853
mandatory prison term one of the prison terms prescribed for a 34854
felony of the first degree. 34855

(3) If the drug involved in the violation is marihuana or a 34856
compound, mixture, preparation, or substance containing marihuana 34857
other than hashish, whoever violates division (A) of this section 34858
is guilty of trafficking in marihuana. The penalty for the offense 34859
shall be determined as follows: 34860

(a) Except as otherwise provided in division (C)(3)(b), (c), 34861

(d), (e), (f), (g), or (h) of this section, trafficking in 34862
marihuana is a felony of the fifth degree, and division (B) of 34863
section 2929.13 of the Revised Code applies in determining whether 34864
to impose a prison term on the offender. 34865

(b) Except as otherwise provided in division (C)(3)(c), (d), 34866
(e), (f), (g), or (h) of this section, if the offense was 34867
committed in the vicinity of a school or in the vicinity of a 34868
juvenile, trafficking in marihuana is a felony of the fourth 34869
degree, and division (B) of section 2929.13 of the Revised Code 34870
applies in determining whether to impose a prison term on the 34871
offender. 34872

(c) Except as otherwise provided in this division, if the 34873
amount of the drug involved equals or exceeds two hundred grams 34874
but is less than one thousand grams, trafficking in marihuana is a 34875
felony of the fourth degree, and division (B) of section 2929.13 34876
of the Revised Code applies in determining whether to impose a 34877
prison term on the offender. If the amount of the drug involved is 34878
within that range and if the offense was committed in the vicinity 34879
of a school or in the vicinity of a juvenile, trafficking in 34880
marihuana is a felony of the third degree, and division (C) of 34881
section 2929.13 of the Revised Code applies in determining whether 34882
to impose a prison term on the offender. 34883

(d) Except as otherwise provided in this division, if the 34884
amount of the drug involved equals or exceeds one thousand grams 34885
but is less than five thousand grams, trafficking in marihuana is 34886
a felony of the third degree, and division (C) of section 2929.13 34887
of the Revised Code applies in determining whether to impose a 34888
prison term on the offender. If the amount of the drug involved is 34889
within that range and if the offense was committed in the vicinity 34890
of a school or in the vicinity of a juvenile, trafficking in 34891
marihuana is a felony of the second degree, and there is a 34892
presumption that a prison term shall be imposed for the offense. 34893

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds forty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(h) Except as otherwise provided in this division, if the offense involves a gift of twenty grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of twenty grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(4) If the drug involved in the violation is cocaine or a compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of trafficking in cocaine. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(4)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is

a felony of the third degree, and there is a presumption for a 34958
prison term for the offense. 34959

(d) Except as otherwise provided in this division, if the 34960
amount of the drug involved equals or exceeds ten grams but is 34961
less than twenty grams of cocaine, trafficking in cocaine is a 34962
felony of the third degree, and, except as otherwise provided in 34963
this division, there is a presumption for a prison term for the 34964
offense. If trafficking in cocaine is a felony of the third degree 34965
under this division and if the offender two or more times 34966
previously has been convicted of or pleaded guilty to a felony 34967
drug abuse offense, the court shall impose as a mandatory prison 34968
term one of the prison terms prescribed for a felony of the third 34969
degree. If the amount of the drug involved is within that range 34970
and if the offense was committed in the vicinity of a school or in 34971
the vicinity of a juvenile, trafficking in cocaine is a felony of 34972
the second degree, and the court shall impose as a mandatory 34973
prison term one of the prison terms prescribed for a felony of the 34974
second degree. 34975

(e) Except as otherwise provided in this division, if the 34976
amount of the drug involved equals or exceeds twenty grams but is 34977
less than twenty-seven grams of cocaine, trafficking in cocaine is 34978
a felony of the second degree, and the court shall impose as a 34979
mandatory prison term one of the prison terms prescribed for a 34980
felony of the second degree. If the amount of the drug involved is 34981
within that range and if the offense was committed in the vicinity 34982
of a school or in the vicinity of a juvenile, trafficking in 34983
cocaine is a felony of the first degree, and the court shall 34984
impose as a mandatory prison term one of the prison terms 34985
prescribed for a felony of the first degree. 34986

(f) If the amount of the drug involved equals or exceeds 34987
twenty-seven grams but is less than one hundred grams of cocaine 34988
and regardless of whether the offense was committed in the 34989

vicinity of a school or in the vicinity of a juvenile, trafficking 34990
in cocaine is a felony of the first degree, and the court shall 34991
impose as a mandatory prison term one of the prison terms 34992
prescribed for a felony of the first degree. 34993

(g) If the amount of the drug involved equals or exceeds one 34994
hundred grams of cocaine and regardless of whether the offense was 34995
committed in the vicinity of a school or in the vicinity of a 34996
juvenile, trafficking in cocaine is a felony of the first degree, 34997
the offender is a major drug offender, and the court shall impose 34998
as a mandatory prison term the maximum prison term prescribed for 34999
a felony of the first degree. 35000

(5) If the drug involved in the violation is L.S.D. or a 35001
compound, mixture, preparation, or substance containing L.S.D., 35002
whoever violates division (A) of this section is guilty of 35003
trafficking in L.S.D. The penalty for the offense shall be 35004
determined as follows: 35005

(a) Except as otherwise provided in division (C)(5)(b), (c), 35006
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 35007
felony of the fifth degree, and division (B) of section 2929.13 of 35008
the Revised Code applies in determining whether to impose a prison 35009
term on the offender. 35010

(b) Except as otherwise provided in division (C)(5)(c), (d), 35011
(e), (f), or (g) of this section, if the offense was committed in 35012
the vicinity of a school or in the vicinity of a juvenile, 35013
trafficking in L.S.D. is a felony of the fourth degree, and 35014
division (C) of section 2929.13 of the Revised Code applies in 35015
determining whether to impose a prison term on the offender. 35016

(c) Except as otherwise provided in this division, if the 35017
amount of the drug involved equals or exceeds ten unit doses but 35018
is less than fifty unit doses of L.S.D. in a solid form or equals 35019
or exceeds one gram but is less than five grams of L.S.D. in a 35020

liquid concentrate, liquid extract, or liquid distillate form, 35021
trafficking in L.S.D. is a felony of the fourth degree, and 35022
division (B) of section 2929.13 of the Revised Code applies in 35023
determining whether to impose a prison term for the offense. If 35024
the amount of the drug involved is within that range and if the 35025
offense was committed in the vicinity of a school or in the 35026
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 35027
third degree, and there is a presumption for a prison term for the 35028
offense. 35029

(d) Except as otherwise provided in this division, if the 35030
amount of the drug involved equals or exceeds fifty unit doses but 35031
is less than two hundred fifty unit doses of L.S.D. in a solid 35032
form or equals or exceeds five grams but is less than twenty-five 35033
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 35034
distillate form, trafficking in L.S.D. is a felony of the third 35035
degree, and, except as otherwise provided in this division, there 35036
is a presumption for a prison term for the offense. If trafficking 35037
in L.S.D. is a felony of the third degree under this division and 35038
if the offender two or more times previously has been convicted of 35039
or pleaded guilty to a felony drug abuse offense, the court shall 35040
impose as a mandatory prison term one of the prison terms 35041
prescribed for a felony of the third degree. If the amount of the 35042
drug involved is within that range and if the offense was 35043
committed in the vicinity of a school or in the vicinity of a 35044
juvenile, trafficking in L.S.D. is a felony of the second degree, 35045
and the court shall impose as a mandatory prison term one of the 35046
prison terms prescribed for a felony of the second degree. 35047

(e) Except as otherwise provided in this division, if the 35048
amount of the drug involved equals or exceeds two hundred fifty 35049
unit doses but is less than one thousand unit doses of L.S.D. in a 35050
solid form or equals or exceeds twenty-five grams but is less than 35051
one hundred grams of L.S.D. in a liquid concentrate, liquid 35052

extract, or liquid distillate form, trafficking in L.S.D. is a 35053
felony of the second degree, and the court shall impose as a 35054
mandatory prison term one of the prison terms prescribed for a 35055
felony of the second degree. If the amount of the drug involved is 35056
within that range and if the offense was committed in the vicinity 35057
of a school or in the vicinity of a juvenile, trafficking in 35058
L.S.D. is a felony of the first degree, and the court shall impose 35059
as a mandatory prison term one of the prison terms prescribed for 35060
a felony of the first degree. 35061

(f) If the amount of the drug involved equals or exceeds one 35062
thousand unit doses but is less than five thousand unit doses of 35063
L.S.D. in a solid form or equals or exceeds one hundred grams but 35064
is less than five hundred grams of L.S.D. in a liquid concentrate, 35065
liquid extract, or liquid distillate form and regardless of 35066
whether the offense was committed in the vicinity of a school or 35067
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 35068
of the first degree, and the court shall impose as a mandatory 35069
prison term one of the prison terms prescribed for a felony of the 35070
first degree. 35071

(g) If the amount of the drug involved equals or exceeds five 35072
thousand unit doses of L.S.D. in a solid form or equals or exceeds 35073
five hundred grams of L.S.D. in a liquid concentrate, liquid 35074
extract, or liquid distillate form and regardless of whether the 35075
offense was committed in the vicinity of a school or in the 35076
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 35077
first degree, the offender is a major drug offender, and the court 35078
shall impose as a mandatory prison term the maximum prison term 35079
prescribed for a felony of the first degree. 35080

(6) If the drug involved in the violation is heroin or a 35081
compound, mixture, preparation, or substance containing heroin, 35082
whoever violates division (A) of this section is guilty of 35083
trafficking in heroin. The penalty for the offense shall be 35084

determined as follows: 35085

(a) Except as otherwise provided in division (C)(6)(b), (c), 35086
(d), (e), (f), or (g) of this section, trafficking in heroin is a 35087
felony of the fifth degree, and division (B) of section 2929.13 of 35088
the Revised Code applies in determining whether to impose a prison 35089
term on the offender. 35090

(b) Except as otherwise provided in division (C)(6)(c), (d), 35091
(e), (f), or (g) of this section, if the offense was committed in 35092
the vicinity of a school or in the vicinity of a juvenile, 35093
trafficking in heroin is a felony of the fourth degree, and 35094
division (C) of section 2929.13 of the Revised Code applies in 35095
determining whether to impose a prison term on the offender. 35096

(c) Except as otherwise provided in this division, if the 35097
amount of the drug involved equals or exceeds ten unit doses but 35098
is less than fifty unit doses or equals or exceeds one gram but is 35099
less than five grams, trafficking in heroin is a felony of the 35100
fourth degree, and division (B) of section 2929.13 of the Revised 35101
Code applies in determining whether to impose a prison term for 35102
the offense. If the amount of the drug involved is within that 35103
range and if the offense was committed in the vicinity of a school 35104
or in the vicinity of a juvenile, trafficking in heroin is a 35105
felony of the third degree, and there is a presumption for a 35106
prison term for the offense. 35107

(d) Except as otherwise provided in this division, if the 35108
amount of the drug involved equals or exceeds fifty unit doses but 35109
is less than one hundred unit doses or equals or exceeds five 35110
grams but is less than ten grams, trafficking in heroin is a 35111
felony of the third degree, and there is a presumption for a 35112
prison term for the offense. If the amount of the drug involved is 35113
within that range and if the offense was committed in the vicinity 35114
of a school or in the vicinity of a juvenile, trafficking in 35115
heroin is a felony of the second degree, and there is a 35116

presumption for a prison term for the offense. 35117

(e) Except as otherwise provided in this division, if the 35118
amount of the drug involved equals or exceeds one hundred unit 35119
doses but is less than five hundred unit doses or equals or 35120
exceeds ten grams but is less than fifty grams, trafficking in 35121
heroin is a felony of the second degree, and the court shall 35122
impose as a mandatory prison term one of the prison terms 35123
prescribed for a felony of the second degree. If the amount of the 35124
drug involved is within that range and if the offense was 35125
committed in the vicinity of a school or in the vicinity of a 35126
juvenile, trafficking in heroin is a felony of the first degree, 35127
and the court shall impose as a mandatory prison term one of the 35128
prison terms prescribed for a felony of the first degree. 35129

(f) If the amount of the drug involved equals or exceeds five 35130
hundred unit doses but is less than two thousand five hundred unit 35131
doses or equals or exceeds fifty grams but is less than two 35132
hundred fifty grams and regardless of whether the offense was 35133
committed in the vicinity of a school or in the vicinity of a 35134
juvenile, trafficking in heroin is a felony of the first degree, 35135
and the court shall impose as a mandatory prison term one of the 35136
prison terms prescribed for a felony of the first degree. 35137

(g) If the amount of the drug involved equals or exceeds two 35138
thousand five hundred unit doses or equals or exceeds two hundred 35139
fifty grams and regardless of whether the offense was committed in 35140
the vicinity of a school or in the vicinity of a juvenile, 35141
trafficking in heroin is a felony of the first degree, the 35142
offender is a major drug offender, and the court shall impose as a 35143
mandatory prison term the maximum prison term prescribed for a 35144
felony of the first degree. 35145

(7) If the drug involved in the violation is hashish or a 35146
compound, mixture, preparation, or substance containing hashish, 35147
whoever violates division (A) of this section is guilty of 35148

trafficking in hashish. The penalty for the offense shall be 35149
determined as follows: 35150

(a) Except as otherwise provided in division (C)(7)(b), (c), 35151
(d), (e), (f), or (g) of this section, trafficking in hashish is a 35152
felony of the fifth degree, and division (B) of section 2929.13 of 35153
the Revised Code applies in determining whether to impose a prison 35154
term on the offender. 35155

(b) Except as otherwise provided in division (C)(7)(c), (d), 35156
(e), (f), or (g) of this section, if the offense was committed in 35157
the vicinity of a school or in the vicinity of a juvenile, 35158
trafficking in hashish is a felony of the fourth degree, and 35159
division (B) of section 2929.13 of the Revised Code applies in 35160
determining whether to impose a prison term on the offender. 35161

(c) Except as otherwise provided in this division, if the 35162
amount of the drug involved equals or exceeds ten grams but is 35163
less than fifty grams of hashish in a solid form or equals or 35164
exceeds two grams but is less than ten grams of hashish in a 35165
liquid concentrate, liquid extract, or liquid distillate form, 35166
trafficking in hashish is a felony of the fourth degree, and 35167
division (B) of section 2929.13 of the Revised Code applies in 35168
determining whether to impose a prison term on the offender. If 35169
the amount of the drug involved is within that range and if the 35170
offense was committed in the vicinity of a school or in the 35171
vicinity of a juvenile, trafficking in hashish is a felony of the 35172
third degree, and division (C) of section 2929.13 of the Revised 35173
Code applies in determining whether to impose a prison term on the 35174
offender. 35175

(d) Except as otherwise provided in this division, if the 35176
amount of the drug involved equals or exceeds fifty grams but is 35177
less than two hundred fifty grams of hashish in a solid form or 35178
equals or exceeds ten grams but is less than fifty grams of 35179
hashish in a liquid concentrate, liquid extract, or liquid 35180

distillate form, trafficking in hashish is a felony of the third 35181
degree, and division (C) of section 2929.13 of the Revised Code 35182
applies in determining whether to impose a prison term on the 35183
offender. If the amount of the drug involved is within that range 35184
and if the offense was committed in the vicinity of a school or in 35185
the vicinity of a juvenile, trafficking in hashish is a felony of 35186
the second degree, and there is a presumption that a prison term 35187
shall be imposed for the offense. 35188

(e) Except as otherwise provided in this division, if the 35189
amount of the drug involved equals or exceeds two hundred fifty 35190
grams but is less than one thousand grams of hashish in a solid 35191
form or equals or exceeds fifty grams but is less than two hundred 35192
grams of hashish in a liquid concentrate, liquid extract, or 35193
liquid distillate form, trafficking in hashish is a felony of the 35194
third degree, and there is a presumption that a prison term shall 35195
be imposed for the offense. If the amount of the drug involved is 35196
within that range and if the offense was committed in the vicinity 35197
of a school or in the vicinity of a juvenile, trafficking in 35198
hashish is a felony of the second degree, and there is a 35199
presumption that a prison term shall be imposed for the offense. 35200

(f) Except as otherwise provided in this division, if the 35201
amount of the drug involved equals or exceeds one thousand grams 35202
but is less than two thousand grams of hashish in a solid form or 35203
equals or exceeds two hundred grams but is less than four hundred 35204
grams of hashish in a liquid concentrate, liquid extract, or 35205
liquid distillate form, trafficking in hashish is a felony of the 35206
second degree, and the court shall impose a mandatory prison term 35207
of five, six, seven, or eight years. If the amount of the drug 35208
involved is within that range and if the offense was committed in 35209
the vicinity of a school or in the vicinity of a juvenile, 35210
trafficking in hashish is a felony of the first degree, and the 35211
court shall impose as a mandatory prison term the maximum prison 35212

term prescribed for a felony of the first degree. 35213

(g) Except as otherwise provided in this division, if the 35214
amount of the drug involved equals or exceeds two thousand grams 35215
of hashish in a solid form or equals or exceeds four hundred grams 35216
of hashish in a liquid concentrate, liquid extract, or liquid 35217
distillate form, trafficking in hashish is a felony of the second 35218
degree, and the court shall impose as a mandatory prison term the 35219
maximum prison term prescribed for a felony of the second degree. 35220
If the amount of the drug involved equals or exceeds two thousand 35221
grams of hashish in a solid form or equals or exceeds four hundred 35222
grams of hashish in a liquid concentrate, liquid extract, or 35223
liquid distillate form and if the offense was committed in the 35224
vicinity of a school or in the vicinity of a juvenile, trafficking 35225
in hashish is a felony of the first degree, and the court shall 35226
impose as a mandatory prison term the maximum prison term 35227
prescribed for a felony of the first degree. 35228

(8) If the drug involved in the violation is a controlled 35229
substance analog or compound, mixture, preparation, or substance 35230
that contains a controlled substance analog, whoever violates 35231
division (A) of this section is guilty of trafficking in a 35232
controlled substance analog. The penalty for the offense shall be 35233
determined as follows: 35234

(a) Except as otherwise provided in division (C)(8)(b), (c), 35235
(d), (e), (f), or (g) of this section, trafficking in a controlled 35236
substance analog is a felony of the fifth degree, and division (C) 35237
of section 2929.13 of the Revised Code applies in determining 35238
whether to impose a prison term on the offender. 35239

(b) Except as otherwise provided in division (C)(8)(c), (d), 35240
(e), (f), or (g) of this section, if the offense was committed in 35241
the vicinity of a school or in the vicinity of a juvenile, 35242
trafficking in a controlled substance analog is a felony of the 35243
fourth degree, and division (C) of section 2929.13 of the Revised 35244

Code applies in determining whether to impose a prison term on the 35245
offender. 35246

(c) Except as otherwise provided in this division, if the 35247
amount of the drug involved equals or exceeds ten grams but is 35248
less than twenty grams, trafficking in a controlled substance 35249
analog is a felony of the fourth degree, and division (B) of 35250
section 2929.13 of the Revised Code applies in determining whether 35251
to impose a prison term for the offense. If the amount of the drug 35252
involved is within that range and if the offense was committed in 35253
the vicinity of a school or in the vicinity of a juvenile, 35254
trafficking in a controlled substance analog is a felony of the 35255
third degree, and there is a presumption for a prison term for the 35256
offense. 35257

(d) Except as otherwise provided in this division, if the 35258
amount of the drug involved equals or exceeds twenty grams but is 35259
less than thirty grams, trafficking in a controlled substance 35260
analog is a felony of the third degree, and there is a presumption 35261
for a prison term for the offense. If the amount of the drug 35262
involved is within that range and if the offense was committed in 35263
the vicinity of a school or in the vicinity of a juvenile, 35264
trafficking in a controlled substance analog is a felony of the 35265
second degree, and there is a presumption for a prison term for 35266
the offense. 35267

(e) Except as otherwise provided in this division, if the 35268
amount of the drug involved equals or exceeds thirty grams but is 35269
less than forty grams, trafficking in a controlled substance 35270
analog is a felony of the second degree, and the court shall 35271
impose as a mandatory prison term one of the prison terms 35272
prescribed for a felony of the second degree. If the amount of the 35273
drug involved is within that range and if the offense was 35274
committed in the vicinity of a school or in the vicinity of a 35275
juvenile, trafficking in a controlled substance analog is a felony 35276

of the first degree, and the court shall impose as a mandatory 35277
prison term one of the prison terms prescribed for a felony of the 35278
first degree. 35279

(f) If the amount of the drug involved equals or exceeds 35280
forty grams but is less than fifty grams and regardless of whether 35281
the offense was committed in the vicinity of a school or in the 35282
vicinity of a juvenile, trafficking in a controlled substance 35283
analog is a felony of the first degree, and the court shall impose 35284
as a mandatory prison term one of the prison terms prescribed for 35285
a felony of the first degree. 35286

(g) If the amount of the drug involved equals or exceeds 35287
fifty grams and regardless of whether the offense was committed in 35288
the vicinity of a school or in the vicinity of a juvenile, 35289
trafficking in a controlled substance analog is a felony of the 35290
first degree, the offender is a major drug offender, and the court 35291
shall impose as a mandatory prison term the maximum prison term 35292
prescribed for a felony of the first degree. 35293

(D) In addition to any prison term authorized or required by 35294
division (C) of this section and sections 2929.13 and 2929.14 of 35295
the Revised Code, and in addition to any other sanction imposed 35296
for the offense under this section or sections 2929.11 to 2929.18 35297
of the Revised Code, the court that sentences an offender who is 35298
convicted of or pleads guilty to a violation of division (A) of 35299
this section shall do all of the following that are applicable 35300
regarding the offender: 35301

(1) If the violation of division (A) of this section is a 35302
felony of the first, second, or third degree, the court shall 35303
impose upon the offender the mandatory fine specified for the 35304
offense under division (B)(1) of section 2929.18 of the Revised 35305
Code unless, as specified in that division, the court determines 35306
that the offender is indigent. Except as otherwise provided in 35307
division (H)(1) of this section, a mandatory fine or any other 35308

fine imposed for a violation of this section is subject to 35309
division (F) of this section. If a person is charged with a 35310
violation of this section that is a felony of the first, second, 35311
or third degree, posts bail, and forfeits the bail, the clerk of 35312
the court shall pay the forfeited bail pursuant to divisions 35313
(D)(1) and (F) of this section, as if the forfeited bail was a 35314
fine imposed for a violation of this section. If any amount of the 35315
forfeited bail remains after that payment and if a fine is imposed 35316
under division (H)(1) of this section, the clerk of the court 35317
shall pay the remaining amount of the forfeited bail pursuant to 35318
divisions (H)(2) and (3) of this section, as if that remaining 35319
amount was a fine imposed under division (H)(1) of this section. 35320

(2) The court shall suspend the driver's or commercial 35321
driver's license or permit of the offender in accordance with 35322
division (G) of this section. 35323

(3) If the offender is a professionally licensed person, the 35324
court immediately shall comply with section 2925.38 of the Revised 35325
Code. 35326

(E) When a person is charged with the sale of or offer to 35327
sell a bulk amount or a multiple of a bulk amount of a controlled 35328
substance, the jury, or the court trying the accused, shall 35329
determine the amount of the controlled substance involved at the 35330
time of the offense and, if a guilty verdict is returned, shall 35331
return the findings as part of the verdict. In any such case, it 35332
is unnecessary to find and return the exact amount of the 35333
controlled substance involved, and it is sufficient if the finding 35334
and return is to the effect that the amount of the controlled 35335
substance involved is the requisite amount, or that the amount of 35336
the controlled substance involved is less than the requisite 35337
amount. 35338

(F)(1) Notwithstanding any contrary provision of section 35339
3719.21 of the Revised Code and except as provided in division (H) 35340

of this section, the clerk of the court shall pay any mandatory 35341
fine imposed pursuant to division (D)(1) of this section and any 35342
fine other than a mandatory fine that is imposed for a violation 35343
of this section pursuant to division (A) or (B)(5) of section 35344
2929.18 of the Revised Code to the county, township, municipal 35345
corporation, park district, as created pursuant to section 511.18 35346
or 1545.04 of the Revised Code, or state law enforcement agencies 35347
in this state that primarily were responsible for or involved in 35348
making the arrest of, and in prosecuting, the offender. However, 35349
the clerk shall not pay a mandatory fine so imposed to a law 35350
enforcement agency unless the agency has adopted a written 35351
internal control policy under division (F)(2) of this section that 35352
addresses the use of the fine moneys that it receives. Each agency 35353
shall use the mandatory fines so paid to subsidize the agency's 35354
law enforcement efforts that pertain to drug offenses, in 35355
accordance with the written internal control policy adopted by the 35356
recipient agency under division (F)(2) of this section. 35357

(2)~~(a)~~ Prior to receiving any fine moneys under division 35358
(F)(1) of this section or division (B) of section 2925.42 of the 35359
Revised Code, a law enforcement agency shall adopt a written 35360
internal control policy that addresses the agency's use and 35361
disposition of all fine moneys so received and that provides for 35362
the keeping of detailed financial records of the receipts of those 35363
fine moneys, the general types of expenditures made out of those 35364
fine moneys, and the specific amount of each general type of 35365
expenditure. The policy shall not provide for or permit the 35366
identification of any specific expenditure that is made in an 35367
ongoing investigation. All financial records of the receipts of 35368
those fine moneys, the general types of expenditures made out of 35369
those fine moneys, and the specific amount of each general type of 35370
expenditure by an agency are public records open for inspection 35371
under section 149.43 of the Revised Code. Additionally, a written 35372
internal control policy adopted under this division is such a 35373

public record, and the agency that adopted it shall comply with 35374
it. 35375

~~(b) Each law enforcement agency that receives in any calendar 35376
year any fine moneys under division (F)(1) of this section or 35377
division (B) of section 2925.42 of the Revised Code shall prepare 35378
a report covering the calendar year that cumulates all of the 35379
information contained in all of the public financial records kept 35380
by the agency pursuant to division (F)(2)(a) of this section for 35381
that calendar year, and shall send a copy of the cumulative 35382
report, no later than the first day of March in the calendar year 35383
following the calendar year covered by the report, to the attorney 35384
general. Each report received by the attorney general is a public 35385
record open for inspection under section 149.43 of the Revised 35386
Code. Not later than the fifteenth day of April in the calendar 35387
year in which the reports are received, the attorney general shall 35388
send to the president of the senate and the speaker of the house 35389
of representatives a written notification that does all of the 35390
following: 35391~~

~~(i) Indicates that the attorney general has received from law 35392
enforcement agencies reports of the type described in this 35393
division that cover the previous calendar year and indicates that 35394
the reports were received under this division: 35395~~

~~(ii) Indicates that the reports are open for inspection under 35396
section 149.43 of the Revised Code: 35397~~

~~(iii) Indicates that the attorney general will provide a copy 35398
of any or all of the reports to the president of the senate or the 35399
speaker of the house of representatives upon request. 35400~~

(3) As used in division (F) of this section: 35401

(a) "Law enforcement agencies" includes, but is not limited 35402
to, the state board of pharmacy and the office of a prosecutor. 35403

(b) "Prosecutor" has the same meaning as in section 2935.01 35404

of the Revised Code. 35405

(G) When required under division (D)(2) of this section or 35406
any other provision of this chapter, the court shall suspend for 35407
not less than six months or more than five years the driver's or 35408
commercial driver's license or permit of any person who is 35409
convicted of or pleads guilty to any violation of this section or 35410
any other specified provision of this chapter. If an offender's 35411
driver's or commercial driver's license or permit is suspended 35412
pursuant to this division, the offender, at any time after the 35413
expiration of two years from the day on which the offender's 35414
sentence was imposed or from the day on which the offender finally 35415
was released from a prison term under the sentence, whichever is 35416
later, may file a motion with the sentencing court requesting 35417
termination of the suspension; upon the filing of such a motion 35418
and the court's finding of good cause for the termination, the 35419
court may terminate the suspension. 35420

(H)(1) In addition to any prison term authorized or required 35421
by division (C) of this section and sections 2929.13 and 2929.14 35422
of the Revised Code, in addition to any other penalty or sanction 35423
imposed for the offense under this section or sections 2929.11 to 35424
2929.18 of the Revised Code, and in addition to the forfeiture of 35425
property in connection with the offense as prescribed in Chapter 35426
2981. of the Revised Code, the court that sentences an offender 35427
who is convicted of or pleads guilty to a violation of division 35428
(A) of this section may impose upon the offender an additional 35429
fine specified for the offense in division (B)(4) of section 35430
2929.18 of the Revised Code. A fine imposed under division (H)(1) 35431
of this section is not subject to division (F) of this section and 35432
shall be used solely for the support of one or more eligible 35433
~~alcohol and drug~~ community addiction programs services provider in 35434
accordance with divisions (H)(2) and (3) of this section. 35435

(2) The court that imposes a fine under division (H)(1) of 35436

this section shall specify in the judgment that imposes the fine 35437
one or more eligible ~~alcohol and drug~~ community addiction ~~programs~~ 35438
services provider for the support of which the fine money is to be 35439
used. No ~~alcohol and drug~~ community addiction ~~program~~ services 35440
provider shall receive or use money paid or collected in 35441
satisfaction of a fine imposed under division (H)(1) of this 35442
section unless the ~~program~~ services provider is specified in the 35443
judgment that imposes the fine. No ~~alcohol and drug~~ community 35444
addiction ~~program~~ services provider shall be specified in the 35445
judgment unless the ~~program~~ services provider is an eligible 35446
~~alcohol and drug~~ community addiction ~~program~~ services provider 35447
and, except as otherwise provided in division (H)(2) of this 35448
section, unless the ~~program~~ services provider is located in the 35449
county in which the court that imposes the fine is located or in a 35450
county that is immediately contiguous to the county in which that 35451
court is located. If no eligible ~~alcohol and drug~~ community 35452
addiction ~~program~~ services provider is located in any of those 35453
counties, the judgment may specify an eligible ~~alcohol and drug~~ 35454
community addiction ~~program~~ services provider that is located 35455
anywhere within this state. 35456

(3) Notwithstanding any contrary provision of section 3719.21 35457
of the Revised Code, the clerk of the court shall pay any fine 35458
imposed under division (H)(1) of this section to the eligible 35459
~~alcohol and drug~~ community addiction ~~program~~ services provider 35460
specified pursuant to division (H)(2) of this section in the 35461
judgment. The eligible ~~alcohol and drug~~ community addiction 35462
~~program~~ services provider that receives the fine moneys shall use 35463
the moneys only for the alcohol and drug addiction services 35464
identified in the application for certification under section 35465
~~3793.06~~ 5119.36 of the Revised Code or in the application for a 35466
license under section ~~3793.11~~ 5119.39 of the Revised Code filed 35467
with the department of ~~alcohol and drug addiction services~~ mental 35468
health and addiction services by the ~~alcohol and drug~~ community 35469

addiction ~~program~~ services provider specified in the judgment. 35470

(4) Each ~~alcohol and drug~~ community addiction ~~program~~ 35471
services provider that receives in a calendar year any fine moneys 35472
under division (H)(3) of this section shall file an annual report 35473
covering that calendar year with the court of common pleas and the 35474
board of county commissioners of the county in which the ~~program~~ 35475
services provider is located, with the court of common pleas and 35476
the board of county commissioners of each county from which the 35477
~~program~~ services provider received the moneys if that county is 35478
different from the county in which the ~~program~~ services provider 35479
is located, and with the attorney general. The ~~alcohol and drug~~ 35480
community addiction ~~program~~ services provider shall file the 35481
report no later than the first day of March in the calendar year 35482
following the calendar year in which the ~~program~~ services provider 35483
received the fine moneys. The report shall include statistics on 35484
the number of persons served by the ~~alcohol and drug~~ community 35485
addiction ~~program~~ services provider, identify the types of alcohol 35486
and drug addiction services provided to those persons, and include 35487
a specific accounting of the purposes for which the fine moneys 35488
received were used. No information contained in the report shall 35489
identify, or enable a person to determine the identity of, any 35490
person served by the ~~alcohol and drug~~ community addiction ~~program~~ 35491
services provider. Each report received by a court of common 35492
pleas, a board of county commissioners, or the attorney general is 35493
a public record open for inspection under section 149.43 of the 35494
Revised Code. 35495

(5) As used in divisions (H)(1) to (5) of this section: 35496

(a) "~~Alcohol and drug~~ Community addiction ~~program~~ services 35497
provider" and "alcohol and drug addiction services" have the same 35498
meanings as in section ~~3793.01~~ 5119.01 of the Revised Code. 35499

(b) "Eligible ~~alcohol and drug~~ community addiction ~~program~~ 35500
services provider" means ~~an alcohol and drug~~ a community addiction 35501

~~program services provider~~ that is certified under section ~~3793.06~~ 35502
~~5119.36~~ of the Revised Code or licensed under section ~~3793.11~~ 35503
~~5119.39~~ of the Revised Code by the department of ~~alcohol and drug~~ 35504
~~addiction services~~ mental health and addiction services. 35505

(I) As used in this section, "drug" includes any substance 35506
that is represented to be a drug. 35507

(J) It is an affirmative defense to a charge of trafficking 35508
in a controlled substance analog under division (C)(8) of this 35509
section that the person charged with violating that offense sold 35510
or offered to sell, or prepared for shipment, shipped, 35511
transported, delivered, prepared for distribution, or distributed 35512
an item described in division (HH)(2)(a), (b), or (c) of section 35513
3719.01 of the Revised Code. 35514

Sec. 2929.13. (A) Except as provided in division (E), (F), or 35515
(G) of this section and unless a specific sanction is required to 35516
be imposed or is precluded from being imposed pursuant to law, a 35517
court that imposes a sentence upon an offender for a felony may 35518
impose any sanction or combination of sanctions on the offender 35519
that are provided in sections 2929.14 to 2929.18 of the Revised 35520
Code. 35521

If the offender is eligible to be sentenced to community 35522
control sanctions, the court shall consider the appropriateness of 35523
imposing a financial sanction pursuant to section 2929.18 of the 35524
Revised Code or a sanction of community service pursuant to 35525
section 2929.17 of the Revised Code as the sole sanction for the 35526
offense. Except as otherwise provided in this division, if the 35527
court is required to impose a mandatory prison term for the 35528
offense for which sentence is being imposed, the court also shall 35529
impose any financial sanction pursuant to section 2929.18 of the 35530
Revised Code that is required for the offense and may impose any 35531
other financial sanction pursuant to that section but may not 35532

impose any additional sanction or combination of sanctions under 35533
section 2929.16 or 2929.17 of the Revised Code. 35534

If the offender is being sentenced for a fourth degree felony 35535
OVI offense or for a third degree felony OVI offense, in addition 35536
to the mandatory term of local incarceration or the mandatory 35537
prison term required for the offense by division (G)(1) or (2) of 35538
this section, the court shall impose upon the offender a mandatory 35539
fine in accordance with division (B)(3) of section 2929.18 of the 35540
Revised Code and may impose whichever of the following is 35541
applicable: 35542

(1) For a fourth degree felony OVI offense for which sentence 35543
is imposed under division (G)(1) of this section, an additional 35544
community control sanction or combination of community control 35545
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 35546
the court imposes upon the offender a community control sanction 35547
and the offender violates any condition of the community control 35548
sanction, the court may take any action prescribed in division (B) 35549
of section 2929.15 of the Revised Code relative to the offender, 35550
including imposing a prison term on the offender pursuant to that 35551
division. 35552

(2) For a third or fourth degree felony OVI offense for which 35553
sentence is imposed under division (G)(2) of this section, an 35554
additional prison term as described in division (B)(4) of section 35555
2929.14 of the Revised Code or a community control sanction as 35556
described in division (G)(2) of this section. 35557

(B)(1)(a) Except as provided in division (B)(1)(b) of this 35558
section, if an offender is convicted of or pleads guilty to a 35559
felony of the fourth or fifth degree that is not an offense of 35560
violence or that is a qualifying assault offense, the court shall 35561
sentence the offender to a community control sanction of at least 35562
one year's duration if all of the following apply: 35563

- (i) The offender previously has not been convicted of or
pleaded guilty to a felony offense. 35564
35565
- (ii) The most serious charge against the offender at the time
of sentencing is a felony of the fourth or fifth degree. 35566
35567
- (iii) If the court made a request of the department of
rehabilitation and correction pursuant to division (B)(1)(c) of
this section, the department, within the forty-five-day period
specified in that division, provided the court with the names of,
contact information for, and program details of one or more
community control sanctions of at least one year's duration that
are available for persons sentenced by the court. 35568
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- (iv) The offender previously has not been convicted of or
pleaded guilty to a misdemeanor offense of violence that the
offender committed within two years prior to the offense for which
sentence is being imposed. 35575
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35578
- (b) The court has discretion to impose a prison term upon an
offender who is convicted of or pleads guilty to a felony of the
fourth or fifth degree that is not an offense of violence or that
is a qualifying assault offense if any of the following apply: 35579
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- (i) The offender committed the offense while having a firearm
on or about the offender's person or under the offender's control. 35583
35584
- (ii) If the offense is a qualifying assault offense, the
offender caused serious physical harm to another person while
committing the offense, and, if the offense is not a qualifying
assault offense, the offender caused physical harm to another
person while committing the offense. 35585
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- (iii) The offender violated a term of the conditions of bond
as set by the court. 35590
35591
- (iv) The court made a request of the department of
rehabilitation and correction pursuant to division (B)(1)(c) of 35592
35593

this section, and the department, within the forty-five-day period 35594
specified in that division, did not provide the court with the 35595
name of, contact information for, and program details of any 35596
community control sanction of at least one year's duration that is 35597
available for persons sentenced by the court. 35598

(v) The offense is a sex offense that is a fourth or fifth 35599
degree felony violation of any provision of Chapter 2907. of the 35600
Revised Code. 35601

(vi) In committing the offense, the offender attempted to 35602
cause or made an actual threat of physical harm to a person with a 35603
deadly weapon. 35604

(vii) In committing the offense, the offender attempted to 35605
cause or made an actual threat of physical harm to a person, and 35606
the offender previously was convicted of an offense that caused 35607
physical harm to a person. 35608

(viii) The offender held a public office or position of 35609
trust, and the offense related to that office or position; the 35610
offender's position obliged the offender to prevent the offense or 35611
to bring those committing it to justice; or the offender's 35612
professional reputation or position facilitated the offense or was 35613
likely to influence the future conduct of others. 35614

(ix) The offender committed the offense for hire or as part 35615
of an organized criminal activity. 35616

(x) The offender at the time of the offense was serving, or 35617
the offender previously had served, a prison term. 35618

(xi) The offender committed the offense while under a 35619
community control sanction, while on probation, or while released 35620
from custody on a bond or personal recognizance. 35621

(c) If a court that is sentencing an offender who is 35622
convicted of or pleads guilty to a felony of the fourth or fifth 35623

degree that is not an offense of violence or that is a qualifying 35624
assault offense believes that no community control sanctions are 35625
available for its use that, if imposed on the offender, will 35626
adequately fulfill the overriding principles and purposes of 35627
sentencing, the court shall contact the department of 35628
rehabilitation and correction and ask the department to provide 35629
the court with the names of, contact information for, and program 35630
details of one or more community control sanctions of at least one 35631
year's duration that are available for persons sentenced by the 35632
court. Not later than forty-five days after receipt of a request 35633
from a court under this division, the department shall provide the 35634
court with the names of, contact information for, and program 35635
details of one or more community control sanctions of at least one 35636
year's duration that are available for persons sentenced by the 35637
court, if any. Upon making a request under this division that 35638
relates to a particular offender, a court shall defer sentencing 35639
of that offender until it receives from the department the names 35640
of, contact information for, and program details of one or more 35641
community control sanctions of at least one year's duration that 35642
are available for persons sentenced by the court or for forty-five 35643
days, whichever is the earlier. 35644

If the department provides the court with the names of, 35645
contact information for, and program details of one or more 35646
community control sanctions of at least one year's duration that 35647
are available for persons sentenced by the court within the 35648
forty-five-day period specified in this division, the court shall 35649
impose upon the offender a community control sanction under 35650
division (B)(1)(a) of this section, except that the court may 35651
impose a prison term under division (B)(1)(b) of this section if a 35652
factor described in division (B)(1)(b)(i) or (ii) of this section 35653
applies. If the department does not provide the court with the 35654
names of, contact information for, and program details of one or 35655
more community control sanctions of at least one year's duration 35656

that are available for persons sentenced by the court within the 35657
forty-five-day period specified in this division, the court may 35658
impose upon the offender a prison term under division 35659
(B)(1)(b)(iv) of this section. 35660

(d) A sentencing court may impose an additional penalty under 35661
division (B) of section 2929.15 of the Revised Code upon an 35662
offender sentenced to a community control sanction under division 35663
(B)(1)(a) of this section if the offender violates the conditions 35664
of the community control sanction, violates a law, or leaves the 35665
state without the permission of the court or the offender's 35666
probation officer. 35667

(2) If division (B)(1) of this section does not apply, except 35668
as provided in division (E), (F), or (G) of this section, in 35669
determining whether to impose a prison term as a sanction for a 35670
felony of the fourth or fifth degree, the sentencing court shall 35671
comply with the purposes and principles of sentencing under 35672
section 2929.11 of the Revised Code and with section 2929.12 of 35673
the Revised Code. 35674

(C) Except as provided in division (D), (E), (F), or (G) of 35675
this section, in determining whether to impose a prison term as a 35676
sanction for a felony of the third degree or a felony drug offense 35677
that is a violation of a provision of Chapter 2925. of the Revised 35678
Code and that is specified as being subject to this division for 35679
purposes of sentencing, the sentencing court shall comply with the 35680
purposes and principles of sentencing under section 2929.11 of the 35681
Revised Code and with section 2929.12 of the Revised Code. 35682

(D)(1) Except as provided in division (E) or (F) of this 35683
section, for a felony of the first or second degree, for a felony 35684
drug offense that is a violation of any provision of Chapter 35685
2925., 3719., or 4729. of the Revised Code for which a presumption 35686
in favor of a prison term is specified as being applicable, and 35687
for a violation of division (A)(4) or (B) of section 2907.05 of 35688

the Revised Code for which a presumption in favor of a prison term 35689
is specified as being applicable, it is presumed that a prison 35690
term is necessary in order to comply with the purposes and 35691
principles of sentencing under section 2929.11 of the Revised 35692
Code. Division (D)(2) of this section does not apply to a 35693
presumption established under this division for a violation of 35694
division (A)(4) of section 2907.05 of the Revised Code. 35695

(2) Notwithstanding the presumption established under 35696
division (D)(1) of this section for the offenses listed in that 35697
division other than a violation of division (A)(4) or (B) of 35698
section 2907.05 of the Revised Code, the sentencing court may 35699
impose a community control sanction or a combination of community 35700
control sanctions instead of a prison term on an offender for a 35701
felony of the first or second degree or for a felony drug offense 35702
that is a violation of any provision of Chapter 2925., 3719., or 35703
4729. of the Revised Code for which a presumption in favor of a 35704
prison term is specified as being applicable if it makes both of 35705
the following findings: 35706

(a) A community control sanction or a combination of 35707
community control sanctions would adequately punish the offender 35708
and protect the public from future crime, because the applicable 35709
factors under section 2929.12 of the Revised Code indicating a 35710
lesser likelihood of recidivism outweigh the applicable factors 35711
under that section indicating a greater likelihood of recidivism. 35712

(b) A community control sanction or a combination of 35713
community control sanctions would not demean the seriousness of 35714
the offense, because one or more factors under section 2929.12 of 35715
the Revised Code that indicate that the offender's conduct was 35716
less serious than conduct normally constituting the offense are 35717
applicable, and they outweigh the applicable factors under that 35718
section that indicate that the offender's conduct was more serious 35719
than conduct normally constituting the offense. 35720

(E)(1) Except as provided in division (F) of this section, 35721
for any drug offense that is a violation of any provision of 35722
Chapter 2925. of the Revised Code and that is a felony of the 35723
third, fourth, or fifth degree, the applicability of a presumption 35724
under division (D) of this section in favor of a prison term or of 35725
division (B) or (C) of this section in determining whether to 35726
impose a prison term for the offense shall be determined as 35727
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 35728
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 35729
Revised Code, whichever is applicable regarding the violation. 35730

(2) If an offender who was convicted of or pleaded guilty to 35731
a felony violates the conditions of a community control sanction 35732
imposed for the offense solely by reason of producing positive 35733
results on a drug test, the court, as punishment for the violation 35734
of the sanction, shall not order that the offender be imprisoned 35735
unless the court determines on the record either of the following: 35736

(a) The offender had been ordered as a sanction for the 35737
felony to participate in a drug treatment program, in a drug 35738
education program, or in narcotics anonymous or a similar program, 35739
and the offender continued to use illegal drugs after a reasonable 35740
period of participation in the program. 35741

(b) The imprisonment of the offender for the violation is 35742
consistent with the purposes and principles of sentencing set 35743
forth in section 2929.11 of the Revised Code. 35744

(3) A court that sentences an offender for a drug abuse 35745
offense that is a felony of the third, fourth, or fifth degree may 35746
require that the offender be assessed by a properly credentialed 35747
professional within a specified period of time. The court shall 35748
require the professional to file a written assessment of the 35749
offender with the court. If the offender is eligible for a 35750
community control sanction and after considering the written 35751
assessment, the court may impose a community control sanction that 35752

includes treatment and recovery support services authorized by 35753
section ~~3793.02~~ 5119.21 of the Revised Code. If the court imposes 35754
treatment and recovery support services as a community control 35755
sanction, the court shall direct the level and type of treatment 35756
and recovery support services after considering the assessment and 35757
recommendation of treatment and recovery support services 35758
providers. 35759

(F) Notwithstanding divisions (A) to (E) of this section, the 35760
court shall impose a prison term or terms under sections 2929.02 35761
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 35762
of the Revised Code and except as specifically provided in section 35763
2929.20, divisions (C) to (I) of section 2967.19, or section 35764
2967.191 of the Revised Code or when parole is authorized for the 35765
offense under section 2967.13 of the Revised Code shall not reduce 35766
the term or terms pursuant to section 2929.20, section 2967.19, 35767
section 2967.193, or any other provision of Chapter 2967. or 35768
Chapter 5120. of the Revised Code for any of the following 35769
offenses: 35770

(1) Aggravated murder when death is not imposed or murder; 35771

(2) Any rape, regardless of whether force was involved and 35772
regardless of the age of the victim, or an attempt to commit rape 35773
if, had the offender completed the rape that was attempted, the 35774
offender would have been guilty of a violation of division 35775
(A)(1)(b) of section 2907.02 of the Revised Code and would be 35776
sentenced under section 2971.03 of the Revised Code; 35777

(3) Gross sexual imposition or sexual battery, if the victim 35778
is less than thirteen years of age and if any of the following 35779
applies: 35780

(a) Regarding gross sexual imposition, the offender 35781
previously was convicted of or pleaded guilty to rape, the former 35782
offense of felonious sexual penetration, gross sexual imposition, 35783

or sexual battery, and the victim of the previous offense was less than thirteen years of age;

(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.

(c) Regarding sexual battery, either of the following applies:

(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

(ii) The offense was committed on or after August 3, 2006.

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;

(7) Any offense that is a third degree felony and either is a

violation of section 2903.04 of the Revised Code or an attempt to 35814
commit a felony of the second degree that is an offense of 35815
violence and involved an attempt to cause serious physical harm to 35816
a person or that resulted in serious physical harm to a person if 35817
the offender previously was convicted of or pleaded guilty to any 35818
of the following offenses: 35819

(a) Aggravated murder, murder, involuntary manslaughter, 35820
rape, felonious sexual penetration as it existed under section 35821
2907.12 of the Revised Code prior to September 3, 1996, a felony 35822
of the first or second degree that resulted in the death of a 35823
person or in physical harm to a person, or complicity in or an 35824
attempt to commit any of those offenses; 35825

(b) An offense under an existing or former law of this state, 35826
another state, or the United States that is or was substantially 35827
equivalent to an offense listed in division (F)(7)(a) of this 35828
section that resulted in the death of a person or in physical harm 35829
to a person. 35830

(8) Any offense, other than a violation of section 2923.12 of 35831
the Revised Code, that is a felony, if the offender had a firearm 35832
on or about the offender's person or under the offender's control 35833
while committing the felony, with respect to a portion of the 35834
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 35835
of the Revised Code for having the firearm; 35836

(9) Any offense of violence that is a felony, if the offender 35837
wore or carried body armor while committing the felony offense of 35838
violence, with respect to the portion of the sentence imposed 35839
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 35840
Code for wearing or carrying the body armor; 35841

(10) Corrupt activity in violation of section 2923.32 of the 35842
Revised Code when the most serious offense in the pattern of 35843
corrupt activity that is the basis of the offense is a felony of 35844

the first degree; 35845

(11) Any violent sex offense or designated homicide, assault, 35846
or kidnapping offense if, in relation to that offense, the 35847
offender is adjudicated a sexually violent predator; 35848

(12) A violation of division (A)(1) or (2) of section 2921.36 35849
of the Revised Code, or a violation of division (C) of that 35850
section involving an item listed in division (A)(1) or (2) of that 35851
section, if the offender is an officer or employee of the 35852
department of rehabilitation and correction; 35853

(13) A violation of division (A)(1) or (2) of section 2903.06 35854
of the Revised Code if the victim of the offense is a peace 35855
officer, as defined in section 2935.01 of the Revised Code, or an 35856
investigator of the bureau of criminal identification and 35857
investigation, as defined in section 2903.11 of the Revised Code, 35858
with respect to the portion of the sentence imposed pursuant to 35859
division (B)(5) of section 2929.14 of the Revised Code; 35860

(14) A violation of division (A)(1) or (2) of section 2903.06 35861
of the Revised Code if the offender has been convicted of or 35862
pleaded guilty to three or more violations of division (A) or (B) 35863
of section 4511.19 of the Revised Code or an equivalent offense, 35864
as defined in section 2941.1415 of the Revised Code, or three or 35865
more violations of any combination of those divisions and 35866
offenses, with respect to the portion of the sentence imposed 35867
pursuant to division (B)(6) of section 2929.14 of the Revised 35868
Code; 35869

(15) Kidnapping, in the circumstances specified in section 35870
2971.03 of the Revised Code and when no other provision of 35871
division (F) of this section applies; 35872

(16) Kidnapping, abduction, compelling prostitution, 35873
promoting prostitution, engaging in a pattern of corrupt activity, 35874
illegal use of a minor in a nudity-oriented material or 35875

performance in violation of division (A)(1) or (2) of section 35876
2907.323 of the Revised Code, or endangering children in violation 35877
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 35878
the Revised Code, if the offender is convicted of or pleads guilty 35879
to a specification as described in section 2941.1422 of the 35880
Revised Code that was included in the indictment, count in the 35881
indictment, or information charging the offense; 35882

(17) A felony violation of division (A) or (B) of section 35883
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 35884
that section, and division (D)(6) of that section, require the 35885
imposition of a prison term; 35886

(18) A felony violation of section 2903.11, 2903.12, or 35887
2903.13 of the Revised Code, if the victim of the offense was a 35888
woman that the offender knew was pregnant at the time of the 35889
violation, with respect to a portion of the sentence imposed 35890
pursuant to division (B)(8) of section 2929.14 of the Revised 35891
Code. 35892

(G) Notwithstanding divisions (A) to (E) of this section, if 35893
an offender is being sentenced for a fourth degree felony OVI 35894
offense or for a third degree felony OVI offense, the court shall 35895
impose upon the offender a mandatory term of local incarceration 35896
or a mandatory prison term in accordance with the following: 35897

(1) If the offender is being sentenced for a fourth degree 35898
felony OVI offense and if the offender has not been convicted of 35899
and has not pleaded guilty to a specification of the type 35900
described in section 2941.1413 of the Revised Code, the court may 35901
impose upon the offender a mandatory term of local incarceration 35902
of sixty days or one hundred twenty days as specified in division 35903
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 35904
not reduce the term pursuant to section 2929.20, 2967.193, or any 35905
other provision of the Revised Code. The court that imposes a 35906
mandatory term of local incarceration under this division shall 35907

specify whether the term is to be served in a jail, a 35908
community-based correctional facility, a halfway house, or an 35909
alternative residential facility, and the offender shall serve the 35910
term in the type of facility specified by the court. A mandatory 35911
term of local incarceration imposed under division (G)(1) of this 35912
section is not subject to any other Revised Code provision that 35913
pertains to a prison term except as provided in division (A)(1) of 35914
this section. 35915

(2) If the offender is being sentenced for a third degree 35916
felony OVI offense, or if the offender is being sentenced for a 35917
fourth degree felony OVI offense and the court does not impose a 35918
mandatory term of local incarceration under division (G)(1) of 35919
this section, the court shall impose upon the offender a mandatory 35920
prison term of one, two, three, four, or five years if the 35921
offender also is convicted of or also pleads guilty to a 35922
specification of the type described in section 2941.1413 of the 35923
Revised Code or shall impose upon the offender a mandatory prison 35924
term of sixty days or one hundred twenty days as specified in 35925
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 35926
if the offender has not been convicted of and has not pleaded 35927
guilty to a specification of that type. Subject to divisions (C) 35928
to (I) of section 2967.19 of the Revised Code, the court shall not 35929
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 35930
any other provision of the Revised Code. The offender shall serve 35931
the one-, two-, three-, four-, or five-year mandatory prison term 35932
consecutively to and prior to the prison term imposed for the 35933
underlying offense and consecutively to any other mandatory prison 35934
term imposed in relation to the offense. In no case shall an 35935
offender who once has been sentenced to a mandatory term of local 35936
incarceration pursuant to division (G)(1) of this section for a 35937
fourth degree felony OVI offense be sentenced to another mandatory 35938
term of local incarceration under that division for any violation 35939
of division (A) of section 4511.19 of the Revised Code. In 35940

addition to the mandatory prison term described in division (G)(2) 35941
of this section, the court may sentence the offender to a 35942
community control sanction under section 2929.16 or 2929.17 of the 35943
Revised Code, but the offender shall serve the prison term prior 35944
to serving the community control sanction. The department of 35945
rehabilitation and correction may place an offender sentenced to a 35946
mandatory prison term under this division in an intensive program 35947
prison established pursuant to section 5120.033 of the Revised 35948
Code if the department gave the sentencing judge prior notice of 35949
its intent to place the offender in an intensive program prison 35950
established under that section and if the judge did not notify the 35951
department that the judge disapproved the placement. Upon the 35952
establishment of the initial intensive program prison pursuant to 35953
section 5120.033 of the Revised Code that is privately operated 35954
and managed by a contractor pursuant to a contract entered into 35955
under section 9.06 of the Revised Code, both of the following 35956
apply: 35957

(a) The department of rehabilitation and correction shall 35958
make a reasonable effort to ensure that a sufficient number of 35959
offenders sentenced to a mandatory prison term under this division 35960
are placed in the privately operated and managed prison so that 35961
the privately operated and managed prison has full occupancy. 35962

(b) Unless the privately operated and managed prison has full 35963
occupancy, the department of rehabilitation and correction shall 35964
not place any offender sentenced to a mandatory prison term under 35965
this division in any intensive program prison established pursuant 35966
to section 5120.033 of the Revised Code other than the privately 35967
operated and managed prison. 35968

(H) If an offender is being sentenced for a sexually oriented 35969
offense or child-victim oriented offense that is a felony 35970
committed on or after January 1, 1997, the judge shall require the 35971
offender to submit to a DNA specimen collection procedure pursuant 35972

to section 2901.07 of the Revised Code. 35973

(I) If an offender is being sentenced for a sexually oriented 35974
offense or a child-victim oriented offense committed on or after 35975
January 1, 1997, the judge shall include in the sentence a summary 35976
of the offender's duties imposed under sections 2950.04, 2950.041, 35977
2950.05, and 2950.06 of the Revised Code and the duration of the 35978
duties. The judge shall inform the offender, at the time of 35979
sentencing, of those duties and of their duration. If required 35980
under division (A)(2) of section 2950.03 of the Revised Code, the 35981
judge shall perform the duties specified in that section, or, if 35982
required under division (A)(6) of section 2950.03 of the Revised 35983
Code, the judge shall perform the duties specified in that 35984
division. 35985

(J)(1) Except as provided in division (J)(2) of this section, 35986
when considering sentencing factors under this section in relation 35987
to an offender who is convicted of or pleads guilty to an attempt 35988
to commit an offense in violation of section 2923.02 of the 35989
Revised Code, the sentencing court shall consider the factors 35990
applicable to the felony category of the violation of section 35991
2923.02 of the Revised Code instead of the factors applicable to 35992
the felony category of the offense attempted. 35993

(2) When considering sentencing factors under this section in 35994
relation to an offender who is convicted of or pleads guilty to an 35995
attempt to commit a drug abuse offense for which the penalty is 35996
determined by the amount or number of unit doses of the controlled 35997
substance involved in the drug abuse offense, the sentencing court 35998
shall consider the factors applicable to the felony category that 35999
the drug abuse offense attempted would be if that drug abuse 36000
offense had been committed and had involved an amount or number of 36001
unit doses of the controlled substance that is within the next 36002
lower range of controlled substance amounts than was involved in 36003
the attempt. 36004

(K) As used in this section: 36005

(1) "Drug abuse offense" has the same meaning as in section 36006
2925.01 of the Revised Code. 36007

(2) "Qualifying assault offense" means a violation of section 36008
2903.13 of the Revised Code for which the penalty provision in 36009
division (C)~~(7)~~(8)(b) or (C)~~(8)~~(9)(b) of that section applies. 36010

(L) At the time of sentencing an offender for any sexually 36011
oriented offense, if the offender is a tier III sex 36012
offender/child-victim offender relative to that offense and the 36013
offender does not serve a prison term or jail term, the court may 36014
require that the offender be monitored by means of a global 36015
positioning device. If the court requires such monitoring, the 36016
cost of monitoring shall be borne by the offender. If the offender 36017
is indigent, the cost of compliance shall be paid by the crime 36018
victims reparations fund. 36019

Sec. 2929.15. (A)(1) If in sentencing an offender for a 36020
felony the court is not required to impose a prison term, a 36021
mandatory prison term, or a term of life imprisonment upon the 36022
offender, the court may directly impose a sentence that consists 36023
of one or more community control sanctions authorized pursuant to 36024
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 36025
court is sentencing an offender for a fourth degree felony OVI 36026
offense under division (G)(1) of section 2929.13 of the Revised 36027
Code, in addition to the mandatory term of local incarceration 36028
imposed under that division and the mandatory fine required by 36029
division (B)(3) of section 2929.18 of the Revised Code, the court 36030
may impose upon the offender a community control sanction or 36031
combination of community control sanctions in accordance with 36032
sections 2929.16 and 2929.17 of the Revised Code. If the court is 36033
sentencing an offender for a third or fourth degree felony OVI 36034
offense under division (G)(2) of section 2929.13 of the Revised 36035

Code, in addition to the mandatory prison term or mandatory prison 36036
term and additional prison term imposed under that division, the 36037
court also may impose upon the offender a community control 36038
sanction or combination of community control sanctions under 36039
section 2929.16 or 2929.17 of the Revised Code, but the offender 36040
shall serve all of the prison terms so imposed prior to serving 36041
the community control sanction. 36042

The duration of all community control sanctions imposed upon 36043
an offender under this division shall not exceed five years. If 36044
the offender absconds or otherwise leaves the jurisdiction of the 36045
court in which the offender resides without obtaining permission 36046
from the court or the offender's probation officer to leave the 36047
jurisdiction of the court, or if the offender is confined in any 36048
institution for the commission of any offense while under a 36049
community control sanction, the period of the community control 36050
sanction ceases to run until the offender is brought before the 36051
court for its further action. If the court sentences the offender 36052
to one or more nonresidential sanctions under section 2929.17 of 36053
the Revised Code, the court shall impose as a condition of the 36054
nonresidential sanctions that, during the period of the sanctions, 36055
the offender must abide by the law and must not leave the state 36056
without the permission of the court or the offender's probation 36057
officer. The court may impose any other conditions of release 36058
under a community control sanction that the court considers 36059
appropriate, including, but not limited to, requiring that the 36060
offender not ingest or be injected with a drug of abuse and submit 36061
to random drug testing as provided in division (D) of this section 36062
to determine whether the offender ingested or was injected with a 36063
drug of abuse and requiring that the results of the drug test 36064
indicate that the offender did not ingest or was not injected with 36065
a drug of abuse. 36066

(2)(a) If a court sentences an offender to any community 36067

control sanction or combination of community control sanctions 36068
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 36069
Revised Code, the court shall place the offender under the general 36070
control and supervision of a department of probation in the county 36071
that serves the court for purposes of reporting to the court a 36072
violation of any condition of the sanctions, any condition of 36073
release under a community control sanction imposed by the court, a 36074
violation of law, or the departure of the offender from this state 36075
without the permission of the court or the offender's probation 36076
officer. Alternatively, if the offender resides in another county 36077
and a county department of probation has been established in that 36078
county or that county is served by a multicounty probation 36079
department established under section 2301.27 of the Revised Code, 36080
the court may request the court of common pleas of that county to 36081
receive the offender into the general control and supervision of 36082
that county or multicounty department of probation for purposes of 36083
reporting to the court a violation of any condition of the 36084
sanctions, any condition of release under a community control 36085
sanction imposed by the court, a violation of law, or the 36086
departure of the offender from this state without the permission 36087
of the court or the offender's probation officer, subject to the 36088
jurisdiction of the trial judge over and with respect to the 36089
person of the offender, and to the rules governing that department 36090
of probation. 36091

If there is no department of probation in the county that 36092
serves the court, the court shall place the offender, regardless 36093
of the offender's county of residence, under the general control 36094
and supervision of the adult parole authority for purposes of 36095
reporting to the court a violation of any of the sanctions, any 36096
condition of release under a community control sanction imposed by 36097
the court, a violation of law, or the departure of the offender 36098
from this state without the permission of the court or the 36099
offender's probation officer. 36100

(b) If the court imposing sentence upon an offender sentences 36101
the offender to any community control sanction or combination of 36102
community control sanctions authorized pursuant to section 36103
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 36104
offender violates any condition of the sanctions, any condition of 36105
release under a community control sanction imposed by the court, 36106
violates any law, or departs the state without the permission of 36107
the court or the offender's probation officer, the public or 36108
private person or entity that operates or administers the sanction 36109
or the program or activity that comprises the sanction shall 36110
report the violation or departure directly to the sentencing 36111
court, or shall report the violation or departure to the county or 36112
multicounty department of probation with general control and 36113
supervision over the offender under division (A)(2)(a) of this 36114
section or the officer of that department who supervises the 36115
offender, or, if there is no such department with general control 36116
and supervision over the offender under that division, to the 36117
adult parole authority. If the public or private person or entity 36118
that operates or administers the sanction or the program or 36119
activity that comprises the sanction reports the violation or 36120
departure to the county or multicounty department of probation or 36121
the adult parole authority, the department's or authority's 36122
officers may treat the offender as if the offender were on 36123
probation and in violation of the probation, and shall report the 36124
violation of the condition of the sanction, any condition of 36125
release under a community control sanction imposed by the court, 36126
the violation of law, or the departure from the state without the 36127
required permission to the sentencing court. 36128

(3) If an offender who is eligible for community control 36129
sanctions under this section admits to being drug addicted or the 36130
court has reason to believe that the offender is drug addicted, 36131
and if the offense for which the offender is being sentenced was 36132
related to the addiction, the court may require that the offender 36133

be assessed by a properly credentialed professional within a 36134
specified period of time and shall require the professional to 36135
file a written assessment of the offender with the court. If a 36136
court imposes treatment and recovery support services as a 36137
community control sanction, the court shall direct the level and 36138
type of treatment and recovery support services after 36139
consideration of the written assessment, if available at the time 36140
of sentencing, and recommendations of the professional and other 36141
treatment and recovery support services providers. 36142

(4) If an assessment completed pursuant to division (A)(3) of 36143
this section indicates that the offender is addicted to drugs or 36144
alcohol, the court may include in any community control sanction 36145
imposed for a violation of section 2925.02, 2925.03, 2925.04, 36146
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 36147
2925.37 of the Revised Code a requirement that the offender 36148
participate in a treatment and recovery support services program 36149
certified under section ~~3793.06~~ 5119.36 of the Revised Code or 36150
offered by another properly credentialed ~~program~~ community 36151
addiction services provider. 36152

(B)(1) If the conditions of a community control sanction are 36153
violated or if the offender violates a law or leaves the state 36154
without the permission of the court or the offender's probation 36155
officer, the sentencing court may impose upon the violator one or 36156
more of the following penalties: 36157

(a) A longer time under the same sanction if the total time 36158
under the sanctions does not exceed the five-year limit specified 36159
in division (A) of this section; 36160

(b) A more restrictive sanction under section 2929.16, 36161
2929.17, or 2929.18 of the Revised Code; 36162

(c) A prison term on the offender pursuant to section 2929.14 36163
of the Revised Code. 36164

(2) The prison term, if any, imposed upon a violator pursuant to this division shall be within the range of prison terms available for the offense for which the sanction that was violated was imposed and shall not exceed the prison term specified in the notice provided to the offender at the sentencing hearing pursuant to division (B)(2) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to this division by the time the offender successfully spent under the sanction that was initially imposed.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary manner, the court may reduce the period of time under the sanction or impose a less restrictive sanction, but the court shall not permit the offender to violate any law or permit the offender to leave the state without the permission of the court or the offender's probation officer.

(D)(1) If a court under division (A)(1) of this section imposes a condition of release under a community control sanction that requires the offender to submit to random drug testing, the department of probation or the adult parole authority that has general control and supervision of the offender under division (A)(2)(a) of this section may cause the offender to submit to random drug testing performed by a laboratory or entity that has entered into a contract with any of the governmental entities or officers authorized to enter into a contract with that laboratory or entity under section 341.26, 753.33, or 5120.63 of the Revised Code.

(2) If no laboratory or entity described in division (D)(1) of this section has entered into a contract as specified in that

division, the department of probation or the adult parole 36197
authority that has general control and supervision of the offender 36198
under division (A)(2)(a) of this section shall cause the offender 36199
to submit to random drug testing performed by a reputable public 36200
laboratory to determine whether the individual who is the subject 36201
of the drug test ingested or was injected with a drug of abuse. 36202

(3) A laboratory or entity that has entered into a contract 36203
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 36204
shall perform the random drug tests under division (D)(1) of this 36205
section in accordance with the applicable standards that are 36206
included in the terms of that contract. A public laboratory shall 36207
perform the random drug tests under division (D)(2) of this 36208
section in accordance with the standards set forth in the policies 36209
and procedures established by the department of rehabilitation and 36210
correction pursuant to section 5120.63 of the Revised Code. An 36211
offender who is required under division (A)(1) of this section to 36212
submit to random drug testing as a condition of release under a 36213
community control sanction and whose test results indicate that 36214
the offender ingested or was injected with a drug of abuse shall 36215
pay the fee for the drug test if the department of probation or 36216
the adult parole authority that has general control and 36217
supervision of the offender requires payment of a fee. A 36218
laboratory or entity that performs the random drug testing on an 36219
offender under division (D)(1) or (2) of this section shall 36220
transmit the results of the drug test to the appropriate 36221
department of probation or the adult parole authority that has 36222
general control and supervision of the offender under division 36223
(A)(2)(a) of this section. 36224

Sec. 2930.01. As used in this chapter: 36225

(A) "Crime" means any of the following: 36226

(1) A felony; 36227

(2) A violation of section 2903.05, 2903.06, 2903.13, 36228
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 36229
Revised Code, a violation of section 2903.07 of the Revised Code 36230
as it existed prior to March 23, 2000, or a violation of a 36231
substantially equivalent municipal ordinance; 36232

(3) A violation of division (A) or (B) of section 4511.19, 36233
division (A) or (B) of section 1547.11, or division (A)(3) of 36234
section 4561.15 of the Revised Code or of a municipal ordinance 36235
substantially similar to any of those divisions that is the 36236
proximate cause of a vehicle, streetcar, trackless trolley, 36237
aquatic device, or aircraft accident in which the victim receives 36238
injuries for which the victim receives medical treatment either at 36239
the scene of the accident by emergency medical services personnel 36240
or at a hospital, ambulatory care facility, physician's office, 36241
specialist's office, or other medical care facility. 36242

(4) A motor vehicle accident to which both of the following 36243
apply: 36244

(a) The motor vehicle accident is caused by a violation of a 36245
provision of the Revised Code that is a misdemeanor of the first 36246
degree or higher. 36247

(b) As a result of the motor vehicle accident, the victim 36248
receives injuries for which the victim receives medical treatment 36249
either at the scene of the accident by emergency medical services 36250
personnel or at a hospital, ambulatory care facility, physician's 36251
office, specialist's office, or other medical care facility. 36252

(B) "Custodial agency" means one of the following: 36253

(1) The entity that has custody of a defendant or an alleged 36254
juvenile offender who is incarcerated for a crime, is under 36255
detention for the commission of a specified delinquent act, or who 36256
is detained after a finding of incompetence to stand trial or not 36257
guilty by reason of insanity relative to a crime, including any of 36258

the following:	36259
(a) The department of rehabilitation and correction or the adult parole authority;	36260 36261
(b) A county sheriff;	36262
(c) The entity that administers a jail, as defined in section 2929.01 of the Revised Code;	36263 36264
(d) The entity that administers a community-based correctional facility and program or a district community-based correctional facility and program;	36265 36266 36267
(e) The department of mental health <u>mental health and addiction services</u> or other entity to which a defendant found incompetent to stand trial or not guilty by reason of insanity is committed.	36268 36269 36270 36271
(2) The entity that has custody of an alleged juvenile offender pursuant to an order of disposition of a juvenile court, including the department of youth services or a school, camp, institution, or other facility operated for the care of delinquent children.	36272 36273 36274 36275 36276
(C) "Defendant" means a person who is alleged to be the perpetrator of a crime in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution and subsequent proceedings to which this chapter makes reference.	36277 36278 36279 36280 36281
(D) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, or other relative of a victim but does not include a person who is charged with, convicted of, or adjudicated to be a delinquent child for the crime or specified delinquent act against the victim or another crime or specified delinquent act arising from the same conduct, criminal episode, or plan.	36282 36283 36284 36285 36286 36287 36288

(E) "Prosecutor" means one of the following:	36289
(1) With respect to a criminal case, it has the same meaning as in section 2935.01 of the Revised Code and also includes the attorney general and, when appropriate, the employees of any person listed in section 2935.01 of the Revised Code or of the attorney general.	36290 36291 36292 36293 36294
(2) With respect to a delinquency proceeding, it includes any person listed in division (C) of section 2935.01 of the Revised Code or an employee of a person listed in that division who prosecutes a delinquency proceeding.	36295 36296 36297 36298
(F) "Public agency" means an office, agency, department, bureau, or other governmental entity of the state or of a political subdivision of the state.	36299 36300 36301
(G) "Public official" has the same meaning as in section 2921.01 of the Revised Code.	36302 36303
(H) "Victim" means either of the following:	36304
(1) A person who is identified as the victim of a crime or specified delinquent act in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution or delinquency proceeding and subsequent proceedings to which this chapter makes reference.	36305 36306 36307 36308 36309 36310
(2) A person who receives injuries as a result of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident that is proximately caused by a violation described in division (A)(3) of this section or a motor vehicle accident that is proximately caused by a violation described in division (A)(4) of this section and who receives medical treatment as described in division (A)(3) or (4) of this section, whichever is applicable.	36311 36312 36313 36314 36315 36316 36317
(I) "Victim's representative" means a member of the victim's	36318

family or another person who pursuant to the authority of section 36319
2930.02 of the Revised Code exercises the rights of a victim under 36320
this chapter. 36321

(J) "Court" means a court of common pleas, juvenile court, 36322
municipal court, or county court. 36323

(K) "Delinquency proceeding" means all proceedings in a 36324
juvenile court that are related to a case in which a complaint has 36325
been filed alleging that a child is a delinquent child. 36326

(L) "Case" means a delinquency proceeding and all related 36327
activity or a criminal prosecution and all related activity. 36328

(M) The "defense" means the defense against criminal charges 36329
in a criminal prosecution or the defense against a delinquent 36330
child complaint in a delinquency proceeding. 36331

(N) The "prosecution" means the prosecution of criminal 36332
charges in a criminal prosecution or the prosecution of a 36333
delinquent child complaint in a delinquency proceeding. 36334

(O) "Specified delinquent act" means any of the following: 36335

(1) An act committed by a child that if committed by an adult 36336
would be a felony; 36337

(2) An act committed by a child that is a violation of a 36338
section listed in division (A)(1) or (2) of this section or is a 36339
violation of a substantially equivalent municipal ordinance; 36340

(3) An act committed by a child that is described in division 36341
(A)(3) or (4) of this section. 36342

(P)(1) "Alleged juvenile offender" means a child who is 36343
alleged to have committed a specified delinquent act in a police 36344
report or in a complaint in juvenile court that charges the 36345
commission of a specified delinquent act and that provides the 36346
basis for the delinquency proceeding and all subsequent 36347
proceedings to which this chapter makes reference. 36348

(2) As used in divisions (O) and (P)(1) of this section, 36349
"child" has the same meaning as in section 2151.011 of the Revised 36350
Code. 36351

(Q) "Motor vehicle accident" means any accident involving a 36352
motor vehicle. 36353

(R) "Motor vehicle" has the same meaning as in section 36354
4509.01 of the Revised Code. 36355

(S) "Aircraft" has the same meaning as in section 4561.01 of 36356
the Revised Code. 36357

(T) "Aquatic device" means any vessel, or any water skis, 36358
aquaplane, or similar device. 36359

(U) "Vehicle," "streetcar," and "trackless trolley" have the 36360
same meanings as in section 4511.01 of the Revised Code. 36361

(V) "Vehicle, streetcar, trackless trolley, aquatic device, 36362
or aircraft accident" means any accident involving a vehicle, 36363
streetcar, trackless trolley, aquatic device, or aircraft. 36364

(W) "Vessel" has the same meaning as in section 1547.01 of 36365
the Revised Code. 36366

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 36367
deputy marshal, municipal police officer, township constable, 36368
police officer of a township or joint police district, member of a 36369
police force employed by a metropolitan housing authority under 36370
division (D) of section 3735.31 of the Revised Code, member of a 36371
police force employed by a regional transit authority under 36372
division (Y) of section 306.35 of the Revised Code, state 36373
university law enforcement officer appointed under section 3345.04 36374
of the Revised Code, veterans' home police officer appointed under 36375
section 5907.02 of the Revised Code, special police officer 36376
employed by a port authority under section 4582.04 or 4582.28 of 36377
the Revised Code, or a special police officer employed by a 36378

municipal corporation at a municipal airport, or other municipal 36379
air navigation facility, that has scheduled operations, as defined 36380
in section 119.3 of Title 14 of the Code of Federal Regulations, 36381
14 C.F.R. 119.3, as amended, and that is required to be under a 36382
security program and is governed by aviation security rules of the 36383
transportation security administration of the United States 36384
department of transportation as provided in Parts 1542. and 1544. 36385
of Title 49 of the Code of Federal Regulations, as amended, shall 36386
arrest and detain, until a warrant can be obtained, a person found 36387
violating, within the limits of the political subdivision, 36388
metropolitan housing authority housing project, regional transit 36389
authority facilities or areas of a municipal corporation that have 36390
been agreed to by a regional transit authority and a municipal 36391
corporation located within its territorial jurisdiction, college, 36392
university, veterans' home operated under Chapter 5907. of the 36393
Revised Code, port authority, or municipal airport or other 36394
municipal air navigation facility, in which the peace officer is 36395
appointed, employed, or elected, a law of this state, an ordinance 36396
of a municipal corporation, or a resolution of a township. 36397

(2) A peace officer of the department of natural resources, a 36398
state fire marshal law enforcement officer described in division 36399
(A)(23) of section 109.71 of the Revised Code, or an individual 36400
designated to perform law enforcement duties under section 36401
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 36402
detain, until a warrant can be obtained, a person found violating, 36403
within the limits of the peace officer's, state fire marshal law 36404
enforcement officer's, or individual's territorial jurisdiction, a 36405
law of this state. 36406

(3) The house sergeant at arms, if the house sergeant at arms 36407
has arrest authority pursuant to division (E)(1) of section 36408
101.311 of the Revised Code, and an assistant house sergeant at 36409
arms shall arrest and detain, until a warrant can be obtained, a 36410

person found violating, within the limits of the sergeant at 36411
arms's or assistant sergeant at arms's territorial jurisdiction 36412
specified in division (D)(1)(a) of section 101.311 of the Revised 36413
Code or while providing security pursuant to division (D)(1)(f) of 36414
section 101.311 of the Revised Code, a law of this state, an 36415
ordinance of a municipal corporation, or a resolution of a 36416
township. 36417

(4) The senate sergeant at arms and an assistant senate 36418
sergeant at arms shall arrest and detain, until a warrant can be 36419
obtained, a person found violating, within the limits of the 36420
sergeant at arms's or assistant sergeant at arms's territorial 36421
jurisdiction specified in division (B) of section 101.312 of the 36422
Revised Code, a law of this state, an ordinance of a municipal 36423
corporation, or a resolution of a township. 36424

(B)(1) When there is reasonable ground to believe that an 36425
offense of violence, the offense of criminal child enticement as 36426
defined in section 2905.05 of the Revised Code, the offense of 36427
public indecency as defined in section 2907.09 of the Revised 36428
Code, the offense of domestic violence as defined in section 36429
2919.25 of the Revised Code, the offense of violating a protection 36430
order as defined in section 2919.27 of the Revised Code, the 36431
offense of menacing by stalking as defined in section 2903.211 of 36432
the Revised Code, the offense of aggravated trespass as defined in 36433
section 2911.211 of the Revised Code, a theft offense as defined 36434
in section 2913.01 of the Revised Code, or a felony drug abuse 36435
offense as defined in section 2925.01 of the Revised Code, has 36436
been committed within the limits of the political subdivision, 36437
metropolitan housing authority housing project, regional transit 36438
authority facilities or those areas of a municipal corporation 36439
that have been agreed to by a regional transit authority and a 36440
municipal corporation located within its territorial jurisdiction, 36441
college, university, veterans' home operated under Chapter 5907. 36442

of the Revised Code, port authority, or municipal airport or other 36443
municipal air navigation facility, in which the peace officer is 36444
appointed, employed, or elected or within the limits of the 36445
territorial jurisdiction of the peace officer, a peace officer 36446
described in division (A) of this section may arrest and detain 36447
until a warrant can be obtained any person who the peace officer 36448
has reasonable cause to believe is guilty of the violation. 36449

(2) For purposes of division (B)(1) of this section, the 36450
execution of any of the following constitutes reasonable ground to 36451
believe that the offense alleged in the statement was committed 36452
and reasonable cause to believe that the person alleged in the 36453
statement to have committed the offense is guilty of the 36454
violation: 36455

(a) A written statement by a person alleging that an alleged 36456
offender has committed the offense of menacing by stalking or 36457
aggravated trespass; 36458

(b) A written statement by the administrator of the 36459
interstate compact on mental health appointed under section 36460
~~5119.51~~ 5119.71 of the Revised Code alleging that a person who had 36461
been hospitalized, institutionalized, or confined in any facility 36462
under an order made pursuant to or under authority of section 36463
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 36464
2945.402 of the Revised Code has escaped from the facility, from 36465
confinement in a vehicle for transportation to or from the 36466
facility, or from supervision by an employee of the facility that 36467
is incidental to hospitalization, institutionalization, or 36468
confinement in the facility and that occurs outside of the 36469
facility, in violation of section 2921.34 of the Revised Code; 36470

(c) A written statement by the administrator of any facility 36471
in which a person has been hospitalized, institutionalized, or 36472
confined under an order made pursuant to or under authority of 36473
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 36474

2945.402 of the Revised Code alleging that the person has escaped 36475
from the facility, from confinement in a vehicle for 36476
transportation to or from the facility, or from supervision by an 36477
employee of the facility that is incidental to hospitalization, 36478
institutionalization, or confinement in the facility and that 36479
occurs outside of the facility, in violation of section 2921.34 of 36480
the Revised Code. 36481

(3)(a) For purposes of division (B)(1) of this section, a 36482
peace officer described in division (A) of this section has 36483
reasonable grounds to believe that the offense of domestic 36484
violence or the offense of violating a protection order has been 36485
committed and reasonable cause to believe that a particular person 36486
is guilty of committing the offense if any of the following 36487
occurs: 36488

(i) A person executes a written statement alleging that the 36489
person in question has committed the offense of domestic violence 36490
or the offense of violating a protection order against the person 36491
who executes the statement or against a child of the person who 36492
executes the statement. 36493

(ii) No written statement of the type described in division 36494
(B)(3)(a)(i) of this section is executed, but the peace officer, 36495
based upon the peace officer's own knowledge and observation of 36496
the facts and circumstances of the alleged incident of the offense 36497
of domestic violence or the alleged incident of the offense of 36498
violating a protection order or based upon any other information, 36499
including, but not limited to, any reasonably trustworthy 36500
information given to the peace officer by the alleged victim of 36501
the alleged incident of the offense or any witness of the alleged 36502
incident of the offense, concludes that there are reasonable 36503
grounds to believe that the offense of domestic violence or the 36504
offense of violating a protection order has been committed and 36505
reasonable cause to believe that the person in question is guilty 36506

of committing the offense. 36507

(iii) No written statement of the type described in division 36508
(B)(3)(a)(i) of this section is executed, but the peace officer 36509
witnessed the person in question commit the offense of domestic 36510
violence or the offense of violating a protection order. 36511

(b) If pursuant to division (B)(3)(a) of this section a peace 36512
officer has reasonable grounds to believe that the offense of 36513
domestic violence or the offense of violating a protection order 36514
has been committed and reasonable cause to believe that a 36515
particular person is guilty of committing the offense, it is the 36516
preferred course of action in this state that the officer arrest 36517
and detain that person pursuant to division (B)(1) of this section 36518
until a warrant can be obtained. 36519

If pursuant to division (B)(3)(a) of this section a peace 36520
officer has reasonable grounds to believe that the offense of 36521
domestic violence or the offense of violating a protection order 36522
has been committed and reasonable cause to believe that family or 36523
household members have committed the offense against each other, 36524
it is the preferred course of action in this state that the 36525
officer, pursuant to division (B)(1) of this section, arrest and 36526
detain until a warrant can be obtained the family or household 36527
member who committed the offense and whom the officer has 36528
reasonable cause to believe is the primary physical aggressor. 36529
There is no preferred course of action in this state regarding any 36530
other family or household member who committed the offense and 36531
whom the officer does not have reasonable cause to believe is the 36532
primary physical aggressor, but, pursuant to division (B)(1) of 36533
this section, the peace officer may arrest and detain until a 36534
warrant can be obtained any other family or household member who 36535
committed the offense and whom the officer does not have 36536
reasonable cause to believe is the primary physical aggressor. 36537

(c) If a peace officer described in division (A) of this 36538

section does not arrest and detain a person whom the officer has 36539
reasonable cause to believe committed the offense of domestic 36540
violence or the offense of violating a protection order when it is 36541
the preferred course of action in this state pursuant to division 36542
(B)(3)(b) of this section that the officer arrest that person, the 36543
officer shall articulate in the written report of the incident 36544
required by section 2935.032 of the Revised Code a clear statement 36545
of the officer's reasons for not arresting and detaining that 36546
person until a warrant can be obtained. 36547

(d) In determining for purposes of division (B)(3)(b) of this 36548
section which family or household member is the primary physical 36549
aggressor in a situation in which family or household members have 36550
committed the offense of domestic violence or the offense of 36551
violating a protection order against each other, a peace officer 36552
described in division (A) of this section, in addition to any 36553
other relevant circumstances, should consider all of the 36554
following: 36555

(i) Any history of domestic violence or of any other violent 36556
acts by either person involved in the alleged offense that the 36557
officer reasonably can ascertain; 36558

(ii) If violence is alleged, whether the alleged violence was 36559
caused by a person acting in self-defense; 36560

(iii) Each person's fear of physical harm, if any, resulting 36561
from the other person's threatened use of force against any person 36562
or resulting from the other person's use or history of the use of 36563
force against any person, and the reasonableness of that fear; 36564

(iv) The comparative severity of any injuries suffered by the 36565
persons involved in the alleged offense. 36566

(e)(i) A peace officer described in division (A) of this 36567
section shall not require, as a prerequisite to arresting or 36568
charging a person who has committed the offense of domestic 36569

violence or the offense of violating a protection order, that the 36570
victim of the offense specifically consent to the filing of 36571
charges against the person who has committed the offense or sign a 36572
complaint against the person who has committed the offense. 36573

(ii) If a person is arrested for or charged with committing 36574
the offense of domestic violence or the offense of violating a 36575
protection order and if the victim of the offense does not 36576
cooperate with the involved law enforcement or prosecuting 36577
authorities in the prosecution of the offense or, subsequent to 36578
the arrest or the filing of the charges, informs the involved law 36579
enforcement or prosecuting authorities that the victim does not 36580
wish the prosecution of the offense to continue or wishes to drop 36581
charges against the alleged offender relative to the offense, the 36582
involved prosecuting authorities, in determining whether to 36583
continue with the prosecution of the offense or whether to dismiss 36584
charges against the alleged offender relative to the offense and 36585
notwithstanding the victim's failure to cooperate or the victim's 36586
wishes, shall consider all facts and circumstances that are 36587
relevant to the offense, including, but not limited to, the 36588
statements and observations of the peace officers who responded to 36589
the incident that resulted in the arrest or filing of the charges 36590
and of all witnesses to that incident. 36591

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 36592
this section whether to arrest a person pursuant to division 36593
(B)(1) of this section, a peace officer described in division (A) 36594
of this section shall not consider as a factor any possible 36595
shortage of cell space at the detention facility to which the 36596
person will be taken subsequent to the person's arrest or any 36597
possibility that the person's arrest might cause, contribute to, 36598
or exacerbate overcrowding at that detention facility or at any 36599
other detention facility. 36600

(g) If a peace officer described in division (A) of this 36601

section intends pursuant to divisions (B)(3)(a) to (g) of this 36602
section to arrest a person pursuant to division (B)(1) of this 36603
section and if the officer is unable to do so because the person 36604
is not present, the officer promptly shall seek a warrant for the 36605
arrest of the person. 36606

(h) If a peace officer described in division (A) of this 36607
section responds to a report of an alleged incident of the offense 36608
of domestic violence or an alleged incident of the offense of 36609
violating a protection order and if the circumstances of the 36610
incident involved the use or threatened use of a deadly weapon or 36611
any person involved in the incident brandished a deadly weapon 36612
during or in relation to the incident, the deadly weapon that was 36613
used, threatened to be used, or brandished constitutes contraband, 36614
and, to the extent possible, the officer shall seize the deadly 36615
weapon as contraband pursuant to Chapter 2981. of the Revised 36616
Code. Upon the seizure of a deadly weapon pursuant to division 36617
(B)(3)(h) of this section, section 2981.12 of the Revised Code 36618
shall apply regarding the treatment and disposition of the deadly 36619
weapon. For purposes of that section, the "underlying criminal 36620
offense" that was the basis of the seizure of a deadly weapon 36621
under division (B)(3)(h) of this section and to which the deadly 36622
weapon had a relationship is any of the following that is 36623
applicable: 36624

(i) The alleged incident of the offense of domestic violence 36625
or the alleged incident of the offense of violating a protection 36626
order to which the officer who seized the deadly weapon responded; 36627

(ii) Any offense that arose out of the same facts and 36628
circumstances as the report of the alleged incident of the offense 36629
of domestic violence or the alleged incident of the offense of 36630
violating a protection order to which the officer who seized the 36631
deadly weapon responded. 36632

(4) If, in the circumstances described in divisions (B)(3)(a) 36633

to (g) of this section, a peace officer described in division (A) 36634
of this section arrests and detains a person pursuant to division 36635
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 36636
this section, a peace officer described in division (A) of this 36637
section seizes a deadly weapon, the officer, to the extent 36638
described in and in accordance with section 9.86 or 2744.03 of the 36639
Revised Code, is immune in any civil action for damages for 36640
injury, death, or loss to person or property that arises from or 36641
is related to the arrest and detention or the seizure. 36642

(C) When there is reasonable ground to believe that a 36643
violation of division (A)(1), (2), (3), (4), or (5) of section 36644
4506.15 or a violation of section 4511.19 of the Revised Code has 36645
been committed by a person operating a motor vehicle subject to 36646
regulation by the public utilities commission of Ohio under Title 36647
XLIX of the Revised Code, a peace officer with authority to 36648
enforce that provision of law may stop or detain the person whom 36649
the officer has reasonable cause to believe was operating the 36650
motor vehicle in violation of the division or section and, after 36651
investigating the circumstances surrounding the operation of the 36652
vehicle, may arrest and detain the person. 36653

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 36654
municipal police officer, member of a police force employed by a 36655
metropolitan housing authority under division (D) of section 36656
3735.31 of the Revised Code, member of a police force employed by 36657
a regional transit authority under division (Y) of section 306.35 36658
of the Revised Code, special police officer employed by a port 36659
authority under section 4582.04 or 4582.28 of the Revised Code, 36660
special police officer employed by a municipal corporation at a 36661
municipal airport or other municipal air navigation facility 36662
described in division (A) of this section, township constable, 36663
police officer of a township or joint police district, state 36664
university law enforcement officer appointed under section 3345.04 36665

of the Revised Code, peace officer of the department of natural resources, individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code, the house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code, or an assistant house sergeant at arms is authorized by division (A) or (B) of this section to arrest and detain, within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, port authority, municipal airport or other municipal air navigation facility, college, or university in which the officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, a person until a warrant can be obtained, the peace officer, outside the limits of that territory, may pursue, arrest, and detain that person until a warrant can be obtained if all of the following apply:

(1) The pursuit takes place without unreasonable delay after the offense is committed;

(2) The pursuit is initiated within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, port authority, municipal airport or other municipal air navigation facility, college, or university in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer;

(3) The offense involved is a felony, a misdemeanor of the

first degree or a substantially equivalent municipal ordinance, a 36698
misdemeanor of the second degree or a substantially equivalent 36699
municipal ordinance, or any offense for which points are 36700
chargeable pursuant to section 4510.036 of the Revised Code. 36701

(E) In addition to the authority granted under division (A) 36702
or (B) of this section: 36703

(1) A sheriff or deputy sheriff may arrest and detain, until 36704
a warrant can be obtained, any person found violating section 36705
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 36706
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 36707
portion of any street or highway that is located immediately 36708
adjacent to the boundaries of the county in which the sheriff or 36709
deputy sheriff is elected or appointed. 36710

(2) A member of the police force of a township police 36711
district created under section 505.48 of the Revised Code, a 36712
member of the police force of a joint police district created 36713
under section 505.482 of the Revised Code, or a township constable 36714
appointed in accordance with section 509.01 of the Revised Code, 36715
who has received a certificate from the Ohio peace officer 36716
training commission under section 109.75 of the Revised Code, may 36717
arrest and detain, until a warrant can be obtained, any person 36718
found violating any section or chapter of the Revised Code listed 36719
in division (E)(1) of this section, other than sections 4513.33 36720
and 4513.34 of the Revised Code, on the portion of any street or 36721
highway that is located immediately adjacent to the boundaries of 36722
the township police district or joint police district, in the case 36723
of a member of a township police district or joint police district 36724
police force, or the unincorporated territory of the township, in 36725
the case of a township constable. However, if the population of 36726
the township that created the township police district served by 36727
the member's police force, or the townships and municipal 36728
corporations that created the joint police district served by the 36729

member's police force, or the township that is served by the 36730
township constable, is sixty thousand or less, the member of the 36731
township police district or joint police district police force or 36732
the township constable may not make an arrest under division 36733
(E)(2) of this section on a state highway that is included as part 36734
of the interstate system. 36735

(3) A police officer or village marshal appointed, elected, 36736
or employed by a municipal corporation may arrest and detain, 36737
until a warrant can be obtained, any person found violating any 36738
section or chapter of the Revised Code listed in division (E)(1) 36739
of this section on the portion of any street or highway that is 36740
located immediately adjacent to the boundaries of the municipal 36741
corporation in which the police officer or village marshal is 36742
appointed, elected, or employed. 36743

(4) A peace officer of the department of natural resources, a 36744
state fire marshal law enforcement officer described in division 36745
(A)(23) of section 109.71 of the Revised Code, or an individual 36746
designated to perform law enforcement duties under section 36747
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 36748
detain, until a warrant can be obtained, any person found 36749
violating any section or chapter of the Revised Code listed in 36750
division (E)(1) of this section, other than sections 4513.33 and 36751
4513.34 of the Revised Code, on the portion of any street or 36752
highway that is located immediately adjacent to the boundaries of 36753
the lands and waters that constitute the territorial jurisdiction 36754
of the peace officer or state fire marshal law enforcement 36755
officer. 36756

(F)(1) A department of ~~mental health~~ mental health and 36757
addiction services special police officer or a department of 36758
developmental disabilities special police officer may arrest 36759
without a warrant and detain until a warrant can be obtained any 36760
person found committing on the premises of any institution under 36761

the jurisdiction of the particular department a misdemeanor under 36762
a law of the state. 36763

A department of ~~mental health~~ mental health and addiction 36764
services special police officer or a department of developmental 36765
disabilities special police officer may arrest without a warrant 36766
and detain until a warrant can be obtained any person who has been 36767
hospitalized, institutionalized, or confined in an institution 36768
under the jurisdiction of the particular department pursuant to or 36769
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 36770
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 36771
found committing on the premises of any institution under the 36772
jurisdiction of the particular department a violation of section 36773
2921.34 of the Revised Code that involves an escape from the 36774
premises of the institution. 36775

(2)(a) If a department of ~~mental health~~ mental health and 36776
addiction services special police officer or a department of 36777
developmental disabilities special police officer finds any person 36778
who has been hospitalized, institutionalized, or confined in an 36779
institution under the jurisdiction of the particular department 36780
pursuant to or under authority of section 2945.37, 2945.371, 36781
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 36782
Code committing a violation of section 2921.34 of the Revised Code 36783
that involves an escape from the premises of the institution, or 36784
if there is reasonable ground to believe that a violation of 36785
section 2921.34 of the Revised Code has been committed that 36786
involves an escape from the premises of an institution under the 36787
jurisdiction of the department of ~~mental health~~ mental health and 36788
addiction services or the department of developmental disabilities 36789
and if a department of ~~mental health~~ mental health and addiction 36790
services special police officer or a department of developmental 36791
disabilities special police officer has reasonable cause to 36792
believe that a particular person who has been hospitalized, 36793

institutionalized, or confined in the institution pursuant to or 36794
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 36795
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of 36796
the violation, the special police officer, outside of the premises 36797
of the institution, may pursue, arrest, and detain that person for 36798
that violation of section 2921.34 of the Revised Code, until a 36799
warrant can be obtained, if both of the following apply: 36800

(i) The pursuit takes place without unreasonable delay after 36801
the offense is committed; 36802

(ii) The pursuit is initiated within the premises of the 36803
institution from which the violation of section 2921.34 of the 36804
Revised Code occurred. 36805

(b) For purposes of division (F)(2)(a) of this section, the 36806
execution of a written statement by the administrator of the 36807
institution in which a person had been hospitalized, 36808
institutionalized, or confined pursuant to or under authority of 36809
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 36810
2945.402 of the Revised Code alleging that the person has escaped 36811
from the premises of the institution in violation of section 36812
2921.34 of the Revised Code constitutes reasonable ground to 36813
believe that the violation was committed and reasonable cause to 36814
believe that the person alleged in the statement to have committed 36815
the offense is guilty of the violation. 36816

(G) As used in this section: 36817

(1) A "department of ~~mental health~~ mental health and 36818
addiction services special police officer" means a special police 36819
officer of the department of ~~mental health~~ mental health and 36820
addiction services designated under section ~~5119.14~~ 5119.08 of the 36821
Revised Code who is certified by the Ohio peace officer training 36822
commission under section 109.77 of the Revised Code as having 36823
successfully completed an approved peace officer basic training 36824

program.	36825
(2) A "department of developmental disabilities special police officer" means a special police officer of the department of developmental disabilities designated under section 5123.13 of the Revised Code who is certified by the Ohio peace officer training council under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.	36826 36827 36828 36829 36830 36831 36832
(3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	36833 36834
(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.	36835 36836
(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.	36837 36838
(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code.	36839 36840
(7) "Peace officer of the department of natural resources" means an employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.	36841 36842 36843 36844 36845 36846 36847 36848 36849 36850
(8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder.	36851 36852 36853
Sec. 2935.33. (A) If a person charged with a misdemeanor is	36854

taken before a judge of a court of record and if it appears to the judge that the person is an alcoholic or is suffering from acute alcohol intoxication and that the person would benefit from services provided by ~~an alcohol and drug~~ a community addiction program services provider certified under Chapter ~~3793~~, 5119, of the Revised Code, the judge may place the person temporarily in a ~~program services provider~~ certified under that chapter in the area in which the court has jurisdiction for inpatient care and treatment for an indefinite period not exceeding five days. The commitment does not limit the right to release on bail. The judge may dismiss a charge of a violation of division (B) of section 2917.11 of the Revised Code or of a municipal ordinance substantially equivalent to that division if the defendant complies with all the conditions of treatment ordered by the court.

The court may order that any fines or court costs collected by the court from defendants who have received inpatient care from ~~an alcohol and drug~~ a community addiction program services provider be paid, for the benefit of the program, to the board of alcohol, drug addiction, and mental health services of the alcohol, drug addiction, and mental health service district in which the ~~program services provider~~ is located or to the director of ~~alcohol and drug addiction services~~ mental health and addiction services.

(B) If a person is being sentenced for a violation of division (B) of section 2917.11 or section 4511.19 of the Revised Code, a misdemeanor violation of section 2919.25 of the Revised Code, a misdemeanor violation of section 2919.27 of the Revised Code involving a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, or a violation of a municipal ordinance substantially equivalent to that division or any of those sections and if it

appears to the judge at the time of sentencing that the person is 36887
an alcoholic or is suffering from acute alcohol intoxication and 36888
that, in lieu of imprisonment, the person would benefit from 36889
services provided by ~~an alcohol and drug~~ a community addiction 36890
~~program~~ services provider certified under Chapter ~~3793-~~ 5119. of 36891
the Revised Code, the court may commit the person to close 36892
supervision in any facility in the area in which the court has 36893
jurisdiction that is, or is operated by, such a ~~program~~ services 36894
provider. Such close supervision may include outpatient services 36895
and part-time release, except that a person convicted of a 36896
violation of division (A) of section 4511.19 of the Revised Code 36897
shall be confined to the facility for at least three days and 36898
except that a person convicted of a misdemeanor violation of 36899
section 2919.25 of the Revised Code, a misdemeanor violation of 36900
section 2919.27 of the Revised Code involving a protection order 36901
issued or consent agreement approved pursuant to section 2919.26 36902
or 3113.31 of the Revised Code, or a violation of a substantially 36903
equivalent municipal ordinance shall be confined to the facility 36904
in accordance with the order of commitment. A commitment of a 36905
person to a facility for purposes of close supervision shall not 36906
exceed the maximum term for which the person could be imprisoned. 36907

(C) A law enforcement officer who finds a person subject to 36908
prosecution for violation of division (B) of section 2917.11 of 36909
the Revised Code or a municipal ordinance substantially equivalent 36910
to that division and who has reasonable cause to believe that the 36911
person is an alcoholic or is suffering from acute alcohol 36912
intoxication and would benefit from immediate treatment 36913
immediately may place the person in ~~an alcohol and drug~~ a 36914
community addiction ~~program~~ services provider certified under 36915
Chapter ~~3793-~~ 5119. of the Revised Code in the area in which the 36916
person is found, for emergency treatment, in lieu of other arrest 36917
procedures, for a maximum period of forty-eight hours. During that 36918
time, if the person desires to leave such custody, the person 36919

shall be released forthwith. 36920

(D) As used in this section: 36921

(1) "Alcoholic" has the same meaning as in section ~~3793.01~~ 36922
5119.01 of the Revised Code; 36923

(2) "Acute alcohol intoxication" means a heavy consumption of 36924
alcohol over a relatively short period of time, resulting in 36925
dysfunction of the brain centers controlling behavior, speech, and 36926
memory and causing characteristic withdrawal symptoms. 36927

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 of 36928
the Revised Code: 36929

(1) "Prosecutor" means a prosecuting attorney or a city 36930
director of law, village solicitor, or similar chief legal officer 36931
of a municipal corporation who has authority to prosecute a 36932
criminal case that is before the court or the criminal case in 36933
which a defendant in a criminal case has been found incompetent to 36934
stand trial or not guilty by reason of insanity. 36935

(2) "Examiner" means either of the following: 36936

(a) A psychiatrist or a licensed clinical psychologist who 36937
satisfies the criteria of division (I)(1) of section 5122.01 of 36938
the Revised Code or is employed by a certified forensic center 36939
designated by the department of ~~mental health~~ mental health and 36940
addiction services to conduct examinations or evaluations. 36941

(b) For purposes of a separate mental retardation evaluation 36942
that is ordered by a court pursuant to division (H) of section 36943
2945.371 of the Revised Code, a psychologist designated by the 36944
director of developmental disabilities pursuant to that section to 36945
conduct that separate mental retardation evaluation. 36946

(3) "Nonsecured status" means any unsupervised, off-grounds 36947
movement or trial visit from a hospital or institution, or any 36948
conditional release, that is granted to a person who is found 36949

incompetent to stand trial and is committed pursuant to section 36950
2945.39 of the Revised Code or to a person who is found not guilty 36951
by reason of insanity and is committed pursuant to section 2945.40 36952
of the Revised Code. 36953

(4) "Unsupervised, off-grounds movement" includes only 36954
off-grounds privileges that are unsupervised and that have an 36955
expectation of return to the hospital or institution on a daily 36956
basis. 36957

(5) "Trial visit" means a patient privilege of a longer 36958
stated duration of unsupervised community contact with an 36959
expectation of return to the hospital or institution at designated 36960
times. 36961

(6) "Conditional release" means a commitment status under 36962
which the trial court at any time may revoke a person's 36963
conditional release and order the rehospitalization or 36964
reinstitutionalization of the person as described in division (A) 36965
of section 2945.402 of the Revised Code and pursuant to which a 36966
person who is found incompetent to stand trial or a person who is 36967
found not guilty by reason of insanity lives and receives 36968
treatment in the community for a period of time that does not 36969
exceed the maximum prison term or term of imprisonment that the 36970
person could have received for the offense in question had the 36971
person been convicted of the offense instead of being found 36972
incompetent to stand trial on the charge of the offense or being 36973
found not guilty by reason of insanity relative to the offense. 36974

(7) "Licensed clinical psychologist," "mentally ill person 36975
subject to hospitalization by court order," and "psychiatrist" 36976
have the same meanings as in section 5122.01 of the Revised Code. 36977

(8) "Mentally retarded person subject to institutionalization 36978
by court order" has the same meaning as in section 5123.01 of the 36979
Revised Code. 36980

(B) In a criminal action in a court of common pleas, a county court, or a municipal court, the court, prosecutor, or defense may raise the issue of the defendant's competence to stand trial. If the issue is raised before the trial has commenced, the court shall hold a hearing on the issue as provided in this section. If the issue is raised after the trial has commenced, the court shall hold a hearing on the issue only for good cause shown or on the court's own motion.

(C) The court shall conduct the hearing required or authorized under division (B) of this section within thirty days after the issue is raised, unless the defendant has been referred for evaluation in which case the court shall conduct the hearing within ten days after the filing of the report of the evaluation or, in the case of a defendant who is ordered by the court pursuant to division (H) of section 2945.371 of the Revised Code to undergo a separate mental retardation evaluation conducted by a psychologist designated by the director of developmental disabilities, within ten days after the filing of the report of the separate mental retardation evaluation under that division. A hearing may be continued for good cause.

(D) The defendant shall be represented by counsel at the hearing conducted under division (C) of this section. If the defendant is unable to obtain counsel, the court shall appoint counsel under Chapter 120. of the Revised Code or under the authority recognized in division (C) of section 120.06, division (E) of section 120.16, division (E) of section 120.26, or section 2941.51 of the Revised Code before proceeding with the hearing.

(E) The prosecutor and defense counsel may submit evidence on the issue of the defendant's competence to stand trial. A written report of the evaluation of the defendant may be admitted into evidence at the hearing by stipulation, but, if either the prosecution or defense objects to its admission, the report may be

admitted under sections 2317.36 to 2317.38 of the Revised Code or 37013
any other applicable statute or rule. 37014

(F) The court shall not find a defendant incompetent to stand 37015
trial solely because the defendant is receiving or has received 37016
treatment as a voluntary or involuntary mentally ill patient under 37017
Chapter 5122. or a voluntary or involuntary mentally retarded 37018
resident under Chapter 5123. of the Revised Code or because the 37019
defendant is receiving or has received psychotropic drugs or other 37020
medication, even if the defendant might become incompetent to 37021
stand trial without the drugs or medication. 37022

(G) A defendant is presumed to be competent to stand trial. 37023
If, after a hearing, the court finds by a preponderance of the 37024
evidence that, because of the defendant's present mental 37025
condition, the defendant is incapable of understanding the nature 37026
and objective of the proceedings against the defendant or of 37027
assisting in the defendant's defense, the court shall find the 37028
defendant incompetent to stand trial and shall enter an order 37029
authorized by section 2945.38 of the Revised Code. 37030

(H) Municipal courts shall follow the procedures set forth in 37031
sections 2945.37 to 2945.402 of the Revised Code. Except as 37032
provided in section 2945.371 of the Revised Code, a municipal 37033
court shall not order an evaluation of the defendant's competence 37034
to stand trial or the defendant's mental condition at the time of 37035
the commission of the offense to be conducted at any hospital 37036
operated by the department of ~~mental health~~ mental health and 37037
addiction services. Those evaluations shall be performed through 37038
community resources including, but not limited to, certified 37039
forensic centers, court probation departments, and community 37040
mental health ~~agencies~~ services providers. All expenses of the 37041
evaluations shall be borne by the legislative authority of the 37042
municipal court, as defined in section 1901.03 of the Revised 37043
Code, and shall be taxed as costs in the case. If a defendant is 37044

found incompetent to stand trial or not guilty by reason of 37045
insanity, a municipal court may commit the defendant as provided 37046
in sections 2945.38 to 2945.402 of the Revised Code. 37047

Sec. 2945.371. (A) If the issue of a defendant's competence 37048
to stand trial is raised or if a defendant enters a plea of not 37049
guilty by reason of insanity, the court may order one or more 37050
evaluations of the defendant's present mental condition or, in the 37051
case of a plea of not guilty by reason of insanity, of the 37052
defendant's mental condition at the time of the offense charged. 37053
An examiner shall conduct the evaluation. 37054

(B) If the court orders more than one evaluation under 37055
division (A) of this section, the prosecutor and the defendant may 37056
recommend to the court an examiner whom each prefers to perform 37057
one of the evaluations. If a defendant enters a plea of not guilty 37058
by reason of insanity and if the court does not designate an 37059
examiner recommended by the defendant, the court shall inform the 37060
defendant that the defendant may have independent expert 37061
evaluation and that, if the defendant is unable to obtain 37062
independent expert evaluation, it will be obtained for the 37063
defendant at public expense if the defendant is indigent. 37064

(C) If the court orders an evaluation under division (A) of 37065
this section, the defendant shall be available at the times and 37066
places established by the examiners who are to conduct the 37067
evaluation. The court may order a defendant who has been released 37068
on bail or recognizance to submit to an evaluation under this 37069
section. If a defendant who has been released on bail or 37070
recognizance refuses to submit to a complete evaluation, the court 37071
may amend the conditions of bail or recognizance and order the 37072
sheriff to take the defendant into custody and deliver the 37073
defendant to a center, program, or facility operated or certified 37074
by the department of ~~mental health~~ mental health and addiction 37075

services or the department of developmental disabilities where the 37076
defendant may be held for evaluation for a reasonable period of 37077
time not to exceed twenty days. 37078

(D) A defendant who has not been released on bail or 37079
recognizance may be evaluated at the defendant's place of 37080
detention. Upon the request of the examiner, the court may order 37081
the sheriff to transport the defendant to a program or facility 37082
operated or certified by the department of ~~mental health~~ mental 37083
health and addiction services or the department of developmental 37084
disabilities, where the defendant may be held for evaluation for a 37085
reasonable period of time not to exceed twenty days, and to return 37086
the defendant to the place of detention after the evaluation. A 37087
municipal court may make an order under this division only upon 37088
the request of a certified forensic center examiner. 37089

(E) If a court orders the evaluation to determine a 37090
defendant's mental condition at the time of the offense charged, 37091
the court shall inform the examiner of the offense with which the 37092
defendant is charged. 37093

(F) In conducting an evaluation of a defendant's mental 37094
condition at the time of the offense charged, the examiner shall 37095
consider all relevant evidence. If the offense charged involves 37096
the use of force against another person, the relevant evidence to 37097
be considered includes, but is not limited to, any evidence that 37098
the defendant suffered, at the time of the commission of the 37099
offense, from the "battered woman syndrome." 37100

(G) The examiner shall file a written report with the court 37101
within thirty days after entry of a court order for evaluation, 37102
and the court shall provide copies of the report to the prosecutor 37103
and defense counsel. The report shall include all of the 37104
following: 37105

(1) The examiner's findings; 37106

(2) The facts in reasonable detail on which the findings are based;	37107 37108
(3) If the evaluation was ordered to determine the defendant's competence to stand trial, all of the following findings or recommendations that are applicable:	37109 37110 37111
(a) Whether the defendant is capable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense;	37112 37113 37114
(b) If the examiner's opinion is that the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense, whether the defendant presently is mentally ill or mentally retarded and, if the examiner's opinion is that the defendant presently is mentally retarded, whether the defendant appears to be a mentally retarded person subject to institutionalization by court order;	37115 37116 37117 37118 37119 37120 37121 37122
(c) If the examiner's opinion is that the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense, the examiner's opinion as to the likelihood of the defendant becoming capable of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense within one year if the defendant is provided with a course of treatment;	37123 37124 37125 37126 37127 37128 37129 37130
(d) If the examiner's opinion is that the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense and that the defendant presently is mentally ill or mentally retarded, the examiner's recommendation as to the least restrictive placement or commitment alternative, consistent with the defendant's treatment needs for restoration to competency	37131 37132 37133 37134 37135 37136 37137

and with the safety of the community. 37138

(4) If the evaluation was ordered to determine the 37139
defendant's mental condition at the time of the offense charged, 37140
the examiner's findings as to whether the defendant, at the time 37141
of the offense charged, did not know, as a result of a severe 37142
mental disease or defect, the wrongfulness of the defendant's acts 37143
charged. 37144

(H) If the examiner's report filed under division (G) of this 37145
section indicates that in the examiner's opinion the defendant is 37146
incapable of understanding the nature and objective of the 37147
proceedings against the defendant or of assisting in the 37148
defendant's defense and that in the examiner's opinion the 37149
defendant appears to be a mentally retarded person subject to 37150
institutionalization by court order, the court shall order the 37151
defendant to undergo a separate mental retardation evaluation 37152
conducted by a psychologist designated by the director of 37153
developmental disabilities. Divisions (C) to (F) of this section 37154
apply in relation to a separate mental retardation evaluation 37155
conducted under this division. The psychologist appointed under 37156
this division to conduct the separate mental retardation 37157
evaluation shall file a written report with the court within 37158
thirty days after the entry of the court order requiring the 37159
separate mental retardation evaluation, and the court shall 37160
provide copies of the report to the prosecutor and defense 37161
counsel. The report shall include all of the information described 37162
in divisions (G)(1) to (4) of this section. If the court orders a 37163
separate mental retardation evaluation of a defendant under this 37164
division, the court shall not conduct a hearing under divisions 37165
(B) to (H) of section 2945.37 of the Revised Code regarding that 37166
defendant until a report of the separate mental retardation 37167
evaluation conducted under this division has been filed. Upon the 37168
filing of that report, the court shall conduct the hearing within 37169

the period of time specified in division (C) of section 2945.37 of 37170
the Revised Code. 37171

(I) An examiner appointed under divisions (A) and (B) of this 37172
section or under division (H) of this section to evaluate a 37173
defendant to determine the defendant's competence to stand trial 37174
also may be appointed to evaluate a defendant who has entered a 37175
plea of not guilty by reason of insanity, but an examiner of that 37176
nature shall prepare separate reports on the issue of competence 37177
to stand trial and the defense of not guilty by reason of 37178
insanity. 37179

(J) No statement that a defendant makes in an evaluation or 37180
hearing under divisions (A) to (H) of this section relating to the 37181
defendant's competence to stand trial or to the defendant's mental 37182
condition at the time of the offense charged shall be used against 37183
the defendant on the issue of guilt in any criminal action or 37184
proceeding, but, in a criminal action or proceeding, the 37185
prosecutor or defense counsel may call as a witness any person who 37186
evaluated the defendant or prepared a report pursuant to a 37187
referral under this section. Neither the appointment nor the 37188
testimony of an examiner appointed under this section precludes 37189
the prosecutor or defense counsel from calling other witnesses or 37190
presenting other evidence on competency or insanity issues. 37191

(K) Persons appointed as examiners under divisions (A) and 37192
(B) of this section or under division (H) of this section shall be 37193
paid a reasonable amount for their services and expenses, as 37194
certified by the court. The certified amount shall be paid by the 37195
county in the case of county courts and courts of common pleas and 37196
by the legislative authority, as defined in section 1901.03 of the 37197
Revised Code, in the case of municipal courts. 37198

Sec. 2945.38. (A) If the issue of a defendant's competence to 37199
stand trial is raised and if the court, upon conducting the 37200

hearing provided for in section 2945.37 of the Revised Code, finds 37201
that the defendant is competent to stand trial, the defendant 37202
shall be proceeded against as provided by law. If the court finds 37203
the defendant competent to stand trial and the defendant is 37204
receiving psychotropic drugs or other medication, the court may 37205
authorize the continued administration of the drugs or medication 37206
or other appropriate treatment in order to maintain the 37207
defendant's competence to stand trial, unless the defendant's 37208
attending physician advises the court against continuation of the 37209
drugs, other medication, or treatment. 37210

(B)(1)(a) If, after taking into consideration all relevant 37211
reports, information, and other evidence, the court finds that the 37212
defendant is incompetent to stand trial and that there is a 37213
substantial probability that the defendant will become competent 37214
to stand trial within one year if the defendant is provided with a 37215
course of treatment, the court shall order the defendant to 37216
undergo treatment. If the defendant has been charged with a felony 37217
offense and if, after taking into consideration all relevant 37218
reports, information, and other evidence, the court finds that the 37219
defendant is incompetent to stand trial, but the court is unable 37220
at that time to determine whether there is a substantial 37221
probability that the defendant will become competent to stand 37222
trial within one year if the defendant is provided with a course 37223
of treatment, the court shall order continuing evaluation and 37224
treatment of the defendant for a period not to exceed four months 37225
to determine whether there is a substantial probability that the 37226
defendant will become competent to stand trial within one year if 37227
the defendant is provided with a course of treatment. 37228

(b) The court order for the defendant to undergo treatment or 37229
continuing evaluation and treatment under division (B)(1)(a) of 37230
this section shall specify that the defendant, if determined to 37231
require mental health treatment or continuing evaluation and 37232

treatment, either shall be committed to the department of ~~mental~~ 37233
~~health~~ mental health and addiction services for treatment or 37234
continuing evaluation and treatment at a hospital, facility, or 37235
agency, as determined to be clinically appropriate by the 37236
department of ~~mental health~~ mental health and addiction services 37237
or shall be committed to a facility certified by the department of 37238
~~mental health~~ mental health and addiction services as being 37239
qualified to treat mental illness, to a public or community mental 37240
health facility, or to a psychiatrist or another mental health 37241
professional for treatment or continuing evaluation and treatment. 37242
Prior to placing the defendant, the department of ~~mental health~~ 37243
mental health and addiction services shall obtain court approval 37244
for that placement following a hearing. The court order for the 37245
defendant to undergo treatment or continuing evaluation and 37246
treatment under division (B)(1)(a) of this section shall specify 37247
that the defendant, if determined to require treatment or 37248
continuing evaluation and treatment for mental retardation, shall 37249
receive treatment or continuing evaluation and treatment at an 37250
institution or facility operated by the department of 37251
developmental disabilities, at a facility certified by the 37252
department of developmental disabilities as being qualified to 37253
treat mental retardation, at a public or private mental 37254
retardation facility, or by a psychiatrist or another mental 37255
retardation professional. In any case, the order may restrict the 37256
defendant's freedom of movement as the court considers necessary. 37257
The prosecutor in the defendant's case shall send to the chief 37258
clinical officer of the hospital, facility, or agency where the 37259
defendant is placed by the department of ~~mental health~~ mental 37260
health and addiction services, or to the managing officer of the 37261
institution, the director of the program or facility, or the 37262
person to which the defendant is committed, copies of relevant 37263
police reports and other background information that pertains to 37264
the defendant and is available to the prosecutor unless the 37265

prosecutor determines that the release of any of the information 37266
in the police reports or any of the other background information 37267
to unauthorized persons would interfere with the effective 37268
prosecution of any person or would create a substantial risk of 37269
harm to any person. 37270

In determining the place of commitment, the court shall 37271
consider the extent to which the person is a danger to the person 37272
and to others, the need for security, and the type of crime 37273
involved and shall order the least restrictive alternative 37274
available that is consistent with public safety and treatment 37275
goals. In weighing these factors, the court shall give preference 37276
to protecting public safety. 37277

(c) If the defendant is found incompetent to stand trial, if 37278
the chief clinical officer of the hospital, facility, or agency 37279
where the defendant is placed, or the managing officer of the 37280
institution, the director of the program or facility, or the 37281
person to which the defendant is committed for treatment or 37282
continuing evaluation and treatment under division (B)(1)(b) of 37283
this section determines that medication is necessary to restore 37284
the defendant's competency to stand trial, and if the defendant 37285
lacks the capacity to give informed consent or refuses medication, 37286
the chief clinical officer of the hospital, facility, or agency 37287
where the defendant is placed, or the managing officer of the 37288
institution, the director of the program or facility, or the 37289
person to which the defendant is committed for treatment or 37290
continuing evaluation and treatment may petition the court for 37291
authorization for the involuntary administration of medication. 37292
The court shall hold a hearing on the petition within five days of 37293
the filing of the petition if the petition was filed in a 37294
municipal court or a county court regarding an incompetent 37295
defendant charged with a misdemeanor or within ten days of the 37296
filing of the petition if the petition was filed in a court of 37297

common pleas regarding an incompetent defendant charged with a 37298
felony offense. Following the hearing, the court may authorize the 37299
involuntary administration of medication or may dismiss the 37300
petition. 37301

(2) If the court finds that the defendant is incompetent to 37302
stand trial and that, even if the defendant is provided with a 37303
course of treatment, there is not a substantial probability that 37304
the defendant will become competent to stand trial within one 37305
year, the court shall order the discharge of the defendant, unless 37306
upon motion of the prosecutor or on its own motion, the court 37307
either seeks to retain jurisdiction over the defendant pursuant to 37308
section 2945.39 of the Revised Code or files an affidavit in the 37309
probate court for the civil commitment of the defendant pursuant 37310
to Chapter 5122. or 5123. of the Revised Code alleging that the 37311
defendant is a mentally ill person subject to hospitalization by 37312
court order or a mentally retarded person subject to 37313
institutionalization by court order. If an affidavit is filed in 37314
the probate court, the trial court shall send to the probate court 37315
copies of all written reports of the defendant's mental condition 37316
that were prepared pursuant to section 2945.371 of the Revised 37317
Code. 37318

The trial court may issue the temporary order of detention 37319
that a probate court may issue under section 5122.11 or 5123.71 of 37320
the Revised Code, to remain in effect until the probable cause or 37321
initial hearing in the probate court. Further proceedings in the 37322
probate court are civil proceedings governed by Chapter 5122. or 37323
5123. of the Revised Code. 37324

(C) No defendant shall be required to undergo treatment, 37325
including any continuing evaluation and treatment, under division 37326
(B)(1) of this section for longer than whichever of the following 37327
periods is applicable: 37328

(1) One year, if the most serious offense with which the 37329

defendant is charged is one of the following offenses: 37330

(a) Aggravated murder, murder, or an offense of violence for 37331
which a sentence of death or life imprisonment may be imposed; 37332

(b) An offense of violence that is a felony of the first or 37333
second degree; 37334

(c) A conspiracy to commit, an attempt to commit, or 37335
complicity in the commission of an offense described in division 37336
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 37337
complicity is a felony of the first or second degree. 37338

(2) Six months, if the most serious offense with which the 37339
defendant is charged is a felony other than a felony described in 37340
division (C)(1) of this section; 37341

(3) Sixty days, if the most serious offense with which the 37342
defendant is charged is a misdemeanor of the first or second 37343
degree; 37344

(4) Thirty days, if the most serious offense with which the 37345
defendant is charged is a misdemeanor of the third or fourth 37346
degree, a minor misdemeanor, or an unclassified misdemeanor. 37347

(D) Any defendant who is committed pursuant to this section 37348
shall not voluntarily admit the defendant or be voluntarily 37349
admitted to a hospital or institution pursuant to section 5122.02, 37350
5122.15, 5123.69, or 5123.76 of the Revised Code. 37351

(E) Except as otherwise provided in this division, a 37352
defendant who is charged with an offense and is committed by the 37353
court under this section to the department of ~~mental health~~ mental 37354
health and addiction services or is committed to an institution or 37355
facility for the treatment of mental retardation shall not be 37356
granted unsupervised on-grounds movement, supervised off-grounds 37357
movement, or nonsecured status except in accordance with the court 37358
order. The court may grant a defendant supervised off-grounds 37359

movement to obtain medical treatment or specialized habilitation 37360
treatment services if the person who supervises the treatment or 37361
the continuing evaluation and treatment of the defendant ordered 37362
under division (B)(1)(a) of this section informs the court that 37363
the treatment or continuing evaluation and treatment cannot be 37364
provided at the hospital or facility where the defendant is placed 37365
by the department of ~~mental health~~ mental health and addiction 37366
services or the institution or facility to which the defendant is 37367
committed. The chief clinical officer of the hospital or facility 37368
where the defendant is placed by the department of ~~mental health~~ 37369
mental health and addiction services or the managing officer of 37370
the institution or director of the facility to which the defendant 37371
is committed, or a designee of any of those persons, may grant a 37372
defendant movement to a medical facility for an emergency medical 37373
situation with appropriate supervision to ensure the safety of the 37374
defendant, staff, and community during that emergency medical 37375
situation. The chief clinical officer of the hospital or facility 37376
where the defendant is placed by the department of ~~mental health~~ 37377
mental health and addiction services or the managing officer of 37378
the institution or director of the facility to which the defendant 37379
is committed shall notify the court within twenty-four hours of 37380
the defendant's movement to the medical facility for an emergency 37381
medical situation under this division. 37382

(F) The person who supervises the treatment or continuing 37383
evaluation and treatment of a defendant ordered to undergo 37384
treatment or continuing evaluation and treatment under division 37385
(B)(1)(a) of this section shall file a written report with the 37386
court at the following times: 37387

(1) Whenever the person believes the defendant is capable of 37388
understanding the nature and objective of the proceedings against 37389
the defendant and of assisting in the defendant's defense; 37390

(2) For a felony offense, fourteen days before expiration of 37391

the maximum time for treatment as specified in division (C) of 37392
this section and fourteen days before the expiration of the 37393
maximum time for continuing evaluation and treatment as specified 37394
in division (B)(1)(a) of this section, and, for a misdemeanor 37395
offense, ten days before the expiration of the maximum time for 37396
treatment, as specified in division (C) of this section; 37397

(3) At a minimum, after each six months of treatment; 37398

(4) Whenever the person who supervises the treatment or 37399
continuing evaluation and treatment of a defendant ordered under 37400
division (B)(1)(a) of this section believes that there is not a 37401
substantial probability that the defendant will become capable of 37402
understanding the nature and objective of the proceedings against 37403
the defendant or of assisting in the defendant's defense even if 37404
the defendant is provided with a course of treatment. 37405

(G) A report under division (F) of this section shall contain 37406
the examiner's findings, the facts in reasonable detail on which 37407
the findings are based, and the examiner's opinion as to the 37408
defendant's capability of understanding the nature and objective 37409
of the proceedings against the defendant and of assisting in the 37410
defendant's defense. If, in the examiner's opinion, the defendant 37411
remains incapable of understanding the nature and objective of the 37412
proceedings against the defendant and of assisting in the 37413
defendant's defense and there is a substantial probability that 37414
the defendant will become capable of understanding the nature and 37415
objective of the proceedings against the defendant and of 37416
assisting in the defendant's defense if the defendant is provided 37417
with a course of treatment, if in the examiner's opinion the 37418
defendant remains mentally ill or mentally retarded, and if the 37419
maximum time for treatment as specified in division (C) of this 37420
section has not expired, the report also shall contain the 37421
examiner's recommendation as to the least restrictive placement or 37422
commitment alternative that is consistent with the defendant's 37423

treatment needs for restoration to competency and with the safety 37424
of the community. The court shall provide copies of the report to 37425
the prosecutor and defense counsel. 37426

(H) If a defendant is committed pursuant to division (B)(1) 37427
of this section, within ten days after the treating physician of 37428
the defendant or the examiner of the defendant who is employed or 37429
retained by the treating facility advises that there is not a 37430
substantial probability that the defendant will become capable of 37431
understanding the nature and objective of the proceedings against 37432
the defendant or of assisting in the defendant's defense even if 37433
the defendant is provided with a course of treatment, within ten 37434
days after the expiration of the maximum time for treatment as 37435
specified in division (C) of this section, within ten days after 37436
the expiration of the maximum time for continuing evaluation and 37437
treatment as specified in division (B)(1)(a) of this section, 37438
within thirty days after a defendant's request for a hearing that 37439
is made after six months of treatment, or within thirty days after 37440
being advised by the treating physician or examiner that the 37441
defendant is competent to stand trial, whichever is the earliest, 37442
the court shall conduct another hearing to determine if the 37443
defendant is competent to stand trial and shall do whichever of 37444
the following is applicable: 37445

(1) If the court finds that the defendant is competent to 37446
stand trial, the defendant shall be proceeded against as provided 37447
by law. 37448

(2) If the court finds that the defendant is incompetent to 37449
stand trial, but that there is a substantial probability that the 37450
defendant will become competent to stand trial if the defendant is 37451
provided with a course of treatment, and the maximum time for 37452
treatment as specified in division (C) of this section has not 37453
expired, the court, after consideration of the examiner's 37454
recommendation, shall order that treatment be continued, may 37455

change the facility or program at which the treatment is to be 37456
continued, and shall specify whether the treatment is to be 37457
continued at the same or a different facility or program. 37458

(3) If the court finds that the defendant is incompetent to 37459
stand trial, if the defendant is charged with an offense listed in 37460
division (C)(1) of this section, and if the court finds that there 37461
is not a substantial probability that the defendant will become 37462
competent to stand trial even if the defendant is provided with a 37463
course of treatment, or if the maximum time for treatment relative 37464
to that offense as specified in division (C) of this section has 37465
expired, further proceedings shall be as provided in sections 37466
2945.39, 2945.401, and 2945.402 of the Revised Code. 37467

(4) If the court finds that the defendant is incompetent to 37468
stand trial, if the most serious offense with which the defendant 37469
is charged is a misdemeanor or a felony other than a felony listed 37470
in division (C)(1) of this section, and if the court finds that 37471
there is not a substantial probability that the defendant will 37472
become competent to stand trial even if the defendant is provided 37473
with a course of treatment, or if the maximum time for treatment 37474
relative to that offense as specified in division (C) of this 37475
section has expired, the court shall dismiss the indictment, 37476
information, or complaint against the defendant. A dismissal under 37477
this division is not a bar to further prosecution based on the 37478
same conduct. The court shall discharge the defendant unless the 37479
court or prosecutor files an affidavit in probate court for civil 37480
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 37481
If an affidavit for civil commitment is filed, the court may 37482
detain the defendant for ten days pending civil commitment. All of 37483
the following provisions apply to persons charged with a 37484
misdemeanor or a felony other than a felony listed in division 37485
(C)(1) of this section who are committed by the probate court 37486
subsequent to the court's or prosecutor's filing of an affidavit 37487

for civil commitment under authority of this division: 37488

(a) The chief clinical officer of the entity, hospital, or 37489
facility, the managing officer of the institution, the director of 37490
the program, or the person to which the defendant is committed or 37491
admitted shall do all of the following: 37492

(i) Notify the prosecutor, in writing, of the discharge of 37493
the defendant, send the notice at least ten days prior to the 37494
discharge unless the discharge is by the probate court, and state 37495
in the notice the date on which the defendant will be discharged; 37496

(ii) Notify the prosecutor, in writing, when the defendant is 37497
absent without leave or is granted unsupervised, off-grounds 37498
movement, and send this notice promptly after the discovery of the 37499
absence without leave or prior to the granting of the 37500
unsupervised, off-grounds movement, whichever is applicable; 37501

(iii) Notify the prosecutor, in writing, of the change of the 37502
defendant's commitment or admission to voluntary status, send the 37503
notice promptly upon learning of the change to voluntary status, 37504
and state in the notice the date on which the defendant was 37505
committed or admitted on a voluntary status. 37506

(b) Upon receiving notice that the defendant will be granted 37507
unsupervised, off-grounds movement, the prosecutor either shall 37508
re-indict the defendant or promptly notify the court that the 37509
prosecutor does not intend to prosecute the charges against the 37510
defendant. 37511

(I) If a defendant is convicted of a crime and sentenced to a 37512
jail or workhouse, the defendant's sentence shall be reduced by 37513
the total number of days the defendant is confined for evaluation 37514
to determine the defendant's competence to stand trial or 37515
treatment under this section and sections 2945.37 and 2945.371 of 37516
the Revised Code or by the total number of days the defendant is 37517
confined for evaluation to determine the defendant's mental 37518

condition at the time of the offense charged. 37519

Sec. 2945.39. (A) If a defendant who is charged with an 37520
offense described in division (C)(1) of section 2945.38 of the 37521
Revised Code is found incompetent to stand trial, after the 37522
expiration of the maximum time for treatment as specified in 37523
division (C) of that section or after the court finds that there 37524
is not a substantial probability that the defendant will become 37525
competent to stand trial even if the defendant is provided with a 37526
course of treatment, one of the following applies: 37527

(1) The court or the prosecutor may file an affidavit in 37528
probate court for civil commitment of the defendant in the manner 37529
provided in Chapter 5122. or 5123. of the Revised Code. If the 37530
court or prosecutor files an affidavit for civil commitment, the 37531
court may detain the defendant for ten days pending civil 37532
commitment. If the probate court commits the defendant subsequent 37533
to the court's or prosecutor's filing of an affidavit for civil 37534
commitment, the chief clinical officer of the entity, hospital, or 37535
facility, the managing officer of the institution, the director of 37536
the program, or the person to which the defendant is committed or 37537
admitted shall send to the prosecutor the notices described in 37538
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 37539
Code within the periods of time and under the circumstances 37540
specified in those divisions. 37541

(2) On the motion of the prosecutor or on its own motion, the 37542
court may retain jurisdiction over the defendant if, at a hearing, 37543
the court finds both of the following by clear and convincing 37544
evidence: 37545

(a) The defendant committed the offense with which the 37546
defendant is charged. 37547

(b) The defendant is a mentally ill person subject to 37548
hospitalization by court order or a mentally retarded person 37549

subject to institutionalization by court order. 37550

(B) In making its determination under division (A)(2) of this 37551
section as to whether to retain jurisdiction over the defendant, 37552
the court may consider all relevant evidence, including, but not 37553
limited to, any relevant psychiatric, psychological, or medical 37554
testimony or reports, the acts constituting the offense charged, 37555
and any history of the defendant that is relevant to the 37556
defendant's ability to conform to the law. 37557

(C) If the court conducts a hearing as described in division 37558
(A)(2) of this section and if the court does not make both 37559
findings described in divisions (A)(2)(a) and (b) of this section 37560
by clear and convincing evidence, the court shall dismiss the 37561
indictment, information, or complaint against the defendant. Upon 37562
the dismissal, the court shall discharge the defendant unless the 37563
court or prosecutor files an affidavit in probate court for civil 37564
commitment of the defendant pursuant to Chapter 5122. or 5123. of 37565
the Revised Code. If the court or prosecutor files an affidavit 37566
for civil commitment, the court may order that the defendant be 37567
detained for up to ten days pending the civil commitment. If the 37568
probate court commits the defendant subsequent to the court's or 37569
prosecutor's filing of an affidavit for civil commitment, the 37570
chief clinical officer of the entity, hospital, or facility, the 37571
managing officer of the institution, the director of the program, 37572
or the person to which the defendant is committed or admitted 37573
shall send to the prosecutor the notices described in divisions 37574
(H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code 37575
within the periods of time and under the circumstances specified 37576
in those divisions. A dismissal of charges under this division is 37577
not a bar to further criminal proceedings based on the same 37578
conduct. 37579

(D)(1) If the court conducts a hearing as described in 37580
division (A)(2) of this section and if the court makes the 37581

findings described in divisions (A)(2)(a) and (b) of this section 37582
by clear and convincing evidence, the court shall commit the 37583
defendant, if determined to require mental health treatment, 37584
either to the department of ~~mental health~~ mental health and 37585
addiction services for treatment at a hospital, facility, or 37586
agency as determined clinically appropriate by the department of 37587
~~mental health~~ mental health and addiction services or to another 37588
medical or psychiatric facility, as appropriate. Prior to placing 37589
the defendant, the department of ~~mental health~~ mental health and 37590
addiction services shall obtain court approval for that placement. 37591
If the court conducts such a hearing and if it makes those 37592
findings by clear and convincing evidence, the court shall commit 37593
the defendant, if determined to require treatment for mental 37594
retardation, to a facility operated by the department of 37595
developmental disabilities, or another facility, as appropriate. 37596
In determining the place of commitment, the court shall consider 37597
the extent to which the person is a danger to the person and to 37598
others, the need for security, and the type of crime involved and 37599
shall order the least restrictive alternative available that is 37600
consistent with public safety and the welfare of the defendant. In 37601
weighing these factors, the court shall give preference to 37602
protecting public safety. 37603

(2) If a court makes a commitment of a defendant under 37604
division (D)(1) of this section, the prosecutor shall send to the 37605
hospital, facility, or agency where the defendant is placed by the 37606
department of ~~mental health~~ mental health and addiction services 37607
or to the defendant's place of commitment all reports of the 37608
defendant's current mental condition and, except as otherwise 37609
provided in this division, any other relevant information, 37610
including, but not limited to, a transcript of the hearing held 37611
pursuant to division (A)(2) of this section, copies of relevant 37612
police reports, and copies of any prior arrest and conviction 37613
records that pertain to the defendant and that the prosecutor 37614

possesses. The prosecutor shall send the reports of the 37615
defendant's current mental condition in every case of commitment, 37616
and, unless the prosecutor determines that the release of any of 37617
the other relevant information to unauthorized persons would 37618
interfere with the effective prosecution of any person or would 37619
create a substantial risk of harm to any person, the prosecutor 37620
also shall send the other relevant information. Upon admission of 37621
a defendant committed under division (D)(1) of this section, the 37622
place of commitment shall send to the board of alcohol, drug 37623
addiction, and mental health services or the community mental 37624
health board serving the county in which the charges against the 37625
defendant were filed a copy of all reports of the defendant's 37626
current mental condition and a copy of the other relevant 37627
information provided by the prosecutor under this division, 37628
including, if provided, a transcript of the hearing held pursuant 37629
to division (A)(2) of this section, the relevant police reports, 37630
and the prior arrest and conviction records that pertain to the 37631
defendant and that the prosecutor possesses. 37632

(3) If a court makes a commitment under division (D)(1) of 37633
this section, all further proceedings shall be in accordance with 37634
sections 2945.401 and 2945.402 of the Revised Code. 37635

Sec. 2945.40. (A) If a person is found not guilty by reason 37636
of insanity, the verdict shall state that finding, and the trial 37637
court shall conduct a full hearing to determine whether the person 37638
is a mentally ill person subject to hospitalization by court order 37639
or a mentally retarded person subject to institutionalization by 37640
court order. Prior to the hearing, if the trial judge believes 37641
that there is probable cause that the person found not guilty by 37642
reason of insanity is a mentally ill person subject to 37643
hospitalization by court order or mentally retarded person subject 37644
to institutionalization by court order, the trial judge may issue 37645
a temporary order of detention for that person to remain in effect 37646

for ten court days or until the hearing, whichever occurs first. 37647

Any person detained pursuant to a temporary order of 37648
detention issued under this division shall be held in a suitable 37649
facility, taking into consideration the place and type of 37650
confinement prior to and during trial. 37651

(B) The court shall hold the hearing under division (A) of 37652
this section to determine whether the person found not guilty by 37653
reason of insanity is a mentally ill person subject to 37654
hospitalization by court order or a mentally retarded person 37655
subject to institutionalization by court order within ten court 37656
days after the finding of not guilty by reason of insanity. 37657
Failure to conduct the hearing within the ten-day period shall 37658
cause the immediate discharge of the respondent, unless the judge 37659
grants a continuance for not longer than ten court days for good 37660
cause shown or for any period of time upon motion of the 37661
respondent. 37662

(C) If a person is found not guilty by reason of insanity, 37663
the person has the right to attend all hearings conducted pursuant 37664
to sections 2945.37 to 2945.402 of the Revised Code. At any 37665
hearing conducted pursuant to one of those sections, the court 37666
shall inform the person that the person has all of the following 37667
rights: 37668

(1) The right to be represented by counsel and to have that 37669
counsel provided at public expense if the person is indigent, with 37670
the counsel to be appointed by the court under Chapter 120. of the 37671
Revised Code or under the authority recognized in division (C) of 37672
section 120.06, division (E) of section 120.16, division (E) of 37673
section 120.26, or section 2941.51 of the Revised Code; 37674

(2) The right to have independent expert evaluation and to 37675
have that independent expert evaluation provided at public expense 37676
if the person is indigent; 37677

(3) The right to subpoena witnesses and documents, to present 37678
evidence on the person's behalf, and to cross-examine witnesses 37679
against the person; 37680

(4) The right to testify in the person's own behalf and to 37681
not be compelled to testify; 37682

(5) The right to have copies of any relevant medical or 37683
mental health document in the custody of the state or of any place 37684
of commitment other than a document for which the court finds that 37685
the release to the person of information contained in the document 37686
would create a substantial risk of harm to any person. 37687

(D) The hearing under division (A) of this section shall be 37688
open to the public, and the court shall conduct the hearing in 37689
accordance with the Rules of Civil Procedure. The court shall make 37690
and maintain a full transcript and record of the hearing 37691
proceedings. The court may consider all relevant evidence, 37692
including, but not limited to, any relevant psychiatric, 37693
psychological, or medical testimony or reports, the acts 37694
constituting the offense in relation to which the person was found 37695
not guilty by reason of insanity, and any history of the person 37696
that is relevant to the person's ability to conform to the law. 37697

(E) Upon completion of the hearing under division (A) of this 37698
section, if the court finds there is not clear and convincing 37699
evidence that the person is a mentally ill person subject to 37700
hospitalization by court order or a mentally retarded person 37701
subject to institutionalization by court order, the court shall 37702
discharge the person, unless a detainer has been placed upon the 37703
person by the department of rehabilitation and correction, in 37704
which case the person shall be returned to that department. 37705

(F) If, at the hearing under division (A) of this section, 37706
the court finds by clear and convincing evidence that the person 37707
is a mentally ill person subject to hospitalization by court 37708

order, the court shall commit the person either to the department 37709
of ~~mental health~~ mental health and addiction services for 37710
treatment in a hospital, facility, or agency as determined 37711
clinically appropriate by the department of ~~mental health~~ mental 37712
health and addiction services or to another medical or psychiatric 37713
facility, as appropriate. Prior to placing the defendant, the 37714
department of ~~mental health~~ mental health and addiction services 37715
shall obtain court approval for that placement. If, at the hearing 37716
under division (A) of this section, the court determines by clear 37717
and convincing evidence that the person requires treatment for 37718
mental retardation, it shall commit the person to a facility 37719
operated by the department of developmental disabilities or 37720
another facility, as appropriate. Further proceedings shall be in 37721
accordance with sections 2945.401 and 2945.402 of the Revised 37722
Code. In determining the place of commitment, the court shall 37723
consider the extent to which the person is a danger to the person 37724
and to others, the need for security, and the type of crime 37725
involved and shall order the least restrictive alternative 37726
available that is consistent with public safety and the welfare of 37727
the person. In weighing these factors, the court shall give 37728
preference to protecting public safety. 37729

(G) If a court makes a commitment of a person under division 37730
(F) of this section, the prosecutor shall send to the hospital, 37731
facility, or agency where the person is placed by the department 37732
of ~~mental health~~ mental health and addiction services or to the 37733
defendant's place of commitment all reports of the person's 37734
current mental condition, and, except as otherwise provided in 37735
this division, any other relevant information, including, but not 37736
limited to, a transcript of the hearing held pursuant to division 37737
(A) of this section, copies of relevant police reports, and copies 37738
of any prior arrest and conviction records that pertain to the 37739
person and that the prosecutor possesses. The prosecutor shall 37740
send the reports of the person's current mental condition in every 37741

case of commitment, and, unless the prosecutor determines that the 37742
release of any of the other relevant information to unauthorized 37743
persons would interfere with the effective prosecution of any 37744
person or would create a substantial risk of harm to any person, 37745
the prosecutor also shall send the other relevant information. 37746
Upon admission of a person committed under division (F) of this 37747
section, the place of commitment shall send to the board of 37748
alcohol, drug addiction, and mental health services or the 37749
community mental health board serving the county in which the 37750
charges against the person were filed a copy of all reports of the 37751
person's current mental condition and a copy of the other relevant 37752
information provided by the prosecutor under this division, 37753
including, if provided, a transcript of the hearing held pursuant 37754
to division (A) of this section, the relevant police reports, and 37755
the prior arrest and conviction records that pertain to the person 37756
and that the prosecutor possesses. 37757

(H) A person who is committed pursuant to this section shall 37758
not voluntarily admit the person or be voluntarily admitted to a 37759
hospital or institution pursuant to section 5122.02, 5122.15, 37760
5123.69, or 5123.76 of the Revised Code. 37761

Sec. 2945.401. (A) A defendant found incompetent to stand 37762
trial and committed pursuant to section 2945.39 of the Revised 37763
Code or a person found not guilty by reason of insanity and 37764
committed pursuant to section 2945.40 of the Revised Code shall 37765
remain subject to the jurisdiction of the trial court pursuant to 37766
that commitment, and to the provisions of this section, until the 37767
final termination of the commitment as described in division 37768
(J)(1) of this section. If the jurisdiction is terminated under 37769
this division because of the final termination of the commitment 37770
resulting from the expiration of the maximum prison term or term 37771
of imprisonment described in division (J)(1)(b) of this section, 37772
the court or prosecutor may file an affidavit for the civil 37773

commitment of the defendant or person pursuant to Chapter 5122. or 37774
5123. of the Revised Code. 37775

(B) A hearing conducted under any provision of sections 37776
2945.37 to 2945.402 of the Revised Code shall not be conducted in 37777
accordance with Chapters 5122. and 5123. of the Revised Code. Any 37778
person who is committed pursuant to section 2945.39 or 2945.40 of 37779
the Revised Code shall not voluntarily admit the person or be 37780
voluntarily admitted to a hospital or institution pursuant to 37781
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 37782
All other provisions of Chapters 5122. and 5123. of the Revised 37783
Code regarding hospitalization or institutionalization shall apply 37784
to the extent they are not in conflict with this chapter. A 37785
commitment under section 2945.39 or 2945.40 of the Revised Code 37786
shall not be terminated and the conditions of the commitment shall 37787
not be changed except as otherwise provided in division (D)(2) of 37788
this section with respect to a mentally retarded person subject to 37789
institutionalization by court order or except by order of the 37790
trial court. 37791

(C) The department of ~~mental health~~ mental health and 37792
addiction services or the institution, facility, or program to 37793
which a defendant or person has been committed under section 37794
2945.39 or 2945.40 of the Revised Code shall report in writing to 37795
the trial court, at the times specified in this division, as to 37796
whether the defendant or person remains a mentally ill person 37797
subject to hospitalization by court order or a mentally retarded 37798
person subject to institutionalization by court order and, in the 37799
case of a defendant committed under section 2945.39 of the Revised 37800
Code, as to whether the defendant remains incompetent to stand 37801
trial. The department, institution, facility, or program shall 37802
make the reports after the initial six months of treatment and 37803
every two years after the initial report is made. The trial court 37804
shall provide copies of the reports to the prosecutor and to the 37805

counsel for the defendant or person. Within thirty days after its receipt pursuant to this division of a report from the department, institution, facility, or program, the trial court shall hold a hearing on the continued commitment of the defendant or person or on any changes in the conditions of the commitment of the defendant or person. The defendant or person may request a change in the conditions of confinement, and the trial court shall conduct a hearing on that request if six months or more have elapsed since the most recent hearing was conducted under this section.

(D)(1) Except as otherwise provided in division (D)(2) of this section, when a defendant or person has been committed under section 2945.39 or 2945.40 of the Revised Code, at any time after evaluating the risks to public safety and the welfare of the defendant or person, the designee of the department of ~~mental health~~ mental health and addiction services or the managing officer of the institution or director of the facility or program to which the defendant or person is committed may recommend a termination of the defendant's or person's commitment or a change in the conditions of the defendant's or person's commitment.

Except as otherwise provided in division (D)(2) of this section, if the designee of the department of ~~mental health~~ mental health and addiction services recommends on-grounds unsupervised movement, off-grounds supervised movement, or nonsecured status for the defendant or person or termination of the defendant's or person's commitment, the following provisions apply:

(a) If the department's designee recommends on-grounds unsupervised movement or off-grounds supervised movement, the department's designee shall file with the trial court an application for approval of the movement and shall send a copy of the application to the prosecutor. Within fifteen days after receiving the application, the prosecutor may request a hearing on

the application and, if a hearing is requested, shall so inform 37838
the department's designee. If the prosecutor does not request a 37839
hearing within the fifteen-day period, the trial court shall 37840
approve the application by entering its order approving the 37841
requested movement or, within five days after the expiration of 37842
the fifteen-day period, shall set a date for a hearing on the 37843
application. If the prosecutor requests a hearing on the 37844
application within the fifteen-day period, the trial court shall 37845
hold a hearing on the application within thirty days after the 37846
hearing is requested. If the trial court, within five days after 37847
the expiration of the fifteen-day period, sets a date for a 37848
hearing on the application, the trial court shall hold the hearing 37849
within thirty days after setting the hearing date. At least 37850
fifteen days before any hearing is held under this division, the 37851
trial court shall give the prosecutor written notice of the date, 37852
time, and place of the hearing. At the conclusion of each hearing 37853
conducted under this division, the trial court either shall 37854
approve or disapprove the application and shall enter its order 37855
accordingly. 37856

(b) If the department's designee recommends termination of 37857
the defendant's or person's commitment at any time or if the 37858
department's designee recommends the first of any nonsecured 37859
status for the defendant or person, the department's designee 37860
shall send written notice of this recommendation to the trial 37861
court and to the local forensic center. The local forensic center 37862
shall evaluate the committed defendant or person and, within 37863
thirty days after its receipt of the written notice, shall submit 37864
to the trial court and the department's designee a written report 37865
of the evaluation. The trial court shall provide a copy of the 37866
department's designee's written notice and of the local forensic 37867
center's written report to the prosecutor and to the counsel for 37868
the defendant or person. Upon the local forensic center's 37869
submission of the report to the trial court and the department's 37870

designee, all of the following apply: 37871

(i) If the forensic center disagrees with the recommendation 37872
of the department's designee, it shall inform the department's 37873
designee and the trial court of its decision and the reasons for 37874
the decision. The department's designee, after consideration of 37875
the forensic center's decision, shall either withdraw, proceed 37876
with, or modify and proceed with the recommendation. If the 37877
department's designee proceeds with, or modifies and proceeds 37878
with, the recommendation, the department's designee shall proceed 37879
in accordance with division (D)(1)(b)(iii) of this section. 37880

(ii) If the forensic center agrees with the recommendation of 37881
the department's designee, it shall inform the department's 37882
designee and the trial court of its decision and the reasons for 37883
the decision, and the department's designee shall proceed in 37884
accordance with division (D)(1)(b)(iii) of this section. 37885

(iii) If the forensic center disagrees with the 37886
recommendation of the department's designee and the department's 37887
designee proceeds with, or modifies and proceeds with, the 37888
recommendation or if the forensic center agrees with the 37889
recommendation of the department's designee, the department's 37890
designee shall work with community mental health ~~agencies~~ services 37891
providers, programs, facilities, or boards of alcohol, drug 37892
addiction, and mental health services or community mental health 37893
boards to develop a plan to implement the recommendation. If the 37894
defendant or person is on medication, the plan shall include, but 37895
shall not be limited to, a system to monitor the defendant's or 37896
person's compliance with the prescribed medication treatment plan. 37897
The system shall include a schedule that clearly states when the 37898
defendant or person shall report for a medication compliance 37899
check. The medication compliance checks shall be based upon the 37900
effective duration of the prescribed medication, taking into 37901
account the route by which it is taken, and shall be scheduled at 37902

intervals sufficiently close together to detect a potential 37903
increase in mental illness symptoms that the medication is 37904
intended to prevent. 37905

The department's designee, after consultation with the board 37906
of alcohol, drug addiction, and mental health services or the 37907
community mental health board serving the area, shall send the 37908
recommendation and plan developed under division (D)(1)(b)(iii) of 37909
this section, in writing, to the trial court, the prosecutor, and 37910
the counsel for the committed defendant or person. The trial court 37911
shall conduct a hearing on the recommendation and plan developed 37912
under division (D)(1)(b)(iii) of this section. Divisions (D)(1)(c) 37913
and (d) and (E) to (J) of this section apply regarding the 37914
hearing. 37915

(c) If the department's designee's recommendation is for 37916
nonsecured status or termination of commitment, the prosecutor may 37917
obtain an independent expert evaluation of the defendant's or 37918
person's mental condition, and the trial court may continue the 37919
hearing on the recommendation for a period of not more than thirty 37920
days to permit time for the evaluation. 37921

The prosecutor may introduce the evaluation report or present 37922
other evidence at the hearing in accordance with the Rules of 37923
Evidence. 37924

(d) The trial court shall schedule the hearing on a 37925
department's designee's recommendation for nonsecured status or 37926
termination of commitment and shall give reasonable notice to the 37927
prosecutor and the counsel for the defendant or person. Unless 37928
continued for independent evaluation at the prosecutor's request 37929
or for other good cause, the hearing shall be held within thirty 37930
days after the trial court's receipt of the recommendation and 37931
plan. 37932

(2)(a) Division (D)(1) of this section does not apply to 37933

on-grounds unsupervised movement of a defendant or person who has 37934
been committed under section 2945.39 or 2945.40 of the Revised 37935
Code, who is a mentally retarded person subject to 37936
institutionalization by court order, and who is being provided 37937
residential habilitation, care, and treatment in a facility 37938
operated by the department of developmental disabilities. 37939

(b) If, pursuant to section 2945.39 of the Revised Code, the 37940
trial court commits a defendant who is found incompetent to stand 37941
trial and who is a mentally retarded person subject to 37942
institutionalization by court order, if the defendant is being 37943
provided residential habilitation, care, and treatment in a 37944
facility operated by the department of developmental disabilities, 37945
if an individual who is conducting a survey for the department of 37946
health to determine the facility's compliance with the 37947
certification requirements of the medicaid program ~~under Chapter~~ 37948
~~5111. of the Revised Code and Title XIX of the "Social Security~~ 37949
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ cites the 37950
defendant's receipt of the residential habilitation, care, and 37951
treatment in the facility as being inappropriate under the 37952
certification requirements, if the defendant's receipt of the 37953
residential habilitation, care, and treatment in the facility 37954
potentially jeopardizes the facility's continued receipt of 37955
federal medicaid moneys, and if as a result of the citation the 37956
chief clinical officer of the facility determines that the 37957
conditions of the defendant's commitment should be changed, the 37958
department of developmental disabilities may cause the defendant 37959
to be removed from the particular facility and, after evaluating 37960
the risks to public safety and the welfare of the defendant and 37961
after determining whether another type of placement is consistent 37962
with the certification requirements, may place the defendant in 37963
another facility that the department selects as an appropriate 37964
facility for the defendant's continued receipt of residential 37965
habilitation, care, and treatment and that is a no less secure 37966

setting than the facility in which the defendant had been placed 37967
at the time of the citation. Within three days after the 37968
defendant's removal and alternative placement under the 37969
circumstances described in division (D)(2)(b) of this section, the 37970
department of developmental disabilities shall notify the trial 37971
court and the prosecutor in writing of the removal and alternative 37972
placement. 37973

The trial court shall set a date for a hearing on the removal 37974
and alternative placement, and the hearing shall be held within 37975
twenty-one days after the trial court's receipt of the notice from 37976
the department of developmental disabilities. At least ten days 37977
before the hearing is held, the trial court shall give the 37978
prosecutor, the department of developmental disabilities, and the 37979
counsel for the defendant written notice of the date, time, and 37980
place of the hearing. At the hearing, the trial court shall 37981
consider the citation issued by the individual who conducted the 37982
survey for the department of health to be prima-facie evidence of 37983
the fact that the defendant's commitment to the particular 37984
facility was inappropriate under the certification requirements of 37985
the medicaid program ~~under Chapter 5111. of the Revised Code and~~ 37986
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 37987
~~U.S.C.A. 301, as amended,~~ and potentially jeopardizes the 37988
particular facility's continued receipt of federal medicaid 37989
moneys. At the conclusion of the hearing, the trial court may 37990
approve or disapprove the defendant's removal and alternative 37991
placement. If the trial court approves the defendant's removal and 37992
alternative placement, the department of developmental 37993
disabilities may continue the defendant's alternative placement. 37994
If the trial court disapproves the defendant's removal and 37995
alternative placement, it shall enter an order modifying the 37996
defendant's removal and alternative placement, but that order 37997
shall not require the department of developmental disabilities to 37998
replace the defendant for purposes of continued residential 37999

habilitation, care, and treatment in the facility associated with 38000
the citation issued by the individual who conducted the survey for 38001
the department of health. 38002

(E) In making a determination under this section regarding 38003
nonsecured status or termination of commitment, the trial court 38004
shall consider all relevant factors, including, but not limited 38005
to, all of the following: 38006

(1) Whether, in the trial court's view, the defendant or 38007
person currently represents a substantial risk of physical harm to 38008
the defendant or person or others; 38009

(2) Psychiatric and medical testimony as to the current 38010
mental and physical condition of the defendant or person; 38011

(3) Whether the defendant or person has insight into the 38012
defendant's or person's condition so that the defendant or person 38013
will continue treatment as prescribed or seek professional 38014
assistance as needed; 38015

(4) The grounds upon which the state relies for the proposed 38016
commitment; 38017

(5) Any past history that is relevant to establish the 38018
defendant's or person's degree of conformity to the laws, rules, 38019
regulations, and values of society; 38020

(6) If there is evidence that the defendant's or person's 38021
mental illness is in a state of remission, the medically suggested 38022
cause and degree of the remission and the probability that the 38023
defendant or person will continue treatment to maintain the 38024
remissive state of the defendant's or person's illness should the 38025
defendant's or person's commitment conditions be altered. 38026

(F) At any hearing held pursuant to division (C) or (D)(1) or 38027
(2) of this section, the defendant or the person shall have all 38028
the rights of a defendant or person at a commitment hearing as 38029

described in section 2945.40 of the Revised Code. 38030

(G) In a hearing held pursuant to division (C) or (D)(1) of 38031
this section, the prosecutor has the burden of proof as follows: 38032

(1) For a recommendation of termination of commitment, to 38033
show by clear and convincing evidence that the defendant or person 38034
remains a mentally ill person subject to hospitalization by court 38035
order or a mentally retarded person subject to 38036
institutionalization by court order; 38037

(2) For a recommendation for a change in the conditions of 38038
the commitment to a less restrictive status, to show by clear and 38039
convincing evidence that the proposed change represents a threat 38040
to public safety or a threat to the safety of any person. 38041

(H) In a hearing held pursuant to division (C) or (D)(1) or 38042
(2) of this section, the prosecutor shall represent the state or 38043
the public interest. 38044

(I) At the conclusion of a hearing conducted under division 38045
(D)(1) of this section regarding a recommendation from the 38046
designee of the department of ~~mental health~~ mental health and 38047
addiction services, managing officer of the institution, or 38048
director of a facility or program, the trial court may approve, 38049
disapprove, or modify the recommendation and shall enter an order 38050
accordingly. 38051

(J)(1) A defendant or person who has been committed pursuant 38052
to section 2945.39 or 2945.40 of the Revised Code continues to be 38053
under the jurisdiction of the trial court until the final 38054
termination of the commitment. For purposes of division (J) of 38055
this section, the final termination of a commitment occurs upon 38056
the earlier of one of the following: 38057

(a) The defendant or person no longer is a mentally ill 38058
person subject to hospitalization by court order or a mentally 38059
retarded person subject to institutionalization by court order, as 38060

determined by the trial court; 38061

(b) The expiration of the maximum prison term or term of 38062
imprisonment that the defendant or person could have received if 38063
the defendant or person had been convicted of the most serious 38064
offense with which the defendant or person is charged or in 38065
relation to which the defendant or person was found not guilty by 38066
reason of insanity; 38067

(c) The trial court enters an order terminating the 38068
commitment under the circumstances described in division 38069
(J)(2)(a)(ii) of this section. 38070

(2)(a) If a defendant is found incompetent to stand trial and 38071
committed pursuant to section 2945.39 of the Revised Code, if 38072
neither of the circumstances described in divisions (J)(1)(a) and 38073
(b) of this section applies to that defendant, and if a report 38074
filed with the trial court pursuant to division (C) of this 38075
section indicates that the defendant presently is competent to 38076
stand trial or if, at any other time during the period of the 38077
defendant's commitment, the prosecutor, the counsel for the 38078
defendant, or the designee of the department of ~~mental health~~ 38079
mental health and addiction services or the managing officer of 38080
the institution or director of the facility or program to which 38081
the defendant is committed files an application with the trial 38082
court alleging that the defendant presently is competent to stand 38083
trial and requesting a hearing on the competency issue or the 38084
trial court otherwise has reasonable cause to believe that the 38085
defendant presently is competent to stand trial and determines on 38086
its own motion to hold a hearing on the competency issue, the 38087
trial court shall schedule a hearing on the competency of the 38088
defendant to stand trial, shall give the prosecutor, the counsel 38089
for the defendant, and the department's designee or the managing 38090
officer of the institution or the director of the facility to 38091
which the defendant is committed notice of the date, time, and 38092

place of the hearing at least fifteen days before the hearing, and 38093
shall conduct the hearing within thirty days of the filing of the 38094
application or of its own motion. If, at the conclusion of the 38095
hearing, the trial court determines that the defendant presently 38096
is capable of understanding the nature and objective of the 38097
proceedings against the defendant and of assisting in the 38098
defendant's defense, the trial court shall order that the 38099
defendant is competent to stand trial and shall be proceeded 38100
against as provided by law with respect to the applicable offenses 38101
described in division (C)(1) of section 2945.38 of the Revised 38102
Code and shall enter whichever of the following additional orders 38103
is appropriate: 38104

(i) If the trial court determines that the defendant remains 38105
a mentally ill person subject to hospitalization by court order or 38106
a mentally retarded person subject to institutionalization by 38107
court order, the trial court shall order that the defendant's 38108
commitment to the department of ~~mental health~~ mental health and 38109
addiction services or to an institution, facility, or program for 38110
the treatment of mental retardation be continued during the 38111
pendency of the trial on the applicable offenses described in 38112
division (C)(1) of section 2945.38 of the Revised Code. 38113

(ii) If the trial court determines that the defendant no 38114
longer is a mentally ill person subject to hospitalization by 38115
court order or a mentally retarded person subject to 38116
institutionalization by court order, the trial court shall order 38117
that the defendant's commitment to the department of ~~mental health~~ 38118
mental health and addiction services or to an institution, 38119
facility, or program for the treatment of mental retardation shall 38120
not be continued during the pendency of the trial on the 38121
applicable offenses described in division (C)(1) of section 38122
2945.38 of the Revised Code. This order shall be a final 38123
termination of the commitment for purposes of division (J)(1)(c) 38124

of this section. 38125

(b) If, at the conclusion of the hearing described in 38126
division (J)(2)(a) of this section, the trial court determines 38127
that the defendant remains incapable of understanding the nature 38128
and objective of the proceedings against the defendant or of 38129
assisting in the defendant's defense, the trial court shall order 38130
that the defendant continues to be incompetent to stand trial, 38131
that the defendant's commitment to the department of ~~mental health~~ 38132
mental health and addiction services or to an institution, 38133
facility, or program for the treatment of mental retardation shall 38134
be continued, and that the defendant remains subject to the 38135
jurisdiction of the trial court pursuant to that commitment, and 38136
to the provisions of this section, until the final termination of 38137
the commitment as described in division (J)(1) of this section. 38138

Sec. 2951.041. (A)(1) If an offender is charged with a 38139
criminal offense, including but not limited to a violation of 38140
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 38141
the Revised Code, and the court has reason to believe that drug or 38142
alcohol usage by the offender was a factor leading to the criminal 38143
offense with which the offender is charged or that, at the time of 38144
committing that offense, the offender had a mental illness or was 38145
a person with intellectual disability and that the mental illness 38146
or status as a person with intellectual disability was a factor 38147
leading to the offender's criminal behavior, the court may accept, 38148
prior to the entry of a guilty plea, the offender's request for 38149
intervention in lieu of conviction. The request shall include a 38150
statement from the offender as to whether the offender is alleging 38151
that drug or alcohol usage by the offender was a factor leading to 38152
the criminal offense with which the offender is charged or is 38153
alleging that, at the time of committing that offense, the 38154
offender had a mental illness or was a person with intellectual 38155
disability and that the mental illness or status as a person with 38156

intellectual disability was a factor leading to the criminal 38157
offense with which the offender is charged. The request also shall 38158
include a waiver of the defendant's right to a speedy trial, the 38159
preliminary hearing, the time period within which the grand jury 38160
may consider an indictment against the offender, and arraignment, 38161
unless the hearing, indictment, or arraignment has already 38162
occurred. The court may reject an offender's request without a 38163
hearing. If the court elects to consider an offender's request, 38164
the court shall conduct a hearing to determine whether the 38165
offender is eligible under this section for intervention in lieu 38166
of conviction and shall stay all criminal proceedings pending the 38167
outcome of the hearing. If the court schedules a hearing, the 38168
court shall order an assessment of the offender for the purpose of 38169
determining the offender's eligibility for intervention in lieu of 38170
conviction and recommending an appropriate intervention plan. 38171

If the offender alleges that drug or alcohol usage by the 38172
offender was a factor leading to the criminal offense with which 38173
the offender is charged, the court may order that the offender be 38174
assessed by ~~a program~~ an addiction services provider certified 38175
pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a 38176
properly credentialed professional for the purpose of determining 38177
the offender's eligibility for intervention in lieu of conviction 38178
and recommending an appropriate intervention plan. The ~~program~~ 38179
addiction services provider or the properly credentialed 38180
professional shall provide a written assessment of the offender to 38181
the court. 38182

(2) The victim notification provisions of division (C) of 38183
section 2930.08 of the Revised Code apply in relation to any 38184
hearing held under division (A)(1) of this section. 38185

(B) An offender is eligible for intervention in lieu of 38186
conviction if the court finds all of the following: 38187

(1) The offender previously has not been convicted of or 38188

pleaded guilty to a felony offense of violence or previously has 38189
been convicted of or pleaded guilty to any felony that is not an 38190
offense of violence and the prosecuting attorney recommends that 38191
the offender be found eligible for participation in intervention 38192
in lieu of treatment under this section, previously has not been 38193
through intervention in lieu of conviction under this section or 38194
any similar regimen, and is charged with a felony for which the 38195
court, upon conviction, would impose a community control sanction 38196
on the offender under division (B)(2) of section 2929.13 of the 38197
Revised Code or with a misdemeanor. 38198

(2) The offense is not a felony of the first, second, or 38199
third degree, is not an offense of violence, is not a violation of 38200
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 38201
not a violation of division (A)(1) of section 2903.08 of the 38202
Revised Code, is not a violation of division (A) of section 38203
4511.19 of the Revised Code or a municipal ordinance that is 38204
substantially similar to that division, and is not an offense for 38205
which a sentencing court is required to impose a mandatory prison 38206
term, a mandatory term of local incarceration, or a mandatory term 38207
of imprisonment in a jail. 38208

(3) The offender is not charged with a violation of section 38209
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 38210
with a violation of section 2925.03 of the Revised Code that is a 38211
felony of the first, second, third, or fourth degree, and is not 38212
charged with a violation of section 2925.11 of the Revised Code 38213
that is a felony of the first, second, or third degree. 38214

(4) If an offender alleges that drug or alcohol usage by the 38215
offender was a factor leading to the criminal offense with which 38216
the offender is charged, the court has ordered that the offender 38217
be assessed by ~~a program~~ an addiction services provider certified 38218
pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a 38219
properly credentialed professional for the purpose of determining 38220

the offender's eligibility for intervention in lieu of conviction 38221
and recommending an appropriate intervention plan, the offender 38222
has been assessed by ~~a program~~ an addiction services provider of 38223
that nature or a properly credentialed professional in accordance 38224
with the court's order, and the ~~program~~ addiction services 38225
provider or properly credentialed professional has filed the 38226
written assessment of the offender with the court. 38227

(5) If an offender alleges that, at the time of committing 38228
the criminal offense with which the offender is charged, the 38229
offender had a mental illness or was a person with intellectual 38230
disability and that the mental illness or status as a person with 38231
intellectual disability was a factor leading to that offense, the 38232
offender has been assessed by a psychiatrist, psychologist, 38233
independent social worker, or professional clinical counselor for 38234
the purpose of determining the offender's eligibility for 38235
intervention in lieu of conviction and recommending an appropriate 38236
intervention plan. 38237

(6) The offender's drug usage, alcohol usage, mental illness, 38238
or intellectual disability, whichever is applicable, was a factor 38239
leading to the criminal offense with which the offender is 38240
charged, intervention in lieu of conviction would not demean the 38241
seriousness of the offense, and intervention would substantially 38242
reduce the likelihood of any future criminal activity. 38243

(7) The alleged victim of the offense was not sixty-five 38244
years of age or older, permanently and totally disabled, under 38245
thirteen years of age, or a peace officer engaged in the officer's 38246
official duties at the time of the alleged offense. 38247

(8) If the offender is charged with a violation of section 38248
2925.24 of the Revised Code, the alleged violation did not result 38249
in physical harm to any person, and the offender previously has 38250
not been treated for drug abuse. 38251

(9) The offender is willing to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. 38252
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(10) The offender is not charged with an offense that would result in the offender being disqualified under Chapter 4506. of the Revised Code from operating a commercial motor vehicle or would subject the offender to any other sanction under that chapter. 38255
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(C) At the conclusion of a hearing held pursuant to division (A) of this section, the court shall enter its determination as to whether the offender is eligible for intervention in lieu of conviction and as to whether to grant the offender's request. If the court finds under division (B) of this section that the offender is eligible for intervention in lieu of conviction and grants the offender's request, the court shall accept the offender's plea of guilty and waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. In addition, the court then may stay all criminal proceedings and order the offender to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. If the court finds that the offender is not eligible or does not grant the offender's request, the criminal proceedings against the offender shall proceed as if the offender's request for intervention in lieu of conviction had not been made. 38260
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(D) If the court grants an offender's request for intervention in lieu of conviction, the court shall place the offender under the general control and supervision of the county probation department, the adult parole authority, or another appropriate local probation or court services agency, if one 38279
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exists, as if the offender was subject to a community control 38284
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 38285
Revised Code. The court shall establish an intervention plan for 38286
the offender. The terms and conditions of the intervention plan 38287
shall require the offender, for at least one year from the date on 38288
which the court grants the order of intervention in lieu of 38289
conviction, to abstain from the use of illegal drugs and alcohol, 38290
to participate in treatment and recovery support services, and to 38291
submit to regular random testing for drug and alcohol use and may 38292
include any other treatment terms and conditions, or terms and 38293
conditions similar to community control sanctions, which may 38294
include community service or restitution, that are ordered by the 38295
court. 38296

(E) If the court grants an offender's request for 38297
intervention in lieu of conviction and the court finds that the 38298
offender has successfully completed the intervention plan for the 38299
offender, including the requirement that the offender abstain from 38300
using illegal drugs and alcohol for a period of at least one year 38301
from the date on which the court granted the order of intervention 38302
in lieu of conviction, the requirement that the offender 38303
participate in treatment and recovery support services, and all 38304
other terms and conditions ordered by the court, the court shall 38305
dismiss the proceedings against the offender. Successful 38306
completion of the intervention plan and period of abstinence under 38307
this section shall be without adjudication of guilt and is not a 38308
criminal conviction for purposes of any disqualification or 38309
disability imposed by law and upon conviction of a crime, and the 38310
court may order the sealing of records related to the offense in 38311
question in the manner provided in sections 2953.31 to 2953.36 of 38312
the Revised Code. 38313

(F) If the court grants an offender's request for 38314
intervention in lieu of conviction and the offender fails to 38315

comply with any term or condition imposed as part of the 38316
intervention plan for the offender, the supervising authority for 38317
the offender promptly shall advise the court of this failure, and 38318
the court shall hold a hearing to determine whether the offender 38319
failed to comply with any term or condition imposed as part of the 38320
plan. If the court determines that the offender has failed to 38321
comply with any of those terms and conditions, it shall enter a 38322
finding of guilty and shall impose an appropriate sanction under 38323
Chapter 2929. of the Revised Code. If the court sentences the 38324
offender to a prison term, the court, after consulting with the 38325
department of rehabilitation and correction regarding the 38326
availability of services, may order continued court-supervised 38327
activity and treatment of the offender during the prison term and, 38328
upon consideration of reports received from the department 38329
concerning the offender's progress in the program of activity and 38330
treatment, may consider judicial release under section 2929.20 of 38331
the Revised Code. 38332

(G) As used in this section: 38333

(1) "Community control sanction" has the same meaning as in 38334
section 2929.01 of the Revised Code. 38335

(2) "Intervention in lieu of conviction" means any 38336
court-supervised activity that complies with this section. 38337

(3) "Peace officer" has the same meaning as in section 38338
2935.01 of the Revised Code. 38339

(4) "Mental illness" and "psychiatrist" have the same 38340
meanings as in section 5122.01 of the Revised Code. 38341

(5) "Person with intellectual disability" means a person 38342
having significantly subaverage general intellectual functioning 38343
existing concurrently with deficiencies in adaptive behavior, 38344
manifested during the developmental period. 38345

(6) "Psychologist" has the same meaning as in section 4732.01 38346

of the Revised Code. 38347

(H) Whenever the term "mentally retarded person" is used in 38348
any statute, rule, contract, grant, or other document, the 38349
reference shall be deemed to include a "person with intellectual 38350
disability," as defined in this section. 38351

Sec. 2967.22. Whenever it is brought to the attention of the 38352
adult parole authority or a department of probation that a 38353
parolee, person under a community control sanction, person under 38354
transitional control, or releasee appears to be a mentally ill 38355
person subject to hospitalization by court order, as defined in 38356
section 5122.01 of the Revised Code, or a mentally retarded person 38357
subject to institutionalization by court order, as defined in 38358
section 5123.01 of the Revised Code, the parole or probation 38359
officer, subject to the approval of the chief of the adult parole 38360
authority, the designee of the chief of the adult parole 38361
authority, or the chief probation officer, may file an affidavit 38362
under section 5122.11 or 5123.71 of the Revised Code. A parolee, 38363
person under a community control sanction, or releasee who is 38364
involuntarily detained under Chapter 5122. or 5123. of the Revised 38365
Code shall receive credit against the period of parole or 38366
community control or the term of post-release control for the 38367
period of involuntary detention. 38368

If a parolee, person under a community control sanction, 38369
person under transitional control, or releasee escapes from an 38370
institution or facility within the department of ~~mental health~~ 38371
mental health and addiction services or the department of 38372
developmental disabilities, the superintendent of the institution 38373
immediately shall notify the chief of the adult parole authority 38374
or the chief probation officer. Notwithstanding the provisions of 38375
section 5122.26 of the Revised Code, the procedure for the 38376
apprehension, detention, and return of the parolee, person under a 38377

community control sanction, person under transitional control, or 38378
releasee is the same as that provided for the apprehension, 38379
detention, and return of persons who escape from institutions 38380
operated by the department of rehabilitation and correction. If 38381
the escaped parolee, person under transitional control, or 38382
releasee is not apprehended and returned to the custody of the 38383
department of ~~mental health~~ mental health and addiction services 38384
or the department of developmental disabilities within ninety days 38385
after the escape, the parolee, person under transitional control, 38386
or releasee shall be discharged from the custody of the department 38387
of ~~mental health~~ mental health and addiction services or the 38388
department of developmental disabilities and returned to the 38389
custody of the department of rehabilitation and correction. If the 38390
escaped person under a community control sanction is not 38391
apprehended and returned to the custody of the department of 38392
~~mental health~~ mental health and addiction services or the 38393
department of developmental disabilities within ninety days after 38394
the escape, the person under a community control sanction shall be 38395
discharged from the custody of the department of ~~mental health~~ 38396
mental health and addiction services or the department of 38397
developmental disabilities and returned to the custody of the 38398
court that sentenced that person. 38399

Sec. 2981.01. (A) Forfeitures under this chapter shall be 38400
governed by all of the following purposes: 38401

(1) To provide economic disincentives and remedies to deter 38402
and offset the economic effect of offenses by seizing and 38403
forfeiting contraband, proceeds, and certain instrumentalities; 38404

(2) To ensure that seizures and forfeitures of 38405
instrumentalities are proportionate to the offense committed; 38406

(3) To protect third parties from wrongful forfeiture of 38407
their property; 38408

(4) To prioritize restitution for victims of offenses.	38409
(B) As used in this chapter:	38410
(1) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code.	38411 38412
(2) "Computers," "computer networks," "computer systems," "computer software," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.	38413 38414 38415
(3) "Financial institution" means a bank, credit union, savings and loan association, or a licensee or registrant under Chapter 1321. of the Revised Code.	38416 38417 38418
(4) "Firearm" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	38419 38420
(5) "Innocent person" includes any bona fide purchaser of property that is subject to forfeiture, including any person who establishes a valid claim to or interest in the property in accordance with section 2923.04 of the Revised Code, and any victim of an alleged offense.	38421 38422 38423 38424 38425
(6) "Instrumentality" means property otherwise lawful to possess that is used in or intended to be used in an offense. An "instrumentality" may include, but is not limited to, a firearm, a mobile instrumentality, a computer, a computer network, a computer system, computer software, a telecommunications device, money, and any other means of exchange.	38426 38427 38428 38429 38430 38431
(7) "Law enforcement agency" includes, but is not limited to, the state board of pharmacy, the enforcement division of the department of taxation, <u>the Ohio casino control commission</u> , and the office of the prosecutor.	38432 38433 38434 38435
(8) "Mobile instrumentality" means an instrumentality that is inherently mobile and used in the routine transport of persons. "Mobile instrumentality" includes, but is not limited to, any	38436 38437 38438

vehicle, any watercraft, and any aircraft. 38439

(9) "Money" has the same meaning as in section 1301.201 of 38440
the Revised Code. 38441

(10) "Offense" means any act or omission that could be 38442
charged as a criminal offense or a delinquent act, whether or not 38443
a formal criminal prosecution or delinquent child proceeding began 38444
at the time the forfeiture is initiated. Except as otherwise 38445
specified, an offense for which property may be forfeited includes 38446
any felony and any misdemeanor. The commission of an "offense" 38447
includes the commission of a delinquent act. 38448

(11) "Proceeds" means both of the following: 38449

(a) In cases involving unlawful goods, services, or 38450
activities, "proceeds" means any property derived directly or 38451
indirectly from an offense. "Proceeds" may include, but is not 38452
limited to, money or any other means of exchange. "Proceeds" is 38453
not limited to the net gain or profit realized from the offense. 38454

(b) In cases involving lawful goods or services that are sold 38455
or provided in an unlawful manner, "proceeds" means the amount of 38456
money or other means of exchange acquired through the illegal 38457
transactions resulting in the forfeiture, less the direct costs 38458
lawfully incurred in providing the goods or services. The lawful 38459
costs deduction does not include any part of the overhead expenses 38460
of, or income taxes paid by, the entity providing the goods or 38461
services. The alleged offender or delinquent child has the burden 38462
to prove that any costs are lawfully incurred. 38463

(12) "Property" means "property" as defined in section 38464
2901.01 of the Revised Code and any benefit, privilege, claim, 38465
position, interest in an enterprise, or right derived, directly or 38466
indirectly, from the offense. 38467

(13) "Property subject to forfeiture" includes contraband and 38468
proceeds and may include instrumentalities as provided in this 38469

chapter. 38470

(14) "Prosecutor" has the same meaning as in section 2935.01 38471
of the Revised Code. When relevant, "prosecutor" also includes the 38472
attorney general. 38473

(15) "Vehicle" has the same meaning as in section 4501.01 of 38474
the Revised Code. 38475

(16) "Watercraft" has the same meaning as in section 1547.01 38476
of the Revised Code. 38477

(C) The penalties and procedures under Chapters 2923., 2925., 38478
~~and~~ 2933., and 3772. of the Revised Code remain in effect to the 38479
extent that they do not conflict with this chapter. 38480

Sec. 2981.12. (A) Unclaimed or forfeited property in the 38481
custody of a law enforcement agency, other than property described 38482
in division (A)(2) of section 2981.11 of the Revised Code, shall 38483
be disposed of by order of any court of record that has 38484
territorial jurisdiction over the political subdivision that 38485
employs the law enforcement agency, as follows: 38486

(1) Drugs shall be disposed of pursuant to section 3719.11 of 38487
the Revised Code or placed in the custody of the secretary of the 38488
treasury of the United States for disposal or use for medical or 38489
scientific purposes under applicable federal law. 38490

(2) Firearms and dangerous ordnance suitable for police work 38491
may be given to a law enforcement agency for that purpose. 38492
Firearms suitable for sporting use or as museum pieces or 38493
collectors' items may be sold at public auction pursuant to 38494
division (B) of this section. The agency may sell other firearms 38495
and dangerous ordnance to a federally licensed firearms dealer in 38496
a manner that the court considers proper. The agency shall destroy 38497
any firearms or dangerous ordnance not given to a law enforcement 38498
agency or sold or shall send them to the bureau of criminal 38499

identification and investigation for destruction by the bureau. 38500

(3) Obscene materials shall be destroyed. 38501

(4) Beer, intoxicating liquor, or alcohol seized from a 38502
person who does not hold a permit issued under Chapters 4301. and 38503
4303. of the Revised Code or otherwise forfeited to the state for 38504
an offense under section 4301.45 or 4301.53 of the Revised Code 38505
shall be sold by the division of liquor control if the division 38506
determines that it is fit for sale or shall be placed in the 38507
custody of the investigations unit in the department of public 38508
safety and be used for training relating to law enforcement 38509
activities. The department, with the assistance of the division of 38510
liquor control, shall adopt rules in accordance with Chapter 119. 38511
of the Revised Code to provide for the distribution to state or 38512
local law enforcement agencies upon their request. If any tax 38513
imposed under Title XLIII of the Revised Code has not been paid in 38514
relation to the beer, intoxicating liquor, or alcohol, any moneys 38515
acquired from the sale shall first be used to pay the tax. All 38516
other money collected under this division shall be paid into the 38517
state treasury. Any beer, intoxicating liquor, or alcohol that the 38518
division determines to be unfit for sale shall be destroyed. 38519

(5) Money received by an inmate of a correctional institution 38520
from an unauthorized source or in an unauthorized manner shall be 38521
returned to the sender, if known, or deposited in the inmates' 38522
industrial and entertainment fund of the institution if the sender 38523
is not known. 38524

(6)(a) Any mobile instrumentality forfeited under this 38525
chapter may be given to the law enforcement agency that initially 38526
seized the mobile instrumentality for use in performing its 38527
duties, if the agency wants the mobile instrumentality. The agency 38528
shall take the mobile instrumentality subject to any security 38529
interest or lien on the mobile instrumentality. 38530

(b) Vehicles and vehicle parts forfeited under sections 38531
4549.61 to 4549.63 of the Revised Code may be given to a law 38532
enforcement agency for use in performing its duties. Those parts 38533
may be incorporated into any other official vehicle. Parts that do 38534
not bear vehicle identification numbers or derivatives of them may 38535
be sold or disposed of as provided by rules of the director of 38536
public safety. Parts from which a vehicle identification number or 38537
derivative of it has been removed, defaced, covered, altered, or 38538
destroyed and that are not suitable for police work or 38539
incorporation into an official vehicle shall be destroyed and sold 38540
as junk or scrap. 38541

(7) Computers, computer networks, computer systems, and 38542
computer software suitable for police work may be given to a law 38543
enforcement agency for that purpose or disposed of under division 38544
(B) of this section. 38545

(8) Money seized in connection with a violation of section 38546
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 38547
deposited in the victims of human trafficking fund created by 38548
section 5101.87 of the Revised Code. 38549

(B) Unclaimed or forfeited property that is not described in 38550
division (A) of this section or division (A)(2) of section 2981.11 38551
of the Revised Code, with court approval, may be used by the law 38552
enforcement agency in possession of it. If it is not used by the 38553
agency, it may be sold without appraisal at a public auction to 38554
the highest bidder for cash or disposed of in another manner that 38555
the court considers proper. 38556

(C) Except as provided in divisions (A) and (F) of this 38557
section and after compliance with division (D) of this section 38558
when applicable, any moneys acquired from the sale of property 38559
disposed of pursuant to this section shall be placed in the 38560
general revenue fund of the state, or the general fund of the 38561
county, the township, or the municipal corporation of which the 38562

law enforcement agency involved is an agency. 38563

(D) If the property was in the possession of the law 38564
enforcement agency in relation to a delinquent child proceeding in 38565
a juvenile court, ten per cent of any moneys acquired from the 38566
sale of property disposed of under this section shall be applied 38567
to one or more ~~alcohol and drug~~ community addiction treatment 38568
~~programs~~ services providers that are certified by the department 38569
of ~~alcohol and drug addiction services~~ mental health and addiction 38570
services under section ~~3793.06~~ 5119.36 of the Revised Code. A 38571
juvenile court shall not specify a ~~program~~ services provider, 38572
except as provided in this division, unless the ~~program~~ services 38573
provider is in the same county as the court or in a contiguous 38574
county. If no certified ~~program~~ services provider is located in 38575
any of those counties, the juvenile court may specify a certified 38576
~~program~~ services provider anywhere in Ohio. The remaining ninety 38577
per cent of the proceeds or cash shall be applied as provided in 38578
division (C) of this section. 38579

Each ~~treatment program~~ services provider that receives in any 38580
calendar year forfeited money under this division shall file an 38581
annual report for that year with the attorney general and with the 38582
court of common pleas and board of county commissioners of the 38583
county in which the ~~program~~ services provider is located and of 38584
any other county from which the ~~program~~ services provider received 38585
forfeited money. The ~~program~~ services provider shall file the 38586
report on or before the first day of March in the calendar year 38587
following the calendar year in which the ~~program~~ services provider 38588
received the money. The report shall include statistics on the 38589
number of persons the ~~program~~ services provider served, identify 38590
the types of treatment services it provided to them, and include a 38591
specific accounting of the purposes for which it used the money so 38592
received. No information contained in the report shall identify, 38593
or enable a person to determine the identity of, any person served 38594

by the ~~program~~ services provider. 38595

(E) Each certified ~~alcohol and drug~~ community addiction 38596
~~treatment program~~ services provider that receives in any calendar 38597
year money under this section or under section 2981.13 of the 38598
Revised Code as the result of a juvenile forfeiture order shall 38599
file an annual report for that calendar year with the attorney 38600
general and with the court of common pleas and board of county 38601
commissioners of the county in which the ~~program~~ services provider 38602
is located and of any other county from which the ~~program~~ services 38603
provider received the money. The ~~program~~ services provider shall 38604
file the report on or before the first day of March in the 38605
calendar year following the year in which the ~~program~~ services 38606
provider received the money. The report shall include statistics 38607
on the number of persons served with the money, identify the types 38608
of treatment services provided, and specifically account for how 38609
the money was used. No information in the report shall identify or 38610
enable a person to determine the identity of anyone served by the 38611
~~program~~ services provider. 38612

As used in this division, "juvenile-related forfeiture order" 38613
means any forfeiture order issued by a juvenile court under 38614
section 2981.04 or 2981.05 of the Revised Code and any disposal of 38615
property ordered by a court under section 2981.11 of the Revised 38616
Code regarding property that was in the possession of a law 38617
enforcement agency in relation to a delinquent child proceeding in 38618
a juvenile court. 38619

(F) Each board of county commissioners that recognizes a 38620
citizens' reward program under section 9.92 of the Revised Code 38621
shall notify each law enforcement agency of that county and of a 38622
township or municipal corporation wholly located in that county of 38623
the recognition by filing a copy of its resolution conferring that 38624
recognition with each of those agencies. When the board recognizes 38625
a citizens' reward program and the county includes a part, but not 38626

all, of the territory of a municipal corporation, the board shall 38627
so notify the law enforcement agency of that municipal corporation 38628
of the recognition of the citizens' reward program only if the 38629
county contains the highest percentage of the municipal 38630
corporation's population. 38631

Upon being so notified, each law enforcement agency shall pay 38632
twenty-five per cent of any forfeited proceeds or cash derived 38633
from each sale of property disposed of pursuant to this section to 38634
the citizens' reward program for use exclusively to pay rewards. 38635
No part of the funds may be used to pay expenses associated with 38636
the program. If a citizens' reward program that operates in more 38637
than one county or in another state in addition to this state 38638
receives funds under this section, the funds shall be used to pay 38639
rewards only for tips and information to law enforcement agencies 38640
concerning offenses committed in the county from which the funds 38641
were received. 38642

Receiving funds under this section or section 2981.11 of the 38643
Revised Code does not make the citizens' reward program a 38644
governmental unit or public office for purposes of section 149.43 38645
of the Revised Code. 38646

(G) Any property forfeited under this chapter shall not be 38647
used to pay any fine imposed upon a person who is convicted of or 38648
pleads guilty to an underlying criminal offense or a different 38649
offense arising out of the same facts and circumstances. 38650

(H) Any moneys acquired from the sale of personal effects, 38651
tools, or other property seized because the personal effects, 38652
tools, or other property were used in the commission of a 38653
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 38654
Code or derived from the proceeds of the commission of a violation 38655
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 38656
disposed of pursuant to this section shall be placed in the 38657
victims of human trafficking fund created by section 5101.87 of 38658

the Revised Code. 38659

Sec. 2981.13. (A) Except as otherwise provided in this 38660
section, property ordered forfeited as contraband, proceeds, or an 38661
instrumentality pursuant to this chapter shall be disposed of, 38662
used, or sold pursuant to section 2981.12 of the Revised Code. If 38663
the property is to be sold under that section, the prosecutor 38664
shall cause notice of the proposed sale to be given in accordance 38665
with law. 38666

(B) If the contraband or instrumentality forfeited under this 38667
chapter is sold, any moneys acquired from a sale and any proceeds 38668
forfeited under this chapter shall be applied in the following 38669
order: 38670

(1) First, to pay costs incurred in the seizure, storage, 38671
maintenance, security, and sale of the property and in the 38672
forfeiture proceeding; 38673

(2) Second, in a criminal forfeiture case, to satisfy any 38674
restitution ordered to the victim of the offense or, in a civil 38675
forfeiture case, to satisfy any recovery ordered for the person 38676
harmed, unless paid from other assets; 38677

(3) Third, to pay the balance due on any security interest 38678
preserved under this chapter; 38679

(4) Fourth, apply the remaining amounts as follows: 38680

(a) If the forfeiture was ordered by a juvenile court, ten 38681
per cent to one or more certified alcohol and drug addiction 38682
treatment programs as provided in division (D) of section 2981.12 38683
of the Revised Code; 38684

(b) If the forfeiture was ordered in a juvenile court, ninety 38685
per cent, and if the forfeiture was ordered in a court other than 38686
a juvenile court, one hundred per cent to the law enforcement 38687
trust fund of the prosecutor and to the following fund supporting 38688

the law enforcement agency that substantially conducted the 38689
investigation: the law enforcement trust fund of the county 38690
sheriff, municipal corporation, township, or park district created 38691
under section 511.18 or 1545.01 of the Revised Code; the state 38692
highway patrol contraband, forfeiture, and other fund; the 38693
department of public safety investigative unit contraband, 38694
forfeiture, and other fund; the department of taxation enforcement 38695
fund; the board of pharmacy drug law enforcement fund created by 38696
division (B)(1) of section 4729.65 of the Revised Code; the 38697
medicaid fraud investigation and prosecution fund; the casino 38698
control commission enforcement fund created by section 3772.36 of 38699
the Revised Code; or the treasurer of state for deposit into the 38700
peace officer training commission fund if any other state law 38701
enforcement agency substantially conducted the investigation. In 38702
the case of property forfeited for medicaid fraud, any remaining 38703
amount shall be used by the attorney general to investigate and 38704
prosecute medicaid fraud offenses. 38705

If the prosecutor declines to accept any of the remaining 38706
amounts, the amounts shall be applied to the fund of the agency 38707
that substantially conducted the investigation. 38708

(c) If more than one law enforcement agency is substantially 38709
involved in the seizure of property forfeited under this chapter, 38710
the court ordering the forfeiture shall equitably divide the 38711
amounts, after calculating any distribution to the law enforcement 38712
trust fund of the prosecutor pursuant to division (B)(4) of this 38713
section, among the entities that the court determines were 38714
substantially involved in the seizure. 38715

(C)(1) A law enforcement trust fund shall be established by 38716
the prosecutor of each county who intends to receive any remaining 38717
amounts pursuant to this section, by the sheriff of each county, 38718
by the legislative authority of each municipal corporation, by the 38719
board of township trustees of each township that has a township 38720

police department, township or joint police district police force, 38721
or office of the constable, and by the board of park commissioners 38722
of each park district created pursuant to section 511.18 or 38723
1545.01 of the Revised Code that has a park district police force 38724
or law enforcement department, for the purposes of this section. 38725

There is hereby created in the state treasury the state 38726
highway patrol contraband, forfeiture, and other fund, the 38727
department of public safety investigative unit contraband, 38728
forfeiture, and other fund, the medicaid fraud investigation and 38729
prosecution fund, the department of taxation enforcement fund, and 38730
the peace officer training commission fund, for the purposes of 38731
this section. 38732

Amounts distributed to any municipal corporation, township, 38733
or park district law enforcement trust fund shall be allocated 38734
from the fund by the legislative authority only to the police 38735
department of the municipal corporation, by the board of township 38736
trustees only to the township police department, township police 38737
district police force, or office of the constable, by the joint 38738
police district board only to the joint police district, and by 38739
the board of park commissioners only to the park district police 38740
force or law enforcement department. 38741

(2)(a) No amounts shall be allocated to a fund created under 38742
this section or used by an agency unless the agency has adopted a 38743
written internal control policy that addresses the use of moneys 38744
received from the appropriate fund. The appropriate fund shall be 38745
expended only in accordance with that policy and, subject to the 38746
requirements specified in this section, only for the following 38747
purposes: 38748

(i) To pay the costs of protracted or complex investigations 38749
or prosecutions; 38750

(ii) To provide reasonable technical training or expertise; 38751

(iii) To provide matching funds to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse;

(iv) To pay the costs of emergency action taken under section 3745.13 of the Revised Code relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory;

(v) For other law enforcement purposes that the superintendent of the state highway patrol, department of public safety, prosecutor, county sheriff, legislative authority, department of taxation, Ohio casino control commission, board of township trustees, or board of park commissioners determines to be appropriate.

(b) The board of pharmacy drug law enforcement fund shall be expended only in accordance with the written internal control policy so adopted by the board and only in accordance with section 4729.65 of the Revised Code, except that it also may be expended to pay the costs of emergency action taken under section 3745.13 of the Revised Code relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory.

(c) The state highway patrol contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the department of taxation enforcement fund, the board of pharmacy drug law enforcement fund, the casino control commission enforcement fund, and a law enforcement trust fund shall not be used to meet the operating costs of the state highway patrol, of the investigative unit of the department of public safety, of the state board of pharmacy,

of any political subdivision, <u>of the Ohio casino control</u>	38784
<u>commission</u> , or of any office of a prosecutor or county sheriff	38785
that are unrelated to law enforcement.	38786
(d) Forfeited moneys that are paid into the state treasury to	38787
be deposited into the peace officer training commission fund shall	38788
be used by the commission only to pay the costs of peace officer	38789
training.	38790
(3) Any of the following offices or agencies that receive	38791
amounts under this section during any calendar year shall file a	38792
report with the specified entity, not later than the thirty-first	38793
day of January of the next calendar year, verifying that the	38794
moneys were expended only for the purposes authorized by this	38795
section or other relevant statute and specifying the amounts	38796
expended for each authorized purpose:	38797
(a) Any sheriff or prosecutor shall file the report with the	38798
county auditor.	38799
(b) Any municipal corporation police department shall file	38800
the report with the legislative authority of the municipal	38801
corporation.	38802
(c) Any township police department, township or joint police	38803
district police force, or office of the constable shall file the	38804
report with the board of township trustees of the township.	38805
(d) Any park district police force or law enforcement	38806
department shall file the report with the board of park	38807
commissioners of the park district.	38808
(e) The superintendent of the state highway patrol and the	38809
tax commissioner shall file the report with the attorney general.	38810
(f) The executive director of the state board of pharmacy	38811
shall file the report with the attorney general, verifying that	38812
cash and forfeited proceeds paid into the board of pharmacy drug	38813

law enforcement fund were used only in accordance with section 38814
4729.65 of the Revised Code. 38815

(g) The peace officer training commission shall file a report 38816
with the attorney general, verifying that cash and forfeited 38817
proceeds paid into the peace officer training commission fund 38818
pursuant to this section during the prior calendar year were used 38819
by the commission during the prior calendar year only to pay the 38820
costs of peace officer training. 38821

(h) The executive director of the Ohio casino control 38822
commission shall file the report with the attorney general, 38823
verifying that cash and forfeited proceeds paid into the casino 38824
control commission enforcement fund were used only in accordance 38825
with section 3772.36 of the Revised Code. 38826

(D) The written internal control policy of a county sheriff, 38827
prosecutor, municipal corporation police department, township 38828
police department, township or joint police district police force, 38829
office of the constable, or park district police force or law 38830
enforcement department shall provide that at least ten per cent of 38831
the first one hundred thousand dollars of amounts deposited during 38832
each calendar year in the agency's law enforcement trust fund 38833
under this section, and at least twenty per cent of the amounts 38834
exceeding one hundred thousand dollars that are so deposited, 38835
shall be used in connection with community preventive education 38836
programs. The manner of use shall be determined by the sheriff, 38837
prosecutor, department, police force, or office of the constable 38838
after receiving and considering advice on appropriate community 38839
preventive education programs from the county's board of alcohol, 38840
drug addiction, and mental health services, from the county's 38841
alcohol and drug addiction services board, or through appropriate 38842
community dialogue. 38843

The financial records kept under the internal control policy 38844
shall specify the amount deposited during each calendar year in 38845

the portion of that amount that was used pursuant to this 38846
division, and the programs in connection with which the portion of 38847
that amount was so used. 38848

As used in this division, "community preventive education 38849
programs" include, but are not limited to, DARE programs and other 38850
programs designed to educate adults or children with respect to 38851
the dangers associated with using drugs of abuse. 38852

(E) Upon the sale, under this section or section 2981.12 of 38853
the Revised Code, of any property that is required by law to be 38854
titled or registered, the state shall issue an appropriate 38855
certificate of title or registration to the purchaser. If the 38856
state is vested with title and elects to retain property that is 38857
required to be titled or registered under law, the state shall 38858
issue an appropriate certificate of title or registration. 38859

(F) Any failure of a law enforcement officer or agency, 38860
prosecutor, court, or the attorney general to comply with this 38861
section in relation to any property seized does not affect the 38862
validity of the seizure and shall not be considered to be the 38863
basis for suppressing any evidence resulting from the seizure, 38864
provided the seizure itself was lawful. 38865

Sec. 3101.051. (A) Except as provided in division (B) of this 38866
section, a probate court shall make available to any person for 38867
inspection the records pertaining to the issuance of marriage 38868
licenses as provided under section 149.43 of the Revised Code. 38869

(B) Before it makes available to a person any records 38870
pertaining to the issuance of a marriage license as described in 38871
division (A) of this section, subject to division (C) of this 38872
section, a probate court shall delete or otherwise remove any 38873
social security numbers of the parties to a marriage so that they 38874
are not available to the person inspecting the records. 38875

(C) Division (B) of this section does not apply in any of the following circumstances:	38876 38877
(1) If the records in question are inspected by authorized personnel of the division of child support in the department of job and family services under section 5101.31 <u>5101.37</u> of the Revised Code;	38878 38879 38880 38881
(2) If the records in question are inspected by law enforcement personnel for purposes of a criminal investigation;	38882 38883
(3) If the records in question with the social security numbers are necessary for use in a civil or criminal trial and the release of the records with the social security numbers is ordered by a court with jurisdiction over the trial;	38884 38885 38886 38887
(4) If the records in question are inspected by either party to the marriage to which the records pertain;	38888 38889
(5) If the court possessed the records in question prior to the effective date of this section.	38890 38891
Sec. 3107.083. Not later than ninety days after June 20, 1996, the director of job and family services shall do all of the following:	38892 38893 38894
(A)(1) For a parent of a child who, if adopted, will be an adopted person as defined in section 3107.45 of the Revised Code, prescribe a form that has the following six components:	38895 38896 38897
(a) A component the parent signs under section 3107.071, 3107.081, or 5103.151 of the Revised Code to indicate the requirements of section 3107.082 or 5103.152 of the Revised Code have been met. The component shall be as follows:	38898 38899 38900 38901
"Statement Concerning Ohio Law and Adoption Materials	38902
By signing this component of this form, I acknowledge that it has been explained to me, and I understand, that, if I check the space on the next component of this form that indicates that I	38903 38904 38905

authorize the release, the adoption file maintained by the Ohio 38906
Department of Health, which contains identifying information about 38907
me at the time of my child's birth, will be released, on request, 38908
to the adoptive parent when the adoptee is at least age eighteen 38909
but younger than age twenty-one and to the adoptee when he or she 38910
is age twenty-one or older. It has also been explained to me, and 38911
I understand, that I may prohibit the release of identifying 38912
information about me contained in the adoption file by checking 38913
the space on the next component of this form that indicates that I 38914
do not authorize the release of the identifying information. It 38915
has additionally been explained to me, and I understand, that I 38916
may change my mind regarding the decision I make on the next 38917
component of this form at any time and as many times as I desire 38918
by signing, dating, and having filed with the Ohio Department of 38919
Health a denial of release form or authorization of release form 38920
prescribed and provided by the Department of Health and providing 38921
the Department two items of identification. 38922

By signing this component of this form, I also acknowledge 38923
that I have been provided a copy of written materials about 38924
adoption prepared by the Ohio Department of Job and Family 38925
Services, the adoption process and ramifications of consenting to 38926
adoption or entering into a voluntary permanent custody surrender 38927
agreement have been discussed with me, and I have been provided 38928
the opportunity to review the materials and ask questions about 38929
the materials and discussion. 38930

Signature of biological parent: 38931
Signature of witness: 38932
Date: " 38933

(b) A component the parent signs under section 3107.071, 38934
3107.081, or 5103.151 of the Revised Code regarding the parent's 38935
decision whether to allow identifying information about the parent 38936
contained in an adoption file maintained by the department of 38937

health to be released to the parent's child and adoptive parent 38938
pursuant to section 3107.47 of the Revised Code. The component 38939
shall be as follows: 38940

"Statement Regarding Release of Identifying Information 38941

The purpose of this component of this form is to allow a 38942
biological parent to decide whether to allow the Ohio Department 38943
of Health to provide an adoptee and adoptive parent identifying 38944
information about the adoptee's biological parent contained in an 38945
adoption file maintained by the Department. Please check one of 38946
the following spaces: 38947

..... YES, I authorize the Ohio Department of Health to 38948
release identifying information about me, on
request, to the adoptive parent when the adoptee is
at least age eighteen but younger than age
twenty-one and to the adoptee when he or she is age
twenty-one or older.

..... NO, I do not authorize the release of identifying 38949
information about me to the adoptive parent or
adoptee.

Signature of biological parent: 38950

Signature of witness: 38951

Date: " 38952

(c) A component the parent, if the mother of the child, 38953
completes and signs under section 3107.071, 3107.081, or 5103.151 38954
of the Revised Code to indicate, to the extent of the mother's 38955
knowledge, all of the following: 38956

(i) Whether the mother, during her pregnancy, was a recipient 38957
of the ~~medical assistance~~ medicaid program ~~established under~~ 38958
~~Chapter 5111. of the Revised Code~~ or other public health insurance 38959
program and, if so, the dates her eligibility began and ended; 38960

(ii) Whether the mother, during her pregnancy, was covered by 38961
private health insurance and, if so, the dates the coverage began 38962

and ended, the name of the insurance provider, the type of	38963
coverage, and the identification number of the coverage;	38964
(iii) The name and location of the hospital, freestanding	38965
birth <u>birthing</u> center, or other place where the mother gave birth	38966
and, if different, received medical care immediately after giving	38967
birth;	38968
(iv) The expenses of the obstetrical and neonatal care;	38969
(v) Whether the mother has been informed that the adoptive	38970
parent or the agency or attorney arranging the adoption are to pay	38971
expenses involved in the adoption, including expenses the mother	38972
has paid and expects to receive or has received reimbursement,	38973
and, if so, what expenses are to be or have been paid and an	38974
estimate of the expenses;	38975
(vi) Any other information related to expenses the department	38976
determines appropriate to be included in this component.	38977
(d) A component the parent may sign to authorize the agency	38978
or attorney arranging the adoption to provide to the child or	38979
adoptive parent materials, other than photographs of the parent,	38980
that the parent requests be given to the child or adoptive parent	38981
pursuant to section 3107.68 of the Revised Code.	38982
(e) A component the parent may sign to authorize the agency	38983
or attorney arranging the adoption to provide to the child or	38984
adoptive parent photographs of the parent pursuant to section	38985
3107.68 of the Revised Code.	38986
(f) A component the parent may sign to authorize the agency	38987
or attorney arranging the adoption to provide to the child or	38988
adoptive parent the first name of the parent pursuant to section	38989
3107.68 of the Revised Code.	38990
(2) State at the bottom of the form that the parent is to	38991
receive a copy of the form the parent signed.	38992

(3) Provide copies of the form prescribed under this division 38993
to probate and juvenile courts, public children services agencies, 38994
private child placing agencies, private noncustodial agencies, 38995
attorneys, and persons authorized to take acknowledgments. 38996

(B)(1) For a parent of a child who, if adopted, will become 38997
an adopted person as defined in section 3107.39 of the Revised 38998
Code, prescribe a form that has the following five components: 38999

(a) A component the parent signs under section 3107.071, 39000
3107.081, or 5103.151 of the Revised Code to attest that the 39001
requirement of division (A) of section 3107.082 or division (A) of 39002
section 5103.152 of the Revised Code has been met; 39003

(b) A component the parent, if the mother of the child, 39004
completes and signs under section 3107.071, 3107.081, or 5103.151 39005
of the Revised Code to indicate, to the extent of the mother's 39006
knowledge, all of the following: 39007

(i) Whether the mother, during her pregnancy, was a recipient 39008
of the ~~medical assistance~~ medicaid program ~~established under~~ 39009
~~Chapter 5111. of the Revised Code~~ or other public health insurance 39010
program and, if so, the dates her eligibility began and ended; 39011

(ii) Whether the mother, during her pregnancy, was covered by 39012
private health insurance and, if so, the dates the coverage began 39013
and ended, the name of the insurance provider, the type of 39014
coverage, and the identification number of the coverage; 39015

(iii) The name and location of the hospital, freestanding 39016
~~birth~~ birthing center, or other place where the mother gave birth 39017
and, if different, received medical care immediately after giving 39018
birth; 39019

(iv) The expenses of the obstetrical and neonatal care; 39020

(v) Whether the mother has been informed that the adoptive 39021
parent or the agency or attorney arranging the adoption are to pay 39022

expenses involved in the adoption, including expenses the mother 39023
has paid and expects to receive or has received reimbursement for, 39024
and, if so, what expenses are to be or have been paid and an 39025
estimate of the expenses; 39026

(vi) Any other information related to expenses the department 39027
determines appropriate to be included in the component. 39028

(c) A component the parent may sign to authorize the agency 39029
or attorney arranging the adoption to provide to the child or 39030
adoptive parent materials, other than photographs of the parent, 39031
that the parent requests be given to the child or adoptive parent 39032
pursuant to section 3107.68 of the Revised Code. 39033

(d) A component the parent may sign to authorize the agency 39034
or attorney arranging the adoption to provide to the child or 39035
adoptive parent photographs of the parent pursuant to section 39036
3107.68 of the Revised Code. 39037

(e) A component the parent may sign to authorize the agency 39038
or attorney arranging the adoption to provide to the child or 39039
adoptive parent the first name of the parent pursuant to section 39040
3107.68 of the Revised Code. 39041

(2) State at the bottom of the form that the parent is to 39042
receive a copy of the form the parent signed. 39043

(3) Provide copies of the form prescribed under this division 39044
to probate and juvenile courts, public children services agencies, 39045
private child placing agencies, private noncustodial agencies, and 39046
attorneys. 39047

(C) Prepare the written materials about adoption that are 39048
required to be given to parents under division (A) of section 39049
3107.082 and division (A) of section 5103.152 of the Revised Code. 39050
The materials shall provide information about the adoption 39051
process, including ramifications of a parent consenting to a 39052
child's adoption or entering into a voluntary permanent custody 39053

surrender agreement. The materials also shall include referral 39054
information for professional counseling and adoption support 39055
organizations. The director shall provide the materials to 39056
assessors. 39057

(D) Adopt rules in accordance with Chapter 119. of the 39058
Revised Code specifying the documents that must be filed with a 39059
probate court under divisions (B) and (D) of section 3107.081 of 39060
the Revised Code and a juvenile court under divisions (C) and (E) 39061
of section 5103.151 of the Revised Code. 39062

Sec. 3109.15. There is hereby created within the department 39063
of job and family services the children's trust fund board 39064
consisting of fifteen members. The directors of ~~alcohol and drug~~ 39065
~~addiction services~~ mental health and addiction services, health, 39066
and job and family services shall be members of the board. Eight 39067
public members shall be appointed by the governor. These members 39068
shall be persons with demonstrated knowledge in programs for 39069
children, shall be representative of the demographic composition 39070
of this state, and, to the extent practicable, shall be 39071
representative of the following categories: the educational 39072
community; the legal community; the social work community; the 39073
medical community; the voluntary sector; and professional 39074
providers of child abuse and child neglect services. Five of these 39075
members shall be residents of metropolitan statistical areas as 39076
defined by the United States office of management and budget where 39077
the population exceeds four hundred thousand; no two such members 39078
shall be residents of the same metropolitan statistical area. Two 39079
members of the board shall be members of the house of 39080
representatives appointed by the speaker of the house of 39081
representatives and shall be members of two different political 39082
parties. Two members of the board shall be members of the senate 39083
appointed by the president of the senate and shall be members of 39084
two different political parties. All members of the board 39085

appointed by the speaker of the house of representatives or the 39086
president of the senate shall serve until the expiration of the 39087
sessions of the general assembly during which they were appointed. 39088
They may be reappointed to an unlimited number of successive terms 39089
of two years at the pleasure of the speaker of the house of 39090
representatives or president of the senate. Public members shall 39091
serve terms of three years. Each member shall serve until the 39092
member's successor is appointed, or until a period of sixty days 39093
has elapsed, whichever occurs first. No public member may serve 39094
more than two consecutive full terms. All vacancies on the board 39095
shall be filled for the balance of the unexpired term in the same 39096
manner as the original appointment. 39097

Any member of the board may be removed by the member's 39098
appointing authority for misconduct, incompetency, or neglect of 39099
duty after first being given the opportunity to be heard in the 39100
member's own behalf. Pursuant to section 3.17 of the Revised Code, 39101
a member, except a member of the general assembly or a judge of 39102
any court in the state, who fails to attend at least three-fifths 39103
of the regular and special meetings held by the board during any 39104
two-year period forfeits the member's position on the board. 39105

Each member of the board shall serve without compensation but 39106
shall be reimbursed for all actual and necessary expenses incurred 39107
in the performance of official duties. 39108

At the beginning of the first year of each even-numbered 39109
general assembly, the chairperson of the board shall be appointed 39110
by the speaker of the house of representatives from among members 39111
of the board who are members of the house of representatives. At 39112
the beginning of the first year of each odd-numbered general 39113
assembly, the chairperson of the board shall be appointed by the 39114
president of the senate from among the members of the board who 39115
are senate members. 39116

The board shall biennially select a vice-chair from among its 39117

nonlegislative members. 39118

Sec. 3111.04. (A) An action to determine the existence or 39119
nonexistence of the father and child relationship may be brought 39120
by the child or the child's personal representative, the child's 39121
mother or her personal representative, a man alleged or alleging 39122
himself to be the child's father, the child support enforcement 39123
agency of the county in which the child resides if the child's 39124
mother, father, or alleged father is a recipient of public 39125
assistance or of services under Title IV-D of the "Social Security 39126
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 39127
alleged father's personal representative. 39128

(B) An agreement does not bar an action under this section. 39129

(C) If an action under this section is brought before the 39130
birth of the child and if the action is contested, all 39131
proceedings, except service of process and the taking of 39132
depositions to perpetuate testimony, may be stayed until after the 39133
birth. 39134

(D) A recipient of public assistance or of services under 39135
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 39136
U.S.C.A. 651, as amended, shall cooperate with the child support 39137
enforcement agency of the county in which a child resides to 39138
obtain an administrative determination pursuant to sections 39139
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 39140
determination pursuant to sections 3111.01 to 3111.18 of the 39141
Revised Code, of the existence or nonexistence of a parent and 39142
child relationship between the father and the child. If the 39143
recipient fails to cooperate, the agency may commence an action to 39144
determine the existence or nonexistence of a parent and child 39145
relationship between the father and the child pursuant to sections 39146
3111.01 to 3111.18 of the Revised Code. 39147

(E) As used in this section, "public assistance" means all of 39148

the following:	39149
(1) Medicaid under Chapter 5111. of the Revised Code;	39150
(2) Ohio works first under Chapter 5107. of the Revised Code;	39151
(3) Disability financial assistance under Chapter 5115. of the Revised Code.	39152 39153
Sec. 3111.72. The contract between the department of job and family services and a local hospital shall require all of the following:	39154 39155 39156
(A) That the hospital provide a staff person to meet with each unmarried mother who gave birth in or en route to the hospital within twenty-four hours of the birth or before the mother is released from the hospital;	39157 39158 39159 39160
(B) That the staff person attempt to meet with the father of the unmarried mother's child if possible;	39161 39162
(C) That the staff person explain to the unmarried mother and the father, if he is present, the benefit to the child of establishing a parent and child relationship between the father and the child and the various proper procedures for establishing a parent and child relationship;	39163 39164 39165 39166 39167
(D) That the staff person present to the unmarried mother and, if possible, the father, the pamphlet or statement regarding the rights and responsibilities of a natural parent that is prepared and provided by the department of job and family services pursuant to section 3111.32 of the Revised Code;	39168 39169 39170 39171 39172
(E) That the staff person provide the mother and, if possible, the father, all forms and statements necessary to voluntarily establish a parent and child relationship, including, but not limited to, the acknowledgment of paternity affidavit prepared by the department of job and family services pursuant to section 3111.31 of the Revised Code;	39173 39174 39175 39176 39177 39178

(F) That the staff person, at the request of both the mother and father, help the mother and father complete any form or statement necessary to establish a parent and child relationship;

(G) That the hospital provide a notary public to notarize an acknowledgment of paternity affidavit signed by the mother and father;

(H) That the staff person present to an unmarried mother who is not participating in the Ohio works first program established under Chapter 5107. ~~of the Revised Code~~ or receiving ~~medical assistance under Chapter 5111. of the Revised Code~~ medicaid an application for Title IV-D services;

(I) That the staff person forward any completed acknowledgment of paternity, no later than ten days after it is completed, to the office of child support in the department of job and family services;

(J) That the department of job and family services pay the hospital twenty dollars for every correctly signed and notarized acknowledgment of paternity affidavit from the hospital.

Sec. 3119.29. (A) As used in this section and sections 3119.30 to 3119.56 of the Revised Code:

(1) "Cash medical support" means an amount ordered to be paid in a child support order toward the cost of health insurance provided by a public entity, another parent, or person with whom the child resides, through employment or otherwise, or for other medical cost not covered by insurance.

(2) "Federal poverty line" has the same meaning as defined in section 5104.01 of the Revised Code.

(3) "Health care" means such medical support that includes coverage under a health insurance plan, payment of costs of premiums, ~~co-payments~~ copayments, and deductibles, or payment for

medical expenses incurred on behalf of the child.	39209
(4) "Health insurance coverage" means accessible private	39210
health insurance that provides primary care services within thirty	39211
miles from the residence of the child subject to the child support	39212
order.	39213
(5) "Health plan administrator" means any entity authorized	39214
under Title XXXIX of the Revised Code to engage in the business of	39215
insurance in this state, any health insuring corporation, any	39216
legal entity that is self-insured and provides benefits to its	39217
employees or members, and the administrator of any such entity or	39218
corporation.	39219
(6) "National medical support notice" means a form required	39220
by the "Child Support Performance and Incentive Act of 1998," P.L.	39221
105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as amended, and	39222
jointly developed and promulgated by the secretary of health and	39223
human services and the secretary of labor in federal regulations	39224
adopted under that act as modified by the department of job and	39225
family services under section 3119.291 of the Revised Code.	39226
(7) "Person required to provide health insurance coverage"	39227
means the obligor, obligee, or both, required by the court under a	39228
court child support order or by the child support enforcement	39229
agency under an administrative child support order to provide	39230
health insurance coverage pursuant to section 3119.30 of the	39231
Revised Code.	39232
(8) Subject to division (B) of this section, "reasonable	39233
cost" means the contributing cost of private family health	39234
insurance to the person responsible for the health care of the	39235
children subject to the child support order that does not exceed	39236
an amount equal to five per cent of the annual gross income of	39237
that person.	39238
(9) "Title XIX" has the same meaning as defined in section	39239

~~5111.20~~ 5165.01 of the Revised Code. 39240

(B) If the United States secretary of health and human 39241
services issues a regulation defining "reasonable cost" or a 39242
similar term or phrase relevant to the provisions in child support 39243
orders relating to the provision of health care for children 39244
subject to the orders, and if that definition is substantively 39245
different from the meaning of "reasonable cost" as defined in 39246
division (A) of this section, "reasonable cost" as used in this 39247
section shall have the meaning as defined by the United States 39248
secretary of health and human services. 39249

Sec. 3119.54. A party to a child support order issued in 39250
accordance with section 3119.30 of the Revised Code shall notify 39251
any physician, hospital, or other provider of medical services 39252
that provides medical services to the child who is the subject of 39253
the child support order of the number of any health insurance or 39254
health care policy, contract, or plan that covers the child if the 39255
child is eligible for ~~medical assistance under Chapter 5111. of~~ 39256
~~the Revised Code~~ medicaid. The party shall include in the notice 39257
the name and address of the insurer. Any physician, hospital, or 39258
other provider of medical services ~~for which medical assistance is~~ 39259
~~available under Chapter 5111. of the Revised Code~~ covered by the 39260
medicaid program who is notified under this section of the 39261
existence of a health insurance or health care policy, contract, 39262
or plan with coverage for children who are eligible for ~~medical~~ 39263
~~assistance~~ medicaid shall first bill the insurer for any services 39264
provided for those children. If the insurer fails to pay all or 39265
any part of a claim filed under this section and the services for 39266
which the claim is filed are covered by ~~Chapter 5111. of the~~ 39267
~~Revised Code~~ the medicaid program, the physician, hospital, or 39268
other medical services provider shall bill the remaining unpaid 39269
costs of the services ~~in accordance with Chapter 5111. of the~~ 39270
~~Revised Code~~ to the medicaid program. 39271

Sec. 3121.441. (A) Notwithstanding the provisions of this 39272
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 39273
and 5107.20 of the Revised Code providing for the office of child 39274
support in the department of job and family services to collect, 39275
withhold, or deduct spousal support, when a court pursuant to 39276
section 3105.18 or 3105.65 of the Revised Code issues or modifies 39277
an order requiring an obligor to pay spousal support or grants or 39278
modifies a decree of dissolution of marriage incorporating a 39279
separation agreement that provides for spousal support, or at any 39280
time after the issuance, granting, or modification of an order or 39281
decree of that type, the court may permit the obligor to make the 39282
spousal support payments directly to the obligee instead of to the 39283
office if the obligee and the obligor have no minor children born 39284
as a result of their marriage and the obligee has not assigned the 39285
spousal support amounts to the department pursuant to section 39286
~~5101.59~~ or 5107.20 or 5160.38 of the Revised Code. 39287

(B) A court that permits an obligor to make spousal support 39288
payments directly to the obligee pursuant to division (A) of this 39289
section shall order the obligor to make the spousal support 39290
payments as a check, as a money order, or in any other form that 39291
establishes a clear record of payment. 39292

(C) If a court permits an obligor to make spousal support 39293
payments directly to an obligee pursuant to division (A) of this 39294
section and the obligor is in default in making any spousal 39295
support payment to the obligee, the court, upon motion of the 39296
obligee or on its own motion, may rescind the permission granted 39297
under that division. After the rescission, the court shall 39298
determine the amount of arrearages in the spousal support payments 39299
and order the obligor to make to the office of child support in 39300
the department of job and family services any spousal support 39301
payments that are in arrears and any future spousal support 39302
payments. Upon the issuance of the order of the court under this 39303

division, the provisions of this chapter, Chapters 3119., 3123., 39304
and 3125., and sections 3770.071 and 5107.20 of the Revised Code 39305
apply with respect to the collection, withholding, or deduction of 39306
the obligor's spousal support payments that are the subject of 39307
that order of the court. 39308

Sec. 3121.89. As used in sections 3121.891 to 3121.8911 of 39309
the Revised Code: 39310

(A) "Contractor" means an individual who provides services to 39311
an employer as an independent contractor for compensation that is 39312
reported as income other than wages and who is an individual, the 39313
sole shareholder of a corporation, or the sole member of a limited 39314
liability company. "Contractor" does not include any of the 39315
following: 39316

(1) An individual performing intelligence or 39317
counterintelligence functions for a state agency if the head of 39318
the agency has determined that reporting pursuant to this section 39319
could endanger the safety of the individual or compromise an 39320
ongoing investigation or intelligence mission; 39321

(2) A professionally licensed person who is providing 39322
services to the employer under that license; 39323

(3) An individual who will receive for the services provided 39324
under the contract compensation of less than two thousand five 39325
hundred dollars per year or a greater amount that the director of 39326
job and family services establishes by rule adopted under section 39327
3121.896 of the Revised Code. 39328

(B) "Employee" means an individual who is employed to provide 39329
services to an employer for compensation that is reported as 39330
income from wages. "Employee" does not include an individual 39331
performing intelligence or counterintelligence functions for a 39332
state agency, if the head of the agency has determined that 39333

reporting pursuant to this section could endanger the safety of 39334
the employee or compromise an ongoing investigation or 39335
intelligence mission. 39336

(C) "Employer" means any person or governmental entity other 39337
than the federal government for which an individual performs any 39338
service, of whatever nature, as the employee or contractor of such 39339
person, except that: 39340

(1) If the person for whom the individual performs services 39341
does not have control of the payment of compensation for the 39342
services, "employer" means the person having control of the 39343
payment of the compensation. 39344

(2) In the case of a person paying compensation on behalf of 39345
a nonresident alien individual, foreign partnership, or foreign 39346
corporation not engaged in trade or business within the United 39347
States, "employer" means the person paying the compensation. 39348

(3) In the case of compensation paid to a contractor, 39349
"employer" does not include any person or entity that lacks a 39350
federal employer identification number. 39351

(D) "Newly hired employee" means either of the following: 39352

(1) An employee who has not previously been employed by the 39353
employer; 39354

(2) An employee who was previously employed by an employer 39355
but has been separated from that prior employment for at least 39356
sixty consecutive days. 39357

(E) "Professionally licensed person" has the same meaning as 39358
in section 2925.01 of the Revised Code. 39359

Sec. 3121.891. (A) Except as provided in division (B) or (C) 39360
of this section, every employer shall make a new hire report to 39361
the department of job and family services regarding ~~the hiring,~~ 39362
~~rehiring, or return to work as an~~ a newly hired employee or a 39363

contractor of a person who resides, works, or will be assigned to 39364
work in this state to whom the employer anticipates paying 39365
compensation. 39366

(B) An employer with employees or contractors in two or more 39367
states that transmits new hire reports magnetically or 39368
electronically may make the new hire report to another state if 39369
the employer does both of the following: 39370

(1) Notifies the Ohio department of job and family services 39371
and the United States secretary of health and human services in 39372
writing that the employer has designated another state as the 39373
state to which the employer will transmit the report; 39374

(2) Transmits the report to that state in compliance with 39375
federal law. 39376

(C) The department may by rule exempt employers from making 39377
new hire reports on any classification of contractors if the 39378
department determines that exempting the employer will assist the 39379
administration of the new hire reporting requirement. 39380

Sec. 3121.892. (A) An employer shall include all of the 39381
following in each new hire report: 39382

(1) For each employee, the employee's name, address, date of 39383
birth, social security number, and date of hire, ~~rehire, or return~~ 39384
~~to work;~~ 39385

(2) For each contractor, the contractor's name, address, 39386
social security or tax identification number, the date payments 39387
begin, and the length of time the contractor will be performing 39388
services for the employer; 39389

(3) The employer's name, address, and identification number. 39390

(B) The department of job and family services may by rule 39391
require that additional information, specified in the rule, be 39392

included in each new hire report. 39393

Sec. 3121.893. An employer shall make a new hire report for 39394
each newly hired employee or contractor in a manner prescribed by 39395
the department of job and family services. The department may 39396
require that the report include or consist of the submission of a 39397
copy of the United States internal revenue service form W-4 39398
(employee's withholding allowance certificate) for the employee, a 39399
form provided by the department, or any other hiring document or 39400
data storage device or mechanism the department authorizes. An 39401
employer may make the new hire report by mail, fax, magnetic or 39402
electronic means, or other means the department authorizes. If an 39403
employer makes a new hire report by mail, the date of making the 39404
report is the postmark date if the report is mailed in the United 39405
States with first class postage and is addressed as the department 39406
authorizes. An employer shall make the new hire report not later 39407
than twenty days after the date on which the employer hires ~~or~~ 39408
~~rehires~~ an employee ~~or the employee returns to work~~ or the date on 39409
which the employer engages or re-engages the contractor or the 39410
contractor resumes providing services under the contract. 39411

Sec. 3121.898. The department of job and family services 39412
shall use the new hire reports it receives for any of the 39413
following purposes set forth in 42 U.S.C. 653a, as amended, 39414
including: 39415

(A) To locate individuals for the purposes of establishing 39416
paternity and for establishing, modifying, and enforcing child 39417
support orders. 39418

(B) As used in this division, "state agency" means every 39419
department, bureau, board, commission, office, or other organized 39420
body established by the constitution or laws of this state for the 39421
exercise of state government; every entity of county government 39422

that is subject to the rules of a state agency; and every 39423
contractual agent of a state agency. 39424

To make available to any state agency responsible for 39425
administering any of the following programs for purposes of 39426
verifying program eligibility: 39427

(1) Any Title IV-A program as defined in section 5101.80 of 39428
the Revised Code; 39429

(2) The medicaid program ~~authorized by Chapter 5111. of the~~ 39430
~~Revised Code;~~ 39431

(3) The unemployment compensation program authorized by 39432
Chapter 4141. of the Revised Code; 39433

(4) The supplemental nutrition assistance program authorized 39434
by section 5101.54 of the Revised Code; 39435

(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as 39436
amended. 39437

(C) The administration of the employment security program 39438
under the director of job and family services. 39439

Sec. 3123.958. The office of child support ~~shall~~ may publish 39440
and distribute ~~the first~~ a set of posters throughout the state ~~not~~ 39441
~~later than October 1, 1992. The office shall publish and~~ 39442
~~distribute subsequent sets of posters not less than twice~~ 39443
annually. 39444

Sec. 3125.18. A child support enforcement agency shall 39445
administer a Title IV-A program identified under division 39446
(A)(4)(c) or ~~(f)~~ (g) of section 5101.80 of the Revised Code that 39447
the department of job and family services provides for the agency 39448
to administer under the department's supervision pursuant to 39449
section 5101.801 of the Revised Code. 39450

Sec. 3125.36. (A) Subject to division (B) of this section, 39451
all support orders that are administered by a child support 39452
enforcement agency designated under section 307.981 of the Revised 39453
Code or former section 2301.35 of the Revised Code and are 39454
eligible for Title IV-D services shall be Title IV-D cases under 39455
Title IV-D of the "Social Security Act." Subject to division (B) 39456
of this section, all obligees of support orders administered by 39457
the agency shall be considered to have filed a signed application 39458
for Title IV-D services. 39459

(B) Except as provided in division (D) of this section, a 39460
court that issues or modifies a support order shall require the 39461
obligee under the order to sign, at the time of the issuance or 39462
modification of the order, an application for Title IV-D services 39463
and to file, as soon as possible, the signed application with the 39464
child support enforcement agency that will administer the order. 39465
The application shall be on a form prescribed by the department of 39466
job and family services. Except as provided in division (D) of 39467
this section, a support order that is administered by a child 39468
support enforcement agency, and that is eligible for Title IV-D 39469
services shall be a Title IV-D case under Title IV-D of the 39470
"Social Security Act" only upon the filing of the signed 39471
application for Title IV-D services. 39472

(C) A child support enforcement agency shall make available 39473
an application for Title IV-D services to all persons requesting a 39474
child support enforcement agency's assistance in an action under 39475
sections 3111.01 to 3111.18 of the Revised Code or in an 39476
administrative proceeding brought to establish a parent and child 39477
relationship, to establish or modify an administrative support 39478
order, or to establish or modify an order to provide health 39479
insurance coverage for the children subject to a support order. 39480

(D) An obligee under a support order who has assigned the 39481

right to the support pursuant to section ~~5101.59~~ or 5107.20 or 39482
5160.38 of the Revised Code shall not be required to sign an 39483
application for Title IV-D services. The support order shall be 39484
considered a Title IV-D case. 39485

Sec. 3301.07. The state board of education shall exercise 39486
under the acts of the general assembly general supervision of the 39487
system of public education in the state. In addition to the powers 39488
otherwise imposed on the state board under the provisions of law, 39489
the board shall have the powers described in this section. 39490

(A) The state board shall exercise policy forming, planning, 39491
and evaluative functions for the public schools of the state 39492
except as otherwise provided by law. 39493

(B)(1) The state board shall exercise leadership in the 39494
improvement of public education in this state, and administer the 39495
educational policies of this state relating to public schools, and 39496
relating to instruction and instructional material, building and 39497
equipment, transportation of pupils, administrative 39498
responsibilities of school officials and personnel, and finance 39499
and organization of school districts, educational service centers, 39500
and territory. Consultative and advisory services in such matters 39501
shall be provided by the board to school districts and educational 39502
service centers of this state. 39503

(2) The state board also shall develop a standard of 39504
financial reporting which shall be used by each school district 39505
board of education and ~~educational service center~~ each governing 39506
board of an educational service center, each governing authority 39507
of a community school established under Chapter 3314., each 39508
governing body of a STEM school established under Chapter 3328., 39509
and each board of trustees of a college-preparatory boarding 39510
school established under Chapter 3328. of the Revised Code to make 39511
its financial information and annual budgets for each school 39512

building under its control available to the public in a format 39513
understandable by the average citizen. The format shall show, 39514
~~among other things, both~~ at the district ~~and educational service~~ 39515
~~center level or and~~ at the school building level, ~~as determined~~ 39516
~~appropriate by the department of education,~~ revenue by source; 39517
expenditures for salaries, wages, and benefits of employees, 39518
showing such amounts separately for classroom teachers, other 39519
employees required to hold licenses issued pursuant to sections 39520
3319.22 to 3319.31 of the Revised Code, and all other employees; 39521
expenditures other than for personnel, by category, including 39522
utilities, textbooks and other educational materials, equipment, 39523
permanent improvements, pupil transportation, extracurricular 39524
athletics, and other extracurricular activities; and per pupil 39525
expenditures. The format shall also include information on total 39526
revenue and expenditures, per pupil revenue, and expenditures for 39527
both classroom and nonclassroom purposes, as defined by the 39528
standards adopted under section 3302.20 of the Revised Code in the 39529
aggregate and for each subgroup of students, as defined by section 39530
3317.40 of the Revised Code, that receives services provided for 39531
by state or federal funding. 39532

(3) Each school district board, governing authority, 39533
governing body, or board of trustees, or its respective designee, 39534
shall annually report, to the department of education, all 39535
financial information required by the standards for financial 39536
reporting, as prescribed by division (B)(2) of this section and 39537
adopted by the state board. The department shall post these 39538
reports in a prominent location on its web site and shall notify 39539
each school when reports are made available. 39540

(C) The state board shall administer and supervise the 39541
allocation and distribution of all state and federal funds for 39542
public school education under the provisions of law, and may 39543
prescribe such systems of accounting as are necessary and proper 39544

to this function. It may require county auditors and treasurers, 39545
boards of education, educational service center governing boards, 39546
treasurers of such boards, teachers, and other school officers and 39547
employees, or other public officers or employees, to file with it 39548
such reports as it may prescribe relating to such funds, or to the 39549
management and condition of such funds. 39550

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 39551
XLVII, and LI of the Revised Code a reference is made to standards 39552
prescribed under this section or division (D) of this section, 39553
that reference shall be construed to refer to the standards 39554
prescribed under division (D)(2) of this section, unless the 39555
context specifically indicates a different meaning or intent. 39556

(2) The state board shall formulate and prescribe minimum 39557
standards to be applied to all elementary and secondary schools in 39558
this state for the purpose of ~~requiring~~ providing children access 39559
to a general education of high quality according to the learning 39560
needs of each individual, including students with disabilities, 39561
economically disadvantaged students, limited English proficient 39562
students, and students identified as gifted. Such standards shall 39563
provide adequately for: the licensing of teachers, administrators, 39564
and other professional personnel and their assignment according to 39565
training and qualifications; efficient and effective instructional 39566
materials and equipment, including library facilities; the proper 39567
organization, administration, and supervision of each school, 39568
including regulations for preparing all necessary records and 39569
reports and the preparation of a statement of policies and 39570
objectives for each school; the provision of safe buildings, 39571
grounds, health and sanitary facilities and services; admission of 39572
pupils, and such requirements for their promotion from grade to 39573
grade as will assure that they are capable and prepared for the 39574
level of study to which they are certified; requirements for 39575
graduation; and such other factors as the board finds necessary. 39576

The state board shall base any standards governing the promotion of students or requirements for graduation on the ability of students, at any grade level, to earn credits or advance upon demonstration of mastery of knowledge and skills through competency-based learning models. Credits of grade level advancement shall not require a minimum number of days or hours in a classroom.

The state board shall base any standards governing the assignment of staff on ensuring each school has a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet each student's personal learning goals.

In the formulation and administration of such standards for nonpublic schools the board shall also consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of a high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the educational requirements prescribed.

~~In the formulation and administration of such standards as they relate to instructional materials and equipment in public schools, including library materials, the board shall require that the material and equipment be aligned with and promote skills expected under the statewide academic standards adopted under section 3301.079 of the Revised Code.~~

(3) In addition to the minimum standards required by division (D)(2) of this section, the state board may formulate and prescribe the following additional minimum operating standards for school districts:

(a) Standards for the effective and efficient organization, administration, and supervision of each school district ~~so that it becomes a thinking and learning organization according to~~

~~principles of systems design and collaborative professional 39608
learning communities research as defined by the superintendent of 39609
public instruction, including a focus on the personalized and 39610
individualized needs of each student; a shared responsibility 39611
among school boards, administrators, faculty, and staff to develop 39612
a common vision, mission, and set of guiding principles; a shared 39613
responsibility among school boards, administrators, faculty, and 39614
staff to engage in a process of collective inquiry, action 39615
orientation, and experimentation to ensure the academic success of 39616
all students; commitment to teaching and learning strategies that 39617
utilize technological tools and emphasize inter disciplinary, 39618
real world, project based, and technology oriented learning 39619
experiences to meet the individual needs of every student; with a 39620
commitment to high expectations for every student based on the 39621
learning needs of each individual, including students with 39622
disabilities, economically disadvantaged students, limited English 39623
proficient students, and students identified as gifted, and 39624
commitment to closing the achievement gap without suppressing the 39625
achievement levels of higher achieving students so that all 39626
students achieve core knowledge and skills in accordance with the 39627
statewide academic standards adopted under section 3301.079 of the 39628
Revised Code; ~~commitment to the use of assessments to diagnose the~~ 39629
~~needs of each student; effective connections and relationships~~ 39630
~~with families and others that support student success; and~~ 39631
~~commitment to the use of positive behavior intervention supports~~ 39632
~~throughout a district to ensure a safe and secure learning~~ 39633
~~environment for all students;~~ 39634~~

(b) Standards for the establishment of business advisory 39635
councils under section 3313.82 of the Revised Code; 39636

(c) Standards for school district buildings that may require+ 39637

~~(i) The the effective and efficient organization,~~ 39638
administration, and supervision of each school district building 39639

~~so that it becomes a thinking and learning organization according~~ 39640
~~to principles of systems design and collaborative professional~~ 39641
~~learning communities research as defined by the state~~ 39642
~~superintendent, including a focus on the personalized and~~ 39643
~~individualized needs of each student; a shared responsibility~~ 39644
~~among building administrators, faculty, and staff to develop a~~ 39645
~~common vision, mission, and set of guiding principles; a shared~~ 39646
~~responsibility among building administrators, faculty, and staff~~ 39647
~~to engage in a process of collective inquiry, action orientation,~~ 39648
~~and experimentation to ensure the academic success of all~~ 39649
~~students; commitment to job embedded professional development and~~ 39650
~~professional mentoring and coaching; established periods of time~~ 39651
~~for teachers to pursue planning time for the development of lesson~~ 39652
~~plans, professional development, and shared learning; commitment~~ 39653
~~to effective management strategies that allow administrators~~ 39654
~~reasonable access to classrooms for observation and professional~~ 39655
~~development experiences; commitment to teaching and learning~~ 39656
~~strategies that utilize technological tools and emphasize~~ 39657
~~inter disciplinary, real world, project based, and~~ 39658
~~technology oriented learning experiences to meet the individual~~ 39659
~~needs of every student; with a commitment to high expectations for~~ 39660
~~every student based on the learning needs of each individual,~~ 39661
~~including students with disabilities, economically disadvantaged~~ 39662
~~students, limited English proficient students, and students~~ 39663
~~identified as gifted, and commitment to closing the achievement~~ 39664
~~gap without suppressing the achievement levels of higher achieving~~ 39665
~~students so that all students achieve core knowledge and skills in~~ 39666
~~accordance with the statewide academic standards adopted under~~ 39667
~~section 3301.079 of the Revised Code; ~~commitment to the use of~~~~ 39668
~~~~assessments to diagnose the needs of each student; effective~~~~ 39669  
~~~~connections and relationships with families and others that~~~~ 39670  
~~~~support student success; commitment to the use of positive~~~~ 39671  
~~behavior intervention supports throughout the building to ensure a~~ 39672



~~safe and secure learning environment for all students;~~ 39673

~~(ii) A school building leadership team to coordinate positive 39674  
behavior intervention supports, learning environments, thinking 39675  
and learning systems, collaborative planning, planning time, 39676  
student academic interventions, student extended learning 39677  
opportunities, and other activities identified by the team and 39678  
approved by the district board of education. The team shall 39679  
include the building principal, representatives from each 39680  
collective bargaining unit, a classroom teacher, parents, business 39681  
representatives, and others that support student success. 39682~~

(E) The state board may require as part of the health 39683  
curriculum information developed under section 2108.34 of the 39684  
Revised Code promoting the donation of anatomical gifts pursuant 39685  
to Chapter 2108. of the Revised Code and may provide the 39686  
information to high schools, educational service centers, and 39687  
joint vocational school district boards of education; 39688

(F) The state board shall prepare and submit annually to the 39689  
governor and the general assembly a report on the status, needs, 39690  
and major problems of the public schools of the state, with 39691  
recommendations for necessary legislative action and a ten-year 39692  
projection of the state's public and nonpublic school enrollment, 39693  
by year and by grade level. 39694

(G) The state board shall prepare and submit to the director 39695  
of budget and management the biennial budgetary requests of the 39696  
state board of education, for its agencies and for the public 39697  
schools of the state. 39698

(H) The state board shall cooperate with federal, state, and 39699  
local agencies concerned with the health and welfare of children 39700  
and youth of the state. 39701

(I) The state board shall require such reports from school 39702  
districts and educational service centers, school officers, and 39703

employees as are necessary and desirable. The superintendents and 39704  
treasurers of school districts and educational service centers 39705  
shall certify as to the accuracy of all reports required by law or 39706  
state board or state department of education rules to be submitted 39707  
by the district or educational service center and which contain 39708  
information necessary for calculation of state funding. Any 39709  
superintendent who knowingly falsifies such report shall be 39710  
subject to license revocation pursuant to section 3319.31 of the 39711  
Revised Code. 39712

(J) In accordance with Chapter 119. of the Revised Code, the 39713  
state board shall adopt procedures, standards, and guidelines for 39714  
the education of children with disabilities pursuant to Chapter 39715  
3323. of the Revised Code, including procedures, standards, and 39716  
guidelines governing programs and services operated by county 39717  
boards of developmental disabilities pursuant to section 3323.09 39718  
of the Revised Code. 39719

(K) For the purpose of encouraging the development of special 39720  
programs of education for academically gifted children, the state 39721  
board shall employ competent persons to analyze and publish data, 39722  
promote research, advise and counsel with boards of education, and 39723  
encourage the training of teachers in the special instruction of 39724  
gifted children. The board may provide financial assistance out of 39725  
any funds appropriated for this purpose to boards of education and 39726  
educational service center governing boards for developing and 39727  
conducting programs of education for academically gifted children. 39728

(L) The state board shall require that all public schools 39729  
emphasize and encourage, within existing units of study, the 39730  
teaching of energy and resource conservation as recommended to 39731  
each district board of education by leading business persons 39732  
involved in energy production and conservation, beginning in the 39733  
primary grades. 39734

(M) The state board shall formulate and prescribe minimum 39735

standards requiring the use of phonics as a technique in the 39736  
teaching of reading in grades kindergarten through three. In 39737  
addition, the state board shall provide in-service training 39738  
programs for teachers on the use of phonics as a technique in the 39739  
teaching of reading in grades kindergarten through three. 39740

(N) The state board may adopt rules necessary for carrying 39741  
out any function imposed on it by law, and may provide rules as 39742  
are necessary for its government and the government of its 39743  
employees, and may delegate to the superintendent of public 39744  
instruction the management and administration of any function 39745  
imposed on it by law. It may provide for the appointment of board 39746  
members to serve on temporary committees established by the board 39747  
for such purposes as are necessary. Permanent or standing 39748  
committees shall not be created. 39749

(O) Upon application from the board of education of a school 39750  
district, the superintendent of public instruction may issue a 39751  
waiver exempting the district from compliance with the standards 39752  
adopted under divisions (B)(2) and (D) of this section, as they 39753  
relate to the operation of a school operated by the district. The 39754  
state board shall adopt standards for the approval or disapproval 39755  
of waivers under this division. The state superintendent shall 39756  
consider every application for a waiver, and shall determine 39757  
whether to grant or deny a waiver in accordance with the state 39758  
board's standards. For each waiver granted, the state 39759  
superintendent shall specify the period of time during which the 39760  
waiver is in effect, which shall not exceed five years. A district 39761  
board may apply to renew a waiver. 39762

**Sec. 3301.0714.** (A) The state board of education shall adopt 39763  
rules for a statewide education management information system. The 39764  
rules shall require the state board to establish guidelines for 39765  
the establishment and maintenance of the system in accordance with 39766

this section and the rules adopted under this section. The 39767  
guidelines shall include: 39768

(1) Standards identifying and defining the types of data in 39769  
the system in accordance with divisions (B) and (C) of this 39770  
section; 39771

(2) Procedures for annually collecting and reporting the data 39772  
to the state board in accordance with division (D) of this 39773  
section; 39774

(3) Procedures for annually compiling the data in accordance 39775  
with division (G) of this section; 39776

(4) Procedures for annually reporting the data to the public 39777  
in accordance with division (H) of this section. 39778

(B) The guidelines adopted under this section shall require 39779  
the data maintained in the education management information system 39780  
to include at least the following: 39781

(1) Student participation and performance data, for each 39782  
grade in each school district as a whole and for each grade in 39783  
each school building in each school district, that includes: 39784

(a) The numbers of students receiving each category of 39785  
instructional service offered by the school district, such as 39786  
regular education instruction, vocational education instruction, 39787  
specialized instruction programs or enrichment instruction that is 39788  
part of the educational curriculum, instruction for gifted 39789  
students, instruction for students with disabilities, and remedial 39790  
instruction. The guidelines shall require instructional services 39791  
under this division to be divided into discrete categories if an 39792  
instructional service is limited to a specific subject, a specific 39793  
type of student, or both, such as regular instructional services 39794  
in mathematics, remedial reading instructional services, 39795  
instructional services specifically for students gifted in 39796  
mathematics or some other subject area, or instructional services 39797

for students with a specific type of disability. The categories of 39798  
instructional services required by the guidelines under this 39799  
division shall be the same as the categories of instructional 39800  
services used in determining cost units pursuant to division 39801  
(C)(3) of this section. 39802

(b) The numbers of students receiving support or 39803  
extracurricular services for each of the support services or 39804  
extracurricular programs offered by the school district, such as 39805  
counseling services, health services, and extracurricular sports 39806  
and fine arts programs. The categories of services required by the 39807  
guidelines under this division shall be the same as the categories 39808  
of services used in determining cost units pursuant to division 39809  
(C)(4)(a) of this section. 39810

(c) Average student grades in each subject in grades nine 39811  
through twelve; 39812

(d) Academic achievement levels as assessed under sections 39813  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 39814

(e) The number of students designated as having a disabling 39815  
condition pursuant to division (C)(1) of section 3301.0711 of the 39816  
Revised Code; 39817

(f) The numbers of students reported to the state board 39818  
pursuant to division (C)(2) of section 3301.0711 of the Revised 39819  
Code; 39820

(g) Attendance rates and the average daily attendance for the 39821  
year. For purposes of this division, a student shall be counted as 39822  
present for any field trip that is approved by the school 39823  
administration. 39824

(h) Expulsion rates; 39825

(i) Suspension rates; 39826

(j) Dropout rates; 39827

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (k) Rates of retention in grade;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 39828                                                                                  |
| (l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 39829<br>39830<br>39831                                                                |
| (m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;                                                                                                                                                                                                                                                                                                                                     | 39832<br>39833<br>39834<br>39835<br>39836                                              |
| (n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.                                                                                                                                                                                 | 39837<br>39838<br>39839<br>39840<br>39841<br>39842<br>39843                            |
| (2) Personnel and classroom enrollment data for each school district, including:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 39844<br>39845                                                                         |
| (a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. | 39846<br>39847<br>39848<br>39849<br>39850<br>39851<br>39852<br>39853<br>39854<br>39855 |
| (b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the                                                                                                                                                                                                                                                                                                                                                                                                                                        | 39856<br>39857<br>39858                                                                |

total numbers of licensed employees and nonlicensed employees and 39859  
the numbers of full-time equivalent licensed employees and 39860  
nonlicensed employees providing each category used pursuant to 39861  
division (C)(4)(c) of this section. The guidelines adopted under 39862  
this section shall require these categories of data to be 39863  
maintained for the school district as a whole and, wherever 39864  
applicable, for each grade in the school district as a whole, for 39865  
each school building as a whole, and for each grade in each school 39866  
building. 39867

(c) The total number of regular classroom teachers teaching 39868  
classes of regular education and the average number of pupils 39869  
enrolled in each such class, in each of grades kindergarten 39870  
through five in the district as a whole and in each school 39871  
building in the school district. 39872

(d) The number of lead teachers employed by each school 39873  
district and each school building. 39874

(3)(a) Student demographic data for each school district, 39875  
including information regarding the gender ratio of the school 39876  
district's pupils, the racial make-up of the school district's 39877  
pupils, the number of limited English proficient students in the 39878  
district, and an appropriate measure of the number of the school 39879  
district's pupils who reside in economically disadvantaged 39880  
households. The demographic data shall be collected in a manner to 39881  
allow correlation with data collected under division (B)(1) of 39882  
this section. Categories for data collected pursuant to division 39883  
(B)(3) of this section shall conform, where appropriate, to 39884  
standard practices of agencies of the federal government. 39885

(b) With respect to each student entering kindergarten, 39886  
whether the student previously participated in a public preschool 39887  
program, a private preschool program, or a head start program, and 39888  
the number of years the student participated in each of these 39889  
programs. 39890

(4) Any data required to be collected pursuant to federal law. 39891  
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(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following: 39893  
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(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code. 39902  
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(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building. 39908  
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(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for 39914  
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each category of service and, as a breakdown of the total cost, a 39923  
cost for each of the following components: 39924

(a) The cost of each instructional services category required 39925  
by guidelines adopted under division (B)(1)(a) of this section 39926  
that is provided directly to students by a classroom teacher; 39927

(b) The cost of the instructional support services, such as 39928  
services provided by a speech-language pathologist, classroom 39929  
aide, multimedia aide, or librarian, provided directly to students 39930  
in conjunction with each instructional services category; 39931

(c) The cost of the administrative support services related 39932  
to each instructional services category, such as the cost of 39933  
personnel that develop the curriculum for the instructional 39934  
services category and the cost of personnel supervising or 39935  
coordinating the delivery of the instructional services category. 39936

(4) Support or extracurricular services costs for each 39937  
category of service directly provided to students and required by 39938  
guidelines adopted pursuant to division (B)(1)(b) of this section. 39939  
The guidelines shall require the cost units under division (C)(4) 39940  
of this section to be designed so that each of them may be 39941  
compiled and reported in terms of average expenditure per pupil 39942  
receiving the service in the school district as a whole and 39943  
average expenditure per pupil receiving the service in each 39944  
building in the school district and in terms of a total cost for 39945  
each category of service and, as a breakdown of the total cost, a 39946  
cost for each of the following components: 39947

(a) The cost of each support or extracurricular services 39948  
category required by guidelines adopted under division (B)(1)(b) 39949  
of this section that is provided directly to students by a 39950  
licensed employee, such as services provided by a guidance 39951  
counselor or any services provided by a licensed employee under a 39952  
supplemental contract; 39953

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social

security numbers of individual staff members and the county of 39986  
residence for a student. Nothing in this section prohibits the 39987  
state board of education or department of education from providing 39988  
a student's county of residence to the department of taxation to 39989  
facilitate the distribution of tax revenue. 39990

(2)(a) The guidelines shall provide for each school district 39991  
or community school to assign a data verification code that is 39992  
unique on a statewide basis over time to each student whose 39993  
initial Ohio enrollment is in that district or school and to 39994  
report all required individual student data for that student 39995  
utilizing such code. The guidelines shall also provide for 39996  
assigning data verification codes to all students enrolled in 39997  
districts or community schools on the effective date of the 39998  
guidelines established under this section. The assignment of data 39999  
verification codes for other entities, as described in division 40000  
(D)(2)(c) of this section, the use of those codes, and the 40001  
reporting and use of associated individual student data shall be 40002  
coordinated by the department in accordance with state and federal 40003  
law. 40004

School districts shall report individual student data to the 40005  
department through the information technology centers utilizing 40006  
the code. The entities described in division (D)(2)(c) of this 40007  
section shall report individual student data to the department in 40008  
the manner prescribed by the department. 40009

Except as provided in sections 3301.941, 3310.11, 3310.42, 40010  
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 40011  
shall the state board or the department have access to information 40012  
that would enable any data verification code to be matched to 40013  
personally identifiable student data. 40014

(b) Each school district and community school shall ensure 40015  
that the data verification code is included in the student's 40016  
records reported to any subsequent school district, community 40017

school, or state institution of higher education, as defined in 40018  
section 3345.011 of the Revised Code, in which the student 40019  
enrolls. Any such subsequent district or school shall utilize the 40020  
same identifier in its reporting of data under this section. 40021

(c) The director of any state agency that administers a 40022  
publicly funded program providing services to children who are 40023  
younger than compulsory school age, as defined in section 3321.01 40024  
of the Revised Code, including the directors of health, job and 40025  
family services, ~~mental health~~ mental health and addiction 40026  
services, and developmental disabilities, shall request and 40027  
receive, pursuant to sections 3301.0723 and 3701.62 of the Revised 40028  
Code, a data verification code for a child who is receiving those 40029  
services. 40030

(E) The guidelines adopted under this section may require 40031  
school districts to collect and report data, information, or 40032  
reports other than that described in divisions (A), (B), and (C) 40033  
of this section for the purpose of complying with other reporting 40034  
requirements established in the Revised Code. The other data, 40035  
information, or reports may be maintained in the education 40036  
management information system but are not required to be compiled 40037  
as part of the profile formats required under division (G) of this 40038  
section or the annual statewide report required under division (H) 40039  
of this section. 40040

(F) Beginning with the school year that begins July 1, 1991, 40041  
the board of education of each school district shall annually 40042  
collect and report to the state board, in accordance with the 40043  
guidelines established by the board, the data required pursuant to 40044  
this section. A school district may collect and report these data 40045  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 40046

(G) The state board shall, in accordance with the procedures 40047  
it adopts, annually compile the data reported by each school 40048  
district pursuant to division (D) of this section. The state board 40049

shall design formats for profiling each school district as a whole 40050  
and each school building within each district and shall compile 40051  
the data in accordance with these formats. These profile formats 40052  
shall: 40053

(1) Include all of the data gathered under this section in a 40054  
manner that facilitates comparison among school districts and 40055  
among school buildings within each school district; 40056

(2) Present the data on academic achievement levels as 40057  
assessed by the testing of student achievement maintained pursuant 40058  
to division (B)(1)(d) of this section. 40059

(H)(1) The state board shall, in accordance with the 40060  
procedures it adopts, annually prepare a statewide report for all 40061  
school districts and the general public that includes the profile 40062  
of each of the school districts developed pursuant to division (G) 40063  
of this section. Copies of the report shall be sent to each school 40064  
district. 40065

(2) The state board shall, in accordance with the procedures 40066  
it adopts, annually prepare an individual report for each school 40067  
district and the general public that includes the profiles of each 40068  
of the school buildings in that school district developed pursuant 40069  
to division (G) of this section. Copies of the report shall be 40070  
sent to the superintendent of the district and to each member of 40071  
the district board of education. 40072

(3) Copies of the reports received from the state board under 40073  
divisions (H)(1) and (2) of this section shall be made available 40074  
to the general public at each school district's offices. Each 40075  
district board of education shall make copies of each report 40076  
available to any person upon request and payment of a reasonable 40077  
fee for the cost of reproducing the report. The board shall 40078  
annually publish in a newspaper of general circulation in the 40079  
school district, at least twice during the two weeks prior to the 40080

week in which the reports will first be available, a notice 40081  
containing the address where the reports are available and the 40082  
date on which the reports will be available. 40083

(I) Any data that is collected or maintained pursuant to this 40084  
section and that identifies an individual pupil is not a public 40085  
record for the purposes of section 149.43 of the Revised Code. 40086

(J) As used in this section: 40087

(1) "School district" means any city, local, exempted 40088  
village, or joint vocational school district and, in accordance 40089  
with section 3314.17 of the Revised Code, any community school. As 40090  
used in division (L) of this section, "school district" also 40091  
includes any educational service center or other educational 40092  
entity required to submit data using the system established under 40093  
this section. 40094

(2) "Cost" means any expenditure for operating expenses made 40095  
by a school district excluding any expenditures for debt 40096  
retirement except for payments made to any commercial lending 40097  
institution for any loan approved pursuant to section 3313.483 of 40098  
the Revised Code. 40099

(K) Any person who removes data from the information system 40100  
established under this section for the purpose of releasing it to 40101  
any person not entitled under law to have access to such 40102  
information is subject to section 2913.42 of the Revised Code 40103  
prohibiting tampering with data. 40104

(L)(1) In accordance with division (L)(2) of this section and 40105  
the rules adopted under division (L)(10) of this section, the 40106  
department of education may sanction any school district that 40107  
reports incomplete or inaccurate data, reports data that does not 40108  
conform to data requirements and descriptions published by the 40109  
department, fails to report data in a timely manner, or otherwise 40110  
does not make a good faith effort to report data as required by 40111

this section. 40112

(2) If the department decides to sanction a school district 40113  
under this division, the department shall take the following 40114  
sequential actions: 40115

(a) Notify the district in writing that the department has 40116  
determined that data has not been reported as required under this 40117  
section and require the district to review its data submission and 40118  
submit corrected data by a deadline established by the department. 40119  
The department also may require the district to develop a 40120  
corrective action plan, which shall include provisions for the 40121  
district to provide mandatory staff training on data reporting 40122  
procedures. 40123

(b) Withhold up to ten per cent of the total amount of state 40124  
funds due to the district for the current fiscal year and, if not 40125  
previously required under division (L)(2)(a) of this section, 40126  
require the district to develop a corrective action plan in 40127  
accordance with that division; 40128

(c) Withhold an additional amount of up to twenty per cent of 40129  
the total amount of state funds due to the district for the 40130  
current fiscal year; 40131

(d) Direct department staff or an outside entity to 40132  
investigate the district's data reporting practices and make 40133  
recommendations for subsequent actions. The recommendations may 40134  
include one or more of the following actions: 40135

(i) Arrange for an audit of the district's data reporting 40136  
practices by department staff or an outside entity; 40137

(ii) Conduct a site visit and evaluation of the district; 40138

(iii) Withhold an additional amount of up to thirty per cent 40139  
of the total amount of state funds due to the district for the 40140  
current fiscal year; 40141

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (iv) Continue monitoring the district's data reporting;                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 40142                                                                |
| (v) Assign department staff to supervise the district's data management system;                                                                                                                                                                                                                                                                                                                                                                                                                                       | 40143<br>40144                                                       |
| (vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;                                                                                                                                                                                                                                                                                                                                                         | 40145<br>40146<br>40147                                              |
| (vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;                                                                                                                                                                                                                                                                                                    | 40148<br>40149<br>40150<br>40151                                     |
| (viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;                                                                                                                                                                                                             | 40152<br>40153<br>40154<br>40155<br>40156                            |
| (ix) Any other action designed to correct the district's data reporting problems.                                                                                                                                                                                                                                                                                                                                                                                                                                     | 40157<br>40158                                                       |
| (3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.                                                                                                                                                                   | 40159<br>40160<br>40161<br>40162<br>40163<br>40164                   |
| (4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under | 40165<br>40166<br>40167<br>40168<br>40169<br>40170<br>40171<br>40172 |



division (L)(2)(b) of this section and, if the department withheld 40173  
funding under division (L)(2)(d) of this section, the department 40174  
shall not release the funds withheld under division (L)(2)(b) or 40175  
(c) of this section. 40176

(5) Notwithstanding anything in this section to the contrary, 40177  
the department may use its own staff or an outside entity to 40178  
conduct an audit of a school district's data reporting practices 40179  
any time the department has reason to believe the district has not 40180  
made a good faith effort to report data as required by this 40181  
section. If any audit conducted by an outside entity under 40182  
division (L)(2)(d)(i) or (5) of this section confirms that a 40183  
district has not made a good faith effort to report data as 40184  
required by this section, the district shall reimburse the 40185  
department for the full cost of the audit. The department may 40186  
withhold state funds due to the district for this purpose. 40187

(6) Prior to issuing a revised report card for a school 40188  
district under division (L)(2)(d)(viii) of this section, the 40189  
department may hold a hearing to provide the district with an 40190  
opportunity to demonstrate that it made a good faith effort to 40191  
report data as required by this section. The hearing shall be 40192  
conducted by a referee appointed by the department. Based on the 40193  
information provided in the hearing, the referee shall recommend 40194  
whether the department should issue a revised report card for the 40195  
district. If the referee affirms the department's contention that 40196  
the district did not make a good faith effort to report data as 40197  
required by this section, the district shall bear the full cost of 40198  
conducting the hearing and of issuing any revised report card. 40199

(7) If the department determines that any inaccurate data 40200  
reported under this section caused a school district to receive 40201  
excess state funds in any fiscal year, the district shall 40202  
reimburse the department an amount equal to the excess funds, in 40203  
accordance with a payment schedule determined by the department. 40204

The department may withhold state funds due to the district for 40205  
this purpose. 40206

(8) Any school district that has funds withheld under 40207  
division (L)(2) of this section may appeal the withholding in 40208  
accordance with Chapter 119. of the Revised Code. 40209

(9) In all cases of a disagreement between the department and 40210  
a school district regarding the appropriateness of an action taken 40211  
under division (L)(2) of this section, the burden of proof shall 40212  
be on the district to demonstrate that it made a good faith effort 40213  
to report data as required by this section. 40214

(10) The state board of education shall adopt rules under 40215  
Chapter 119. of the Revised Code to implement division (L) of this 40216  
section. 40217

(M) No information technology center or school district shall 40218  
acquire, change, or update its student administration software 40219  
package to manage and report data required to be reported to the 40220  
department unless it converts to a student software package that 40221  
is certified by the department. 40222

(N) The state board of education, in accordance with sections 40223  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 40224  
license as defined under division (A) of section 3319.31 of the 40225  
Revised Code that has been issued to any school district employee 40226  
found to have willfully reported erroneous, inaccurate, or 40227  
incomplete data to the education management information system. 40228

(O) No person shall release or maintain any information about 40229  
any student in violation of this section. Whoever violates this 40230  
division is guilty of a misdemeanor of the fourth degree. 40231

(P) The department shall disaggregate the data collected 40232  
under division (B)(1)(n) of this section according to the race and 40233  
socioeconomic status of the students assessed. No data collected 40234  
under that division shall be included on the report cards required 40235

by section 3302.03 of the Revised Code. 40236

(Q) If the department cannot compile any of the information 40237  
required by division (H) of section 3302.03 of the Revised Code 40238  
based upon the data collected under this section, the department 40239  
shall develop a plan and a reasonable timeline for the collection 40240  
of any data necessary to comply with that division. 40241

**Sec. 3301.0715.** (A) Except as otherwise required under 40242  
division (B)(1) of section 3313.608 of the Revised Code, the board 40243  
of education of each city, local, and exempted village school 40244  
district shall administer each applicable diagnostic assessment 40245  
developed and provided to the district in accordance with section 40246  
3301.079 of the Revised Code to the following: 40247

(1) Any student who transfers into the district or to a 40248  
different school within the district if each applicable diagnostic 40249  
assessment was not administered by the district or school the 40250  
student previously attended in the current school year, within 40251  
thirty days after the date of transfer. If the district or school 40252  
into which the student transfers cannot determine whether the 40253  
student has taken any applicable diagnostic assessment in the 40254  
current school year, the district or school may administer the 40255  
diagnostic assessment to the student. 40256

(2) ~~Each~~ (a) Prior to July 1, 2014, each kindergarten 40257  
student, not earlier than four weeks prior to the first day of 40258  
school and not later than the first day of October. ~~For~~ 40259

(b) Beginning July 1, 2014, each kindergarten student, not 40260  
earlier than the first day of the school year and not later than 40261  
the first day of November, except that the language and reading 40262  
skills portion of the assessment shall be administered by the 40263  
thirtieth day of September to fulfill the requirements of division 40264  
(B) of section 3313.608 of the Revised Code. 40265

For the purpose of division (A)(2) of this section, the district shall administer the kindergarten readiness assessment provided by the department of education. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

(3) Each student enrolled in first, second, or third grade.

(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

(C) Any district that received an excellent or effective rating for the immediately preceding school year, pursuant to section 3302.03 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ March 22, 2013, or the equivalent of such rating as determined by the department of education, may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A)(2) of this section.

(D) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, and shall include all such documents and information in any plan developed for the

student under division (C) of section 3313.608 of the Revised Code. Each district shall submit to the department, in the manner the department prescribes, the results of the diagnostic assessments administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code. The department may issue reports with respect to the data collected.

(E) Each district board shall provide intervention services to students whose diagnostic assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level.

**Sec. 3301.0723.** (A) The independent contractor engaged by the department of education to create and maintain for school districts and community schools the student data verification codes required by division (D)(2) of section 3301.0714 of the Revised Code, upon request of the director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, ~~mental health~~ mental health and addiction services, and developmental disabilities, shall assign a data verification code to a child who is receiving such services and shall provide that code to the director. The contractor also shall provide that code to the department of education.

(B) The director of a state agency that receives a child's data verification code under division (A) of this section shall use that code to submit information for that child to the department of education in accordance with section 3301.0714 of the Revised Code.

(C) A public school that receives from the independent contractor the data verification code for a child assigned under

division (A) of this section shall not request or assign to that 40329  
child another data verification code under division (D)(2) of 40330  
section 3301.0714 of the Revised Code. That school and any other 40331  
public school in which the child subsequently enrolls shall use 40332  
the data verification code assigned under division (A) of this 40333  
section to report data relative to that student required under 40334  
section 3301.0714 of the Revised Code. 40335

**Sec. 3301.15.** The state board of education or its authorized 40336  
representatives may inspect all institutions under the control of 40337  
the department of job and family services, the department of 40338  
~~mental health~~ mental health and addiction services, the department 40339  
of developmental disabilities, and the department of 40340  
rehabilitation and correction which employ teachers, and may make 40341  
a report on the teaching, discipline, and school equipment in 40342  
these institutions to the director of job and family services, the 40343  
director of ~~mental health~~ mental health and addiction services, 40344  
the director of developmental disabilities, the director of 40345  
rehabilitation and correction, and the governor. 40346

**Sec. 3301.80.** (A) The preparing students for education 40347  
success grant program is established. Under the program, the 40348  
superintendent of public instruction shall award grants to 40349  
nonprofit corporations that are exempt from federal income 40350  
taxation under 26 U.S.C. 501(c)(3) of the Internal Revenue Code, 40351  
that provide charitable services to needy residents of this state, 40352  
and that meet the following requirements: 40353

(1) The nonprofit corporation has at least two locations in 40354  
the state that provide after-school programming for youth eighteen 40355  
years of age or younger that holistically address areas affecting 40356  
student academic success; and 40357

(2) The nonprofit corporation provides evidence that the 40358

students who served in the corporation's after-school programs 40359  
have shown academic improvement. 40360

(B) A nonprofit corporation may apply for a grant under this 40361  
section on the form prescribed by the superintendent. 40362

(C) The superintendent may award grants to qualified 40363  
nonprofit corporations that submit an application that conveys a 40364  
credible plan to use grant money for the following purposes: 40365

(1) To establish new after-school programs that will serve a 40366  
high concentration of youth eighteen years of age or younger; and 40367

(2) To provide innovative, comprehensive after-school 40368  
programs that improve educational outcomes and simultaneously 40369  
reduce barriers to academic success through targeted programming 40370  
that provides literacy achievement, homework assistance, tutoring, 40371  
and high-yield learning activities, as well as character and 40372  
self-esteem building that contribute to academic success and 40373  
graduation completion, and a comprehensive health and wellness 40374  
program. 40375

(D) The superintendent shall do anything necessary and proper 40376  
to administer the grant program, including the prescription of an 40377  
application form, the establishment of application deadlines, a 40378  
schedule for evaluating applications received, criteria for 40379  
selecting grantees, and a process to notify successful and 40380  
unsuccessful applicants. 40381

(E) The preparing students for education success fund is 40382  
created in the state treasury. All moneys deposited into the fund 40383  
shall be disbursed as grants under division (C) of this section. 40384

(F) Each grant recipient shall submit an annual report that 40385  
provides a detailed accounting of the use of the grant money to 40386  
the superintendent and the general assembly. 40387

**Sec. 3302.01.** As used in this chapter: 40388

(A) "Performance index score" means the average of the totals 40389  
derived from calculations for each subject area of English 40390  
language arts, mathematics, science, and social studies of the 40391  
weighted proportion of untested students and students scoring at 40392  
each level of skill described in division (A)(2) of section 40393  
3301.0710 of the Revised Code on the assessments prescribed by 40394  
divisions (A) and (B)(1) of that section. The department of 40395  
education shall assign weights such that students who do not take 40396  
an assessment receive a weight of zero and students who take an 40397  
assessment receive progressively larger weights dependent upon the 40398  
level of skill attained on the assessment. The department shall 40399  
assign additional weights to students who have been permitted to 40400  
pass over a subject in accordance with a student acceleration 40401  
policy adopted under section 3324.10 of the Revised Code. If such 40402  
a student attains the proficient score prescribed under division 40403  
(A)(2)(c) of section 3301.0710 of the Revised Code or higher on an 40404  
assessment, the department shall assign the student the weight 40405  
prescribed for the next higher scoring level. If such a student 40406  
attains the advanced score, prescribed under division (A)(2)(a) of 40407  
section 3301.0710 of the Revised Code, on an assessment, the 40408  
department shall assign to the student an additional proportional 40409  
weight, as approved by the state board. For each school year that 40410  
such a student's score is included in the performance index score 40411  
and the student attains the proficient score on an assessment, 40412  
that additional weight shall be assigned to the student on a 40413  
subject-by-subject basis. 40414

Students shall be included in the "performance index score" 40415  
in accordance with division (K)(2) of section 3302.03 of the 40416  
Revised Code. 40417

(B) "Subgroup" means a subset of the entire student 40418  
population of the state, a school district, or a school building 40419  
and includes each of the following: 40420



|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| (1) Major racial and ethnic groups;                                       | 40421 |
| (2) Students with disabilities;                                           | 40422 |
| (3) Economically disadvantaged students;                                  | 40423 |
| (4) Limited English proficient students;                                  | 40424 |
| (5) Students identified as gifted in superior cognitive                   | 40425 |
| ability and specific academic ability fields under Chapter 3324.          | 40426 |
| of the Revised Code. For students who are gifted in specific              | 40427 |
| academic ability fields, the department shall use data for those          | 40428 |
| students with specific academic ability in math and reading. If           | 40429 |
| any other academic field is assessed, the department shall also           | 40430 |
| include data for students with specific academic ability in that          | 40431 |
| field.                                                                    | 40432 |
| (6) Students in the lowest quintile for achievement                       | 40433 |
| statewide, as determined by a method prescribed by the state board        | 40434 |
| of education.                                                             | 40435 |
| (C) "No Child Left Behind Act of 2001" includes the statutes              | 40436 |
| codified at 20 U.S.C. 6301 et seq. and any amendments, <u>waivers, or</u> | 40437 |
| <u>both</u> thereto, rules and regulations promulgated pursuant to those  | 40438 |
| statutes, guidance documents, and any other policy directives             | 40439 |
| regarding implementation of that act issued by the United States          | 40440 |
| department of education.                                                  | 40441 |
| (D) "Adequate yearly progress" means a measure of annual                  | 40442 |
| academic performance as calculated in accordance with the "No             | 40443 |
| Child Left Behind Act of 2001."                                           | 40444 |
| (E) "Supplemental educational services" means additional                  | 40445 |
| academic assistance, such as tutoring, remediation, or other              | 40446 |
| educational enrichment activities, that is conducted outside of           | 40447 |
| the regular school day by a provider approved by the department in        | 40448 |
| accordance with the "No Child Left Behind Act of 2001."                   | 40449 |
| (F) "Value-added progress dimension" means a measure of                   | 40450 |

academic gain for a student or group of students over a specific 40451  
period of time that is calculated by applying a statistical 40452  
methodology to individual student achievement data derived from 40453  
the achievement assessments prescribed by section 3301.0710 of the 40454  
Revised Code. The "value-added progress dimension" shall be 40455  
developed and implemented in accordance with section 3302.021 of 40456  
the Revised Code. 40457

(G)(1) "Four-year adjusted cohort graduation rate" means the 40458  
number of students who graduate in four years or less with a 40459  
regular high school diploma divided by the number of students who 40460  
form the adjusted cohort for the graduating class. 40461

(2) "Five-year adjusted cohort graduation rate" means the 40462  
number of students who graduate in five years with a regular high 40463  
school diploma divided by the number of students who form the 40464  
adjusted cohort for the four-year graduation rate. 40465

(H) "State institution of higher education" has the same 40466  
meaning as in section 3345.011 of the Revised Code. 40467

(I) "Annual measurable objectives" means a measure of student 40468  
progress determined in accordance with an agreement between the 40469  
department of education and the United States department of 40470  
education. 40471

**Sec. 3302.03.** Annually, not later than the fifteenth day of 40472  
September or the preceding Friday when that day falls on a 40473  
Saturday or Sunday, the department of education shall assign a 40474  
letter grade for overall academic performance and for each 40475  
separate performance measure for each school district, and each 40476  
school building in a district, in accordance with this section. 40477  
The state board shall adopt rules pursuant to Chapter 119. of the 40478  
Revised Code to establish performance criteria for each letter 40479  
grade and prescribe a method by which the department assigns each 40480  
letter grade. For a school building to which any of the 40481

performance measures do not apply, due to grade levels served by 40482  
the building, the state board shall designate the performance 40483  
measures that are applicable to the building and that must be 40484  
calculated separately and used to calculate the building's overall 40485  
grade. The department shall issue annual report cards reflecting 40486  
the performance of each school district, each building within each 40487  
district, and for the state as a whole using the performance 40488  
measures and letter grade system described in this section. The 40489  
department shall include on the report card for each district and 40490  
each building within each district the most recent two-year trend 40491  
data in student achievement for each subject and each grade. 40492

(A)(1) For the 2012-2013 school year, the department shall 40493  
issue grades as described in division (E) of this section for each 40494  
of the following performance measures: 40495

(a) Annual measurable objectives; 40496

(b) Performance index score for a school district or 40497  
building. Grades shall be awarded as a percentage of the total 40498  
possible points on the performance index system as adopted by the 40499  
state board. In adopting benchmarks for assigning letter grades 40500  
under division (A)(1)(b) of this section, the state board of 40501  
education shall designate ninety per cent or higher for an "A," at 40502  
least seventy per cent but not more than eighty per cent for a 40503  
"C," and less than fifty per cent for an "F." 40504

(c) The extent to which the school district or building meets 40505  
each of the applicable performance indicators established by the 40506  
state board under section 3302.02 of the Revised Code and the 40507  
percentage of applicable performance indicators that have been 40508  
achieved. In adopting benchmarks for assigning letter grades under 40509  
division (A)(1)(c) of this section, the state board shall 40510  
designate ninety per cent or higher for an "A." 40511

(d) The four- and five-year adjusted cohort graduation rates. 40512

In adopting benchmarks for assigning letter grades under 40513  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 40514  
department shall designate a four-year adjusted cohort graduation 40515  
rate of ninety-three per cent or higher for an "A" and a five-year 40516  
cohort graduation rate of ninety-five per cent or higher for an 40517  
"A." 40518

(e) The overall score under the value-added progress 40519  
dimension of a school district or building, for which the 40520  
department shall use up to three years of value-added data as 40521  
available. The letter grade assigned for this growth measure shall 40522  
be as follows: 40523

(i) A score that is at least two standard errors of measure 40524  
above the mean score shall be designated as an "A." 40525

(ii) A score that is at least one standard error of measure 40526  
but less than two standard errors of measure above the mean score 40527  
shall be designated as a "B." 40528

(iii) A score that is less than one standard error of measure 40529  
above the mean score but greater than or equal to one standard 40530  
error of measure below the mean score shall be designated as a 40531  
"C." 40532

(iv) A score that is not greater than one standard error of 40533  
measure below the mean score but is greater than or equal to two 40534  
standard errors of measure below the mean score shall be 40535  
designated as a "D." 40536

(v) A score that is not greater than two standard errors of 40537  
measure below the mean score shall be designated as an "F." 40538

Whenever the value-added progress dimension is used as a 40539  
graded performance measure, whether as an overall measure or as a 40540  
measure of separate subgroups, the grades for the measure shall be 40541  
calculated in the same manner as prescribed in division (A)(1)(e) 40542  
of this section. 40543

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 school year, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades

under division (B)(1)(b) of this section, the state board shall 40575  
designate ninety per cent or higher for an "A," at least seventy 40576  
per cent but not more than eighty per cent for a "C," and less 40577  
than fifty per cent for an "F." 40578

(c) The extent to which the school district or building meets 40579  
each of the applicable performance indicators established by the 40580  
state board under section 3302.03 of the Revised Code and the 40581  
percentage of applicable performance indicators that have been 40582  
achieved. In adopting benchmarks for assigning letter grades under 40583  
division (B)(1)(c) of this section, the state board shall 40584  
designate ninety per cent or higher for an "A." 40585

(d) The four- and five-year adjusted cohort graduation rates; 40586

(e) The overall score under the value-added progress 40587  
dimension of a school district or building, for which the 40588  
department shall use up to three years of value-added data as 40589  
available. 40590

(f) The value-added progress dimension score for a school 40591  
district or building disaggregated for each of the following 40592  
subgroups: students identified as gifted in superior cognitive 40593  
ability and specific academic ability fields under Chapter 3324. 40594  
of the Revised Code, students with disabilities, and students 40595  
whose performance places them in the lowest quintile for 40596  
achievement on a statewide basis. Each subgroup shall be a 40597  
separate graded measure. 40598

(g) Whether a school district or building is making progress 40599  
in improving literacy in grades kindergarten through three, as 40600  
determined using a method prescribed by the state board. The state 40601  
board shall adopt rules to prescribe benchmarks and standards for 40602  
assigning grades to districts and buildings for purposes of 40603  
division (B)(1)(j) of this section. In adopting benchmarks for 40604  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 40605

this section, the state board shall determine progress made based 40606  
on the reduction in the percentage of students scoring below grade 40607  
level, or below proficient, compared from year to year on the 40608  
English language arts diagnostic assessments administered under 40609  
section 3301.0715 of the Revised Code and the third grade English 40610  
language arts assessment under section 3301.0710 of the Revised 40611  
Code, as applicable. The state board shall designate for a "C" 40612  
grade a value that is not lower than the statewide average value 40613  
for this measure. No grade shall be issued under divisions 40614  
(B)(1)(g) and (C)(1)(j) of this section for a district or building 40615  
in which less than five per cent of students have scored below 40616  
grade level on the diagnostic assessment administered to students 40617  
in kindergarten under division (B)(1) of section 3313.608 of the 40618  
Revised Code. 40619

(2) In addition to the graded measures in division (B)(1) of 40620  
this section, the department shall include on a school district's 40621  
or building's report card all of the following without an assigned 40622  
letter grade: 40623

(a) The percentage of students enrolled in a district or 40624  
building participating in advanced placement classes and the 40625  
percentage of those students who received a score of three or 40626  
better on advanced placement examinations; 40627

(b) The number of a district's or building's students who 40628  
have earned at least three college credits through dual enrollment 40629  
programs, such as the post-secondary enrollment options program 40630  
under Chapter 3365. of the Revised Code and state-approved 40631  
career-technical courses offered through dual enrollment or 40632  
statewide articulation, that appear on a student's transcript or 40633  
other official document, either of which is issued by the 40634  
institution of higher education from which the student earned the 40635  
college credit. The credits earned that are reported under 40636  
divisions (B)(2)(b) and (C)(2)(c) of this section shall not 40637

include any that are remedial or developmental and shall include 40638  
those that count toward the curriculum requirements established 40639  
for completion of a degree. 40640

(c) The percentage of students enrolled in a district or 40641  
building who have taken a national standardized test used for 40642  
college admission determinations and the percentage of those 40643  
students who are determined to be remediation-free in accordance 40644  
with standards adopted under division (F) of section 3345.061 of 40645  
the Revised Code; 40646

(d) The percentage of the district's or the building's 40647  
students who receive industry credentials. The state board shall 40648  
adopt criteria for acceptable industry credentials. 40649

(e) The percentage of students enrolled in a district or 40650  
building who are participating in an international baccalaureate 40651  
program and the percentage of those students who receive a score 40652  
of four or better on the international baccalaureate examinations. 40653

(f) The percentage of the district's or building's students 40654  
who receive an honors diploma under division (B) of section 40655  
3313.61 of the Revised Code. 40656

(3) Not later than December 31, 2013, the state board shall 40657  
adopt rules in accordance with Chapter 119. of the Revised Code 40658  
that prescribe the methods by which the performance measures under 40659  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 40660  
and assigned a letter grade, including performance benchmarks for 40661  
each grade. 40662

At least forty-five days prior to the state board's adoption 40663  
of rules to prescribe the methods by which the performance 40664  
measures under division (B)(1) of this section shall be assessed 40665  
and assigned a letter grade, the department shall conduct a public 40666  
presentation before the standing committees of the house of 40667  
representatives and the senate that consider education legislation 40668



describing such methods, including performance benchmarks. 40669

(4) There shall not be an overall letter grade for a school 40670  
district or building for the 2013-2014 school year. 40671

(C)(1) For the 2014-2015 school year and each school year 40672  
thereafter, the department shall issue grades as described in 40673  
division (E) of this section for each of the following performance 40674  
measures and an overall letter grade based on an aggregate of 40675  
those measures: 40676

(a) Annual measurable objectives; 40677

(b) Performance index score for a school district or 40678  
building. Grades shall be awarded as a percentage of the total 40679  
possible points on the performance index system as created by the 40680  
department. In adopting benchmarks for assigning letter grades 40681  
under division (C)(1)(b) of this section, the state board shall 40682  
designate ninety per cent or higher for an "A," at least seventy 40683  
per cent but not more than eighty per cent for a "C," and less 40684  
than fifty per cent for an "F." 40685

(c) The extent to which the school district or building meets 40686  
each of the applicable performance indicators established by the 40687  
state board under section 3302.03 of the Revised Code and the 40688  
percentage of applicable performance indicators that have been 40689  
achieved. In adopting benchmarks for assigning letter grades under 40690  
division (C)(1)(c) of this section, the state board shall 40691  
designate ninety per cent or higher for an "A." 40692

(d) The four- and five-year adjusted cohort graduation rates; 40693

(e) The overall score under the value-added progress 40694  
dimension, or another measure of student academic progress if 40695  
adopted by the state board, of a school district or building, for 40696  
which the department shall use up to three years of value-added 40697  
data as available. 40698

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(i) of this section is a "B" or higher.

For the metric prescribed by division (C)(1)(e) of this section, the state board may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the state board adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure.

The state board may adopt student academic progress measures to be used instead of the value-added progress dimension. If the state board adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state

board shall adopt rules to prescribe benchmarks and standards for 40731  
assigning grades to a district or building for purposes of 40732  
division (C)(1)(j) of this section. The state board shall 40733  
designate for a "C" grade a value that is not lower than the 40734  
statewide average value for this measure. No grade shall be issued 40735  
under division (C)(1)(g) of this section for a district or 40736  
building in which less than five per cent of students have scored 40737  
below grade level on the kindergarten diagnostic assessment under 40738  
division (B)(1) of section 3313.608 of the Revised Code. 40739

(2) In addition to the graded measures in division (C)(1) of 40740  
this section, the department shall include on a school district's 40741  
or building's report card all of the following without an assigned 40742  
letter grade: 40743

(a) The percentage of students enrolled in a district or 40744  
building who have taken a national standardized test used for 40745  
college admission determinations and the percentage of those 40746  
students who are determined to be remediation-free in accordance 40747  
with the standards adopted under division (F) of section 3345.061 40748  
of the Revised Code; 40749

(b) The percentage of students enrolled in a district or 40750  
building participating in advanced placement classes and the 40751  
percentage of those students who received a score of three or 40752  
better on advanced placement examinations; 40753

(c) The number of a district's or building's students who 40754  
have earned at least three college credits through dual enrollment 40755  
programs, such as the post-secondary enrollment options program 40756  
under Chapter 3365. of the Revised Code and state-approved 40757  
career-technical courses offered through dual enrollment or 40758  
statewide articulation, that appear on a student's transcript or 40759  
other official document, either of which is issued by the 40760  
institution of higher education from which the student earned the 40761  
college credit. The credits earned that are reported under 40762

divisions (B)(2)(b) and (C)(2)(c) of this section shall not 40763  
include any that are remedial or developmental and shall include 40764  
those that count toward the curriculum requirements established 40765  
for completion of a degree. 40766

(d) The percentage of the district's or building's students 40767  
who receive an honor's diploma under division (B) of section 40768  
3313.61 of the Revised Code; 40769

(e) The percentage of the district's or building's students 40770  
who receive industry credentials; 40771

(f) The percentage of students enrolled in a district or 40772  
building who are participating in an international baccalaureate 40773  
program and the percentage of those students who receive a score 40774  
of four or better on the international baccalaureate examinations; 40775

(g) The results of the college and career-ready assessments 40776  
administered under division (B)(1) of section 3301.0712 of the 40777  
Revised Code. 40778

(3) The state board shall adopt rules pursuant to Chapter 40779  
119. of the Revised Code that establish a method to assign an 40780  
overall grade for a school district or school building for the 40781  
2014-2015 school year and each school year thereafter. The rules 40782  
shall group the performance measures in divisions (C)(1) and (2) 40783  
of this section into the following components: 40784

(a) Gap closing, which shall include the performance measure 40785  
in division (C)(1)(a) of this section; 40786

(b) Achievement, which shall include the performance measures 40787  
in divisions (C)(1)(b) and (c) of this section; 40788

(c) Progress, which shall include the performance measures in 40789  
divisions (C)(1)(e) and (i) of this section; 40790

(d) Graduation, which shall include the performance measure 40791  
in division (C)(1)(d) of this section; 40792

(e) Kindergarten through third-grade literacy, which shall 40793  
include the performance measure in division (C)(1)(k) of this 40794  
section; 40795

(f) Prepared for success, which shall include the performance 40796  
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 40797  
this section. The state board shall develop a method to determine 40798  
a grade for the component in division (C)(3)(f) of this section 40799  
using the performance measures in divisions (C)(2)(a), (b), (c), 40800  
(d), (e), and (f) of this section. When available, the state board 40801  
may incorporate the performance measure under division (C)(2)(g) 40802  
of this section into the component under division (C)(3)(f) of 40803  
this section. When determining the overall grade for the prepared 40804  
for success component prescribed by division (C)(3)(f) of this 40805  
section, no individual student shall be counted in more than one 40806  
performance measure. However, if a student qualifies for more than 40807  
one performance measure in the component, the state board may, in 40808  
its method to determine a grade for the component, specify an 40809  
additional weight for such a student that is not greater than or 40810  
equal to 1.0. In determining the overall score under division 40811  
(C)(3)(f) of this section, the state board shall ensure that the 40812  
pool of students included in the performance measures aggregated 40813  
under that division are all of the students included in the four- 40814  
and five-year adjusted graduation cohort. 40815

In the rules adopted under division (C)(3) of this section, 40816  
the state board shall adopt a method for determining a grade for 40817  
each component in divisions (C)(3)(a) to (f) of this section. The 40818  
state board also shall establish a method to assign an overall 40819  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 40820  
each component. The method the state board adopts for assigning an 40821  
overall grade shall give equal weight to the components in 40822  
divisions (C)(3)(b) and (c) of this section. 40823

At least forty-five days prior to the state board's adoption 40824

of rules to prescribe the methods for calculating the overall 40825  
grade for the report card, as required by this division, the 40826  
department shall conduct a public presentation before the standing 40827  
committees of the house of representatives and the senate that 40828  
consider education legislation describing the format for the 40829  
report card, weights that will be assigned to the components of 40830  
the overall grade, and the method for calculating the overall 40831  
grade. 40832

(D) Not later than July 1, 2015, the state board shall 40833  
develop a measure of student academic progress for high school 40834  
students. Beginning with the report card for the 2015-2016 school 40835  
year, each school district and applicable school building shall be 40836  
assigned a separate letter grade for this measure and the 40837  
district's or building's grade for that measure shall be included 40838  
in determining the district's or building's overall letter grade. 40839  
This measure shall be included within the measure prescribed in 40840  
division (C)(2)(c) of this section in the calculation for the 40841  
overall letter grade. 40842

(E) The letter grades assigned to a school district or 40843  
building under this section shall be as follows: 40844

(1) "A" for a district or school making excellent progress; 40845

(2) "B" for a district or school making above average 40846  
progress; 40847

(3) "C" for a district or school making average progress; 40848

(4) "D" for a district or school making below average 40849  
progress; 40850

(5) "F" for a district or school failing to meet minimum 40851  
progress. 40852

(F) When reporting data on student achievement and progress, 40853  
the department shall disaggregate that data according to the 40854

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| following categories:                                                                                                                                                                                                                                                                                                                                                                                                                                            | 40855                                                       |
| (1) Performance of students by grade-level;                                                                                                                                                                                                                                                                                                                                                                                                                      | 40856                                                       |
| (2) Performance of students by race and ethnic group;                                                                                                                                                                                                                                                                                                                                                                                                            | 40857                                                       |
| (3) Performance of students by gender;                                                                                                                                                                                                                                                                                                                                                                                                                           | 40858                                                       |
| (4) Performance of students grouped by those who have been<br>enrolled in a district or school for three or more years;                                                                                                                                                                                                                                                                                                                                          | 40859<br>40860                                              |
| (5) Performance of students grouped by those who have been<br>enrolled in a district or school for more than one year and less<br>than three years;                                                                                                                                                                                                                                                                                                              | 40861<br>40862<br>40863                                     |
| (6) Performance of students grouped by those who have been<br>enrolled in a district or school for one year or less;                                                                                                                                                                                                                                                                                                                                             | 40864<br>40865                                              |
| (7) Performance of students grouped by those who are<br>economically disadvantaged;                                                                                                                                                                                                                                                                                                                                                                              | 40866<br>40867                                              |
| (8) Performance of students grouped by those who are enrolled<br>in a conversion community school established under Chapter 3314.<br>of the Revised Code;                                                                                                                                                                                                                                                                                                        | 40868<br>40869<br>40870                                     |
| (9) Performance of students grouped by those who are<br>classified as limited English proficient;                                                                                                                                                                                                                                                                                                                                                                | 40871<br>40872                                              |
| (10) Performance of students grouped by those who have<br>disabilities;                                                                                                                                                                                                                                                                                                                                                                                          | 40873<br>40874                                              |
| (11) Performance of students grouped by those who are<br>classified as migrants;                                                                                                                                                                                                                                                                                                                                                                                 | 40875<br>40876                                              |
| (12) Performance of students grouped by those who are<br>identified as gifted in superior cognitive ability and the<br>specific academic ability fields of reading and math pursuant to<br>Chapter 3324. of the Revised Code. In disaggregating specific<br>academic ability fields for gifted students, the department shall<br>use data for those students with specific academic ability in math<br>and reading. If any other academic field is assessed, the | 40877<br>40878<br>40879<br>40880<br>40881<br>40882<br>40883 |

department shall also include data for students with specific 40884  
academic ability in that field as well. 40885

(13) Performance of students grouped by those who perform in 40886  
the lowest quintile for achievement on a statewide basis, as 40887  
determined by a method prescribed by the state board. 40888

The department may disaggregate data on student performance 40889  
according to other categories that the department determines are 40890  
appropriate. To the extent possible, the department shall 40891  
disaggregate data on student performance according to any 40892  
combinations of two or more of the categories listed in divisions 40893  
(F)(1) to (13) of this section that it deems relevant. 40894

In reporting data pursuant to division (F) of this section, 40895  
the department shall not include in the report cards any data 40896  
statistical in nature that is statistically unreliable or that 40897  
could result in the identification of individual students. For 40898  
this purpose, the department shall not report student performance 40899  
data for any group identified in division (F) of this section that 40900  
contains less than ten students. If the department does not report 40901  
student performance data for a group because it contains less than 40902  
ten students, the department shall indicate on the report card 40903  
that is why data was not reported. 40904

(G) The department may include with the report cards any 40905  
additional education and fiscal performance data it deems 40906  
valuable. 40907

(H) The department shall include on each report card a list 40908  
of additional information collected by the department that is 40909  
available regarding the district or building for which the report 40910  
card is issued. When available, such additional information shall 40911  
include student mobility data disaggregated by race and 40912  
socioeconomic status, college enrollment data, and the reports 40913  
prepared under section 3302.031 of the Revised Code. 40914



The department shall maintain a site on the world wide web. 40915  
The report card shall include the address of the site and shall 40916  
specify that such additional information is available to the 40917  
public at that site. The department shall also provide a copy of 40918  
each item on the list to the superintendent of each school 40919  
district. The district superintendent shall provide a copy of any 40920  
item on the list to anyone who requests it. 40921

(I) Division (I) of this section does not apply to conversion 40922  
community schools that primarily enroll students between sixteen 40923  
and twenty-two years of age who dropped out of high school or are 40924  
at risk of dropping out of high school due to poor attendance, 40925  
disciplinary problems, or suspensions. 40926

(1) For any district that sponsors a conversion community 40927  
school under Chapter 3314. of the Revised Code, the department 40928  
shall combine data regarding the academic performance of students 40929  
enrolled in the community school with comparable data from the 40930  
schools of the district for the purpose of determining the 40931  
performance of the district as a whole on the report card issued 40932  
for the district under this section or section 3302.033 of the 40933  
Revised Code. 40934

(2) Any district that leases a building to a community school 40935  
located in the district or that enters into an agreement with a 40936  
community school located in the district whereby the district and 40937  
the school endorse each other's programs may elect to have data 40938  
regarding the academic performance of students enrolled in the 40939  
community school combined with comparable data from the schools of 40940  
the district for the purpose of determining the performance of the 40941  
district as a whole on the district report card. Any district that 40942  
so elects shall annually file a copy of the lease or agreement 40943  
with the department. 40944

(3) Any municipal school district, as defined in section 40945  
3311.71 of the Revised Code, that sponsors a community school 40946

located within the district's territory, or that enters into an 40947  
agreement with a community school located within the district's 40948  
territory whereby the district and the community school endorse 40949  
each other's programs, may exercise either or both of the 40950  
following elections: 40951

(a) To have data regarding the academic performance of 40952  
students enrolled in that community school combined with 40953  
comparable data from the schools of the district for the purpose 40954  
of determining the performance of the district as a whole on the 40955  
district's report card; 40956

(b) To have the number of students attending that community 40957  
school noted separately on the district's report card. 40958

The election authorized under division (I)(3)(a) of this 40959  
section is subject to approval by the governing authority of the 40960  
community school. 40961

Any municipal school district that exercises an election to 40962  
combine or include data under division (I)(3) of this section, by 40963  
the first day of October of each year, shall file with the 40964  
department documentation indicating eligibility for that election, 40965  
as required by the department. 40966

(J) The department shall include on each report card the 40967  
percentage of teachers in the district or building who are highly 40968  
qualified, as defined by the "No Child Left Behind Act of 2001," 40969  
and a comparison of that percentage with the percentages of such 40970  
teachers in similar districts and buildings. 40971

(K)(1) In calculating English language arts, mathematics, 40972  
social studies, or science assessment passage rates used to 40973  
determine school district or building performance under this 40974  
section, the department shall include all students taking an 40975  
assessment with accommodation or to whom an alternate assessment 40976  
is administered pursuant to division (C)(1) or (3) of section 40977

3301.0711 of the Revised Code. 40978

(2) In calculating performance index scores, rates of 40979  
achievement on the performance indicators established by the state 40980  
board under section 3302.02 of the Revised Code, and annual 40981  
measurable objectives for determining adequate yearly progress for 40982  
school districts and buildings under this section, the department 40983  
shall do all of the following: 40984

(a) Include for each district or building only those students 40985  
who are included in the ADM certified for the first full school 40986  
week of October and are continuously enrolled in the district or 40987  
building through the time of the spring administration of any 40988  
assessment prescribed by division (A)(1) or (B)(1) of section 40989  
3301.0710 of the Revised Code that is administered to the 40990  
student's grade level; 40991

(b) Include cumulative totals from both the fall and spring 40992  
administrations of the third grade English language arts 40993  
achievement assessment; 40994

(c) Except as required by the "No Child Left Behind Act of 40995  
2001," exclude for each district or building any limited English 40996  
proficient student who has been enrolled in United States schools 40997  
for less than one full school year. 40998

(L) Beginning with the 2015-2016 school year and at least 40999  
once every three years thereafter, the state board of education 41000  
shall review and may adjust the benchmarks for assigning letter 41001  
grades to the performance measures and components prescribed under 41002  
divisions (C)(3) and (D) of this section. 41003

**Sec. 3302.22.** (A) The governor's effective and efficient 41004  
schools recognition program is hereby created. Each year, the 41005  
governor shall recognize, in a manner deemed appropriate by the 41006  
governor, the top ten per cent of all public schools in this 41007

state, including ~~schools of~~ city, exempted village, and local 41008  
school districts, ~~or~~ joint vocational school districts, community 41009  
schools established under Chapter 3314. ~~of the Revised Code~~, and 41010  
STEM schools established under Chapter 3326. of the Revised Code. 41011

(B) The top ten per cent of schools shall be determined by 41012  
the department of education according to standards established by 41013  
the department, in consultation with the governor's office of 21st 41014  
century education. The standards for recognition for each type of 41015  
school may vary depending upon the unique characteristics of that 41016  
type of school. The standards shall include, but need not be 41017  
limited to, both of the following, provided that sufficient data 41018  
is available for each school: 41019

(1) Student performance, as determined by factors ~~including~~ 41020  
that may include, but not be limited to, performance indicators 41021  
under section 3302.02 of the Revised Code, report cards issued 41022  
under section 3302.03 of the Revised Code, performance index score 41023  
rankings under section 3302.21 of the Revised Code, and any other 41024  
statewide or national assessment or student performance 41025  
recognition program the department selects; 41026

(2) Fiscal performance, ~~including~~ which may include 41027  
cost-effective measures taken by the school. 41028

(C) If applicable, the standards under divisions (B)(1) and 41029  
(2) of this section may be applied at the school building or 41030  
district level, depending upon the quality and availability of 41031  
data. 41032

**Sec. 3302.26.** (A) As used in this section: 41033

(1) "Expenditure per equivalent pupils" is the total 41034  
operating expenditures of a school district divided by the measure 41035  
of equivalent pupils. 41036

(2) "Measure of equivalent pupils" is the total number of 41037

students in a school district adjusted for the relative 41038  
differences in costs associated with the unique characteristics 41039  
and needs of each category of pupil. 41040

(B) The department of education shall create a performance 41041  
management section on the department's public web site. The 41042  
performance management section shall include information on 41043  
academic and financial performance metrics for each school 41044  
district to assist schools and districts in providing an effective 41045  
and efficient delivery of educational services. The section shall 41046  
include a graph that illustrates the relationship between a 41047  
district's academic performance, as measured by the performance 41048  
index score, and its expenditure per equivalent pupils as compared 41049  
to similar districts. The section shall include statistics of 41050  
academic and financial performance measures for each school 41051  
district to allow for a comparison and benchmarking between 41052  
districts. 41053

(C) The department may contract with an independent 41054  
organization to develop and host the performance management 41055  
section of its web site. 41056

**Sec. 3304.231.** There is hereby created a brain injury 41057  
advisory committee, which shall advise the administrator of the 41058  
rehabilitation services commission and the brain injury program 41059  
with regard to unmet needs of survivors of brain injury, 41060  
development of programs for survivors and their families, 41061  
establishment of training programs for health care professionals, 41062  
and any other matter within the province of the brain injury 41063  
program. The committee shall consist of not fewer than ~~twenty~~ 41064  
nineteen and not more than ~~twenty-two~~ twenty-one members as 41065  
follows: 41066

(A) Not fewer than ten and not more than twelve members 41067  
appointed by the administrator of the rehabilitation services 41068

commission, including all of the following: a survivor of brain 41069  
injury, a relative of a survivor of brain injury, a licensed 41070  
physician recommended by the Ohio chapter of the American college 41071  
of emergency physicians, a licensed physician recommended by the 41072  
Ohio state medical association, one other health care 41073  
professional, a rehabilitation professional, an individual who 41074  
represents the brain injury association of Ohio, and not fewer 41075  
than three nor more than five individuals who shall represent the 41076  
public; 41077

(B) The directors of the departments of health, ~~alcohol and~~ 41078  
~~drug addiction services~~ mental health and drug addiction services, 41079  
developmental disabilities, ~~mental health, job and family~~ 41080  
~~services~~, aging, and public safety; the medicaid director; the 41081  
administrator of workers' compensation; the superintendent of 41082  
public instruction; and the administrator of the rehabilitation 41083  
services commission. Any of the officials specified in this 41084  
division may designate an individual to serve in the official's 41085  
place as a member of the committee. 41086

Terms of office of the appointed members shall be two years. 41087  
Members may be reappointed. Vacancies shall be filled in the 41088  
manner provided for original appointments. Any member appointed to 41089  
fill a vacancy occurring prior to the expiration date of the term 41090  
for which the member's predecessor was appointed shall hold office 41091  
as a member for the remainder of that term. 41092

Members of the committee shall serve without compensation, 41093  
but shall be reimbursed for actual and necessary expenses incurred 41094  
in the performance of their duties. 41095

**Sec. 3305.03.** (A) The Ohio board of regents shall designate 41096  
the entities that are eligible to provide investment options under 41097  
alternative retirement plans maintained by public institutions of 41098  
higher education. The board shall accept and review applications 41099

from entities seeking designation as a vendor. The board shall not 41100  
designate an entity as a vendor unless the entity meets the 41101  
requirements described in division (B) of this section. 41102

(B) To be eligible for designation as a vendor, an entity 41103  
must meet both of the following requirements: 41104

(1) The entity must be authorized to conduct business in this 41105  
state with regard to the investment options to be offered under an 41106  
alternative retirement plan maintained by a public institution of 41107  
higher education. 41108

(2) The entity must ~~offer~~ meet one of the following 41109  
requirements: 41110

(a) Have provided investment options for not less than ten 41111  
years under alternative retirement plans maintained by public 41112  
institutions of higher education in this state; 41113

(b) Offer the same or similar investment options under 41114  
alternative retirement plans, optional retirement plans, or 41115  
similar types of plans with respect to which all of the following 41116  
apply: 41117

~~(a)~~(i) The plans are defined contribution plans that are 41118  
qualified plans under Internal Revenue Code 401(a) or 403(b). 41119

~~(b)~~(ii) The plans are maintained by institutions of higher 41120  
education in at least ten other states. 41121

~~(c)~~(iii) The plans are established as primary retirement 41122  
plans that are alternatives to or a component of the applicable 41123  
state retirement system. 41124

(C) In determining whether to designate an entity as a 41125  
vendor, the board of regents shall identify, consider, and 41126  
evaluate all of the following: 41127

(1) The experience of the entity in providing in this state 41128

or other states investment options under alternative retirement 41129  
plans, optional retirement plans, or similar types of plans that 41130  
meet the requirements of division (B)(2)(a) or (b) of this 41131  
section, as applicable;  
41132

(2) The potential effectiveness of the entity in recruiting 41133  
eligible employees to select that entity for purposes of 41134  
participating in an alternative retirement plan and in retaining 41135  
those employees' accounts; 41136

(3) Whether the entity intends to offer a broad range of 41137  
investment options to the electing employees; 41138

(4) The suitability of the investment options to the needs 41139  
and interests of the electing employees and their beneficiaries; 41140

(5) The capability of the entity to offer sufficient 41141  
information to the electing employees and their beneficiaries to 41142  
make informed decisions with regard to investment options offered 41143  
by the entity; 41144

(6) The capability of the entity to perform in a manner that 41145  
is in the best interests of the electing employees and their 41146  
beneficiaries; 41147

(7) The fees and expenses associated with the entity's 41148  
investment options and the manner in which the entity intends to 41149  
disclose those fees and expenses; 41150

(8) The rights and benefits to be provided under the 41151  
investment options; 41152

(9) The capability of the entity to provide the rights and 41153  
benefits under the investment options; 41154

(10) Comments submitted by a public institution of higher 41155  
education under section 3305.031 of the Revised Code; 41156

(11) Any other matters the board of regents considers 41157  
relevant. 41158



(D) The board of regents shall conduct periodic reviews of 41159  
each entity designated as a vendor and the investment options 41160  
being offered to ensure that the requirements and purposes of this 41161  
chapter are being met. The reviews of a vendor shall occur not 41162  
less frequently than once every three years. 41163

If it finds that the vendor is not in compliance with the 41164  
requirements of this chapter or the vendor is not satisfactorily 41165  
meeting the purposes of this chapter, the board shall rescind the 41166  
vendor's designation. 41167

(E) Notwithstanding sections 125.01 to 125.11 of the Revised 41168  
Code, designation of a vendor or the execution of any agreement 41169  
under this chapter is not subject to competitive bidding under 41170  
those sections. 41171

**Sec. 3307.51.** (A) The state teachers retirement board shall 41172  
have prepared annually by or under the supervision of an actuary 41173  
an actuarial valuation of the pension assets, liabilities, and 41174  
funding requirements of the STRS defined benefit plan. The actuary 41175  
shall complete the valuation in accordance with actuarial 41176  
standards of practice promulgated by the actuarial standards board 41177  
of the American academy of actuaries and prepare a report of the 41178  
valuation. The report shall include all of the following: 41179

(1) A summary of the benefit provisions evaluated; 41180

(2) A summary of the census data and financial information 41181  
used in the valuation; 41182

(3) A description of the actuarial assumptions, actuarial 41183  
cost method, and asset valuation method used in the valuation, 41184  
including a statement of the assumed rate of payroll growth and 41185  
assumed rate of growth or decline in the number of members 41186  
contributing to the retirement system; 41187

(4) A summary of findings that includes a statement of the 41188

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| actuarial accrued pension liabilities and unfunded actuarial              | 41189 |
| accrued pension liabilities;                                              | 41190 |
| (5) A schedule showing the effect of any changes in the                   | 41191 |
| benefit provisions, actuarial assumptions, or cost methods since          | 41192 |
| the last annual actuarial valuation;                                      | 41193 |
| (6) A statement of whether contributions to the retirement                | 41194 |
| system are expected to be sufficient to satisfy the funding               | 41195 |
| objectives established by the board.                                      | 41196 |
| The board shall submit the report to the Ohio retirement                  | 41197 |
| study council, <u>the director of budget and management</u> , and the     | 41198 |
| standing committees of the house of representatives and the senate        | 41199 |
| with primary responsibility for retirement legislation <u>immediately</u> | 41200 |
| <u>upon its availability and</u> not later than the first day of January  | 41201 |
| following the year for which the valuation was made.                      | 41202 |
| (B) At such times as the state teachers retirement board                  | 41203 |
| determines, and at least once in each quinquennial period, the            | 41204 |
| board shall have prepared by or under the supervision of an               | 41205 |
| actuary an actuarial investigation of the mortality, service, and         | 41206 |
| other experience of the members, retirants, and beneficiaries of          | 41207 |
| the system, and other system retirants as defined in section              | 41208 |
| 3307.35 of the Revised Code to update the actuarial assumptions           | 41209 |
| used in the actuarial valuation required by division (A) of this          | 41210 |
| section. The actuary shall prepare a report of the actuarial              | 41211 |
| investigation. The report shall be prepared and any recommended           | 41212 |
| changes in actuarial assumptions shall be made in accordance with         | 41213 |
| the actuarial standards of practice promulgated by the actuarial          | 41214 |
| standards board of the American academy of actuaries. The report          | 41215 |
| shall include all of the following:                                       | 41216 |
| (1) A summary of relevant decrement and economic assumption               | 41217 |
| experience observed over the period of the investigation;                 | 41218 |
| (2) Recommended changes in actuarial assumptions to be used               | 41219 |

in subsequent actuarial valuations required by division (A) of 41220  
this section; 41221

(3) A measurement of the financial effect of the recommended 41222  
changes in actuarial assumptions. 41223

The board shall submit the report to the Ohio retirement 41224  
study council and the standing committees of the house of 41225  
representatives and the senate with primary responsibility for 41226  
retirement legislation not later than the first day of May 41227  
following the last fiscal year of the period the report covers. 41228

(C) The board may at any time request the actuary to make any 41229  
other studies or actuarial valuations to determine the adequacy of 41230  
the normal and deficiency rates of contribution provided by 41231  
section 3307.28 of the Revised Code, and those rates may be 41232  
adjusted by the board, as recommended by the actuary, effective as 41233  
of the first of any year thereafter. 41234

(D) The board shall have prepared by or under the supervision 41235  
of an actuary an actuarial analysis of any introduced legislation 41236  
expected to have a measurable financial impact on the retirement 41237  
system. The actuarial analysis shall be completed in accordance 41238  
with the actuarial standards of practice promulgated by the 41239  
actuarial standards board of the American academy of actuaries. 41240  
The actuary shall prepare a report of the actuarial analysis, 41241  
which shall include all of the following: 41242

(1) A summary of the statutory changes that are being 41243  
evaluated; 41244

(2) A description of or reference to the actuarial 41245  
assumptions and actuarial cost method used in the report; 41246

(3) A description of the participant group or groups included 41247  
in the report; 41248

(4) A statement of the financial impact of the legislation, 41249

including the resulting increase, if any, in the employer normal 41250  
cost percentage; the increase, if any, in actuarial accrued 41251  
liabilities; and the per cent of payroll that would be required to 41252  
amortize the increase in actuarial accrued liabilities as a level 41253  
per cent of covered payroll for all active members over a period 41254  
not to exceed thirty years; 41255

(5) A statement of whether the scheduled contributions to the 41256  
system after the proposed change is enacted are expected to be 41257  
sufficient to satisfy the funding objectives established by the 41258  
board. 41259

Not later than sixty days from the date of introduction of 41260  
the legislation, the board shall submit a copy of the actuarial 41261  
analysis to the legislative service commission, the standing 41262  
committees of the house of representatives and the senate with 41263  
primary responsibility for retirement legislation, and the Ohio 41264  
retirement study council. 41265

(E) The board shall have prepared annually a report giving a 41266  
full accounting of the revenues and costs relating to the 41267  
provision of benefits under section 3307.39 of the Revised Code. 41268  
The report shall be made as of June 30, 1997, and the thirtieth 41269  
day of June of each year thereafter. The report shall include the 41270  
following: 41271

(1) A description of the statutory authority for the benefits 41272  
provided; 41273

(2) A summary of the benefits; 41274

(3) A summary of the eligibility requirements for the 41275  
benefits; 41276

(4) A statement of the number of participants eligible for 41277  
the benefits; 41278

(5) A description of the accounting, asset valuation, and 41279

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| funding method used to provide the benefits;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 41280                                                                |
| (6) A statement of the net assets available for the provisions of benefits as of the last day of the fiscal year;                                                                                                                                                                                                                                                                                                                                                                                                                     | 41281<br>41282                                                       |
| (7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;                                                                                                                                                                                                                                                             | 41283<br>41284<br>41285<br>41286<br>41287                            |
| (8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;                                                                                                                                                                                                                                                                                     | 41288<br>41289<br>41290<br>41291                                     |
| (9) A description of any significant changes that affect the comparability of the report required under this division;                                                                                                                                                                                                                                                                                                                                                                                                                | 41292<br>41293                                                       |
| (10) A statement of the amount paid under division (B) of section 3307.39 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                        | 41294<br>41295                                                       |
| The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirty-first day of December following the year for which the report was made.                                                                                                                               | 41296<br>41297<br>41298<br>41299<br>41300<br>41301                   |
| <b>Sec. 3309.21.</b> (A) The school employees retirement board shall have prepared annually by or under the supervision of an actuary an actuarial valuation of the pension assets, liabilities, and funding requirements of the school employees retirement system as established pursuant to this chapter. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries and prepare a report of the valuation. The | 41302<br>41303<br>41304<br>41305<br>41306<br>41307<br>41308<br>41309 |

|                                                                                                                                                                                                                                                                                                                                                                                                |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| report shall include all of the following:                                                                                                                                                                                                                                                                                                                                                     | 41310                                              |
| (1) A summary of the benefit provisions evaluated;                                                                                                                                                                                                                                                                                                                                             | 41311                                              |
| (2) A summary of the census data and financial information used in the valuation;                                                                                                                                                                                                                                                                                                              | 41312<br>41313                                     |
| (3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members contributing to the retirement system;                                                                                                     | 41314<br>41315<br>41316<br>41317<br>41318          |
| (4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities;                                                                                                                                                                                                                                           | 41319<br>41320<br>41321                            |
| (5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;                                                                                                                                                                                                                                  | 41322<br>41323<br>41324                            |
| (6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.                                                                                                                                                                                                                                    | 41325<br>41326<br>41327                            |
| The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the first day of May following the year for which the valuation was made. | 41328<br>41329<br>41330<br>41331<br>41332<br>41333 |
| (B) At such times as the school employees retirement board determines, and at least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries of the retirement system, and SERS retirants and other system            | 41334<br>41335<br>41336<br>41337<br>41338<br>41339 |

retirants as defined in section 3309.341 of the Revised Code to 41340  
update the actuarial assumptions used in the actuarial valuation 41341  
required by division (A) of this section. The actuary shall 41342  
prepare a report of the actuarial investigation. The report shall 41343  
be prepared and any recommended changes in actuarial assumptions 41344  
shall be made in accordance with the actuarial standards of 41345  
practice promulgated by the actuarial standards board of the 41346  
American academy of actuaries. The report shall include all of the 41347  
following: 41348

(1) A summary of relevant decrement and economic assumption 41349  
experience observed over the period of the investigation; 41350

(2) Recommended changes in actuarial assumptions to be used 41351  
in subsequent actuarial valuations required by division (A) of 41352  
this section; 41353

(3) A measurement of the financial effect of the recommended 41354  
changes in actuarial assumptions. 41355

The board shall submit the report to the Ohio retirement 41356  
study council and the standing committees of the house of 41357  
representatives and the senate with primary responsibility for 41358  
retirement legislation not later than the first day of May 41359  
following the last fiscal year of the period the report covers. 41360

(C) The board may at any time request the actuary to make any 41361  
studies or actuarial valuations to determine the adequacy of the 41362  
rates of contribution as provided by section 3309.49 of the 41363  
Revised Code, and those rates may be adjusted by the board, as 41364  
recommended by the actuary, effective as of the first of any year 41365  
thereafter. 41366

(D) The board shall have prepared by or under the supervision 41367  
of an actuary an actuarial analysis of any introduced legislation 41368  
expected to have a measurable financial impact on the retirement 41369  
system. The actuarial analysis shall be completed in accordance 41370

with the actuarial standards of practice promulgated by the 41371  
actuarial standards board of the American academy of actuaries. 41372  
The actuary shall prepare a report of the actuarial analysis, 41373  
which shall include all of the following: 41374

(1) A summary of the statutory changes that are being 41375  
evaluated; 41376

(2) A description of or reference to the actuarial 41377  
assumptions and actuarial cost method used in the report; 41378

(3) A description of the participant group or groups included 41379  
in the report; 41380

(4) A statement of the financial impact of the legislation, 41381  
including the resulting increase, if any, in the employer normal 41382  
cost percentage; the increase, if any, in actuarial accrued 41383  
liabilities; and the per cent of payroll that would be required to 41384  
amortize the increase in actuarial accrued liabilities as a level 41385  
per cent of covered payroll for all active members over a period 41386  
not to exceed thirty years; 41387

(5) A statement of whether the scheduled contributions to the 41388  
system after the proposed change is enacted are expected to be 41389  
sufficient to satisfy the funding objectives established by the 41390  
board. 41391

Not later than sixty days from the date of introduction of 41392  
the legislation, the board shall submit a copy of the actuarial 41393  
analysis to the legislative service commission, the standing 41394  
committees of the house of representatives and the senate with 41395  
primary responsibility for retirement legislation, and the Ohio 41396  
retirement study council. 41397

(E) The board shall have prepared annually a report giving a 41398  
full accounting of the revenues and costs relating to the 41399  
provision of benefits under sections 3309.375 and 3309.69 of the 41400  
Revised Code. The report shall be made as of June 30, 1997, and 41401



the thirtieth day of June of each year thereafter. The report 41402  
shall include the following: 41403

(1) A description of the statutory authority for the benefits 41404  
provided; 41405

(2) A summary of the benefits; 41406

(3) A summary of the eligibility requirements for the 41407  
benefits; 41408

(4) A statement of the number of participants eligible for 41409  
the benefits; 41410

(5) A description of the accounting, asset valuation, and 41411  
funding method used to provide the benefits; 41412

(6) A statement of the net assets available for the provision 41413  
of the benefits as of the last day of the fiscal year; 41414

(7) A statement of any changes in the net assets available 41415  
for the provision of benefits, including participant and employer 41416  
contributions, net investment income, administrative expenses, and 41417  
benefits provided to participants, as of the last day of the 41418  
fiscal year; 41419

(8) For the last six consecutive fiscal years, a schedule of 41420  
the net assets available for the benefits, the annual cost of 41421  
benefits, administrative expenses incurred, and annual employer 41422  
contributions allocated for the provision of benefits; 41423

(9) A description of any significant changes that affect the 41424  
comparability of the report required under this division; 41425

(10) A statement of the amount paid under division (E) of 41426  
section 3309.69 of the Revised Code. 41427

The board shall submit the report to the Ohio retirement 41428  
study council, the director of budget and management, and the 41429  
standing committees of the house of representatives and the senate 41430  
with primary responsibility for retirement legislation immediately 41431

upon its availability and not later than the thirty-first day of 41432  
December following the year for which the report was made. 41433

**Sec. 3310.01.** As used in sections 3310.01 to 3310.17 of the 41434  
Revised Code: 41435

(A) "Chartered nonpublic school" means a nonpublic school 41436  
that holds a valid charter issued by the state board of education 41437  
under section 3301.16 of the Revised Code and meets the standards 41438  
established for such schools in rules adopted by the state board. 41439

(B) An "eligible student" is a student who satisfies the 41440  
conditions specified in section 3310.03 or 3310.032 of the Revised 41441  
Code. 41442

(C) "Parent" has the same meaning as in section 3313.98 of 41443  
the Revised Code. 41444

(D) "Resident district" means the school district in which a 41445  
student is entitled to attend school under section 3313.64 or 41446  
3313.65 of the Revised Code. 41447

(E) "School year" has the same meaning as in section 3313.62 41448  
of the Revised Code. 41449

**Sec. 3310.02.** (A) The educational choice scholarship pilot 41450  
program is hereby established. Under the program, the department 41451  
of education annually shall pay scholarships to attend chartered 41452  
nonpublic schools in accordance with section 3310.08 of the 41453  
Revised Code for up to the following number of eligible students: 41454

(1) Thirty thousand in the 2011-2012 school year; 41455

(2) Sixty thousand in the 2012-2013 school year and 41456  
thereafter. 41457

(B) If the number of students who apply for a scholarship 41458  
exceeds the number of scholarships available under division (A) of 41459  
this section for the applicable school year, the department shall 41460

award scholarships in the following order of priority: 41461

(1) First, to eligible students who received scholarships in 41462  
the prior school year; 41463

(2) Second, to eligible students with family incomes at or 41464  
below two hundred per cent of the federal poverty guidelines, as 41465  
defined in section 5101.46 of the Revised Code, who qualify under 41466  
division (A) of section 3310.03 of the Revised Code. If the number 41467  
of students described in division (B)(2) of this section who apply 41468  
for a scholarship exceeds the number of available scholarships 41469  
after awards are made under division (B)(1) of this section, the 41470  
department shall select students described in division (B)(2) of 41471  
this section by lot to receive any remaining scholarships. 41472

(3) Third, to other eligible students who qualify under 41473  
division (A) of section 3310.03 of the Revised Code. If the number 41474  
of students described in division (B)(3) of this section who apply 41475  
for a scholarship exceeds the number of available scholarships 41476  
after awards are made under divisions (B)(1) and (2) of this 41477  
section, the department shall select students described in 41478  
division (B)(3) of this section by lot to receive any remaining 41479  
scholarships. 41480

(4) Fourth, to eligible students with family incomes at or 41481  
below two hundred per cent of the federal poverty guidelines who 41482  
qualify under division ~~(B)~~(D) of section 3310.03 of the Revised 41483  
Code. If the number of students described in division (B)(4) of 41484  
this section who apply for a scholarship exceeds the number of 41485  
available scholarships after awards are made under divisions 41486  
(B)(1) to (3) of this section, the department shall select 41487  
students described in division (B)(4) of this section by lot to 41488  
receive any remaining scholarships. 41489

(5) Fifth, to other eligible students who qualify under 41490  
division ~~(B)~~(D) of section 3310.03 of the Revised Code. If the 41491

number of students described in division (B)(5) of this section 41492  
who apply for a scholarship exceeds the number of available 41493  
scholarships after awards are made under divisions (B)(1) to (4) 41494  
of this section, the department shall select students described in 41495  
division (B)(5) of this section by lot to receive any remaining 41496  
scholarships. 41497

(6) Sixth, to eligible students with family incomes at or 41498  
below two hundred per cent of the federal poverty guidelines who 41499  
qualify under division (B) of section 3310.03 of the Revised Code. 41500  
If the number of students described in division (B)(6) of this 41501  
section who apply for a scholarship exceeds the number of 41502  
available scholarships after awards are made under divisions 41503  
(B)(1) to (5) of this section, the department shall select 41504  
students described in division (B)(6) of this section by lot to 41505  
receive any remaining scholarships. 41506

(7) Seventh, to other eligible students who qualify under 41507  
division (B) of section 3310.03 of the Revised Code. If the number 41508  
of students described in division (B)(7) of this section who apply 41509  
for a scholarship exceeds the number of available scholarships 41510  
after awards are made under divisions (B)(1) to (6) of this 41511  
section, the department shall select students described in 41512  
division (B)(7) of this section by lot to receive any remaining 41513  
scholarships. 41514

**Sec. 3310.03.** A student is an "eligible student" for purposes 41515  
of the educational choice scholarship pilot program if the 41516  
student's resident district is not a school district in which the 41517  
pilot project scholarship program is operating under sections 41518  
3313.974 to 3313.979 of the Revised Code and the student satisfies 41519  
one of the conditions in division (A), (B), ~~or~~ (C), or (D) of this 41520  
section: 41521

(A)(1) The student is enrolled in a school building operated 41522

by the student's resident district that, on the report card issued 41523  
under section 3302.03 of the Revised Code published prior to the 41524  
first day of July of the school year for which a scholarship is 41525  
sought, did not receive a rating as described in division ~~(G)~~(H) 41526  
of this section, and to which any or a combination of any of the 41527  
following apply for two of the three most recent report cards 41528  
published prior to the first day of July of the school year for 41529  
which a scholarship is sought: 41530

(a) The building was declared to be in a state of academic 41531  
emergency or academic watch under section 3302.03 of the Revised 41532  
Code as that section existed prior to ~~the effective date of this~~ 41533  
~~amendment~~ March 22, 2013. 41534

(b) The building received a grade of "D" or "F" for the 41535  
performance index score under division (A)(1)(b) or (B)(1)(b) of 41536  
section 3302.03 of the Revised Code and for the value-added 41537  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 41538  
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 41539  
school year, or both; or if the building serves only grades ten 41540  
through twelve, the building received a grade of "D" or "F" for 41541  
the performance index score under division (A)(1)(b) or (B)(1)(b) 41542  
of section 3302.03 of the Revised Code and had a four-year 41543  
adjusted cohort graduation rate of less than seventy-five per 41544  
cent. 41545

(c) The building received an overall grade of "D" or "F" 41546  
under division (C)(3) of section 3302.03 of the Revised Code or a 41547  
grade of "F" for the value-added progress dimension under division 41548  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 41549  
school year or any school year thereafter. 41550

(2) The student is eligible to enroll in kindergarten in the 41551  
school year for which a scholarship is sought and otherwise would 41552  
be assigned under section 3319.01 of the Revised Code to a school 41553  
building described in division (A)(1) of this section. 41554

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section.

(4) The student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district:

(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(b) In the most recent rating published prior to the first day of July of the school year for which scholarship is sought, the district did not receive a rating described in division ~~(G)~~(H) of this section, and in at least two of the three most recent report cards published prior to the first day of July of that school year, any or a combination of the following apply to the district:

(i) The district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ March 22, 2013.

(ii) The district received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of

section 3302.03 of the Revised Code and for the value-added 41586  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 41587  
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 41588  
school year, or both. 41589

(c) The district received an overall grade of "D" or "F" 41590  
under division (C)(3) of section 3302.03 of the Revised Code or a 41591  
grade of "F" for the value-added progress dimension under division 41592  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 41593  
school year or any school year thereafter. 41594

(B)(1) The student is enrolled in a school building operated 41595  
by the student's resident district and to which both of the 41596  
following apply: 41597

(a) The building was ranked, for at least two of the three 41598  
most recent rankings published under section 3302.21 of the 41599  
Revised Code prior to the first day of July of the school year for 41600  
which a scholarship is sought, in the lowest ten per cent of all 41601  
public school buildings according to performance index score under 41602  
section 3302.21 of the Revised Code. 41603

(b) The building was not declared to be excellent or 41604  
effective, or the equivalent of such ratings as determined by the 41605  
department of education, under section 3302.03 of the Revised Code 41606  
in the most recent rating published prior to the first day of July 41607  
of the school year for which a scholarship is sought. 41608

(2) The student is eligible to enroll in kindergarten in the 41609  
school year for which a scholarship is sought and otherwise would 41610  
be assigned under section 3319.01 of the Revised Code to a school 41611  
building described in division (B)(1) of this section. 41612

(3) The student is enrolled in a community school established 41613  
under Chapter 3314. of the Revised Code but otherwise would be 41614  
assigned under section 3319.01 of the Revised Code to a building 41615  
described in division (B)(1) of this section. 41616

(4) The student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section in the school year for which the scholarship is sought.

(C) The student is enrolled in a nonpublic school at the time the school is granted a charter by the state board of education under section 3301.16 of the Revised Code and the student meets the standards of division (B) of section 3310.031 of the Revised Code.

(D) For the 2016-2017 school year and each school year thereafter, the student is in any of grades kindergarten through three, is enrolled in a school building that is operated by the student's resident district, and to which both of the following apply:

(1) The building, in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which a scholarship is sought, received a grade of "D" or "F" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;

(2) The building did not receive a grade of "A" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(E) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent



school years until the student completes grade twelve, so long as 41648  
all of the following apply: 41649

(1) The student's resident district remains the same, or the 41650  
student transfers to a new resident district and otherwise would 41651  
be assigned in the new resident district to a school building 41652  
described in division (A)(1) ~~or~~, (B)(1), or (D) of this section; 41653

(2) The student takes each assessment prescribed for the 41654  
student's grade level under section 3301.0710 or 3301.0712 of the 41655  
Revised Code while enrolled in a chartered nonpublic school; 41656

(3) In each school year that the student is enrolled in a 41657  
chartered nonpublic school, the student is absent from school for 41658  
not more than twenty days that the school is open for instruction, 41659  
not including excused absences. 41660

~~(E)~~(F)(1) The department shall cease awarding first-time 41661  
scholarships pursuant to divisions (A)(1) to (4) of this section 41662  
with respect to a school building that, in the most recent ratings 41663  
of school buildings published under section 3302.03 of the Revised 41664  
Code prior to the first day of July of the school year, ceases to 41665  
meet the criteria in division (A)(1) of this section. The 41666  
department shall cease awarding first-time scholarships pursuant 41667  
to division (A)(5) of this section with respect to a school 41668  
district that, in the most recent ratings of school districts 41669  
published under section 3302.03 of the Revised Code prior to the 41670  
first day of July of the school year, ceases to meet the criteria 41671  
in division (A)(5) of this section. 41672

(2) The department shall cease awarding first-time 41673  
scholarships pursuant to divisions (B)(1) to (4) of this section 41674  
with respect to a school building that, in the most recent ratings 41675  
of school buildings under section 3302.03 of the Revised Code 41676  
prior to the first day of July of the school year, ceases to meet 41677  
the criteria in division (B)(1) of this section. 41678

(3) The department shall cease awarding first-time scholarships pursuant to division (D) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (D) of this section. 41679  
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(4) However, students who have received scholarships in the prior school year remain eligible students pursuant to division ~~(D)~~(E) of this section. 41685  
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~~(F)~~(G) The state board of education shall adopt rules defining excused absences for purposes of division ~~(D)~~(E)(3) of this section. 41688  
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~~(G)~~(H)(1) A student who satisfies only the conditions prescribed in divisions (A)(1) to (4) of this section shall not be eligible for a scholarship if the student's resident building meets any of the following in the most recent rating under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought: 41691  
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(a) The building has an overall designation of excellent or effective under section 3302.03 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ March 22, 2013. 41697  
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(b) For the 2012-2013 or 2013-2014 school year or both, the building has a grade of "A" or "B" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "A" or "B" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of greater than or equal to seventy-five per cent. 41700  
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(c) For the 2014-2015 school year or any school year 41710  
thereafter, the building has a grade of "A" or "B" under division 41711  
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 41712  
for the value-added progress dimension under division (C)(1)(e) of 41713  
section 3302.03 of the Revised Code; or if the building serves 41714  
only grades ten through twelve, the building received a grade of 41715  
"A" or "B" for the performance index score under division 41716  
(C)(1)(b) of section 3302.03 of the Revised Code and had a 41717  
four-year adjusted cohort graduation rate of greater than or equal 41718  
to seventy-five per cent. 41719

(2) A student who satisfies only the conditions prescribed in 41720  
division (A)(5) of this section shall not be eligible for a 41721  
scholarship if the student's resident district meets any of the 41722  
following in the most recent rating under section 3302.03 of the 41723  
Revised Code published prior to the first day of July of the 41724  
school year for which a scholarship is sought: 41725

(a) The district has an overall designation of excellent or 41726  
effective under section 3302.03 of the Revised Code as it existed 41727  
prior to ~~the effective date of this amendment~~ March 22, 2013. 41728

(b) The district has a grade of "A" or "B" for the 41729  
performance index score under division (A)(1)(b) or (B)(1)(b) of 41730  
section 3302.03 of the Revised Code and for the value-added 41731  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 41732  
section 3302.03 of the Revised Code for the 2012-2013 and 41733  
2013-2014 school years. 41734

(c) The district has an overall grade of "A" or "B" under 41735  
division (C)(3) of section 3302.03 of the Revised Code and a grade 41736  
of "A" for the value-added progress dimension under division 41737  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 41738  
school year or any school year thereafter. 41739

**Sec. 3310.032.** (A) A student is an "eligible student" for 41740

purposes of the expansion of the educational choice scholarship 41741  
pilot program under this section if the student's resident 41742  
district is not a school district in which the pilot project 41743  
scholarship program is operating under sections 3313.974 to 41744  
3313.979 of the Revised Code, the student is not eligible for an 41745  
educational choice scholarship under section 3310.03 of the 41746  
Revised Code, and the student's family income is at or below two 41747  
hundred per cent of the federal poverty guidelines, as defined in 41748  
section 5101.46 of the Revised Code. 41749

(B) In each fiscal year for which the general assembly 41750  
appropriates funds for purposes of this section, the department of 41751  
education shall pay scholarships to attend chartered nonpublic 41752  
schools in accordance with section 3310.08 of the Revised Code. 41753  
The number of scholarships awarded under this section shall not 41754  
exceed the number that can be funded with appropriations made by 41755  
the general assembly for this purpose. 41756

(C) Scholarships under this section shall be awarded as 41757  
follows: 41758

(1) For the 2013-2014 school year, to eligible students who 41759  
are entering kindergarten in that school year for the first time; 41760

(2) For each subsequent school year, scholarships shall be 41761  
awarded to eligible students in the next grade level above the 41762  
highest grade level awarded in the preceding school year, in 41763  
addition to the grade levels for which students received 41764  
scholarships in the preceding school year. 41765

(D) If the number of eligible students who apply for a 41766  
scholarship under this section exceeds the scholarships available 41767  
based on the appropriation for this section, the department shall 41768  
award scholarships in the following order of priority: 41769

(1) First, to eligible students who received scholarships 41770

under this section in the prior school year; 41771

(2) Second, to eligible students with family incomes at or 41772  
below one hundred per cent of the federal poverty guidelines. If 41773  
the number of students described in division (D)(2) of this 41774  
section who apply for a scholarship exceeds the number of 41775  
available scholarships after awards are made under division (D)(1) 41776  
of this section, the department shall select students described in 41777  
division (D)(2) of this section by lot to receive any remaining 41778  
scholarships. 41779

(3) Third, to other eligible students who qualify under this 41780  
section. If the number of students described in division (D)(3) of 41781  
this section exceeds the number of available scholarships after 41782  
awards are made under divisions (D)(1) and (2) of this section, 41783  
the department shall select students described in division (D)(3) 41784  
of this section by lot to receive any remaining scholarships. 41785

(E) A student who receives a scholarship under this section 41786  
remains an eligible student and may continue to receive 41787  
scholarships under this section in subsequent school years until 41788  
the student completes grade twelve, so long as the student 41789  
satisfies the conditions specified in divisions (E)(2) and (3) of 41790  
section 3310.03 of the Revised Code. 41791

Once a scholarship is awarded under this section, the student 41792  
shall remain eligible for that scholarship for the current school 41793  
year and subsequent school years even if the student's family 41794  
income rises above the amount specified in division (A) of this 41795  
section, provided the student remains enrolled in a chartered 41796  
nonpublic school. 41797

**Sec. 3310.035.** (A) A student who is eligible for an 41798  
educational choice scholarship under both sections 3310.03 and 41799  
3310.032 of the Revised Code, and applies for a scholarship for 41800  
the first time after the effective date of this section shall 41801

receive a scholarship under section 3310.03 of the Revised Code. 41802

(B) A student who is eligible under both sections 3310.03 and 3310.032 of the Revised Code and received a scholarship in the previous school year shall continue to receive the scholarship under the section from which the student received the scholarship in the previous school year, so long as: 41803  
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(1) The number of students who apply for a scholarship does not exceed the number of scholarships available under division (A) of section 3310.02 of the Revised Code. 41808  
41809  
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(2) A student who receives a scholarship under section 3310.03 of the Revised Code satisfies with the conditions specified in divisions (E)(1) to (3) of that section, and a student who receives a scholarship under section 3310.032 satisfies with the conditions specified in divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 41811  
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**Sec. 3310.05.** A scholarship under the educational choice scholarship pilot program is not available for any student whose resident district is a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code. The two pilot programs are separate and distinct, with differing eligibility criteria. The pilot project scholarship program operating under sections 3313.974 to 3313.979 of the Revised Code is a district-wide program that may award scholarships to students who do not attend district schools that face academic challenges, whereas the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code is limited to students of individual district school buildings that face academic challenges and to students from low-income families. 41817  
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**Sec. 3310.06.** It is the policy adopted by the general 41831

assembly that the educational choice scholarship pilot program 41832  
shall be construed as one of several educational options available 41833  
for students enrolled in persistently low-performing school 41834  
buildings or for students from low-income families. Students may 41835  
be enrolled in the schools of the student's resident district, in 41836  
a community school established under Chapter 3314. of the Revised 41837  
Code, in the schools of another school district pursuant to an 41838  
open enrollment policy adopted under section 3313.98 of the 41839  
Revised Code, in a chartered nonpublic school with or without a 41840  
scholarship under the educational choice scholarship pilot 41841  
program, or in other schools as the law may provide. 41842

**Sec. 3310.08.** (A) The amount paid for an eligible student 41843  
under the educational choice scholarship pilot program shall be 41844  
the lesser of the tuition of the chartered nonpublic school in 41845  
which the student is enrolled or the maximum amount prescribed in 41846  
section 3310.09 of the Revised Code. 41847

(B)(1) The department of education shall pay to the parent of 41848  
each eligible student for whom a scholarship is awarded under the 41849  
program, or to the student if at least eighteen years of age, 41850  
periodic partial payments of the scholarship. 41851

(2) The department shall proportionately reduce or terminate 41852  
the payments for any student who withdraws from a chartered 41853  
nonpublic school prior to the end of the school year. 41854

(C)(1) The department shall deduct from the payments made to 41855  
each school district under Chapter 3317., and if necessary, 41856  
sections 321.24 and 323.156 of the Revised Code, the amount paid 41857  
under division (B) of this section for each eligible student 41858  
awarded who qualifies for a scholarship under the program section 41859  
3310.03 of the Revised Code and who is entitled under section 41860  
3313.64 or 3313.65 of the Revised Code to attend school in the 41861

district. In the case of a student entitled to attend school in a 41862  
school district under division (B)(2)(a) of section 3313.64 or 41863  
division (C) of section 3313.65 of the Revised Code, the 41864  
department shall deduct the payments from the school district that 41865  
includes the student in its average daily membership as reported 41866  
to the department under section 3317.03 of the Revised Code, as 41867  
determined by the department. 41868

(2) If the department reduces or terminates payments to a 41869  
parent or a student, as prescribed in division (B)(2) of this 41870  
section, and the student enrolls in the schools of the student's 41871  
resident district or in a community school, established under 41872  
Chapter 3314. of the Revised Code, before the end of the school 41873  
year, the department shall proportionally restore to the resident 41874  
district the amount deducted for that student under division 41875  
(C)(1) of this section. 41876

**Sec. 3310.56.** (A) The amount of the scholarship awarded and 41877  
paid to an eligible applicant for services for a qualified special 41878  
education child under the Jon Peterson special needs scholarship 41879  
program in each school year shall be the least of the amounts 41880  
prescribed in divisions (A)(1), (2), ~~or~~ and (3) of this section, 41881  
as follows: 41882

(1) The amount of fees charged for that school year by the 41883  
alternative public provider or registered private provider; 41884

(2) The sum of the amounts calculated under divisions 41885  
(A)(2)(a) and (b) of this section: 41886

(a) ~~The sum of the formula amount plus the per pupil amount~~ 41887  
~~of the base funding supplements specified in divisions (C)(1) to~~ 41888  
~~(4) of section 3317.012 of the Revised Code for fiscal year 2009;~~ 41889

(b) An amount equal to ~~\$5,732~~ the formula amount times the 41890  
following multiple prescribed for the child's disability: 41891



|                                                                                 |       |
|---------------------------------------------------------------------------------|-------|
| (i) For a student in category one, <del>0.2892</del> <u>the multiple</u>        | 41892 |
| <u>specified in division (A) of section 3317.013 of the Revised Code;</u>       | 41893 |
| (ii) For a student in category two, <del>0.3691</del> <u>the multiple</u>       | 41894 |
| <u>specified in division (B) of section 3317.013 of the Revised Code;</u>       | 41895 |
| (iii) For a student in category three, <del>1.7695</del> <u>the multiple</u>    | 41896 |
| <u>specified in division (C) of section 3317.013 of the Revised Code;</u>       | 41897 |
| (iv) For a student in category four, <del>2.3646</del> <u>the multiple</u>      | 41898 |
| <u>specified in division (D) of section 3317.013 of the Revised Code;</u>       | 41899 |
| (v) For a student in category five, <del>3.1129</del> <u>the multiple</u>       | 41900 |
| <u>specified in division (E) of section 3317.013 of the Revised Code;</u>       | 41901 |
| (vi) For a student in category six, <del>4.7342</del> <u>the multiple</u>       | 41902 |
| <u>specified in division (F) of section 3317.013 of the Revised Code.</u>       | 41903 |
| <del>Before applying the multiples specified in divisions</del>                 | 41904 |
| <del>(A)(2)(b)(i) to (vi) of this section, they first shall be adjusted</del>   | 41905 |
| <del>by multiplying them by 0.90.</del>                                         | 41906 |
| (3) Twenty thousand dollars.                                                    | 41907 |
| (B) As used in division (A)(2)(b) of this section, a child                      | 41908 |
| with a disability is in:                                                        | 41909 |
| (1) "Category one" if the <del>child's primary or only identified</del>         | 41910 |
| <del>disability is a speech and language disability, as this term is</del>      | 41911 |
| <del>defined pursuant to Chapter 3323. <u>child is receiving special</u></del>  | 41912 |
| <u>education services for a disability specified in division (A) of</u>         | 41913 |
| <u>section 3317.013 of the Revised Code;</u>                                    | 41914 |
| (2) "Category two" if the child is <del>identified as specific</del>            | 41915 |
| <del>learning disabled or developmentally disabled, as these terms are</del>    | 41916 |
| <del>defined pursuant to Chapter 3323. of the Revised Code, or as</del>         | 41917 |
| <del>having an other health impairment minor, as defined in section</del>       | 41918 |
| <del>3317.02 <u>receiving special education services for a disability</u></del> | 41919 |
| <u>specified in division (B) of section 3317.013 of the Revised Code;</u>       | 41920 |
| (3) "Category three" if the child is <del>identified as vision</del>            | 41921 |

~~impaired, hearing disabled, or severe behavior disabled, as these~~ 41922  
~~terms are defined pursuant to Chapter 3323.~~ receiving special 41923  
education services for a disability specified in division (C) of 41924  
section 3317.013 of the Revised Code; 41925

(4) "Category four" if the child is ~~identified as~~ 41926  
~~orthopedically disabled, as this term is defined pursuant to~~ 41927  
~~Chapter 3323. of the Revised Code, or as having an other health~~ 41928  
~~impairment major, as defined in section 3317.02~~ receiving special 41929  
education services for a disability specified in division (D) of 41930  
section 3317.013 of the Revised Code; 41931

(5) "Category five" if the child is ~~identified as having~~ 41932  
~~multiple disabilities, as this term is defined pursuant to Chapter~~ 41933  
~~3323.~~ receiving special education services for a disability 41934  
specified in division (E) of section 3317.013 of the Revised Code; 41935

(6) "Category six" if the child is ~~identified as autistic,~~ 41936  
~~having traumatic brain injuries, or both visually and hearing~~ 41937  
~~impaired, as these terms are defined pursuant to Chapter 3323.~~ 41938  
receiving special education services for a disability specified in 41939  
division (F) of section 3317.013 of the Revised Code. 41940

**Sec. 3311.0510.** (A) If all of the client school districts of 41941  
an educational service center have terminated their agreements 41942  
with the service center under division (D) of section 3313.843 of 41943  
the Revised Code, upon the latest effective date of the 41944  
terminations, the governing board of that service center shall be 41945  
abolished and such service center shall be dissolved by order of 41946  
the superintendent of public instruction. The superintendent's 41947  
order shall provide for the equitable division and disposition of 41948  
the assets, property, debts, and obligations of the service center 41949  
among the school districts that were client school districts of 41950  
the service center for the service center's last fiscal year of 41951  
operation. The superintendent's order shall provide that the tax 41952

duplicate of each of those school districts shall be bound for and 41953  
assume the district's equitable share of the outstanding 41954  
indebtedness of the service center. The superintendent's order is 41955  
final and is not appealable. 41956

Immediately upon the abolishment of the service center 41957  
governing board pursuant to this section, the superintendent of 41958  
public instruction shall appoint a qualified individual to 41959  
administer the dissolution of the service center and to implement 41960  
the terms of the superintendent's dissolution order. 41961

Prior to distributing assets to any school district under 41962  
this section, but after paying in full other debts and obligations 41963  
of the service center under this section, the superintendent of 41964  
public instruction may assess against the remaining assets of the 41965  
service center the amount of the costs incurred by the department 41966  
of education in performing the superintendent's duties under this 41967  
division, including the fees, if any, owed to the individual 41968  
appointed to administer the superintendent's dissolution order. 41969  
Any excess cost incurred by the department under this division 41970  
shall be divided equitably among the school districts that were 41971  
client school districts of the service center for the service 41972  
center's last fiscal year of operation. Each district's share of 41973  
that excess cost shall be bound against the tax duplicate of that 41974  
district. 41975

(B) A final audit of the former service center shall be 41976  
performed in accordance with procedures established by the auditor 41977  
of state. 41978

(C) The public records of an educational service center that 41979  
is dissolved under this section shall be transferred in accordance 41980  
with this division. Public records maintained by the service 41981  
center in connection with services provided by the service center 41982  
to local school districts of which the territory of the service 41983

center is or previously was made up shall be transferred to each 41984  
of the respective local school districts. Public records 41985  
maintained by the service center in connection with services 41986  
provided to client school districts shall be transferred to each 41987  
of the respective client school districts. All other public 41988  
records maintained by the service center at the time the service 41989  
center ceases operations shall be transferred to the Ohio 41990  
historical society for analysis and disposition by the society in 41991  
its capacity as archives administrator for the state and its 41992  
political subdivisions pursuant to division (C) of section 149.30 41993  
and section 149.31 of the Revised Code. 41994

(D) As used in this section, "client school district" ~~has the~~ 41995  
~~same meaning as in section 3317.11 of the Revised Code~~ means a 41996  
city, exempted village, or local school district that has entered 41997  
into an agreement under section 3313.843 or 3313.845 of the 41998  
Revised Code to receive any services from an educational service 41999  
center. 42000

**Sec. 3311.22.** A governing board of an educational service 42001  
center may propose, by resolution adopted by majority vote of its 42002  
full membership, or qualified electors of the area affected equal 42003  
in number to at least fifty-five per cent of the qualified 42004  
electors voting at the last general election residing within that 42005  
portion of a school district, or districts proposed to be 42006  
transferred may propose, by petition, the transfer of a part or 42007  
all of one or more local school districts to another local school 42008  
district or districts within the territory of the educational 42009  
service center. Such transfers may be made only to local school 42010  
districts adjoining the school district that is proposed to be 42011  
transferred, unless the board of education of the district 42012  
proposed to be transferred has entered into an agreement pursuant 42013  
to section 3313.42 of the Revised Code, in which case such 42014  
transfers may be made to any local school district within the 42015

territory of the educational service center. 42016

When a governing board of an educational service center 42017  
adopts a resolution proposing a transfer of school territory it 42018  
shall forthwith file a copy of such resolution, together with an 42019  
accurate map of the territory described in the resolution, with 42020  
the board of education of each school district whose boundaries 42021  
would be altered by such proposal. A governing board of an 42022  
educational service center proposing a transfer of territory under 42023  
the provisions of this section shall at its next regular meeting 42024  
that occurs not earlier than thirty days after the adoption by the 42025  
governing board of a resolution proposing such transfer, adopt a 42026  
resolution making the transfer effective at any time prior to the 42027  
next succeeding first day of July, unless, prior to the expiration 42028  
of such thirty-day period, qualified electors residing in the area 42029  
proposed to be transferred, equal in number to a majority of the 42030  
qualified electors voting at the last general election, file a 42031  
petition of referendum against such transfer. 42032

Any petition of transfer or petition of referendum filed 42033  
under the provisions of this section shall be filed at the office 42034  
of the educational service center superintendent. The person 42035  
presenting the petition shall be given a receipt containing 42036  
thereon the time of day, the date, and the purpose of the 42037  
petition. 42038

The educational service center superintendent shall cause the 42039  
board of elections to check the sufficiency of signatures on any 42040  
petition of transfer or petition of referendum filed under this 42041  
section and, if found to be sufficient, the superintendent shall 42042  
present the petition to the educational service center governing 42043  
board at a meeting of the board which shall occur not later than 42044  
thirty days following the filing of the petition. 42045

Upon presentation to the educational service center governing 42046  
board of a proposal to transfer territory as requested by petition 42047

of fifty-five per cent of the qualified electors voting at the 42048  
last general election or a petition of referendum against a 42049  
proposal of the county board to transfer territory, the governing 42050  
board shall promptly certify the proposal to the board of 42051  
elections for the purpose of having the proposal placed on the 42052  
ballot at the next general or primary election which occurs not 42053  
less than ninety days after the date of such certification, or at 42054  
a special election, the date of which shall be specified in the 42055  
certification, which date shall not be less than ninety days after 42056  
the date of such certification. Signatures on a petition of 42057  
transfer or petition of referendum may be withdrawn up to and 42058  
including the above mentioned meeting of the educational service 42059  
center governing board only by order of the board upon testimony 42060  
of the petitioner concerned under oath before the board that the 42061  
petitioner's signature was obtained by fraud, duress, or 42062  
misrepresentation. 42063

If a petition is filed with the educational service center 42064  
governing board which proposes the transfer of a part or all of 42065  
the territory included in a resolution of transfer previously 42066  
adopted by the educational service center governing board, no 42067  
action shall be taken on such petition if within the thirty-day 42068  
period after the adoption of the resolution of transfer a 42069  
referendum petition is filed. After the election, if the proposed 42070  
transfer fails to receive a majority vote, action on such petition 42071  
shall then be processed under this section as though originally 42072  
filed under the provisions hereof. If no referendum petition is 42073  
filed within the thirty-day period after the adoption of the 42074  
resolution of transfer, no action shall be taken on such petition. 42075

If a petition is filed with the educational service center 42076  
governing board which proposes the transfer of a part or all of 42077  
the territory included in a petition previously filed by electors 42078  
no action shall be taken on such new petition. 42079

Upon certification of a proposal to the board or boards of 42080  
elections pursuant to this section, the board or boards of 42081  
elections shall make the necessary arrangements for the submission 42082  
of such question to the electors of the county or counties 42083  
qualified to vote thereon, and the election shall be conducted and 42084  
canvassed and the results shall be certified in the same manner as 42085  
in regular elections for the election of members of a board of 42086  
education. 42087

The persons qualified to vote upon a proposal are the 42088  
electors residing in the district or districts containing 42089  
territory that is proposed to be transferred. If the proposed 42090  
transfer be approved by at least a majority of the electors voting 42091  
on the proposal, the educational service center governing board 42092  
shall make such transfer at any time prior to the next succeeding 42093  
first day of July. If the proposed transfer is not approved by at 42094  
least a majority of the electors voting on the proposal, the 42095  
question of transferring any property included in the territory 42096  
covered by the proposal shall not be submitted to electors at any 42097  
election prior to the first general election the date of which is 42098  
at least two years after the date of the original election, or the 42099  
first primary election held in an even-numbered year the date of 42100  
which is at least two years after the date of the original 42101  
election. A transfer shall be subject to the approval of the 42102  
receiving board or boards of education, unless the proposal was 42103  
initiated by the educational service center governing board, in 42104  
which case, if the transfer is opposed by the board of education 42105  
offered the territory, the local board may, within thirty days, 42106  
following the receipt of the notice of transfer, appeal to the 42107  
state board of education which shall then either approve or 42108  
disapprove the transfer. 42109

Following an election upon a proposed transfer initiated by a 42110  
petition the board of education that is offered territory shall, 42111

within thirty days following receipt of the proposal, either 42112  
accept or reject the transfer. 42113

When an entire school district is proposed to be transferred 42114  
to two or more school districts and the offer is rejected by any 42115  
one of the receiving boards of education, none of the territory 42116  
included in the proposal shall be transferred. 42117

Upon the acceptance of territory by the receiving board or 42118  
boards of education the educational service center governing board 42119  
offering the territory shall file with the county auditor and with 42120  
the state board of education an accurate map showing the 42121  
boundaries of the territory transferred. 42122

Upon the making of such transfer, the net indebtedness of the 42123  
former district from which territory was transferred shall be 42124  
apportioned between the acquiring school district and that portion 42125  
of the former school district remaining after the transfer in the 42126  
ratio which the assessed valuation of the territory transferred to 42127  
the acquiring school district bears to the assessed valuation of 42128  
the original school district as of the effective date of the 42129  
transfer. As used in this section "net indebtedness" means the 42130  
difference between the par value of the outstanding and unpaid 42131  
bonds and notes of the school district and the amount held in the 42132  
sinking fund and other indebtedness retirement funds for their 42133  
redemption. 42134

~~If an entire district is transferred, any indebtedness of the 42135  
former district incurred as a result of a loan made under section 42136  
3317.64 of the Revised Code is hereby canceled and such 42137  
indebtedness shall not be apportioned among any districts 42138  
acquiring the territory. 42139~~

Upon the making of any transfer under this section, the funds 42140  
of the district from which territory was transferred shall be 42141  
divided equitably by the educational service center governing 42142



board between the acquiring district and any part of the original 42143  
district remaining after the transfer. 42144

If an entire district is transferred the board of education 42145  
of such district is thereby abolished or if a member of the board 42146  
of education lives in that part of a school district transferred 42147  
the member becomes a nonresident of the school district from which 42148  
the territory was transferred and such member ceases to be a 42149  
member of the board of education of such district. 42150

The legal title of all property of the board of education in 42151  
the territory transferred shall become vested in the board of 42152  
education of the school district to which such territory is 42153  
transferred. 42154

Subsequent to June 30, 1959, if an entire district is 42155  
transferred, foundation program moneys accruing to a district 42156  
accepting school territory under the provisions of this section or 42157  
former section 3311.22 of the Revised Code, shall not be less, in 42158  
any year during the next succeeding three years following the 42159  
transfer, than the sum of the amounts received by the districts 42160  
separately in the year in which the transfer was consummated. 42161

**Sec. 3311.231.** A governing board of an educational service 42162  
center may propose, by resolution adopted by majority vote of its 42163  
full membership, or qualified electors of the area affected equal 42164  
in number to not less than fifty-five per cent of the qualified 42165  
electors voting at the last general election residing within that 42166  
portion of a school district proposed to be transferred may 42167  
propose, by petition, the transfer of a part or all of one or more 42168  
local school districts within the territory of the center to an 42169  
adjoining educational service center or to an adjoining city or 42170  
exempted village school district. 42171

A governing board of an educational service center adopting a 42172  
resolution proposing a transfer of school territory under this 42173

section shall file a copy of such resolution together with an 42174  
accurate map of the territory described in the resolution, with 42175  
the board of education of each school district whose boundaries 42176  
would be altered by such proposal. Where a transfer of territory 42177  
is proposed by a governing board of an educational service center 42178  
under this section, the governing board shall, at its next regular 42179  
meeting that occurs not earlier than the thirtieth day after the 42180  
adoption by the governing board of the resolution proposing such 42181  
transfer, adopt a resolution making the transfer as originally 42182  
proposed, effective at any time prior to the next succeeding first 42183  
day of July, unless, prior to the expiration of such thirty-day 42184  
period, qualified electors residing in the area proposed to be 42185  
transferred, equal in number to a majority of the qualified 42186  
electors voting at the last general election, file a petition of 42187  
referendum against such transfer. 42188

Any petition of transfer or petition of referendum under the 42189  
provisions of this section shall be filed at the office of the 42190  
educational service center superintendent. The person presenting 42191  
the petition shall be given a receipt containing thereon the time 42192  
of day, the date, and the purpose of the petition. 42193

The educational service center superintendent shall cause the 42194  
board of elections to check the sufficiency of signatures on any 42195  
such petition, and, if found to be sufficient, the superintendent 42196  
shall present the petition to the educational service center 42197  
governing board at a meeting of said governing board which shall 42198  
occur not later than thirty days following the filing of said 42199  
petition. 42200

The educational service center governing board shall promptly 42201  
certify the proposal to the board of elections of such counties in 42202  
which school districts whose boundaries would be altered by such 42203  
proposal are located for the purpose of having the proposal placed 42204  
on the ballot at the next general or primary election which occurs 42205

not less than ninety days after the date of such certification or 42206  
at a special election, the date of which shall be specified in the 42207  
certification, which date shall not be less than ninety days after 42208  
the date of such certification. 42209

Signatures on a petition of transfer or petition of 42210  
referendum may be withdrawn up to and including the above 42211  
mentioned meeting of the educational service center governing 42212  
board only by order of the governing board upon testimony of the 42213  
petitioner concerned under oath before the board that the 42214  
petitioner's signature was obtained by fraud, duress, or 42215  
misrepresentation. 42216

If a petition is filed with the educational service center 42217  
governing board which proposes the transfer of a part or all of 42218  
the territory included either in a petition previously filed by 42219  
electors or in a resolution of transfer previously adopted by the 42220  
educational service center governing board, no action shall be 42221  
taken on such new petition as long as the previously initiated 42222  
proposal is pending before the governing board or is subject to an 42223  
election. 42224

Upon certification of a proposal to the board or boards of 42225  
elections pursuant to this section, the board or boards of 42226  
elections shall make the necessary arrangements for the submission 42227  
of such question to the electors of the county or counties 42228  
qualified to vote thereon, and the election shall be conducted and 42229  
canvassed and the results shall be certified in the same manner as 42230  
in regular elections for the election of members of a board of 42231  
education. 42232

The persons qualified to vote upon a proposal are the 42233  
electors residing in the district or districts containing 42234  
territory that is proposed to be transferred. If the proposed 42235  
transfer is approved by at least a majority of the electors voting 42236  
on the proposal, the educational service center governing board 42237

shall make such transfer at any time prior to the next succeeding 42238  
first day of July, subject to the approval of the receiving board 42239  
of education in case of a transfer to a city or exempted village 42240  
school district, and subject to the approval of the educational 42241  
service center governing board of the receiving center, in case of 42242  
a transfer to an educational service center. If the proposed 42243  
transfer is not approved by at least a majority of the electors 42244  
voting on the proposal, the question of transferring any property 42245  
included in the territory covered by the proposal shall not be 42246  
submitted to electors at any election prior to the first general 42247  
election the date of which is at least two years after the date of 42248  
the original election, or the first primary election held in an 42249  
even-numbered year the date of which is at least two years after 42250  
the date of the original election. 42251

Where a territory is transferred under this section to a city 42252  
or exempted village school district, the board of education of 42253  
such district shall, and where territory is transferred to an 42254  
educational service center the governing board of such educational 42255  
service center shall, within thirty days following receipt of the 42256  
proposal, either accept or reject the transfer. 42257

Where a governing board of an educational service center 42258  
adopts a resolution accepting territory transferred to the 42259  
educational service center under the provisions of sections 42260  
3311.231 and 3311.24 of the Revised Code, the governing board 42261  
shall, at the time of the adoption of the resolution accepting the 42262  
territory, designate the school district to which the accepted 42263  
territory shall be annexed. 42264

When an entire school district is proposed to be transferred 42265  
to two or more adjoining school districts and the offer is 42266  
rejected by any one of the receiving boards of education, none of 42267  
the territory included in the proposal shall be transferred. 42268

Upon the acceptance of territory by the receiving board or 42269

boards of education the educational service center governing board 42270  
offering the territory shall file with the county auditor of each 42271  
county affected by the transfer and with the state board of 42272  
education an accurate map showing the boundaries of the territory 42273  
transferred. 42274

Upon the making of such transfer, the net indebtedness of the 42275  
former district from which territory was transferred shall be 42276  
apportioned between the acquiring school district and the portion 42277  
of the former school district remaining after the transfer in the 42278  
ratio which the assessed valuation of the territory transferred to 42279  
the acquiring school district bears to the assessed valuation of 42280  
the original school district as of the effective date of the 42281  
transfer. As used in this section "net indebtedness" means the 42282  
difference between the par value of the outstanding and unpaid 42283  
bonds and notes of the school district and the amount held in the 42284  
sinking fund and other indebtedness retirement funds for their 42285  
redemption. 42286

~~If an entire district is transferred, any indebtedness of the 42287  
former district incurred as a result of a loan made under section 42288  
3317.64 of the Revised Code is hereby canceled and such 42289  
indebtedness shall not be apportioned among any districts 42290  
acquiring the territory. 42291~~

Upon the making of any transfer under this section, the funds 42292  
of the district from which territory was transferred shall be 42293  
divided equitably by the educational service center governing 42294  
board, between the acquiring district and any part of the original 42295  
district remaining after the transfer. 42296

If an entire district is transferred the board of education 42297  
of such district is thereby abolished or if a member of the board 42298  
of education lives in that part of a school district transferred 42299  
the member becomes a nonresident of the school district from which 42300  
the territory was transferred and such member ceases to be a 42301

member of the board of education of such district. 42302

The legal title of all property of the board of education in 42303  
the territory transferred shall become vested in the board of 42304  
education of the school district to which such territory is 42305  
transferred. 42306

If an entire district is transferred, foundation program 42307  
moneys accruing to a district receiving school territory under the 42308  
provisions of this section shall not be less, in any year during 42309  
the next succeeding three years following the transfer, than the 42310  
sum of the amounts received by the districts separately in the 42311  
year in which the transfer was consummated. 42312

**Sec. 3311.38.** The state board of education may conduct, or 42313  
may direct the superintendent of public instruction to conduct, 42314  
studies where there is evidence of need for transfer of local, 42315  
exempted village, or city school districts, or parts of any such 42316  
districts, to contiguous or noncontiguous local, exempted village, 42317  
or city school districts. Such studies shall include a study of 42318  
the effect of any proposal upon any portion of a school district 42319  
remaining after such proposed transfer. The state board, in 42320  
conducting such studies and in making recommendations as a result 42321  
thereof, shall consider the possibility of improving school 42322  
district organization as well as the desires of the residents of 42323  
the school districts which would be affected. 42324

(A) After the adoption of recommendations growing out of any 42325  
such study, or upon receipt of a resolution adopted by majority 42326  
vote of the full membership of the board of any city, local, or 42327  
exempted village school district requesting that the entire 42328  
district be transferred to another city, local, or exempted 42329  
village school district, the state board may propose by resolution 42330  
the transfer of territory, which may consist of part or all of the 42331  
territory of a local, exempted village, or city school district to 42332

a contiguous local, exempted village, or city school district. 42333

The state board shall thereupon file a copy of such proposal 42334  
with the board of education of each school district whose 42335  
boundaries would be altered by the proposal and with the governing 42336  
board of any educational service center in which such school 42337  
district is located. 42338

The state board may, not less than thirty days following the 42339  
adoption of the resolution proposing the transfer of territory, 42340  
certify the proposal to the board of elections of the county or 42341  
counties in which any of the territory of the proposed district is 42342  
located, for the purpose of having the proposal placed on the 42343  
ballot at the next general election or at a primary election 42344  
occurring not less than ninety days after the adoption of such 42345  
resolution. 42346

If any proposal has been previously initiated pursuant to 42347  
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 42348  
affects any of the territory affected by the proposal of the state 42349  
board, the proposal of the state board shall not be placed on the 42350  
ballot while the previously initiated proposal is subject to an 42351  
election. 42352

Upon certification of a proposal to the board of elections of 42353  
any county pursuant to this section, the board of elections of 42354  
such county shall make the necessary arrangements for the 42355  
submission of such question to the electors of the county 42356  
qualified to vote thereon, and the election shall be counted and 42357  
canvassed and the results shall be certified in the same manner as 42358  
in regular elections for the election of members of a board of 42359  
education. 42360

The electors qualified to vote upon a proposal are the 42361  
electors residing in the local, exempted village, or city school 42362  
districts, containing territory proposed to be transferred. 42363

If the proposed transfer be approved by a majority of the electors voting on the proposal, the state board, subject to the approval of the board of education of the district to which the territory would be transferred, shall make such transfer prior to the next succeeding July 1.

(B) If a study conducted in accordance with this section involves a school district with less than four thousand dollars of assessed value for each pupil in the total student count determined under section 3317.03 of the Revised Code, the state board of education, with the approval of the educational service center governing board, and upon recommendation by the state superintendent of public instruction, may by resolution transfer all or any part of such a school district to any city, exempted village, or local school district which has more than twenty-five thousand pupils in average daily membership. Such resolution of transfer shall be adopted only after the board of education of the receiving school district has adopted a resolution approving the proposed transfer. For the purposes of this division, the assessed value shall be as certified in accordance with section 3317.021 of the Revised Code.

(C) Upon the making of a transfer of an entire school district pursuant to this section, the indebtedness of the district transferred shall be assumed in full by the acquiring district and the funds of the district transferred shall be paid over in full to the acquiring district, ~~except that any indebtedness of the transferred district incurred as a result of a loan made under section 3317.64 of the Revised Code is hereby canceled and shall not be assumed by the acquiring district.~~

(D) Upon the making of a transfer pursuant to this section, when only part of a district is transferred, the net indebtedness of each original district of which only a part is taken by the acquiring district shall be apportioned between the acquiring



district and the original district in the ratio which the assessed 42396  
valuation of the part taken by the acquiring district bears to the 42397  
assessed valuation of the original district as of the effective 42398  
date of the transfer. As used in this section "net indebtedness" 42399  
means the difference between the par value of the outstanding and 42400  
unpaid bonds and notes of the school district and the amount held 42401  
in the sinking fund and other indebtedness retirement funds for 42402  
their redemption. 42403

(E) Upon the making of a transfer pursuant to this section, 42404  
when only part of a district is transferred, the funds of the 42405  
district from which territory was transferred shall be divided 42406  
equitably by the state board between the acquiring district and 42407  
that part of the former district remaining after the transfer. 42408

(F) If an entire school district is transferred, the board of 42409  
education of such district is thereby abolished. If part of a 42410  
school district is transferred, any member of the board of 42411  
education who is a legal resident of that part which is 42412  
transferred shall thereby cease to be a member of that board. 42413

If an entire school district is transferred, foundation 42414  
program moneys accruing to a district accepting school territory 42415  
under the provisions of this section shall not be less, in any 42416  
year during the next succeeding three years following the 42417  
transfer, than the sum of the amounts received by the districts 42418  
separately in the year in which the transfer became effective. 42419

**Sec. 3311.78.** Notwithstanding any provision of the Revised 42420  
Code to the contrary, a municipal school district shall be subject 42421  
to this section instead of sections ~~3317.13~~, 3317.14, and 3317.141 42422  
of the Revised Code. 42423

(A) As used in this section, "principal" includes an 42424  
assistant principal. 42425

(B) The board of education of each municipal school district 42426  
annually shall adopt a differentiated salary schedule for teachers 42427  
based upon performance as described in division (D) of this 42428  
section. The board also annually shall adopt a differentiated 42429  
salary schedule for principals based upon performance as described 42430  
in division (D) of this section. 42431

For each teacher or principal hired on or after ~~the effective~~ 42432  
~~date of this section~~ October 1, 2012, the board shall determine 42433  
the teacher's or principal's initial placement on the applicable 42434  
salary schedule based on years of experience and area of licensure 42435  
and any other factors the board considers appropriate. For each 42436  
teacher hired prior to ~~the effective date of this section~~ October 42437  
1, 2012, the board shall initially place the teacher on the 42438  
applicable salary schedule so that the teacher's annual salary on 42439  
the schedule is comparable to the teacher's annual salary for the 42440  
school year immediately prior to the school year covered by the 42441  
schedule. For each principal hired prior to ~~the effective date of~~ 42442  
~~this section~~ October 1, 2012, the board shall initially place the 42443  
principal on the applicable salary schedule consistent with the 42444  
principal's employment contract. 42445

(C) The salary of a teacher shall not be reduced unless such 42446  
reduction is accomplished as part of a negotiated collective 42447  
bargaining agreement. The salary of a principal shall not be 42448  
reduced during the term of the principal's employment contract 42449  
unless such reduction is by mutual agreement of the board and the 42450  
principal or is part of a uniform plan affecting the entire 42451  
district. 42452

(D) For purposes of the schedules, the board shall measure a 42453  
teacher's or principal's performance by considering all of the 42454  
following: 42455

(1) The level of license issued under section 3319.22 of the 42456  
Revised Code that the teacher or principal holds; 42457

(2) Whether the teacher or principal is a highly qualified teacher, as defined in section 3319.074 of the Revised Code; 42458  
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(3) Ratings received by the teacher or principal on performance evaluations conducted under section 3311.80 or 3311.84 of the Revised Code; 42460  
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(4) Any specialized training and experience in the assigned position. 42463  
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(E) The salary schedules adopted under this section may provide for additional compensation for teachers or principals who perform duties, not contracted for under a supplemental contract, that the board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district; assignment to a hard-to-staff school, as determined by the board; or teaching in a school with an extended school day or school year. 42465  
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(F) The chief executive officer of the district, or the chief executive officer's designee, annually shall review the salary of each teacher and principal and make a recommendation to the board. Based on the recommendation, the board may increase a teacher's or principal's salary based on the teacher's or principal's performance and duties as provided for in divisions (D) and (E) of this section. The performance-based increase for a teacher or principal rated as accomplished shall be greater than the performance-based increase for a teacher or principal rated as proficient. Notwithstanding division (C) of this section, division (C) of section 3319.02, and section 3319.12 of the Revised Code, 42479  
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the board may decrease the teacher's or principal's salary if the 42490  
teacher or principal will perform fewer or different duties 42491  
described in division (E) of this section in the school year for 42492  
which the salary is decreased. 42493

(G) Notwithstanding any provision to the contrary in Chapter 42494  
4117. of the Revised Code, the requirements of this section 42495  
prevail over any conflicting provisions of a collective bargaining 42496  
agreement entered into on or after ~~the effective date of this~~ 42497  
~~section~~ October 1, 2012. However, the board and the teachers' 42498  
labor organization shall negotiate the implementation of the 42499  
differentiated salary schedule for teachers and may negotiate 42500  
additional factors regarding teacher salaries, provided those 42501  
factors are consistent with this section. 42502

**Sec. 3312.08.** Each fiscal agent selected by the department of 42503  
education pursuant to section 3312.07 of the Revised Code shall do 42504  
all of the following: 42505

(A) Enter into performance contracts with the department in 42506  
accordance with section 3312.09 of the Revised Code for the 42507  
implementation of state and regional education initiatives and 42508  
school improvement efforts; 42509

(B) Receive federal and state funds, including federal funds 42510  
for the provision of special education and related services, as 42511  
specified in the performance contracts, and disburse those funds 42512  
as specified in the performance contracts to educational service 42513  
centers, information technology centers, and other regional 42514  
service providers. However, any funds owed to an educational 42515  
service center in accordance with an agreement entered into under 42516  
section ~~3317.11~~ 3313.843, 3313.844, or 3313.845 of the Revised 42517  
Code shall be paid directly to the service center by the 42518  
department ~~in accordance with that section~~ and any operating funds 42519  
appropriated for an information technology center shall be paid 42520

directly to the information technology center by the department 42521  
pursuant to section 3301.075 of the Revised Code. 42522

(C) Implement any expenditure of funds recommended by the 42523  
advisory council for the region pursuant to section 3312.04 of the 42524  
Revised Code or required by the terms of any performance contract, 42525  
unless there are insufficient funds available to the region to pay 42526  
for the expenditure or the expenditure violates a provision of the 42527  
Revised Code, a rule of the state board of education regarding 42528  
such expenditure, or the terms of a performance contract; 42529

(D) Exercise fiscal oversight of the implementation of state 42530  
and regional education initiatives and school improvement efforts. 42531

**Sec. 3313.372.** (A) As used in this section, "energy 42532  
conservation measure" means an installation or modification of an 42533  
installation in, or remodeling of, a building, to reduce energy 42534  
consumption. It includes: 42535

(1) Insulation of the building structure and systems within 42536  
the building; 42537

(2) Storm windows and doors, multiglazed windows and doors, 42538  
heat absorbing or heat reflective glazed and coated window and 42539  
door systems, additional glazing, reductions in glass area, and 42540  
other window and door system modifications that reduce energy 42541  
consumption; 42542

(3) Automatic energy control systems; 42543

(4) Heating, ventilating, or air conditioning system 42544  
modifications or replacements; 42545

(5) Caulking and weatherstripping; 42546

(6) Replacement or modification of lighting fixtures to 42547  
increase the energy efficiency of the system without increasing 42548  
the overall illumination of a facility, unless such increase in 42549  
illumination is necessary to conform to the applicable state or 42550

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| local building code for the proposed lighting system;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 42551                                                                                                    |
| (7) Energy recovery systems;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42552                                                                                                    |
| (8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 42553<br>42554<br>42555                                                                                  |
| (9) Any other modification, installation, or remodeling approved by the Ohio school facilities commission as an energy conservation measure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42556<br>42557<br>42558                                                                                  |
| (B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms:                                                                                                                                                                                                                                                                                                                           | 42559<br>42560<br>42561<br>42562<br>42563<br>42564<br>42565                                              |
| (1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 42566<br>42567                                                                                           |
| (2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42568<br>42569                                                                                           |
| <u>The provisions of any installment payment contract entered into pursuant to this section shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, be stated as a percentage of calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more measures over a defined period of time. Those payments shall be made only to the extent that the savings described in this division actually occur. The contractor shall warrant and guarantee that the energy conservation measures shall realize guaranteed savings. In order to ensure payment of any savings shortfall, the contractor shall provide an energy guarantee bond</u> | 42570<br>42571<br>42572<br>42573<br>42574<br>42575<br>42576<br>42577<br>42578<br>42579<br>42580<br>42581 |

for the full term of the contract, including any partial guarantee 42582  
year. 42583

The commission may reduce the term of any installment payment 42584  
contract entered into under this section on or after the effective 42585  
date of this amendment to three years. 42586

An installment payment contract entered into by a board of 42587  
education under this section shall require the board to contract 42588  
in accordance with division (A) of section 3313.46 of the Revised 42589  
Code for the installation, modification, or remodeling of energy 42590  
conservation measures unless division (A) of section 3313.46 of 42591  
the Revised Code does not apply pursuant to division (B)(3) of 42592  
that section. 42593

(C) The board may issue the notes of the school district 42594  
signed by the president and the treasurer of the board and 42595  
specifying the terms of the purchase and securing the deferred 42596  
payments provided in this section, payable at the times provided 42597  
and bearing interest at a rate not exceeding the rate determined 42598  
as provided in section 9.95 of the Revised Code. The notes may 42599  
contain an option for prepayment and shall not be subject to 42600  
Chapter 133. of the Revised Code. In the resolution authorizing 42601  
the notes, the board may provide, without the vote of the electors 42602  
of the district, for annually levying and collecting taxes in 42603  
amounts sufficient to pay the interest on and retire the notes, 42604  
except that the total net indebtedness of the district without a 42605  
vote of the electors incurred under this and all other sections of 42606  
the Revised Code, except section 3318.052 of the Revised Code, 42607  
shall not exceed one per cent of the district's tax valuation. 42608  
Revenues derived from local taxes or otherwise, for the purpose of 42609  
conserving energy or for defraying the current operating expenses 42610  
of the district, may be applied to the payment of interest and the 42611  
retirement of such notes. The notes may be sold at private sale or 42612  
given to the contractor under the installment payment contract 42613

authorized by division (B) of this section. 42614

(D) Debt incurred under this section shall not be included in 42615  
the calculation of the net indebtedness of a school district under 42616  
section 133.06 of the Revised Code. 42617

(E) No school district board shall enter into an installment 42618  
payment contract under division (B) of this section unless it 42619  
first obtains a report of the costs of the energy conservation 42620  
measures and the savings thereof as described under division (G) 42621  
of section 133.06 of the Revised Code as a requirement for issuing 42622  
energy securities, makes a finding that the amount spent on such 42623  
measures is not likely to exceed the amount of money it would save 42624  
in energy costs and resultant operational and maintenance costs as 42625  
described in that division, except that that finding shall cover 42626  
the ensuing fifteen years, and the Ohio school facilities 42627  
commission determines that the district board's findings are 42628  
reasonable and approves the contract as described in that 42629  
division. 42630

The district board shall monitor the savings and maintain a 42631  
report of those savings, which shall be submitted to the 42632  
commission in the same manner as required by division (G) of 42633  
section 133.06 of the Revised Code in the case of energy 42634  
securities. 42635

**Sec. 3313.376.** As used in this section, "client school 42636  
district" ~~has the same meaning as in section 3317.11 of the~~ 42637  
~~Revised Code~~ means a city, exempted village, or local school 42638  
district that has entered into an agreement under section 3313.843 42639  
or 3313.845 of the Revised Code to receive any services from an 42640  
educational service center. 42641

For the purpose of obtaining quantity discounts in purchasing 42642  
textbooks; computer equipment, including computer software; school 42643  
buses; and natural gas, electricity, and other utility services, 42644



the governing boards of two or more educational service centers 42645  
may enter into agreements, including installment purchase and 42646  
lease-purchase contracts, to jointly purchase such commodities to 42647  
be utilized by client school districts of the educational service 42648  
centers. 42649

**Sec. 3313.42.** (A) When in the judgment of a board of 42650  
education of any school district in this state, lying adjacent to 42651  
a school district of another state, the best interests of the 42652  
public schools can be promoted by purchasing school grounds, 42653  
repairing or erecting a schoolhouse, and maintaining them jointly 42654  
between the two adjacent school districts, the board of education 42655  
of the school district of this state so situated may enter into an 42656  
agreement with the school authorities of said adjacent school 42657  
district for the purpose of purchasing school grounds, repairing 42658  
or constructing a school building, purchasing school furniture, 42659  
equipment, appliances, fuel, employing teachers, and maintaining a 42660  
school. The board of education of this state may levy taxes and 42661  
perform such other duties in maintaining such joint school as are 42662  
otherwise provided by law for maintaining the public schools in 42663  
this state. 42664

In carrying out this section the school district shall pay 42665  
such proportion of the cost of purchasing school grounds, 42666  
repairing or erecting a building, and in maintaining the joint 42667  
school as is equitable and just in the judgment of the board of 42668  
education and trustees of the two adjacent school districts. 42669

(B) ~~In any school district that has entered into an agreement 42670  
under division (A) of this section, the state minimum teacher 42671  
salary requirements prescribed by section 3317.13 of the Revised 42672  
Code do not apply if the total expenditures by the school district 42673  
for teacher salaries in any school year equals or exceeds the 42674  
total minimum expenditures that would have been required in that 42675~~

~~year if such minimum teacher salary requirements did apply.~~ 42676

(C) Notwithstanding sections 3319.01, 3319.02, and 3313.22 of 42677  
the Revised Code, the board of education of a local school 42678  
district that has entered into an agreement with an adjacent 42679  
school district in another state under division (A) of this 42680  
section may contract with the educational service center within 42681  
which the local school district is located for the service center 42682  
to provide any administrative services specified in the agreement 42683  
to the local school district and the adjacent district. If such an 42684  
agreement provides for the duties of a district treasurer, 42685  
superintendent, or principals to be performed by the service 42686  
center, the local school district is not required to employ 42687  
persons to perform such duties. 42688

**Sec. 3313.48.** (A) The board of education of each city, 42689  
exempted village, local, and joint vocational school district 42690  
shall provide for the free education of the youth of school age 42691  
within the district under its jurisdiction, at such places as will 42692  
be most convenient for the attendance of the largest number 42693  
thereof. ~~Except as provided in section 3313.481 of the Revised~~ 42694  
~~Code, each~~ Each school so provided and each chartered nonpublic 42695  
school shall be open for instruction with pupils in attendance, 42696  
including scheduled classes, supervised activities, and approved 42697  
education options but excluding lunch and breakfast periods and 42698  
extracurricular activities, for not less than ~~one hundred~~ 42699  
~~eighty-two days~~ four hundred fifty-five hours in the case of 42700  
pupils in kindergarten unless such pupils are provided all-day 42701  
kindergarten, as defined in section 3321.05 of the Revised Code, 42702  
in which case the pupils shall be in attendance for nine hundred 42703  
ten hours; nine hundred ten hours in the case of pupils in grades 42704  
one through six; and one thousand one hours in the case of pupils 42705  
in grades seven through twelve in each school year, which may 42706  
include all of the following: 42707

~~(A)(1) Up to four the equivalent of two school days per year 42708~~  
~~in which classes are dismissed one half day early or the 42709~~  
~~equivalent amount of time during a different number of days during 42710~~  
~~which pupils would otherwise be in attendance but are not required 42711~~  
~~to attend for the purpose of individualized parent-teacher 42712~~  
~~conferences and reporting periods; 42713~~

~~(B)(2) Up to the equivalent of two school days per year 42714~~  
~~during which pupils would otherwise be in attendance but are not 42715~~  
~~required to attend for professional meetings of teachers ~~when such~~ 42716~~  
~~~~days occur during a regular school week and schools are not in~~ 42717~~  
~~~~session;~~ 42718~~

~~(C) The number of days the school is closed as a result of 42719~~  
~~public calamity, as provided in section 3317.01 of the Revised 42720~~  
~~Code (3) Morning and afternoon recess periods of not more than 42721~~  
~~fifteen minutes duration per period for pupils in grades 42722~~  
~~kindergarten through six. 42723~~

~~The state board of education shall adopt standards for 42724~~  
~~defining "school day" as used in sections 3313.48 and 3317.01 of 42725~~  
~~the Revised Code. 42726~~

~~Except as otherwise provided in this section, each day for 42727~~  
~~grades seven through twelve shall consist of not less than five 42728~~  
~~clock hours with pupils in attendance, except in such emergency 42729~~  
~~situations, including lack of classroom space, as are approved by 42730~~  
~~the state board of education. Except as otherwise provided in this 42731~~  
~~section, each day for grades one through six shall consist of not 42732~~  
~~less than five clock hours with pupils in attendance which may 42733~~  
~~include fifteen minute morning and afternoon recess periods, 42734~~  
~~except in such emergency situations, including lack of classroom 42735~~  
~~space, as are approved by the state board of education. 42736~~

~~(B) Not later than thirty days prior to adopting a school 42737~~  
~~calendar, the board of education of each city, exempted village, 42738~~

and local school district shall hold a public hearing on the 42739  
school calendar, addressing topics that include, but are not 42740  
limited to, the total number of hours in a school year, length of 42741  
school day, and beginning and end dates of instruction. Each board 42742  
shall publish notice of the hearing in a newspaper of general 42743  
circulation in the district not later than thirty days prior to 42744  
the hearing. 42745

(C) No school operated by a city, exempted village, local, or 42746  
joint vocational school district shall reduce the number of hours 42747  
in each school year that the school is scheduled to be open for 42748  
instruction from the number of hours per year the school was open 42749  
for instruction during the previous school year unless the 42750  
reduction is approved by a resolution adopted by the district 42751  
board of education. Any reduction so approved shall not result in 42752  
fewer hours of instruction per school year than the applicable 42753  
number of hours required under division (A) of this section. 42754

(D) Prior to making any change in the hours or days in which 42755  
a high school under its jurisdiction is open for instruction, the 42756  
board of education of each city, exempted village, and local 42757  
school district shall consider the compatibility of the proposed 42758  
change with the scheduling needs of any joint vocational school 42759  
district in which any of the high school's students are also 42760  
enrolled. The board shall consider the impact of the proposed 42761  
change on student access to the instructional programs offered by 42762  
the joint vocational school district, incentives for students to 42763  
participate in career-technical education, transportation, and the 42764  
timing of graduation. The board shall provide the joint vocational 42765  
school district board with advance notice of the proposed change 42766  
and the two boards shall enter into a written agreement 42767  
prescribing reasonable accommodations to meet the scheduling needs 42768  
of the joint vocational school district prior to implementation of 42769  
the change. 42770

(E) Prior to making any change in the hours or days in which a school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any community school established under Chapter 3314. of the Revised Code to which the district is required to transport students under sections 3314.09 and 3327.01 of the Revised Code. The board shall consider the impact of the proposed change on student access to the instructional programs offered by the community school, transportation, and the timing of graduation. The board shall provide the sponsor, governing authority, and operator of the community school with advance notice of the proposed change, and the board and the governing authority, or operator if such authority is delegated to the operator, shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the community school prior to implementation of the change.

(F) Prior to making any change in the hours or days in which the schools under its jurisdiction are open for instruction, the board of education of each city, exempted village, and local school district shall consult with the chartered nonpublic schools to which the district is required to transport students under section 3327.01 of the Revised Code and shall consider the effect of the proposed change on the schedule for transportation of those students to their nonpublic schools. The governing authority of a chartered nonpublic school shall consult with each school district board of education that transports students to the chartered nonpublic school under section 3327.01 of the Revised Code prior to making any change in the hours or days in which the nonpublic school is open for instruction.

(G) The state board of education shall not adopt or enforce any rule or standard that imposes on chartered nonpublic schools

the procedural requirements imposed on school districts by 42803  
divisions (B), (C), (D), and (E) of this section. 42804

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 42805  
the term "school day" is used, unless otherwise specified, that 42806  
term shall be construed to mean the time during a calendar day 42807  
that a school is open for instruction pursuant to the schedule 42808  
adopted by the board of education of the school district or the 42809  
governing authority of the chartered nonpublic school in 42810  
accordance with section 3313.48 of the Revised Code. 42811

**Sec. 3313.483.** (A) A board of education, upon the adoption of 42812  
a resolution stating that it may be financially unable to open on 42813  
the day or to remain open for instruction on all days set forth in 42814  
its adopted school calendar and pay all obligated expenses, or the 42815  
superintendent of public instruction upon the issuance of written 42816  
notification under division (B) of section 3313.489 of the Revised 42817  
Code, shall request the auditor of state to determine whether such 42818  
situation exists. The auditor shall deliver a copy of each request 42819  
from a board of education to the superintendent of public 42820  
instruction. In the case of a school district not under a fiscal 42821  
emergency pursuant to Chapter 3316. of the Revised Code the 42822  
auditor shall not issue a finding under this section until written 42823  
notification is received from the superintendent pursuant to 42824  
section 3313.487 of the Revised Code. 42825

(B) If the auditor of state finds that the board of education 42826  
has attempted to avail itself to the fullest extent authorized by 42827  
law of all lawful revenue sources available to it except those 42828  
authorized by section 5705.21 of the Revised Code, the auditor 42829  
shall certify that finding to the superintendent of public 42830  
instruction and the state board of education and shall certify the 42831  
operating deficit the district will have at the end of the fiscal 42832  
year if it commences or continues operating its instructional 42833

program in accordance with its adopted school calendar and pays 42834  
all obligated expenses. 42835

(C) No board of education may delay the opening of its 42836  
schools or close its schools for financial reasons. Upon the 42837  
request of the superintendent of public instruction, the attorney 42838  
general shall seek injunctive relief and any other relief required 42839  
to enforce this prohibition in the court of common pleas of 42840  
Franklin county. The court of common pleas of Franklin county has 42841  
exclusive original jurisdiction over all such actions. 42842

(D) Upon the receipt of any certification of an operating 42843  
deficit from the auditor of state, a board of education shall make 42844  
application to a commercial bank, underwriter, or other 42845  
prospective lender or purchaser of its obligations for a loan in 42846  
an amount sufficient to enable the district to open or remain open 42847  
for instruction on all days set forth in its adopted school 42848  
calendar but not to exceed the amount of the deficit certified. 42849

(E)(1) Any board of education that has applied for and been 42850  
denied a loan from a commercial bank, underwriter, or other 42851  
prospective lender or purchaser of its obligations pursuant to 42852  
division (D) of this section shall submit to the superintendent of 42853  
public instruction a plan for implementing reductions in the 42854  
school district's budget; apply for a loan from a commercial bank, 42855  
underwriter, or other prospective lender or purchaser of its 42856  
obligations in an amount not to exceed its certified deficit; and 42857  
provide the superintendent such information as the superintendent 42858  
requires concerning its application for such a loan. The board of 42859  
education of a school district declared to be under a fiscal watch 42860  
pursuant to division (A) of section 3316.03 of the Revised Code 42861  
may, upon approval of the superintendent, utilize the financial 42862  
plan required by section 3316.04 of the Revised Code, or 42863  
applicable parts thereof, as the plan required under this 42864  
division. The board of education of a school district declared to 42865

be under a fiscal emergency pursuant to division (B) of section 42866  
3316.03 of the Revised Code may utilize the financial recovery 42867  
plan for the district, or applicable parts thereof, as the plan 42868  
required under this division. Except for the plan of a school 42869  
district under a fiscal emergency, the superintendent shall 42870  
evaluate, make recommendations concerning, and approve or 42871  
disapprove each plan. When a plan is submitted, the superintendent 42872  
shall immediately notify the members of the general assembly whose 42873  
legislative districts include any or all of the territory of the 42874  
school district submitting the plan. 42875

(2) The superintendent shall submit to the controlling board 42876  
a copy of each plan the superintendent approves, or each plan 42877  
submitted by a district under a fiscal emergency pursuant to 42878  
division (B) of section 3316.03 of the Revised Code, and the 42879  
general terms of each proposed loan, and shall make 42880  
recommendations regarding the plan and whether a proposed loan to 42881  
the board of education should be approved for payment as provided 42882  
in division (E)(3) of this section. The controlling board shall 42883  
approve or disapprove the plan and the proposed loan presented to 42884  
it by the superintendent. In the case of a district not under a 42885  
fiscal emergency pursuant to division (B) of section 3316.03 of 42886  
the Revised Code, the controlling board may require a board of 42887  
education to implement the superintendent's recommendations for 42888  
expenditure reductions or impose other requirements. Loan 42889  
repayments shall be in accordance with a schedule approved by the 42890  
superintendent, except that the principal amount of the loan shall 42891  
be payable in monthly, semiannual, or annual installments of 42892  
principal and interest that are substantially equal principal and 42893  
interest installments. Except as otherwise provided in division 42894  
(E)(2) of this section, repayment shall be made no later than the 42895  
fifteenth day of June of the second fiscal year following the 42896  
approval of the loan. A school district with a certified deficit 42897  
in excess of either twenty-five million dollars or fifteen per 42898



cent of the general fund expenditures of the district during the 42899  
fiscal year shall repay the loan no later than the fifteenth day 42900  
of June of the tenth fiscal year following the approval of the 42901  
loan. In deciding whether to approve or disapprove a proposed 42902  
loan, the controlling board shall consider the deficit certified 42903  
by the auditor of state pursuant to this section. A board of 42904  
education that has an outstanding loan approved pursuant to this 42905  
section with a repayment date of more than two fiscal years after 42906  
the date of approval of such loan may not apply for another loan 42907  
with such a repayment date until the outstanding loan has been 42908  
repaid. 42909

(3) If a board of education has submitted and received 42910  
controlling board approval of a plan and proposed loan in 42911  
accordance with this section, the superintendent of public 42912  
instruction shall report to the controlling board the actual 42913  
amounts loaned to the board of education. Such board of education 42914  
shall request the superintendent to pay any funds the board of 42915  
education would otherwise receive pursuant to Chapter 3306. of the 42916  
Revised Code first directly to the holders of the board of 42917  
education's notes, or an agent thereof, such amounts as are 42918  
specified under the terms of the loan. Such payments shall be made 42919  
only from and to the extent of money appropriated by the general 42920  
assembly for purposes of such sections. No note or other 42921  
obligation of the board of education under the loan constitutes an 42922  
obligation nor a debt or a pledge of the faith, credit, or taxing 42923  
power of the state, and the holder or owner of such note or 42924  
obligation has no right to have taxes levied by the general 42925  
assembly for the payment of such note or obligation, and such note 42926  
or obligation shall contain a statement to that effect. 42927

(4) Pursuant to the terms of such a loan, a board of 42928  
education may issue its notes in anticipation of the collection of 42929  
its voted levies for current expenses or its receipt of such state 42930

funds or both. Such notes shall be issued in accordance with 42931  
division (E) of section 133.10 of the Revised Code and constitute 42932  
Chapter 133. securities to the extent such division and the 42933  
otherwise applicable provisions of Chapter 133. of the Revised 42934  
Code are not inconsistent with this section, provided that in any 42935  
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and 42936  
(E)(2) of section 133.10 of the Revised Code do not apply to such 42937  
notes. 42938

(5) Notwithstanding section 133.36 or 3313.17, any other 42939  
section of the Revised Code, or any other provision of law, a 42940  
board of education that has received a loan under this section may 42941  
not declare bankruptcy, so long as any portion of such loan 42942  
remains unpaid. 42943

(F) Under this section and ~~sections~~ section 3313.4810 ~~and~~ 42944  
~~3313.4811~~, "board of education" or "district board" includes the 42945  
financial planning and supervision commission of a school district 42946  
under a fiscal emergency pursuant to Chapter 3316. of the Revised 42947  
Code where such commission chooses to exercise the powers and 42948  
duties otherwise required of the district board of education under 42949  
this section and ~~sections~~ section 3313.4810 ~~and 3313.4811~~ of the 42950  
Revised Code. 42951

**Sec. 3313.484.** No loan shall be approved under sections 42952  
3313.483 to ~~3313.4811~~ 3313.4810 of the Revised Code after March 1, 42953  
1998. 42954

By the last day of June each year, the department of 42955  
education shall calculate and pay a subsidy to every school 42956  
district that during the current fiscal year paid and was 42957  
obligated to pay interest on a loan under sections 3313.483 to 42958  
~~3313.4811~~ 3313.4810 of the Revised Code in excess of two per cent 42959  
simple interest. The amount of the subsidy shall equal the 42960  
difference between the amount of interest the district paid and 42961

was obligated to pay during the year and the interest that the 42962  
district would have been obligated to pay if the interest rate on 42963  
the loan had been two per cent per year. 42964

**Sec. 3313.488.** (A) Within fifteen days ~~of~~ after the date a 42965  
~~board of education requests that its school district be made~~ 42966  
~~subject to this section as authorized by section 3317.62 of the~~ 42967  
~~Revised Code, or~~ the state board of education ~~has issued~~ issues an 42968  
order under section 3313.487 of the Revised Code making a school 42969  
district subject to this section, the district's board of 42970  
education shall prepare a fiscal statement of expenses and 42971  
expenditures for the remainder of the current fiscal year. The 42972  
fiscal statement shall be submitted to the superintendent of 42973  
public instruction and shall set forth all revenues to be received 42974  
by the district during the remainder of the fiscal year and their 42975  
sources, the expenses to be incurred by the district during the 42976  
remainder of the fiscal year, the outstanding and unpaid expenses 42977  
at the time the fiscal statement is prepared and the date or dates 42978  
by which such expenses must be paid, and such other information as 42979  
the superintendent requires to enable the superintendent to ensure 42980  
that during the remainder of the fiscal year, the district will 42981  
not incur any expenses that will further impair its ability to 42982  
operate an instructional program that meets or exceeds the minimum 42983  
standards of the state board of education and requirements of the 42984  
Revised Code during the current and ensuing fiscal years with the 42985  
revenue available to it from existing revenue sources. The fiscal 42986  
statement shall be presented in such detail and form as the 42987  
superintendent prescribes. Beginning the tenth day after the 42988  
fiscal statement is submitted and for the remainder of the fiscal 42989  
year, the board shall not make any expenditure of money, make any 42990  
employment, purchase, or rental contract, give any order involving 42991  
the expenditure of money, or increase any wage or salary schedule 42992  
unless the superintendent of public instruction has approved the 42993

fiscal statement in writing and the expenditure, contract, order, 42994  
or schedule has been approved in writing by the superintendent as 42995  
being in conformity with the fiscal statement. 42996

Any contract or expenditure made, order given, or schedule 42997  
adopted or put into effect without the written approval of the 42998  
superintendent of public instruction is void, and no warrant shall 42999  
be issued in payment of any amount due thereon. 43000

(B) A board of education subject to division (A) of this 43001  
section shall prepare a fiscal statement of expenses and 43002  
expenditures for the ensuing fiscal year. The fiscal statement 43003  
shall be submitted to the superintendent of public instruction and 43004  
shall set forth all revenues to be received by the district during 43005  
such year and their source, the expenses to be incurred by the 43006  
district during such year, the outstanding and unpaid expenses on 43007  
the first day of such fiscal year, the date or dates by which such 43008  
expenses must be paid, and such other information as the 43009  
superintendent requires to enable the superintendent to ensure 43010  
that during such year, the district will not incur any expenses 43011  
that will further impair its ability to operate an instructional 43012  
program that meets or exceeds the minimum standards of the state 43013  
board of education and requirements of the Revised Code during 43014  
such year with the revenue available to it from existing revenue 43015  
sources. The fiscal statement shall be presented at the time and 43016  
in such detail and form as the superintendent prescribes. During 43017  
the fiscal year following the year in which a board of education 43018  
first becomes subject to division (A) of this section it shall not 43019  
make any expenditure of money, make any employment, purchase, or 43020  
rental contract, give any order involving the expenditure of 43021  
money, or increase any wage or salary schedule unless the 43022  
superintendent of public instruction has approved the fiscal 43023  
statement submitted under this division in writing and has 43024  
approved the expenditure, contract, order, or schedule in writing 43025

as being in conformity with the fiscal statement. 43026

Any contract or expenditure made, order given, or schedule 43027  
adopted or put into effect without the written approval of the 43028  
superintendent of public instruction is void, and no warrant shall 43029  
be issued in payment of any amount due thereon. 43030

(C) The state board of education shall examine any fiscal 43031  
statement presented to and approved by the superintendent of 43032  
public instruction under division (B) of this section and shall 43033  
determine whether the data set forth in the fiscal statement are 43034  
factual and based upon assumptions that in its judgment are 43035  
reasonable expectations consistent with acceptable governmental 43036  
budget and accounting practices. If the state board so determines 43037  
and finds that the revenues and expenditures in the fiscal 43038  
statement are in balance for the fiscal year and the fiscal 43039  
statement will enable the district to operate during such year 43040  
without interrupting its school calendar, it shall certify its 43041  
determination and finding to the district at least thirty days 43042  
prior to the beginning of the fiscal year, and the district shall 43043  
thereupon cease to be subject to this section. If the state board 43044  
does not make such a determination and finding, the board of 43045  
education and school district are subject to this division and 43046  
division (B) of this section in the ensuing fiscal year and each 43047  
fiscal year thereafter until the state board makes a 43048  
determination, finding, and certification under this division. 43049

(D) Any officer, employee, or other person who knowingly 43050  
expends or authorizes the expenditure of any public funds or 43051  
knowingly authorizes or executes any contract, order, or schedule 43052  
contrary to division (A) or (B) of this section or who knowingly 43053  
expends or authorizes the expenditure of any public funds on any 43054  
such void contract, order, or schedule is jointly and severally 43055  
liable in person and upon any official bond that the officer, 43056  
employee, or other person has given to such school district to the 43057

extent of any payments on the void claim, not to exceed twenty 43058  
thousand dollars. The attorney general at the written request of 43059  
the superintendent of public instruction shall enforce this 43060  
liability by civil action brought in any court of appropriate 43061  
jurisdiction in the name of and on behalf of the school district. 43062

(E) During each month that a board of education is subject to 43063  
division (A), (B), or (C) of this section, the superintendent of 43064  
public instruction shall submit a report to the speaker of the 43065  
house of representatives and the president of the senate on the 43066  
financial condition of the school district. The report shall 43067  
contain the date by which the superintendent anticipates the 43068  
district will cease to be subject to such divisions, the 43069  
district's plans for becoming exempt from such section, and such 43070  
other information the superintendent determines appropriate or the 43071  
speaker of the house of representatives or president of the senate 43072  
requests. 43073

In addition to the other reports required under this 43074  
division, on the thirty-first day of each school district fiscal 43075  
year following a fiscal year in which a school district first 43076  
becomes subject to this section, the superintendent shall submit a 43077  
written report to the speaker of the house of representatives and 43078  
the president of the senate. The report shall include 43079  
recommendations to the general assembly for strengthening the 43080  
financial condition of school districts based upon the experiences 43081  
of the superintendent and the state board in exercising their 43082  
powers under this section and sections 3313.483 and 3313.487 of 43083  
the Revised Code. 43084

(F) This section does not apply to a school district declared 43085  
to be under a fiscal emergency pursuant to division (B) of section 43086  
3316.03 of the Revised Code. 43087

**Sec. 3313.4810.** Any school district receiving a loan under 43088

section 3313.483 ~~or 3317.64~~ of the Revised Code in excess of seven 43089  
per cent of the general fund expenditures of the district during 43090  
the fiscal year in which the loan is received and that has 43091  
received a loan under that section within the last five years is 43092  
subject to section 3313.488 of the Revised Code for the duration 43093  
of the fiscal year in which the district receives the loan and 43094  
during the ensuing two fiscal years. The controlling board may not 43095  
relieve a school district to which this section applies from any 43096  
requirements imposed under section 3313.483 ~~or 3317.64~~ of the 43097  
Revised Code to implement recommendations of the superintendent of 43098  
public instruction for expenditure reduction and may not modify 43099  
any other requirements imposed under such section upon such a 43100  
district as a condition for receiving the loan unless expressly 43101  
authorized to do so by law. The superintendent of public 43102  
instruction shall, among any recommendations ~~he~~ the superintendent 43103  
makes for expenditure reduction under section 3313.483 ~~or 3317.63~~ 43104  
of the Revised Code affecting the number of employees of a school 43105  
district to which this section applies, provide wherever possible 43106  
for the retention of teachers who are actually involved in the 43107  
daily teaching of students in the classroom. 43108

**Sec. 3313.533.** (A) The board of education of a city, exempted 43109  
village, or local school district may adopt a resolution to 43110  
establish and maintain an alternative school in accordance with 43111  
this section. The resolution shall specify, but not necessarily be 43112  
limited to, all of the following: 43113

(1) The purpose of the school, which purpose shall be to 43114  
serve students who are on suspension, who are having truancy 43115  
problems, who are experiencing academic failure, who have a 43116  
history of class disruption, who are exhibiting other academic or 43117  
behavioral problems specified in the resolution, or who have been 43118  
discharged or released from the custody of the department of youth 43119  
services under section 5139.51 of the Revised Code; 43120

(2) The grades served by the school, which may include any of 43121  
grades kindergarten through twelve; 43122

(3) A requirement that the school be operated in accordance 43123  
with this section. The board of education adopting the resolution 43124  
under division (A) of this section shall be the governing board of 43125  
the alternative school. The board shall develop and implement a 43126  
plan for the school in accordance with the resolution establishing 43127  
the school and in accordance with this section. Each plan shall 43128  
include, but not necessarily be limited to, all of the following: 43129

(a) Specification of the reasons for which students will be 43130  
accepted for assignment to the school and any criteria for 43131  
admission that are to be used by the board to approve or 43132  
disapprove the assignment of students to the school; 43133

(b) Specification of the criteria and procedures that will be 43134  
used for returning students who have been assigned to the school 43135  
back to the regular education program of the district; 43136

(c) An evaluation plan for assessing the effectiveness of the 43137  
school and its educational program and reporting the results of 43138  
the evaluation to the public. 43139

(B) Notwithstanding any provision of Title XXXIII of the 43140  
Revised Code to the contrary, the alternative school plan may 43141  
include any of the following: 43142

(1) A requirement that on each school day students must 43143  
attend school or participate in other programs specified in the 43144  
plan or by the chief administrative officer of the school for a 43145  
period equal to the minimum school day set by the ~~state~~ board of 43146  
education under section 3313.48 of the Revised Code plus any 43147  
additional time required in the plan or by the chief 43148  
administrative officer; 43149

(2) Restrictions on student participation in extracurricular 43150  
or interscholastic activities; 43151



(3) A requirement that students wear uniforms prescribed by the district board of education. 43152  
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(C) In accordance with the alternative school plan, the district board of education may employ teachers and nonteaching employees necessary to carry out its duties and fulfill its responsibilities or may contract with a nonprofit or for profit entity to operate the alternative school, including the provision of personnel, supplies, equipment, or facilities. 43154  
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(D) An alternative school may be established in all or part of a school building. 43160  
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(E) If a district board of education elects under this section, or is required by section 3313.534 of the Revised Code, to establish an alternative school, the district board may join with the board of education of one or more other districts to form a joint alternative school by forming a cooperative education school district under section 3311.52 or 3311.521 of the Revised Code, or a joint educational program under section 3313.842 of the Revised Code. The authority to employ personnel or to contract with a nonprofit or for profit entity under division (C) of this section applies to any alternative school program established under this division. 43162  
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(F) Any individual employed as a teacher at an alternative school operated by a nonprofit or for profit entity under this section shall be licensed and shall be subject to background checks, as described in section 3319.39 of the Revised Code, in the same manner as an individual employed by a school district. 43173  
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(G) Division (G) of this section applies only to any alternative school that is operated by a nonprofit or for profit entity under contract with the school district. 43178  
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(1) In addition to the specifications authorized under division (B) of this section, any plan adopted under that division 43181  
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for an alternative school to which division (G) of this section 43183  
also applies shall include the following: 43184

(a) A description of the educational program provided at the 43185  
alternative school, which shall include: 43186

(i) Provisions for the school to be configured in clusters or 43187  
small learning communities; 43188

(ii) Provisions for the incorporation of education technology 43189  
into the curriculum; 43190

(iii) Provisions for accelerated learning programs in reading 43191  
and mathematics. 43192

(b) A method to determine the reading and mathematics level 43193  
of each student assigned to the alternative school and a method to 43194  
continuously monitor each student's progress in those areas. The 43195  
methods employed under this division shall be aligned with the 43196  
curriculum adopted by the school district board of education under 43197  
section 3313.60 of the Revised Code. 43198

(c) A plan for social services to be provided at the 43199  
alternative school, such as, but not limited to, counseling 43200  
services, psychological support services, and enrichment programs; 43201

(d) A plan for a student's transition from the alternative 43202  
school back to a school operated by the school district; 43203

(e) A requirement that the alternative school maintain 43204  
financial records in a manner that is compatible with the form 43205  
prescribed for school districts by the auditor of state to enable 43206  
the district to comply with any rules adopted by the auditor of 43207  
state. 43208

(2) Notwithstanding division (A)(2) of this section, any 43209  
alternative school to which division (G) of this section applies 43210  
shall include only grades six through twelve. 43211

(3) Notwithstanding anything in division (A)(3)(a) of this 43212

section to the contrary, the characteristics of students who may 43213  
be assigned to an alternative school to which division (G) of this 43214  
section applies shall include only disruptive and low-performing 43215  
students. 43216

(H) When any district board of education determines to 43217  
contract with a nonprofit or for profit entity to operate an 43218  
alternative school under this section, the board shall use the 43219  
procedure set forth in this division. 43220

(1) The board shall publish notice of a request for proposals 43221  
in a newspaper of general circulation in the district once each 43222  
week for a period of two consecutive weeks, or as provided in 43223  
section 7.16 of the Revised Code, prior to the date specified by 43224  
the board for receiving proposals. Notices of requests for 43225  
proposals shall contain a general description of the subject of 43226  
the proposed contract and the location where the request for 43227  
proposals may be obtained. The request for proposals shall include 43228  
all of the following information: 43229

(a) Instructions and information to respondents concerning 43230  
the submission of proposals, including the name and address of the 43231  
office where proposals are to be submitted; 43232

(b) Instructions regarding communications, including at least 43233  
the names, titles, and telephone numbers of persons to whom 43234  
questions concerning a proposal may be directed; 43235

(c) A description of the performance criteria that will be 43236  
used to evaluate whether a respondent to which a contract is 43237  
awarded is meeting the district's educational standards or the 43238  
method by which such performance criteria will be determined; 43239

(d) Factors and criteria to be considered in evaluating 43240  
proposals, the relative importance of each factor or criterion, 43241  
and a description of the evaluation procedures to be followed; 43242

(e) Any terms or conditions of the proposed contract, 43243

including any requirement for a bond and the amount of such bond; 43244

(f) Documents that may be incorporated by reference into the 43245  
request for proposals, provided that the request for proposals 43246  
specifies where such documents may be obtained and that such 43247  
documents are readily available to all interested parties. 43248

(2) After the date specified for receiving proposals, the 43249  
board shall evaluate the submitted proposals and may hold 43250  
discussions with any respondent to ensure a complete understanding 43251  
of the proposal and the qualifications of such respondent to 43252  
execute the proposed contract. Such qualifications shall include, 43253  
but are not limited to, all of the following: 43254

(a) Demonstrated competence in performance of the required 43255  
services as indicated by effective implementation of educational 43256  
programs in reading and mathematics and at least three years of 43257  
experience successfully serving a student population similar to 43258  
the student population assigned to the alternative school; 43259

(b) Demonstrated performance in the areas of cost 43260  
containment, the provision of educational services of a high 43261  
quality, and any other areas determined by the board; 43262

(c) Whether the respondent has the resources to undertake the 43263  
operation of the alternative school and to provide qualified 43264  
personnel to staff the school; 43265

(d) Financial responsibility. 43266

(3) The board shall select for further review at least three 43267  
proposals from respondents the board considers qualified to 43268  
operate the alternative school in the best interests of the 43269  
students and the district. If fewer than three proposals are 43270  
submitted, the board shall select each proposal submitted. The 43271  
board may cancel a request for proposals or reject all proposals 43272  
at any time prior to the execution of a contract. 43273

The board may hold discussions with any of the three selected 43274  
respondents to clarify or revise the provisions of a proposal or 43275  
the proposed contract to ensure complete understanding between the 43276  
board and the respondent of the terms under which a contract will 43277  
be entered. Respondents shall be accorded fair and equal treatment 43278  
with respect to any opportunity for discussion regarding 43279  
clarifications or revisions. The board may terminate or 43280  
discontinue any further discussion with a respondent upon written 43281  
notice. 43282

(4) Upon further review of the three proposals selected by 43283  
the board, the board shall award a contract to the respondent the 43284  
board considers to have the most merit, taking into consideration 43285  
the scope, complexity, and nature of the services to be performed 43286  
by the respondent under the contract. 43287

(5) Except as provided in division (H)(6) of this section, 43288  
the request for proposals, submitted proposals, and related 43289  
documents shall become public records under section 149.43 of the 43290  
Revised Code after the award of the contract. 43291

(6) Any respondent may request in writing that the board not 43292  
disclose confidential or proprietary information or trade secrets 43293  
contained in the proposal submitted by the respondent to the 43294  
board. Any such request shall be accompanied by an offer of 43295  
indemnification from the respondent to the board. The board shall 43296  
determine whether to agree to the request and shall inform the 43297  
respondent in writing of its decision. If the board agrees to 43298  
nondisclosure of specified information in a proposal, such 43299  
information shall not become a public record under section 149.43 43300  
of the Revised Code. If the respondent withdraws its proposal at 43301  
any time prior to the execution of a contract, the proposal shall 43302  
not be a public record under section 149.43 of the Revised Code. 43303

(I) Upon a recommendation from the department and in 43304  
accordance with section 3301.16 of the Revised Code, the state 43305

board of education may revoke the charter of any alternative 43306  
school operated by a school district that violates this section. 43307

**Sec. 3313.539.** (A) As used in this section, ~~"physician":~~ 43308

"Physician" means a person authorized under Chapter 4731. of 43309  
the Revised Code to practice medicine and surgery or osteopathic 43310  
medicine and surgery. 43311

"Chiropractor" means a person licensed under Chapter 4734. of 43312  
the Revised Code to practice chiropractic. 43313

(B) No school district board of education or governing 43314  
authority of a chartered or nonchartered nonpublic school shall 43315  
permit a student to practice for or compete in interscholastic 43316  
athletics until the student has submitted, to a school official 43317  
designated by the board or governing authority, a form signed by 43318  
the parent, guardian, or other person having care or charge of the 43319  
student stating that the student and the parent, guardian, or 43320  
other person having care or charge of the student have received 43321  
the concussion and head injury information sheet required by 43322  
section 3707.52 of the Revised Code. A completed form shall be 43323  
submitted each school year, as defined in section 3313.62 of the 43324  
Revised Code, for each sport or other category of interscholastic 43325  
athletics for or in which the student practices or competes. 43326

(C)(1) No school district board of education or governing 43327  
authority of a chartered or nonchartered nonpublic school shall 43328  
permit an individual to coach interscholastic athletics unless the 43329  
individual holds a pupil-activity program permit issued under 43330  
section 3319.303 of the Revised Code for coaching interscholastic 43331  
athletics. 43332

(2) No school district board of education or governing 43333  
authority of a chartered or nonchartered nonpublic school shall 43334  
permit an individual to referee interscholastic athletics unless 43335

the individual holds a pupil-activity program permit issued under 43336  
section 3319.303 of the Revised Code for coaching interscholastic 43337  
athletics or presents evidence that the individual has 43338  
successfully completed, within the previous three years, a 43339  
training program in recognizing the symptoms of concussions and 43340  
head injuries to which the department of health has provided a 43341  
link on its internet web site under section 3707.52 of the Revised 43342  
Code or a training program authorized and required by an 43343  
organization that regulates interscholastic conferences or events. 43344

(D) If a student practicing for or competing in an 43345  
interscholastic athletic event exhibits signs, symptoms, or 43346  
behaviors consistent with having sustained a concussion or head 43347  
injury while participating in the practice or competition, the 43348  
student shall be removed from the practice or competition by 43349  
either of the following: 43350

(1) The individual who is serving as the student's coach 43351  
during that practice or competition; 43352

(2) An individual who is serving as a referee during that 43353  
practice or competition. 43354

(E)(1) If a student is removed from practice or competition 43355  
under division (D) of this section, the coach or referee who 43356  
removed the student shall not allow the student, on the same day 43357  
the student is removed, to return to that practice or competition 43358  
or to participate in any other practice or competition for which 43359  
the coach or referee is responsible. Thereafter, the coach or 43360  
referee shall not allow the student to return to that practice or 43361  
competition or to participate in any other practice or competition 43362  
for which the coach or referee is responsible until both of the 43363  
following conditions are satisfied: 43364

(a) The student's condition is assessed by ~~either~~ any of the 43365  
following: 43366

|                                                                                  |       |
|----------------------------------------------------------------------------------|-------|
| (i) A physician;                                                                 | 43367 |
| (ii) <u>A chiropractor</u> ;                                                     | 43368 |
| <u>(iii)</u> Any other licensed health care provider the school                  | 43369 |
| district board of education or governing authority of the                        | 43370 |
| chartered or nonchartered nonpublic school, pursuant to division                 | 43371 |
| (E)(2) of this section, authorizes to assess a student who has                   | 43372 |
| been removed from practice or competition under division (D) of                  | 43373 |
| this section.                                                                    | 43374 |
| (b) The student receives written clearance that it is safe                       | 43375 |
| for the student to return to practice or competition from a                      | 43376 |
| physician, <u>chiropractor</u> , or <del>from</del> another licensed health care | 43377 |
| provider authorized pursuant to division (E)(2) of this section to               | 43378 |
| grant the clearance.                                                             | 43379 |
| (2) A school district board of education or governing                            | 43380 |
| authority of a chartered or nonchartered nonpublic school may                    | 43381 |
| authorize a licensed health care provider who is not a physician                 | 43382 |
| <u>or a chiropractor</u> to make an assessment or grant a clearance for          | 43383 |
| purposes of division (E)(1) of this section only if the provider                 | 43384 |
| is acting in accordance with one of the following, as applicable                 | 43385 |
| to the provider's authority to practice in this state:                           | 43386 |
| (a) In consultation with a physician;                                            | 43387 |
| (b) Pursuant to the referral of a physician;                                     | 43388 |
| (c) In collaboration with a physician;                                           | 43389 |
| (d) Under the supervision of a physician.                                        | 43390 |
| (3) A physician, <u>chiropractor</u> , or other licensed health care             | 43391 |
| provider who makes an assessment or grants a clearance for                       | 43392 |
| purposes of division (E)(1) of this section may be a volunteer.                  | 43393 |
| (F) A school district board of education or governing                            | 43394 |
| authority of a chartered or nonchartered nonpublic school that is                | 43395 |
| subject to the rules of an interscholastic conference or an                      | 43396 |



organization that regulates interscholastic conferences or events 43397  
shall be considered to be in compliance with divisions (B), (D), 43398  
and (E) of this section, as long as the requirements of those 43399  
rules are substantially similar to the requirements of divisions 43400  
(B), (D), and (E) of this section. 43401

(G)(1) A school district, member of a school district board 43402  
of education, or school district employee or volunteer, including 43403  
a coach or referee, is not liable in damages in a civil action for 43404  
injury, death, or loss to person or property allegedly arising 43405  
from providing services or performing duties under this section, 43406  
unless the act or omission constitutes willful or wanton 43407  
misconduct. 43408

This section does not eliminate, limit, or reduce any other 43409  
immunity or defense that a school district, member of a school 43410  
district board of education, or school district employee or 43411  
volunteer, including a coach or referee, may be entitled to under 43412  
Chapter 2744. or any other provision of the Revised Code or under 43413  
the common law of this state. 43414

(2) A chartered or nonchartered nonpublic school or any 43415  
officer, director, employee, or volunteer of the school, including 43416  
a coach or referee, is not liable in damages in a civil action for 43417  
injury, death, or loss to person or property allegedly arising 43418  
from providing services or performing duties under this section, 43419  
unless the act or omission constitutes willful or wanton 43420  
misconduct. 43421

Sec. 3313.5311. (A) As used in this section and in section 43422  
3313.5312 of the Revised Code, "extracurricular activity" has the 43423  
same meaning as in section 3313.537 of the Revised Code. 43424

(B) If the nonpublic school in which the student is enrolled 43425  
does not offer the extracurricular activity, a student enrolled in 43426  
a chartered or nonchartered nonpublic school shall be afforded, by 43427

the superintendent of the school district in which the student is 43428  
entitled to attend school under section 3313.64 or 3313.65 of the 43429  
Revised Code, the opportunity to participate in that 43430  
extracurricular activity at the district school to which the 43431  
student otherwise would be assigned during that school year. If 43432  
more than one school operated by the school district serves the 43433  
student's grade level, as determined by the district 43434  
superintendent based on the student's age and academic 43435  
performance, the student shall be afforded the opportunity to 43436  
participate in that extracurricular activity at the school to 43437  
which the student would be assigned by the superintendent under 43438  
section 3319.01 of the Revised Code. 43439

(C) The superintendent of any school district may afford any 43440  
student enrolled in a nonpublic school, and who is not entitled to 43441  
attend school in the district under section 3313.64 or 3313.65 of 43442  
the Revised Code, the opportunity to participate in an 43443  
extracurricular activity offered by a school of the district, if 43444  
both of the following apply: 43445

(1) The nonpublic school in which the student is enrolled 43446  
does not offer the extracurricular activity; 43447

(2) The extracurricular activity is not interscholastic 43448  
athletics or interscholastic contests or competition in music, 43449  
drama, or forensics. 43450

(D) In order to participate in an extracurricular activity 43451  
under this section, the student shall be of the appropriate age 43452  
and grade level, as determined by the superintendent of the 43453  
district, for the school that offers the extracurricular activity, 43454  
and shall fulfill the same academic, nonacademic, and financial 43455  
requirements as any other participant. 43456

(E) No school district shall impose additional rules on a 43457  
student to participate under this section that do not apply to 43458

other students participating in the same extracurricular activity. 43459  
No district shall impose additional fees for a student to 43460  
participate under this section that exceed any fees charged to 43461  
other students participating in the same extracurricular activity. 43462

(F) No school district, interscholastic conference, or 43463  
organization that regulates interscholastic conferences or events 43464  
shall require a student who is eligible to participate in 43465  
interscholastic extracurricular activities under this section to 43466  
meet eligibility requirements that conflict with this section. 43467

**Sec. 3313.5312.** (A) A student who is receiving home 43468  
instruction in accordance with division (A)(2) of section 3321.04 43469  
of the Revised Code shall be afforded, by the superintendent of 43470  
the school district in which the student is entitled to attend 43471  
school under section 3313.64 or 3313.65 of the Revised Code, the 43472  
opportunity to participate in any extracurricular activity offered 43473  
at the district school to which the student otherwise would be 43474  
assigned during that school year. If more than one school operated 43475  
by the school district serves the student's grade level, as 43476  
determined by the district superintendent based on the student's 43477  
age and academic performance, the student shall be afforded the 43478  
opportunity to participate in extracurricular activities at the 43479  
school to which the student would be assigned by the 43480  
superintendent under section 3319.01 of the Revised Code. If a 43481  
student who is afforded the opportunity to participate in 43482  
extracurricular activities under division (A) of this section 43483  
wishes to participate in an activity that is offered by the 43484  
district, the student shall not participate in that activity at 43485  
another school or school district to which the student is not 43486  
entitled to attend. 43487

(B) The superintendent of any school district may afford any 43488  
student who receives home instruction under division (A)(2) of 43489

section 3321.04 of the Revised Code, and who is not entitled to 43490  
attend school in the district under section 3313.64 or 3313.65 of 43491  
the Revised Code, the opportunity to participate in any 43492  
extracurricular activity offered by a school of the district, if 43493  
the district to which the student is entitled to attend does not 43494  
offer that extracurricular activity. 43495

(C) In order to participate in an extracurricular activity 43496  
under this section, the student shall be of the appropriate age 43497  
and grade level, as determined by the superintendent of the 43498  
district, for the school that offers the extracurricular activity, 43499  
shall fulfill the same nonacademic and financial requirements as 43500  
any other participant, and shall fulfill either of the following 43501  
academic requirements: 43502

(1) If the student received home instruction in the preceding 43503  
grading period, the student shall meet any academic requirements 43504  
established by the state board of education for the continuation 43505  
of home instruction. 43506

(2) If the student did not receive home instruction in the 43507  
preceding grading period, the student's academic performance 43508  
during the preceding grading period shall have met any academic 43509  
standards for eligibility to participate in the program 43510  
established by the school district. 43511

(D) Eligibility for a student who leaves a school district 43512  
mid-year for home instruction shall be determined based on an 43513  
interim academic assessment issued by the district in which the 43514  
student was enrolled based on the student's work while enrolled in 43515  
that district. 43516

(E) Any student who commences home instruction after the 43517  
beginning of a school year and who is, at the time home 43518  
instruction commences, ineligible to participate in an 43519  
extracurricular activity due to failure to meet academic standards 43520

or any other requirements of the district shall not participate in 43521  
the extracurricular activity under this section until the student 43522  
meets the academic requirements established by the state board of 43523  
education for continuation of home instruction as verified by the 43524  
superintendent of the district. No student under this section 43525  
shall be eligible to participate in the same semester in which the 43526  
student was determined ineligible. 43527

(F) No school district shall impose additional rules on a 43528  
student to participate under this section that do not apply to 43529  
other students participating in the same extracurricular activity. 43530  
No district shall impose fees for a student to participate under 43531  
this section that exceed any fees charged to other students 43532  
participating in the same extracurricular activity. 43533

(G) No school district, interscholastic conference, or 43534  
organization that regulates interscholastic conferences or events 43535  
shall require a student who is eligible to participate in 43536  
interscholastic extracurricular activities under this section to 43537  
meet eligibility requirements that conflict with this section. 43538

**Sec. 3313.603.** (A) As used in this section: 43539

(1) "One unit" means a minimum of one hundred twenty hours of 43540  
course instruction, except that for a laboratory course, "one 43541  
unit" means a minimum of one hundred fifty hours of course 43542  
instruction. 43543

(2) "One-half unit" means a minimum of sixty hours of course 43544  
instruction, except that for physical education courses, "one-half 43545  
unit" means a minimum of one hundred twenty hours of course 43546  
instruction. 43547

(B) Beginning September 15, 2001, except as required in 43548  
division (C) of this section and division (C) of section 3313.614 43549  
of the Revised Code, the requirements for graduation from every 43550

high school shall include twenty units earned in grades nine 43551  
through twelve and shall be distributed as follows: 43552

- (1) English language arts, four units; 43553
- (2) Health, one-half unit; 43554
- (3) Mathematics, three units; 43555
- (4) Physical education, one-half unit; 43556
- (5) Science, two units until September 15, 2003, and three 43557  
units thereafter, which at all times shall include both of the 43558  
following: 43559
  - (a) Biological sciences, one unit; 43560
  - (b) Physical sciences, one unit. 43561
- (6) History and government, one unit, which shall comply with 43562  
division (M) of this section and shall include both of the 43563  
following: 43564
  - (a) American history, one-half unit; 43565
  - (b) American government, one-half unit. 43566
- (7) Social studies, two units. 43567
- (8) Elective units, seven units until September 15, 2003, and 43568  
six units thereafter. 43569

Each student's electives shall include at least one unit, or 43570  
two half units, chosen from among the areas of 43571  
business/technology, fine arts, and/or foreign language. 43572

(C) Beginning with students who enter ninth grade for the 43573  
first time on or after July 1, 2010, except as provided in 43574  
divisions (D) to (F) of this section, the requirements for 43575  
graduation from every public and chartered nonpublic high school 43576  
shall include twenty units that are designed to prepare students 43577  
for the workforce and college. The units shall be distributed as 43578  
follows: 43579

|                                                                                                                                                                                                                               |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (1) English language arts, four units;                                                                                                                                                                                        | 43580                            |
| (2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;                                                                        | 43581<br>43582<br>43583          |
| (3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;                                                                                                                      | 43584<br>43585                   |
| (4) Physical education, one-half unit;                                                                                                                                                                                        | 43586                            |
| (5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent: | 43587<br>43588<br>43589<br>43590 |
| (a) Physical sciences, one unit;                                                                                                                                                                                              | 43591                            |
| (b) Life sciences, one unit;                                                                                                                                                                                                  | 43592                            |
| (c) Advanced study in one or more of the following sciences, one unit:                                                                                                                                                        | 43593<br>43594                   |
| (i) Chemistry, physics, or other physical science;                                                                                                                                                                            | 43595                            |
| (ii) Advanced biology or other life science;                                                                                                                                                                                  | 43596                            |
| (iii) Astronomy, physical geology, or other earth or space science.                                                                                                                                                           | 43597<br>43598                   |
| (6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:                                                                                           | 43599<br>43600<br>43601          |
| (a) American history, one-half unit;                                                                                                                                                                                          | 43602                            |
| (b) American government, one-half unit.                                                                                                                                                                                       | 43603                            |
| (7) Social studies, two units.                                                                                                                                                                                                | 43604                            |
| Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under                                        | 43605<br>43606<br>43607          |

division (A)(1) of section 3301.079 of the Revised Code and the 43608  
academic content standards for financial literacy and 43609  
entrepreneurship adopted under division (A)(2) of that section, 43610  
into one or more existing social studies credits required under 43611  
division (C)(7) of this section, or into the content of another 43612  
class, so that every high school student receives instruction in 43613  
those concepts. In developing the curriculum required by this 43614  
paragraph, schools shall use available public-private partnerships 43615  
and resources and materials that exist in business, industry, and 43616  
through the centers for economics education at institutions of 43617  
higher education in the state. 43618

(8) Five units consisting of one or any combination of 43619  
foreign language, fine arts, business, career-technical education, 43620  
family and consumer sciences, technology, agricultural education, 43621  
a junior reserve officer training corps (JROTC) program approved 43622  
by the congress of the United States under title 10 of the United 43623  
States Code, or English language arts, mathematics, science, or 43624  
social studies courses not otherwise required under division (C) 43625  
of this section. 43626

Ohioans must be prepared to apply increased knowledge and 43627  
skills in the workplace and to adapt their knowledge and skills 43628  
quickly to meet the rapidly changing conditions of the 43629  
twenty-first century. National studies indicate that all high 43630  
school graduates need the same academic foundation, regardless of 43631  
the opportunities they pursue after graduation. The goal of Ohio's 43632  
system of elementary and secondary education is to prepare all 43633  
students for and seamlessly connect all students to success in 43634  
life beyond high school graduation, regardless of whether the next 43635  
step is entering the workforce, beginning an apprenticeship, 43636  
engaging in post-secondary training, serving in the military, or 43637  
pursuing a college degree. 43638

The Ohio core curriculum is the standard expectation for all 43639



students entering ninth grade for the first time at a public or 43640  
chartered nonpublic high school on or after July 1, 2010. A 43641  
student may satisfy this expectation through a variety of methods, 43642  
including, but not limited to, integrated, applied, 43643  
career-technical, and traditional coursework. 43644

Whereas teacher quality is essential for student success in 43645  
completing the Ohio core curriculum, the general assembly shall 43646  
appropriate funds for strategic initiatives designed to strengthen 43647  
schools' capacities to hire and retain highly qualified teachers 43648  
in the subject areas required by the curriculum. Such initiatives 43649  
are expected to require an investment of \$120,000,000 over five 43650  
years. 43651

Stronger coordination between high schools and institutions 43652  
of higher education is necessary to prepare students for more 43653  
challenging academic endeavors and to lessen the need for academic 43654  
remediation in college, thereby reducing the costs of higher 43655  
education for Ohio's students, families, and the state. The state 43656  
board and the chancellor of the Ohio board of regents shall 43657  
develop policies to ensure that only in rare instances will 43658  
students who complete the Ohio core curriculum require academic 43659  
remediation after high school. 43660

School districts, community schools, and chartered nonpublic 43661  
schools shall integrate technology into learning experiences 43662  
across the curriculum in order to maximize efficiency, enhance 43663  
learning, and prepare students for success in the 43664  
technology-driven twenty-first century. Districts and schools 43665  
shall use distance and web-based course delivery as a method of 43666  
providing or augmenting all instruction required under this 43667  
division, including laboratory experience in science. Districts 43668  
and schools shall utilize technology access and electronic 43669  
learning opportunities provided by the ~~eTech-Ohio~~ broadcast 43670  
educational media commission, chancellor, the Ohio learning 43671

network, education technology centers, public television stations, 43672  
and other public and private providers. 43673

(D) Except as provided in division (E) of this section, a 43674  
student who enters ninth grade on or after July 1, 2010, and 43675  
before July 1, 2014, may qualify for graduation from a public or 43676  
chartered nonpublic high school even though the student has not 43677  
completed the Ohio core curriculum prescribed in division (C) of 43678  
this section if all of the following conditions are satisfied: 43679

(1) After the student has attended high school for two years, 43680  
as determined by the school, the student and the student's parent, 43681  
guardian, or custodian sign and file with the school a written 43682  
statement asserting the parent's, guardian's, or custodian's 43683  
consent to the student's graduating without completing the Ohio 43684  
core curriculum and acknowledging that one consequence of not 43685  
completing the Ohio core curriculum is ineligibility to enroll in 43686  
most state universities in Ohio without further coursework. 43687

(2) The student and parent, guardian, or custodian fulfill 43688  
any procedural requirements the school stipulates to ensure the 43689  
student's and parent's, guardian's, or custodian's informed 43690  
consent and to facilitate orderly filing of statements under 43691  
division (D)(1) of this section. 43692

(3) The student and the student's parent, guardian, or 43693  
custodian and a representative of the student's high school 43694  
jointly develop an individual career plan for the student that 43695  
specifies the student matriculating to a two-year degree program, 43696  
acquiring a business and industry credential, or entering an 43697  
apprenticeship. 43698

(4) The student's high school provides counseling and support 43699  
for the student related to the plan developed under division 43700  
(D)(3) of this section during the remainder of the student's high 43701  
school experience. 43702

(5) The student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

The department of education, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2014. The department shall submit its findings and any recommendations not later than August 1, 2014, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.

(E) Each school district and chartered nonpublic school retains the authority to require an even more rigorous minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:

(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;

(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;

(3) That no exception comparable to that provided in division (D) of this section is available.

(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the Ohio core curriculum prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division (D)(6) of section 3301.0712 of the Revised Code, division (B)(2) of that section.

(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both:

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school

transcript all high school credit awarded under division (G) of 43796  
this section. In addition, if the student completed a seventh- or 43797  
eighth-grade fine arts course described in division (K) of this 43798  
section and the course qualified for high school credit under that 43799  
division, the high school shall record that course on the 43800  
student's high school transcript. 43801

(H) The department shall make its individual academic career 43802  
plan available through its Ohio career information system web site 43803  
for districts and schools to use as a tool for communicating with 43804  
and providing guidance to students and families in selecting high 43805  
school courses. 43806

(I) Units earned in English language arts, mathematics, 43807  
science, and social studies that are delivered through integrated 43808  
academic and career-technical instruction are eligible to meet the 43809  
graduation requirements of division (B) or (C) of this section. 43810

(J) The state board, in consultation with the chancellor, 43811  
shall adopt a statewide plan implementing methods for students to 43812  
earn units of high school credit based on a demonstration of 43813  
subject area competency, instead of or in combination with 43814  
completing hours of classroom instruction. The state board shall 43815  
adopt the plan not later than March 31, 2009, and commence phasing 43816  
in the plan during the 2009-2010 school year. The plan shall 43817  
include a standard method for recording demonstrated proficiency 43818  
on high school transcripts. Each school district and community 43819  
school shall comply with the state board's plan adopted under this 43820  
division and award units of high school credit in accordance with 43821  
the plan. The state board may adopt existing methods for earning 43822  
high school credit based on a demonstration of subject area 43823  
competency as necessary prior to the 2009-2010 school year. 43824

(K) This division does not apply to students who qualify for 43825  
graduation from high school under division (D) or (F) of this 43826  
section, or to students pursuing a career-technical instructional 43827

track as determined by the school district board of education or 43828  
the chartered nonpublic school's governing authority. 43829  
Nevertheless, the general assembly encourages such students to 43830  
consider enrolling in a fine arts course as an elective. 43831

Beginning with students who enter ninth grade for the first 43832  
time on or after July 1, 2010, each student enrolled in a public 43833  
or chartered nonpublic high school shall complete two semesters or 43834  
the equivalent of fine arts to graduate from high school. The 43835  
coursework may be completed in any of grades seven to twelve. Each 43836  
student who completes a fine arts course in grade seven or eight 43837  
may elect to count that course toward the five units of electives 43838  
required for graduation under division (C)(8) of this section, if 43839  
the course satisfied the requirements of division (G) of this 43840  
section. In that case, the high school shall award the student 43841  
high school credit for the course and count the course toward the 43842  
five units required under division (C)(8) of this section. If the 43843  
course in grade seven or eight did not satisfy the requirements of 43844  
division (G) of this section, the high school shall not award the 43845  
student high school credit for the course but shall count the 43846  
course toward the two semesters or the equivalent of fine arts 43847  
required by this division. 43848

(L) Notwithstanding anything to the contrary in this section, 43849  
the board of education of each school district and the governing 43850  
authority of each chartered nonpublic school may adopt a policy to 43851  
excuse from the high school physical education requirement each 43852  
student who, during high school, has participated in 43853  
interscholastic athletics, marching band, or cheerleading for at 43854  
least two full seasons or in the junior reserve officer training 43855  
corps for at least two full school years. If the board or 43856  
authority adopts such a policy, the board or authority shall not 43857  
require the student to complete any physical education course as a 43858  
condition to graduate. However, the student shall be required to 43859

complete one-half unit, consisting of at least sixty hours of 43860  
instruction, in another course of study. In the case of a student 43861  
who has participated in the junior reserve officer training corps 43862  
for at least two full school years, credit received for that 43863  
participation may be used to satisfy the requirement to complete 43864  
one-half unit in another course of study. 43865

(M) It is important that high school students learn and 43866  
understand United States history and the governments of both the 43867  
United States and the state of Ohio. Therefore, beginning with 43868  
students who enter ninth grade for the first time on or after July 43869  
1, 2012, the study of American history and American government 43870  
required by divisions (B)(6) and (C)(6) of this section shall 43871  
include the study of all of the following documents: 43872

(1) The Declaration of Independence; 43873

(2) The Northwest Ordinance; 43874

(3) The Constitution of the United States with emphasis on 43875  
the Bill of Rights; 43876

(4) The Ohio Constitution. 43877

The study of each of the documents prescribed in divisions 43878  
(M)(1) to (4) of this section shall include study of that document 43879  
in its original context. 43880

The study of American history and government required by 43881  
divisions (B)(6) and (C)(6) of this section shall include the 43882  
historical evidence of the role of documents such as the 43883  
Federalist Papers and the Anti-Federalist Papers to firmly 43884  
establish the historical background leading to the establishment 43885  
of the provisions of the Constitution and Bill of Rights. 43886

**Sec. 3313.6011.** (A) As used in this section, ~~"sexual:~~ 43887

(1) "Sexual activity" has the same meaning as in section 43888  
2907.01 of the Revised Code. 43889



|                                                                    |       |
|--------------------------------------------------------------------|-------|
| <u>(2) "Gateway sexual activity" means activities described as</u> | 43890 |
| <u>"sexual contact" in section 2907.01 of the Revised Code.</u>    | 43891 |
| (B) Instruction in venereal disease education pursuant to          | 43892 |
| division (A)(5)(c) of section 3313.60 of the Revised Code shall    | 43893 |
| emphasize that abstinence from sexual activity is the only         | 43894 |
| protection that is one hundred per cent effective against unwanted | 43895 |
| pregnancy, sexually transmitted disease, and the sexual            | 43896 |
| transmission of a virus that causes acquired immunodeficiency      | 43897 |
| syndrome.                                                          | 43898 |
| (C) In adopting minimum standards under section 3301.07 of         | 43899 |
| the Revised Code, the state board of education shall require       | 43900 |
| course material and instruction in venereal disease education      | 43901 |
| courses taught pursuant to division (A)(5)(c) of section 3313.60   | 43902 |
| of the Revised Code to do all of the following:                    | 43903 |
| (1) Stress that students should abstain from sexual activity       | 43904 |
| until after marriage;                                              | 43905 |
| (2) Teach the potential physical, psychological, emotional,        | 43906 |
| and social side effects of participating in sexual activity        | 43907 |
| outside of marriage;                                               | 43908 |
| (3) Teach that conceiving children out of wedlock is likely        | 43909 |
| to have harmful consequences for the child, the child's parents,   | 43910 |
| and society;                                                       | 43911 |
| (4) Stress that sexually transmitted diseases are serious          | 43912 |
| possible hazards of sexual activity;                               | 43913 |
| (5) Advise students of the laws pertaining to financial            | 43914 |
| responsibility of parents to children born in and out of wedlock;  | 43915 |
| (6) Advise students of the circumstances under which it is         | 43916 |
| criminal to have sexual contact with a person under the age of     | 43917 |
| sixteen pursuant to section 2907.04 of the Revised Code;           | 43918 |
| (7) Emphasize adoption as an option for unintended                 | 43919 |

pregnancies. 43920

(D) Any model education program for health education the 43921  
state board of education adopts shall conform to the requirements 43922  
of this section. 43923

(E) Instruction under this section shall not utilize the 43924  
services of any individual or organization to assist in teaching 43925  
the coursework if that individual or organization endorses student 43926  
nonabstinence from sexual activity as an appropriate or acceptable 43927  
behavior, or if that individual or organization promotes, 43928  
endorses, advocates, or condones gateway sexual activity. 43929

(F) Instruction under this section shall not do any of the 43930  
following: 43931

(1) Promote, implicitly or explicitly, any gateway sexual 43932  
activity or health message that encourages students to experiment 43933  
with sexual activity; 43934

(2) Provide or distribute on school grounds materials that 43935  
condone, encourage, or promote student sexual activity among 43936  
unmarried students; 43937

(3) Display or conduct demonstrations with devices 43938  
specifically manufactured for sexual stimulation; 43939

(4) Distribute contraception on school property. 43940

Medically accurate information about contraception and 43941  
condoms may be provided if the information is presented in a 43942  
manner consistent with provisions of this section and clearly 43943  
informs students that while such methods may reduce the risk of 43944  
acquiring sexually transmitted diseases or pregnancy, only 43945  
abstinence removes all risk. 43946

(G)(1) If a student receives instruction by an individual or 43947  
organization that promotes gateway sexual activity or demonstrates 43948  
sexual activity, in violation of division (E) or (F) of this 43949

section, the student's parent or legal guardian shall have a cause 43950  
of action against that individual or organization for actual 43951  
damages plus reasonable attorney's fees and court costs. 43952

(2) If a student's parent or legal guardian is the prevailing 43953  
party to an action brought under division (G)(1) of this section, 43954  
a court may impose a civil fine in an amount not to exceed five 43955  
thousand dollars. 43956

(3) An action brought under division (G)(1) of this section 43957  
shall be commenced within one year after the alleged violation 43958  
occurred. 43959

(H)(1) The provisions of division (F) of this section shall 43960  
not apply to instruction by any teacher, instructor, or 43961  
organization who, with respect to a course or class otherwise 43962  
offered in accordance with the requirements of this section, 43963  
orally answers in good faith any question, or series of questions, 43964  
germane and material to the course, asked of a teacher or 43965  
instructor and initiated by a student or students enrolled in the 43966  
course. 43967

(2) Notwithstanding any other law to the contrary and 43968  
regardless of the title or designated name of a particular class 43969  
or course, any instruction in sex education or sexual activity 43970  
shall comply with the requirements of this section. However, 43971  
nothing in this section shall prohibit the scientific study of the 43972  
sexual reproductive system through coursework in biology, 43973  
physiology, anatomy, health, or physical education. 43974

(I) On and after March 18, 1999, and notwithstanding section 43975  
3302.07 of the Revised Code, the superintendent of public 43976  
instruction shall not approve, pursuant to section 3302.07 of the 43977  
Revised Code, any waiver of any requirement of this section or of 43978  
any rule adopted by the state board of education pursuant to this 43979  
section. 43980

**Sec. 3313.6013.** (A) As used in this section, "dual enrollment program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Dual enrollment programs may include any of the following:

(1) The post-secondary enrollment options program established under Chapter 3365. of the Revised Code;

(2) Advanced placement courses;

(3) Any similar program established pursuant to an agreement between a school district or chartered nonpublic high school and an institution of higher education;

(4) Early college high schools.

(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in a dual enrollment program. For this purpose, each school district and chartered nonpublic high school shall offer at least one dual enrollment program in accordance with division (B)(1) or (2) of this section, as applicable.

(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the post-secondary enrollment options program established under Chapter 3365. of the Revised Code. However, a city, local, or exempted village school district may offer any other dual enrollment program, in addition to the post-secondary enrollment options program, and each joint vocational school

district shall offer at least one other dual enrollment program, 44011  
to students in good standing, as defined by the partnership for 44012  
continued learning under section 3301.42 of the Revised Code as it 44013  
existed prior to October 16, 2009, or as subsequently defined by 44014  
the department of education. 44015

(2) A chartered nonpublic high school that elects to 44016  
participate in the post-secondary enrollment options program 44017  
established under Chapter 3365. of the Revised Code meets the 44018  
requirements of this division. Each chartered nonpublic high 44019  
school that elects not to participate in the post-secondary 44020  
enrollment options program instead shall offer at least one other 44021  
dual enrollment program to students in good standing, as defined 44022  
by the partnership for continued learning under section 3301.42 of 44023  
the Revised Code as it existed prior to October 16, 2009, or as 44024  
subsequently defined by the department of education. 44025

(C) Each school district and each chartered nonpublic high 44026  
school shall provide information about the dual enrollment 44027  
programs offered by the district or school to all students 44028  
enrolled in grades eight through eleven. 44029

**Sec. 3313.6016.** (A) Beginning in the 2011-2012 school year, 44030  
the department of education shall administer a pilot program 44031  
requiring daily physical activity for students. Any school 44032  
district; community school established under Chapter 3314. of the 44033  
Revised Code; science, technology, engineering, and mathematics 44034  
school established under Chapter 3326. of the Revised Code; or 44035  
chartered nonpublic school annually may elect to participate in 44036  
the pilot program by notifying the department of its interest by a 44037  
date established by the department. If a school district elects to 44038  
participate in the pilot program, ~~each school building operated by~~ 44039  
~~the district shall be required~~ the district shall select one or 44040  
more school buildings to participate in the program. To the 44041

maximum extent possible, the department shall seek to include in 44042  
the pilot program districts and schools that are located in urban, 44043  
suburban, and rural areas distributed geographically throughout 44044  
the state. The department shall administer the pilot program in 44045  
accordance with this section. 44046

(B) Except as provided in division (C) of this section, each 44047  
district or school participating in the pilot program shall 44048  
require all students in ~~each of grades kindergarten through twelve~~ 44049  
the school building selected under division (A) of this section to 44050  
engage in at least thirty minutes of moderate to rigorous physical 44051  
activity each school day or at least one hundred fifty minutes of 44052  
moderate to rigorous physical activity each week, exclusive of 44053  
recess. Physical activity engaged in during the following may 44054  
count toward the daily requirement: 44055

(1) A physical education course; 44056

(2) A program or activity occurring before or after the 44057  
regular school day, as defined in section 3313.814 of the Revised 44058  
Code, that is sponsored or approved by the school of attendance, 44059  
provided school officials are able to monitor students' 44060  
participation to ensure compliance with the requirement. 44061

(C) None of the following shall be subject to the requirement 44062  
of division (B) of this section: 44063

(1) Any student enrolled in the post-secondary enrollment 44064  
options program established under Chapter 3365. of the Revised 44065  
Code; 44066

(2) Any student enrolled in a career-technical education 44067  
program operated by the district or school; 44068

(3) Any student enrolled in a dropout prevention and recovery 44069  
program operated by the district or school. 44070

(D) For any period in which a student is participating in 44071

interscholastic athletics, marching band, cheerleading, or a 44072  
junior reserve officer training corps program, the district or 44073  
school may excuse the student from the requirement of division (B) 44074  
of this section. 44075

(E) The district or school may excuse any kindergarten 44076  
student who is not enrolled in all-day kindergarten, as defined in 44077  
section 3321.05 of the Revised Code, from the requirement of 44078  
division (B) of this section. 44079

(F) Each district or school annually shall report to the 44080  
department, in the manner prescribed by the department, how the 44081  
district or school implemented the thirty minutes of daily 44082  
physical activity and the financial costs of implementation. The 44083  
department shall issue an annual report of the data collected 44084  
under this division. 44085

**Sec. 3313.62.** The school year shall begin on the first day of 44086  
July of each calendar year and close on the thirtieth day of June 44087  
of the succeeding calendar year. ~~A school week shall consist of~~ 44088  
~~five days, and a school month of four school weeks.~~ A chartered 44089  
nonpublic school may be open for instruction with pupils in 44090  
attendance on any day of the week, including Saturday or Sunday. 44091

**Sec. 3313.64.** (A) As used in this section and in section 44092  
3313.65 of the Revised Code: 44093

(1)(a) Except as provided in division (A)(1)(b) of this 44094  
section, "parent" means either parent, unless the parents are 44095  
separated or divorced or their marriage has been dissolved or 44096  
annulled, in which case "parent" means the parent who is the 44097  
residential parent and legal custodian of the child. When a child 44098  
is in the legal custody of a government agency or a person other 44099  
than the child's natural or adoptive parent, "parent" means the 44100  
parent with residual parental rights, privileges, and 44101

responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a



person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Child," unless otherwise indicated, includes preschool children with disabilities.

(9) "Active duty" means active duty pursuant to an executive

order of the president of the United States, an act of the 44163  
congress of the United States, or section 5919.29 or 5923.21 of 44164  
the Revised Code. 44165

(B) Except as otherwise provided in section 3321.01 of the 44166  
Revised Code for admittance to kindergarten and first grade, a 44167  
child who is at least five but under twenty-two years of age and 44168  
any preschool child with a disability shall be admitted to school 44169  
as provided in this division. 44170

(1) A child shall be admitted to the schools of the school 44171  
district in which the child's parent resides. 44172

(2) A Except as provided in division (B) of section 2151.362 44173  
and section 3317.30 of the Revised Code, a child who does not 44174  
reside in the district where the child's parent resides shall be 44175  
admitted to the schools of the district in which the child resides 44176  
if any of the following applies: 44177

(a) The child is in the legal or permanent custody of a 44178  
government agency or a person other than the child's natural or 44179  
adoptive parent. 44180

(b) The child resides in a home. 44181

(c) The child requires special education. 44182

(3) A child who is not entitled under division (B)(2) of this 44183  
section to be admitted to the schools of the district where the 44184  
child resides and who is residing with a resident of this state 44185  
with whom the child has been placed for adoption shall be admitted 44186  
to the schools of the district where the child resides unless 44187  
either of the following applies: 44188

(a) The placement for adoption has been terminated. 44189

(b) Another school district is required to admit the child 44190  
under division (B)(1) of this section. 44191

Division (B) of this section does not prohibit the board of 44192

education of a school district from placing a child with a 44193  
disability who resides in the district in a special education 44194  
program outside of the district or its schools in compliance with 44195  
Chapter 3323. of the Revised Code. 44196

(C) A district shall not charge tuition for children admitted 44197  
under division (B)(1) or (3) of this section. If the district 44198  
admits a child under division (B)(2) of this section, tuition 44199  
shall be paid to the district that admits the child as provided in 44200  
divisions (C)(1) to (3) of this section, unless division (C)(4) of 44201  
this section applies to the child: 44202

(1) If the child receives special education in accordance 44203  
with Chapter 3323. of the Revised Code, the school district of 44204  
residence, as defined in section 3323.01 of the Revised Code, 44205  
shall pay tuition for the child in accordance with section 44206  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 44207  
regardless of who has custody of the child or whether the child 44208  
resides in a home. 44209

(2) For a child that does not receive special education in 44210  
accordance with Chapter 3323. of the Revised Code, except as 44211  
otherwise provided in division (C)(2)(d) of this section, if the 44212  
child is in the permanent or legal custody of a government agency 44213  
or person other than the child's parent, tuition shall be paid by: 44214

(a) The district in which the child's parent resided at the 44215  
time the court removed the child from home or at the time the 44216  
court vested legal or permanent custody of the child in the person 44217  
or government agency, whichever occurred first; 44218

(b) If the parent's residence at the time the court removed 44219  
the child from home or placed the child in the legal or permanent 44220  
custody of the person or government agency is unknown, tuition 44221  
shall be paid by the district in which the child resided at the 44222  
time the child was removed from home or placed in legal or 44223

permanent custody, whichever occurred first; 44224

(c) If a school district cannot be established under division 44225  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 44226  
district determined as required by section 2151.362 of the Revised 44227  
Code by the court at the time it vests custody of the child in the 44228  
person or government agency; 44229

(d) If at the time the court removed the child from home or 44230  
vested legal or permanent custody of the child in the person or 44231  
government agency, whichever occurred first, one parent was in a 44232  
residential or correctional facility or a juvenile residential 44233  
placement and the other parent, if living and not in such a 44234  
facility or placement, was not known to reside in this state, 44235  
tuition shall be paid by the district determined under division 44236  
(D) of section 3313.65 of the Revised Code as the district 44237  
required to pay any tuition while the parent was in such facility 44238  
or placement; 44239

(e) If the department of education has determined, pursuant 44240  
to division (A)(2) of section 2151.362 of the Revised Code, that a 44241  
school district other than the one named in the court's initial 44242  
order, or in a prior determination of the department, is 44243  
responsible to bear the cost of educating the child, the district 44244  
so determined shall be responsible for that cost. 44245

(3) If the child is not in the permanent or legal custody of 44246  
a government agency or person other than the child's parent and 44247  
the child resides in a home, tuition shall be paid by one of the 44248  
following: 44249

(a) The school district in which the child's parent resides; 44250

(b) If the child's parent is not a resident of this state, 44251  
the home in which the child resides. 44252

(4) Division (C)(4) of this section applies to any child who 44253  
is admitted to a school district under division (B)(2) of this 44254

section, resides in a home that is not a foster home ~~or~~, a home 44255  
maintained by the department of youth services, a detention 44256  
facility established under section 2152.41 of the Revised Code, or 44257  
a juvenile facility established under section 2151.65 of the 44258  
Revised Code, receives educational services at the home or 44259  
facility in which the child resides pursuant to a contract between 44260  
the home or facility and the school district providing those 44261  
services, and does not receive special education. 44262

In the case of a child to which division (C)(4) of this 44263  
section applies, the total educational cost to be paid for the 44264  
child shall be determined by a formula approved by the department 44265  
of education, which formula shall be designed to calculate a per 44266  
diem cost for the educational services provided to the child for 44267  
each day the child is served and shall reflect the total actual 44268  
cost incurred in providing those services. The department shall 44269  
certify the total educational cost to be paid for the child to 44270  
both the school district providing the educational services and, 44271  
if different, the school district that is responsible to pay 44272  
tuition for the child. The department shall deduct the certified 44273  
amount from the state basic aid funds payable under Chapter 3317. 44274  
of the Revised Code to the district responsible to pay tuition and 44275  
shall pay that amount to the district providing the educational 44276  
services to the child. 44277

(D) Tuition required to be paid under divisions (C)(2) and 44278  
(3)(a) of this section shall be computed in accordance with 44279  
section 3317.08 of the Revised Code. Tuition required to be paid 44280  
under division (C)(3)(b) of this section shall be computed in 44281  
accordance with section 3317.081 of the Revised Code. If a home 44282  
fails to pay the tuition required by division (C)(3)(b) of this 44283  
section, the board of education providing the education may 44284  
recover in a civil action the tuition and the expenses incurred in 44285  
prosecuting the action, including court costs and reasonable 44286

attorney's fees. If the prosecuting attorney or city director of 44287  
law represents the board in such action, costs and reasonable 44288  
attorney's fees awarded by the court, based upon the prosecuting 44289  
attorney's, director's, or one of their designee's time spent 44290  
preparing and presenting the case, shall be deposited in the 44291  
county or city general fund. 44292

(E) A board of education may enroll a child free of any 44293  
tuition obligation for a period not to exceed sixty days, on the 44294  
sworn statement of an adult resident of the district that the 44295  
resident has initiated legal proceedings for custody of the child. 44296

(F) In the case of any individual entitled to attend school 44297  
under this division, no tuition shall be charged by the school 44298  
district of attendance and no other school district shall be 44299  
required to pay tuition for the individual's attendance. 44300  
Notwithstanding division (B), (C), or (E) of this section: 44301

(1) All persons at least eighteen but under twenty-two years 44302  
of age who live apart from their parents, support themselves by 44303  
their own labor, and have not successfully completed the high 44304  
school curriculum or the individualized education program 44305  
developed for the person by the high school pursuant to section 44306  
3323.08 of the Revised Code, are entitled to attend school in the 44307  
district in which they reside. 44308

(2) Any child under eighteen years of age who is married is 44309  
entitled to attend school in the child's district of residence. 44310

(3) A child is entitled to attend school in the district in 44311  
which either of the child's parents is employed if the child has a 44312  
medical condition that may require emergency medical attention. 44313  
The parent of a child entitled to attend school under division 44314  
(F)(3) of this section shall submit to the board of education of 44315  
the district in which the parent is employed a statement from the 44316  
child's physician certifying that the child's medical condition 44317

may require emergency medical attention. The statement shall be 44318  
supported by such other evidence as the board may require. 44319

(4) Any child residing with a person other than the child's 44320  
parent is entitled, for a period not to exceed twelve months, to 44321  
attend school in the district in which that person resides if the 44322  
child's parent files an affidavit with the superintendent of the 44323  
district in which the person with whom the child is living resides 44324  
stating all of the following: 44325

(a) That the parent is serving outside of the state in the 44326  
armed services of the United States; 44327

(b) That the parent intends to reside in the district upon 44328  
returning to this state; 44329

(c) The name and address of the person with whom the child is 44330  
living while the parent is outside the state. 44331

(5) Any child under the age of twenty-two years who, after 44332  
the death of a parent, resides in a school district other than the 44333  
district in which the child attended school at the time of the 44334  
parent's death is entitled to continue to attend school in the 44335  
district in which the child attended school at the time of the 44336  
parent's death for the remainder of the school year, subject to 44337  
approval of that district board. 44338

(6) A child under the age of twenty-two years who resides 44339  
with a parent who is having a new house built in a school district 44340  
outside the district where the parent is residing is entitled to 44341  
attend school for a period of time in the district where the new 44342  
house is being built. In order to be entitled to such attendance, 44343  
the parent shall provide the district superintendent with the 44344  
following: 44345

(a) A sworn statement explaining the situation, revealing the 44346  
location of the house being built, and stating the parent's 44347  
intention to reside there upon its completion; 44348

(b) A statement from the builder confirming that a new house 44349  
is being built for the parent and that the house is at the 44350  
location indicated in the parent's statement. 44351

(7) A child under the age of twenty-two years residing with a 44352  
parent who has a contract to purchase a house in a school district 44353  
outside the district where the parent is residing and who is 44354  
waiting upon the date of closing of the mortgage loan for the 44355  
purchase of such house is entitled to attend school for a period 44356  
of time in the district where the house is being purchased. In 44357  
order to be entitled to such attendance, the parent shall provide 44358  
the district superintendent with the following: 44359

(a) A sworn statement explaining the situation, revealing the 44360  
location of the house being purchased, and stating the parent's 44361  
intent to reside there; 44362

(b) A statement from a real estate broker or bank officer 44363  
confirming that the parent has a contract to purchase the house, 44364  
that the parent is waiting upon the date of closing of the 44365  
mortgage loan, and that the house is at the location indicated in 44366  
the parent's statement. 44367

The district superintendent shall establish a period of time 44368  
not to exceed ninety days during which the child entitled to 44369  
attend school under division (F)(6) or (7) of this section may 44370  
attend without tuition obligation. A student attending a school 44371  
under division (F)(6) or (7) of this section shall be eligible to 44372  
participate in interscholastic athletics under the auspices of 44373  
that school, provided the board of education of the school 44374  
district where the student's parent resides, by a formal action, 44375  
releases the student to participate in interscholastic athletics 44376  
at the school where the student is attending, and provided the 44377  
student receives any authorization required by a public agency or 44378  
private organization of which the school district is a member 44379  
exercising authority over interscholastic sports. 44380



(8) A child whose parent is a full-time employee of a city, 44381  
local, or exempted village school district, or of an educational 44382  
service center, may be admitted to the schools of the district 44383  
where the child's parent is employed, or in the case of a child 44384  
whose parent is employed by an educational service center, in the 44385  
district that serves the location where the parent's job is 44386  
primarily located, provided the district board of education 44387  
establishes such an admission policy by resolution adopted by a 44388  
majority of its members. Any such policy shall take effect on the 44389  
first day of the school year and the effective date of any 44390  
amendment or repeal may not be prior to the first day of the 44391  
subsequent school year. The policy shall be uniformly applied to 44392  
all such children and shall provide for the admission of any such 44393  
child upon request of the parent. No child may be admitted under 44394  
this policy after the first day of classes of any school year. 44395

(9) A child who is with the child's parent under the care of 44396  
a shelter for victims of domestic violence, as defined in section 44397  
3113.33 of the Revised Code, is entitled to attend school free in 44398  
the district in which the child is with the child's parent, and no 44399  
other school district shall be required to pay tuition for the 44400  
child's attendance in that school district. 44401

The enrollment of a child in a school district under this 44402  
division shall not be denied due to a delay in the school 44403  
district's receipt of any records required under section 3313.672 44404  
of the Revised Code or any other records required for enrollment. 44405  
Any days of attendance and any credits earned by a child while 44406  
enrolled in a school district under this division shall be 44407  
transferred to and accepted by any school district in which the 44408  
child subsequently enrolls. The state board of education shall 44409  
adopt rules to ensure compliance with this division. 44410

(10) Any child under the age of twenty-two years whose parent 44411  
has moved out of the school district after the commencement of 44412

classes in the child's senior year of high school is entitled, 44413  
subject to the approval of that district board, to attend school 44414  
in the district in which the child attended school at the time of 44415  
the parental move for the remainder of the school year and for one 44416  
additional semester or equivalent term. A district board may also 44417  
adopt a policy specifying extenuating circumstances under which a 44418  
student may continue to attend school under division (F)(10) of 44419  
this section for an additional period of time in order to 44420  
successfully complete the high school curriculum for the 44421  
individualized education program developed for the student by the 44422  
high school pursuant to section 3323.08 of the Revised Code. 44423

(11) As used in this division, "grandparent" means a parent 44424  
of a parent of a child. A child under the age of twenty-two years 44425  
who is in the custody of the child's parent, resides with a 44426  
grandparent, and does not require special education is entitled to 44427  
attend the schools of the district in which the child's 44428  
grandparent resides, provided that, prior to such attendance in 44429  
any school year, the board of education of the school district in 44430  
which the child's grandparent resides and the board of education 44431  
of the school district in which the child's parent resides enter 44432  
into a written agreement specifying that good cause exists for 44433  
such attendance, describing the nature of this good cause, and 44434  
consenting to such attendance. 44435

In lieu of a consent form signed by a parent, a board of 44436  
education may request the grandparent of a child attending school 44437  
in the district in which the grandparent resides pursuant to 44438  
division (F)(11) of this section to complete any consent form 44439  
required by the district, including any authorization required by 44440  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 44441  
Code. Upon request, the grandparent shall complete any consent 44442  
form required by the district. A school district shall not incur 44443  
any liability solely because of its receipt of a consent form from 44444

a grandparent in lieu of a parent. 44445

Division (F)(11) of this section does not create, and shall 44446  
not be construed as creating, a new cause of action or substantive 44447  
legal right against a school district, a member of a board of 44448  
education, or an employee of a school district. This section does 44449  
not affect, and shall not be construed as affecting, any 44450  
immunities from defenses to tort liability created or recognized 44451  
by Chapter 2744. of the Revised Code for a school district, 44452  
member, or employee. 44453

(12) A child under the age of twenty-two years is entitled to 44454  
attend school in a school district other than the district in 44455  
which the child is entitled to attend school under division (B), 44456  
(C), or (E) of this section provided that, prior to such 44457  
attendance in any school year, both of the following occur: 44458

(a) The superintendent of the district in which the child is 44459  
entitled to attend school under division (B), (C), or (E) of this 44460  
section contacts the superintendent of another district for 44461  
purposes of this division; 44462

(b) The superintendents of both districts enter into a 44463  
written agreement that consents to the attendance and specifies 44464  
that the purpose of such attendance is to protect the student's 44465  
physical or mental well-being or to deal with other extenuating 44466  
circumstances deemed appropriate by the superintendents. 44467

While an agreement is in effect under this division for a 44468  
student who is not receiving special education under Chapter 3323. 44469  
of the Revised Code and notwithstanding Chapter 3327. of the 44470  
Revised Code, the board of education of neither school district 44471  
involved in the agreement is required to provide transportation 44472  
for the student to and from the school where the student attends. 44473

A student attending a school of a district pursuant to this 44474  
division shall be allowed to participate in all student 44475

activities, including interscholastic athletics, at the school 44476  
where the student is attending on the same basis as any student 44477  
who has always attended the schools of that district while of 44478  
compulsory school age. 44479

(13) All school districts shall comply with the 44480  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 44481  
seq., for the education of homeless children. Each city, local, 44482  
and exempted village school district shall comply with the 44483  
requirements of that act governing the provision of a free, 44484  
appropriate public education, including public preschool, to each 44485  
homeless child. 44486

When a child loses permanent housing and becomes a homeless 44487  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 44488  
such a homeless person changes temporary living arrangements, the 44489  
child's parent or guardian shall have the option of enrolling the 44490  
child in either of the following: 44491

(a) The child's school of origin, as defined in 42 U.S.C.A. 44492  
11432(g)(3)(C); 44493

(b) The school that is operated by the school district in 44494  
which the shelter where the child currently resides is located and 44495  
that serves the geographic area in which the shelter is located. 44496

(14) A child under the age of twenty-two years who resides 44497  
with a person other than the child's parent is entitled to attend 44498  
school in the school district in which that person resides if both 44499  
of the following apply: 44500

(a) That person has been appointed, through a military power 44501  
of attorney executed under section 574(a) of the "National Defense 44502  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 44503  
U.S.C. 1044b, or through a comparable document necessary to 44504  
complete a family care plan, as the parent's agent for the care, 44505  
custody, and control of the child while the parent is on active 44506

duty as a member of the national guard or a reserve unit of the 44507  
armed forces of the United States or because the parent is a 44508  
member of the armed forces of the United States and is on a duty 44509  
assignment away from the parent's residence. 44510

(b) The military power of attorney or comparable document 44511  
includes at least the authority to enroll the child in school. 44512

The entitlement to attend school in the district in which the 44513  
parent's agent under the military power of attorney or comparable 44514  
document resides applies until the end of the school year in which 44515  
the military power of attorney or comparable document expires. 44516

(G) A board of education, after approving admission, may 44517  
waive tuition for students who will temporarily reside in the 44518  
district and who are either of the following: 44519

(1) Residents or domiciliaries of a foreign nation who 44520  
request admission as foreign exchange students; 44521

(2) Residents or domiciliaries of the United States but not 44522  
of Ohio who request admission as participants in an exchange 44523  
program operated by a student exchange organization. 44524

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 44525  
3327.04, and 3327.06 of the Revised Code, a child may attend 44526  
school or participate in a special education program in a school 44527  
district other than in the district where the child is entitled to 44528  
attend school under division (B) of this section. 44529

(I)(1) Notwithstanding anything to the contrary in this 44530  
section or section 3313.65 of the Revised Code, a child under 44531  
twenty-two years of age may attend school in the school district 44532  
in which the child, at the end of the first full week of October 44533  
of the school year, was entitled to attend school as otherwise 44534  
provided under this section or section 3313.65 of the Revised 44535  
Code, if at that time the child was enrolled in the schools of the 44536  
district but since that time the child or the child's parent has 44537

relocated to a new address located outside of that school district 44538  
and within the same county as the child's or parent's address 44539  
immediately prior to the relocation. The child may continue to 44540  
attend school in the district, and at the school to which the 44541  
child was assigned at the end of the first full week of October of 44542  
the current school year, for the balance of the school year. 44543  
Division (I)(1) of this section applies only if both of the 44544  
following conditions are satisfied: 44545

(a) The board of education of the school district in which 44546  
the child was entitled to attend school at the end of the first 44547  
full week in October and of the district to which the child or 44548  
child's parent has relocated each has adopted a policy to enroll 44549  
children described in division (I)(1) of this section. 44550

(b) The child's parent provides written notification of the 44551  
relocation outside of the school district to the superintendent of 44552  
each of the two school districts. 44553

(2) At the beginning of the school year following the school 44554  
year in which the child or the child's parent relocated outside of 44555  
the school district as described in division (I)(1) of this 44556  
section, the child is not entitled to attend school in the school 44557  
district under that division. 44558

(3) Any person or entity owing tuition to the school district 44559  
on behalf of the child at the end of the first full week in 44560  
October, as provided in division (C) of this section, shall 44561  
continue to owe such tuition to the district for the child's 44562  
attendance under division (I)(1) of this section for the lesser of 44563  
the balance of the school year or the balance of the time that the 44564  
child attends school in the district under division (I)(1) of this 44565  
section. 44566

(4) A pupil who may attend school in the district under 44567  
division (I)(1) of this section shall be entitled to 44568

transportation services pursuant to an agreement between the 44569  
district and the district in which the child or child's parent has 44570  
relocated unless the districts have not entered into such 44571  
agreement, in which case the child shall be entitled to 44572  
transportation services in the same manner as a pupil attending 44573  
school in the district under interdistrict open enrollment as 44574  
described in division (H) of section 3313.981 of the Revised Code, 44575  
regardless of whether the district has adopted an open enrollment 44576  
policy as described in division (B)(1)(b) or (c) of section 44577  
3313.98 of the Revised Code. 44578

(J) This division does not apply to a child receiving special 44579  
education. 44580

A school district required to pay tuition pursuant to 44581  
division (C)(2) or (3) of this section or section 3313.65 of the 44582  
Revised Code shall have an amount deducted under division (C) of 44583  
section 3317.023 of the Revised Code equal to its own tuition rate 44584  
for the same period of attendance. A school district entitled to 44585  
receive tuition pursuant to division (C)(2) or (3) of this section 44586  
or section 3313.65 of the Revised Code shall have an amount 44587  
credited under division (C) of section 3317.023 of the Revised 44588  
Code equal to its own tuition rate for the same period of 44589  
attendance. If the tuition rate credited to the district of 44590  
attendance exceeds the rate deducted from the district required to 44591  
pay tuition, the department of education shall pay the district of 44592  
attendance the difference from amounts deducted from all 44593  
districts' payments under division (C) of section 3317.023 of the 44594  
Revised Code but not credited to other school districts under such 44595  
division and from appropriations made for such purpose. The 44596  
treasurer of each school district shall, by the fifteenth day of 44597  
January and July, furnish the superintendent of public instruction 44598  
a report of the names of each child who attended the district's 44599  
schools under divisions (C)(2) and (3) of this section or section 44600

3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (C) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the



child lives outside of the district as a result of the parent's 44633  
active duty status or temporary duty assignment. 44634

**Sec. 3313.646.** (A) The board of education of a school 44635  
district, except a cooperative education district established 44636  
pursuant to section 3311.521 of the Revised Code, may establish 44637  
and operate a ~~preschool~~ program to provide services to 44638  
preschool-age children, provided the board has demonstrated a need 44639  
for the program. A board may use school funds in support of 44640  
preschool programs. The board shall maintain, operate, and admit 44641  
children to any such program pursuant to rules adopted by such 44642  
board and the rules of the state board of education adopted under 44643  
sections 3301.52 to 3301.57 of the Revised Code. 44644

A board of education may establish fees or tuition, which may 44645  
be graduated in proportion to family income, for participation in 44646  
a preschool program. In cases where payment of fees or tuition 44647  
would create a hardship for the child's parent or guardian, the 44648  
board may waive any such fees or tuition. 44649

(B) No board of education that is not receiving funds under 44650  
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 44651  
March 17, 1989, shall compete for funds under the "Head Start Act" 44652  
with any grantee receiving funds under that act. 44653

(C) A board of education may contract with any of the 44654  
following preschool providers to provide ~~preschool programs~~ 44655  
services to preschool-age children, other than ~~programs for units~~ 44656  
~~described by divisions (B) and (C) of those services for which the~~ 44657  
district is eligible to receive funding under section 3317.05 44658  
3317.0213 of the Revised Code, ~~for children of the school~~ 44659  
~~district:~~ 44660

(1) Any organization receiving funds under the "Head Start 44661  
Act"; 44662

(2) Any nonsectarian eligible nonpublic school as defined in 44663  
division (H) of section 3301.52 of the Revised Code; 44664

(3) Any child care provider licensed under Chapter 5104. of 44665  
the Revised Code. 44666

Boards may contract to provide ~~preschool programs~~ services to 44667  
preschool-age children only with such organizations whose staff 44668  
meet the requirements of rules adopted under section 3301.53 of 44669  
the Revised Code or those of the child development associate 44670  
credential established by the national association for the 44671  
education of young children. 44672

(D) A contract entered into under division (C) of this 44673  
section may provide for the board of education to lease school 44674  
facilities to the preschool provider or to furnish transportation, 44675  
utilities, or staff for the preschool program. 44676

(E) The treasurer of any board of education operating a 44677  
preschool program pursuant to this section shall keep an account 44678  
of all funds used to operate the program in the same manner as the 44679  
treasurer would any other funds of the district pursuant to this 44680  
chapter. 44681

**Sec. 3313.65.** (A) As used in this section and section 3313.64 44682  
of the Revised Code: 44683

(1) A person is "in a residential facility" if the person is 44684  
a resident or a resident patient of an institution, home, or other 44685  
residential facility that is: 44686

(a) Licensed as a nursing home, residential care facility, or 44687  
home for the aging by the director of health under section 3721.02 44688  
of the Revised Code; 44689

(b) Maintained as a county home or district home by the board 44690  
of county commissioners or a joint board of county commissioners 44691  
under Chapter 5155. of the Revised Code; 44692

(c) Operated or administered by a board of alcohol, drug 44693  
addiction, and mental health services under section 340.03 ~~or~~ 44694  
~~340.06~~ of the Revised Code, or provides residential care pursuant 44695  
to contracts made under section 340.03 ~~or 340.033~~ of the Revised 44696  
Code; 44697

(d) Maintained as a state institution for the mentally ill 44698  
under Chapter 5119. of the Revised Code; 44699

(e) Licensed by the department of ~~mental health~~ mental health 44700  
and addiction services under section ~~5119.20~~ 5119.33 or ~~5119.22~~ 44701  
5119.34 of the Revised Code; 44702

(f) Licensed as a residential facility by the department of 44703  
developmental disabilities under section 5123.19 of the Revised 44704  
Code; 44705

(g) Operated by the veteran's administration or another 44706  
agency of the United States government; 44707

(h) Operated by the Ohio veterans' home. 44708

(2) A person is "in a correctional facility" if any of the 44709  
following apply: 44710

(a) The person is an Ohio resident and is: 44711

(i) Imprisoned, as defined in section 1.05 of the Revised 44712  
Code; 44713

(ii) Serving a term in a community-based correctional 44714  
facility or a district community-based correctional facility; 44715

(iii) Required, as a condition of parole, a post-release 44716  
control sanction, a community control sanction, transitional 44717  
control, or early release from imprisonment, as a condition of 44718  
shock parole or shock probation granted under the law in effect 44719  
prior to July 1, 1996, or as a condition of a furlough granted 44720  
under the version of section 2967.26 of the Revised Code in effect 44721  
prior to March 17, 1998, to reside in a halfway house or other 44722

community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority. 44723  
44724  
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(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned. 44727  
44728  
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(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal. 44731  
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(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 44737  
44738

(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 44739  
44740

(B) If the circumstances described in division (C) of this section apply, the determination of what school district must admit a child to its schools and what district, if any, is liable for tuition shall be made in accordance with this section, rather than section 3313.64 of the Revised Code. 44741  
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(C) A child who does not reside in the school district in which the child's parent resides and for whom a tuition obligation previously has not been established under division (C)(2) of section 3313.64 of the Revised Code shall be admitted to the schools of the district in which the child resides if at least one of the child's parents is in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, is not known to 44746  
44747  
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44750  
44751  
44752  
44753

reside in this state. 44754

(D) Regardless of who has custody or care of the child, 44755  
whether the child resides in a home, or whether the child receives 44756  
special education, if a district admits a child under division (C) 44757  
of this section, tuition shall be paid to that district as 44758  
follows: 44759

(1) If the child's parent is in a juvenile residential 44760  
placement, by the district in which the child's parent resided at 44761  
the time the parent became subject to the jurisdiction of the 44762  
juvenile court; 44763

(2) If the child's parent is in a correctional facility, by 44764  
the district in which the child's parent resided at the time the 44765  
sentence was imposed; 44766

(3) If the child's parent is in a residential facility, by 44767  
the district in which the parent resided at the time the parent 44768  
was admitted to the residential facility, except that if the 44769  
parent was transferred from another residential facility, tuition 44770  
shall be paid by the district in which the parent resided at the 44771  
time the parent was admitted to the facility from which the parent 44772  
first was transferred; 44773

(4) In the event of a disagreement as to which school 44774  
district is liable for tuition under division (C)(1), (2), or (3) 44775  
of this section, the superintendent of public instruction shall 44776  
determine which district shall pay tuition. 44777

(E) If a child covered by division (D) of this section 44778  
receives special education in accordance with Chapter 3323. of the 44779  
Revised Code, the tuition shall be paid in accordance with section 44780  
3323.13 or 3323.14 of the Revised Code. Tuition for children who 44781  
do not receive special education shall be paid in accordance with 44782  
division (J) of section 3313.64 of the Revised Code. 44783

**Sec. 3313.714.** (A) As used in this section: 44784

(1) "Board of education" means the board of education of a 44785  
city, local, exempted village, or joint vocational school 44786  
district. 44787

(2) "Healthcheck" means the early and periodic screening, 44788  
diagnosis, and treatment program, a component of the ~~medical~~ 44789  
~~assistance~~ medicaid program ~~established under Title XIX of the~~ 44790  
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 302, as~~ 44791  
~~amended, and Chapter 5111. of the Revised Code.~~ 44792

(3) "Pupil" means a person under age twenty-two enrolled in 44793  
the schools of a city, local, exempted village, or joint 44794  
vocational school district. 44795

(4) "Parent" means either parent with the following 44796  
exceptions: 44797

(a) If one parent has custody by court order, "parent" means 44798  
the parent with custody. 44799

(b) If neither parent has legal custody, "parent" means the 44800  
person or government entity with legal custody. 44801

(c) The child's legal guardian or a person who has accepted 44802  
responsibility for the health, safety, and welfare of the child. 44803

(B) At the request of the department of ~~job and family~~ 44804  
~~services~~ medicaid, a board of education shall establish and 44805  
conduct a healthcheck program for pupils enrolled in the schools 44806  
of the district who are medicaid recipients ~~of medical assistance~~ 44807  
~~under Chapter 5111. of the Revised Code.~~ At the request of a board 44808  
of education, the department may authorize the board to establish 44809  
a healthcheck program. A board that establishes a healthcheck 44810  
program shall enter into a ~~medical assistance~~ medicaid provider 44811  
agreement with the department. 44812

A healthcheck program established by a board of education 44813

shall be conducted in accordance with rules adopted by the 44814  
~~medicaid~~ director ~~of job and family services~~ under division (F) of 44815  
this section. The healthcheck program shall include all of the 44816  
following components: 44817

(1) A comprehensive health and development history; 44818

(2) A comprehensive physical examination; 44819

(3) A developmental assessment; 44820

(4) A nutritional assessment; 44821

(5) A vision assessment; 44822

(6) A hearing assessment; 44823

(7) An immunization assessment; 44824

(8) Lead screening and laboratory tests ordered by a doctor 44825  
of medicine or osteopathic medicine as part of one of the other 44826  
components; 44827

(9) Such other assessment as may be required by the 44828  
department of ~~job and family services~~ medicaid in accordance with 44829  
the requirements of the healthcheck program. 44830

All services included in a board of education's healthcheck 44831  
program that the board provided under sections 3313.67, 3313.673, 44832  
3313.68, 3313.69, and 3313.71 of the Revised Code during the 44833  
1990-1991 school year shall continue to be provided to ~~medical~~ 44834  
~~assistance~~ medicaid recipients by the board pursuant to those 44835  
sections. The services shall be considered part of the healthcheck 44836  
program for medicaid recipients ~~of medical assistance~~, and the 44837  
board shall be eligible for ~~reimbursement~~ payment from the ~~state~~ 44838  
department in accordance with this division for providing the 44839  
services. 44840

The department shall ~~reimburse~~ pay boards of education for 44841  
healthcheck program services provided under this division at the 44842  
rates paid under the ~~medical assistance~~ medicaid program to 44843

physicians, dentists, nurses, and other providers of healthcheck 44844  
services. 44845

(C) Each board of education that conducts a healthcheck 44846  
program shall determine for each pupil enrolled in the schools of 44847  
the district whether the pupil is a ~~medical assistance~~ medicaid 44848  
recipient. The department of ~~job and family services~~ medicaid and 44849  
county departments of ~~human services~~ job and family services shall 44850  
assist the board in making these determinations. Except as 44851  
necessary to carry out the purposes of this section, all 44852  
information received by a board under this division shall be 44853  
confidential. 44854

Before the first day of October of each year, each board that 44855  
conducts a healthcheck program shall send the parent of each pupil 44856  
who is under age eighteen and a medicaid recipient ~~of medical~~ 44857  
~~assistance~~ notice that the pupil will be examined under the 44858  
district's healthcheck program unless the parent notifies the 44859  
board that the parent denies consent for the examination. The 44860  
notice shall include a form to be used by the parent to indicate 44861  
that the parent denies consent. The denial shall be effective only 44862  
if the form is signed by the parent and returned to the board or 44863  
the school in which the pupil is enrolled. If the parent does not 44864  
return a signed form indicating denial of consent within two weeks 44865  
after the date the notice is sent, the school district and the 44866  
department of ~~job and family services~~ medicaid shall deem the 44867  
parent to have consented to examination of the parent's child 44868  
under the healthcheck program. In the case of a pupil age eighteen 44869  
or older, the notice shall be given to the pupil, and the school 44870  
district and the department of ~~job and family services~~ medicaid 44871  
shall deem the pupil to have consented to examination unless the 44872  
pupil returns the signed form indicating the pupil's denial of 44873  
consent. 44874

(D)(1) As used in this division: 44875



(a) "Nonfederal share" means the portion of expenditures for 44876  
services that is required under the ~~medical assistance~~ medicaid 44877  
program to be paid for with state or local government funds. 44878

(b) "Federal financial participation" means the portion of 44879  
expenditures for services that is ~~reimbursed~~ payable under the 44880  
~~medical assistance~~ medicaid program with federal funds. 44881

(2) At the request of a board of education, the state 44882  
department may enter into an agreement with the board under which 44883  
the board provides medical services to a medicaid recipient ~~of~~ 44884  
~~medical assistance~~ that are ~~reimbursable~~ payable under the ~~medical~~ 44885  
~~assistance~~ medicaid program but not under the healthcheck program. 44886  
The agreement may be for a term specified in the agreement and 44887  
renewable by mutual consent of the board and the department, or 44888  
may continue in force as long as agreeable to the board and the 44889  
department. 44890

The board shall use state or local funds of the district to 44891  
pay the nonfederal share of expenditures for services provided 44892  
under this division. Prior to entering into or renewing an 44893  
agreement and at any other time requested by the department while 44894  
the agreement is in force, the board shall certify to the 44895  
department in accordance with the rules adopted under division (F) 44896  
of this section that it will have sufficient state or local funds 44897  
to pay the nonfederal share of expenditures under this division. 44898  
If the board fails to make the certification, the department shall 44899  
not enter into or renew the agreement. If an agreement has been 44900  
entered into, it shall be void unless the board makes the 44901  
certification not later than fifteen days after receiving notice 44902  
from the department that the certification is due. The board shall 44903  
report to the department, in accordance with the rules, the amount 44904  
of state or local funds it spends to provide services under this 44905  
division. 44906

The department shall ~~reimburse~~ pay the board the federal 44907

financial participation allowed for the board's expenditures for 44908  
services under this division. The total of the nonfederal share 44909  
spent by the board and the federal financial participation 44910  
~~reimbursed~~ paid by the department for a service rendered under 44911  
this division shall be an amount agreed to by the board and the 44912  
department, but shall not exceed the maximum ~~reimbursable~~ payable 44913  
amount for that service under rules adopted ~~by the director of job~~ 44914  
~~and family services~~ under ~~Chapter 5111.~~ section 5164.02 of the 44915  
Revised Code. The rules adopted under division (F) of this section 44916  
shall include procedures under which the department will recover 44917  
from a board overpayments and subsequent federal audit 44918  
disallowances of federal financial participation ~~reimbursed~~ paid 44919  
by the department. 44920

(E) A board of education shall provide services under 44921  
division (D) of this section and under its healthcheck program as 44922  
provided in division (E)(1), (2), or (3) of this section: 44923

(1) By having the services performed by physicians, dentists, 44924  
and nurses employed by the board; 44925

(2) By contracting with physicians, dentists, nurses, and 44926  
other providers of services who have ~~medical assistance~~ medicaid 44927  
provider agreements with the department of ~~job and family services~~ 44928  
medicaid; 44929

(3) By having some of the services performed by persons 44930  
described in division (E)(1) of this section and others performed 44931  
by persons described in division (E)(2) of this section. 44932

(F) The medicaid director ~~of job and family services~~ shall 44933  
adopt rules in accordance with Chapter 119. of the Revised Code 44934  
governing healthcheck programs conducted under this section and 44935  
services provided under division (D) of this section. 44936

**Sec. 3313.715.** The board of education of a school district 44937

may request from the director of developmental disabilities the 44938  
appropriate identification numbers for all students residing in 44939  
the district who are ~~medical assistance~~ medicaid recipients ~~under~~ 44940  
~~Chapter 5111. of the Revised Code.~~ The director shall furnish such 44941  
numbers upon receipt of lists of student names furnished by the 44942  
district board, in such form as the director may require. 44943

The medicaid director ~~of job and family services~~ shall 44944  
provide the director of developmental disabilities with the data 44945  
necessary for compliance with this section. 44946

Section 3319.321 of the Revised Code does not apply to the 44947  
release of student names or other data to the director of 44948  
developmental disabilities for the purposes of this section. 44949  
Chapter 1347. of the Revised Code does not apply to information 44950  
required to be kept by a school board or the departments of ~~job~~ 44951  
~~and family services~~ medicaid or developmental disabilities to the 44952  
extent necessary to comply with this section and section 3313.714 44953  
of the Revised Code. However, any such information or data shall 44954  
be used only for the specific legal purposes of such boards and 44955  
departments and shall not be released to any unauthorized person. 44956

**Sec. 3313.83.** (A)(1) For the purpose of pooling resources, 44957  
operating more cost effectively, minimizing administrative 44958  
overhead, encouraging the sharing of resource development, and 44959  
diminishing duplication, the boards of education of two or more 44960  
city, local, or exempted village school districts each having a 44961  
majority of its territory in a county with a population greater 44962  
than one million two hundred thousand, by adopting identical 44963  
resolutions, may enter into an agreement providing for the 44964  
creation of a regional student education district for the purpose 44965  
of funding the following for students enrolled in those school 44966  
districts, including students diagnosed as autistic and students 44967  
with special needs, and their immediate family members: 44968

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| (a) Special education services;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 44969                                                                                                             |
| (b) Behavioral health services for persons with special needs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 44970<br>44971                                                                                                    |
| If more than eight boards of education adopt resolutions to form a regional student education district, the boards may meet at facilities of the educational service center of the county to discuss membership in the district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 44972<br>44973<br>44974<br>44975                                                                                  |
| (2) The territory of a regional student education district at any time shall be composed of the combined territories of the school districts that are parties to the agreement at that time. Services funded by a regional student education district shall be available to all individuals enrolled in a school district that is a part of the regional student education district and members of their immediate family.                                                                                                                                                                                                                                                                                                                                                                                                              | 44976<br>44977<br>44978<br>44979<br>44980<br>44981<br>44982                                                       |
| (3) The agreement may be amended pursuant to terms and procedures mutually agreed to by the boards of education that are parties to the agreement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 44983<br>44984<br>44985                                                                                           |
| (B) Each regional student education district shall be governed by a board of directors. The superintendent of each board of education that is a party to the agreement shall serve on the board of directors. The agreement shall provide for the terms of office of directors. Directors shall receive no compensation, but shall be reimbursed, from the special fund of the regional student education district, for the reasonable and necessary expenses they incur in the performance of their duties for the district. The agreement shall provide for the conduct of the board's initial organizational meeting and for the frequency of subsequent meetings and quorum requirements. At its first meeting, the board shall designate from among its members a president and secretary in the manner provided in the agreement. | 44986<br>44987<br>44988<br>44989<br>44990<br>44991<br>44992<br>44993<br>44994<br>44995<br>44996<br>44997<br>44998 |
| The board of directors of a regional student education                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 44999                                                                                                             |

district is a body corporate and politic, is capable of suing and 45000  
being sued, is capable of contracting within the limits of this 45001  
section and the agreement governing the district, and is capable 45002  
of accepting gifts, donations, bequests, or other grants of money 45003  
for use in paying its expenses. The district is a public office 45004  
and its directors are public officials within the meaning of 45005  
section 117.01 of the Revised Code, the board of directors is a 45006  
public body within the meaning of section 121.22 of the Revised 45007  
Code, and records of the board and of the district are public 45008  
records within the meaning of section 149.43 of the Revised Code. 45009

The agreement shall require the board to designate a 45010  
permanent location for its offices and meeting place, and may 45011  
provide for the use of such facilities and property for the 45012  
provision of services by the agencies with which the board 45013  
contracts under division (C) of this section. 45014

(C)(1) To provide the services identified in division (A)(1) 45015  
of this section, the board of directors of a regional student 45016  
education district shall provide for the hiring of employees or 45017  
shall contract with one or more entities. Except as provided in 45018  
division (C)(2) of this section, any entity with which the board 45019  
of directors contracts to provide the services identified in 45020  
division (A)(1)(b) of this section shall be a qualified nonprofit, 45021  
nationally accredited agency to which both of the following apply: 45022

(a) The agency is licensed or certified by the departments of 45023  
~~mental health, mental health and addiction services and~~ job and 45024  
family services, ~~and alcohol and drug addiction services.~~ 45025

(b) The agency provides school-based behavioral health 45026  
services. 45027

(2) The board of directors may contract with an entity that 45028  
does not meet the conditions stated in division (C)(1) of this 45029  
section if the services to be provided by the entity are only 45030

incidental to the services identified in division (A)(1)(b) of 45031  
this section. 45032

(3) The board of directors may levy a tax throughout the 45033  
district as provided in section 5705.2111 of the Revised Code. The 45034  
board of directors shall provide for the creation of a special 45035  
fund to hold the proceeds of any tax levied under section 45036  
5705.2111 of the Revised Code and any gifts, donations, bequests, 45037  
or other grants of money coming into the possession of the 45038  
district. A regional student education district is a subdivision, 45039  
and the board of directors is a governing body, within the meaning 45040  
of section 135.01 of the Revised Code. The board of directors may 45041  
not issue securities or otherwise incur indebtedness. 45042

(4) The adoption or rejection by electors of a tax levy to 45043  
fund a regional student education district pursuant to section 45044  
5705.2111 of the Revised Code does not alter the duty of each 45045  
school district member of the regional student education district 45046  
to provide special education and related services as required 45047  
under Chapter 3323. of the Revised Code. On the expiration of a 45048  
regional student education district levy, the state, member school 45049  
districts of the regional student education district, and any 45050  
other governmental entity shall not be obligated to provide 45051  
replacement funding for the revenues under the expired levy. The 45052  
tax levy, in whole or in part, shall not be considered a levy for 45053  
current operating expenses pursuant to division (A) of section 45054  
3317.01 of the Revised Code for any of the school districts that 45055  
are members of the regional student education district. 45056

(D)(1) The agreement shall provide for the manner of 45057  
appointing an individual or entity to perform the duties of fiscal 45058  
officer of the regional student education district. The agreement 45059  
shall specify the length of time the individual or entity shall 45060  
perform those duties and whether the individual or entity may be 45061  
reappointed upon the completion of a term. The fiscal officer may 45062

receive compensation for performing the duties of the position and 45063  
be reimbursed for reasonable expenses of performing those duties 45064  
from the regional student education district's special fund. 45065

(2) The legal advisor of the board of directors of a regional 45066  
student education district shall be the prosecuting attorney of 45067  
the most populous county containing a school district that is a 45068  
member of the regional student education district. The prosecuting 45069  
attorney shall prosecute all actions against a member of the board 45070  
of directors for malfeasance or misfeasance in office and shall be 45071  
the legal counsel for the board and its members in all other 45072  
actions brought by or against them and shall conduct those actions 45073  
in the prosecuting attorney's official capacity. No compensation 45074  
in addition to the prosecuting attorney's regular salary shall be 45075  
allowed. 45076

(E) The board of directors of a regional student education 45077  
district shall procure a policy or policies of insurance insuring 45078  
the board, the fiscal officer, and the legal representative 45079  
against liability on account of damage or injury to persons and 45080  
property. Before procuring such insurance the board shall adopt a 45081  
resolution setting forth the amount of insurance to be purchased, 45082  
the necessity of the insurance, and a statement of its estimated 45083  
premium cost. Insurance procured pursuant to this section shall be 45084  
from one or more recognized insurance companies authorized to do 45085  
business in this state. The cost of the insurance shall be paid 45086  
from the district's special fund. 45087

A regional student education district is a political 45088  
subdivision within the meaning of section 2744.01 of the Revised 45089  
Code. 45090

(F)(1) The board of education of a school district having a 45091  
majority of its territory in the county may join an existing 45092  
regional student education district by adopting a resolution 45093  
requesting to join as a party to the agreement and upon approval 45094

by the boards of education that currently are parties to the 45095  
agreement. If a tax is levied in the regional student education 45096  
district under section 5705.2111 of the Revised Code, a board of 45097  
education may join the district only after a majority of qualified 45098  
electors in the school district voting on the question vote in 45099  
favor of levying the tax throughout the school district. A board 45100  
of education joining an existing district shall have the same 45101  
powers, rights, and obligations under the agreement as other 45102  
boards of education that are parties to the agreement. 45103

(2) A board of education that is a party to an agreement 45104  
under this section may withdraw the school district from a 45105  
regional student education district by adopting a resolution. The 45106  
withdrawal shall take effect on the date provided in the 45107  
resolution. If a tax is levied in the regional student education 45108  
district under section 5705.2111 of the Revised Code, the 45109  
resolution shall take effect not later than the first day of 45110  
January following adoption of the resolution. Beginning with the 45111  
first day of January following adoption of the resolution, any tax 45112  
levied under section 5705.2111 of the Revised Code shall not be 45113  
levied within the territory of the withdrawing school district. 45114  
Any collection of tax levied in the territory of the withdrawing 45115  
school district under that section that has not been settled and 45116  
distributed when the resolution takes effect shall be credited to 45117  
the district's special fund. 45118

(G) An agreement entered into under this section shall 45119  
provide for the manner of the regional student education 45120  
district's dissolution. The district shall cease to exist when not 45121  
more than one school district remains in the district, and the 45122  
levy of any tax under section 5705.2111 of the Revised Code shall 45123  
not be extended on the tax lists in any tax year beginning after 45124  
the dissolution of the district. The agreement shall provide that, 45125  
upon dissolution of the district, any unexpended balance in the 45126



district's special fund shall be divided among the school 45127  
districts that are parties to the agreement immediately before 45128  
dissolution in proportion to the taxable valuation of taxable 45129  
property in the districts, and credited to their respective 45130  
general funds. 45131

**Sec. 3313.841.** The boards of education and governing boards 45132  
of two or more city, local, joint vocational, or exempted village 45133  
school districts or educational service centers may contract in 45134  
accordance with the terms of this section for the sharing on a 45135  
cooperative basis of the services of supervisory teachers, special 45136  
instruction teachers, special education teachers, and other 45137  
licensed personnel necessary to conduct approved cooperative 45138  
classes for special education and related services and gifted 45139  
education. 45140

The boards of two or more districts or service centers 45141  
desiring to enroll students in such classes shall each adopt 45142  
resolutions indicating such desire and designating one of the 45143  
participating districts or service centers as the funding agent 45144  
for purposes of this section. The district or service center 45145  
designated as the funding agent shall enter into an employment 45146  
contract with each licensed teacher whose services are to be 45147  
shared among the participating districts and service centers. In 45148  
turn, the funding agent shall enter into contracts with each of 45149  
the districts and service centers which have adopted resolutions 45150  
agreeing to participate in the cooperative program upon terms 45151  
agreed to by all parties to such contract. Such contracts between 45152  
districts and service centers shall set forth the services to be 45153  
provided by the licensed teacher employed by the funding agent 45154  
whose services are to be shared by the participating districts and 45155  
service centers and the basis for computing the amounts to be paid 45156  
for such services to the funding agent by the participating 45157  
districts and service centers. 45158

For purposes of ~~division (B) of section 3317.05~~ 3317.0213 of 45159  
the Revised Code, the funding agent shall count all pupils 45160  
enrolled in cooperative programs for pupils with disabilities as 45161  
pupils enrolled in such programs in the funding agent district. 45162  
Upon receipt of payment for such programs, the funding agent 45163  
district shall credit the account of districts participating in 45164  
the cooperative program for the amounts due under contracts 45165  
entered into under the terms of this section in proportion to the 45166  
number of resident students enrolled in the cooperative program 45167  
from each participating district and service center. 45168

In determining the terms of the contract entered into by the 45169  
funding agent district or service center and the participating 45170  
districts and service centers, the superintendent of schools of 45171  
each participating board of education and governing board shall 45172  
serve as a committee which shall recommend such terms to such 45173  
boards. 45174

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 45175  
3311.52 of the Revised Code, this section does not apply to any 45176  
cooperative education school district. 45177

(B)(1) The board of education of each city, exempted village, 45178  
or local school district with an average daily student enrollment 45179  
of sixteen thousand or less, reported for the district on the most 45180  
recent report card issued under section 3302.03 of the Revised 45181  
Code, shall enter into an agreement with the governing board of an 45182  
educational service center, under which the educational service 45183  
center governing board will provide services to the district. 45184

(2) The board of education of a city, exempted village, or 45185  
local school district with an average daily student enrollment of 45186  
more than sixteen thousand may enter into an agreement with the 45187  
governing board of an educational service center, under which the 45188  
educational service center governing board will provide services 45189

to the district. 45190

(3) Services provided under an agreement entered into under 45191  
division (B)(1) or (2) of this section shall be specified in the 45192  
agreement, and may include any of the following: supervisory 45193  
teachers; in-service and continuing education programs for 45194  
district personnel; curriculum services; research and development 45195  
programs; academic instruction for which the governing board 45196  
employs teachers pursuant to section 3319.02 of the Revised Code; 45197  
assistance in the provision of special accommodations and classes 45198  
for students with disabilities; or any other services the district 45199  
board and service center governing board agree can be better 45200  
provided by the service center and are not provided under an 45201  
agreement entered into under section 3313.845 of the Revised Code. 45202  
Services included in the agreement shall be provided to the 45203  
district in the manner specified in the agreement. The district 45204  
board of education shall reimburse the educational service center 45205  
governing board pursuant to ~~section 3317.11 of the Revised Code~~ 45206  
terms specified in the agreement entered into under this section. 45207

~~Beginning with the 2012-2013 school year, the board of any 45208  
district described in division (B)(2) of this section may elect 45209  
not to receive the supervisory services for which supervisory 45210  
units are paid under division (B) of section 3317.11 of the 45211  
Revised Code, provided that election is specified in the 45212  
agreement.~~ 45213

(C) Any agreement entered into pursuant to this section shall 45214  
be filed with the department of education by the first day of July 45215  
of the school year for which the agreement is in effect. 45216

(D)(1) An agreement for services from an educational service 45217  
center entered into under this section may be terminated by the 45218  
school district board of education, at its option, by notifying 45219  
the governing board of the service center by March 1, 2012, or by 45220  
the first day of January of any odd-numbered year thereafter, that 45221

the district board intends to terminate the agreement in that 45222  
year, and that termination shall be effective on the thirtieth day 45223  
of June of that year. The failure of a district board to notify an 45224  
educational service center of its intent to terminate an agreement 45225  
by March 1, 2012, shall result in renewal of the existing 45226  
agreement for the following school year. Thereafter, the failure 45227  
of a district board to notify an educational service center of its 45228  
intent to terminate an agreement by the first day of January of an 45229  
odd-numbered year shall result in renewal of the existing 45230  
agreement for the following two school years. 45231

(2) If the school district that terminates an agreement for 45232  
services under division (D)(1) of this section is also subject to 45233  
the requirement of division (B)(1) of this section, the district 45234  
board shall enter into a new agreement with any educational 45235  
service center so that the new agreement is effective on the first 45236  
day of July of that same year. 45237

(3) If all moneys owed by a school district to an educational 45238  
service center under an agreement for services terminated under 45239  
division (D)(1) of this section have been paid in full by the 45240  
effective date of the termination, the governing board of the 45241  
service center shall submit an affidavit to the department 45242  
certifying that fact not later than fifteen days after the 45243  
termination's effective date. Notwithstanding anything in the 45244  
Revised Code to the contrary, until the department receives such 45245  
an affidavit, it shall not make any payments to any other 45246  
educational service center with which the district enters into an 45247  
agreement under this section for services that the educational 45248  
service center provides to the district. 45249

(E) An educational service center may apply to any state or 45250  
federal agency for competitive grants. It may also apply to any 45251  
private entity for additional funds. 45252

(F) Not later than January 1, 2014, each educational service 45253

center shall post on its web site a list of all of the services 45254  
that it provides and the corresponding cost for each of those 45255  
services. 45256

(G)(1) For purposes of this division, a school district's 45257  
"total student count" means the average daily student enrollment 45258  
reported on the most recent report card issued for the district 45259  
pursuant to section 3302.03 of the Revised Code. 45260

(2) For purposes of calculating any state subsidy to be paid 45261  
to an educational service center for services provided to a school 45262  
district, the service center's student count shall be the sum of 45263  
the total student counts of all the school districts with which 45264  
the educational service center has entered into an agreement under 45265  
this section. 45266

(3) When a district enters into a new agreement with a new 45267  
educational service center, the department of education shall 45268  
ensure that the state subsidy for services provided to the 45269  
district is paid to the new educational service center and that 45270  
the educational service center with which the district previously 45271  
had an agreement is no longer paid a state subsidy for providing 45272  
services to that district. 45273

**Sec. 3313.845.** The board of education of a city, exempted 45274  
village, or local school district and the governing board of an 45275  
educational service center may enter into an agreement under which 45276  
the educational service center will provide services to the school 45277  
district. Services provided under the agreement and the amount to 45278  
be paid for such services shall be mutually agreed to by the 45279  
district board of education and the service center governing 45280  
board, and shall be specified in the agreement. Payment for 45281  
services specified in the agreement shall be made pursuant to 45282  
~~division (D) of section 3317.11 of the Revised Code and shall not~~ 45283  
~~include any deduction under division (B), (C), or (F) of that~~ 45284

~~section~~ the terms of that agreement. Any agreement entered into 45285  
pursuant to this section shall be valid only if a copy is filed 45286  
with the department of education. 45287

The authority granted under this section to the boards of 45288  
education of city, exempted village, and local school districts is 45289  
in addition to the authority granted to such boards under section 45290  
3313.843 of the Revised Code. 45291

**Sec. 3313.848.** (A) As used in this section: 45292

(1) "Client" means a city, local, or exempted village school 45293  
district, community school established under Chapter 3314. of the 45294  
Revised Code, STEM school established under Chapter 3326. of the 45295  
Revised Code, or political subdivision. 45296

(2) "Governing body" means the board of education of a school 45297  
district, governing authority of a community school, governing 45298  
body of a STEM school, or governing body of a political 45299  
subdivision. 45300

(3) "Political subdivision" has the same meaning as used in 45301  
section 3313.846 of the Revised Code. 45302

(4) "Service agreement" means an agreement that a client has 45303  
entered into with an educational service center under section 45304  
3313.843, 3313.844, 3313.845, 3313.846, or 3326.45 of the Revised 45305  
Code and any subsequent amendment to that agreement. 45306

(B) If at the end of a fiscal year for which a service 45307  
agreement is in effect any of the funds paid directly by a client 45308  
to the educational service center under the agreement have not 45309  
been expended, a client's governing body may elect to have the 45310  
service center retain the unexpended funds for the purpose of 45311  
applying them toward any payment the client will owe to the 45312  
service center under a service agreement for the next fiscal year. 45313  
The treasurer or fiscal officer of the client shall indicate on 45314

the client's end-of-year financial report that unexpended funds 45315  
have been retained by the service center and the amount of those 45316  
funds. 45317

(C) If the chief administrator of a client requests that the 45318  
treasurer of an educational service center spend a portion of the 45319  
client's funds retained under division (B) of this section for a 45320  
purpose other than services specifically set forth under a service 45321  
agreement and the treasurer fulfills that request, the treasurer 45322  
shall keep a record of the expenditure and the purpose for which 45323  
the expenditure was made. On at least an annual basis, or upon the 45324  
request of the client's governing body or its treasurer or fiscal 45325  
officer, the treasurer of the service center shall notify the 45326  
client's treasurer or fiscal officer of the expenditures recorded 45327  
under this division. The client's treasurer or fiscal officer 45328  
shall include that information in the financial report made by the 45329  
treasurer or fiscal officer at the next meeting of the client's 45330  
governing body that occurs following receipt of the information. 45331

**Sec. 3313.88.** (A)(1) Prior to the first day of August of each 45332  
school year, the board of education of any school district or the 45333  
governing authority of any chartered nonpublic school may submit 45334  
to the department of education a plan to require students to 45335  
access and complete classroom lessons posted on the district's or 45336  
nonpublic school's web portal or web site in order to make up days 45337  
in that school year on which it is necessary to close schools for 45338  
any of the reasons specified in division (B) of section 3317.01 of 45339  
the Revised Code in excess of the number of days permitted under 45340  
sections 3313.48, 3313.481, and 3317.01 of the Revised Code. 45341

Prior to the first day of August of each school year, the 45343  
governing authority of any community school established under 45344  
Chapter 3314. that is not an internet- or computer-based community 45345

school, as defined in section 3314.02 of the Revised Code, may 45346  
submit to the department a plan to require students to access and 45347  
complete classroom lessons posted on the school's web portal or 45348  
web site in order to make up days or hours in that school year on 45349  
which it is necessary to close the school for any of the reasons 45350  
specified in division ~~(L)~~(H)(4) of section 3314.08 of the Revised 45351  
Code so that the school is in compliance with the minimum number 45352  
of hours required under Chapter 3314. of the Revised Code. 45353

A plan submitted by a school district board or chartered 45354  
nonpublic school governing authority shall provide for making up 45355  
any number of days, up to a maximum of three days. A plan 45356  
submitted by a community school governing authority shall provide 45357  
for making up any number of hours, up to a maximum of the 45358  
equivalent of three days. Provided the plan meets all requirements 45359  
of this section, the department shall permit the board or 45360  
governing authority to implement the plan for the applicable 45361  
school year. 45362

(2) Each plan submitted under this section by a school 45363  
district board of education shall include the written consent of 45364  
the teachers' employee representative designated under division 45365  
(B) of section 4117.04 of the Revised Code. 45366

(3) Each plan submitted under this section shall provide for 45367  
the following: 45368

(a) Not later than the first day of November of the school 45369  
year, each classroom teacher shall develop a sufficient number of 45370  
lessons for each course taught by the teacher that school year to 45371  
cover the number of make-up days or hours specified in the plan. 45372  
The teacher shall designate the order in which the lessons are to 45373  
be posted on the district's, community school's, or nonpublic 45374  
school's web portal or web site in the event of a school closure. 45375  
Teachers may be granted up to one professional development day to 45376  
create lesson plans for those lessons. 45377



(b) To the extent possible and necessary, a classroom teacher shall update or replace, based on current instructional progress, one or more of the lesson plans developed under division (A)(3)(a) of this section before they are posted on the web portal or web site under division (A)(3)(c) of this section or distributed under division (B) of this section.

(c) As soon as practicable after a school closure, a district or school employee responsible for web portal or web site operations shall make the designated lessons available to students on the district's, community school's, or nonpublic school's portal or site. A lesson shall be posted for each course that was scheduled to meet on the day or hours of the closure.

(d) Each student enrolled in a course for which a lesson is posted on the portal or site shall be granted a two-week period from the date of posting to complete the lesson. The student's classroom teacher shall grade the lesson in the same manner as other lessons. The student may receive an incomplete or failing grade if the lesson is not completed on time.

(e) If a student does not have access to a computer at the student's residence and the plan does not include blizzard bags under division (B) of this section, the student shall be permitted to work on the posted lessons at school after the student's school reopens. If the lessons were posted prior to the reopening, the student shall be granted a two-week period from the date of the reopening, rather than from the date of posting as otherwise required under division (A)(3)(d) of this section, to complete the lessons. The district board or community school or nonpublic school governing authority may provide the student access to a computer before, during, or after the regularly scheduled school day or may provide a substantially similar paper lesson in order to complete the lessons.

(B)(1) In addition to posting classroom lessons online under

division (A) of this section, the board of education of any school 45410  
district or governing authority of any community or chartered 45411  
nonpublic school may include in the plan distribution of "blizzard 45412  
bags," which are paper copies of the lessons posted online. 45413

(2) If a school opts to use blizzard bags, teachers shall 45414  
prepare paper copies in conjunction with the lessons to be posted 45415  
online and update the paper copies whenever the teacher updates 45416  
the online lesson plans. 45417

(3) The board of education of any school district or 45418  
governing authority of any community or chartered nonpublic school 45419  
that opts to use blizzard bags shall specify in the plan the 45420  
method of distribution of blizzard bag lessons, which may include, 45421  
but not be limited to, requiring distribution by a specific 45422  
deadline or requiring distribution prior to anticipated school 45423  
closure as directed by the superintendent of a school district or 45424  
the principal, director, chief administrative officer, or the 45425  
equivalent, of a school. 45426

(4) Students shall turn in completed lessons in accordance 45427  
with division (A)(3)(d) of this section. 45428

(C)(1) No school district that implements a plan in 45429  
accordance with this section shall be considered to have failed to 45430  
comply with division (B) of section 3317.01 of the Revised Code 45431  
with respect to the number of make-up days specified in the plan. 45432

(2) No community school that implements a plan in accordance 45433  
with this section shall be considered to have failed to comply 45434  
with the minimum number of hours required under Chapter 3314. of 45435  
the Revised Code with respect to the number of make-up hours 45436  
specified in the plan. 45437

**Sec. 3313.978.** (A) Annually by the first day of November, the 45438  
superintendent of public instruction shall notify the pilot 45439

project school district of the number of initial scholarships that 45440  
the state superintendent will be awarding in each of grades 45441  
kindergarten through twelve. 45442

The state superintendent shall provide information about the 45443  
scholarship program to all students residing in the district, 45444  
shall accept applications from any such students until such date 45445  
as shall be established by the state superintendent as a deadline 45446  
for applications, and shall establish criteria for the selection 45447  
of students to receive scholarships from among all those applying 45448  
prior to the deadline, which criteria shall give preference to 45449  
students from low-income families. The state superintendent shall 45450  
notify students of their selection prior to the fifteenth day of 45451  
January. 45452

(1) A student receiving a pilot project scholarship may 45453  
utilize it at an alternative public school by notifying the 45454  
district superintendent, at any time before the beginning of the 45455  
school year, of the name of the public school in an adjacent 45456  
school district to which the student has been accepted pursuant to 45457  
section 3327.06 of the Revised Code. 45458

(2) A student may decide to utilize a pilot project 45459  
scholarship at a registered private school in the district if all 45460  
of the following conditions are met: 45461

(a) By the fifteenth day of February of the preceding school 45462  
year, or at any time prior to the start of the school year, the 45463  
parent makes an application on behalf of the student to a 45464  
registered private school. 45465

(b) The registered private school notifies the parent and the 45466  
state superintendent as follows that the student has been 45467  
admitted: 45468

(i) By the fifteenth day of March of the preceding school 45469  
year if the student filed an application by the fifteenth day of 45470

February and was admitted by the school pursuant to division (A) 45471  
of section 3313.977 of the Revised Code; 45472

(ii) Within one week of the decision to admit the student if 45473  
the student is admitted pursuant to division (C) of section 45474  
3313.977 of the Revised Code. 45475

(c) The student actually enrolls in the registered private 45476  
school to which the student was first admitted or in another 45477  
registered private school in the district or in a public school in 45478  
an adjacent school district. 45479

(B) The state superintendent shall also award in any school 45480  
year tutorial assistance grants to a number of students equal to 45481  
the number of students who receive scholarships under division (A) 45482  
of this section. Tutorial assistance grants shall be awarded 45483  
solely to students who are enrolled in the public schools of the 45484  
district in a grade level covered by the pilot project. Tutorial 45485  
assistance grants may be used solely to obtain tutorial assistance 45486  
from a provider approved pursuant to division (D) of section 45487  
3313.976 of the Revised Code. 45488

All students wishing to obtain tutorial assistance grants 45489  
shall make application to the state superintendent by the first 45490  
day of the school year in which the assistance will be used. The 45491  
state superintendent shall award assistance grants in accordance 45492  
with criteria the superintendent shall establish. 45493

(C)(1) In the case of basic scholarships for students in 45494  
grades kindergarten through eight, the scholarship amount shall 45495  
not exceed the lesser of the net tuition charges of the 45496  
alternative school the scholarship recipient attends or ~~three~~ 45497  
~~thousand dollars before fiscal year 2007, three thousand four~~ 45498  
~~hundred fifty dollars in fiscal year 2007 through fiscal year~~ 45499  
~~2011, and~~ four thousand two hundred fifty dollars in fiscal year 45500  
2012 and thereafter. 45501

In the case of basic scholarships for students in grades nine through twelve, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or ~~two thousand seven hundred dollars before fiscal year 2007, three thousand four hundred fifty dollars in fiscal year 2007 through fiscal year 2011, and five thousand dollars in fiscal year 2012 and thereafter~~ fiscal year 2013, and five thousand seven hundred dollars in fiscal year 2014 and thereafter.

The net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.

(2) The state superintendent shall provide for an increase in the basic scholarship amount in the case of any student who is a mainstreamed student with a disability and shall further increase such amount in the case of any separately educated student with a disability. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(3) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or:

(a) Before fiscal year 2007, a percentage established by the state superintendent, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount;

(b) In fiscal year 2007 and thereafter, four hundred dollars. 45533

(D)(1) Annually by the first day of November, the state 45534  
superintendent shall estimate the maximum per-pupil scholarship 45535  
amounts for the ensuing school year. The state superintendent 45536  
shall make this estimate available to the general public at the 45537  
offices of the district board of education together with the forms 45538  
required by division (D)(2) of this section. 45539

(2) Annually by the fifteenth day of January, the chief 45540  
administrator of each registered private school located in the 45541  
pilot project district and the principal of each public school in 45542  
such district shall complete a parental information form and 45543  
forward it to the president of the board of education. The 45544  
parental information form shall be prescribed by the department of 45545  
education and shall provide information about the grade levels 45546  
offered, the numbers of students, tuition amounts, achievement 45547  
test results, and any sectarian or other organizational 45548  
affiliations. 45549

(E)(1) Only for the purpose of administering the pilot 45550  
project scholarship program, the department may request from any 45551  
of the following entities the data verification code assigned 45552  
under division (D)(2) of section 3301.0714 of the Revised Code to 45553  
any student who is seeking a scholarship under the program: 45554

(a) The school district in which the student is entitled to 45555  
attend school under section 3313.64 or 3313.65 of the Revised 45556  
Code; 45557

(b) If applicable, the community school in which the student 45558  
is enrolled; 45559

(c) The independent contractor engaged to create and maintain 45560  
data verification codes. 45561

(2) Upon a request by the department under division (E)(1) of 45562  
this section for the data verification code of a student seeking a 45563

scholarship or a request by the student's parent for that code, 45564  
the school district or community school shall submit that code to 45565  
the department or parent in the manner specified by the 45566  
department. If the student has not been assigned a code, because 45567  
the student will be entering kindergarten during the school year 45568  
for which the scholarship is sought, the district shall assign a 45569  
code to that student and submit the code to the department or 45570  
parent by a date specified by the department. If the district does 45571  
not assign a code to the student by the specified date, the 45572  
department shall assign a code to the student. 45573

The department annually shall submit to each school district 45574  
the name and data verification code of each student residing in 45575  
the district who is entering kindergarten, who has been awarded a 45576  
scholarship under the program, and for whom the department has 45577  
assigned a code under this division. 45578

(3) The department shall not release any data verification 45579  
code that it receives under division (E) of this section to any 45580  
person except as provided by law. 45581

(F) Any document relative to the pilot project scholarship 45582  
program that the department holds in its files that contains both 45583  
a student's name or other personally identifiable information and 45584  
the student's data verification code shall not be a public record 45585  
under section 149.43 of the Revised Code. 45586

(G)(1) The department annually shall compile the scores 45587  
attained by scholarship students enrolled in registered private 45588  
schools on the assessments administered to the students pursuant 45589  
to division (A)(11) of section 3313.976 of the Revised Code. The 45590  
scores shall be aggregated as follows: 45591

(a) By school district, which shall include all scholarship 45592  
students residing in the pilot project school district who are 45593  
enrolled in a registered private school and were required to take 45594

an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code; 45595  
45596

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code. 45597  
45598  
45599  
45600

(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories: 45601  
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45603

(a) Grade level; 45604

(b) Race and ethnicity; 45605

(c) Gender; 45606

(d) Students who have participated in the scholarship program for three or more years; 45607  
45608

(e) Students who have participated in the scholarship program for more than one year and less than three years; 45609  
45610

(f) Students who have participated in the scholarship program for one year or less; 45611  
45612

(g) Economically disadvantaged students. 45613

(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students. 45614  
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(4) The department shall provide the parent of each 45624



scholarship student enrolled in a registered private school with 45625  
information comparing the student's performance on the assessments 45626  
administered pursuant to division (A)(11) of section 3313.976 of 45627  
the Revised Code with the average performance of similar students 45628  
enrolled in the building operated by the pilot project school 45629  
district that the scholarship student would otherwise attend. In 45630  
calculating the performance of similar students, the department 45631  
shall consider age, grade, race and ethnicity, gender, and 45632  
socioeconomic status. 45633

**Sec. 3313.98.** Notwithstanding division (D) of section 3311.19 45634  
and division (D) of section 3311.52 of the Revised Code, the 45635  
provisions of this section and sections 3313.981 to 3313.983 of 45636  
the Revised Code that apply to a city school district do not apply 45637  
to a joint vocational or cooperative education school district 45638  
unless expressly specified. 45639

(A) As used in this section and sections 3313.981 to 3313.983 45640  
of the Revised Code: 45641

(1) "Parent" means either of the natural or adoptive parents 45642  
of a student, except under the following conditions: 45643

(a) When the marriage of the natural or adoptive parents of 45644  
the student has been terminated by a divorce, dissolution of 45645  
marriage, or annulment or the natural or adoptive parents of the 45646  
student are living separate and apart under a legal separation 45647  
decree and the court has issued an order allocating the parental 45648  
rights and responsibilities with respect to the student, "parent" 45649  
means the residential parent as designated by the court except 45650  
that "parent" means either parent when the court issues a shared 45651  
parenting decree. 45652

(b) When a court has granted temporary or permanent custody 45653  
of the student to an individual or agency other than either of the 45654  
natural or adoptive parents of the student, "parent" means the 45655

legal custodian of the child. 45656

(c) When a court has appointed a guardian for the student, 45657  
"parent" means the guardian of the student. 45658

(2) "Native student" means a student entitled under section 45659  
3313.64 or 3313.65 of the Revised Code to attend school in a 45660  
district adopting a resolution under this section. 45661

(3) "Adjacent district" means a city, exempted village, or 45662  
local school district having territory that abuts the territory of 45663  
a district adopting a resolution under this section. 45664

(4) "Adjacent district student" means a student entitled 45665  
under section 3313.64 or 3313.65 of the Revised Code to attend 45666  
school in an adjacent district. 45667

(5) "Adjacent district joint vocational student" means an 45668  
adjacent district student who enrolls in a city, exempted village, 45669  
or local school district pursuant to this section and who also 45670  
enrolls in a joint vocational school district that does not 45671  
contain the territory of the district for which that student is a 45672  
native student and does contain the territory of the city, 45673  
exempted village, or local district in which the student enrolls. 45674

(6) "Formula amount" has the same meaning as in section 45675  
3317.02 of the Revised Code. 45676

(7) ~~"Adjusted formula amount" means the sum of the formula 45677  
amount plus the per pupil amount of the base funding supplements 45678  
specified in divisions (C)(1) to (4) of section 3317.012 of the 45679  
Revised Code for fiscal year 2009. 45680~~

~~(8)~~ "Poverty line" means the poverty line established by the 45681  
director of the United States office of management and budget as 45682  
revised by the ~~director~~ secretary of the ~~office of community 45683  
health and human~~ services in accordance with section 673(2) of the 45684  
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 45685

9902, as amended. 45686

~~(9)~~(8) "IEP" has the same meaning as in section 3323.01 of 45687  
the Revised Code. 45688

~~(10)~~(9) "Other district" means a city, exempted village, or 45689  
local school district having territory outside of the territory of 45690  
a district adopting a resolution under this section. 45691

~~(11)~~(10) "Other district student" means a student entitled 45692  
under section 3313.64 or 3313.65 of the Revised Code to attend 45693  
school in an other district. 45694

~~(12)~~(11) "Other district joint vocational student" means a 45695  
student who is enrolled in any city, exempted village, or local 45696  
school district and who also enrolls in a joint vocational school 45697  
district that does not contain the territory of the district for 45698  
which that student is a native student in accordance with a policy 45699  
adopted under section 3313.983 of the Revised Code. 45700

(B)(1) The board of education of each city, local, and 45701  
exempted village school district shall adopt a resolution 45702  
establishing for the school district one of the following 45703  
policies: 45704

(a) A policy that entirely prohibits the enrollment of 45705  
students from adjacent districts or other districts, other than 45706  
students for whom tuition is paid in accordance with section 45707  
3317.08 of the Revised Code; 45708

(b) A policy that permits enrollment of students from all 45709  
adjacent districts in accordance with policy statements contained 45710  
in the resolution; 45711

(c) A policy that permits enrollment of students from all 45712  
other districts in accordance with policy statements contained in 45713  
the resolution. 45714

(2) A policy permitting enrollment of students from adjacent 45715

or from other districts, as applicable, shall provide for all of 45716  
the following: 45717

(a) Application procedures, including deadlines for 45718  
application and for notification of students and the 45719  
superintendent of the applicable district whenever an adjacent or 45720  
other district student's application is approved. 45721

(b) Procedures for admitting adjacent or other district 45722  
applicants free of any tuition obligation to the district's 45723  
schools, including, but not limited to: 45724

(i) The establishment of district capacity limits by grade 45725  
level, school building, and education program; 45726

(ii) A requirement that all native students wishing to be 45727  
enrolled in the district will be enrolled and that any adjacent or 45728  
other district students previously enrolled in the district shall 45729  
receive preference over first-time applicants; 45730

(iii) Procedures to ensure that an appropriate racial balance 45731  
is maintained in the district schools. 45732

(C) Except as provided in section 3313.982 of the Revised 45733  
Code, the procedures for admitting adjacent or other district 45734  
students, as applicable, shall not include: 45735

(1) Any requirement of academic ability, or any level of 45736  
athletic, artistic, or other extracurricular skills; 45737

(2) Limitations on admitting applicants because of 45738  
disability, except that a board may refuse to admit a student 45739  
receiving services under Chapter 3323. of the Revised Code, if the 45740  
services described in the student's IEP are not available in the 45741  
district's schools; 45742

(3) A requirement that the student be proficient in the 45743  
English language; 45744

(4) Rejection of any applicant because the student has been 45745

subject to disciplinary proceedings, except that if an applicant 45746  
has been suspended or expelled by the student's district for ten 45747  
consecutive days or more in the term for which admission is sought 45748  
or in the term immediately preceding the term for which admission 45749  
is sought, the procedures may include a provision denying 45750  
admission of such applicant. 45751

(D)(1) Each school board permitting only enrollment of 45752  
adjacent district students shall provide information about the 45753  
policy adopted under this section, including the application 45754  
procedures and deadlines, to the superintendent and the board of 45755  
education of each adjacent district and, upon request, to the 45756  
parent of any adjacent district student. 45757

(2) Each school board permitting enrollment of other district 45758  
students shall provide information about the policy adopted under 45759  
this section, including the application procedures and deadlines, 45760  
upon request, to the board of education of any other school 45761  
district or to the parent of any student anywhere in the state. 45762

(E) Any school board shall accept all credits toward 45763  
graduation earned in adjacent or other district schools by an 45764  
adjacent or other district student or a native student. 45765

(F)(1) No board of education may adopt a policy discouraging 45766  
or prohibiting its native students from applying to enroll in the 45767  
schools of an adjacent or any other district that has adopted a 45768  
policy permitting such enrollment, except that: 45769

(a) A district may object to the enrollment of a native 45770  
student in an adjacent or other district in order to maintain an 45771  
appropriate racial balance. 45772

(b) The board of education of a district receiving funds 45773  
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 45774  
may adopt a resolution objecting to the enrollment of its native 45775  
students in adjacent or other districts if at least ten per cent 45776

of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.

(G) The state board of education shall monitor school districts to ensure compliance with this section and the districts' policies. The board may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the state board adopts such rules, no school board shall adopt a policy that conflicts with those rules.

(H) A resolution adopted by a board of education under this section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education adopting the resolution and the board of education of any adjacent or other district or prohibit these boards of education from entering into any such agreement or contract.

(I) Nothing in this section shall be construed to permit or require the board of education of a city, exempted village, or local school district to exclude any native student of the district from enrolling in the district.

Sec. 3313.981. (A) The state board of education shall adopt 45809  
rules requiring all of the following: 45810

(1) The board of education of each city, exempted village, 45811  
and local school district to annually report to the department of 45812  
education all of the following: 45813

(a) The number of adjacent district or other district 45814  
students, as applicable, and adjacent district or other district 45815  
joint vocational students, as applicable, enrolled in the district 45816  
and the number of native students enrolled in adjacent or other 45817  
districts, in accordance with a policy adopted under division (B) 45818  
of section 3313.98 of the Revised Code; 45819

(b) Each adjacent district or other district student's or 45820  
adjacent district or other district joint vocational student's 45821  
date of enrollment in the district; 45822

(c) The full-time equivalent number of adjacent district or 45823  
other district students enrolled in ~~vocational~~ each of the 45824  
categories of career-technical education programs or classes 45825  
described in ~~division (A) of~~ section 3317.014 of the Revised Code 45826  
~~and the full-time equivalent number of such students enrolled in~~ 45827  
~~vocational education programs or classes described in division (B)~~ 45828  
~~of that section;~~ 45829

(d) Each native student's date of enrollment in an adjacent 45830  
or other district. 45831

(2) The board of education of each joint vocational school 45832  
district to annually report to the department all of the 45833  
following: 45834

(a) The number of adjacent district or other district joint 45835  
vocational students, as applicable, enrolled in the district; 45836

(b) The full-time equivalent number of adjacent district or 45837  
other district joint vocational students enrolled in ~~vocational~~ 45838

~~each category of career-technical education programs or classes 45839~~  
~~described in ~~division (A)~~ of section 3317.014 of the Revised Code 45840~~  
~~and the full-time equivalent number of such students enrolled in 45841~~  
~~vocational education programs or classes described in ~~division (B)~~ 45842~~  
~~of that section; 45843~~

(c) For each adjacent district or other district joint 45844  
vocational student, the city, exempted village, or local school 45845  
district in which the student is also enrolled. 45846

(3) Prior to the first full school week in October each year, 45847  
the superintendent of each city, local, or exempted village school 45848  
district that admits adjacent district or other district students 45849  
or adjacent district or other district joint vocational students 45850  
in accordance with a policy adopted under division (B) of section 45851  
3313.98 of the Revised Code to notify each adjacent or other 45852  
district where those students are entitled to attend school under 45853  
section 3313.64 or 3313.65 of the Revised Code of the number of 45854  
the adjacent or other district's native students who are enrolled 45855  
in the superintendent's district under the policy. 45856

The rules shall provide for the method of counting students 45857  
who are enrolled for part of a school year in an adjacent or other 45858  
district or as an adjacent district or other district joint 45859  
vocational student. 45860

(B) From the payments made to a city, exempted village, or 45861  
local school district under Chapter 3317. of the Revised Code and, 45862  
if necessary, from the payments made to the district under 45863  
sections 321.24 and 323.156 of the Revised Code, the department of 45864  
education shall annually subtract both of the following: 45865

(1) An amount equal to the number of the district's native 45866  
students reported under division (A)(1) of this section who are 45867  
enrolled in adjacent or other school districts pursuant to 45868  
policies adopted by such districts under division (B) of section 45869



3313.98 of the Revised Code multiplied by the ~~adjusted~~ formula amount; 45870  
45871

(2) The excess costs computed in accordance with division (E) 45872  
of this section for any such native students receiving special 45873  
education and related services in adjacent or other school 45874  
districts or as an adjacent district or other district joint 45875  
vocational student; 45876

(3) For the full-time equivalent number the formula amount of 45877  
the district's native students reported under division (A)(1)(c) 45878  
or (2)(b) of this section as enrolled in ~~vocational~~ 45879  
career-technical education programs or classes described in 45880  
section 3317.014 of the Revised Code, an amount equal to ~~\$5,732~~ 45881  
the formula amount times the applicable multiple prescribed by 45882  
that section. 45883

(C) To the payments made to a city, exempted village, or 45884  
local school district under Chapter 3317. of the Revised Code, the 45885  
department of education shall annually add all of the following: 45886

(1) An amount equal to the ~~adjusted~~ formula amount multiplied 45887  
by the remainder obtained by subtracting the number of adjacent 45888  
district or other district joint vocational students from the 45889  
number of adjacent district or other district students enrolled in 45890  
the district, as reported under division (A)(1) of this section; 45891

(2) The excess costs computed in accordance with division (E) 45892  
of this section for any adjacent district or other district 45893  
students, except for any adjacent or other district joint 45894  
vocational students, receiving special education and related 45895  
services in the district; 45896

(3) For the full-time equivalent number of the adjacent or 45897  
other district students who are not adjacent district or other 45898  
district joint vocational students and are reported under division 45899  
(A)(1)(c) of this section as enrolled in ~~vocational~~ 45900

career-technical education programs or classes described in 45901  
section 3317.014 of the Revised Code, an amount equal to ~~\$5,732~~ 45902  
the formula amount times the applicable multiple prescribed by 45903  
that section; 45904

(4) An amount equal to the number of adjacent district or 45905  
other district joint vocational students reported under division 45906  
(A)(1) of this section multiplied by an amount equal to twenty per 45907  
cent of the ~~adjusted~~ formula amount. 45908

(D) To the payments made to a joint vocational school 45909  
district under Chapter 3317. of the Revised Code, the department 45910  
of education shall add, for each adjacent district or other 45911  
district joint vocational student reported under division (A)(2) 45912  
of this section, both of the following: 45913

(1) The ~~adjusted~~ formula amount; 45914

(2) An amount equal to the full-time equivalent number of 45915  
students reported pursuant to division (A)(2)(b) of this section 45916  
times ~~\$5,732~~ the formula amount times the applicable multiple 45917  
prescribed by section 3317.014 of the Revised Code. 45918

(E)(1) A city, exempted village, or local school board 45919  
providing special education and related services to an adjacent or 45920  
other district student in accordance with an IEP shall, pursuant 45921  
to rules of the state board, compute the excess costs to educate 45922  
such student as follows: 45923

(a) Subtract the ~~adjusted~~ formula amount from the actual 45924  
costs to educate the student; 45925

(b) From the amount computed under division (E)(1)(a) of this 45926  
section subtract the amount of any funds received by the district 45927  
under Chapter 3317. of the Revised Code to provide special 45928  
education and related services to the student. 45929

(2) The board shall report the excess costs computed under 45930

this division to the department of education. 45931

(3) If any student for whom excess costs are computed under 45932  
division (E)(1) of this section is an adjacent or other district 45933  
joint vocational student, the department of education shall add 45934  
the amount of such excess costs to the payments made under Chapter 45935  
3317. of the Revised Code to the joint vocational school district 45936  
enrolling the student. 45937

(F) As provided in division (D)(1)(b) of section 3317.03 of 45938  
the Revised Code, no joint vocational school district shall count 45939  
any adjacent or other district joint vocational student enrolled 45940  
in the district in its formula ADM certified under section 3317.03 45941  
of the Revised Code. 45942

(G) No city, exempted village, or local school district shall 45943  
receive a payment under division (C) of this section for a 45944  
student, and no joint vocational school district shall receive a 45945  
payment under division (D) of this section for a student, if for 45946  
the same school year that student is counted in the district's 45947  
formula ADM certified under section 3317.03 of the Revised Code. 45948

(H) Upon request of a parent, and provided the board offers 45949  
transportation to native students of the same grade level and 45950  
distance from school under section 3327.01 of the Revised Code, a 45951  
city, exempted village, or local school board enrolling an 45952  
adjacent or other district student shall provide transportation 45953  
for the student within the boundaries of the board's district, 45954  
except that the board shall be required to pick up and drop off a 45955  
nonhandicapped student only at a regular school bus stop 45956  
designated in accordance with the board's transportation policy. 45957  
Pursuant to rules of the state board of education, such board may 45958  
reimburse the parent from funds received for pupil transportation 45959  
under section 3317.0212 of the Revised Code, or other provisions 45960  
of law, for the reasonable cost of transportation from the 45961  
student's home to the designated school bus stop if the student's 45962

family has an income below the federal poverty line. 45963

**Sec. 3314.015.** (A) The department of education shall be 45964  
responsible for the oversight of any and all sponsors of the 45965  
community schools established under this chapter and shall provide 45966  
technical assistance to schools and sponsors in their compliance 45967  
with applicable laws and the terms of the contracts entered into 45968  
under section 3314.03 of the Revised Code and in the development 45969  
and start-up activities of those schools. In carrying out its 45970  
duties under this section, the department shall do all of the 45971  
following: 45972

(1) In providing technical assistance to proposing parties, 45973  
governing authorities, and sponsors, conduct training sessions and 45974  
distribute informational materials; 45975

(2) Approve entities to be sponsors of community schools; 45976

(3) Monitor and evaluate, as required under section 3314.016 45977  
of the Revised Code, the effectiveness of any and all sponsors in 45978  
their oversight of the schools with which they have contracted; 45979

(4) By December thirty-first of each year, issue a report to 45980  
the governor, the speaker of the house of representatives, the 45981  
president of the senate, and the chairpersons of the house and 45982  
senate committees principally responsible for education matters 45983  
regarding the effectiveness of academic programs, operations, and 45984  
legal compliance and of the financial condition of all community 45985  
schools established under this chapter and on the performance of 45986  
community school sponsors; 45987

(5) From time to time, make legislative recommendations to 45988  
the general assembly designed to enhance the operation and 45989  
performance of community schools. 45990

(B)(1) Except as provided in sections 3314.021 and 3314.027 45991  
of the Revised Code, no entity listed in division (C)(1) of 45992

section 3314.02 of the Revised Code shall enter into a preliminary 45993  
agreement under division (C)(2) of section 3314.02 of the Revised 45994  
Code until it has received approval from the department of 45995  
education to sponsor community schools under this chapter and has 45996  
entered into a written agreement with the department regarding the 45997  
manner in which the entity will conduct such sponsorship. The 45998  
department shall adopt in accordance with Chapter 119. of the 45999  
Revised Code rules containing criteria, procedures, and deadlines 46000  
for processing applications for such approval, for oversight of 46001  
sponsors, for notifying a sponsor of noncompliance with applicable 46002  
laws and administrative rules under division (F) of this section, 46003  
for revocation of the approval of sponsors under division (C) of 46004  
this section, and for entering into written agreements with 46005  
sponsors. The rules shall require an entity to submit evidence of 46006  
the entity's ability and willingness to comply with the provisions 46007  
of division (D) of section 3314.03 of the Revised Code. The rules 46008  
also shall require entities approved as sponsors on and after June 46009  
30, 2005, to demonstrate a record of financial responsibility and 46010  
successful implementation of educational programs. If an entity 46011  
seeking approval on or after June 30, 2005, to sponsor community 46012  
schools in this state sponsors or operates schools in another 46013  
state, at least one of the schools sponsored or operated by the 46014  
entity must be comparable to or better than the performance of 46015  
Ohio schools in need of continuous improvement under section 46016  
3302.03 of the Revised Code, as determined by the department. 46017

Subject to section 3314.016 of the Revised Code, an entity 46018  
that sponsors community schools may enter into preliminary 46019  
agreements and sponsor up to one hundred schools, provided each 46020  
school and the contract for sponsorship meets the requirements of 46021  
this chapter. 46022

(2) The state board of education shall determine, pursuant to 46023  
criteria specified in rules adopted in accordance with Chapter 46024

119. of the Revised Code, whether the mission proposed to be 46025  
specified in the contract of a community school to be sponsored by 46026  
a state university board of trustees or the board's designee under 46027  
division (C)(1)(e) of section 3314.02 of the Revised Code complies 46028  
with the requirements of that division. Such determination of the 46029  
state board is final. 46030

(3) The state board of education shall determine, pursuant to 46031  
criteria specified in rules adopted in accordance with Chapter 46032  
119. of the Revised Code, if any tax-exempt entity under section 46033  
501(c)(3) of the Internal Revenue Code that is proposed to be a 46034  
sponsor of a community school is an education-oriented entity for 46035  
purpose of satisfying the condition prescribed in division 46036  
(C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such 46037  
determination of the state board is final. 46038

(C) If at any time the state board of education finds that a 46039  
sponsor is not in compliance or is no longer willing to comply 46040  
with its contract with any community school or with the 46041  
department's rules for sponsorship, the state board or designee 46042  
shall conduct a hearing in accordance with Chapter 119. of the 46043  
Revised Code on that matter. If after the hearing, the state board 46044  
or designee has confirmed the original finding, the department of 46045  
education may revoke the sponsor's approval to sponsor community 46046  
schools. In that case, the department's office of Ohio school 46047  
sponsorship, established under section 3314.029 of the Revised 46048  
Code, may assume the sponsorship of any schools with which the 46049  
sponsor has contracted until the earlier of the expiration of two 46050  
school years or until a new sponsor as described in division 46051  
(C)(1) of section 3314.02 of the Revised Code is secured by the 46052  
school's governing authority. The office of Ohio school 46053  
sponsorship may extend the term of the contract in the case of a 46054  
school for which it has assumed sponsorship under this division as 46055  
necessary to accommodate the term of the department's 46056

authorization to sponsor the school specified in this division. 46057  
Community schools sponsored under this division shall not apply to 46058  
the limit on directly authorized community schools under division 46059  
(A)(3) of section 3314.029 of the Revised Code. However, nothing 46060  
in this division shall preclude a community school affected by 46061  
this division from applying for sponsorship under that section. 46062

(D) The decision of the department to disapprove an entity 46063  
for sponsorship of a community school or to revoke approval for 46064  
such sponsorship under division (C) of this section, may be 46065  
appealed by the entity in accordance with section 119.12 of the 46066  
Revised Code. 46067

(E) The department shall adopt procedures for use by a 46068  
community school governing authority and sponsor when the school 46069  
permanently closes and ceases operation, which shall include at 46070  
least procedures for data reporting to the department, handling of 46071  
student records, distribution of assets in accordance with section 46072  
3314.074 of the Revised Code, and other matters related to ceasing 46073  
operation of the school. 46074

(F)(1) In lieu of revoking a sponsor's authority to sponsor 46075  
community schools under division (C) of this section, if the 46076  
department finds that a sponsor is not in compliance with 46077  
applicable laws and administrative rules, the department shall 46078  
declare in a written notice to the sponsor the specific laws or 46079  
rules, or both, for which the sponsor is noncompliant. A sponsor 46080  
notified under division (F)(1) of this section shall respond to 46081  
the department not later than fourteen days after the notification 46082  
with a plan to remedy the conditions for which the sponsor was 46083  
found to be noncompliant. Not later than sixty days after 46084  
receiving a notification of noncompliance from the department, the 46085  
sponsor shall implement the compliance plan. If a sponsor does not 46086  
respond to the department or implement a compliance plan by the 46087  
deadlines prescribed by division (F)(1) of this section, the 46088

department shall declare in written notice to the school that the sponsor is in probationary status, and may limit the sponsor's ability to sponsor additional schools. 46089  
46090  
46091

(2) A sponsor that has been placed on probationary status under division (F)(1) of this section may apply to the department for its probationary status to be lifted. The application for a sponsor's probationary status to be lifted shall include evidence, occurring after the initial notification of noncompliance, of the sponsor's compliance with applicable laws and administrative rules. Not later than fourteen days after receiving an application from the sponsor, the department shall decide whether or not to remove the sponsor's probationary status. 46092  
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(G) In carrying out its duties under this chapter, the department shall not impose requirements on community schools or their sponsors that are not permitted by law or duly adopted rules. 46101  
46102  
46103  
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(H) This section applies to entities that sponsor conversion community schools and new start-up schools. 46105  
46106

**Sec. 3314.017.** (A) The state board of education shall 46107  
prescribe by rules, adopted in accordance with Chapter 119. of the 46108  
Revised Code, an academic performance rating and report card 46109  
system that satisfies the requirements of this section for 46110  
community schools that primarily serve students enrolled in 46111  
dropout prevention and recovery programs as described in division 46112  
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 46113  
lieu of the system prescribed under sections 3302.03 and 3314.012 46114  
of the Revised Code beginning with the 2012-2013 school year. Each 46115  
such school shall comply with the testing and reporting 46116  
requirements of the system as prescribed by the state board. 46117

(B) Nothing in this section shall at any time relieve a 46118  
school from its obligations under the "No Child Left Behind Act of 46119



2001" to make "adequate yearly progress," as both that act and 46120  
that term are defined in section 3302.01 of the Revised Code, or a 46121  
school's amenability to the provisions of section 3302.04 or 46122  
3302.041 of the Revised Code. The department shall continue to 46123  
report each school's performance as required by the act and to 46124  
enforce applicable sanctions under section 3302.04 or 3302.041 of 46125  
the Revised Code. 46126

(C) The rules adopted by the state board shall prescribe the 46127  
following performance indicators for the rating and report card 46128  
system required by this section: 46129

(1) Graduation rate for each of the following student 46130  
cohorts: 46131

(a) The number of students who graduate in four years or less 46132  
with a regular high school diploma divided by the number of 46133  
students who form the adjusted cohort for the graduating class; 46134

(b) The number of students who graduate in five years with a 46135  
regular high school diploma divided by the number of students who 46136  
form the adjusted cohort for the four-year graduation rate; 46137

(c) The number of students who graduate in six years with a 46138  
regular high school diploma divided by the number of students who 46139  
form the adjusted cohort for the four-year graduation rate; 46140

(d) The number of students who graduate in seven years with a 46141  
regular high school diploma divided by the number of students who 46142  
form the adjusted cohort for the four-year graduation rate; 46143

(e) The number of students who graduate in eight years with a 46144  
regular high school diploma divided by the number of students who 46145  
form the adjusted cohort for the four-year graduation rate. 46146

(2) The percentage of twelfth-grade students currently 46147  
enrolled in the school who have attained the designated passing 46148  
score on all of the applicable state high school achievement 46149

assessments required under division (B)(1) or (2) of section 46150  
3301.0710 of the Revised Code and other students enrolled in the 46151  
school, regardless of grade level, who are within three months of 46152  
their twenty-second birthday and have attained the designated 46153  
passing score on all of the applicable state high school 46154  
achievement assessments by their twenty-second birthday; 46155

(3) Annual measurable objectives as defined in section 46156  
3302.01 of the Revised Code; 46157

(4) Growth in student achievement in reading, or mathematics, 46158  
or both as measured by separate nationally norm-referenced 46159  
assessments that have developed appropriate standards for students 46160  
enrolled in dropout prevention and recovery programs, adopted or 46161  
approved by the state board. 46162

(D)(1) The state board's rules shall prescribe the expected 46163  
performance levels and benchmarks for each of the indicators 46164  
prescribed by division (C) of this section based on the data 46165  
gathered by the department under division (F) of this section. 46166  
Based on a school's level of attainment or nonattainment of the 46167  
expected performance levels and benchmarks for each of the 46168  
indicators, the department shall rate each school in one of the 46169  
following categories: 46170

(a) Exceeds standards; 46171

(b) Meets standards; 46172

(c) Does not meet standards. 46173

(2) The state board's rules shall establish all of the 46174  
following: 46175

(a) Not later than June 30, 2013, performance levels and 46176  
benchmarks for the indicators described in divisions (C)(1) to (3) 46177  
of this section; 46178

(b) Not later than December 31, 2014, both of the following: 46179

|                                                                                                                                                                                                                                                                                                                             |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (i) Performance levels and benchmarks for the indicator described in division (C)(4) of this section;                                                                                                                                                                                                                       | 46180<br>46181                                     |
| (ii) Standards for awarding a community school described in division (A)(4)(a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:                                                                                                                                         | 46182<br>46183<br>46184                            |
| (I) Thirty per cent of the score shall be based on the indicators described in division (C)(1) of this section that are applicable to the school year for which the overall designation is granted.                                                                                                                         | 46185<br>46186<br>46187<br>46188                   |
| (II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section.                                                                                                                                                                                                            | 46189<br>46190                                     |
| (III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section.                                                                                                                                                                                                           | 46191<br>46192                                     |
| (IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section.                                                                                                                                                                                                            | 46193<br>46194                                     |
| (3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated <del>as</del> <u>not less than</u> "meets standards."                                                                                                        | 46195<br>46196<br>46197<br>46198                   |
| The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.                                                                                                          | 46199<br>46200<br>46201<br>46202                   |
| (E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code: | 46203<br>46204<br>46205<br>46206<br>46207<br>46208 |
| (a) The graduation rates as described in divisions (C)(1)(a)                                                                                                                                                                                                                                                                | 46209                                              |

|                                                                                                                                                                                                                                                                                                 |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| to (c) of this section;                                                                                                                                                                                                                                                                         | 46210                                     |
| (b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;                                                                                            | 46211<br>46212<br>46213<br>46214          |
| (c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section;                                                                                                                                             | 46215<br>46216<br>46217                   |
| (d) Annual measurable objectives described in division (C)(3) of this section.                                                                                                                                                                                                                  | 46218<br>46219                            |
| (2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (A)(4) of section 3314.35 of the Revised Code:                                                                         | 46220<br>46221<br>46222<br>46223          |
| (a) The graduation rates described in divisions (C)(1)(a) to (d) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;                                                                                                                    | 46224<br>46225<br>46226                   |
| (b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section; | 46227<br>46228<br>46229<br>46230<br>46231 |
| (c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;                                                                                                                       | 46232<br>46233<br>46234                   |
| (d) Both of the following without an assigned rating:                                                                                                                                                                                                                                           | 46235                                     |
| (i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;                                                                                                                                                                 | 46236<br>46237<br>46238                   |
| (ii) Student outcome data, including postsecondary credit                                                                                                                                                                                                                                       | 46239                                     |

earned, nationally recognized career or technical certification, 46240  
military enlistment, job placement, and attendance rate. 46241

(3) Beginning with the 2014-2015 school year, and annually 46242  
thereafter, the department shall issue a report card for each 46243  
community school described in division (A)(4)(a) of section 46244  
3314.35 of the Revised Code that includes all of the following 46245  
performance measures, including a performance rating for each 46246  
measure as described in divisions (D)(1)(a) to (c) of this 46247  
section: 46248

(a) The graduation rates as described in division (C)(1) of 46249  
this section; 46250

(b) The percentage of twelfth-grade students and other 46251  
students who have attained a designated passing score on high 46252  
school achievement assessments as described in division (C)(2) of 46253  
this section; 46254

(c) Annual measurable objectives described in division (C)(3) 46255  
of this section, including a performance rating as described in 46256  
divisions (D)(1)(a) to (c) of this section; 46257

(d) Growth in annual student achievement in reading and 46258  
mathematics as described in division (C)(4) of this section; 46259

(e) An overall performance designation for the school 46260  
calculated under rules adopted under division (D)(2) of this 46261  
section. 46262

The department shall also include student outcome data, 46263  
including postsecondary credit earned, nationally recognized 46264  
career or technical certification, military enlistment, job 46265  
placement, attendance rate, and progress on closing achievement 46266  
gaps for each school. This information shall not be included in 46267  
the calculation of a school's performance rating. 46268

(F) In developing the rating and report card system required 46269

by this section, during the 2012-2013 and 2013-2014 school years, 46270  
the department shall gather and analyze data as determined 46271  
necessary from each community school described in division 46272  
(A)(4)(a) of section 3314.35 of the Revised Code. Each such school 46273  
shall cooperate with the department by supplying requested data 46274  
and administering required assessments, including sample 46275  
assessments for purposes of measuring student achievement growth 46276  
as described in division (C)(4) of this section. The department 46277  
shall consult with stakeholder groups in performing its duties 46278  
under this division. 46279

The department shall also identify one or more states that 46280  
have established or are in the process of establishing similar 46281  
academic performance rating systems for dropout prevention and 46282  
recovery programs and consult with the departments of education of 46283  
those states in developing the system required by this section. 46284

(G) Not later than December 31, 2014, the state board shall 46285  
review the performance levels and benchmarks for performance 46286  
indicators in the report card issued under this section and may 46287  
revise them based on the data collected under division (F) of this 46288  
section. 46289

**Sec. 3314.029.** This section establishes the Ohio school 46290  
sponsorship program. The department of education shall establish 46291  
an office of Ohio school sponsorship to perform the department's 46292  
duties prescribed by this section. 46293

(A)(1) Notwithstanding anything to the contrary in this 46294  
chapter, but subject to section 3314.20 of the Revised Code, any 46295  
person, group of individuals, or entity may apply to the 46296  
department for direct authorization to establish a community 46297  
school and, upon approval of the application, may establish the 46298  
school. Notwithstanding anything to the contrary in this chapter, 46299  
the governing authority of an existing community school, upon the 46300

expiration or termination of its contract with the school's 46301  
sponsor entered into under section 3314.03 of the Revised Code, 46302  
may apply to the department for direct authorization to continue 46303  
operating the school and, upon approval of the application, may 46304  
continue to operate the school. 46305

Each application submitted to the department shall include 46306  
the following: 46307

(a) Evidence that the applicant will be able to comply with 46308  
division (C) of this section; 46309

(b) A statement indicating that the applicant agrees to 46310  
comply with all applicable provisions of this chapter, including 46311  
the requirement to be established as a nonprofit corporation or 46312  
public benefit corporation in accordance with division (A)(1) of 46313  
section 3314.03 of the Revised Code; 46314

(c) A statement attesting that no unresolved finding of 46315  
recovery has been issued by the auditor of state against any 46316  
person, group of individuals, or entity that is a party to the 46317  
application and that no person who is party to the application has 46318  
been a member of the governing authority of any community school 46319  
that has permanently closed and against which an unresolved 46320  
finding of recovery has been issued by the auditor of state. In 46321  
the case of an application submitted by the governing authority of 46322  
an existing community school, a person who is party to the 46323  
application shall include each individual member of that governing 46324  
authority. 46325

(d) A statement that the school will be nonsectarian in its 46326  
programs, admission policies, employment practices, and all other 46327  
operations, and will not be operated by a sectarian school or 46328  
religious institution; 46329

(e) A statement of whether the school is to be created by 46330  
converting all or part of an existing public school or educational 46331

service center building or is to be a new start-up school. If it 46332  
is a converted public school or service center building, the 46333  
statement shall include a specification of any duties or 46334  
responsibilities of an employer that the board of education or 46335  
service center governing board that operated the school or 46336  
building before conversion is delegating to the governing 46337  
authority of the community school with respect to all or any 46338  
specified group of employees, provided the delegation is not 46339  
prohibited by a collective bargaining agreement applicable to such 46340  
employees. 46341

(f) A statement that the school's teachers will be licensed 46342  
in the manner prescribed by division (A)(10) of section 3314.03 of 46343  
the Revised Code; 46344

(g) A statement that the school will comply with all of the 46345  
provisions of law enumerated in divisions (A)(11)(d) and (e) of 46346  
section 3314.03 of the Revised Code and of division (A)(11)(h) of 46347  
that section, if applicable; 46348

(h) A statement that the school's graduation and curriculum 46349  
requirements will comply with division (A)(11)(f) of section 46350  
3314.03 of the Revised Code; 46351

(i) A description of each of the following: 46352

(i) The school's mission and educational program, the 46353  
characteristics of the students the school is expected to attract, 46354  
the ages and grade levels of students, and the focus of the 46355  
curriculum; 46356

(ii) The school's governing authority, which shall be in 46357  
compliance with division (E) of section 3314.02 of the Revised 46358  
Code; 46359

(iii) The school's admission and dismissal policies, which 46360  
shall be in compliance with divisions (A)(5) and (6) of section 46361  
3314.03 of the Revised Code; 46362



(iv) The school's business plan, including a five-year financial forecast; 46363  
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(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school; 46365  
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(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 46368  
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(vii) The facilities to be used by the school and their locations; 46372  
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(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division ~~(L)~~(H)(2) of section 3314.08 of the Revised Code. 46374  
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(2) Subject to division (A)(3) of this section, the department shall approve each application, unless, within thirty days after receipt of the application, the department determines that the application does not satisfy the requirements of division (A)(1) of this section and provides the applicant a written explanation of the reasons for the determination. In that case, the department shall grant the applicant thirty days to correct the insufficiencies in the application. If the department determines that the insufficiencies have been corrected, it shall approve the application. If the department determines that the insufficiencies have not been corrected, it shall deny the application and provide the applicant with a written explanation of the reasons for the denial. The denial of an application may be appealed in accordance with section 119.12 of the Revised Code. 46380  
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(3) For each of five school years, beginning with the school year that begins in the calendar year in which this section takes effect, the department may approve up to twenty applications for community schools to be established or to continue operation under division (A) of this section; however, of the twenty applications that may be approved each school year, only up to five may be for the establishment of new schools.

(4) Notwithstanding division (A)(2) of this section, the department may deny an application submitted by the governing authority of an existing community school, if a previous sponsor of that school did not renew its contract or terminated its contract with the school entered into under section 3314.03 of the Revised Code.

(B) The department and the governing authority of each community school authorized under this section shall enter into a contract under section 3314.03 of the Revised Code. Notwithstanding division (A)(13) of that section, the contract with an existing community school may begin at any time during the academic year. The length of the initial contract of any community school under this section may be for any term up to five years. The contract may be renewed in accordance with division (E) of that section. The contract may provide for the school's governing authority to pay a fee for oversight and monitoring of the school that does not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(C) The department may require a community school authorized under this section to post and file with the superintendent of public instruction a bond payable to the state or to file with the state superintendent a guarantee, which shall be used to pay the state any moneys owed by the community school in the event the school closes.

(D) Except as otherwise provided in this section, a community school authorized under this section shall comply with all applicable provisions of this chapter. The department may take any action that a sponsor may take under this chapter to enforce the school's compliance with this division and the terms of the contract entered into under division (B) of this section.

(E) Not later than December 31, 2012, and annually thereafter, the department shall issue a report on the program, including information about the number of community schools participating in the program and their compliance with the provisions of this chapter. In its fifth report, the department shall include a complete evaluation of the program and recommendations regarding the program's continuation. Each report shall be provided to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor.

**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the

school's mission, the characteristics of the students the school  
is expected to attract, the ages and grades of students, and the  
focus of the curriculum;

(3) The academic goals to be achieved and the method of  
measurement that will be used to determine progress toward those  
goals, which shall include the statewide achievement assessments;

(4) Performance standards by which the success of the school  
will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised  
Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an  
attendance policy that includes a procedure for automatically  
withdrawing a student from the school if the student without a  
legitimate excuse fails to participate in one hundred five  
consecutive hours of the learning opportunities offered to the  
student.

(7) The ways by which the school will achieve racial and  
ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of  
state. The contract shall require financial records of the school  
to be maintained in the same manner as are financial records of  
school districts, pursuant to rules of the auditor of state.  
Audits shall be conducted in accordance with section 117.10 of the  
Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including ~~the following:~~

~~(a)~~ a requirement that the school's classroom teachers be  
licensed in accordance with sections 3319.22 to 3319.31 of the  
Revised Code, except that a community school may engage

noncertificated persons to teach up to twelve hours per week 46486  
pursuant to section 3319.301 of the Revised Code+ 46487

~~(b) A requirement that each classroom teacher initially hired 46488  
by the school on or after July 1, 2013, and employed to provide 46489  
instruction in physical education hold a valid license issued 46490  
pursuant to section 3319.22 of the Revised Code for teaching 46491  
physical education. 46492~~

(11) That the school will comply with the following 46493  
requirements: 46494

(a) The school will provide learning opportunities to a 46495  
minimum of twenty-five students for a minimum of nine hundred 46496  
twenty hours per school year. 46497

(b) The governing authority will purchase liability 46498  
insurance, or otherwise provide for the potential liability of the 46499  
school. 46500

(c) The school will be nonsectarian in its programs, 46501  
admission policies, employment practices, and all other 46502  
operations, and will not be operated by a sectarian school or 46503  
religious institution. 46504

(d) The school will comply with sections 9.90, 9.91, 109.65, 46505  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 46506  
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.539, 46507  
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 46508  
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 46509  
3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 46510  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 46511  
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 46512  
3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 46513  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 46514  
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 46515  
4123., 4141., and 4167. of the Revised Code as if it were a school 46516

district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 46517  
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 46520  
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(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXVIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, adopted by the state board of education under division (J) of section 3313.603 of the Revised Code. 46522  
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(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school. 46542  
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(h) The school, unless it is an internet- or computer-based 46548

community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 46549  
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(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district. 46551  
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(12) Arrangements for providing health and other benefits to employees; 46558  
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(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section. 46560  
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(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 46564  
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(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. ~~The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of the subsidy calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code.~~ 46566  
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(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or 46578  
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not renewed pursuant to section 3314.07 of the Revised Code; 46580

(17) Whether the school is to be created by converting all or 46581  
part of an existing public school or educational service center 46582  
building or is to be a new start-up school, and if it is a 46583  
converted public school or service center building, specification 46584  
of any duties or responsibilities of an employer that the board of 46585  
education or service center governing board that operated the 46586  
school or building before conversion is delegating to the 46587  
governing authority of the community school with respect to all or 46588  
any specified group of employees provided the delegation is not 46589  
prohibited by a collective bargaining agreement applicable to such 46590  
employees; 46591

(18) Provisions establishing procedures for resolving 46592  
disputes or differences of opinion between the sponsor and the 46593  
governing authority of the community school; 46594

(19) A provision requiring the governing authority to adopt a 46595  
policy regarding the admission of students who reside outside the 46596  
district in which the school is located. That policy shall comply 46597  
with the admissions procedures specified in sections 3314.06 and 46598  
3314.061 of the Revised Code and, at the sole discretion of the 46599  
authority, shall do one of the following: 46600

(a) Prohibit the enrollment of students who reside outside 46601  
the district in which the school is located; 46602

(b) Permit the enrollment of students who reside in districts 46603  
adjacent to the district in which the school is located; 46604

(c) Permit the enrollment of students who reside in any other 46605  
district in the state. 46606

(20) A provision recognizing the authority of the department 46607  
of education to take over the sponsorship of the school in 46608  
accordance with the provisions of division (C) of section 3314.015 46609  
of the Revised Code; 46610



(21) A provision recognizing the sponsor's authority to 46611  
assume the operation of a school under the conditions specified in 46612  
division (B) of section 3314.073 of the Revised Code; 46613

(22) A provision recognizing both of the following: 46614

(a) The authority of public health and safety officials to 46615  
inspect the facilities of the school and to order the facilities 46616  
closed if those officials find that the facilities are not in 46617  
compliance with health and safety laws and regulations; 46618

(b) The authority of the department of education as the 46619  
community school oversight body to suspend the operation of the 46620  
school under section 3314.072 of the Revised Code if the 46621  
department has evidence of conditions or violations of law at the 46622  
school that pose an imminent danger to the health and safety of 46623  
the school's students and employees and the sponsor refuses to 46624  
take such action. 46625

(23) A description of the learning opportunities that will be 46626  
offered to students including both classroom-based and 46627  
non-classroom-based learning opportunities that is in compliance 46628  
with criteria for student participation established by the 46629  
department under division ~~(L)~~(H)(2) of section 3314.08 of the 46630  
Revised Code; 46631

(24) The school will comply with sections 3302.04 and 46632  
3302.041 of the Revised Code, except that any action required to 46633  
be taken by a school district pursuant to those sections shall be 46634  
taken by the sponsor of the school. However, the sponsor shall not 46635  
be required to take any action described in division (F) of 46636  
section 3302.04 of the Revised Code. 46637

(25) Beginning in the 2006-2007 school year, the school will 46638  
open for operation not later than the thirtieth day of September 46639  
each school year, unless the mission of the school as specified 46640  
under division (A)(2) of this section is solely to serve dropouts. 46641

In its initial year of operation, if the school fails to open by 46642  
the thirtieth day of September, or within one year after the 46643  
adoption of the contract pursuant to division (D) of section 46644  
3314.02 of the Revised Code if the mission of the school is solely 46645  
to serve dropouts, the contract shall be void. 46646

(B) The community school shall also submit to the sponsor a 46647  
comprehensive plan for the school. The plan shall specify the 46648  
following: 46649

(1) The process by which the governing authority of the 46650  
school will be selected in the future; 46651

(2) The management and administration of the school; 46652

(3) If the community school is a currently existing public 46653  
school or educational service center building, alternative 46654  
arrangements for current public school students who choose not to 46655  
attend the converted school and for teachers who choose not to 46656  
teach in the school or building after conversion; 46657

(4) The instructional program and educational philosophy of 46658  
the school; 46659

(5) Internal financial controls. 46660

(C) A contract entered into under section 3314.02 of the 46661  
Revised Code between a sponsor and the governing authority of a 46662  
community school may provide for the community school governing 46663  
authority to make payments to the sponsor, which is hereby 46664  
authorized to receive such payments as set forth in the contract 46665  
between the governing authority and the sponsor. The total amount 46666  
of such payments for oversight and monitoring of the school shall 46667  
not exceed three per cent of the total amount of payments for 46668  
operating expenses that the school receives from the state. 46669

(D) The contract shall specify the duties of the sponsor 46670  
which shall be in accordance with the written agreement entered 46671

into with the department of education under division (B) of 46672  
section 3314.015 of the Revised Code and shall include the 46673  
following: 46674

(1) Monitor the community school's compliance with all laws 46675  
applicable to the school and with the terms of the contract; 46676

(2) Monitor and evaluate the academic and fiscal performance 46677  
and the organization and operation of the community school on at 46678  
least an annual basis; 46679

(3) Report on an annual basis the results of the evaluation 46680  
conducted under division (D)(2) of this section to the department 46681  
of education and to the parents of students enrolled in the 46682  
community school; 46683

(4) Provide technical assistance to the community school in 46684  
complying with laws applicable to the school and terms of the 46685  
contract; 46686

(5) Take steps to intervene in the school's operation to 46687  
correct problems in the school's overall performance, declare the 46688  
school to be on probationary status pursuant to section 3314.073 46689  
of the Revised Code, suspend the operation of the school pursuant 46690  
to section 3314.072 of the Revised Code, or terminate the contract 46691  
of the school pursuant to section 3314.07 of the Revised Code as 46692  
determined necessary by the sponsor; 46693

(6) Have in place a plan of action to be undertaken in the 46694  
event the community school experiences financial difficulties or 46695  
closes prior to the end of a school year. 46696

(E) Upon the expiration of a contract entered into under this 46697  
section, the sponsor of a community school may, with the approval 46698  
of the governing authority of the school, renew that contract for 46699  
a period of time determined by the sponsor, but not ending earlier 46700  
than the end of any school year, if the sponsor finds that the 46701  
school's compliance with applicable laws and terms of the contract 46702

and the school's progress in meeting the academic goals prescribed 46703  
in the contract have been satisfactory. Any contract that is 46704  
renewed under this division remains subject to the provisions of 46705  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 46706

(F) If a community school fails to open for operation within 46707  
one year after the contract entered into under this section is 46708  
adopted pursuant to division (D) of section 3314.02 of the Revised 46709  
Code or permanently closes prior to the expiration of the 46710  
contract, the contract shall be void and the school shall not 46711  
enter into a contract with any other sponsor. A school shall not 46712  
be considered permanently closed because the operations of the 46713  
school have been suspended pursuant to section 3314.072 of the 46714  
Revised Code. 46715

Sec. 3314.042. The governing authority of each community 46716  
school shall comply with the standards for financial reporting 46717  
adopted under division (B)(2) of section 3301.07 of the Revised 46718  
Code. 46719

**Sec. 3314.05.** (A) The contract between the community school 46720  
and the sponsor shall specify the facilities to be used for the 46721  
community school and the method of acquisition. Except as provided 46722  
in divisions (B)(3) and (4) of this section, no community school 46723  
shall be established in more than one school district under the 46724  
same contract. 46725

(B) Division (B) of this section shall not apply to internet- 46726  
or computer-based community schools. 46727

(1) A community school may be located in multiple facilities 46728  
under the same contract only if the limitations on availability of 46729  
space prohibit serving all the grade levels specified in the 46730  
contract in a single facility or division (B)(2), (3), or (4) of 46731  
this section applies to the school. The school shall not offer the 46732

same grade level classrooms in more than one facility. 46733

(2) A community school may be located in multiple facilities 46734  
under the same contract and, notwithstanding division (B)(1) of 46735  
this section, may assign students in the same grade level to 46736  
multiple facilities, as long as all of the following apply: 46737

~~(a) The governing authority of the community school filed a 46738  
copy of its contract with the school's sponsor under section 46739  
3314.03 of the Revised Code with the superintendent of public 46740  
instruction on or before May 15, 2008. 46741~~

~~(b) The school was not open for operation prior to July 1, 46742  
2008. 46743~~

~~(e)~~ The governing authority has entered into and maintains a 46744  
contract with an operator of the type described in division 46745  
(A)(8)(b) of section 3314.02 of the Revised Code. 46746

~~(d)~~(b) The contract with that operator qualified the school 46747  
to be established pursuant to division (A) of former section 46748  
3314.016 of the Revised Code. 46749

~~(e)~~(c) The school's rating under section 3302.03 of the 46750  
Revised Code does not fall below a combination of any of the 46751  
following for two or more consecutive years: 46752

(i) A rating of "in need of continuous improvement" under 46753  
section 3302.03 of the Revised Code, as that section existed prior 46754  
to ~~the effective date of this section~~ March 22, 2013; 46755

(ii) For the 2012-2013 and 2013-2014 school years, a rating 46756  
of "C" for both the performance index score under division 46757  
(A)(1)(b) or (B)(1)(b) and the value-added dimension under 46758  
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 46759  
Code; or if the building serves only grades ten through twelve, 46760  
the building received a grade of "C" for the performance index 46761  
score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of 46762

the Revised Code; 46763

(iii) For the 2014-2015 school year and for any school year 46764  
thereafter, an overall grade of "C" under division (C)(3) of 46765  
section 3302.03 of the Revised Code or an overall performance 46766  
designation of "meets standards" under division (E)(3)(e) of 46767  
section 3314.017 of the Revised Code. 46768

(3) A new start-up community school may be established in two 46769  
school districts under the same contract if all of the following 46770  
apply: 46771

(a) At least one of the school districts in which the school 46772  
is established is a challenged school district; 46773

(b) The school operates not more than one facility in each 46774  
school district and, in accordance with division (B)(1) of this 46775  
section, the school does not offer the same grade level classrooms 46776  
in both facilities; and 46777

(c) Transportation between the two facilities does not 46778  
require more than thirty minutes of direct travel time as measured 46779  
by school bus. 46780

In the case of a community school to which division (B)(3) of 46781  
this section applies, if only one of the school districts in which 46782  
the school is established is a challenged school district, that 46783  
district shall be considered the school's primary location and the 46784  
district in which the school is located for the purposes of 46785  
division (A)(19) of section 3314.03 and divisions (C) and (H) of 46786  
section 3314.06 of the Revised Code and for all other purposes of 46787  
this chapter. If both of the school districts in which the school 46788  
is established are challenged school districts, the school's 46789  
governing authority shall designate one of those districts to be 46790  
considered the school's primary location and the district in which 46791  
the school is located for the purposes of those divisions and all 46792  
other purposes of this chapter and shall notify the department of 46793

education of that designation. 46794

(4) A community school may be located in multiple facilities 46795  
under the same contract and, notwithstanding division (B)(1) of 46796  
this section, may assign students in the same grade level to 46797  
multiple facilities, as long as both of the following apply: 46798

(a) The facilities are all located in the same county. 46799

(b) Either of the following conditions are satisfied: 46800

(i) The community school is sponsored by a board of education 46801  
of a city, local, or exempted village school district having 46802  
territory in the same county where the facilities of the community 46803  
school are located; 46804

(ii) The community school is managed by an operator. 46805

In the case of a community school to which division (B)(4) of 46806  
this section applies and that maintains facilities in more than 46807  
one school district, the school's governing authority shall 46808  
designate one of those districts to be considered the school's 46809  
primary location and the district in which the school is located 46810  
for the purposes of division (A)(19) of section 3314.03 and 46811  
divisions (C) and (H) of section 3314.06 of the Revised Code and 46812  
for all other purposes of this chapter and shall notify the 46813  
department of that designation. 46814

(5) Any facility used for a community school shall meet all 46815  
health and safety standards established by law for school 46816  
buildings. 46817

(C) In the case where a community school is proposed to be 46818  
located in a facility owned by a school district or educational 46819  
service center, the facility may not be used for such community 46820  
school unless the district or service center board owning the 46821  
facility enters into an agreement for the community school to 46822  
utilize the facility. Use of the facility may be under any terms 46823

and conditions agreed to by the district or service center board 46824  
and the school. 46825

(D) Two or more separate community schools may be located in 46826  
the same facility. 46827

(E) In the case of a community school that is located in 46828  
multiple facilities, beginning July 1, 2012, the department shall 46829  
assign a unique identification number to the school and to each 46830  
facility maintained by the school. Each number shall be used for 46831  
identification purposes only. Nothing in this division shall be 46832  
construed to require the department to calculate the amount of 46833  
funds paid under this chapter, or to compute any data required for 46834  
the report cards issued under section 3314.012 of the Revised 46835  
Code, for each facility separately. The department shall make all 46836  
such calculations or computations for the school as a whole. 46837

**Sec. 3314.06.** The governing authority of each community 46838  
school established under this chapter shall adopt admission 46839  
procedures that specify the following: 46840

(A) That, except as otherwise provided in this section, 46841  
admission to the school shall be open to any individual age five 46842  
to twenty-two entitled to attend school pursuant to section 46843  
3313.64 or 3313.65 of the Revised Code in a school district in the 46844  
state. 46845

Additionally, except as otherwise provided in this section, 46846  
admission to the school may be open on a tuition basis to any 46847  
individual age five to twenty-two who is not a resident of this 46848  
state. The school shall not receive state funds under section 46849  
3314.08 of the Revised Code for any student who is not a resident 46850  
of this state. 46851

An individual younger than five years of age may be admitted 46852  
to the school in accordance with division (A)(2) of section 46853



3321.01 of the Revised Code. 46854

(B)(1) That admission to the school may be limited to 46855  
students who have attained a specific grade level or are within a 46856  
specific age group; to students that meet a definition of 46857  
"at-risk," as defined in the contract; to residents of a specific 46858  
geographic area within the district, as defined in the contract; 46859  
or to separate groups of autistic students and nondisabled 46860  
students, as authorized in section 3314.061 of the Revised Code 46861  
and as defined in the contract. 46862

(2) For purposes of division (B)(1) of this section, 46863  
"at-risk" students may include those students identified as gifted 46864  
students under section 3324.03 of the Revised Code. 46865

(C) Whether enrollment is limited to students who reside in 46866  
the district in which the school is located or is open to 46867  
residents of other districts, as provided in the policy adopted 46868  
pursuant to the contract. 46869

(D)(1) That there will be no discrimination in the admission 46870  
of students to the school on the basis of race, creed, color, 46871  
disability, or sex except that: 46872

(a) The governing authority may do either of the following 46873  
for the purpose described in division (G) of this section: 46874

(i) Establish a single-gender school for either sex; 46875

(ii) Establish single-gender schools for each sex under the 46876  
same contract, provided substantially equal facilities and 46877  
learning opportunities are offered for both boys and girls. Such 46878  
facilities and opportunities may be offered for each sex at 46879  
separate locations. 46880

(b) The governing authority may establish a school that 46881  
simultaneously serves a group of students identified as autistic 46882  
and a group of students who are not disabled, as authorized in 46883

section 3314.061 of the Revised Code. However, unless the total 46884  
capacity established for the school has been filled, no student 46885  
with any disability shall be denied admission on the basis of that 46886  
disability. 46887

(2) That upon admission of any student with a disability, the 46888  
community school will comply with all federal and state laws 46889  
regarding the education of students with disabilities. 46890

(E) That the school may not limit admission to students on 46891  
the basis of intellectual ability, measures of achievement or 46892  
aptitude, or athletic ability, except that a school may limit its 46893  
enrollment to students as described in division (B) of this 46894  
section. 46895

(F) That the community school will admit the number of 46896  
students that does not exceed the capacity of the school's 46897  
programs, classes, grade levels, or facilities. 46898

(G) That the purpose of single-gender schools that are 46899  
established shall be to take advantage of the academic benefits 46900  
some students realize from single-gender instruction and 46901  
facilities and to offer students and parents residing in the 46902  
district the option of a single-gender education. 46903

(H) That, except as otherwise provided under division (B) of 46904  
this section or section 3314.061 of the Revised Code, if the 46905  
number of applicants exceeds the capacity restrictions of division 46906  
(F) of this section, students shall be admitted by lot from all 46907  
those submitting applications, except preference shall be given to 46908  
students attending the school the previous year and to students 46909  
who reside in the district in which the school is located. 46910  
Preference may be given to siblings of students attending the 46911  
school the previous year. 46912

Notwithstanding divisions (A) to (H) of this section, in the 46913  
event the racial composition of the enrollment of the community 46914

school is violative of a federal desegregation order, the 46915  
community school shall take any and all corrective measures to 46916  
comply with the desegregation order. 46917

**Sec. 3314.072.** The provisions of this section are enacted to 46918  
promote the public health, safety, and welfare by establishing 46919  
procedures under which the governing authorities of community 46920  
schools established under this chapter will be held accountable 46921  
for their compliance with the terms of the contracts they enter 46922  
into with their school's sponsors and the law relating to the 46923  
school's operation. Suspension of the operation of a school 46924  
imposed under this section is intended to encourage the governing 46925  
authority's compliance with the terms of the school's contract and 46926  
the law and is not intended to be an alteration of the terms of 46927  
that contract. 46928

(A) If a sponsor of a community school established under this 46929  
chapter suspends the operation of that school pursuant to 46930  
procedures set forth in this section, the governing authority 46931  
shall not operate that school while the suspension is in effect. 46932  
Any such suspension shall remain in effect until the sponsor 46933  
notifies the governing authority that it is no longer in effect. 46934  
The contract of a school of which operation is suspended under 46935  
this section also may be subject to termination or nonrenewal 46936  
under section 3314.07 of the Revised Code. 46937

(B) If at any time conditions at the school do not comply 46938  
with a health and safety standard established by law for school 46939  
buildings, the sponsor shall immediately suspend the operation of 46940  
the school pursuant to procedures set forth in division (D) of 46941  
this section. If the sponsor fails to take action to suspend the 46942  
operation of a school to which this division applies, the 46943  
department of education may take such action. 46944

(C)(1) For any of the reasons prescribed in division 46945

(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 46946  
sponsor of a community school established under this chapter may 46947  
suspend the operation of the school only if it first issues to the 46948  
governing authority notice of the sponsor's intent to suspend the 46949  
operation of the contract. Such notice shall explain the reasons 46950  
for the sponsor's intent to suspend operation of the contract and 46951  
shall provide the school's governing authority with five business 46952  
days to submit to the sponsor a proposal to remedy the conditions 46953  
cited as reasons for the suspension. 46954

(2) The sponsor shall promptly review any proposed remedy 46955  
timely submitted by the governing authority and either approve or 46956  
disapprove the remedy. If the sponsor disapproves the remedy 46957  
proposed by the governing authority, if the governing authority 46958  
fails to submit a proposed remedy in the manner prescribed by the 46959  
sponsor, or if the governing authority fails to implement the 46960  
remedy as approved by the sponsor, the sponsor may suspend 46961  
operation of the school pursuant to procedures set forth in 46962  
division (D) of this section. 46963

(D)(1) If division (B) of this section applies or if the 46964  
sponsor of a community school established under this chapter 46965  
decides to suspend the operation of a school as permitted in 46966  
division (C)(2) of this section, the sponsor shall promptly send 46967  
written notice to the governing authority stating that the 46968  
operation of the school is immediately suspended, and explaining 46969  
the specific reasons for the suspension. The notice shall state 46970  
that the governing authority has five business days to submit a 46971  
proposed remedy to the conditions cited as reasons for the 46972  
suspension or face potential contract termination. 46973

(2) Upon receipt of the notice of suspension prescribed under 46974  
division (D)(1) of this section, the governing authority shall 46975  
immediately notify the employees of the school and the parents of 46976  
the students enrolled in the school of the suspension and the 46977

reasons therefore, and shall cease all school operations on the 46978  
next business day. 46979

(E) If the sponsor of a community school suspends the 46980  
operation of that school pursuant to procedures set forth in this 46981  
section, the school's contract with the sponsor under section 46982  
3314.03 of the Revised Code shall become void, if the governing 46983  
authority of the school fails to provide a proposal to remedy the 46984  
conditions cited by the sponsor as reasons for the suspension, to 46985  
the satisfaction of the sponsor, by the thirtieth day of September 46986  
of the school year immediately following the school year in which 46987  
the operation of school was suspended. 46988

**Sec. 3314.074.** Divisions (A) and (B) of this section apply 46989  
only to the extent permitted under Chapter 1702. of the Revised 46990  
Code. 46991

(A) If any community school established under this chapter 46992  
permanently closes and ceases its operation as a community school, 46993  
the assets of that school shall be distributed first to the 46994  
retirement funds of employees of the school, employees of the 46995  
school, and private creditors who are owed compensation, and then 46996  
any remaining funds shall be paid to the department of education 46997  
for redistribution to the school districts in which the students 46998  
who were enrolled in the school at the time it ceased operation 46999  
were entitled to attend school under section 3313.64 or 3313.65 of 47000  
the Revised Code. The amount distributed to each school district 47001  
shall be proportional to the district's share of the total 47002  
enrollment in the community school. 47003

(B) If a community school closes and ceases to operate as a 47004  
community school and the school has received computer hardware or 47005  
software from the former Ohio SchoolNet commission or the former 47006  
eTech Ohio commission, such hardware or software shall be ~~returned~~ 47007  
turned over to the ~~eTech Ohio commission~~ department of education, 47008

and the ~~eTech Ohio commission~~ which shall redistribute the 47009  
hardware and software, to the extent such redistribution is 47010  
possible, to school districts in conformance with the provisions 47011  
of the programs as they were operated and administered by the 47012  
former eTech Ohio commission. 47013

(C) If the assets of the school are insufficient to pay all 47014  
persons or entities to whom compensation is owed, the 47015  
prioritization of the distribution of the assets to individual 47016  
persons or entities within each class of payees may be determined 47017  
by decree of a court in accordance with this section and Chapter 47018  
1702. of the Revised Code. 47019

~~Sec. 3314.08. The deductions under division (C) and the 47020  
payments under division (D) of this section for fiscal years 2012 47021  
and 2013 shall be made in accordance with section 3314.088 of the 47022  
Revised Code.~~ 47023

(A) As used in this section: 47024

(1) ~~"Base formula amount" means the amount specified as such 47025  
in a community school's financial plan for a school year pursuant 47026  
to division (A)(15) of section 3314.03 of the Revised Code.~~ 47027

~~(2) "IEP" has the same meaning as in section 3323.01 of the 47028  
Revised Code.~~ 47029

~~(3) "Applicable special education weight" means the multiple 47030  
specified in section 3317.013 of the Revised Code for a disability 47031  
described in that section.~~ 47032

~~(4) "Applicable vocational education weight" means:~~ 47033

~~(a) For a student enrolled in vocational education programs 47034  
or classes described in division (A) of section 3317.014 of the 47035  
Revised Code, the multiple specified in that division;~~ 47036

~~(b) For a student enrolled in vocational education programs 47037  
or classes described in division (B) of section 3317.014 of the 47038~~

~~Revised Code, the multiple specified in that division.~~ 47039

~~(5) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.~~ 47040  
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~~(6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.~~ 47043  
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~~(7) "Poverty based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty based assistance a community school is entitled to receive pursuant to divisions (D)(5) to (9) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.~~ 47047  
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~~(8) "All day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.~~ 47053  
47054

~~(9)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.~~ 47055  
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~~(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.~~ 47059  
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~~(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.~~ 47062  
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~~(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.~~ 47065  
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~~(e) "Category five career-technical education student" means~~ 47068

a student who is receiving the career-technical education services 47069  
described in division (E) of section 3317.014 of the Revised Code. 47070

(2)(a) "Category one limited English proficient student" 47071  
means a limited English proficient student described in division 47072  
(A) of section 3317.016 of the Revised Code. 47073

(b) "Category two limited English proficient student" means a 47074  
limited English proficient student described in division (B) of 47075  
section 3317.016 of the Revised Code. 47076

(c) "Category three limited English proficient student" means 47077  
a limited English proficient student described in division (C) of 47078  
section 3317.016 of the Revised Code. 47079

(3)(a) "Category one special education student" means a 47080  
student who is receiving special education services for a 47081  
disability specified in division (A) of section 3317.013 of the 47082  
Revised Code. 47083

(b) "Category two special education student" means a student 47084  
who is receiving special education services for a disability 47085  
specified in division (B) of section 3317.013 of the Revised Code. 47086

(c) "Category three special education student" means a 47087  
student who is receiving special education services for a 47088  
disability specified in division (C) of section 3317.013 of the 47089  
Revised Code. 47090

(d) "Category four special education student" means a student 47091  
who is receiving special education services for a disability 47092  
specified in division (D) of section 3317.013 of the Revised Code. 47093

(e) "Category five special education student" means a student 47094  
who is receiving special education services for a disability 47095  
specified in division (E) of section 3317.013 of the Revised Code. 47096

(f) "Category six special education student" means a student 47097  
who is receiving special education services for a disability 47098



|                                                                                      |       |
|--------------------------------------------------------------------------------------|-------|
| <u>specified in division (F) of section 3317.013 of the Revised Code.</u>            | 47099 |
| <u>(4) "Formula amount" has the same meaning as in section</u>                       | 47100 |
| <u>3317.02 of the Revised Code.</u>                                                  | 47101 |
| <u>(5) "IEP" has the same meaning as in section 3323.01 of the</u>                   | 47102 |
| <u>Revised Code.</u>                                                                 | 47103 |
| <u>(6) "Resident district" means the school district in which a</u>                  | 47104 |
| <u>student is entitled to attend school under section 3313.64 or</u>                 | 47105 |
| <u>3313.65 of the Revised Code.</u>                                                  | 47106 |
| <u>(7) "State education aid" has the same meaning as in section</u>                  | 47107 |
| <u>5751.20 of the Revised Code.</u>                                                  | 47108 |
| (B) The state board of education shall adopt rules requiring                         | 47109 |
| both of the following:                                                               | 47110 |
| (1) The board of education of each city, exempted village,                           | 47111 |
| and local school district to annually report the number of                           | 47112 |
| students entitled to attend school in the district who are                           | 47113 |
| enrolled in <del>grades one</del> <u>each grade kindergarten</u> through twelve in a | 47114 |
| community school established under this chapter, <del>the number of</del>            | 47115 |
| <del>students entitled to attend school in the district who are</del>                | 47116 |
| <del>enrolled in kindergarten in a community school, the number of</del>             | 47117 |
| <del>those kindergartners who are enrolled in all-day kindergarten in</del>          | 47118 |
| <del>their community school,</del> and for each child, the community school          | 47119 |
| in which the child is enrolled.                                                      | 47120 |
| (2) The governing authority of each community school                                 | 47121 |
| established under this chapter to annually report all of the                         | 47122 |
| following:                                                                           | 47123 |
| (a) The number of students enrolled in grades one through                            | 47124 |
| twelve and the <u>full-time equivalent</u> number of students enrolled in            | 47125 |
| kindergarten in the school who are not receiving special education                   | 47126 |
| and related services pursuant to an IEP;                                             | 47127 |
| (b) The number of enrolled students in grades one through                            | 47128 |

twelve and the full-time equivalent number of enrolled students in 47129  
kindergarten, who are receiving special education and related 47130  
services pursuant to an IEP; 47131

(c) The number of students reported under division (B)(2)(b) 47132  
of this section receiving special education and related services 47133  
pursuant to an IEP for a disability described in each of divisions 47134  
(A) to (F) of section 3317.013 of the Revised Code; 47135

(d) The full-time equivalent number of students reported 47136  
under divisions (B)(2)(a) and (b) of this section who are enrolled 47137  
in ~~vocational~~ career-technical education programs or classes 47138  
described in each of divisions (A) ~~and (B)~~ to (E) of section 47139  
3317.014 of the Revised Code that are provided by the community 47140  
school; 47141

(e) Twenty per cent of the number of students reported under 47142  
divisions (B)(2)(a) and (b) of this section who are not reported 47143  
under division (B)(2)(d) of this section but who are enrolled in 47144  
~~vocational~~ career-technical education programs or classes 47145  
described in each of divisions (A) ~~and (B)~~ to (E) of section 47146  
3317.014 of the Revised Code at a joint vocational school district 47147  
~~under a contract between the community school and the joint~~ 47148  
~~vocational school district and are entitled to attend school in a~~ 47149  
~~city, local, or exempted village school district whose territory~~ 47150  
~~is part of the territory of the joint vocational school district~~ 47151  
~~or another district in the career-technical planning district to~~ 47152  
which the school is assigned; 47153

~~(f) The number of enrolled preschool children with~~ 47154  
~~disabilities receiving special education services in a~~ 47155  
~~state-funded unit;~~ 47156

~~(g) The community school's base formula amount;~~ 47157

~~(h) The number of students reported under divisions (B)(2)(a)~~ 47158  
~~and (b) of this section who are category one to three limited~~ 47159

English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code; 47160  
47161

(g) The number of students reported under divisions (B)(2)(a) and (b) who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income. 47162  
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(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school+ 47167  
47168

~~(i) Any poverty based assistance reduction factor that applies to a school year under section 3313.64 or 3313.65 of the Revised Code.~~ 47169  
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A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code. 47172  
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A governing authority of a community school shall not include in its report under division (B)(2) of this section any student for whom tuition is charged under division (F) of this section. 47176  
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~~(C) From the state education aid calculated for a city, exempted village, or local school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract the sum of the amounts described in divisions (C)(1) to (9) of this section. However, when deducting payments on behalf of students enrolled in internet or computer based community schools, the department shall deduct only those amounts described in divisions (C)(1) and (2) of this section. Furthermore, the aggregate amount deducted under this division shall not exceed the sum of the district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code.~~ 47179  
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~~(1) An amount equal to the sum of the amounts obtained when, 47191  
for each community school where the district's students are 47192  
enrolled, the number of the district's students reported under 47193  
divisions (B)(2)(a), (b), and (c) of this section who are enrolled 47194  
in grades one through twelve, and one half the number of students 47195  
reported under those divisions who are enrolled in kindergarten, 47196  
in that community school is multiplied by the sum of the base 47197  
formula amount of that community school plus the per pupil amount 47198  
of the base funding supplements specified in divisions (C)(1) to 47199  
(4) of section 3317.012 of the Revised Code. 47200~~

~~(2) The sum of the amounts calculated under divisions 47201  
(C)(2)(a) and (b) of this section. 47202~~

~~(a) For each of the district's students reported under 47203  
division (B)(2)(c) of this section as enrolled in a community 47204  
school in grades one through twelve and receiving special 47205  
education and related services pursuant to an IEP for a disability 47206  
described in section 3317.013 of the Revised Code, the product of 47207  
the applicable special education weight times the community 47208  
school's base formula amount. 47209~~

~~(b) For each of the district's students reported under 47210  
division (B)(2)(c) of this section as enrolled in kindergarten in 47211  
a community school and receiving special education and related 47212  
services pursuant to an IEP for a disability described in section 47213  
3317.013 of the Revised Code, one half of the amount calculated as 47214  
prescribed in division (C)(2)(a) of this section. 47215~~

~~(3) For each of the district's students reported under 47216  
division (B)(2)(d) of this section for whom payment is made under 47217  
division (D)(4) of this section, the amount of that payment. 47218~~

~~(4) An amount equal to the sum of the amounts obtained when, 47219  
for each community school where the district's students are 47220  
enrolled, the number of the district's students enrolled in that 47221~~

~~community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty based assistance the school district receives that year pursuant to division (C) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school. The per pupil amount of that aid for the district shall be calculated by the department.~~

~~(5) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP;~~

~~(b) One half of the district's students who are enrolled in all day or any other kindergarten class in that community school and who are not receiving special education and related services pursuant to an IEP;~~

~~(c) One half of the district's students who are enrolled in all day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP.~~

~~The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.~~

~~(6) An amount equal to the sum of the amounts obtained when,~~

~~for each community school where the district's students are 47253  
enrolled, the district's per pupil amount received under division 47254  
(F) of section 3317.029 of the Revised Code, as adjusted by any 47255  
poverty based assistance reduction factor of that community 47256  
school, is multiplied by the number of the district's students 47257  
enrolled in the community school who are identified as 47258  
limited English proficient. 47259~~

~~(7) An amount equal to the sum of the amounts obtained when, 47260  
for each community school where the district's students are 47261  
enrolled, the district's per pupil amount received under division 47262  
(G) of section 3317.029 of the Revised Code, as adjusted by any 47263  
poverty based assistance reduction factor of that community 47264  
school, is multiplied by the sum of the following: 47265~~

~~(a) The number of the district's students enrolled in grades 47266  
one through twelve in that community school; 47267~~

~~(b) One half of the number of the district's students 47268  
enrolled in kindergarten in that community school. 47269~~

~~The district's per pupil amount under division (G) of section 47270  
3317.029 of the Revised Code is the district's amount per teacher 47271  
calculated under division (G)(1) or (2) of that section divided by 47272  
17. 47273~~

~~(8) An amount equal to the sum of the amounts obtained when, 47274  
for each community school where the district's students are 47275  
enrolled, the district's per pupil amount received under divisions 47276  
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 47277  
by any poverty based assistance reduction factor of that community 47278  
school, is multiplied by the sum of the following: 47279~~

~~(a) The number of the district's students enrolled in grades 47280  
one through twelve in that community school; 47281~~

~~(b) One half of the number of the district's students 47282  
enrolled in kindergarten in that community school. 47283~~

~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.~~

~~(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.~~

~~(D) The department shall annually pay to a community school established under this chapter the sum of the amounts described in divisions (D)(1) to (10) of this section. However, the department shall calculate and pay to each internet or computer based community school only the amounts described in divisions (D)(1) to (3) of this section. Furthermore, the sum of the payments to all community schools under divisions (D)(1), (2), and (4) to (10) of this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under those divisions for the students entitled to attend school in that district.~~

~~(1) An amount equal to the sum of the amounts obtained when the number of students enrolled in grades one through twelve, plus~~

~~one half of the kindergarten students in the school, reported 47316  
under divisions (B)(2)(a), (b), and (c) of this section who are 47317  
not receiving special education and related services pursuant to 47318  
an IEP for a disability described in section 3317.013 of the 47319  
Revised Code is multiplied by the sum of the community school's 47320  
base formula amount plus the per pupil amount of the base funding 47321  
supplements specified in divisions (C)(1) to (4) of section 47322  
3317.012 of the Revised Code. 47323~~

~~(2) The sum of the following amounts: 47324~~

~~(a) For each student reported under division (B)(2)(c) of 47325  
this section as enrolled in the school in grades one through 47326  
twelve and receiving special education and related services 47327  
pursuant to an IEP for a disability described in section 3317.013 47328  
of the Revised Code, the following amount: 47329~~

~~(the school's base formula amount plus 47330  
the per pupil amount of the base funding supplements specified in 47331  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 47332  
+ (the applicable special education weight X the 47333  
community school's base formula amount); 47334~~

~~(b) For each student reported under division (B)(2)(c) of 47335  
this section as enrolled in kindergarten and receiving special 47336  
education and related services pursuant to an IEP for a disability 47337  
described in section 3317.013 of the Revised Code, one half of the 47338  
amount calculated under the formula prescribed in division 47339  
(D)(2)(a) of this section. 47340~~

~~(3) An amount received from federal funds to provide special 47341  
education and related services to students in the community 47342  
school, as determined by the superintendent of public instruction. 47343~~

~~(4) For each student reported under division (B)(2)(d) of 47344  
this section as enrolled in vocational education programs or 47345  
classes that are described in section 3317.014 of the Revised 47346~~



~~Code, are provided by the community school, and are comparable as 47347  
determined by the superintendent of public instruction to school 47348  
district vocational education programs and classes eligible for 47349  
state weighted funding under section 3317.014 of the Revised Code, 47350  
an amount equal to the applicable vocational education weight 47351  
times the community school's base formula amount times the 47352  
percentage of time the student spends in the vocational education 47353  
programs or classes. 47354~~

~~(5) An amount equal to the sum of the amounts obtained when, 47355  
for each school district where the community school's students are 47356  
entitled to attend school, the number of that district's students 47357  
enrolled in the community school who are included in the 47358  
district's poverty student count is multiplied by the per pupil 47359  
amount of poverty based assistance that school district receives 47360  
that year pursuant to division (C) of section 3317.029 of the 47361  
Revised Code, as adjusted by any poverty based assistance 47362  
reduction factor of the community school. The per pupil amount of 47363  
aid shall be determined as described in division (C)(4) of this 47364  
section. 47365~~

~~(6) An amount equal to the sum of the amounts obtained when, 47366  
for each school district where the community school's students are 47367  
entitled to attend school, the district's per pupil amount of aid 47368  
received under division (E) of section 3317.029 of the Revised 47369  
Code, as adjusted by any poverty based assistance reduction factor 47370  
of the community school, is multiplied by the sum of the 47371  
following: 47372~~

~~(a) The number of the district's students reported under 47373  
division (B)(2)(a) of this section who are enrolled in grades one 47374  
to three in that community school and who are not receiving 47375  
special education and related services pursuant to an IEP; 47376~~

~~(b) One half of the district's students who are enrolled in 47377  
all-day or any other kindergarten class in that community school 47378~~

~~and who are not receiving special education and related services 47379  
pursuant to an IEP; 47380~~

~~(c) One half of the district's students who are enrolled in 47381  
all-day kindergarten in that community school and who are not 47382  
receiving special education and related services pursuant to an 47383  
IEP. 47384~~

~~The district's per pupil amount of aid under division (E) of 47385  
section 3317.029 of the Revised Code shall be determined as 47386  
described in division (C)(5) of this section. 47387~~

~~(7) An amount equal to the sum of the amounts obtained when, 47388  
for each school district where the community school's students are 47389  
entitled to attend school, the number of that district's students 47390  
enrolled in the community school who are identified as 47391  
limited English proficient is multiplied by the district's per 47392  
pupil amount received under division (F) of section 3317.029 of 47393  
the Revised Code, as adjusted by any poverty based assistance 47394  
reduction factor of the community school. 47395~~

~~(8) An amount equal to the sum of the amounts obtained when, 47396  
for each school district where the community school's students are 47397  
entitled to attend school, the district's per pupil amount 47398  
received under division (G) of section 3317.029 of the Revised 47399  
Code, as adjusted by any poverty based assistance reduction factor 47400  
of the community school, is multiplied by the sum of the 47401  
following: 47402~~

~~(a) The number of the district's students enrolled in grades 47403  
one through twelve in that community school; 47404~~

~~(b) One half of the number of the district's students 47405  
enrolled in kindergarten in that community school. 47406~~

~~The district's per pupil amount under division (G) of section 47407  
3317.029 of the Revised Code shall be determined as described in 47408  
division (C)(7) of this section. 47409~~

~~(9) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~

~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~

~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section.~~

~~(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the sum of the number of that district's students enrolled in grades one through twelve, and one half of the number of that district's students enrolled in kindergarten, in the community school as reported under divisions (B)(2)(a) and (b) of this section.~~

~~(E)(1) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that~~

~~student. Upon submission of documentation for a student of the 47441  
type and in the manner prescribed, the department shall pay to the 47442  
community school an amount equal to the school's costs for the 47443  
student in excess of the threshold catastrophic costs. 47444~~

~~(2) The community school shall only report under division 47445  
(E)(1) of this section, and the department shall only pay for, the 47446  
costs of educational expenses and the related services provided to 47447  
the student in accordance with the student's individualized 47448  
education program. Any legal fees, court costs, or other costs 47449  
associated with any cause of action relating to the student may 47450  
not be included in the amount. 47451~~

~~(F) A community school may apply to the department of 47452  
education for preschool children with disabilities unit funding 47453  
the school would receive if it were a school district. Upon 47454  
request of its governing authority, a community school that 47455  
received such unit funding as a school district operated school 47456  
before it became a community school shall retain any units awarded 47457  
to it as a school district operated school provided the school 47458  
continues to meet eligibility standards for the unit. 47459~~

~~A community school shall be considered a school district and 47460  
its governing authority shall be considered a board of education 47461  
for the purpose of applying to any state or federal agency for 47462  
grants that a school district may receive under federal or state 47463  
law or any appropriations act of the general assembly. The 47464  
governing authority of a community school may apply to any private 47465  
entity for additional funds. 47466~~

~~(G)(1) Except as provided in division (C)(2) of this section, 47467  
and subject to divisions (C)(3) and (4) of this section, on a 47468  
full-time equivalency basis, for each student enrolled in a 47469  
community school established under this chapter, the department of 47470  
education annually shall deduct from the state education aid of a 47471  
student's resident district and, if necessary, from the payment 47472~~

made to the district under sections 321.24 and 323.156 of the 47473  
Revised Code and pay to the community school the sum of the 47474  
following: 47475

(a) An opportunity grant in an amount equal to the formula 47476  
amount; 47477

(b) The per pupil amount of targeted assistance funds 47478  
calculated under division (A) of section 3317.0217 of the Revised 47479  
Code for the student's resident district, as determined by the 47480  
department, X 0.25; 47481

(c) Additional state aid for special education and related 47482  
services provided under Chapter 3323. of the Revised Code as 47483  
follows: 47484

(i) If the student is a category one special education 47485  
student, the formula amount X the multiple specified in division 47486  
(A) of section 3317.013 of the Revised Code; 47487

(ii) If the student is a category two special education 47488  
student, the formula amount X the multiple specified in division 47489  
(B) of section 3317.013 of the Revised Code; 47490

(iii) If the student is a category three special education 47491  
student, the formula amount X the multiple specified in division 47492  
(C) of section 3317.013 of the Revised Code; 47493

(iv) If the student is a category four special education 47494  
student, the formula amount X the multiple specified in division 47495  
(D) of section 3317.013 of the Revised Code; 47496

(v) If the student is a category five special education 47497  
student, the formula amount X the multiple specified in division 47498  
(E) of section 3317.013 of the Revised Code; 47499

(vi) If the student is a category six special education 47500  
student, the formula amount X the multiple specified in division 47501  
(F) of section 3317.013 of the Revised Code. 47502

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|--------------------------------------------------------------------------|-------|
| <u>(d) If the student is in kindergarten through third grade, an</u>     | 47503 |
| <u>additional amount of \$300, in fiscal year 2014, and \$303, in</u>    | 47504 |
| <u>fiscal year 2015;</u>                                                 | 47505 |
| <u>(e) If the student is economically disadvantaged, an</u>              | 47506 |
| <u>additional amount equal to the following:</u>                         | 47507 |
| <u>(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X</u>     | 47508 |
| <u>(the resident district's economically disadvantaged index)</u>        | 47509 |
| <u>(f) Limited English proficiency funds as follows:</u>                 | 47510 |
| <u>(i) If the student is a category one limited English</u>              | 47511 |
| <u>proficient student, the amount specified in division (A) of</u>       | 47512 |
| <u>section 3317.016 of the Revised Code;</u>                             | 47513 |
| <u>(ii) If the student is a category two limited English</u>             | 47514 |
| <u>proficient student, the amount specified in division (B) of</u>       | 47515 |
| <u>section 3317.016 of the Revised Code;</u>                             | 47516 |
| <u>(iii) If the student is a category three limited English</u>          | 47517 |
| <u>proficient student, the amount specified in division (C) of</u>       | 47518 |
| <u>section 3317.016 of the Revised Code.</u>                             | 47519 |
| <u>(g) Career-technical education funds as follows:</u>                  | 47520 |
| <u>(i) If the student is a category one career-technical</u>             | 47521 |
| <u>education student, the formula amount X the multiple specified in</u> | 47522 |
| <u>division (A) of section 3317.014 of the Revised Code;</u>             | 47523 |
| <u>(ii) If the student is a category two career-technical</u>            | 47524 |
| <u>education student, the formula amount X the multiple specified in</u> | 47525 |
| <u>division (B) of section 3317.014 of the Revised Code;</u>             | 47526 |
| <u>(iii) If the student is a category three career-technical</u>         | 47527 |
| <u>education student, the formula amount X the multiple specified in</u> | 47528 |
| <u>division (C) of section 3317.014 of the Revised Code;</u>             | 47529 |
| <u>(iv) If the student is a category four career-technical</u>           | 47530 |
| <u>education student, the formula amount X the multiple specified in</u> | 47531 |
| <u>division (D) of section 3317.014 of the Revised Code;</u>             | 47532 |

(v) If the student is a category five career-technical education student, the formula amount X the multiple specified in division (E) of section 3317.014. 47533  
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Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval under section 3317.161 of the Revised Code. 47536  
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(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section. 47539  
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No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section. 47545  
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(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs. 47548  
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(b) The community school shall report under division (C)(3)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's 47560  
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individualized education program. Any legal fees, court costs, or 47564  
other costs associated with any cause of action relating to the 47565  
student may not be included in the amount. 47566

(4) If the sum of the payments computed under division (C)(1) 47567  
of this section for the students entitled to attend school in a 47568  
particular school district under sections 3313.64 and 3313.65 of 47569  
the Revised Code exceeds the sum of that district's state 47570  
education aid and its payment under sections 321.24 and 323.156 of 47571  
the Revised Code, the department shall calculate and apply a 47572  
proration factor to the payments to all community schools under 47573  
that division for the students entitled to attend school in that 47574  
district. 47575

(D) A board of education sponsoring a community school may 47576  
utilize local funds to make enhancement grants to the school or 47577  
may agree, either as part of the contract or separately, to 47578  
provide any specific services to the community school at no cost 47579  
to the school. 47580

~~(H)~~(E) A community school may not levy taxes or issue bonds 47581  
secured by tax revenues. 47582

~~(I)~~(F) No community school shall charge tuition for the 47583  
enrollment of any student who is a resident of this state. A 47584  
community school may charge tuition for the enrollment of any 47585  
student who is not a resident of this state. 47586

~~(J)~~(G)(1)(a) A community school may borrow money to pay any 47587  
necessary and actual expenses of the school in anticipation of the 47588  
receipt of any portion of the payments to be received by the 47589  
school pursuant to division ~~(D)~~(C) of this section. The school may 47590  
issue notes to evidence such borrowing. The proceeds of the notes 47591  
shall be used only for the purposes for which the anticipated 47592  
receipts may be lawfully expended by the school. 47593

(b) A school may also borrow money for a term not to exceed 47594



fifteen years for the purpose of acquiring facilities. 47595

(2) Except for any amount guaranteed under section 3318.50 of 47596  
the Revised Code, the state is not liable for debt incurred by the 47597  
governing authority of a community school. 47598

~~(K) For purposes of determining the number of students for 47599  
which divisions (D)(5) and (6) of this section applies in any 47600  
school year, a community school may submit to the department of 47601  
job and family services, no later than the first day of March, a 47602  
list of the students enrolled in the school. For each student on 47603  
the list, the community school shall indicate the student's name, 47604  
address, and date of birth and the school district where the 47605  
student is entitled to attend school. Upon receipt of a list under 47606  
this division, the department of job and family services shall 47607  
determine, for each school district where one or more students on 47608  
the list is entitled to attend school, the number of students 47609  
residing in that school district who were included in the 47610  
department's report under section 3317.10 of the Revised Code. The 47611  
department shall make this determination on the basis of 47612  
information readily available to it. Upon making this 47613  
determination and no later than ninety days after submission of 47614  
the list by the community school, the department shall report to 47615  
the state department of education the number of students on the 47616  
list who reside in each school district who were included in the 47617  
department's report under section 3317.10 of the Revised Code. In 47618  
complying with this division, the department of job and family 47619  
services shall not report to the state department of education any 47620  
personally identifiable information on any student. 47621~~

~~(L)~~(H) The department of education shall adjust the amounts 47622  
subtracted and paid under ~~divisions~~ division (C) and ~~(D)~~ of this 47623  
section to reflect any enrollment of students in community schools 47624  
for less than the equivalent of a full school year. The state 47625  
board of education within ninety days after April 8, 2003, shall 47626

adopt in accordance with Chapter 119. of the Revised Code rules 47627  
governing the payments to community schools under this section ~~and~~ 47628  
~~section 3314.13 of the Revised Code~~ including initial payments in 47629  
a school year and adjustments and reductions made in subsequent 47630  
periodic payments to community schools and corresponding 47631  
deductions from school district accounts as provided under 47632  
~~divisions~~ division (C) ~~and (D)~~ of this section ~~and section 3314.13~~ 47633  
~~of the Revised Code~~. For purposes of this section ~~and section~~ 47634  
~~3314.13 of the Revised Code~~: 47635

(1) A student shall be considered enrolled in the community 47636  
school for any portion of the school year the student is 47637  
participating at a college under Chapter 3365. of the Revised 47638  
Code. 47639

(2) A student shall be considered to be enrolled in a 47640  
community school for the period of time beginning on the later of 47641  
the date on which the school both has received documentation of 47642  
the student's enrollment from a parent and the student has 47643  
commenced participation in learning opportunities as defined in 47644  
the contract with the sponsor, or thirty days prior to the date on 47645  
which the student is entered into the education management 47646  
information system established under section 3301.0714 of the 47647  
Revised Code. For purposes of applying this division and divisions 47648  
~~(L)~~(H)(3) and (4) of this section to a community school student, 47649  
"learning opportunities" shall be defined in the contract, which 47650  
shall describe both classroom-based and non-classroom-based 47651  
learning opportunities and shall be in compliance with criteria 47652  
and documentation requirements for student participation which 47653  
shall be established by the department. Any student's instruction 47654  
time in non-classroom-based learning opportunities shall be 47655  
certified by an employee of the community school. A student's 47656  
enrollment shall be considered to cease on the date on which any 47657  
of the following occur: 47658

(a) The community school receives documentation from a parent 47659  
terminating enrollment of the student. 47660

(b) The community school is provided documentation of a 47661  
student's enrollment in another public or private school. 47662

(c) The community school ceases to offer learning 47663  
opportunities to the student pursuant to the terms of the contract 47664  
with the sponsor or the operation of any provision of this 47665  
chapter. 47666

Except as otherwise specified in this paragraph, beginning in 47667  
the 2011-2012 school year, any student who completed the prior 47668  
school year in an internet- or computer-based community school 47669  
shall be considered to be enrolled in the same school in the 47670  
subsequent school year until the student's enrollment has ceased 47671  
as specified in division ~~(L)~~(H)(2) of this section. The department 47672  
shall continue subtracting and paying amounts for the student 47673  
under ~~divisions~~ division (C) and ~~(D)~~ of this section without 47674  
interruption at the start of the subsequent school year. However, 47675  
if the student without a legitimate excuse fails to participate in 47676  
the first one hundred five consecutive hours of learning 47677  
opportunities offered to the student in that subsequent school 47678  
year, the student shall be considered not to have re-enrolled in 47679  
the school for that school year and the department shall 47680  
recalculate the payments to the school for that school year to 47681  
account for the fact that the student is not enrolled. 47682

(3) The department shall determine each community school 47683  
student's percentage of full-time equivalency based on the 47684  
percentage of learning opportunities offered by the community 47685  
school to that student, reported either as number of hours or 47686  
number of days, is of the total learning opportunities offered by 47687  
the community school to a student who attends for the school's 47688  
entire school year. However, no internet- or computer-based 47689  
community school shall be credited for any time a student spends 47690

participating in learning opportunities beyond ten hours within 47691  
any period of twenty-four consecutive hours. Whether it reports 47692  
hours or days of learning opportunities, each community school 47693  
shall offer not less than nine hundred twenty hours of learning 47694  
opportunities during the school year. 47695

(4) With respect to the calculation of full-time equivalency 47696  
under division ~~(L)~~(H)(3) of this section, the department shall 47697  
waive the number of hours or days of learning opportunities not 47698  
offered to a student because the community school was closed 47699  
during the school year due to disease epidemic, hazardous weather 47700  
conditions, law enforcement emergencies, inoperability of school 47701  
buses or other equipment necessary to the school's operation, 47702  
damage to a school building, or other temporary circumstances due 47703  
to utility failure rendering the school building unfit for school 47704  
use, so long as the school was actually open for instruction with 47705  
students in attendance during that school year for not less than 47706  
the minimum number of hours required by this chapter. The 47707  
department shall treat the school as if it were open for 47708  
instruction with students in attendance during the hours or days 47709  
waived under this division. 47710

~~(M)~~(I) The department of education shall reduce the amounts 47711  
paid under ~~division (D)~~ of this section to reflect payments made 47712  
to colleges under division (B) of section 3365.07 of the Revised 47713  
Code or through alternative funding agreements entered into under 47714  
rules adopted under section 3365.12 of the Revised Code. 47715

~~(N)~~(J)(1) No student shall be considered enrolled in any 47716  
internet- or computer-based community school or, if applicable to 47717  
the student, in any community school that is required to provide 47718  
the student with a computer pursuant to division (C) of section 47719  
3314.22 of the Revised Code, unless both of the following 47720  
conditions are satisfied: 47721

(a) The student possesses or has been provided with all 47722

required hardware and software materials and all such materials 47723  
are operational so that the student is capable of fully 47724  
participating in the learning opportunities specified in the 47725  
contract between the school and the school's sponsor as required 47726  
by division (A)(23) of section 3314.03 of the Revised Code; 47727

(b) The school is in compliance with division (A) of section 47728  
3314.22 of the Revised Code, relative to such student. 47729

(2) In accordance with policies adopted jointly by the 47730  
superintendent of public instruction and the auditor of state, the 47731  
department shall reduce the amounts otherwise payable under 47732  
division ~~(D)~~(C) of this section to any community school that 47733  
includes in its program the provision of computer hardware and 47734  
software materials to any student, if such hardware and software 47735  
materials have not been delivered, installed, and activated for 47736  
each such student in a timely manner or other educational 47737  
materials or services have not been provided according to the 47738  
contract between the individual community school and its sponsor. 47739

The superintendent of public instruction and the auditor of 47740  
state shall jointly establish a method for auditing any community 47741  
school to which this division pertains to ensure compliance with 47742  
this section. 47743

The superintendent, auditor of state, and the governor shall 47744  
jointly make recommendations to the general assembly for 47745  
legislative changes that may be required to assure fiscal and 47746  
academic accountability for such schools. 47747

~~(O)~~(K)(1) If the department determines that a review of a 47748  
community school's enrollment is necessary, such review shall be 47749  
completed and written notice of the findings shall be provided to 47750  
the governing authority of the community school and its sponsor 47751  
within ninety days of the end of the community school's fiscal 47752  
year, unless extended for a period not to exceed thirty additional 47753

days for one of the following reasons: 47754

(a) The department and the community school mutually agree to 47755  
the extension. 47756

(b) Delays in data submission caused by either a community 47757  
school or its sponsor. 47758

(2) If the review results in a finding that additional 47759  
funding is owed to the school, such payment shall be made within 47760  
thirty days of the written notice. If the review results in a 47761  
finding that the community school owes moneys to the state, the 47762  
following procedure shall apply: 47763

(a) Within ten business days of the receipt of the notice of 47764  
findings, the community school may appeal the department's 47765  
determination to the state board of education or its designee. 47766

(b) The board or its designee shall conduct an informal 47767  
hearing on the matter within thirty days of receipt of such an 47768  
appeal and shall issue a decision within fifteen days of the 47769  
conclusion of the hearing. 47770

(c) If the board has enlisted a designee to conduct the 47771  
hearing, the designee shall certify its decision to the board. The 47772  
board may accept the decision of the designee or may reject the 47773  
decision of the designee and issue its own decision on the matter. 47774

(d) Any decision made by the board under this division is 47775  
final. 47776

(3) If it is decided that the community school owes moneys to 47777  
the state, the department shall deduct such amount from the 47778  
school's future payments in accordance with guidelines issued by 47779  
the superintendent of public instruction. 47780

~~(P)~~(L) The department shall not subtract from a school 47781  
district's state aid account ~~under division (C) of this section~~ 47782  
and shall not pay to a community school under division ~~(D)~~(C) of 47783

this section any amount for any of the following: 47784

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school; 47785  
47786

(2) Any student who is not a resident of the state; 47787

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education. 47788  
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(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account ~~under division (C) of this section~~ and shall not pay to a community school under division ~~(D)~~(C) of this section any amount for that veteran. 47799  
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Sec. 3314.082. A community school shall be considered a school district and its governing authority shall be considered a board of education for the purpose of applying to any state or federal agency for grants that a school district may receive under 47811  
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federal or state law or any appropriations act of the general 47815  
assembly. The governing authority of a community school may apply 47816  
to any private entity for additional funds. 47817

**Sec. 3314.083.** If the department of education pays a joint 47818  
vocational school district under division ~~(G)(4)(C)(3)~~ of section 47819  
3317.16 of the Revised Code for excess costs of providing special 47820  
education and related services to a student with a disability who 47821  
is enrolled in a community school, as calculated under division 47822  
~~(G)(2)(C)(1)~~ of that section, the department shall deduct the 47823  
amount of that payment from the amount calculated for payment to 47824  
the community school under section 3314.08 of the Revised Code. 47825

**Sec. 3314.084.** (A) As used in this section: 47826

(1) "Formula ADM" has the same meaning as in section 3317.03 47827  
of the Revised Code. 47828

(2) "Home" has the same meaning as in section 3313.64 of the 47829  
Revised Code. 47830

(3) "School district of residence" has the same meaning as in 47831  
section 3323.01 of the Revised Code; however, a community school 47832  
established under this chapter is not a "school district of 47833  
residence" for purposes of this section. 47834

(B) Notwithstanding anything to the contrary in section 47835  
3314.08 or 3317.03 of the Revised Code, all of the following apply 47836  
in the case of a child who is enrolled in a community school and 47837  
is also living in a home: 47838

(1) For purposes of the report required under division (B)(1) 47839  
of section 3314.08 of the Revised Code, the child's school 47840  
district of residence, and not the school district in which the 47841  
home that the child is living in is located, shall be considered 47842  
to be the school district in which the child is entitled to attend 47843



school. That school district of residence, therefore, shall make 47844  
the report required under division (B)(1) of section 3314.08 of 47845  
the Revised Code with respect to the child. 47846

(2) For purposes of the report required under division (B)(2) 47847  
of section 3314.08 of the Revised Code, the community school shall 47848  
report the name of the child's school district of residence. 47849

(3) The child's school district of residence shall count the 47850  
child in that district's formula ADM. 47851

(4) The school district in which the home that the child is 47852  
living in is located shall not count the child in that district's 47853  
formula ADM. 47854

(5) The ~~Department~~ department of ~~Education~~ education shall 47855  
deduct the applicable amounts prescribed under division (C) of 47856  
section 3314.08 ~~and division (D) of section 3314.13~~ of the Revised 47857  
Code from the child's school district of residence and shall not 47858  
deduct those amounts from the school district in which the home 47859  
that the child is living in is located. 47860

(6) The ~~Department~~ department shall make the payments 47861  
prescribed in ~~divisions (D) and (E)~~ division (C) of section 47862  
3314.08 ~~and section 3314.13~~ of the Revised Code, as applicable, to 47863  
the community school. 47864

Sec. 3314.086. A community school established under this 47865  
chapter, including an internet- or computer-based community 47866  
school, may provide career-technical education in the manner 47867  
prescribed by section 3313.90 of the Revised Code. The community 47868  
school may contract with any public agency, board, or bureau or 47869  
with any private individual or firm for the purchase of any 47870  
career-technical education or vocational rehabilitation service 47871  
for any student enrolled in the community school and may pay for 47872  
such services with funds received under section 3314.08 of the 47873

Revised Code. 47874

**Sec. 3314.087.** (A) As used in this section: 47875

(1) "Career-technical program" means ~~vocational~~ 47876  
career-technical programs or classes described in division (A) ~~or,~~ 47877  
(B), (C), (D), or (E) of section 3317.014 of the Revised Code in 47878  
which a student is enrolled. 47879

(2) "Formula ADM," "category one ~~or two vocational~~ through 47880  
five career-technical education ADM," and "FTE basis" have the 47881  
same meanings as in section 3317.02 of the Revised Code. 47882

(3) "Resident school district" means the city, exempted 47883  
village, or local school district in which a student is entitled 47884  
to attend school under section 3313.64 or 3313.65 of the Revised 47885  
Code. 47886

(B) Notwithstanding anything to the contrary in this chapter 47887  
or Chapter 3317. of the Revised Code, a student enrolled in a 47888  
community school may simultaneously enroll in the career-technical 47889  
program operated by the student's resident school district. On an 47890  
FTE basis, the student's resident school district shall count the 47891  
student in the category one ~~or two vocational~~ through five 47892  
career-technical education ADM for the proportion of the time the 47893  
student is enrolled in the district's career-technical program 47894  
and, accordingly, the department of education shall calculate 47895  
funds under Chapter 3317. for the district attributable to the 47896  
student for the proportion of time the student attends the 47897  
career-technical program. The community school shall count the 47898  
student in its enrollment report under section 3314.08 of the 47899  
Revised Code and shall report to the department the proportion of 47900  
time that the student attends classes at the community school. The 47901  
department shall pay the community school and deduct from the 47902  
student's resident school district the amount computed for the 47903

student under section 3314.08 of the Revised Code in proportion to 47904  
the fraction of the time on an FTE basis that the student attends 47905  
classes at the community school. "Full-time equivalency" for a 47906  
community school student, as defined in division ~~(L)~~(H) of section 47907  
3314.08 of the Revised Code, does not apply to the student. 47908

**Sec. 3314.09.** (A) As used in this section and section 47909  
3314.091 of the Revised Code, "native student" means a student 47910  
entitled to attend school in the school district under section 47911  
3313.64 or 3313.65 of the Revised Code. 47912

(B) Except as provided in section 3314.091 or 3327.02 of the 47913  
Revised Code, the board of education of each city, local, and 47914  
exempted village school district shall provide transportation to 47915  
and from school for its ~~district's~~ native students in accordance 47916  
with section 3327.01 of the Revised Code. 47917

**Sec. 3314.091.** ~~(A)~~ A student who attends a community school 47918  
that provides or arranges for transporting students pursuant to 47919  
this section, or the student's parent or guardian, is not eligible 47920  
for the subsidy prescribed by section 3327.02 of the Revised Code. 47921

(A) A school district is not required to provide 47922  
transportation for any native student enrolled in a community 47923  
school if the district board of education has entered into an 47924  
agreement with the community school's governing authority that 47925  
designates the community school as responsible for providing or 47926  
arranging for the transportation of the district's native students 47927  
to and from the community school. For any such agreement to be 47928  
effective, it must be certified by the superintendent of public 47929  
instruction as having met all of the following requirements: 47930

(1) It is submitted to the department of education by a 47931  
deadline which shall be established by the department. 47932

(2) In accordance with divisions (C)(1) and (2) of this 47933

section, it specifies qualifications, such as residing a minimum 47934  
distance from the school, for students to have their 47935  
transportation provided or arranged. 47936

(3) The transportation provided by the community school is 47937  
subject to all provisions of the Revised Code and all rules 47938  
adopted under the Revised Code pertaining to pupil transportation. 47939

(4) The sponsor of the community school also has signed the 47940  
agreement. 47941

(B)(1) For the school year that begins on July 1, 2007, a 47942  
school district is not required to provide transportation for any 47943  
native student enrolled in a community school, if the community 47944  
school during the previous school year transported the students 47945  
enrolled in the school or arranged for the students' 47946  
transportation, even if that arrangement consisted of having 47947  
parents transport their children to and from the school, but did 47948  
not enter into an agreement to transport or arrange for 47949  
transportation for those students under division (A) of this 47950  
section, and if the governing authority of the community school by 47951  
July 15, 2007, submits written notification to the district board 47952  
of education stating that the governing authority is accepting 47953  
responsibility for providing or arranging for the transportation 47954  
of the district's native students to and from the community 47955  
school. 47956

(2) ~~For~~ Except as provided in division (B)(4) of this 47957  
section, for any school year subsequent to the school year that 47958  
begins on July 1, 2007, a school district is not required to 47959  
provide transportation for any native student enrolled in a 47960  
community school if the governing authority of the community 47961  
school, by the thirty-first day of January of the previous school 47962  
year, submits written notification to the district board of 47963  
education stating that the governing authority is accepting 47964  
responsibility for providing or arranging for the transportation 47965

of the district's native students to and from the community 47966  
school. If the governing authority of the community school has 47967  
previously accepted responsibility for providing or arranging for 47968  
the transportation of a district's native students to and from the 47969  
community school, under division (B)(1) or (2) of this section, 47970  
and has since relinquished that responsibility under division 47971  
(B)(3) of this section, the governing authority shall not accept 47972  
that responsibility again unless the district board consents to 47973  
the governing authority's acceptance of that responsibility. 47974

(3) A governing authority's acceptance of responsibility 47975  
under division (B)(1) or (2) of this section shall cover an entire 47976  
school year, and shall remain in effect for subsequent school 47977  
years unless the governing authority submits written notification 47978  
to the district board that the governing authority is 47979  
relinquishing the responsibility. However, a governing authority 47980  
shall not relinquish responsibility for transportation before the 47981  
end of a school year, and shall submit the notice relinquishing 47982  
responsibility by the thirty-first day of January, in order to 47983  
allow the school district reasonable time to prepare 47984  
transportation for its native students enrolled in the school. 47985

(4)(a) For any school year that begins on or after July 1, 47986  
2014, a school district is not required to provide transportation 47987  
for any native student enrolled in a community school scheduled to 47988  
open for operation in the current school year, if the governing 47989  
authority of the community school, by the fifteenth day of April 47990  
of the previous school year, submits written notification to the 47991  
district board of education stating that the governing authority 47992  
is accepting responsibility for providing or arranging for the 47993  
transportation of the district's native students to and from the 47994  
community school. 47995

(b) The governing authority of a community school that 47996  
accepts responsibility for transporting its students under 47997

division (4)(a) of this section shall comply with divisions (B)(2) 47998  
and (3) of this section to renew or relinquish that authority for 47999  
subsequent school years. 48000

(C)(1) A community school governing authority that enters 48001  
into an agreement under division (A) of this section, or that 48002  
accepts responsibility under division (B) of this section, shall 48003  
provide or arrange transportation free of any charge for each of 48004  
its enrolled students who is required to be transported under 48005  
section 3327.01 of the Revised Code or who would otherwise be 48006  
transported by the school district under the district's 48007  
transportation policy. The governing authority shall report to the 48008  
department of education the number of students transported or for 48009  
whom transportation is arranged under this section in accordance 48010  
with rules adopted by the state board of education. 48011

(2) The governing authority may provide or arrange 48012  
transportation for any other enrolled student who is not eligible 48013  
for transportation in accordance with division (C)(1) of this 48014  
section and may charge a fee for such service up to the actual 48015  
cost of the service. 48016

(3) Notwithstanding anything to the contrary in division 48017  
(C)(1) or (2) of this section, a community school governing 48018  
authority shall provide or arrange transportation free of any 48019  
charge for any disabled student enrolled in the school for whom 48020  
the student's individualized education program developed under 48021  
Chapter 3323. of the Revised Code specifies transportation. 48022

(D)(1) If a school district board and a community school 48023  
governing authority elect to enter into an agreement under 48024  
division (A) of this section, the department of education shall 48025  
make payments to the community school according to the terms of 48026  
the agreement for each student actually transported under division 48027  
(C)(1) of this section. 48028

If a community school governing authority accepts 48029  
transportation responsibility under division (B) of this section, 48030  
the department shall make payments to the community school for 48031  
each student actually transported or for whom transportation is 48032  
arranged by the community school under division (C)(1) of this 48033  
section, calculated as follows: 48034

(a) For any fiscal year which the general assembly has 48035  
specified that transportation payments to school districts be 48036  
based on an across-the-board percentage of the district's payment 48037  
for the previous school year, the per pupil payment to the 48038  
community school shall be the following quotient: 48039

(i) The total amount calculated for the school district in 48040  
which the child is entitled to attend school for student 48041  
transportation other than transportation of children with 48042  
disabilities; divided by 48043

(ii) The number of students included in the district's 48044  
transportation ADM for the current fiscal year, as reported under 48045  
division (B)~~(13)~~(19) of section 3317.03 of the Revised Code, plus 48046  
the number of students enrolled in the community school not 48047  
counted in the district's transportation ADM who are transported 48048  
under division (B)(1) or (2) of this section. 48049

(b) For any fiscal year which the general assembly has 48050  
specified that the transportation payments to school districts be 48051  
calculated in accordance with section 3317.0212 of the Revised 48052  
Code and any rules of the state board of education implementing 48053  
that section, the payment to the community school shall be the 48054  
amount so calculated that otherwise would be paid to the school 48055  
district in which the student is entitled to attend school by the 48056  
method of transportation the district would have used. The 48057  
community school, however, is not required to use the same method 48058  
to transport that student. 48059

(c) Divisions (D)(1)(a) and (b) of this section do not apply 48060  
to fiscal years 2012 and 2013. Rather, for each of those fiscal 48061  
years, the per pupil payment to a community school for 48062  
transporting a student shall be the total amount paid under former 48063  
section 3306.12 of the Revised Code for fiscal year 2011 to the 48064  
school district in which the child is entitled to attend school 48065  
divided by that district's "qualifying ridership," as defined in 48066  
that section for fiscal year 2011. 48067

As used in this division "entitled to attend school" means 48068  
entitled to attend school under section 3313.64 or 3313.65 of the 48069  
Revised Code. 48070

(2) The department shall deduct the payment under division 48071  
(D)(1) of this section from the state education aid, as defined in 48072  
section 3314.08 of the Revised Code, and, if necessary, the 48073  
payment under sections 321.14 and 323.156 of the Revised Code, 48074  
that is otherwise paid to the school district in which the student 48075  
enrolled in the community school is entitled to attend school. The 48076  
department shall include the number of the district's native 48077  
students for whom payment is made to a community school under 48078  
division (D)(1) of this section in the calculation of the 48079  
district's transportation payment under section 3317.0212 of the 48080  
Revised Code and the operating appropriations act. 48081

(3) A community school shall be paid under division (D)(1) of 48082  
this section only for students who are eligible as specified in 48083  
section 3327.01 of the Revised Code and division (C)(1) of this 48084  
section, and whose transportation to and from school is actually 48085  
provided, who actually utilized transportation arranged, or for 48086  
whom a payment in lieu of transportation is made by the community 48087  
school's governing authority. To qualify for the payments, the 48088  
community school shall report to the department, in the form and 48089  
manner required by the department, data on the number of students 48090  
transported or whose transportation is arranged, the number of 48091



miles traveled, cost to transport, and any other information 48092  
requested by the department. 48093

(4) A community school shall use payments received under this 48094  
section solely to pay the costs of providing or arranging for the 48095  
transportation of students who are eligible as specified in 48096  
section 3327.01 of the Revised Code and division (C)(1) of this 48097  
section, which may include payments to a parent, guardian, or 48098  
other person in charge of a child in lieu of transportation. 48099

(E) Except when arranged through payment to a parent, 48100  
guardian, or person in charge of a child, transportation provided 48101  
or arranged for by a community school pursuant to an agreement 48102  
under this section is subject to all provisions of the Revised 48103  
Code, and all rules adopted under the Revised Code, pertaining to 48104  
the construction, design, equipment, and operation of school buses 48105  
and other vehicles transporting students to and from school. The 48106  
drivers and mechanics of the vehicles are subject to all 48107  
provisions of the Revised Code, and all rules adopted under the 48108  
Revised Code, pertaining to drivers and mechanics of such 48109  
vehicles. The community school also shall comply with sections 48110  
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 48111  
of section 3327.16 of the Revised Code and, subject to division 48112  
(C)(1) of this section, ~~sections~~ and section 3327.01 ~~and 3327.02~~ 48113  
of the Revised Code, as if it were a school district. 48114

Sec. 3314.092. The governing authority or operator of a 48115  
community school established under this chapter shall consult with 48116  
each school district board of education that transports students 48117  
to the community school under sections 3314.09 and 3327.01 of the 48118  
Revised Code prior to making any change in the hours or days in 48119  
which the community school is open for instruction. 48120

**Sec. 3314.11.** (A) The board of education of each city, 48121

exempted village, and local school district monthly shall review 48122  
enrollment for students enrolled in community schools established 48123  
under this chapter and entitled to attend school in the district 48124  
under section 3313.64 or 3313.65 of the Revised Code. For each 48125  
student, the district shall verify to the department of education 48126  
both of the following: 48127

(1) The community school in which the student is enrolled; 48128

(2) That the student is entitled to attend school in the 48129  
district under section 3313.64 or 3313.65 of the Revised Code. 48130

(B) For purposes of its initial reporting of the school 48131  
districts its students are entitled to attend, the governing 48132  
authority of a community school may adopt a policy that prescribes 48133  
the number of documents listed in division (E) of this section 48134  
required to verify a student's residency. This policy, if adopted, 48135  
shall supersede any policy concerning the number of documents for 48136  
initial residency verification adopted by the district the student 48137  
is entitled to attend. If a community school does not adopt a 48138  
policy under this division, the policy of the school district in 48139  
which the student is entitled to attend shall prevail. 48140

(C) In making the determinations under this section, the 48141  
school district in which a parent or child resides is the location 48142  
the parent or student has established as the primary residence and 48143  
where substantial family activity takes place. 48144

(D) If a district's determination under division (A) of this 48145  
section of the school district a student is entitled to attend 48146  
under section 3313.64 or 3313.65 of the Revised Code differs from 48147  
a community school's determination under division (B) of this 48148  
section, the community school shall provide the school district 48149  
that made the determination under division (A) of this section 48150  
with documentation of the student's residency and shall make a 48151  
good faith effort to accurately identify the correct residence of 48152

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| the student.                                                                                                                                                                                                                                                                                                                                                                                                                                           | 48153 |
| (E) For purposes of this section, the following documents may serve as evidence of primary residence:                                                                                                                                                                                                                                                                                                                                                  | 48154 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48155 |
| (1) A deed, mortgage, lease, current home owner's or renter's insurance declaration page, or current real property tax bill;                                                                                                                                                                                                                                                                                                                           | 48156 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48157 |
| (2) A utility bill or receipt of utility installation issued within ninety days of enrollment;                                                                                                                                                                                                                                                                                                                                                         | 48158 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48159 |
| (3) A paycheck or paystub issued to the parent or student within ninety days of the date of enrollment that includes the address of the parent's or student's primary residence;                                                                                                                                                                                                                                                                       | 48160 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48161 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48162 |
| (4) The most current available bank statement issued to the parent or student that includes the address of the parent's or student's primary residence;                                                                                                                                                                                                                                                                                                | 48163 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48164 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48165 |
| (5) Any other official document issued to the parent or student that includes the address of the parent's or student's primary residence. The superintendent of public instruction shall develop guidelines for determining what qualifies as an "official document" under this division.                                                                                                                                                              | 48166 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48167 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48168 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48169 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48170 |
| (F) When a student loses permanent housing and becomes a homeless child or youth, as defined in 42 U.S.C. 11434a, or when a child who is such a homeless child or youth changes temporary living arrangements, the district in which the student is entitled to attend school shall be determined in accordance with division (F)(13) of section 3313.64 of the Revised Code and the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq. | 48171 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48172 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48173 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48174 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48175 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48176 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48177 |
| (G) In the event of a disagreement as to which school district a student is entitled to attend, the community school, after complying with division (D) of this section, but not more than sixty days after the monthly deadline established by the department of education for reporting of community school                                                                                                                                          | 48178 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48179 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48180 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48181 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 48182 |

enrollment, may present the matter to the superintendent of public 48183  
instruction. Not later than thirty days after the community school 48184  
presents the matter, the state superintendent, or the state 48185  
superintendent's designee, shall determine which district the 48186  
student is entitled to attend and shall direct any necessary 48187  
adjustments to payments and deductions under ~~sections~~ section 48188  
3314.08 ~~and 3314.13~~ of the Revised Code based on that 48189  
determination. 48190

**Sec. 3314.26.** (A) Each internet- or computer-based community 48191  
school shall withdraw from the school any student who, for two 48192  
consecutive school years, has failed to participate in the spring 48193  
administration of any assessment prescribed under section 48194  
3301.0710 or 3301.0712 of the Revised Code for the student's grade 48195  
level and was not excused from the assessment pursuant to division 48196  
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 48197  
of whether a waiver was granted for the student under division 48198  
~~(P)~~(L)(3) of section 3314.08 of the Revised Code. The school shall 48199  
report any such student's data verification code, as assigned 48200  
pursuant to section 3301.0714 of the Revised Code, to the 48201  
department of education. The department shall maintain a list of 48202  
all data verification codes reported under this division and 48203  
section 3313.6410 of the Revised Code and provide that list to 48204  
each internet- or computer-based community school and to each 48205  
school to which section 3313.6410 of the Revised Code applies. 48206

(B) No internet- or computer-based community school shall 48207  
receive any state funds under this chapter for any enrolled 48208  
student whose data verification code appears on the list 48209  
maintained by the department under division (A) of this section. 48210

Notwithstanding any provision of the Revised Code to the 48211  
contrary, the parent of any such student shall pay tuition to the 48212  
internet- or computer-based community school in an amount equal to 48213

the state funds the school otherwise would receive for that 48214  
student, as determined by the department. An internet- or 48215  
computer-based community school may withdraw any student for whom 48216  
the parent does not pay tuition as required by this division. 48217

Sec. 3314.29. (A) Notwithstanding anything in this chapter to 48218  
the contrary, an internet- or computer-based community school may 48219  
divide into two separate internet- or computer-based community 48220  
schools by grade level, if all of the following apply: 48221

(1) The school was in operation on or before the effective 48222  
date of this section. 48223

(2) The school offers at least grades one through eight. 48224

(3) The sponsor of the school approves dividing the school 48225  
into two separate schools under this section. 48226

(4) The school exercises the option to divide into two 48227  
separate schools under this section during either the 2013-2014 or 48228  
2014-2015 school year. 48229

(B) No school may exercise the option under this section 48230  
after the 2014-2015 school year. However, the authority of a 48231  
school that has exercised the option under this section to operate 48232  
separately as two schools continues for all subsequent school 48233  
years in which the schools are in operation. 48234

(C) An internet- or computer-based community school created 48235  
under this section shall not count toward the annual limit on new 48236  
internet- or computer-based community schools prescribed by 48237  
division (B) of section 3314.013 of the Revised Code. 48238

**Sec. 3315.40.** The board of education of a city, local, 48239  
exempted village, or joint vocational school district or the 48240  
governing board of any educational service center may establish an 48241  
education foundation fund. Moneys in the fund shall consist of 48242

proceeds paid into the fund under division (B) of section 3313.36 48243  
of the Revised Code. In addition, by resolution adopted by a 48244  
majority of its members, a city, local, exempted village, or joint 48245  
vocational board may annually direct the school district treasurer 48246  
to pay into the education foundation fund an amount from the 48247  
school district general fund not to exceed one-half of one per 48248  
cent of the total appropriations of the school district as 48249  
estimated by the board at the time the resolution is adopted or as 48250  
set forth in the annual appropriation measure as most recently 48251  
amended or supplemented; and any governing board, by resolution 48252  
adopted by a majority of its members, may annually direct the 48253  
service center treasurer to pay into the education foundation fund 48254  
an amount not to exceed one-half of one per cent of the funds 48255  
received by the governing board pursuant to an agreement entered 48256  
into under section ~~3317.11~~ 3313.843 or 3313.845 of the Revised 48257  
Code. 48258

Income from the investment of moneys in the fund shall be 48259  
paid into the fund. A board, by resolution adopted by a majority 48260  
of its members, may accept a trust created under section 3315.41 48261  
of the Revised Code for the investment of money in the educational 48262  
foundation fund and direct the school district or service center 48263  
treasurer to pay to the trustee, the initial trust principal 48264  
contemplated by the instrument creating the trust. A board that 48265  
has accepted a trust created under section 3315.41 of the Revised 48266  
Code may do any of the following by resolution adopted by a 48267  
majority of its members: direct the school district or service 48268  
center treasurer to pay additional amounts to the trust principal, 48269  
amend the trust, revoke the trust, or provide for payment of 48270  
compensation to the trustee. 48271

Moneys in the fund shall be expended only by resolution 48272  
adopted by a majority of the members of the board for operating or 48273  
capital costs of any existing or new and innovative program 48274

designed to enhance or promote education within the district or 48275  
service center, such as scholarships for students or teachers. 48276

A board of education or governing board may appoint a 48277  
committee of administrators to administer the education foundation 48278  
fund and to make recommendations for the use of the fund. Members 48279  
of the committee shall serve at the discretion of the appointing 48280  
board. Members shall receive no compensation, but may be 48281  
reimbursed for actual and necessary expenses incurred in the 48282  
performance of their official duties. 48283

**Sec. 3315.42.** Sections 3315.40 and 3315.41 of the Revised 48284  
Code do not apply to either of the following: 48285

(A) A school district that has received funds for a project 48286  
under Chapter 3318. of the Revised Code, so long as the purchase 48287  
price to be paid by the board for the state's interest in the 48288  
project has not been paid; 48289

(B) A school district that has an outstanding loan under 48290  
section 3313.483 ~~or sections 3317.62 to 3317.64~~ of the Revised 48291  
Code. 48292

**Sec. 3316.041.** (A) Notwithstanding any provision of Chapter 48293  
133. or sections 3313.483 to ~~3313.4811~~ 3313.4810 of the Revised 48294  
Code, and subject to the approval of the superintendent of public 48295  
instruction, a school district that is in a state of fiscal watch 48296  
declared under section 3316.03 of the Revised Code may restructure 48297  
or refinance loans obtained or in the process of being obtained 48298  
under section 3313.483 of the Revised Code if all of the following 48299  
requirements are met: 48300

(1) The operating deficit certified for the school district 48301  
for the current or preceding fiscal year under section 3313.483 of 48302  
the Revised Code exceeds fifteen per cent of the district's 48303  
general revenue fund for the fiscal year preceding the year for 48304

which the certification of the operating deficit is made. 48305

(2) The school district voters have, during the period of the 48306  
fiscal watch, approved the levy of a tax under section 718.09, 48307  
718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the Revised Code 48308  
that is not a renewal or replacement levy, or a levy under section 48309  
5705.199 of the Revised Code, and that will provide new operating 48310  
revenue. 48311

(3) The board of education of the school district has adopted 48312  
or amended the financial plan required by section 3316.04 of the 48313  
Revised Code to reflect the restructured or refinanced loans, and 48314  
sets forth the means by which the district will bring projected 48315  
operating revenues and expenditures, and projected debt service 48316  
obligations, into balance for the life of any such loan. 48317

(B) Subject to the approval of the superintendent of public 48318  
instruction, the school district may issue securities to evidence 48319  
the restructuring or refinancing authorized by this section. Such 48320  
securities may extend the original period for repayment not to 48321  
exceed ten years, and may alter the frequency and amount of 48322  
repayments, interest or other financing charges, and other terms 48323  
or agreements under which the loans were originally contracted, 48324  
provided the loans received under sections 3313.483 of the Revised 48325  
Code are repaid from funds the district would otherwise receive 48326  
under Chapter 3317. of the Revised Code, as required under 48327  
division (E)(3) of section 3313.483 of the Revised Code. 48328  
Securities issued for the purpose of restructuring or refinancing 48329  
under this section shall be repaid in equal payments and at equal 48330  
intervals over the term of the debt and are not eligible to be 48331  
included in any subsequent proposal to restructure or refinance. 48332

(C) Unless the district is declared to be in a state of 48333  
fiscal emergency under division (D) of section 3316.04 of the 48334  
Revised Code, a school district shall remain in a state of fiscal 48335  
watch for the duration of the repayment period of any loan 48336



restructured or refinanced under this section. 48337

**Sec. 3316.06.** (A) Within one hundred twenty days after the 48338  
first meeting of a school district financial planning and 48339  
supervision commission, the commission shall adopt a financial 48340  
recovery plan regarding the school district for which the 48341  
commission was created. During the formulation of the plan, the 48342  
commission shall seek appropriate input from the school district 48343  
board and from the community. This plan shall contain the 48344  
following: 48345

(1) Actions to be taken to: 48346

(a) Eliminate all fiscal emergency conditions declared to 48347  
exist pursuant to division (B) of section 3316.03 of the Revised 48348  
Code; 48349

(b) Satisfy any judgments, past-due accounts payable, and all 48350  
past-due and payable payroll and fringe benefits; 48351

(c) Eliminate the deficits in all deficit funds, except that 48352  
any prior year deficits in the capital and maintenance fund 48353  
established pursuant to section 3315.18 of the Revised Code shall 48354  
be forgiven; 48355

(d) Restore to special funds any moneys from such funds that 48356  
were used for purposes not within the purposes of such funds, or 48357  
borrowed from such funds by the purchase of debt obligations of 48358  
the school district with the moneys of such funds, or missing from 48359  
the special funds and not accounted for, if any; 48360

(e) Balance the budget, avoid future deficits in any funds, 48361  
and maintain on a current basis payments of payroll, fringe 48362  
benefits, and all accounts; 48363

(f) Avoid any fiscal emergency condition in the future; 48364

(g) Restore the ability of the school district to market 48365  
long-term general obligation bonds under provisions of law 48366

applicable to school districts generally. 48367

(2) The management structure that will enable the school 48368  
district to take the actions enumerated in division (A)(1) of this 48369  
section. The plan shall specify the level of fiscal and management 48370  
control that the commission will exercise within the school 48371  
district during the period of fiscal emergency, and shall 48372  
enumerate respectively, the powers and duties of the commission 48373  
and the powers and duties of the school board during that period. 48374  
The commission may elect to assume any of the powers and duties of 48375  
the school board it considers necessary, including all powers 48376  
related to personnel, curriculum, and legal issues in order to 48377  
successfully implement the actions described in division (A)(1) of 48378  
this section. 48379

(3) The target dates for the commencement, progress upon, and 48380  
completion of the actions enumerated in division (A)(1) of this 48381  
section and a reasonable period of time expected to be required to 48382  
implement the plan. The commission shall prepare a reasonable time 48383  
schedule for progress toward and achievement of the requirements 48384  
for the plan, and the plan shall be consistent with that time 48385  
schedule. 48386

(4) The amount and purpose of any issue of debt obligations 48387  
that will be issued, together with assurances that any such debt 48388  
obligations that will be issued will not exceed debt limits 48389  
supported by appropriate certifications by the fiscal officer of 48390  
the school district and the county auditor. Debt obligations 48391  
issued pursuant to section 133.301 of the Revised Code shall 48392  
include assurances that such debt shall be in an amount not to 48393  
exceed the amount certified under division (B) of such section. If 48394  
the commission considers it necessary in order to maintain or 48395  
improve educational opportunities of pupils in the school 48396  
district, the plan may include a proposal to restructure or 48397  
refinance outstanding debt obligations incurred by the board under 48398

section 3313.483 of the Revised Code contingent upon the approval, 48399  
during the period of the fiscal emergency, by district voters of a 48400  
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 48401  
5748.02, 5748.08, or 5748.09 of the Revised Code that is not a 48402  
renewal or replacement levy, or a levy under section 5705.199 of 48403  
the Revised Code, and that will provide new operating revenue. 48404  
Notwithstanding any provision of Chapter 133. or sections 3313.483 48405  
to ~~3313.4811~~ 3313.4810 of the Revised Code, following the required 48406  
approval of the district voters and with the approval of the 48407  
commission, the school district may issue securities to evidence 48408  
the restructuring or refinancing. Those securities may extend the 48409  
original period for repayment, not to exceed ten years, and may 48410  
alter the frequency and amount of repayments, interest or other 48411  
financing charges, and other terms of agreements under which the 48412  
debt originally was contracted, at the discretion of the 48413  
commission, provided that any loans received pursuant to section 48414  
3313.483 of the Revised Code shall be paid from funds the district 48415  
would otherwise receive under Chapter 3317. of the Revised Code, 48416  
as required under division (E)(3) of section 3313.483 of the 48417  
Revised Code. The securities issued for the purpose of 48418  
restructuring or refinancing the debt shall be repaid in equal 48419  
payments and at equal intervals over the term of the debt and are 48420  
not eligible to be included in any subsequent proposal for the 48421  
purpose of restructuring or refinancing debt under this section. 48422

(5) An evaluation of the feasibility of entering into shared 48423  
services agreements with other political subdivisions for the 48424  
joint exercise of any power, performance of any function, or 48425  
rendering of any service, if so authorized by statute. 48426

(B) Any financial recovery plan may be amended subsequent to 48427  
its adoption. Each financial recovery plan shall be updated 48428  
annually. 48429

(C) Each school district financial planning and supervision 48430

commission shall submit the financial recovery plan it adopts or 48431  
updates under this section to the state superintendent of public 48432  
instruction for approval immediately following its adoption or 48433  
updating. The state superintendent shall evaluate the plan and 48434  
either approve or disapprove it within thirty calendar days from 48435  
the date of its submission. If the plan is disapproved, the state 48436  
superintendent shall recommend modifications that will render it 48437  
acceptable. No financial planning and supervision commission shall 48438  
implement a financial recovery plan that is adopted or updated on 48439  
or after April 10, 2001, unless the state superintendent has 48440  
approved it. 48441

**Sec. 3317.01.** As used in this section, "school district," 48442  
unless otherwise specified, means any city, local, exempted 48443  
village, joint vocational, or cooperative education school 48444  
district and any educational service center. 48445

This chapter shall be administered by the state board of 48446  
education. The superintendent of public instruction shall 48447  
calculate the amounts payable to each school district and shall 48448  
certify the amounts payable to each eligible district to the 48449  
treasurer of the district as provided by this chapter. As soon as 48450  
possible after such amounts are calculated, the superintendent 48451  
shall certify to the treasurer of each school district the 48452  
district's adjusted charge-off increase, as defined in section 48453  
5705.211 of the Revised Code. Certification of moneys pursuant to 48454  
this section shall include the amounts payable to each school 48455  
building, at a frequency determined by the superintendent, for 48456  
each subgroup of students, as defined in section 3317.40 of the 48457  
Revised Code, receiving services, provided for by state funding, 48458  
from the district or school. No moneys shall be distributed 48459  
pursuant to this chapter without the approval of the controlling 48460  
board. 48461

The state board of education shall, in accordance with 48462  
appropriations made by the general assembly, meet the financial 48463  
obligations of this chapter. 48464

Moneys distributed pursuant to this chapter shall be 48465  
calculated based on the annualized average of the monthly 48466  
certifications required under section 3317.03 of the Revised Code 48467  
and paid on a fiscal year basis, beginning with the first day of 48468  
July and extending through the thirtieth day of June. The moneys 48469  
appropriated for each fiscal year shall be distributed 48470  
periodically to each school district unless otherwise provided 48471  
for. The state board, in June of each year, shall submit to the 48472  
controlling board the state board's year-end distributions 48473  
pursuant to this chapter. 48474

Except as otherwise provided, payments under this chapter 48475  
shall be made only to those school districts in which: 48476

(A) The school district, except for any educational service 48477  
center and any joint vocational or cooperative education school 48478  
district, levies for current operating expenses at least twenty 48479  
mills. Levies for joint vocational or cooperative education school 48480  
districts or county school financing districts, limited to or to 48481  
the extent apportioned to current expenses, shall be included in 48482  
this qualification requirement. School district income tax levies 48483  
under Chapter 5748. of the Revised Code, limited to or to the 48484  
extent apportioned to current operating expenses, shall be 48485  
included in this qualification requirement to the extent 48486  
determined by the tax commissioner under division (D) of section 48487  
3317.021 of the Revised Code. 48488

(B) The school year next preceding the fiscal year for which 48489  
such payments are authorized meets the requirement of section 48490  
3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the 48491  
minimum number of ~~days~~ ~~or~~ hours school must be open for 48492  
instruction with pupils in attendance, for individualized 48493

parent-teacher conference and reporting periods, and for 48494  
professional meetings of teachers. This requirement shall be 48495  
~~waived by the superintendent of public instruction if it had been~~ 48496  
~~necessary for a school to be closed because of disease epidemic,~~ 48497  
~~hazardous weather conditions, law enforcement emergencies,~~ 48498  
~~inoperability of school buses or other equipment necessary to the~~ 48499  
~~school's operation, damage to a school building, or other~~ 48500  
~~temporary circumstances due to utility failure rendering the~~ 48501  
~~school building unfit for school use, provided that for those~~ 48502  
~~school districts operating pursuant to section 3313.48 of the~~ 48503  
~~Revised Code the number of days the school was actually open for~~ 48504  
~~instruction with pupils in attendance and for individualized~~ 48505  
~~parent teacher conference and reporting periods is not less than~~ 48506  
~~one hundred seventy five, or for those school districts operating~~ 48507  
~~on a trimester plan the number of days the school was actually~~ 48508  
~~open for instruction with pupils in attendance not less than~~ 48509  
~~seventy nine days in any trimester, for those school districts~~ 48510  
~~operating on a quarterly plan the number of days the school was~~ 48511  
~~actually open for instruction with pupils in attendance not less~~ 48512  
~~than fifty nine days in any quarter, or for those school districts~~ 48513  
~~operating on a pentamester plan the number of days the school was~~ 48514  
~~actually open for instruction with pupils in attendance not less~~ 48515  
~~than forty four days in any pentamester.~~ 48516

A school district shall not be considered to have failed to 48517  
comply with this division ~~or section 3313.481 of the Revised Code~~ 48518  
because schools were open for instruction but either twelfth grade 48519  
students were excused from attendance for up to the equivalent of 48520  
three school days or only a portion of the kindergarten students 48521  
were in attendance for up to the equivalent of three school days 48522  
in order to allow for the gradual orientation to school of such 48523  
students. 48524

~~The superintendent of public instruction shall waive the~~ 48525

~~requirements of this section with reference to the minimum number 48526  
of days or hours school must be in session with pupils in 48527  
attendance for the school year succeeding the school year in which 48528  
a board of education initiates a plan of operation pursuant to 48529  
section 3313.481 of the Revised Code. The minimum requirements of 48530  
this section shall again be applicable to such a district 48531  
beginning with the school year commencing the second July 48532  
succeeding the initiation of one such plan, and for each school 48533  
year thereafter. 48534~~

~~A school district shall not be considered to have failed to 48535  
comply with this division or section 3313.48 or 3313.481 of the 48536  
Revised Code because schools were open for instruction but the 48537  
length of the regularly scheduled school day, for any number of 48538  
days during the school year, was reduced by not more than two 48539  
hours due to hazardous weather conditions. 48540~~

A board of education or governing board of an educational 48541  
service center which has not conformed with other law and the 48542  
rules pursuant thereto, shall not participate in the distribution 48543  
of funds authorized by this chapter, except for good and 48544  
sufficient reason established to the satisfaction of the state 48545  
board of education and the state controlling board. 48546

All funds allocated to school districts under this chapter, 48547  
except those specifically allocated for other purposes, shall be 48548  
used to pay current operating expenses only. 48549

**Sec. 3317.013.** ~~Except for a preschool child with a disability 48550  
for whom a scholarship has been awarded under section 3310.41 of 48551  
the Revised Code, this section does not apply to preschool 48552  
children with disabilities. 48553~~

~~Analysis of special education cost data has resulted in a 48554  
finding that the average special education additional cost per 48555  
pupil, including the costs of related services, can be expressed 48556~~

~~as a multiple of the formula amount.~~ The multiples for the 48557  
following categories of special education programs, as these 48558  
programs are defined for purposes of Chapter 3323. of the Revised 48559  
Code, and adjusted as provided in this section, are as follows: 48560

(A) A multiple of 0.2906 for students whose primary or only 48561  
identified disability is a speech and language disability, as this 48562  
term is defined pursuant to Chapter 3323. of the Revised Code; 48563

(B) A multiple of 0.7374 for students identified as specific 48564  
learning disabled or developmentally disabled, as these terms are 48565  
defined pursuant to Chapter 3323. of the Revised Code, ~~or~~ 48566  
identified as having an other health impairment-minor, or 48567  
identified as a preschool child who is developmentally delayed; 48568

(C) A multiple of 1.7716 for students identified as hearing 48569  
disabled or severe behavior disabled, as these terms are defined 48570  
pursuant to Chapter 3323. of the Revised Code; 48571

(D) A multiple of 2.3643 for students identified as vision 48572  
impaired, as this term is defined pursuant to Chapter 3323. of the 48573  
Revised Code, or as having an other health impairment-major; 48574

(E) A multiple of 3.2022 for students identified as 48575  
orthopedically disabled or as having multiple disabilities, as 48576  
these terms are defined pursuant to Chapter 3323. of the Revised 48577  
Code; 48578

(F) A multiple of 4.7205 for students identified as autistic, 48579  
having traumatic brain injuries, or as both visually and hearing 48580  
impaired, as these terms are defined pursuant to Chapter 3323. of 48581  
the Revised Code. 48582

~~In fiscal years 2008, 2009, 2010, 2011, 2012, and 2013, the~~ 48583  
The multiples specified in divisions (A) to (F) of this section 48584  
shall be adjusted by multiplying them by 0.90. 48585

**Sec. 3317.014.** The career-technical education additional cost 48586



per pupil for each student enrolled in career-technical education 48587  
programs approved by the department of education in accordance 48588  
with rules adopted under section 3313.90 of the Revised Code can 48589  
be expressed as a multiple of the formula amount. The multiples 48590  
for the following categories of career-technical education 48591  
programs are as follows: 48592

(A) A multiple of 0.76 for each student enrolled in 48593  
career-technical education workforce development programs in 48594  
environmental and agricultural systems, construction technologies, 48595  
engineering and science technologies, finance, health science, 48596  
information technology, and manufacturing technologies; 48597

(B) A multiple of 0.68 for each student enrolled in workforce 48598  
development programs in business and administration, hospitality 48599  
and tourism, human services, law and public safety, and 48600  
transportation systems; 48601

(C) A multiple of 0.43 for students enrolled in workforce 48602  
development career-based intervention programs; 48603

(D) A multiple of 0.31 for students enrolled in workforce 48604  
development programs in arts and communications, education and 48605  
training, marketing, workforce development academics, and career 48606  
development; 48607

(E) A multiple of 0.24 for students enrolled in family and 48608  
consumer science programs. 48609

Career-technical education associated services costs can be 48610  
expressed as a multiple of 0.05 of the formula amount. 48611

**Sec. 3317.016.** The amounts for limited English proficient 48612  
students shall be as follows: 48613

(A) An amount of \$1,500, in fiscal year 2014, and \$1,515, in 48614  
fiscal year 2015, for each student who has been enrolled in 48615

schools in the United States for 180 school days or less and was 48616  
not previously exempted from taking the spring administration of 48617  
either of the state's English language arts assessments prescribed 48618  
by section 3301.0710 of the Revised Code (reading or writing). 48619

(B) An amount of \$1,125, in fiscal year 2014, and \$1,136, in 48620  
fiscal year 2015, for each student who has been enrolled in 48621  
schools in the United States for more than 180 school days or was 48622  
previously exempted from taking the spring administration of 48623  
either of the state's English language arts assessments prescribed 48624  
by section 3301.0710 of the Revised Code (reading or writing). 48625

(C) An amount of \$750, in fiscal year 2014, and \$758, in 48626  
fiscal year 2015, for each student who does not qualify for 48627  
inclusion under division (A) or (B) of this section and is in a 48628  
trial-mainstream period, as defined by the department. 48629

**Sec. 3317.017.** The department of education shall compute a 48630  
school district's state share index as follows: 48631

(A) Calculate the district's valuation index, which equals 48632  
the following quotient: 48633

(The district's three-year average valuation / the district's 48634  
total ADM) / (the statewide three-year average valuation for 48635  
school districts with a total ADM greater than zero / the 48636  
statewide total ADM) 48637

(B) Calculate the district's median income index, which 48638  
equals the following quotient: 48639

(The district's median Ohio adjusted gross income / the 48640  
median of the median Ohio adjusted gross income of all districts 48641  
statewide) 48642

(C) Determine the district's wealth index as follows: 48643

(1) If the district's median income index is less than the 48644  
district's valuation index, then the district's wealth index shall 48645

be equal to [(1/3 X the district's median income index) + (2/3 X the district's valuation index)]. 48646  
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(2) If the district's median income index is greater than or equal to the district's valuation index, then the district's wealth index shall be equal to the district's valuation index. 48648  
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(D) Determine the district's state share index as follows: 48651

(1) If the district's wealth index is less than or equal to 0.35, then the district's state share index shall be equal to 0.90. 48652  
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(2) If the district's wealth index is greater than 0.35 but less than or equal to 0.90, then the district's state share index shall be equal to {0.40 X [(0.90 - the district's wealth index) / 0.55]} + 0.50. 48655  
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(3) If the district's wealth index is greater than 0.90 but less than 1.8, then the district's state share index shall be equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 0.05. 48659  
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(4) If the district's wealth index is greater than or equal to 1.8, then the district's state share index shall be equal to 0.05. 48663  
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(E)(1) For each school district for which the tax-exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax-exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three-year average valuation of the district plus the tax-exempt value of the district. 48666  
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(2) For each school district to which division (E)(1) of this 48675

section applies, the department shall adjust the three-year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under division (E)(1) of this section. 48676  
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(F) When performing the calculations required under this section, the department shall not round to fewer than four decimal places. 48680  
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For purposes of these calculations for fiscal years 2014 and 2015, "three-year average valuation" means the average of total taxable value for fiscal years 2012, 2013, and 2014; "total ADM" means the total ADM for fiscal year 2014; "median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2011; and "tax-exempt value" means the tax-exempt value for fiscal year 2014. 48683  
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**Sec. 3317.02. As used in this chapter:** 48690

(A)(1) "Category one career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (A) of section 3317.014 of the Revised Code and reported under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code. 48691  
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(2) "Category two career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (B) of section 3317.014 of the Revised Code and reported under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code. 48696  
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(3) "Category three career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (C) of section 3317.014 of the Revised Code and reported under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code. 48701  
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(4) "Category four career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (D) of section 3317.014 of the Revised Code and reported under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code.

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(5) "Category five career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (E) of section 3317.014 of the Revised Code and reported under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code.

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(B)(1) "Category one limited English proficient ADM" means the average daily membership of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and reported under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code.

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(2) "Category two limited English proficient ADM" means the average daily membership of limited English proficient students described in division (B) of section 3317.016 of the Revised Code and reported under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code.

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(3) "Category three limited English proficient ADM" means the average daily membership of limited English proficient students described in division (C) of section 3317.016 of the Revised Code and reported under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code.

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(C)(1) "Category one special education ADM" means the average daily membership of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and reported under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code.

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(2) "Category two special education ADM" means the average

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daily membership of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and reported under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code. 48737  
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(3) "Category three special education ADM" means the average daily membership of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and reported under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 48742  
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(4) "Category four special education ADM" means the average daily membership of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and reported under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 48747  
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(5) "Category five special education ADM" means the average daily membership of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and reported under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 48752  
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(6) "Category six special education ADM" means the average daily membership of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and reported under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 48757  
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(D) "County DD board" means a county board of developmental disabilities. 48762  
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(E) "Economically disadvantaged index for a school district" means the square of the quotient of that district's percentage of students in its total ADM who are identified as economically disadvantaged as defined by the department of education, divided 48764  
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by the statewide percentage of students identified as economically disadvantaged. 48768  
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(F)(1) "Formula ADM" means, for a city, local, or exempted village school district, the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by counting only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code. 48770  
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(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. 48778  
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(G) "Formula amount" means \$5,732, for fiscal year 2014, and \$5,789, for fiscal year 2015. 48783  
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(H) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career technical education ADM in the same proportion the student is counted in formula ADM. 48785  
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(I) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 48793  
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(J) "Medically fragile child" means a child to whom all of the following apply: 48795  
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(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the 48797  
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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <u>instability of the child's medical condition.</u>                                                                                                                                                                                                                                                                                                        | 48799                                              |
| <u>(2) The child requires the services of a registered nurse on a daily basis.</u>                                                                                                                                                                                                                                                                          | 48800<br>48801                                     |
| <u>(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.</u>                                                                                                                                                                                                   | 48802<br>48803<br>48804                            |
| <u>(K)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:</u>                                                                                 | 48805<br>48806<br>48807<br>48808                   |
| <u>(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."</u>                                                                                                        | 48809<br>48810<br>48811<br>48812                   |
| <u>(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.</u>                                                                                       | 48813<br>48814<br>48815<br>48816<br>48817          |
| <u>(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (K)(1)(a) or (b) of this section.</u> | 48818<br>48819<br>48820<br>48821<br>48822<br>48823 |
| <u>(L) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.</u>                                                     | 48824<br>48825<br>48826<br>48827<br>48828          |



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| <u>(M) "Preschool scholarship ADM" means the number of preschool</u>      | 48829 |
| <u>children with disabilities reported under division (B)(3)(h) of</u>    | 48830 |
| <u>section 3317.03 of the Revised Code.</u>                               | 48831 |
| <u>(N) "Related services" includes:</u>                                   | 48832 |
| <u>(1) Child study, special education supervisors and</u>                 | 48833 |
| <u>coordinators, speech and hearing services, adaptive physical</u>       | 48834 |
| <u>development services, occupational or physical therapy, teacher</u>    | 48835 |
| <u>assistants for children with disabilities whose disabilities are</u>   | 48836 |
| <u>described in division (B) of section 3317.013 or division (B)(3)</u>   | 48837 |
| <u>of this section, behavioral intervention, interpreter services,</u>    | 48838 |
| <u>work study, nursing services, and specialized integrative services</u> | 48839 |
| <u>as those terms are defined by the department;</u>                      | 48840 |
| <u>(2) Speech and language services provided to any student with</u>      | 48841 |
| <u>a disability, including any student whose primary or only</u>          | 48842 |
| <u>disability is a speech and language disability;</u>                    | 48843 |
| <u>(3) Any related service not specifically covered by other</u>          | 48844 |
| <u>state funds but specified in federal law, including but not</u>        | 48845 |
| <u>limited to, audiology and school psychological services;</u>           | 48846 |
| <u>(4) Any service included in units funded under former</u>              | 48847 |
| <u>division (O)(1) of section 3317.024 of the Revised Code;</u>           | 48848 |
| <u>(5) Any other related service needed by children with</u>              | 48849 |
| <u>disabilities in accordance with their individualized education</u>     | 48850 |
| <u>programs.</u>                                                          | 48851 |
| <u>(O) "School district," unless otherwise specified, means</u>           | 48852 |
| <u>city, local, and exempted village school districts.</u>                | 48853 |
| <u>(P) "State education aid" has the same meaning as in section</u>       | 48854 |
| <u>5751.20 of the Revised Code.</u>                                       | 48855 |
| <u>(O) "State share index" means the state share index</u>                | 48856 |
| <u>calculated for a district under section 3317.017 of the Revised</u>    | 48857 |
| <u>Code.</u>                                                              | 48858 |

(R) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 48859  
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(S) "Total ADM" means, for a city, local, or exempted village school district, the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section. 48863  
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(T) "Total career-technical education weight" for a district means the sum of the following: 48868  
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(1) The district's category one career-technical education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code; 48870  
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(2) The district's category two career-technical education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code; 48873  
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(3) The district's category three career-technical education ADM multiplied by the multiple specified in division (C) of section 3317.014 of the Revised Code; 48876  
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(4) The district's category four career-technical education ADM multiplied by the multiple specified in division (D) of section 3317.014 of the Revised Code; 48879  
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(5) The district's category five career-technical education ADM multiplied by the multiple specified in division (E) of section 3317.014 of the Revised Code. 48882  
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(U) "Total special education ADM" means the sum of categories one through six special education ADM. 48885  
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(V) "Total special education weight" for a district means the sum of the following: 48887  
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| <u>(1) The district's category one special education ADM</u>              | 48889 |
| <u>multiplied by the multiple specified in division (A) of section</u>    | 48890 |
| <u>3317.013 of the Revised Code;</u>                                      | 48891 |
| <u>(2) The district's category two special education ADM</u>              | 48892 |
| <u>multiplied by the multiple specified in division (B) of section</u>    | 48893 |
| <u>3317.013 of the Revised Code;</u>                                      | 48894 |
| <u>(3) The district's category three special education ADM</u>            | 48895 |
| <u>multiplied by the multiple specified in division (C) of section</u>    | 48896 |
| <u>3317.013 of the Revised Code;</u>                                      | 48897 |
| <u>(4) The district's category four special education ADM</u>             | 48898 |
| <u>multiplied by the multiple specified in division (D) of section</u>    | 48899 |
| <u>3317.013 of the Revised Code;</u>                                      | 48900 |
| <u>(5) The district's category five special education ADM</u>             | 48901 |
| <u>multiplied by the multiple specified in division (E) of section</u>    | 48902 |
| <u>3317.013 of the Revised Code;</u>                                      | 48903 |
| <u>(6) The district's category six special education ADM</u>              | 48904 |
| <u>multiplied by the multiple specified in division (F) of section</u>    | 48905 |
| <u>3317.013 of the Revised Code.</u>                                      | 48906 |
| <u>(W) "Total taxable value" means the sum of the amounts</u>             | 48907 |
| <u>certified for a city, local, exempted village, or joint vocational</u> | 48908 |
| <u>school district under divisions (A)(1) and (2) of section 3317.021</u> | 48909 |
| <u>of the Revised Code.</u>                                               | 48910 |
| <b>Sec. 3317.021.</b> (A) On or before the first day of June of each      | 48911 |
| year, the tax commissioner shall certify to the department of             | 48912 |
| education and the office of budget and management the information         | 48913 |
| described in divisions (A)(1) to (7) of this section for each             | 48914 |
| city, exempted village, and local school district, and the                | 48915 |
| information required by divisions (A)(1) and (2) of this section          | 48916 |
| for each joint vocational school district, and it shall be used,          | 48917 |
| along with the information certified under division (B) of this           | 48918 |

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| section, in making the computations for the district under this    | 48919 |
| chapter.                                                           | 48920 |
| (1) The taxable value of real and public utility real              | 48921 |
| property in the school district subject to taxation in the         | 48922 |
| preceding tax year, by class and by county of location.            | 48923 |
| (2) The taxable value of tangible personal property,               | 48924 |
| including public utility personal property, subject to taxation by | 48925 |
| the district for the preceding tax year.                           | 48926 |
| (3)(a) The total property tax rate and total taxes charged         | 48927 |
| and payable for the current expenses for the preceding tax year    | 48928 |
| and the total property tax rate and the total taxes charged and    | 48929 |
| payable to a joint vocational district for the preceding tax year  | 48930 |
| that are limited to or to the extent apportioned to current        | 48931 |
| expenses.                                                          | 48932 |
| (b) The portion of the amount of taxes charged and payable         | 48933 |
| reported for each city, local, and exempted village school         | 48934 |
| district under division (A)(3)(a) of this section attributable to  | 48935 |
| a joint vocational school district.                                | 48936 |
| (4) The value of all real and public utility real property in      | 48937 |
| the school district exempted from taxation minus both of the       | 48938 |
| following:                                                         | 48939 |
| (a) The value of real and public utility real property in the      | 48940 |
| district owned by the United States government and used            | 48941 |
| exclusively for a public purpose;                                  | 48942 |
| (b) The value of real and public utility real property in the      | 48943 |
| district exempted from taxation under Chapter 725. or 1728. or     | 48944 |
| section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632,     | 48945 |
| 5709.73, or 5709.78 of the Revised Code.                           | 48946 |
| (5) The total federal adjusted gross income of the residents       | 48947 |
| of the school district, based on tax returns filed by the          | 48948 |

residents of the district, for the most recent year for which this information is available. 48949  
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~~(6) The sum of the school district compensation value as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code as if such property had been assessed for taxation that year and the other compensation value for the school district, minus the amounts described in divisions (A)(6)(e) to (i) of this section. The portion of school district compensation value or other compensation value attributable to an incentive district exemption may be subtracted only once even if that incentive district satisfies more than one of the criteria in divisions (A)(6)(e) to (i) of this section.~~ 48951  
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~~(a) "School district compensation value" means the aggregate value of real property in the school district exempted from taxation pursuant to an ordinance or resolution adopted under division (C) of section 5709.40, division (C) of section 5709.73, or division (B) of section 5709.78 of the Revised Code to the extent that the exempted value results in the charging of payments in lieu of taxes required to be paid to the school district under division (D)(1) or (2) of section 5709.40, division (D) of section 5709.73, or division (C) of section 5709.78 of the Revised Code.~~ 48962  
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~~(b) "Other compensation value" means the quotient that results from dividing (i) the dollar value of compensation received by the school district during the preceding tax year pursuant to division (B), (C), or (D) of section 5709.82 of the Revised Code and the amounts received pursuant to an agreement as specified in division (D)(2) of section 5709.40, division (D) of section 5709.73, or division (C) of section 5709.78 of the Revised Code to the extent those amounts were not previously reported or included in division (A)(6)(a) of this section, and so that any such amount is reported only once under division (A)(6)(b) of this~~ 48971  
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~~section, in relation to exemptions from taxation granted pursuant 48981  
to an ordinance or resolution adopted under division (C) of 48982  
section 5709.40, division (C) of section 5709.73, or division (B) 48983  
of section 5709.78 of the Revised Code, by (ii) the real property 48984  
tax rate in effect for the preceding tax year for 48985  
nonresidential/agricultural real property after making the 48986  
reductions required by section 319.301 of the Revised Code. 48987~~

~~(c) The portion of school district compensation value or 48988  
other compensation value that was exempted from taxation pursuant 48989  
to such an ordinance or resolution for the preceding tax year, if 48990  
the ordinance or resolution is adopted prior to January 1, 2006, 48991  
and the legislative authority or board of township trustees or 48992  
county commissioners, prior to January 1, 2006, executes a 48993  
contract or agreement with a developer, whether for profit or 48994  
not for profit, with respect to the development of a project 48995  
undertaken or to be undertaken and identified in the ordinance or 48996  
resolution, and upon which parcels such project is being, or will 48997  
be, undertaken; 48998~~

~~(d) The portion of school district compensation value that 48999  
was exempted from taxation for the preceding tax year and for 49000  
which payments in lieu of taxes for the preceding tax year were 49001  
provided to the school district under division (D)(1) of section 49002  
5709.40 of the Revised Code. 49003~~

~~(e) The portion of school district compensation value that 49004  
was exempted from taxation for the preceding tax year pursuant to 49005  
such an ordinance or resolution, if and to the extent that, on or 49006  
before April 1, 2006, the fiscal officer of the municipal 49007  
corporation that adopted the ordinance, or of the township or 49008  
county that adopted the resolution, certifies and provides 49009  
appropriate supporting documentation to the tax commissioner and 49010  
the director of development that, based on hold harmless 49011  
provisions in any agreement between the school district and the 49012~~

~~legislative authority of the municipal corporation, board of township trustees, or board of county commissioners that was entered into on or before June 1, 2005, the ability or obligation of the municipal corporation, township, or county to repay bonds, notes, or other financial obligations issued or entered into prior to January 1, 2006, will be impaired, including obligations to or of any other body corporate and politic with whom the legislative authority of the municipal corporation or board of township trustees or county commissioners has entered into an agreement pertaining to the use of service payments derived from the improvements exempted;~~

~~(f) The portion of school district compensation value that was exempted from taxation for the preceding tax year pursuant to such an ordinance or resolution, if the ordinance or resolution is adopted prior to January 1, 2006, in a municipal corporation with a population that exceeds one hundred thousand, as shown by the most recent federal decennial census, that includes a major employment center and that is adjacent to historically distressed neighborhoods, if the legislative authority of the municipal corporation that exempted the property prepares an economic analysis that demonstrates that all taxes generated within the incentive district accruing to the state by reason of improvements constructed within the district during its existence exceed the amount the state pays the school district under section 3317.022 of the Revised Code attributable to such property exemption from the school district's recognized valuation. The analysis shall be submitted to and approved by the department of development prior to January 1, 2006, and the department shall not unreasonably withhold approval.~~

~~(g) The portion of school district compensation value that was exempted from taxation for the preceding tax year under such an ordinance or resolution, if the ordinance or resolution is~~

~~adopted prior to January 1, 2006, and if service payments have 49045  
been pledged to be used for mixed use riverfront entertainment 49046  
development in any county with a population that exceeds six 49047  
hundred thousand, as shown by the most recent federal decennial 49048  
census; 49049~~

~~(h) The portion of school district compensation value that 49050  
was exempted from taxation for the preceding tax year under such 49051  
an ordinance or resolution, if, prior to January 1, 2006, the 49052  
legislative authority of a municipal corporation, board of 49053  
township trustees, or board of county commissioners has pledged 49054  
service payments for a designated transportation capacity project 49055  
approved by the transportation review advisory council under 49056  
Chapter 5512. of the Revised Code; 49057~~

~~(i) The portion of school district compensation value that 49058  
was exempted from taxation for the preceding tax year under such 49059  
an ordinance or resolution if the legislative authority of a 49060  
municipal corporation, board of township trustees, or board of 49061  
county commissioners have, by January 1, 2006, pledged proceeds 49062  
for designated transportation improvement projects that involve 49063  
federal funds for which the proceeds are used to meet a local 49064  
share match requirement for such funding. 49065~~

~~As used in division (A)(6) of this section, "project" has the 49066  
same meaning as in section 5709.40 of the Revised Code. 49067~~

~~(7) The aggregate value of real property in the school 49068  
district for which an exemption from taxation is granted by an 49069  
ordinance or resolution adopted on or after January 1, 2006, under 49070  
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 49071  
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 49072  
Code, as indicated on the list of exempted property for the 49073  
preceding tax year under section 5713.08 of the Revised Code and 49074  
as if such property had been assessed for taxation that year, 49075  
minus the product determined by multiplying (a) the aggregate 49076~~



~~value of the real property in the school district exempted from 49077  
taxation for the preceding tax year under any of the chapters or 49078  
sections specified in this division, by (b) a fraction, the 49079  
numerator of which is the difference between (i) the amount of 49080  
anticipated revenue such school district would have received for 49081  
the preceding tax year if the real property exempted from taxation 49082  
had not been exempted from taxation and (ii) the aggregate amount 49083  
of payments in lieu of taxes on the exempt real property for the 49084  
preceding tax year and other compensation received for the 49085  
preceding tax year by the school district pursuant to any 49086  
agreements entered into on or after January 1, 2006, under section 49087  
5709.82 of the Revised Code between the school district and the 49088  
legislative authority of a political subdivision that acted under 49089  
the authority of a chapter or statute specified in this division, 49090  
that were entered into in relation to such exemption, and the 49091  
denominator of which is the amount of anticipated revenue such 49092  
school district would have received in the preceding fiscal year 49093  
if the real property exempted from taxation had not been exempted. 49094~~

(B) On or before the first day of May each year, the tax 49095  
commissioner shall certify to the department of education and the 49096  
office of budget and management the total taxable real property 49097  
value of railroads and, separately, the total taxable tangible 49098  
personal property value of all public utilities for the preceding 49099  
tax year, by school district and by county of location. 49100

(C) If a public utility has properly and timely filed a 49101  
petition for reassessment under section 5727.47 of the Revised 49102  
Code with respect to an assessment issued under section 5727.23 of 49103  
the Revised Code affecting taxable property apportioned by the tax 49104  
commissioner to a school district, the taxable value of public 49105  
utility tangible personal property included in the certification 49106  
under divisions (A)(2) and (B) of this section for the school 49107  
district shall include only the amount of taxable value on the 49108

basis of which the public utility paid tax for the preceding year 49109  
as provided in division (B)(1) or (2) of section 5727.47 of the 49110  
Revised Code. 49111

(D) If on the basis of the information certified under 49112  
division (A) of this section, the department determines that any 49113  
district fails in any year to meet the qualification requirement 49114  
specified in division (A) of section 3317.01 of the Revised Code, 49115  
the department shall immediately request the tax commissioner to 49116  
determine the extent to which any school district income tax 49117  
levied by the district under Chapter 5748. of the Revised Code 49118  
shall be included in meeting that requirement. Within five days of 49119  
receiving such a request from the department, the tax commissioner 49120  
shall make the determination required by this division and report 49121  
the quotient obtained under division (D)(3) of this section to the 49122  
department and the office of budget and management. This quotient 49123  
represents the number of mills that the department shall include 49124  
in determining whether the district meets the qualification 49125  
requirement of division (A) of section 3317.01 of the Revised 49126  
Code. 49127

The tax commissioner shall make the determination required by 49128  
this division as follows: 49129

(1) Multiply one mill times the total taxable value of the 49130  
district as determined in divisions (A)(1) and (2) of this 49131  
section; 49132

(2) Estimate the total amount of tax liability for the 49133  
current tax year under taxes levied by Chapter 5748. of the 49134  
Revised Code that are apportioned to current operating expenses of 49135  
the district, excluding any income tax receipts allocated for the 49136  
project cost, debt service, or maintenance set-aside associated 49137  
with a state-assisted classroom facilities project as authorized 49138  
by section 3318.052 of the Revised Code; 49139

(3) Divide the amount estimated under division (D)(2) of this section by the product obtained under division (D)(1) of this section.

~~(E)(1) On or before June 1, 2006, and the first day of April of each year thereafter, the director of development shall report to the department of education, the tax commissioner, and the director of budget and management the total amounts of payments received by each city, local, exempted village, or joint vocational school district for the preceding tax year pursuant to division (D) of section 5709.40, division (D) of section 5709.73, division (C) of section 5709.78, or division (B)(1), (B)(2), (C), or (D) of section 5709.82 of the Revised Code in relation to exemptions from taxation granted pursuant to an ordinance adopted by the legislative authority of a municipal corporation under division (C) of section 5709.40 of the Revised Code, or a resolution adopted by a board of township trustees or board of county commissioners under division (C) of section 5709.73 or division (B) of section 5709.78 of the Revised Code, respectively. On or before April 1, 2006, and the first day of March of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement shall report to the director of development the total amounts of such payments the district received for the preceding tax year as provided in this section. The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division.~~

~~(2) On or before April 1, 2007, and the first day of April of each year thereafter, the director of development shall report to the department of education, the tax commissioner, and the director of budget and management the total amounts of payments~~

~~received by each city, local, exempted village, or joint 49172  
vocational school district for the preceding tax year pursuant to 49173  
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 49174  
in relation to exemptions from taxation granted pursuant to 49175  
ordinances or resolutions adopted on or after January 1, 2006, 49176  
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 49177  
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 49178  
Revised Code. On or before March 1, 2007, and the first day of 49179  
March of each year thereafter, the treasurer of each city, local, 49180  
exempted village, or joint vocational school district that has 49181  
entered into such an agreement shall report to the director of 49182  
development the total amounts of such payments the district 49183  
received for the preceding tax year as provided by this section. 49184  
The state board of education, in accordance with sections 3319.31 49185  
and 3319.311 of the Revised Code, may suspend or revoke the 49186  
license of a treasurer found to have willfully reported erroneous, 49187  
inaccurate, or incomplete data under this division. 49188~~

Sec. 3317.022. (A) The department of education shall compute 49189  
and distribute state core foundation funding to each eligible 49190  
school district for the fiscal year, using the information 49191  
obtained under section 3317.021 of the Revised Code in the 49192  
calendar year in which the fiscal year begins, as prescribed in 49193  
the following divisions: 49194

(1) An opportunity grant calculated according to the 49195  
following formula: 49196

The formula amount X formula ADM X the district's state share 49197  
index 49198

(2) Targeted assistance funds calculated under divisions (A) 49199  
and (B) of section 3317.0217 of the Revised Code; 49200

(3) Additional state aid for special education and related 49201  
services provided under Chapter 3323. of the Revised Code 49202

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>calculated according to the following formula:</u>                     | 49203 |
| <u>The formula amount X the district's total special education</u>        | 49204 |
| <u>weight X the district's state share index</u>                          | 49205 |
| <u>(4) Kindergarten through third grade literacy funds</u>                | 49206 |
| <u>calculated according to the following formula:</u>                     | 49207 |
| <u>(\$300, in fiscal year 2014, or \$303, in fiscal year 2015) X</u>      | 49208 |
| <u>formula ADM for grades kindergarten through three X the district's</u> | 49209 |
| <u>state share index</u>                                                  | 49210 |
| <u>(5) Economically disadvantaged funds calculated according to</u>       | 49211 |
| <u>the following formula:</u>                                             | 49212 |
| <u>(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X</u>      | 49213 |
| <u>(the district's economically disadvantaged index) X the number of</u>  | 49214 |
| <u>students who are economically disadvantaged as reported under</u>      | 49215 |
| <u>division (B)(21) of section 3317.03 of the Revised Code</u>            | 49216 |
| <u>(6) Limited English proficiency funds calculated as the sum</u>        | 49217 |
| <u>of the following:</u>                                                  | 49218 |
| <u>(a) The district's category one limited English proficient</u>         | 49219 |
| <u>ADM X the amount specified in division (A) of section 3317.016 of</u>  | 49220 |
| <u>the Revised Code X the district's state share index;</u>               | 49221 |
| <u>(b) The district's category two limited English proficient</u>         | 49222 |
| <u>ADM X the amount specified in division (B) of section 3317.016 of</u>  | 49223 |
| <u>the Revised Code X the district's state share index;</u>               | 49224 |
| <u>(c) The district's category three limited English proficient</u>       | 49225 |
| <u>ADM X the amount specified in division (C) of section 3317.016 of</u>  | 49226 |
| <u>the Revised Code X the district's state share index.</u>               | 49227 |
| <u>(7)(a) Gifted identification funds calculated according to</u>         | 49228 |
| <u>the following formula:</u>                                             | 49229 |
| <u>(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015) X the</u>   | 49230 |
| <u>district's formula ADM</u>                                             | 49231 |
| <u>(b) Gifted unit funding calculated under section 3317.051 of</u>       | 49232 |

the Revised Code. 49233

(8) Career-technical education funds calculated according to 49234  
the following formula: 49235

The formula amount X the district's total career-technical 49236  
education weight X the district's state share index 49237

Payment of funds under division (A)(8) of this section is 49238  
subject to approval under section 3317.161 of the Revised Code. 49239

(9) Career-technical education associated services funds 49240  
calculated according to the following formula: 49241

The district's state share index X 0.05 X the formula 49242  
amount X the sum of categories one through five career-technical 49243  
education ADM 49244

(B) In any fiscal year, a school district shall spend for 49245  
purposes that the department designates as approved for special 49246  
education and related services expenses at least the amount 49247  
calculated as follows: 49248

(The formula amount X the total special education ADM) + 49249  
(the formula amount X the district's total special education 49250  
weight) 49251

The purposes approved by the department for special education 49252  
expenses shall include, but shall not be limited to, 49253  
identification of children with disabilities, compliance with 49254  
state rules governing the education of children with disabilities 49255  
and prescribing the continuum of program options for children with 49256  
disabilities, provision of speech language pathology services, and 49257  
the portion of the school district's overall administrative and 49258  
overhead costs that are attributable to the district's special 49259  
education student population. 49260

The scholarships deducted from the school district's account 49261  
under sections 3310.41 and 3310.55 of the Revised Code shall be 49262  
considered to be an approved special education and related 49263

services expense for the purpose of the school district's 49264  
compliance with this division. 49265

(C) In any fiscal year, a school district receiving funds 49266  
under division (A)(8) of this section shall spend those funds only 49267  
for the purposes that the department designates as approved for 49268  
career-technical education expenses. Career-technical educational 49269  
expenses approved by the department shall include only expenses 49270  
connected to the delivery of career-technical programming to 49271  
career-technical students. The department shall require the school 49272  
district to report data annually so that the department may 49273  
monitor the district's compliance with the requirements regarding 49274  
the manner in which funding received under division (A)(8) of this 49275  
section may be spent. 49276

(D) In any fiscal year, a school district receiving funds 49277  
under division (A)(9) of this section, or through a transfer of 49278  
funds pursuant to division (I) of section 3317.023 of the Revised 49279  
Code, shall spend those funds only for the purposes that the 49280  
department designates as approved for career-technical education 49281  
associated services expenses, which may include such purposes as 49282  
apprenticeship coordinators, coordinators for other 49283  
career-technical education services, career-technical evaluation, 49284  
and other purposes designated by the department. The department 49285  
may deny payment under division (A)(9) of this section to any 49286  
district that the department determines is not operating those 49287  
services or is using funds paid under division (A)(9) of this 49288  
section, or through a transfer of funds pursuant to division (I) 49289  
of section 3317.023 of the Revised Code, for other purposes. 49290

(E) All funds received under division (A)(8) of this section 49291  
by either a comprehensive single-district career-technical 49292  
planning district or a school district that is a party to a 49293  
career-technical educational compact shall be spent in the 49294  
following manner: 49295

(1) At least seventy-five per cent of the funds shall be 49296  
spent on curriculum development, purchase, and implementation; 49297  
instructional resources and supplies; industry-based program 49298  
certification; student assessment, credentialing, and placement; 49299  
curriculum specific equipment purchases and leases; 49300  
career-technical student organization fees and expenses; home and 49301  
agency linkages; work-based learning experiences; professional 49302  
development; and other costs directly associated with 49303  
career-technical education programs including development of new 49304  
programs. 49305

(2) Not more than twenty-five per cent of the funds shall be 49306  
used for personnel expenditures. 49307

**Sec. 3317.023.** (A) The amounts required to be paid to a 49308  
district under this chapter shall be adjusted by the amount of the 49309  
computations made under divisions (B) to (K) of this section. 49310

As used in this section: 49311

(1) "~~VEPD~~ CTPD" means a school district or group of school 49312  
districts designated by the department of education as being 49313  
responsible for the planning for and provision of ~~vocational~~ 49314  
career-technical education services to students within the 49315  
district or group. 49316

(2) "Lead district" means a school district, including a 49317  
joint vocational school district, designated by the department as 49318  
a ~~VEPD~~ CTPD, or designated to provide primary ~~vocational~~ 49319  
career-technical education leadership within a ~~VEPD~~ CTPD composed 49320  
of a group of districts. 49321

(B) If a local ~~school district, or a~~ city, or exempted 49322  
village school district to which a governing board of an 49323  
educational service center provides services pursuant to an 49324  
agreement entered into under section 3313.843 of the Revised Code, 49325



deduct the amount of the payment required for the reimbursement of 49326  
the governing board under ~~section 3317.11 of the Revised Code~~ the 49327  
agreement. 49328

(C)(1) If the district is required to pay to or entitled to 49329  
receive tuition from another school district under division (C)(2) 49330  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 49331  
or if the superintendent of public instruction is required to 49332  
determine the correct amount of tuition and make a deduction or 49333  
credit under section 3317.08 of the Revised Code, deduct and 49334  
credit such amounts as provided in division (J) of section 3313.64 49335  
or section 3317.08 of the Revised Code. 49336

(2) For each child for whom the district is responsible for 49337  
tuition or payment under division (A)(1) of section 3317.082 or 49338  
section 3323.091 of the Revised Code, deduct the amount of tuition 49339  
or payment for which the district is responsible. 49340

(D) If the district has been certified by the superintendent 49341  
of public instruction under section 3313.90 of the Revised Code as 49342  
not in compliance with the requirements of that section, deduct an 49343  
amount equal to ten per cent of the amount computed for the 49344  
district under this chapter. 49345

(E) If the district has received a loan from a commercial 49346  
lending institution for which payments are made by the 49347  
superintendent of public instruction pursuant to division (E)(3) 49348  
of section 3313.483 of the Revised Code, deduct an amount equal to 49349  
such payments. 49350

(F)(1) If the district is a party to an agreement entered 49351  
into under division (D), (E), or (F) of section 3311.06 or 49352  
division (B) of section 3311.24 of the Revised Code and is 49353  
obligated to make payments to another district under such an 49354  
agreement, deduct an amount equal to such payments if the district 49355  
school board notifies the department in writing that it wishes to 49356

have such payments deducted. 49357

(2) If the district is entitled to receive payments from 49358  
another district that has notified the department to deduct such 49359  
payments under division (F)(1) of this section, add the amount of 49360  
such payments. 49361

(G) If the district is required to pay an amount of funds to 49362  
a cooperative education district pursuant to a provision described 49363  
by division (B)(4) of section 3311.52 or division (B)(8) of 49364  
section 3311.521 of the Revised Code, deduct such amounts as 49365  
provided under that provision and credit those amounts to the 49366  
cooperative education district for payment to the district under 49367  
division (B)(1) of section 3317.19 of the Revised Code. 49368

(H)(1) If a district is educating a student entitled to 49369  
attend school in another district pursuant to a shared education 49370  
contract, compact, or cooperative education agreement other than 49371  
an agreement entered into pursuant to section 3313.842 of the 49372  
Revised Code, credit to that educating district on an FTE basis 49373  
both of the following: 49374

(a) An amount equal to the formula amount. 49375

(b) An amount equal to ~~\$5,732~~ the formula amount times the 49376  
state share ~~percentage~~ index times any multiple applicable to the 49377  
student ~~for fiscal year 2009~~ pursuant to section 3317.013 ~~or~~ 49378  
~~3317.014~~ of the Revised Code, ~~as those sections existed for that~~ 49379  
~~fiscal year.~~ 49380

(2) Deduct any amount credited pursuant to division (H)(1) of 49381  
this section from amounts paid to the school district in which the 49382  
student is entitled to attend school pursuant to section 3313.64 49383  
or 3313.65 of the Revised Code. 49384

(3) If the district is required by a shared education 49385  
contract, compact, or cooperative education agreement to make 49386  
payments to an educational service center, deduct the amounts from 49387

payments to the district and add them to the amounts paid to the 49388  
service center pursuant to section 3317.11 of the Revised Code. 49389

(I)(1) If a district, including a joint vocational school 49390  
district, is a lead district of a ~~VEPD~~ CTPD, credit to that 49391  
district the following ~~amounts~~ amount calculated for ~~all the~~ each 49392  
school ~~districts~~ district within that ~~VEPD~~ CTPD: 49393

~~(a) In any fiscal year except fiscal year 2012 or 2013, the~~ 49394  
~~amount computed under division (D)(2) of section 3317.022 of the~~ 49395  
~~Revised Code;~~ 49396

~~(b) In fiscal years 2012 and 2013, an amount equal to the~~ 49397  
~~following:~~ 49398  
state share percentage index X .05 X \$5,732 the formula amount X 49399  
the sum of categories one 49400  
~~and two vocational~~ through five career-technical education ADM 49401

(2) Deduct from each appropriate district that is not a lead 49402  
district, the amount attributable to that district that is 49403  
credited to a lead district under division (I)(1) of this section. 49404

(J) If the department pays a joint vocational school district 49405  
under division ~~(G)(4)~~ (C)(3) of section 3317.16 of the Revised Code 49406  
for excess costs of providing special education and related 49407  
services to a student with a disability, as calculated under 49408  
division ~~(G)(2)~~ (C)(1) of that section, the department shall deduct 49409  
the amount of that payment from the city, local, or exempted 49410  
village school district that is responsible as specified in that 49411  
section for the excess costs. 49412

(K)(1) If the district reports an amount of excess cost for 49413  
special education services for a child under division (C) of 49414  
section 3323.14 of the Revised Code, the department shall pay that 49415  
amount to the district. 49416

(2) If the district reports an amount of excess cost for 49417  
special education services for a child under division (C) of 49418

section 3323.14 of the Revised Code, the department shall deduct 49419  
that amount from the district of residence of that child. 49420

~~Sec. 3317.0212. The department of education shall make no 49421  
payments under this section for fiscal year 2012 or 2013. 49422~~

(A) As used in this section: 49423

~~(1) "Assigned bus" means a school bus used to transport 49424  
qualifying riders. 49425~~

~~(2) "Nontraditional ridership" means the average number of 49426  
qualifying riders who are enrolled in a community school 49427  
established under Chapter 3314. of the Revised Code, in a STEM 49428  
school established under Chapter 3326. of the Revised Code, or in 49429  
a nonpublic school and are provided school bus service by a school 49430  
district during the first full week of October. 49431~~

~~(3) "Qualifying riders" means resident students enrolled in 49432  
regular education in grades kindergarten to twelve who are 49433  
provided school bus service by a school district and who live more 49434  
than one mile from the school they attend, including students with 49435  
dual enrollment in a joint vocational school district or a 49436  
cooperative education school district, and students enrolled in a 49437  
community school, STEM school, or nonpublic school. 49438~~

~~(4)(2) "Qualifying ridership" means the average number of 49439  
qualifying riders who are provided school bus service by a school 49440  
district during the first full week of October. 49441~~

~~(5)(3) "Rider density" means the number of qualifying riders 49442  
per square mile of a school district. 49443~~

~~(6)(4) "School bus service" means a school district's 49444  
transportation of qualifying riders in any of the following types 49445  
of vehicles: 49446~~

~~(a) School buses owned or leased by the district; 49447~~

(b) School buses operated by a private contractor hired by the district; 49448  
49449

(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise. 49450  
49451  
49452

(B) Not later than the fifteenth day of October each year, each city, local, and exempted village school district shall report to the department of education its qualifying ridership, ~~nontraditional ridership, number of qualifying riders per assigned bus,~~ and any other information requested by the department. 49453  
49454  
49455  
49456  
49457  
Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department. 49458  
49459

(C) The department shall calculate the statewide transportation cost per student as follows: 49460  
49461

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year. 49462  
49463  
49464  
49465  
49466

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year. 49467  
49468  
49469  
49470  
49471  
49472  
49473

(D) The department shall calculate the statewide transportation cost per mile as follows: 49474  
49475

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by 49476  
49477  
49478

its total number of miles driven for school bus service in the 49479  
previous fiscal year. 49480

(2) After excluding districts that do not provide school bus 49481  
service and the ten districts with the highest transportation 49482  
costs per mile and the ten districts with the lowest 49483  
transportation costs per mile, divide the aggregate cost for 49484  
school bus service for the remaining districts in the previous 49485  
fiscal year by the aggregate miles driven for school bus service 49486  
in those districts in the previous fiscal year. 49487

(E) The department shall calculate each city, local, and 49488  
exempted village school district's transportation ~~base~~ payment as 49489  
follows: 49490

(1) Multiply the statewide transportation cost per student by 49491  
the district's qualifying ridership for the current fiscal year. 49492

(2) Multiply the statewide transportation cost per mile by 49493  
the district's total number of miles driven for school bus service 49494  
in the current fiscal year. 49495

(3) Multiply the greater of the amounts calculated under 49496  
divisions (E)(1) and (2) of this section by the greater of sixty 49497  
per cent or the district's state share percentage index, as 49498  
defined in section 3317.02 of the Revised Code. 49499

~~(F) The department shall calculate each city, local, and 49500  
exempted village school district's nontraditional ridership 49501  
adjustment according to the following formula: 49502~~

~~(nontraditional ridership for the current fiscal year / 49503  
qualifying ridership for the current fiscal year) X 0.1 X 49504  
transportation base payment 49505~~

~~(G) If a city, local, or exempted village school district 49506  
offers school bus service to all resident students who are 49507  
enrolled in regular education in district schools in grades nine 49508  
to twelve and who live more than one mile from the school they 49509~~

~~attend, the department shall calculate the district's high school ridership adjustment according to the following formula:~~ 49510  
49511

~~0.025 X transportation base payment~~ 49512

~~(H) If a city, local, or exempted village school district offers school bus service to students enrolled in grades kindergarten to eight who live more than one mile, but two miles or less, from the school they attend, the department shall calculate an additional adjustment according to the following formula:~~ 49513  
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49515  
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~~0.025 X transportation base payment~~ 49519

~~(I)(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of qualifying riders per assigned bus as adjusted to reflect the district's rider density in comparison to the rider density of all other districts. The department shall post on the department's web site each district's target number of qualifying riders per assigned bus and a description of how the target number was determined.~~ 49520  
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~~(2) The department shall determine each school district's efficiency index by dividing the district's median number of qualifying riders per assigned bus by its target number of qualifying riders per assigned bus.~~ 49531  
49532  
49533  
49534

~~(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment as follows:~~ 49535  
49536  
49537

~~(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment shall be calculated according to the following formula:~~ 49538  
49539  
49540

~~0.1 X transportation base payment~~ 49541

~~(b) If the district's efficiency index is less than 1.5 but  
equal to or greater than 1.0, the efficiency adjustment shall be  
calculated according to the following formula:~~ 49542  
49543  
49544

~~{(efficiency index - 1) / 5} X transportation base payment~~ 49545

~~(c) If the district's efficiency index is less than 1.0, the  
efficiency adjustment shall be zero.~~ 49546  
49547

~~(J) The department shall pay each city, local, and exempted  
village school district the lesser of the following:~~ 49548  
49549

~~(1) The sum of the amounts calculated under divisions (E) to  
(H) and (I)(3) of this section;~~ 49550  
49551

~~(2) The district's total costs for school bus service for the  
prior fiscal year.~~ 49552  
49553

~~(K) In addition to funds paid under division (J)(E) of this  
section, each city, local, and exempted village district shall  
receive in accordance with rules adopted by the state board of  
education a payment for students transported by means other than  
school bus service and whose transportation is not funded under  
division (C) of section 3317.024 of the Revised Code. The rules  
shall include provisions for school district reporting of such  
students.~~ 49554  
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(G)(1) In fiscal years 2014 and 2015, the department shall  
pay each district a pro rata portion of the amounts calculated  
under division (E) of this section and described in division (F)  
of this section, based on state appropriations. 49562  
49563  
49564  
49565

(2) In addition to the prorated payment under division (G)(1)  
of this section, in fiscal years 2014 and 2015, the department  
shall pay each school district that meets the conditions  
prescribed in division (G)(3) of this section an additional amount  
equal to the difference of (a) the amounts calculated under  
division (E) of this section and prescribed in division (F) of 49566  
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49568  
49569  
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49571



this section minus (b) that prorated payment. 49572

(3) Division (G)(2) of this section applies to each school district that meets all of the following conditions: 49573  
49574

(a) The district qualifies for the calculation of a payment under division (E) of this section because it transports students on board-owned or contractor-owned school buses. 49575  
49576  
49577

(b) The district's state share index is greater than or equal to 0.50. 49578  
49579

(c) The district's rider density is at or below the median rider density of all districts that qualify for calculation of a payment under division (E) of this section. 49580  
49581  
49582

(H) Each city, local, and exempted village school district shall report all data used to calculate funding for transportation under this section through the education management information system pursuant to section 3301.0714 of the Revised Code. 49583  
49584  
49585  
49586

**Sec. 3317.0213.** (A) The department of education shall compute and pay to each school district in accordance with this section additional state aid for preschool special education children to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year. 49587  
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The additional state aid shall be calculated under the following formula: 49599  
49600

(\$4,000 X the number of preschool special education children) 49601

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>+ the sum of the following:</u>                                        | 49602 |
| <u>(1) The district's or institution's category one special</u>           | 49603 |
| <u>education preschool students X the multiple specified in division</u>  | 49604 |
| <u>(A) of section 3317.013 of the Revised Code X the formula amount X</u> | 49605 |
| <u>the district's state share index X 0.50;</u>                           | 49606 |
| <u>(2) The district's or institution's category two special</u>           | 49607 |
| <u>education preschool students X the multiple specified in division</u>  | 49608 |
| <u>(B) of section 3317.013 of the Revised Code X the formula amount X</u> | 49609 |
| <u>the district's state share index X 0.50;</u>                           | 49610 |
| <u>(3) The district's or institution's category three special</u>         | 49611 |
| <u>education preschool students X the multiple specified in division</u>  | 49612 |
| <u>(C) of section 3317.013 of the Revised Code X the formula amount X</u> | 49613 |
| <u>the district's state share index X 0.50;</u>                           | 49614 |
| <u>(4) The district's or institution's category four special</u>          | 49615 |
| <u>education preschool students X the multiple specified in division</u>  | 49616 |
| <u>(D) of section 3317.013 of the Revised Code X the formula amount X</u> | 49617 |
| <u>the district's state share index X 0.50;</u>                           | 49618 |
| <u>(5) The district's or institution's category five special</u>          | 49619 |
| <u>education preschool students X the multiple specified in division</u>  | 49620 |
| <u>(E) of section 3317.013 of the Revised Code X the formula amount X</u> | 49621 |
| <u>the district's state share index X 0.50;</u>                           | 49622 |
| <u>(6) The district's or institution's category six special</u>           | 49623 |
| <u>education preschool students X the multiple specified in division</u>  | 49624 |
| <u>(F) of section 3317.013 of the Revised Code X the formula amount X</u> | 49625 |
| <u>the district's state share index X 0.50.</u>                           | 49626 |
| <u>The special education disability categories for preschool</u>          | 49627 |
| <u>children used in this section are the same categories prescribed</u>   | 49628 |
| <u>in section 3317.013 of the Revised Code.</u>                           | 49629 |
| <u>As used in division (A) of this section, the state share</u>           | 49630 |
| <u>index of a student enrolled in an institution is the state share</u>   | 49631 |

index of the school district in which the student is entitled to 49632  
attend school under section 3313.64 or 3313.65 of the Revised 49633  
Code. 49634

(B) If an educational service center is providing services to 49635  
preschool special education students under agreement with the 49636  
city, local, or exempted village school district in which the 49637  
students are entitled to attend school, that district may 49638  
authorize the department to transfer funds computed under this 49639  
section to the service center providing those services. 49640

(C)(1) If a county DD board is providing services to 49641  
preschool special education students under agreement with the 49642  
city, local, or exempted village school district in which the 49643  
students are entitled to attend school, the department shall 49644  
deduct from the district's payment computed under division (A) of 49645  
this section the total amount of those funds that are attributable 49646  
to the students served by the county DD board and pay that amount 49647  
to that board. 49648

(2) In addition, for any fiscal year, no county DD board 49649  
shall receive in total funding for preschool special education 49650  
services an amount that is less than what it received for the 49651  
previous fiscal year, as determined by the department. If 49652  
necessary, the department shall increase the state payment to a 49653  
county DD board to comply with division (C)(2) of this section. 49654

**Sec. 3317.0214.** (A) The department shall compute and pay in 49655  
accordance with this section additional state aid to school 49656  
districts for students in categories two through six special 49657  
education ADM. If a district's costs for the fiscal year for a 49658  
student in its categories two through six special education ADM 49659  
exceed the threshold catastrophic cost for serving the student, 49660  
the district may submit to the superintendent of public 49661  
instruction documentation, as prescribed by the superintendent, of 49662

all its costs for that student. Upon submission of documentation 49663  
for a student of the type and in the manner prescribed, the 49664  
department shall pay to the district an amount equal to the sum of 49665  
the following: 49666

(1) One-half of the district's costs for the student in 49667  
excess of the threshold catastrophic cost; 49668

(2) The product of one-half of the district's costs for the 49669  
student in excess of the threshold catastrophic cost multiplied by 49670  
the district's state share index. 49671

(B) For purposes of division (A) of this section, the 49672  
threshold catastrophic cost for serving a student equals: 49673

(1) For a student in the school district's category two, 49674  
three, four, or five special education ADM, twenty-seven thousand 49675  
three hundred seventy-five dollars; 49676

(2) For a student in the district's category six special 49677  
education ADM, thirty-two thousand eight hundred fifty dollars. 49678

(C) The district shall report under division (A) of this 49679  
section, and the department shall pay for, only the costs of 49680  
educational expenses and the related services provided to the 49681  
student in accordance with the student's individualized education 49682  
program. Any legal fees, court costs, or other costs associated 49683  
with any cause of action relating to the student may not be 49684  
included in the amount. 49685

Sec. 3317.0217. Payment of the amount calculated for a school 49686  
district under this section shall be made under division (A) of 49687  
section 3317.022 of the Revised Code. 49688

(A) The department of education shall annually compute 49689  
targeted assistance funds to school districts, as follows: 49690

(1) Calculate the local wealth per pupil of each school 49691

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>district, which equals the following sum:</u>                          | 49692 |
| <u>(a) One-half times the quotient of (i) the district's</u>              | 49693 |
| <u>three-year average valuation divided by (ii) its formula ADM; plus</u> | 49694 |
| <u>(b) One-half times the quotient of (i) the average of the</u>          | 49695 |
| <u>total federal adjusted gross income of the school district's</u>       | 49696 |
| <u>residents for the three years most recently reported under section</u> | 49697 |
| <u>3317.021 of the Revised Code divided by (ii) its formula ADM.</u>      | 49698 |
| <u>(2) Rank all school districts in order of local wealth per</u>         | 49699 |
| <u>pupil, from the district with the lowest local wealth per pupil to</u> | 49700 |
| <u>the district with the highest local wealth per pupil.</u>              | 49701 |
| <u>(3) Compute the statewide wealth per pupil, which equals the</u>       | 49702 |
| <u>following sum:</u>                                                     | 49703 |
| <u>(a) One-half times the quotient of (i) the sum of the</u>              | 49704 |
| <u>three-year average valuations for all school districts divided by</u>  | 49705 |
| <u>(ii) the sum of formula ADM counts for all schools districts; plus</u> | 49706 |
| <u>(b) One-half times the quotient of (i) the sum of the</u>              | 49707 |
| <u>three-year average total federal adjusted gross incomes for all</u>    | 49708 |
| <u>school districts divided by (ii) the sum of formula ADM counts for</u> | 49709 |
| <u>all school districts.</u>                                              | 49710 |
| <u>(4) Compute each district's wealth index by dividing the</u>           | 49711 |
| <u>statewide wealth per pupil by the district's local wealth per</u>      | 49712 |
| <u>pupil.</u>                                                             | 49713 |
| <u>(5) Compute the per pupil targeted assistance for each</u>             | 49714 |
| <u>eligible school district in accordance with the following formula:</u> | 49715 |
| <u>(Threshold local wealth per pupil - the district's local wealth</u>    | 49716 |
| <u>per pupil)</u>                                                         | 49717 |
| <u>X target millage X the district's wealth index</u>                     | 49718 |
| <u>Where:</u>                                                             | 49719 |
| <u>(a) An "eligible school district" means a school district</u>          | 49720 |
| <u>with a local wealth per pupil less than that of the school</u>         | 49721 |

district with the 490th lowest local wealth per pupil. 49722

(b) "Threshold local wealth per pupil" means the local wealth 49723  
per pupil of the school district with the 490th lowest local 49724  
wealth per pupil. 49725

(c) "Target millage" means 0.006. 49726

If the result of the calculation for a school district under 49727  
division (A)(5) of this section is less than zero, the district's 49728  
targeted assistance shall be zero. 49729

(6) Calculate the aggregate amount to be paid as targeted 49730  
assistance funds to each school district under division (A) of 49731  
section 3317.022 of the Revised Code by multiplying the per pupil 49732  
targeted assistance computed under division (A)(5) of this section 49733  
by the district's net formula ADM. 49734

As used in this division, a district's "net formula ADM" 49735  
means its formula ADM minus both the number of internet- and 49736  
computer-based community school students reported under division 49737  
(B)(3)(e) of section 3317.03 of the Revised Code and scholarship 49738  
students reported under divisions (B)(3)(f) and (g) of that 49739  
section. 49740

(B) The department shall annually compute supplemental 49741  
targeted assistance funds to school districts, as follows: 49742

(1) Compute each district's agricultural percentage as the 49743  
quotient of (a) the three-year average tax valuation of real 49744  
property in the district that is classified as agricultural 49745  
property divided by (b) the three-year average tax valuation of 49746  
all of the real property in the district. For purposes of this 49747  
computation, a district's "three-year average tax valuation" means 49748  
the average of a district's tax valuation for fiscal years 2012, 49749  
2013, and 2014. 49750

(2) Determine each district's agricultural targeted 49751

percentage as follows: 49752

(a) If a district's agricultural percentage is greater than 49753  
or equal to 0.10, then the district's agricultural targeted 49754  
percentage shall be equal to 0.40. 49755

(b) If a district's agricultural percentage is less than 49756  
0.10, then the district's agricultural targeted percentage shall 49757  
be equal to 4 X the district's agricultural percentage. 49758

(3) Calculate the aggregate amount to be paid as supplemental 49759  
targeted assistance funds to each school district under division 49760  
(A) of section 3317.022 of the Revised Code by multiplying the 49761  
district's agricultural targeted percentage by the amount 49762  
calculated for the district under division (A)(6) of this section. 49763

**Sec. 3317.03.** (A) The superintendent of each city, local, and 49764  
exempted village school district and of each educational service 49765  
center shall, for the schools under the superintendent's 49766  
supervision, certify to the state board of education on or before 49767  
the fifteenth day of ~~October~~ in each year month for the first full 49768  
school week ~~in October~~ of that month the average daily membership 49769  
of students receiving services from schools under the 49770  
superintendent's supervision, and the numbers of other students 49771  
entitled to attend school in the district under section 3313.64 or 49772  
3313.65 of the Revised Code the superintendent is required to 49773  
report under this section, so that the department of education can 49774  
calculate the district's formula ADM. If a school under the 49775  
superintendent's supervision is closed for one or more days during 49776  
~~that~~ a week for which the average daily membership must be 49777  
certified due to hazardous weather conditions or other 49778  
circumstances described in ~~the first paragraph of~~ division 49779  
~~(B)~~(A)(1) of section ~~3317.01~~ 3313.482 of the Revised Code, the 49780  
superintendent may apply to the superintendent of public 49781  
instruction for a waiver, under which the superintendent of public 49782

instruction may exempt the district superintendent from certifying 49783  
the average daily membership for that school for that week and 49784  
specify an alternate week in the same month for certifying the 49785  
average daily membership of that school. 49786

The average daily membership during ~~such a~~ week shall consist 49787  
of the sum of the following: 49788

(1) On an FTE basis, the number of students in grades 49789  
kindergarten through twelve receiving any educational services 49790  
from the district, except that the following categories of 49791  
students shall not be included in the determination: 49792

(a) Students enrolled in adult education classes; 49793

(b) Adjacent or other district students enrolled in the 49794  
district under an open enrollment policy pursuant to section 49795  
3313.98 of the Revised Code; 49796

(c) Students receiving services in the district pursuant to a 49797  
compact, cooperative education agreement, or a contract, but who 49798  
are entitled to attend school in another district pursuant to 49799  
section 3313.64 or 3313.65 of the Revised Code; 49800

(d) Students for whom tuition is payable pursuant to sections 49801  
3317.081 and 3323.141 of the Revised Code; 49802

(e) Students receiving services in the district through a 49803  
scholarship awarded under either section 3310.41 or sections 49804  
3310.51 to 3310.64 of the Revised Code. 49805

(2) On an FTE basis, the number of students entitled to 49806  
attend school in the district pursuant to section 3313.64 or 49807  
3313.65 of the Revised Code, but receiving educational services in 49808  
grades kindergarten through twelve from one or more of the 49809  
following entities: 49810

(a) A community school pursuant to Chapter 3314. of the 49811  
Revised Code, including any participation in a college pursuant to 49812



|                                                                                                                                                                                                                                                                                                                   |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Chapter 3365. of the Revised Code while enrolled in such community school;                                                                                                                                                                                                                                        | 49813<br>49814                            |
| (b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;                                                                                                                                                                | 49815<br>49816<br>49817                   |
| (c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. <del>or</del> a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code; | 49818<br>49819<br>49820<br>49821<br>49822 |
| (d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;                                                                                                                                                                                 | 49823<br>49824<br>49825                   |
| (e) An educational service center or cooperative education district;                                                                                                                                                                                                                                              | 49826<br>49827                            |
| (f) Another school district under a cooperative education agreement, compact, or contract;                                                                                                                                                                                                                        | 49828<br>49829                            |
| (g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, <u>if the students qualified for the scholarship under section 3310.03 of the Revised Code</u> ;                                                                                                              | 49830<br>49831<br>49832<br>49833          |
| (h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.                                                                                                                                   | 49834<br>49835<br>49836                   |
| As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.                                                                                                                              | 49837<br>49838<br>49839                   |
| (i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365.                                                                                                                            | 49840<br>49841<br>49842                   |

of the Revised Code while enrolled in the school; 49843

(j) A college-preparatory boarding school established under 49844  
Chapter 3328. of the Revised Code. 49845

(3) The number of students enrolled in a joint vocational 49846  
school district or under a ~~vocational~~ career-technical education 49847  
compact, excluding any students entitled to attend school in the 49848  
district under section 3313.64 or 3313.65 of the Revised Code who 49849  
are enrolled in another school district through an open enrollment 49850  
policy as reported under division (A)(2)(d) of this section and 49851  
then enroll in a joint vocational school district or under a 49852  
~~vocational~~ career-technical education compact; 49853

~~(4) The number of children with disabilities, other than 49854  
preschool children with disabilities, entitled to attend school in 49855  
the district pursuant to section 3313.64 or 3313.65 of the Revised 49856  
Code who are placed by the district with a county DD board, minus 49857  
the number of such children placed with a county DD board in 49858  
fiscal year 1998. If this calculation produces a negative number, 49859  
the number reported under division (A)(4) of this section shall be 49860  
zero. 49861~~

(B) To enable the department of education to obtain the data 49862  
needed to complete the calculation of payments pursuant to this 49863  
chapter, in addition to the average daily membership, each 49864  
superintendent shall report separately the following student 49865  
counts for the same ~~week~~ weeks for which average daily membership 49866  
is certified: 49867

(1) The total average daily membership in regular learning 49868  
day classes included in the report under division (A)(1) or (2) of 49869  
this section for each of the individual grades kindergarten 49870  
through twelve in schools under the superintendent's supervision; 49871

(2) The number of all preschool children with disabilities 49872  
enrolled as of the first day of December in classes in the 49873

district ~~that are~~ for whom the district is eligible for approval 49874  
to receive funding under ~~division (B) of~~ section ~~3317.05~~ 3317.0213 49875  
of the Revised Code and the number of those classes, which shall 49876  
be reported not later than the fifteenth day of December, in 49877  
accordance with ~~rules adopted under that~~ the disability categories  
prescribed in section 3317.013 of the Revised Code; 49878  
49879

(3) The number of children entitled to attend school in the 49880  
district pursuant to section 3313.64 or 3313.65 of the Revised 49881  
Code who are: 49882

(a) Participating in a pilot project scholarship program 49883  
established under sections 3313.974 to 3313.979 of the Revised 49884  
Code as described in division (I)(2)(a) or (b) of this section; 49885

(b) Enrolled in a college under Chapter 3365. of the Revised 49886  
Code, except when the student is enrolled in the college while 49887  
also enrolled in a community school pursuant to Chapter 3314. ~~or~~ 49888  
a science, technology, engineering, and mathematics school 49889  
established under Chapter 3326. of the Revised Code; 49890

(c) Enrolled in an adjacent or other school district under 49891  
section 3313.98 of the Revised Code; 49892

(d) Enrolled in a community school established under Chapter 49893  
3314. of the Revised Code that is not an internet- or 49894  
computer-based community school as defined in section 3314.02 of 49895  
the Revised Code, including any participation in a college 49896  
pursuant to Chapter 3365. of the Revised Code while enrolled in 49897  
such community school; 49898

(e) Enrolled in an internet- or computer-based community 49899  
school, as defined in section 3314.02 of the Revised Code, 49900  
including any participation in a college pursuant to Chapter 3365. 49901  
of the Revised Code while enrolled in the school; 49902

(f) Enrolled in a chartered nonpublic school with a 49903  
scholarship paid under section 3310.08 of the Revised Code and who 49904

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>qualified for the scholarship under section 3310.03 of the Revised</u> | 49905 |
| <u>Code;</u>                                                              | 49906 |
| (g) Enrolled in kindergarten through grade twelve in an                   | 49907 |
| alternative public provider or a registered private provider with         | 49908 |
| a scholarship awarded under section 3310.41 of the Revised Code;          | 49909 |
| (h) Enrolled as a preschool child with a disability in an                 | 49910 |
| alternative public provider or a registered private provider with         | 49911 |
| a scholarship awarded under section 3310.41 of the Revised Code;          | 49912 |
| (i) Participating in a program operated by a county DD board              | 49913 |
| or a state institution;                                                   | 49914 |
| (j) Enrolled in a science, technology, engineering, and                   | 49915 |
| mathematics school established under Chapter 3326. of the Revised         | 49916 |
| Code, including any participation in a college pursuant to Chapter        | 49917 |
| 3365. of the Revised Code while enrolled in the school;                   | 49918 |
| (k) Enrolled in a college-preparatory boarding school                     | 49919 |
| established under Chapter 3328. of the Revised Code.                      | 49920 |
| (4) The number of pupils enrolled in joint vocational                     | 49921 |
| schools;                                                                  | 49922 |
| (5) The combined average daily membership of children with                | 49923 |
| disabilities reported under division (A)(1) or (2) of this section        | 49924 |
| receiving special education services for the category one                 | 49925 |
| disability described in division (A) of section 3317.013 of the           | 49926 |
| Revised Code, including children attending a special education            | 49927 |
| program operated by an alternative public provider or a registered        | 49928 |
| private provider with a scholarship awarded under sections 3310.51        | 49929 |
| to 3310.64 of the Revised Code;                                           | 49930 |
| (6) The combined average daily membership of children with                | 49931 |
| disabilities reported under division (A)(1) or (2) of this section        | 49932 |
| receiving special education services for category two disabilities        | 49933 |
| described in division (B) of section 3317.013 of the Revised Code,        | 49934 |

including children attending a special education program operated 49935  
by an alternative public provider or a registered private provider 49936  
with a scholarship awarded under sections 3310.51 to 3310.64 of 49937  
the Revised Code; 49938

(7) The combined average daily membership of children with 49939  
disabilities reported under division (A)(1) or (2) of this section 49940  
receiving special education services for category three 49941  
disabilities described in division (C) of section 3317.013 of the 49942  
Revised Code, including children attending a special education 49943  
program operated by an alternative public provider or a registered 49944  
private provider with a scholarship awarded under sections 3310.51 49945  
to 3310.64 of the Revised Code; 49946

(8) The combined average daily membership of children with 49947  
disabilities reported under division (A)(1) or (2) of this section 49948  
receiving special education services for category four 49949  
disabilities described in division (D) of section 3317.013 of the 49950  
Revised Code, including children attending a special education 49951  
program operated by an alternative public provider or a registered 49952  
private provider with a scholarship awarded under sections 3310.51 49953  
to 3310.64 of the Revised Code; 49954

(9) The combined average daily membership of children with 49955  
disabilities reported under division (A)(1) or (2) of this section 49956  
receiving special education services for the category five 49957  
disabilities described in division (E) of section 3317.013 of the 49958  
Revised Code, including children attending a special education 49959  
program operated by an alternative public provider or a registered 49960  
private provider with a scholarship awarded under sections 3310.51 49961  
to 3310.64 of the Revised Code; 49962

(10) The combined average daily membership of children with 49963  
disabilities reported under division (A)(1) or (2) and under 49964  
division (B)(3)(h) of this section receiving special education 49965  
services for category six disabilities described in division (F) 49966

of section 3317.013 of the Revised Code, including children 49967  
attending a special education program operated by an alternative 49968  
public provider or a registered private provider with a 49969  
scholarship awarded under either section 3310.41 or sections 49970  
3310.51 to 3310.64 of the Revised Code; 49971

(11) The average daily membership of pupils reported under 49972  
division (A)(1) or (2) of this section enrolled in category one 49973  
~~vocational~~ career-technical education programs or classes, 49974  
described in division (A) of section 3317.014 of the Revised Code, 49975  
operated by the school district or by another district, other than 49976  
a joint vocational school district, or by an educational service 49977  
center, excluding any student reported under division (B)(3)(e) of 49978  
this section as enrolled in an internet- or computer-based 49979  
community school, notwithstanding division ~~(C)~~(H) of section 49980  
3317.02 of the Revised Code and division (C)(3) of this section; 49981

(12) The average daily membership of pupils reported under 49982  
division (A)(1) or (2) of this section enrolled in category two 49983  
~~vocational~~ career-technical education programs or services, 49984  
described in division (B) of section 3317.014 of the Revised Code, 49985  
operated by the school district or another school district, other 49986  
than a joint vocational school district, or by an educational 49987  
service center, excluding any student reported under division 49988  
(B)(3)(e) of this section as enrolled in an internet- or 49989  
computer-based community school, notwithstanding division ~~(C)~~(H) 49990  
of section 3317.02 of the Revised Code and division (C)(3) of this 49991  
section; 49992

~~Beginning with fiscal year 2010, vocational education ADM 49993  
shall not be used to calculate a district's funding but shall be 49994  
reported under divisions (B)(11) and (12) of this section for 49995  
statistical purposes. 49996~~

(13) The average daily membership of pupils reported under 49997  
division (A)(1) or (2) of this section enrolled in category three 49998

career-technical education programs or services, described in 49999  
division (C) of section 3317.014 of the Revised Code, operated by 50000  
the school district or another school district, other than a joint 50001  
vocational school district, or by an educational service center, 50002  
excluding any student reported under division (B)(3)(e) of this 50003  
section as enrolled in an internet- or computer-based community 50004  
school, notwithstanding division (H) of section 3317.02 of the 50005  
Revised Code and division (C)(3) of this section; 50006

(14) The average daily membership of pupils reported under 50007  
division (A)(1) or (2) of this section enrolled in category four 50008  
career-technical education programs or services, described in 50009  
division (D) of section 3317.014 of the Revised Code, operated by 50010  
the school district or another school district, other than a joint 50011  
vocational school district, or by an educational service center, 50012  
excluding any student reported under division (B)(3)(e) of this 50013  
section as enrolled in an internet- or computer-based community 50014  
school, notwithstanding division (H) of section 3317.02 of the 50015  
Revised Code and division (C)(3) of this section; 50016

(15) The average daily membership of pupils reported under 50017  
division (A)(1) or (2) of this section enrolled in category five 50018  
career-technical education programs or services, described in 50019  
division (E) of section 3317.014 of the Revised Code, operated by 50020  
the school district or another school district, other than a joint 50021  
vocational school district, or by an educational service center, 50022  
excluding any student reported under division (B)(3)(e) of this 50023  
section as enrolled in an internet- or computer-based community 50024  
school, notwithstanding division (H) of section 3317.02 of the 50025  
Revised Code and division (C)(3) of this section; 50026

(16) The average daily membership of pupils reported under 50027  
division (A)(1) or (2) of this section who are limited English 50028  
proficient students described in division (A) of section 3317.016 50029  
of the Revised Code; 50030

|                                                                                   |       |
|-----------------------------------------------------------------------------------|-------|
| <u>(17) The average daily membership of pupils reported under</u>                 | 50031 |
| <u>division (A)(1) or (2) of this section who are limited English</u>             | 50032 |
| <u>proficient students described in division (B) of section 3317.016</u>          | 50033 |
| <u>of the Revised Code;</u>                                                       | 50034 |
| <u>(18) The average daily membership of pupils reported under</u>                 | 50035 |
| <u>division (A)(1) or (2) of this section who are limited English</u>             | 50036 |
| <u>proficient students described in division (C) of section 3317.016</u>          | 50037 |
| <u>of the Revised Code;</u>                                                       | 50038 |
| <u>(19) The average number of children transported by the school</u>              | 50039 |
| <u>district on board-owned or contractor-owned and -operated buses,</u>           | 50040 |
| <u>reported in accordance with rules adopted by the department of</u>             | 50041 |
| <u>education;</u>                                                                 | 50042 |
| <del>(14)</del> <u>(20)(a) The number of children, other than preschool</u>       | 50043 |
| <u>children with disabilities, the district placed with a county DD</u>           | 50044 |
| <u>board in fiscal year 1998<del>7</del>. Division (B)(20)(a) of this section</u> | 50045 |
| <u>does not apply after fiscal year 2013.</u>                                     | 50046 |
| (b) The number of children with disabilities, other than                          | 50047 |
| preschool children with disabilities, placed with a county DD                     | 50048 |
| board in the current fiscal year to receive special education                     | 50049 |
| services for the category one disability described in division (A)                | 50050 |
| of section 3317.013 of the Revised Code;                                          | 50051 |
| (c) The number of children with disabilities, other than                          | 50052 |
| preschool children with disabilities, placed with a county DD                     | 50053 |
| board in the current fiscal year to receive special education                     | 50054 |
| services for category two disabilities described in division (B)                  | 50055 |
| of section 3317.013 of the Revised Code;                                          | 50056 |
| (d) The number of children with disabilities, other than                          | 50057 |
| preschool children with disabilities, placed with a county DD                     | 50058 |
| board in the current fiscal year to receive special education                     | 50059 |
| services for category three disabilities described in division (C)                | 50060 |
| of section 3317.013 of the Revised Code;                                          | 50061 |



(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code; 50062  
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(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code; 50067  
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(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code. 50072  
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(21) The number of students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(21) of this section based on anything other than family income. 50077  
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(C)(1) The average daily membership in divisions (B)(1) to (12) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section. ~~Each student enrolled in kindergarten shall be counted as one full-time equivalent student regardless of whether the student is enrolled in a part day or all day kindergarten class.~~ 50082  
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(2) A student enrolled in a community school established under Chapter 3314., a science, technology, engineering, and 50091  
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mathematics school established under Chapter 3326., or a 50093  
college-preparatory boarding school established under Chapter 50094  
3328. of the Revised Code shall be counted in the formula ADM and, 50095  
if applicable, the category one, two, three, four, five, or six 50096  
special education ADM of the school district in which the student 50097  
is entitled to attend school under section 3313.64 or 3313.65 of 50098  
the Revised Code for the same proportion of the school year that 50099  
the student is counted in the enrollment of the community school, 50100  
the science, technology, engineering, and mathematics school, or 50101  
the college-preparatory boarding school for purposes of section 50102  
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 50103  
the number of students reported pursuant to division (B)(3)(d), 50104  
(e), (j), or (k) of this section, the department may adjust the 50105  
formula ADM of a school district to account for students entitled 50106  
to attend school in the district under section 3313.64 or 3313.65 50107  
of the Revised Code who are enrolled in a community school, a 50108  
science, technology, engineering, and mathematics school, or a 50109  
college-preparatory boarding school for only a portion of the 50110  
school year. 50111

(3) No child shall be counted as more than a total of one 50112  
child in the sum of the average daily memberships of a school 50113  
district under division (A), divisions (B)(1) to ~~(12)~~(22), or 50114  
division (D) of this section, except as follows: 50115

(a) A child with a disability described in section 3317.013 50116  
of the Revised Code may be counted both in formula ADM and in 50117  
category one, two, three, four, five, or six special education ADM 50118  
and, if applicable, in category one or two ~~vocational~~ 50119  
career-technical education ADM. As provided in division ~~(C)~~(H) of 50120  
section 3317.02 of the Revised Code, such a child shall be counted 50121  
in category one, two, three, four, five, or six special education 50122  
ADM in the same proportion that the child is counted in formula 50123  
ADM. 50124

(b) A child enrolled in ~~vocational~~ career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one ~~or~~, two ~~vocational~~, three, four, or five career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one ~~or~~, two ~~vocational~~, three, four, or five career-technical education ADM in the same proportion as the percentage of time that the child spends in the ~~vocational~~ career-technical education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of ~~October~~ in each year month for the first full school week ~~in October~~ the formula ADM, for purposes of section 3318.42 of the Revised Code and for any other purpose prescribed by law for which "formula ADM" of the joint vocational district is a factor of that month the average daily membership. If a school operated by the joint vocational school district is closed for one or more days during ~~that~~ a week for which the average daily membership must be certified due to hazardous weather conditions or other circumstances described in ~~the first paragraph of~~ division ~~(B)(A)(1)~~ of section ~~3317.01~~ 3313.482 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the ~~formula ADM~~ average daily membership for that school for that week and specify an alternate week in the same month for certifying the ~~formula ADM~~ average

daily membership of that school. 50157

The ~~formula~~ ADM average daily membership, except as otherwise 50158  
provided in this division, shall consist of the average daily 50159  
membership during ~~such a~~ week, on an FTE basis, of the number of 50160  
students receiving any educational services from the district, 50161  
including students enrolled in a community school established 50162  
under Chapter 3314. or a science, technology, engineering, and 50163  
mathematics school established under Chapter 3326. of the Revised 50164  
Code who are attending the joint vocational district ~~under an~~ 50165  
~~agreement between the district board of education and the~~ 50166  
~~governing authority of the community school or the governing body~~ 50167  
~~of the science, technology, engineering, and mathematics school~~ 50168  
and are entitled to attend school in a city, local, or exempted 50169  
village school district whose territory is part of the territory 50170  
of the joint vocational district. 50171

The following categories of students shall not be included in 50172  
the determination made under division (D)(1) of this section: 50173

(a) Students enrolled in adult education classes; 50174

(b) Adjacent or other district joint vocational students 50175  
enrolled in the district under an open enrollment policy pursuant 50176  
to section 3313.98 of the Revised Code; 50177

(c) Students receiving services in the district pursuant to a 50178  
compact, cooperative education agreement, or a contract, but who 50179  
are entitled to attend school in a city, local, or exempted 50180  
village school district whose territory is not part of the 50181  
territory of the joint vocational district; 50182

(d) Students for whom tuition is payable pursuant to sections 50183  
3317.081 and 3323.141 of the Revised Code. 50184

(2) To enable the department of education to obtain the data 50185  
needed to complete the calculation of payments pursuant to this 50186  
chapter, in addition to the ~~formula~~ ADM, each superintendent shall 50187

|                                                                                           |       |
|-------------------------------------------------------------------------------------------|-------|
| report separately the average daily membership included in the                            | 50188 |
| report under division (D)(1) of this section for each of the                              | 50189 |
| following categories of students for <u>each of the</u> <del>same-week</del> <u>weeks</u> | 50190 |
| for which <del>formula</del> ADM is certified:                                            | 50191 |
| (a) Students enrolled in each individual grade included in                                | 50192 |
| the joint vocational district schools;                                                    | 50193 |
| (b) Children with disabilities receiving special education                                | 50194 |
| services for the category one disability described in division (A)                        | 50195 |
| of section 3317.013 of the Revised Code;                                                  | 50196 |
| (c) Children with disabilities receiving special education                                | 50197 |
| services for the category two disabilities described in division                          | 50198 |
| (B) of section 3317.013 of the Revised Code;                                              | 50199 |
| (d) Children with disabilities receiving special education                                | 50200 |
| services for category three disabilities described in division (C)                        | 50201 |
| of section 3317.013 of the Revised Code;                                                  | 50202 |
| (e) Children with disabilities receiving special education                                | 50203 |
| services for category four disabilities described in division (D)                         | 50204 |
| of section 3317.013 of the Revised Code;                                                  | 50205 |
| (f) Children with disabilities receiving special education                                | 50206 |
| services for the category five disabilities described in division                         | 50207 |
| (E) of section 3317.013 of the Revised Code;                                              | 50208 |
| (g) Children with disabilities receiving special education                                | 50209 |
| services for category six disabilities described in division (F)                          | 50210 |
| of section 3317.013 of the Revised Code;                                                  | 50211 |
| (h) Students receiving category one <del>vocational</del>                                 | 50212 |
| <u>career-technical</u> education services, described in division (A) of                  | 50213 |
| section 3317.014 of the Revised Code;                                                     | 50214 |
| (i) Students receiving category two <del>vocational</del>                                 | 50215 |
| <u>career-technical</u> education services, described in division (B) of                  | 50216 |
| section 3317.014 of the Revised Code;                                                     | 50217 |

|                                                                                                                                                                                                                                                                                                                                                                                                    |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;</u>                                                                                                                                                                                                                                               | 50218 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50219 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50220 |
| <u>(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;</u>                                                                                                                                                                                                                                                | 50221 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50222 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50223 |
| <u>(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;</u>                                                                                                                                                                                                                                                | 50224 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50225 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50226 |
| <u>(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;</u>                                                                                                                                                                                                                                                                                  | 50227 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50228 |
| <u>(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code;</u>                                                                                                                                                                                                                                                                                  | 50229 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50230 |
| <u>(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code;</u>                                                                                                                                                                                                                                                                                  | 50231 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50232 |
| <u>(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income.</u>                                                                                                                                                  | 50233 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50234 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50235 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50236 |
| The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.                                                                                                                        | 50237 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50238 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50239 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50240 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50241 |
| (E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of | 50242 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50243 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50244 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50245 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50246 |
|                                                                                                                                                                                                                                                                                                                                                                                                    | 50247 |

any school shall not include any pupils except those pupils 50248  
described by division (A) of this section. The record of 50249  
membership for each school shall be maintained in such manner that 50250  
no pupil shall be counted as in membership prior to the actual 50251  
date of entry in the school and also in such manner that where for 50252  
any cause a pupil permanently withdraws from the school that pupil 50253  
shall not be counted as in membership from and after the date of 50254  
such withdrawal. There shall not be included in the membership of 50255  
any school any of the following: 50256

(1) Any pupil who has graduated from the twelfth grade of a 50257  
public or nonpublic high school; 50258

(2) Any pupil who is not a resident of the state; 50259

(3) Any pupil who was enrolled in the schools of the district 50260  
during the previous school year when assessments were administered 50261  
under section 3301.0711 of the Revised Code but did not take one 50262  
or more of the assessments required by that section and was not 50263  
excused pursuant to division (C)(1) or (3) of that section; 50264

(4) Any pupil who has attained the age of twenty-two years, 50265  
except for veterans of the armed services whose attendance was 50266  
interrupted before completing the recognized twelve-year course of 50267  
the public schools by reason of induction or enlistment in the 50268  
armed forces and who apply for reenrollment in the public school 50269  
system of their residence not later than four years after 50270  
termination of war or their honorable discharge. 50271

If, however, any veteran described by division (E)(4) of this 50272  
section elects to enroll in special courses organized for veterans 50273  
for whom tuition is paid under the provisions of federal laws, or 50274  
otherwise, that veteran shall not be included in average daily 50275  
membership. 50276

Notwithstanding division (E)(3) of this section, the 50277  
membership of any school may include a pupil who did not take an 50278

assessment required by section 3301.0711 of the Revised Code if 50279  
the superintendent of public instruction grants a waiver from the 50280  
requirement to take the assessment to the specific pupil and a 50281  
parent is not paying tuition for the pupil pursuant to section 50282  
3313.6410 of the Revised Code. The superintendent may grant such a 50283  
waiver only for good cause in accordance with rules adopted by the 50284  
state board of education. 50285

Except as provided in divisions (B)(2) and (F) of this 50286  
section, the average daily membership figure of any local, city, 50287  
exempted village, or joint vocational school district shall be 50288  
determined by dividing the figure representing the sum of the 50289  
number of pupils enrolled during each day the school of attendance 50290  
is actually open for instruction during the week for which the 50291  
average daily membership is being certified by the total number of 50292  
days the school was actually open for instruction during that 50293  
week. For purposes of state funding, "enrolled" persons are only 50294  
those pupils who are attending school, those who have attended 50295  
school during the current school year and are absent for 50296  
authorized reasons, and those children with disabilities currently 50297  
receiving home instruction. 50298

The average daily membership figure of any cooperative 50299  
education school district shall be determined in accordance with 50300  
rules adopted by the state board of education. 50301

~~(F)(1) If the formula ADM for the first full school week in 50302  
February is at least three per cent greater than that certified 50303  
for the first full school week in the preceding October, the 50304  
superintendent of schools of any city, exempted village, or joint 50305  
vocational school district or educational service center shall 50306  
certify such increase to the superintendent of public instruction. 50307  
Such certification shall be submitted no later than the fifteenth 50308  
day of February. For the balance of the fiscal year, beginning 50309  
with the February payments, the superintendent of public 50310~~



~~instruction shall use the increased formula ADM in calculating or 50311  
recalculating the amounts to be allocated in accordance with 50312  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 50313  
the superintendent use an increased membership certified to the 50314  
superintendent after the fifteenth day of February. Division 50315  
(F)(1) of this section does not apply after fiscal year 2006. 50316~~

~~(2) If on the first school day of April the total number of 50317  
classes or units for preschool children with disabilities that are 50318  
eligible for approval under division (B) of section 3317.05 of the 50319  
Revised Code exceeds the number of units that have been approved 50320  
for the year under that division, the superintendent of schools of 50321  
any city, exempted village, or cooperative education school 50322  
district or educational service center shall make the 50323  
certifications required by this section for that day. If the 50324  
department determines additional units can be approved for the 50325  
fiscal year within any limitations set forth in the acts 50326  
appropriating moneys for the funding of such units, the department 50327  
shall approve additional units for the fiscal year on the basis of 50328  
such average daily membership. For each unit so approved, the 50329  
department shall pay an amount computed in the manner prescribed 50330  
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 50331  
Code. 50332~~

~~(3) If a student attending a community school under Chapter 50333  
3314., a science, technology, engineering, and mathematics school 50334  
established under Chapter 3326., or a college-preparatory boarding 50335  
school established under Chapter 3328. of the Revised Code is not 50336  
included in the formula ADM certified for the school district in 50337  
which the student is entitled to attend school under section 50338  
3313.64 or 3313.65 of the Revised Code, the department of 50339  
education shall adjust the formula ADM of that school district to 50340  
include the student in accordance with division (C)(2) of this 50341  
section, and shall recalculate the school district's payments 50342~~

under this chapter for the entire fiscal year on the basis of that 50343  
adjusted formula ADM. This requirement applies regardless of 50344  
whether the student was enrolled, as defined in division (E) of 50345  
this section, in the community school, the science, technology, 50346  
engineering, and mathematics school, or the college-preparatory 50347  
boarding school during the ~~week~~ weeks for which the formula ADM is 50348  
being certified. 50349

~~(4)~~(2) If a student awarded an educational choice scholarship 50350  
is not included in the formula ADM of the school district from 50351  
which the department deducts funds for the scholarship under 50352  
section 3310.08 of the Revised Code, the department shall adjust 50353  
the formula ADM of that school district to include the student to 50354  
the extent necessary to account for the deduction, and shall 50355  
recalculate the school district's payments under this chapter for 50356  
the entire fiscal year on the basis of that adjusted formula ADM. 50357  
This requirement applies regardless of whether the student was 50358  
enrolled, as defined in division (E) of this section, in the 50359  
chartered nonpublic school, the school district, or a community 50360  
school during the ~~week~~ weeks for which the formula ADM is being 50361  
certified. 50362

~~(5)~~(3) If a student awarded a scholarship under the Jon 50363  
Peterson special needs scholarship program is not included in the 50364  
formula ADM of the school district from which the department 50365  
deducts funds for the scholarship under section 3310.55 of the 50366  
Revised Code, the department shall adjust the formula ADM of that 50367  
school district to include the student to the extent necessary to 50368  
account for the deduction, and shall recalculate the school 50369  
district's payments under this chapter for the entire fiscal year 50370  
on the basis of that adjusted formula ADM. This requirement 50371  
applies regardless of whether the student was enrolled, as defined 50372  
in division (E) of this section, in an alternative public 50373  
provider, a registered private provider, or the school district 50374

during the ~~week~~ weeks for which the formula ADM is being certified. 50375  
50376

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following: 50377  
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(i) The average daily membership of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code; 50383  
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(ii) The average daily membership of all preschool children with disabilities in classes or programs ~~approved annually by the department of education for unit~~ for whom the district is eligible to receive funding under section ~~3317.05~~ 3317.0213 of the Revised Code, reported according to the categories prescribed in section 3317.013 of the Revised Code. 50388  
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(b) The superintendent of an institution with ~~vocational~~ career-technical education units approved under ~~division (A) of~~ section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction. 50394  
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(2) The superintendent of each county DD board that maintains special education classes under section 3317.20 of the Revised Code or ~~units approved~~ provides services to preschool children with disabilities pursuant to ~~section 3317.05 of the Revised Code~~ an agreement between the DD board and the appropriate school district shall do both of the following: 50400  
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(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities enrolled as of the first day of December in classes for which the DD board is eligible for approval to receive funding under division (B) of section 3317.05 3317.0213 of the Revised Code, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes.

~~(3)(a) If on the first school day of April the number of classes or units maintained for preschool children with disabilities by the county DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.~~

~~(b) If the department determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (C)(3)(a) of this section, the department shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in sections 3317.052 and 3317.053 of the Revised Code.~~

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in

that district's membership figure used in the calculation of that 50438  
district's formula ADM or included in the determination of any 50439  
~~unit~~ funding approved for the district under section ~~3317.05~~ 50440  
3317.0213 of the Revised Code. The reporting official shall report 50441  
separately the average daily membership of all pupils whose 50442  
attendance in the district is unauthorized attendance, and the 50443  
membership of each such pupil shall be credited to the school 50444  
district in which the pupil is entitled to attend school under 50445  
division (B) of section 3313.64 or section 3313.65 of the Revised 50446  
Code as determined by the department of education. 50447

(I)(1) A city, local, exempted village, or joint vocational 50448  
school district admitting a scholarship student of a pilot project 50449  
district pursuant to division (C) of section 3313.976 of the 50450  
Revised Code may count such student in its average daily 50451  
membership. 50452

(2) In any year for which funds are appropriated for pilot 50453  
project scholarship programs, a school district implementing a 50454  
state-sponsored pilot project scholarship program that year 50455  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 50456  
count in average daily membership: 50457

(a) All children residing in the district and utilizing a 50458  
scholarship to attend kindergarten in any alternative school, as 50459  
defined in section 3313.974 of the Revised Code; 50460

(b) All children who were enrolled in the district in the 50461  
preceding year who are utilizing a scholarship to attend an 50462  
alternative school. 50463

(J) The superintendent of each cooperative education school 50464  
district shall certify to the superintendent of public 50465  
instruction, in a manner prescribed by the state board of 50466  
education, the applicable average daily memberships for all 50467  
students in the cooperative education district, also indicating 50468

the city, local, or exempted village district where each pupil is 50469  
entitled to attend school under section 3313.64 or 3313.65 of the 50470  
Revised Code. 50471

(K) If the superintendent of public instruction determines 50472  
that a component of the average daily membership certified or 50473  
reported by a district superintendent, or other reporting entity, 50474  
is not correct, the superintendent of public instruction may order 50475  
that the formula ADM used for the purposes of payments under any 50476  
section of Title XXXVIII of the Revised Code be adjusted in the 50477  
amount of the error. 50478

**Sec. 3317.032.** ~~(A)~~ Each city, local, exempted village, and 50479  
cooperative education school district, each educational service 50480  
center, each county DD board, and each institution operating a 50481  
special education program pursuant to section 3323.091 of the 50482  
Revised Code shall, in accordance with procedures adopted by the 50483  
state board of education, maintain a record of district membership 50484  
of ~~both of the following:~~ 50485

~~(1) All preschool children with disabilities in units 50486  
approved under division (B) of section 3317.05 of the Revised 50487  
Code;~~ 50488

~~(2) All all preschool children with disabilities ~~who are not 50489  
in units approved under division (B) of section 3317.05 of the 50490  
Revised Code but~~ who are otherwise served by a special education 50491  
program. 50492~~

~~(B) The superintendent of each district, board, or 50493  
institution subject to division (A) of this section shall certify 50494  
to the state board of education, in accordance with procedures 50495  
adopted by that board, membership figures of all preschool 50496  
children with disabilities whose membership is maintained under 50497  
division (A)(2) of this section. The figures certified under this 50498  
division shall be used in the determination of the ADM used to 50499~~

~~compute funds for educational service center governing boards 50500~~  
~~under section 3317.11 of the Revised Code. 50501~~

**Sec. 3317.05.** (A) ~~For the purpose of calculating payments 50502~~  
~~under sections 3317.052 and 3317.053 of the Revised Code, the The 50503~~  
department of education shall determine for each institution, by 50504  
the last day of January of each year and based on information 50505  
certified under section 3317.03 of the Revised Code, the number of 50506  
~~vocational~~ career-technical education units or fractions of units 50507  
approved by the department on the basis of standards and rules 50508  
adopted by the state board of education. As used in this ~~division~~ 50509  
section, "institution" means an institution operated by a 50510  
department specified in section 3323.091 of the Revised Code and 50511  
that provides ~~vocational~~ career-technical education programs under 50512  
the supervision of the division of ~~vocational~~ career-technical 50513  
education of the department that meet the standards and rules for 50514  
these programs, including licensure of professional staff involved 50515  
in the programs, as established by the state board. 50516

(B) ~~For the purpose of calculating payments under sections 50517~~  
~~3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 50518~~  
~~department shall determine, based on information certified under 50519~~  
~~section 3317.03 of the Revised Code, the following by the last day 50520~~  
~~of January of each year for each educational service center, for 50521~~  
~~each school district, including each cooperative education school 50522~~  
~~district, for each institution eligible for payment under section 50523~~  
~~3323.091 of the Revised Code, and for each county DD board: the 50524~~  
~~number of classes operated by the school district, service center, 50525~~  
~~institution, or county DD board for preschool children with 50526~~  
~~disabilities, or fraction thereof, including in the case of a 50527~~  
~~district or service center that is a funding agent, classes taught 50528~~  
~~by a licensed teacher employed by that district or service center 50529~~  
~~under section 3313.841 of the Revised Code, approved annually by 50530~~  
~~the department on the basis of standards and rules adopted by the 50531~~

~~state board.~~ 50532

~~(C) For the purpose of calculating payments under sections 3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the department shall determine, based on information certified under section 3317.03 of the Revised Code, the following by the last day of January of each year for each school district, including each cooperative education school district, for each institution eligible for payment under section 3323.091 of the Revised Code, and for each county DD board: the number of units for related services, as defined in section 3323.01 of the Revised Code, for preschool children with disabilities approved annually by the department on the basis of standards and rules adopted by the state board.~~ 50533  
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~~(D) All of the arithmetical calculations made under this section shall be carried to the second decimal place. The total number of units for school districts, service centers, and institutions approved annually under this section shall not exceed the number of units included in the estimate of cost for these units and appropriations made for them by the general assembly.~~ 50545  
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~~In the case of units for preschool children with disabilities described in division (B) of this section, the department shall approve only preschool units for children who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year, except that such a unit may include one or more children who are under age three or are age six or over on the applicable date, as reported under division (B)(2) or (C)(2)(b) of section 3317.03 of the Revised Code, if such children have been admitted to the unit pursuant to rules of the state board. The number of units for~~ 50551  
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~~county DD boards and institutions eligible for payment under 50564  
section 3323.091 of the Revised Code approved under this section 50565  
shall not exceed the number that can be funded with appropriations 50566  
made for such purposes by the general assembly. 50567~~

~~No unit shall be approved under divisions (B) and (C) of this 50568  
section unless a plan has been submitted and approved under 50569  
Chapter 3323. of the Revised Code. 50570~~

(C) The department shall pay each institution approved for 50571  
career-technical education units under division (A) of this 50572  
section an amount for the total of all the units approved under 50573  
that division. The amount for each unit shall be the sum of the 50574  
minimum salary for the teacher of the unit, calculated on the 50575  
basis of the teacher's training level and years of experience 50576  
pursuant to the salary schedule prescribed in the version of 50577  
section 3317.13 of the Revised Code in effect prior to July 1, 50578  
2001, plus fifteen per cent of that minimum salary amount, and 50579  
nine thousand five hundred ten dollars. Each institution that 50580  
receives unit funds under this division annually shall report to 50581  
the department on the delivery of services and the performance of 50582  
students and any other information required by the department to 50583  
evaluate the institution's career-technical education program. 50584

(D) For each unit allocated to an institution pursuant to 50585  
division (A) of this section, the department, in addition to the 50586  
amount specified in division (B) of this section, shall pay a 50587  
supplemental unit allowance of \$7,227. 50588

Sec. 3317.051. (A) As used in this section, "gifted unit ADM" 50589  
means a school district's formula ADM minus the number of students 50590  
reported by a district under divisions (A)(2)(a) and (i) of 50591  
section 3317.03 of the Revised Code. 50592

(B) The department of education shall compute and pay to a 50593  
school district funds based on units for services to students 50594

identified as gifted under Chapter 3324. of the Revised Code as 50595  
prescribed by this section. 50596

(C) The department shall allocate gifted units for a school 50597  
district as follows: 50598

(1) One gifted coordinator unit shall be allocated for every 50599  
3,300 students in a district's gifted unit ADM, with a minimum of 50600  
0.5 units and a maximum of 8 units allocated for the district. 50601

(2) One gifted intervention specialist unit shall be 50602  
allocated for every 1,100 students in a district's gifted unit 50603  
ADM, with a minimum of 0.3 units allocated for the district. 50604

(D) The department shall pay the following amount to a school 50605  
district for gifted units: 50606

(1) In fiscal year 2014, \$37,000 multiplied by the number of 50607  
units allocated to a school district under division (C) of this 50608  
section; 50609

(2) In fiscal year 2015, \$37,370 multiplied by the number of 50610  
units allocated to a school district under division (C) of this 50611  
section. 50612

A school district shall use the funds it receives for units 50613  
allocated under division (C)(1) of this section only for gifted 50614  
coordinator services as prescribed by the department. Qualified 50615  
personnel shall be employed by the district for this purpose on a 50616  
full-time equivalency basis that corresponds to the number of 50617  
units allocated to the district under division (C)(1) of this 50618  
section. 50619

A school district shall use the funds it receives for units 50620  
allocated under division (C)(2) of this section only for gifted 50621  
intervention specialist services as prescribed by the department. 50622  
Qualified personnel shall be employed by the district for this 50623  
purpose on a full-time equivalency basis that corresponds to the 50624

number of units allocated to the district under division (C)(2) of 50625  
this section. 50626

(E) A school district may assign gifted unit funding that it 50627  
receives under division (D) of this section to another school 50628  
district, an educational service center, a community school, or a 50629  
STEM school as part of an arrangement to provide services to the 50630  
district as follows: 50631

(1) Funds received for units allocated under division (C)(1) 50632  
of this section may be assigned to a district, service center, or 50633  
school that employs qualified gifted coordinators; 50634

(2) Funds received for units allocated under division (C)(2) 50635  
of this section may be assigned to a district, service center, or 50636  
school that employs qualified gifted intervention specialists. 50637

**Sec. 3317.06.** Moneys paid to school districts under division 50638  
(E) of section 3317.024 of the Revised Code shall be used for the 50639  
following independent and fully severable purposes: 50640

(A) To purchase such secular textbooks or ~~electronic~~ 50641  
~~textbooks~~ digital texts as have been approved by the 50642  
superintendent of public instruction for use in public schools in 50643  
the state and to loan such textbooks or ~~electronic textbooks~~ 50644  
digital texts to pupils attending nonpublic schools within the 50645  
district or to their parents and to hire clerical personnel to 50646  
administer such lending program. Such loans shall be based upon 50647  
individual requests submitted by such nonpublic school pupils or 50648  
parents. Such requests shall be submitted to the school district 50649  
in which the nonpublic school is located. Such individual requests 50650  
for the loan of textbooks or ~~electronic textbooks~~ digital texts 50651  
shall, for administrative convenience, be submitted by the 50652  
nonpublic school pupil or the pupil's parent to the nonpublic 50653  
school, which shall prepare and submit collective summaries of the 50654  
individual requests to the school district. As used in this 50655

section: 50656

(1) "Textbook" means any book or book substitute that a pupil 50657  
uses as a consumable or nonconsumable text, text substitute, or 50658  
text supplement in a particular class or program in the school the 50659  
pupil regularly attends. 50660

(2) ~~"Electronic textbook"~~ "Digital text" means ~~any~~ a 50661  
consumable book or book substitute that a student accesses through 50662  
the use of a computer or other electronic medium or that is 50663  
available through an internet-based provider of course content, or 50664  
any other material that contributes to the learning process 50665  
through electronic means. 50666

(B) To provide speech and hearing diagnostic services to 50667  
pupils attending nonpublic schools within the district. Such 50668  
service shall be provided in the nonpublic school attended by the 50669  
pupil receiving the service. 50670

(C) To provide physician, nursing, dental, and optometric 50671  
services to pupils attending nonpublic schools within the 50672  
district. Such services shall be provided in the school attended 50673  
by the nonpublic school pupil receiving the service. 50674

(D) To provide diagnostic psychological services to pupils 50675  
attending nonpublic schools within the district. Such services 50676  
shall be provided in the school attended by the pupil receiving 50677  
the service. 50678

(E) To provide therapeutic psychological and speech and 50679  
hearing services to pupils attending nonpublic schools within the 50680  
district. Such services shall be provided in the public school, in 50681  
nonpublic schools, in public centers, or in mobile units located 50682  
on or off of the nonpublic premises. If such services are provided 50683  
in the public school or in public centers, transportation to and 50684  
from such facilities shall be provided by the school district in 50685  
which the nonpublic school is located. 50686

(F) To provide guidance, counseling, and social work services 50687  
to pupils attending nonpublic schools within the district. Such 50688  
services shall be provided in the public school, in nonpublic 50689  
schools, in public centers, or in mobile units located on or off 50690  
of the nonpublic premises. If such services are provided in the 50691  
public school or in public centers, transportation to and from 50692  
such facilities shall be provided by the school district in which 50693  
the nonpublic school is located. 50694

(G) To provide remedial services to pupils attending 50695  
nonpublic schools within the district. Such services shall be 50696  
provided in the public school, in nonpublic schools, in public 50697  
centers, or in mobile units located on or off of the nonpublic 50698  
premises. If such services are provided in the public school or in 50699  
public centers, transportation to and from such facilities shall 50700  
be provided by the school district in which the nonpublic school 50701  
is located. 50702

(H) To supply for use by pupils attending nonpublic schools 50703  
within the district such standardized tests and scoring services 50704  
as are in use in the public schools of the state; 50705

(I) To provide programs for children who attend nonpublic 50706  
schools within the district and are children with disabilities as 50707  
defined in section 3323.01 of the Revised Code or gifted children. 50708  
Such programs shall be provided in the public school, in nonpublic 50709  
schools, in public centers, or in mobile units located on or off 50710  
of the nonpublic premises. If such programs are provided in the 50711  
public school or in public centers, transportation to and from 50712  
such facilities shall be provided by the school district in which 50713  
the nonpublic school is located. 50714

(J) To hire clerical personnel to assist in the 50715  
administration of programs pursuant to divisions (B), (C), (D), 50716  
(E), (F), (G), and (I) of this section and to hire supervisory 50717  
personnel to supervise the providing of services and textbooks 50718

pursuant to this section. 50719

(K) To purchase or lease any secular, neutral, and 50720  
nonideological computer application software designed to assist 50721  
students in performing a single task or multiple related tasks, 50722  
device management software, learning management software, 50723  
site-licensing, digital video on demand (DVD), wide area 50724  
connectivity and related technology as it relates to internet 50725  
access, mathematics or science equipment and materials, 50726  
instructional materials, and school library materials that are in 50727  
general use in the public schools of the state and loan such items 50728  
to pupils attending nonpublic schools within the district or to 50729  
their parents, and to hire clerical personnel to administer the 50730  
lending program. Only such items that are incapable of diversion 50731  
to religious use and that are susceptible of loan to individual 50732  
pupils and are furnished for the use of individual pupils shall be 50733  
purchased and loaned under this division. As used in this section, 50734  
"instructional materials" means prepared learning materials that 50735  
are secular, neutral, and nonideological in character and are of 50736  
benefit to the instruction of school children, ~~and may include~~ 50737  
~~educational resources and services developed by the eTech Ohio~~ 50738  
~~commission.~~ 50739

Mobile applications that are secular, neutral, and 50740  
nonideological in character and that are purchased for less than 50741  
ten dollars for instructional use shall be considered to be 50742  
consumable and shall be distributed to students without the 50743  
expectation that the applications must be returned. 50744

(L) To purchase or lease instructional equipment, including 50745  
computer hardware and related equipment in general use in the 50746  
public schools of the state, for use by pupils attending nonpublic 50747  
schools within the district and to loan such items to pupils 50748  
attending nonpublic schools within the district or to their 50749  
parents, and to hire clerical personnel to administer the lending 50750

program. "Computer hardware and related equipment" includes 50751  
desktop computers and workstations; laptop computers, computer 50752  
tablets, and other mobile handheld devices; and their operating 50753  
systems and accessories. 50754

(M) To purchase mobile units to be used for the provision of 50755  
services pursuant to divisions (E), (F), (G), and (I) of this 50756  
section and to pay for necessary repairs and operating costs 50757  
associated with these units. 50758

(N) To reimburse costs the district incurred to store the 50759  
records of a chartered nonpublic school that closes. 50760  
Reimbursements under this division shall be made one time only for 50761  
each chartered nonpublic school that closes. 50762

(O) To purchase life-saving medical or other emergency 50763  
equipment for placement in nonpublic schools within the district 50764  
or to maintain such equipment. 50765

Clerical and supervisory personnel hired pursuant to division 50766  
(J) of this section shall perform their services in the public 50767  
schools, in nonpublic schools, public centers, or mobile units 50768  
where the services are provided to the nonpublic school pupil, 50769  
except that such personnel may accompany pupils to and from the 50770  
service sites when necessary to ensure the safety of the children 50771  
receiving the services. 50772

All services provided pursuant to this section may be 50773  
provided under contract with educational service centers, the 50774  
department of health, city or general health districts, or private 50775  
agencies whose personnel are properly licensed by an appropriate 50776  
state board or agency. 50777

Transportation of pupils provided pursuant to divisions (E), 50778  
(F), (G), and (I) of this section shall be provided by the school 50779  
district from its general funds and not from moneys paid to it 50780  
under division (E) of section 3317.024 of the Revised Code unless 50781

a special transportation request is submitted by the parent of the 50782  
child receiving service pursuant to such divisions. If such an 50783  
application is presented to the school district, it may pay for 50784  
the transportation from moneys paid to it under division (E) of 50785  
section 3317.024 of the Revised Code. 50786

No school district shall provide health or remedial services 50787  
to nonpublic school pupils as authorized by this section unless 50788  
such services are available to pupils attending the public schools 50789  
within the district. 50790

Materials, equipment, computer hardware or software, 50791  
textbooks, ~~electronic textbooks~~ digital texts, and health and 50792  
remedial services provided for the benefit of nonpublic school 50793  
pupils pursuant to this section and the admission of pupils to 50794  
such nonpublic schools shall be provided without distinction as to 50795  
race, creed, color, or national origin of such pupils or of their 50796  
teachers. 50797

No school district shall provide services, materials, or 50798  
equipment that contain religious content for use in religious 50799  
courses, devotional exercises, religious training, or any other 50800  
religious activity. 50801

As used in this section, "parent" includes a person standing 50802  
in loco parentis to a child. 50803

Notwithstanding section 3317.01 of the Revised Code, payments 50804  
shall be made under this section to any city, local, or exempted 50805  
village school district within which is located one or more 50806  
nonpublic elementary or high schools and any payments made to 50807  
school districts under division (E) of section 3317.024 of the 50808  
Revised Code for purposes of this section may be disbursed without 50809  
submission to and approval of the controlling board. 50810

The allocation of payments for materials, equipment, 50811  
textbooks, ~~electronic textbooks~~ digital texts, health services, 50812



and remedial services to city, local, and exempted village school 50813  
districts shall be on the basis of the state board of education's 50814  
estimated annual average daily membership in nonpublic elementary 50815  
and high schools located in the district. 50816

Payments made to city, local, and exempted village school 50817  
districts under this section shall be equal to specific 50818  
appropriations made for the purpose. All interest earned by a 50819  
school district on such payments shall be used by the district for 50820  
the same purposes and in the same manner as the payments may be 50821  
used. 50822

The department of education shall adopt guidelines and 50823  
procedures under which such programs and services shall be 50824  
provided, under which districts shall be reimbursed for 50825  
administrative costs incurred in providing such programs and 50826  
services, and under which any unexpended balance of the amounts 50827  
appropriated by the general assembly to implement this section may 50828  
be transferred to the auxiliary services personnel unemployment 50829  
compensation fund established pursuant to section 4141.47 of the 50830  
Revised Code. The department shall also adopt guidelines and 50831  
procedures limiting the purchase and loan of the items described 50832  
in division (K) of this section to items that are in general use 50833  
in the public schools of the state, that are incapable of 50834  
diversion to religious use, and that are susceptible to individual 50835  
use rather than classroom use. Within thirty days after the end of 50836  
each biennium, each board of education shall remit to the 50837  
department all moneys paid to it under division (E) of section 50838  
3317.024 of the Revised Code and any interest earned on those 50839  
moneys that are not required to pay expenses incurred under this 50840  
section during the biennium for which the money was appropriated 50841  
and during which the interest was earned. If a board of education 50842  
subsequently determines that the remittal of moneys leaves the 50843  
board with insufficient money to pay all valid expenses incurred 50844

under this section during the biennium for which the remitted 50845  
money was appropriated, the board may apply to the department of 50846  
education for a refund of money, not to exceed the amount of the 50847  
insufficiency. If the department determines the expenses were 50848  
lawfully incurred and would have been lawful expenditures of the 50849  
refunded money, it shall certify its determination and the amount 50850  
of the refund to be made to the director of job and family 50851  
services who shall make a refund as provided in section 4141.47 of 50852  
the Revised Code. 50853

Each school district shall label materials, equipment, 50854  
computer hardware or software, textbooks, and ~~electronic textbooks~~ 50855  
digital texts purchased or leased for loan to a nonpublic school 50856  
under this section, acknowledging that they were purchased or 50857  
leased with state funds under this section. However, a district 50858  
need not label materials, equipment, computer hardware or 50859  
software, textbooks, or ~~electronic textbooks~~ digital texts that 50860  
the district determines are consumable in nature or have a value 50861  
of less than two hundred dollars. 50862

**Sec. 3317.08.** A board of education may admit to its schools a 50863  
child it is not required by section 3313.64 or 3313.65 of the 50864  
Revised Code to admit, if tuition is paid for the child. 50865

Unless otherwise provided by law, tuition shall be computed 50866  
in accordance with this section. A district's tuition charge for a 50867  
school year shall be one of the following: 50868

(A) For any child, except a preschool child with a disability 50869  
described in division (B) of this section, the quotient obtained 50870  
by dividing the sum of the amounts described in divisions (A)(1) 50871  
and (2) of this section by the district's formula ADM. 50872

(1) The district's total taxes charged and payable for 50873  
current expenses for the tax year preceding the tax year in which 50874  
the school year begins as certified under division (A)(3) of 50875

section 3317.021 of the Revised Code. 50876

(2) The district's total taxes collected for current expenses 50877  
under a school district income tax adopted pursuant to section 50878  
5748.03, 5748.08, or 5748.09 of the Revised Code that are 50879  
disbursed to the district during the fiscal year, excluding any 50880  
income tax receipts allocated for the project cost, debt service, 50881  
or maintenance set-aside associated with a state-assisted 50882  
classroom facilities project as authorized by section 3318.052 of 50883  
the Revised Code. On or before the first day of June of each year, 50884  
the tax commissioner shall certify the amount to be used in the 50885  
calculation under this division for the next fiscal year to the 50886  
department of education and the office of budget and management 50887  
for each city, local, and exempted village school district that 50888  
levies a school district income tax. 50889

(B) For any preschool child with a disability ~~not included in~~ 50890  
~~a unit approved under division (B) of section 3317.05 of the~~ 50891  
~~Revised Code~~, an amount computed for the school year as follows: 50892

(1) For each type of special education service provided to 50893  
the child for whom tuition is being calculated, determine the 50894  
amount of the district's operating expenses in providing that type 50895  
of service to all preschool children with disabilities ~~not~~ 50896  
~~included in units approved under division (B) of section 3317.05~~ 50897  
~~of the Revised Code;~~ 50898

(2) For each type of special education service for which 50899  
operating expenses are determined under division (B)(1) of this 50900  
section, determine the amount of such operating expenses that was 50901  
paid from any state funds received under this chapter; 50902

(3) For each type of special education service for which 50903  
operating expenses are determined under division (B)(1) of this 50904  
section, divide the difference between the amount determined under 50905  
division (B)(1) of this section and the amount determined under 50906

division (B)(2) of this section by the total number of preschool 50907  
children with disabilities ~~not included in units approved under~~ 50908  
~~division (B) of section 3317.05 of the Revised Code~~ who received 50909  
that type of service; 50910

(4) Determine the sum of the quotients obtained under 50911  
division (B)(3) of this section for all types of special education 50912  
services provided to the child for whom tuition is being 50913  
calculated. 50914

The state board of education shall adopt rules defining the 50915  
types of special education services and specifying the operating 50916  
expenses to be used in the computation under this section. 50917

If any child for whom a tuition charge is computed under this 50918  
section for any school year is enrolled in a district for only 50919  
part of that school year, the amount of the district's tuition 50920  
charge for the child for the school year shall be computed in 50921  
proportion to the number of school days the child is enrolled in 50922  
the district during the school year. 50923

Except as otherwise provided in division (J) of section 50924  
3313.64 of the Revised Code, whenever a district admits a child to 50925  
its schools for whom tuition computed in accordance with this 50926  
section is an obligation of another school district, the amount of 50927  
the tuition shall be certified by the treasurer of the board of 50928  
education of the district of attendance, to the board of education 50929  
of the district required to pay tuition for its approval and 50930  
payment. If agreement as to the amount payable or the district 50931  
required to pay the tuition cannot be reached, or the board of 50932  
education of the district required to pay the tuition refuses to 50933  
pay that amount, the board of education of the district of 50934  
attendance shall notify the superintendent of public instruction. 50935  
The superintendent shall determine the correct amount and the 50936  
district required to pay the tuition and shall deduct that amount, 50937  
if any, under division (D) of section 3317.023 of the Revised 50938

Code, from the district required to pay the tuition and add that 50939  
amount to the amount allocated to the district attended under such 50940  
division. The superintendent of public instruction shall send to 50941  
the district required to pay the tuition an itemized statement 50942  
showing such deductions at the time of such deduction. 50943

When a political subdivision owns and operates an airport, 50944  
welfare, or correctional institution or other project or facility 50945  
outside its corporate limits, the territory within which the 50946  
facility is located is exempt from taxation by the school district 50947  
within which such territory is located, and there are school age 50948  
children residing within such territory, the political subdivision 50949  
owning such tax exempt territory shall pay tuition to the district 50950  
in which such children attend school. The tuition for these 50951  
children shall be computed as provided for in this section. 50952

**Sec. 3317.10.** (A) On or before the first day of March of each 50953  
year, the department of job and family services shall certify to 50954  
the state board of education the unduplicated number of children 50955  
ages five through seventeen residing in each school district and 50956  
living in a family that, during the preceding October, 50957  
participated in Ohio works first. 50958

The department of job and family services shall certify this 50959  
information according to the school district of residence for each 50960  
child. ~~Except as provided under division (B) of this section, the~~ 50961  
~~number of children so certified in any year shall be used by the~~ 50962  
~~department of education in calculating the distribution of moneys~~ 50963  
~~for the ensuing fiscal year as provided in section 3317.029 of the~~ 50964  
~~Revised Code.~~ 50965

(B) Upon the transfer of part of the territory of one school 50966  
district to the territory of one or more other school districts, 50967  
the department of education may adjust the number of children 50968  
certified under division (A) of this section for any district 50969

gaining or losing territory in such a transfer in order to take 50970  
into account the effect of the transfer on the number of such 50971  
children who reside in the district. Within sixty days of receipt 50972  
of a request for information from the department of education, the 50973  
department of job and family services shall provide any 50974  
information the department of education determines is necessary to 50975  
make such adjustments. ~~The department of education may use the~~ 50976  
~~adjusted number for any district for the applicable fiscal year,~~ 50977  
~~in lieu of the number certified for the district for that fiscal~~ 50978  
~~year under division (A) of this section, in the calculation of the~~ 50979  
~~distribution of moneys provided in section 3317.029 of the Revised~~ 50980  
~~Code.~~ 50981

**Sec. 3317.12.** Any board of education participating in funds 50982  
distributed under Chapter 3317. of the Revised Code shall annually 50983  
adopt a salary ~~schedule~~ schedules for teachers and nonteaching 50984  
school employees ~~based upon training, experience, and~~ 50985  
~~qualifications with initial salaries no less than the salaries in~~ 50986  
~~effect on October 13, 1967. Each board of education shall prepare~~ 50987  
~~and may amend from time to time, specifications descriptive of~~ 50988  
~~duties, responsibilities, requirements, and desirable~~ 50989  
~~qualifications of the classifications of employees required to~~ 50990  
~~perform the duties specified in the salary schedule. All~~ 50991  
~~nonteaching school employees are to be notified of the position~~ 50992  
~~classification to which they are assigned and the salary for the~~ 50993  
~~classification. The compensation of all employees working for a~~ 50994  
~~particular school board shall be uniform for like positions except~~ 50995  
~~as compensation would be affected by salary increments based upon~~ 50996  
~~length of service.~~ 50997

~~On the fifteenth day of October each year the salary schedule~~ 50998  
~~and the list of job classifications and salaries in effect on that~~ 50999  
~~date shall be filed by each board of education with the~~ 51000  
~~superintendent of public instruction. If such salary schedule and~~ 51001

~~classification plan is not filed the superintendent of public 51002  
instruction shall order the board to file such schedules 51003  
forthwith. If this condition is not corrected within ten days 51004  
after receipt of the order from the superintendent of public 51005  
instruction, no money shall be distributed to the district under 51006  
Chapter 3317. of the Revised Code until the superintendent has 51007  
satisfactory evidence of the board of education's full compliance 51008  
with such order. 51009~~

**Sec. 3317.14.** Any school district board of education or 51010  
educational service center governing board participating in funds 51011  
distributed under Chapter 3317. of the Revised Code shall annually 51012  
adopt a teachers' salary schedule with provision for increments 51013  
based upon training and years of service. ~~Notwithstanding sections 51014  
3317.13 and 3319.088 of the Revised Code, the The board may 51015  
establish its own service requirements and may grant service 51016  
credit for such activities as teaching in public or nonpublic 51017  
schools in this state or in another state, for service as an 51018  
educational assistant other than as a classroom aide employed in 51019  
accordance with section 5107.541 of the Revised Code, and for 51020  
service in the military or in an appropriate state or federal 51021  
governmental agency, ~~provided no teacher receives less than the 51022  
amount required to be paid pursuant to section 3317.13 of the 51023  
Revised Code and provided full credit for a minimum of five years 51024  
of actual teaching and military experience as defined in division 51025  
(A) of section 3317.13 of the Revised Code is given to each 51026  
teacher. 51027~~~~

~~On the fifteenth day of October of each year, a copy of the 51028  
salary schedule in effect on that date shall be filed by the board 51029  
of education of each local school district with the educational 51030  
service center superintendent, who thereupon shall certify to the 51031  
treasurer of such local district the correct salary to be paid to 51032  
each teacher in accordance with the adopted schedule. 51033~~

~~Each teacher who has completed training which would qualify 51034  
such teacher for a higher salary bracket pursuant to this section 51035  
shall file by the fifteenth day of September with the treasurer of 51036  
the board of education or educational service center satisfactory 51037  
evidence of the completion of such additional training. The 51038  
treasurer shall then immediately place the teacher, pursuant to 51039  
this section and section 3317.13 of the Revised Code, in the 51040  
proper salary bracket in accordance with training and years of 51041  
service before certifying such salary, training, and years of 51042  
service to the superintendent of public instruction. No teacher 51043  
shall be paid less than the salary to which such teacher is 51044  
entitled pursuant to section 3317.13 of the Revised Code. 51045~~

As used in this section: 51046

(A) "Years of service" includes the following: 51047

(1) All years of teaching service in the same school district 51048  
or educational service center, regardless of training level, with 51049  
each year consisting of at least one hundred twenty days under a 51050  
teacher's contract; 51051

(2) All years of teaching service in a chartered, nonpublic 51052  
school located in Ohio as a teacher licensed pursuant to section 51053  
3319.22 of the Revised Code or in another public school, 51054  
regardless of training level, with each year consisting of at 51055  
least one hundred twenty days under a teacher's contract; 51056

(3) All years of teaching service in a chartered school or 51057  
institution or a school or institution that subsequently became 51058  
chartered or a chartered special education program or a special 51059  
education program that subsequently became chartered operated by 51060  
the state or by a subdivision or other local governmental unit of 51061  
this state as a teacher licensed pursuant to section 3319.22 of 51062  
the Revised Code, regardless of training level, with each year 51063  
consisting of at least one hundred twenty days; 51064



(4) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(B) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

**Sec. 3317.141.** The board of education of any city, exempted village, local, or joint vocational school district that is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, shall comply with this section in accordance with the timeline contained in the board's scope of work, as approved by the superintendent of public instruction, and shall not be subject to ~~sections 3317.13~~ and section 3317.14 of the Revised Code. The board of education of any other school district, and the governing board of each educational service center, shall comply with either this section or ~~sections 3317.13~~ and section 3317.14 of the Revised Code.

(A) The board annually shall adopt a salary schedule for teachers based upon performance as described in division (B) of this section.

(B) For purposes of the schedule, a board shall measure a teacher's performance by considering all of the following:

(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds;

(2) Whether the teacher is a highly qualified teacher, as defined in section 3319.074 of the Revised Code; 51095  
51096

(3) Ratings received by the teacher on performance evaluations conducted under section 3319.111 of the Revised Code. 51097  
51098

(C) The schedule shall provide for annual adjustments based on performance on the evaluations conducted under section 3319.111 of the Revised Code. The annual performance-based adjustment for a teacher rated as accomplished shall be greater than the annual performance-based adjustment for a teacher rated as proficient. 51099  
51100  
51101  
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(D) The salary schedule adopted under this section may provide for additional compensation for teachers who agree to perform duties, not contracted for under a supplemental contract, that the employing board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district or service center; or assignment to a hard-to-staff school, as determined by the board. 51104  
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Sec. 3317.16. (A) The department of education shall compute and distribute state core foundation funding to each joint vocational school district for the fiscal year as prescribed in the following divisions: 51117  
51118  
51119  
51120

(1) An opportunity grant calculated according to the following formula: 51121  
51122

(The formula amount X formula ADM) - (0.0005 X the district's three-year average valuation) 51123  
51124

If the result of the calculation for a joint vocational school district under division (A)(1) of this section is less than zero, the joint vocational school district's opportunity grant shall be zero. 51125  
51126  
51127  
51128

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following: 51129  
51130  
51131

The formula amount X the district's total special education weight X the district's state share percentage 51132  
51133

(3) Economically disadvantaged funds calculated according to the following formula: 51134  
51135

(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as reported under division (D)(2)(p) of section 3317.03 of the Revised Code 51136  
51137  
51138  
51139

(4) Limited English proficiency funds calculated as the sum of the following: 51140  
51141

(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage; 51142  
51143  
51144

(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage; 51145  
51146  
51147

(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage; 51148  
51149  
51150

(5) Career-technical education funds calculated according to the following formula: 51151  
51152

The formula amount X the district's total career-technical education weight X the district's state share percentage 51153  
51154

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>Payment of funds under division (A)(5) of this section is</u>          | 51155 |
| <u>subject to approval under section 3317.161 of the Revised Code.</u>    | 51156 |
| <u>(6) Career-technical education associated services funds</u>           | 51157 |
| <u>calculated under the following formula:</u>                            | 51158 |
| <u>The district's state share percentage X 0.05 X the formula</u>         | 51159 |
| <u>amount X the sum of categories one through five career-technical</u>   | 51160 |
| <u>education ADM</u>                                                      | 51161 |
| <u>(B)(1) If a joint vocational school district's costs for a</u>         | 51162 |
| <u>fiscal year for a student in its categories two through six</u>        | 51163 |
| <u>special education ADM exceed the threshold catastrophic cost for</u>   | 51164 |
| <u>servng the student, as specified in division (B) of section</u>        | 51165 |
| <u>3317.0214 of the Revised Code, the district may submit to the</u>      | 51166 |
| <u>superintendent of public instruction documentation, as prescribed</u>  | 51167 |
| <u>by the superintendent, of all of its costs for that student. Upon</u>  | 51168 |
| <u>submission of documentation for a student of the type and in the</u>   | 51169 |
| <u>manner prescribed, the department shall pay to the district an</u>     | 51170 |
| <u>amount equal to the sum of the following:</u>                          | 51171 |
| <u>(a) One-half of the district's costs for the student in</u>            | 51172 |
| <u>excess of the threshold catastrophic cost;</u>                         | 51173 |
| <u>(b) The product of one-half of the district's costs for the</u>        | 51174 |
| <u>student in excess of the threshold catastrophic cost multiplied by</u> | 51175 |
| <u>the district's state share percentage.</u>                             | 51176 |
| <u>(2) The district shall report under division (B)(1) of this</u>        | 51177 |
| <u>section, and the department shall pay for, only the costs of</u>       | 51178 |
| <u>educational expenses and the related services provided to the</u>      | 51179 |
| <u>student in accordance with the student's individualized education</u>  | 51180 |
| <u>program. Any legal fees, court costs, or other costs associated</u>    | 51181 |
| <u>with any cause of action relating to the student may not be</u>        | 51182 |
| <u>included in the amount.</u>                                            | 51183 |
| <u>(C)(1) For each student with a disability receiving special</u>        | 51184 |
| <u>education and related services under an individualized education</u>   | 51185 |

program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section.

Those excess costs shall be calculated by subtracting the sum of the following from the actual cost to provide special education and related services to the student:

(a) The formula amount;

(b) The formula amount times the multiple specified in section 3317.013 of the Revised Code that is applicable to the student;

(c) Any funds paid under section 3317.0214 for the student.

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education.

(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable:

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code.

(b) If the student is enrolled in a community school, the

department shall deduct the amount from the account of the 51216  
community school pursuant to section 3314.083 of the Revised Code. 51217

(D) In any fiscal year, a school district receiving funds 51218  
under division (A)(5) of this section shall spend those funds only 51219  
for the purposes that the department designates as approved for 51220  
career-technical education expenses. Career-technical educational 51221  
expenses approved by the department shall include only expenses 51222  
connected to the delivery of career-technical programming to 51223  
career-technical students. The department shall require the school 51224  
district to report data annually so that the department may 51225  
monitor the district's compliance with the requirements regarding 51226  
the manner in which funding received under division (A)(5) of this 51227  
section may be spent. 51228

(E) In any fiscal year, a school district receiving funds 51229  
under division (A)(6) of this section, or through a transfer of 51230  
funds pursuant to division (I) of section 3317.023 of the Revised 51231  
Code, shall spend those funds only for the purposes that the 51232  
department designates as approved for career-technical education 51233  
associated services expenses, which may include such purposes as 51234  
apprenticeship coordinators, coordinators for other 51235  
career-technical education services, career-technical evaluation, 51236  
and other purposes designated by the department. The department 51237  
may deny payment under division (A)(6) of this section to any 51238  
district that the department determines is not operating those 51239  
services or is using funds paid under division (A)(6) of this 51240  
section, or through a transfer of funds pursuant to division (I) 51241  
of section 3317.023 of the Revised Code, for other purposes. 51242

(F) As used in this section: 51243

(1) "Community school" means a community school established 51244  
under Chapter 3314. of the Revised Code. 51245

(2) "Resident district" means the city, local, or exempted 51246

village school district in which a student is entitled to attend 51247  
school under section 3313.64 or 3313.65 of the Revised Code. 51248

(3) "State share percentage" is equal to the following: 51249  
The amount computed under division (A)(1) of this section / 51250  
(the formula amount X formula ADM) 51251

**Sec. 3317.161.** (A) As used in this section, "lead district" 51252  
has the same meaning as in section 3317.023 of the Revised Code. 51253

(B) The lead district of a career-technical planning district 51254  
shall review the career-technical education program of each city, 51255  
local, and exempted village school district, each community 51256  
school, and each STEM school that is assigned to the 51257  
career-technical planning district and determine whether to 51258  
approve or disapprove the program. The lead district shall notify 51259  
the department of its determination. 51260

(C) Upon receiving notification of a lead district's 51261  
approval, the department shall pay to the member city, local, or 51262  
exempted village school district or deduct from the state 51263  
education aid of a district and pay to a community school or STEM 51264  
school the funds attributed to the career-technical students 51265  
enrolled in the district or school, according to a payment 51266  
schedule prescribed by the department. 51267

(D) Upon receiving notification from a lead district of 51268  
disapproval of a city, local, or exempted village school 51269  
district's, a community school's, or STEM school's 51270  
career-technical education program, the department shall 51271  
automatically review the lead district's decision. In reviewing 51272  
the lead district's decision, the department shall consider the 51273  
demand for the career-technical education program and the 51274  
availability of the program within the career-technical planning 51275  
district. If, as a result of the review, the department decides to 51276  
approve the city, local, or exempted village school district's, 51277

the community school's, or the STEM school's career-technical 51278  
education program, the department shall pay the funds to the 51279  
district or deduct and pay the funds to the community school or 51280  
STEM school in the manner described in division (C) of this 51281  
section. The department's decision shall be final. 51282

**Sec. 3317.18.** (A) As used in this section, the terms "Chapter 51283  
133. securities," "credit enhancement facilities," "debt charges," 51284  
"general obligation," "legislation," "public obligations," and 51285  
"securities" have the same meanings as in section 133.01 of the 51286  
Revised Code. 51287

(B) The board of education of any school district authorizing 51288  
the issuance of securities under section 133.10, ~~133.301~~, or 51289  
3313.372 of the Revised Code or general obligation Chapter 133. 51290  
securities may adopt legislation requesting the state department 51291  
of education to approve, and enter into an agreement with the 51292  
school district and the primary paying agent or fiscal agent for 51293  
such securities providing for, the withholding and deposit of 51294  
funds, otherwise due the district under Chapter 3317. of the 51295  
Revised Code, for the payment of debt service charges on such 51296  
securities. 51297

The board of education shall deliver to the state department 51298  
a copy of such resolution and any additional pertinent information 51299  
the state department may require. 51300

The department of education and the office of budget and 51301  
management shall evaluate each request received from a school 51302  
district under this section and the department, with the advice 51303  
and consent of the director of budget and management, shall 51304  
approve or deny each request based on all of the following: 51305

(1) Whether approval of the request will enhance the 51306  
marketability of the securities for which the request is made; 51307



(2) Any other pertinent factors or limitations established in 51308  
rules made under division (I) of this section, including: 51309

(a) Current and projected obligations of funds due to the 51310  
requesting school district under Chapter 3317. of the Revised Code 51311  
including obligations of those funds to public obligations or 51312  
relevant credit enhancement facilities under this section, Chapter 51313  
133. and section 3313.483 of the Revised Code, and under any other 51314  
similar provisions of law; 51315

(b) Whether the department of education or the office of 51316  
budget and management has any reason to believe the requesting 51317  
school district will be unable to pay when due the debt charges on 51318  
the securities for which the request is made. 51319

The department may require a school district to establish 51320  
schedules for the payment of all debt charges that take into 51321  
account the amount and timing of anticipated distributions of 51322  
funds to the district under Chapter 3317. of the Revised Code. 51323

(C) If the department approves the request of a school 51324  
district to withhold and deposit funds pursuant to this section, 51325  
the department shall enter into a written agreement with the 51326  
district and the primary paying agent or fiscal agent for the 51327  
securities which shall provide for the withholding of funds 51328  
pursuant to this section for the payment of debt charges on those 51329  
securities, and may include both of the following: 51330

(1) Provisions for certification by the district to the 51331  
department, at a time prior to any date for the payment of 51332  
applicable debt charges, whether the district is able to pay those 51333  
debt charges when due; 51334

(2) Requirements that the district deposit amounts for the 51335  
payment of debt charges on the securities with the primary paying 51336  
agent or fiscal agent for the securities prior to the date on 51337  
which those debt charge payments are due to the owners or holders 51338

of the securities. 51339

(D) Whenever a district notifies the department of education 51340  
that it will be unable to pay debt charges when they are due, 51341  
subject to the withholding provisions of this section, or whenever 51342  
the applicable paying agent or fiscal agent notifies the 51343  
department that it has not timely received from a school district 51344  
the full amount needed for the payment when due of those debt 51345  
charges to the holders or owners of such securities, the 51346  
department shall immediately contact the school district and the 51347  
paying agent or fiscal agent to confirm or determine whether the 51348  
district is unable to make the required payment by the date on 51349  
which it is due. 51350

Upon demand of the treasurer of state while holding a school 51351  
district obligation purchased under division (G)(1) of section 51352  
135.143 of the Revised Code, the state department of education, 51353  
without a request of the school district, shall withhold and 51354  
deposit funds pursuant to this section for payment of debt service 51355  
charges on that obligation. 51356

If the department confirms or determines that the district 51357  
will be unable to make such payment and payment will not be made 51358  
pursuant to a credit enhancement facility, the department shall 51359  
promptly pay to the applicable primary paying agent or fiscal 51360  
agent the lesser of the amount due for debt charges or the amount 51361  
due the district for the remainder of the fiscal year under 51362  
Chapter 3317. of the Revised Code. If this amount is insufficient 51363  
to pay the total amount then due the agent for the payment of debt 51364  
charges, the department shall pay to the agent each fiscal year 51365  
thereafter, and until the full amount due the agent for unpaid 51366  
debt charges is paid in full, the lesser of the remaining amount 51367  
due the agent for debt charges or the amount due the district for 51368  
the fiscal year under Chapter 3317. of the Revised Code. 51369

(E) The state department may make any payments under this 51370

division by direct deposit of funds by electronic transfer. 51371

Any amount received by a paying agent or fiscal agent under 51372  
this section shall be applied only to the payment of debt charges 51373  
on the securities of the school district subject to this section 51374  
or to the reimbursement to the provider of a credit enhancement 51375  
facility that has paid such debt charges. 51376

(F) To the extent a school district whose securities are 51377  
subject to this section is unable to pay applicable debt charges 51378  
because of the failure to collect property taxes levied for the 51379  
payment of those debt charges, the district may transfer to or 51380  
deposit into any fund that would have received payments under 51381  
Chapter 3317. of the Revised Code that were withheld under this 51382  
section any such delinquent property taxes when later collected, 51383  
provided that transfer or deposit shall be limited to the amounts 51384  
withheld from that fund under this section. 51385

(G) The department may make payments under this section to 51386  
paying agents or fiscal agents only from and to the extent that 51387  
money is appropriated by the general assembly for Chapter 3317. of 51388  
the Revised Code or for the purposes of this section. No 51389  
securities of a school district to which this section is made 51390  
applicable constitute an obligation or a debt or a pledge of the 51391  
faith, credit, or taxing power of the state, and the holders or 51392  
owners of such securities have no right to have taxes levied or 51393  
appropriations made by the general assembly for the payment of 51394  
debt charges on those securities, and those securities, if the 51395  
department requires, shall contain a statement to that effect. The 51396  
agreement for or the actual withholding and payment of moneys 51397  
under this section does not constitute the assumption by the state 51398  
of any debt of a school district. 51399

(H) In the case of securities subject to the withholding 51400  
provisions of this section, the issuing board of education shall 51401  
appoint a paying agent or fiscal agent who is not an officer or 51402

employee of the school district. 51403

(I) The department of education, with the advice of the 51404  
office of budget and management, may adopt reasonable rules not 51405  
inconsistent with this section for the implementation of this 51406  
section and division (B) of section 133.25 of the Revised Code as 51407  
it relates to the withholding and depositing of payments under 51408  
Chapter 3317. of the Revised Code to secure payment of debt 51409  
charges on school district securities. Those rules shall include 51410  
criteria for the evaluation and approval or denial of school 51411  
district requests for withholding under this section and limits on 51412  
the obligation for the purpose of paying debt charges or 51413  
reimbursing credit enhancement facilities of funds otherwise to be 51414  
paid to school districts under Chapter 3317. of the Revised Code. 51415

(J) The authority granted by this section is in addition to 51416  
and not a limitation on any other authorizations granted by or 51417  
pursuant to law for the same or similar purposes. 51418

**Sec. 3317.19.** ~~(A) As used in this section, "total unit 51419  
allowance" means an amount equal to the sum of the following:~~ 51420

~~(1) The total of the salary allowances for the teachers 51421  
employed in the cooperative education school district for all 51422  
units approved under division (B) or (C) of section 3317.05 of the 51423  
Revised Code. The salary allowance for each unit shall equal the 51424  
minimum salary for the teacher of the unit calculated on the basis 51425  
of the teacher's training level and years of experience pursuant 51426  
to the salary schedule prescribed in the version of section 51427  
3317.13 of the Revised Code in effect prior to July 1, 2001. 51428~~

~~(2) Fifteen per cent of the total computed under division 51429  
(A)(1) of this section;~~ 51430

~~(3) The total of the unit operating allowances for all 51431  
approved units. The amount of each allowance shall equal one of 51432~~

~~the following:~~ 51433

~~(a) Eight thousand twenty three dollars times the number of units for preschool children with disabilities or fraction thereof approved for the year under division (B) of section 3317.05 of the Revised Code;~~ 51434  
51435  
51436  
51437

~~(b) Two thousand one hundred thirty two dollars times the number of units or fraction thereof approved for the year under division (C) of section 3317.05 of the Revised Code.~~ 51438  
51439  
51440

~~(B) The state board of education shall compute and distribute to each cooperative education school district for each fiscal year an amount equal to the sum of the following:~~ 51441  
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51443

~~(1)(A) An amount equal to the total of the amounts credited to the cooperative education school district pursuant to division (H) of section 3317.023 of the Revised Code;~~ 51444  
51445  
51446

~~(2) The total unit allowance;~~ 51447

~~(3)(B) An amount for assisting in providing free lunches to needy children pursuant to division (D) of section 3317.024 of the Revised Code.~~ 51448  
51449  
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~~(C) If a cooperative education school district has had additional special education units approved for the year under division (F)(2) of section 3317.03 of the Revised Code, the district shall receive an additional amount during the last half of the fiscal year. For each unit, the additional amount shall equal fifty per cent of the amount computed under division (A) of this section for a unit approved under division (B) of section 3317.05 of the Revised Code.~~ 51451  
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**Sec. 3317.20.** This section does not apply to preschool children with disabilities. 51459  
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(A) As used in this section: 51461

(1) "Applicable weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) "State share ~~percentage~~ index" means the state share ~~percentage~~ index of the child's school district.

~~(B) Except as provided in division (C) of this section, the~~  
The department shall annually pay each county DD board for each child with a disability, other than a preschool child with a disability, for whom the county DD board provides special education and related services an amount equal to the formula amount + (state share ~~percentage~~ index X formula amount X the applicable weight).

~~(C) If any school district places with a county DD board more children with disabilities than it had placed with a county DD board in fiscal year 1998, the department shall not make a payment under division (B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter, and pay to the county DD board, an amount calculated in accordance with the formula prescribed in division (B) of this section for each child over the number of children placed in fiscal year 1998.~~

~~(D) The department shall calculate for each county DD board receiving payments under divisions (B) and (C) of this section the following amounts:~~

~~(1) The amount received by the county DD board for approved special education and related services units, other than units for preschool children with disabilities, in fiscal year 1998, divided~~

by the total number of children served in the units that year; 51493

~~(2) The product of the quotient calculated under division 51494~~  
~~(D)(1) of this section times the number of children for whom 51495~~  
~~payments are made under divisions (B) and (C) of this section. 51496~~

~~If the amount calculated under division (D)(2) of this 51497~~  
~~section is greater than the total amount calculated under 51498~~  
~~divisions (B) and (C) of this section, the department shall pay 51499~~  
~~the county DD board one hundred per cent of the difference in 51500~~  
~~addition to the payments under divisions (B) and (C) of this 51501~~  
~~section. 51502~~

~~(E)(C)~~ Each county DD board shall report to the department, 51503  
in the manner specified by the department, the name of each child 51504  
for whom the county DD board provides special education and 51505  
related services and the child's school district. 51506

~~(F)(D)(1)~~ For the purpose of verifying the accuracy of the 51507  
payments under this section, the department may request from 51508  
either of the following entities the data verification code 51509  
assigned under division (D)(2) of section 3301.0714 of the Revised 51510  
Code to any child who is placed with a county DD board: 51511

(a) The child's school district; 51512

(b) The independent contractor engaged to create and maintain 51513  
data verification codes. 51514

(2) Upon a request by the department under division ~~(F)(D)(1)~~ 51515  
of this section for the data verification code of a child, the 51516  
child's school district shall submit that code to the department 51517  
in the manner specified by the department. If the child has not 51518  
been assigned a code, the district shall assign a code to that 51519  
child and submit the code to the department by a date specified by 51520  
the department. If the district does not assign a code to the 51521  
child by the specified date, the department shall assign a code to 51522  
the child. 51523

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division ~~(F)~~(D) of this section to any person except as provided by law.

~~(G)~~(E) Any document relative to special education and related services provided by a county DD board that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

**Sec. ~~3313.847~~ 3317.30.** (A) In the case of a child placed in the custody of a juvenile facility established under section 2151.65 or a detention facility established under section 2152.41 of the Revised Code, if payment for the child's education services shall be administered by one of the following methods:

(1) If the facility educates the child, the facility, or the chartered nonpublic school it operates, may submit its request for payment directly to the school district that is to bear the cost of educating the child, as determined under section 2151.362 of the Revised Code. That district shall pay the facility or the chartered nonpublic school directly for those services.

(2) If the facility contracts directly with a school district in which the facility is located for services for that child, the school district may submit its request for payment directly to the school district that is to bear the cost of educating the child, as determined under section 2151.362 of the Revised Code. That district shall pay the school district where the facility is located directly for those services.



(3) If that facility contracts directly with an educational service center for services for that child, the service center may submit its request for payment for services for the child directly to the school district that is responsible to bear the cost of educating the child, as determined under section 2151.362 of the Revised Code. That district shall pay the service center directly for those services. ~~Notwithstanding~~ 51555  
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(B) Notwithstanding anything to the contrary in section 3317.03 of the Revised Code, the district that pays a service center, facility or chartered nonpublic school the facility operates, or other school district for services for a particular child under this section shall include that child in the district's average daily membership as reported under division (A) of section 3317.03 of the Revised Code. No other district shall include the child in its average daily membership. 51562  
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Payments made for a child under this section shall be determined in accordance with division (C)(4) of section 3313.64 of the Revised Code. 51570  
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**Sec. 3317.40.** (A) As used in this section, "subgroup" means one of the following subsets of the entire student population of a school district or a school building: 51573  
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51575

(1) Students with disabilities; 51576

(2) Economically disadvantaged students; 51577

(3) Limited English proficient students; 51578

(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. 51579  
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51581

(B) When funds are provided under this chapter specifically for services for a subgroup of students, the general assembly has determined that these students experience unique challenges 51582  
51583  
51584

requiring additional resources. The department of education shall 51585  
require school districts and schools to account for the 51586  
expenditure of funds provided under this chapter for services to 51587  
those students. 51588

(C) If a district or school fails to show satisfactory 51589  
achievement and progress, as determined by the state board of 51590  
education, for any subgroup of students based on performance 51591  
measures reported or graded under section 3302.03 of the Revised 51592  
Code, the district or school shall submit an improvement plan to 51593  
the department for approval. The plan may be included in any other 51594  
improvement plan required of the district or school under state or 51595  
federal law. The department may require that a plan required under 51596  
division (C) of this section include an agreement to partner with 51597  
another organization that has demonstrated the ability to improve 51598  
the educational outcome for that subgroup of students to provide 51599  
services to those students. The partner organization may be 51600  
another school, district, or other education provider. 51601

Not later than December 31, 2014, the state board of 51602  
education shall establish measures of satisfactory achievement and 51603  
progress, which include, but are not limited to, performance 51604  
measures under section 3302.03 of the Revised Code. The department 51605  
shall make the initial determination of satisfactory achievement 51606  
and progress under this section using those measures not later 51607  
than September 1, 2015, and then make determinations under this 51608  
section annually thereafter. 51609

The department shall publish a list of schools, school 51610  
districts, and other educational providers that have demonstrated 51611  
an ability to serve each subgroup of students. 51612

**Sec. 3317.50.** ~~The eTech-Ohio~~ telecommunity education fund is 51613  
hereby created in the state treasury. The fund shall consist of 51614  
certain excess local exchange telephone company contributions 51615

transferred from the reserve fund of the Ohio telecommunications 51616  
advisory board pursuant to an agreement between the public 51617  
utilities commission of Ohio and the Ohio department of education. 51618  
The fund shall be used by the chancellor of the Ohio board of 51619  
regents, in the amounts appropriated, to finance technology grants 51620  
to state-chartered elementary and secondary schools. Investment 51621  
earnings of the fund shall be credited to the fund. 51622

**Sec. 3317.51.** (A) The distance learning fund is hereby 51623  
created in the state treasury. The fund shall consist of moneys 51624  
paid ~~to the eTech Ohio commission~~ by any telephone company as a 51625  
part of a settlement agreement between such company and the public 51626  
utilities commission in fiscal year 1995 in part to establish 51627  
distance learning throughout the state. The ~~commission~~ chancellor 51628  
of the Ohio board of regents shall administer the fund and expend 51629  
moneys from it to finance technology grants to eligible schools 51630  
chartered by the state board of education to establish distance 51631  
learning in those schools. Chartered schools are eligible for 51632  
funds if they are within the service area of the telephone 51633  
company. Investment earnings of the fund shall be credited to the 51634  
fund. 51635

(B) For purposes of this section, "distance learning" means 51636  
the creation of a learning environment involving a school setting 51637  
and at least one other location outside of the school which allows 51638  
for information available at one site to be accessed at the other 51639  
through the use of such educational applications as one-way or 51640  
two-way transmission of data, voice, and video, singularly or in 51641  
appropriate combinations. 51642

**Sec. 3318.011.** For purposes of providing assistance under 51643  
sections 3318.01 to 3318.20 of the Revised Code, the department of 51644  
education shall annually do all of the following: 51645

(A) Calculate the adjusted valuation per pupil of each city, local, and exempted village school district according to the following formula:

The district's valuation per pupil -  
[\$30,000 X (1 - the district's income factor)].

For purposes of this calculation:

(1) Except for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, "valuation per pupil" for a district means its average taxable value, divided by its formula ADM for the previous fiscal year. "Valuation per pupil," for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, means its average taxable value, divided by the sum of its formula ADM for the previous fiscal year plus its open enrollment net gain for the previous fiscal year.

(2) "Average taxable value" means the average of the sum of the amounts certified for a district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code in the second, third, and fourth preceding fiscal years.

(3) "Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code.

(4) "Formula ADM" ~~and "income factor"~~ has the same ~~meanings~~ meaning as in section 3317.02 of the Revised Code.

(5) "Native student" has the same meaning as in section 3313.98 of the Revised Code.

(6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another

district under the other district's open enrollment policy, both 51677  
numbers as certified to the department under section 3313.981 of 51678  
the Revised Code. If the difference is a negative number, the 51679  
district's "open enrollment net gain" is zero. 51680

(7) "Open enrollment policy" means an interdistrict open 51681  
enrollment policy adopted under section 3313.98 of the Revised 51682  
Code. 51683

(8) "District median income" means the median Ohio adjusted 51684  
gross income certified for a school district. On or before the 51685  
first day of July of each year, the tax commissioner shall certify 51686  
to the department of education and the office of budget and 51687  
management for each city, exempted village, and local school 51688  
district the median Ohio adjusted gross income of the residents of 51689  
the school district determined on the basis of tax returns filed 51690  
for the second preceding tax year by the residents of the 51691  
district. 51692

(9) "Statewide median income" means the median district 51693  
median income of all city, exempted village, and local school 51694  
districts in the state. 51695

(10) "Income factor" for a city, exempted village, or local 51696  
school district means the quotient obtained by dividing that 51697  
district's median income by the statewide median income. 51698

(B) Calculate for each district the three-year average of the 51699  
adjusted valuations per pupil calculated for the district for the 51700  
current and two preceding fiscal years; 51701

(C) Rank all such districts in order of adjusted valuation 51702  
per pupil from the district with the lowest three-year average 51703  
adjusted valuation per pupil to the district with the highest 51704  
three-year average adjusted valuation per pupil; 51705

(D) Divide such ranking into percentiles with the first 51706  
percentile containing the one per cent of school districts having 51707

the lowest three-year average adjusted valuations per pupil and 51708  
the one-hundredth percentile containing the one per cent of school 51709  
districts having the highest three-year average adjusted 51710  
valuations per pupil; 51711

(E) Determine the school districts that have three-year 51712  
average adjusted valuations per pupil that are greater than the 51713  
median three-year average adjusted valuation per pupil for all 51714  
school districts in the state; 51715

(F) On or before the first day of September, certify the 51716  
information described in divisions (A) to (E) of this section to 51717  
the Ohio school facilities commission. 51718

**Sec. 3318.031.** (A) The Ohio school facilities commission 51719  
shall consider student and staff safety and health when reviewing 51720  
design plans for classroom facility construction projects proposed 51721  
under this chapter. After consulting with appropriate education, 51722  
health, and law enforcement personnel, the commission may require 51723  
as a condition of project approval under either section 3318.03 or 51724  
division (B)(1) of section 3318.41 of the Revised Code such 51725  
changes in the design plans as the commission believes will 51726  
advance or improve student and staff safety and health in the 51727  
proposed classroom facility. 51728

To carry out its duties under this division, the commission 51729  
shall review and, if necessary, amend any construction and design 51730  
standards used in its project approval process, including 51731  
standards for location and number of exits, standards for lead 51732  
safety in classroom facilities constructed before 1978 in which 51733  
services are provided to children under six years of age, and 51734  
location of restrooms, with a focus on advancing student and staff 51735  
safety and health. 51736

(B) When reviewing design standards for classroom facility 51737  
construction projects proposed under this chapter, the commission 51738

shall also consider the extent to which the design standards 51739  
support the following: 51740

(1) ~~Support and facilitation of smaller classes and the trend~~ 51741  
~~toward smaller schools~~ Trends in educational delivery methods, 51742  
including digital access and blended learning; 51743

(2) Provision of sufficient space for training new teachers 51744  
and promotion of collaboration among teaching candidates, 51745  
experienced teachers, and teacher educators; 51746

(3) Provision of adequate space for teacher planning and 51747  
collaboration; 51748

(4) Provision of adequate space for parent involvement 51749  
activities; 51750

(5) Provision of sufficient space for innovative partnerships 51751  
between schools and health and social service agencies. 51752

**Sec. 3318.08.** Except in the case of a joint vocational school 51753  
district that receives assistance under sections 3318.40 to 51754  
3318.45 of the Revised Code, if the requisite favorable vote on 51755  
the election is obtained, or if the school district board has 51756  
resolved to apply the proceeds of a property tax levy or the 51757  
proceeds of an income tax, or a combination of proceeds from such 51758  
taxes, as authorized in section 3318.052 of the Revised Code, the 51759  
Ohio school facilities commission, upon certification to it of 51760  
either the results of the election or the resolution under section 51761  
3318.052 of the Revised Code, shall enter into a written agreement 51762  
with the school district board for the construction and sale of 51763  
the project. In the case of a joint vocational school district 51764  
that receives assistance under sections 3318.40 to 3318.45 of the 51765  
Revised Code, if the school district board of education and the 51766  
school district electors have satisfied the conditions prescribed 51767  
in division (D)(1) of section 3318.41 of the Revised Code, the 51768

commission shall enter into an agreement with the school district 51769  
board for the construction and sale of the project. In either 51770  
case, the agreement shall include, but need not be limited to, the 51771  
following provisions: 51772

(A) The sale and issuance of bonds or notes in anticipation 51773  
thereof, as soon as practicable after the execution of the 51774  
agreement, in an amount equal to the school district's portion of 51775  
the basic project cost, including any securities authorized under 51776  
division (J) of section 133.06 of the Revised Code and dedicated 51777  
by the school district board to payment of the district's portion 51778  
of the basic project cost of the project; provided, that if at 51779  
that time the county treasurer of each county in which the school 51780  
district is located has not commenced the collection of taxes on 51781  
the general duplicate of real and public utility property for the 51782  
year in which the controlling board approved the project, the 51783  
school district board shall authorize the issuance of a first 51784  
installment of bond anticipation notes in an amount specified by 51785  
the agreement, which amount shall not exceed an amount necessary 51786  
to raise the net bonded indebtedness of the school district as of 51787  
the date of the controlling board's approval to within five 51788  
thousand dollars of the required level of indebtedness for the 51789  
preceding year. In the event that a first installment of bond 51790  
anticipation notes is issued, the school district board shall, as 51791  
soon as practicable after the county treasurer of each county in 51792  
which the school district is located has commenced the collection 51793  
of taxes on the general duplicate of real and public utility 51794  
property for the year in which the controlling board approved the 51795  
project, authorize the issuance of a second and final installment 51796  
of bond anticipation notes or a first and final issue of bonds. 51797

The combined value of the first and second installment of 51798  
bond anticipation notes or the value of the first and final issue 51799  
of bonds shall be equal to the school district's portion of the 51800



basic project cost. The proceeds of any such bonds shall be used 51801  
first to retire any bond anticipation notes. Otherwise, the 51802  
proceeds of such bonds and of any bond anticipation notes, except 51803  
the premium and accrued interest thereon, shall be deposited in 51804  
the school district's project construction fund. In determining 51805  
the amount of net bonded indebtedness for the purpose of fixing 51806  
the amount of an issue of either bonds or bond anticipation notes, 51807  
gross indebtedness shall be reduced by moneys in the bond 51808  
retirement fund only to the extent of the moneys therein on the 51809  
first day of the year preceding the year in which the controlling 51810  
board approved the project. Should there be a decrease in the tax 51811  
valuation of the school district so that the amount of 51812  
indebtedness that can be incurred on the tax duplicates for the 51813  
year in which the controlling board approved the project is less 51814  
than the amount of the first installment of bond anticipation 51815  
notes, there shall be paid from the school district's project 51816  
construction fund to the school district's bond retirement fund to 51817  
be applied against such notes an amount sufficient to cause the 51818  
net bonded indebtedness of the school district, as of the first 51819  
day of the year following the year in which the controlling board 51820  
approved the project, to be within five thousand dollars of the 51821  
required level of indebtedness for the year in which the 51822  
controlling board approved the project. The maximum amount of 51823  
indebtedness to be incurred by any school district board as its 51824  
share of the cost of the project is either an amount that will 51825  
cause its net bonded indebtedness, as of the first day of the year 51826  
following the year in which the controlling board approved the 51827  
project, to be within five thousand dollars of the required level 51828  
of indebtedness, or an amount equal to the required percentage of 51829  
the basic project costs, whichever is greater. All bonds and bond 51830  
anticipation notes shall be issued in accordance with Chapter 133. 51831  
of the Revised Code, and notes may be renewed as provided in 51832  
section 133.22 of the Revised Code. 51833

(B) The transfer of such funds of the school district board 51834  
available for the project, together with the proceeds of the sale 51835  
of the bonds or notes, except premium, accrued interest, and 51836  
interest included in the amount of the issue, to the school 51837  
district's project construction fund; 51838

(C) For all school districts except joint vocational school 51839  
districts that receive assistance under sections 3318.40 to 51840  
3318.45 of the Revised Code, the following provisions as 51841  
applicable: 51842

(1) If section 3318.052 of the Revised Code applies, the 51843  
earmarking of the proceeds of a tax levied under section 5705.21 51844  
of the Revised Code for general permanent improvements or under 51845  
section 5705.218 of the Revised Code for the purpose of permanent 51846  
improvements, or the proceeds of a school district income tax 51847  
levied under Chapter 5748. of the Revised Code, or the proceeds 51848  
from a combination of those two taxes, in an amount to pay all or 51849  
part of the service charges on bonds issued to pay the school 51850  
district portion of the project and an amount equivalent to all or 51851  
part of the tax required under division (B) of section 3318.05 of 51852  
the Revised Code; 51853

(2) If section 3318.052 of the Revised Code does not apply, 51854  
one of the following: 51855

(a) The levy of the tax authorized at the election for the 51856  
payment of maintenance costs, as specified in division (B) of 51857  
section 3318.05 of the Revised Code; 51858

(b) If the school district electors have approved a 51859  
continuing tax for general permanent improvements under section 51860  
5705.21 of the Revised Code and that tax can be used for 51861  
maintenance, the earmarking of an amount of the proceeds from such 51862  
tax for maintenance of classroom facilities as specified in 51863  
division (B) of section 3318.05 of the Revised Code; 51864

(c) If, in lieu of the tax otherwise required under division 51865  
(B) of section 3318.05 of the Revised Code, the commission has 51866  
approved the transfer of money to the maintenance fund in 51867  
accordance with section 3318.051 of the Revised Code, a 51868  
requirement that the district board comply with the provisions of 51869  
that section. The district board may rescind the provision 51870  
prescribed under division (C)(2)(c) of this section only so long 51871  
as the electors of the district have approved, in accordance with 51872  
section 3318.063 of the Revised Code, the levy of a tax for the 51873  
maintenance of the classroom facilities acquired under the 51874  
district's project and that levy continues to be collected as 51875  
approved by the electors. 51876

(D) For joint vocational school districts that receive 51877  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 51878  
provision for deposit of school district moneys dedicated to 51879  
maintenance of the classroom facilities acquired under those 51880  
sections as prescribed in section 3318.43 of the Revised Code; 51881

(E) Dedication of any local donated contribution as provided 51882  
for under section 3318.084 of the Revised Code, including a 51883  
schedule for depositing such moneys applied as an offset of the 51884  
district's obligation to levy the tax described in division (B) of 51885  
section 3318.05 of the Revised Code as required under division 51886  
(D)(2) of section 3318.084 of the Revised Code; 51887

(F) Ownership of or interest in the project during the period 51888  
of construction, which shall be divided between the commission and 51889  
the school district board in proportion to their respective 51890  
contributions to the school district's project construction fund; 51891

(G) Maintenance of the state's interest in the project until 51892  
any obligations issued for the project under section 3318.26 of 51893  
the Revised Code are no longer outstanding; 51894

(H) The insurance of the project by the school district from 51895

the time there is an insurable interest therein and so long as the 51896  
state retains any ownership or interest in the project pursuant to 51897  
division (F) of this section, in such amounts and against such 51898  
risks as the commission shall require; provided, that the cost of 51899  
any required insurance until the project is completed shall be a 51900  
part of the basic project cost; 51901

(I) The certification by the director of budget and 51902  
management that funds are available and have been set aside to 51903  
meet the state's share of the basic project cost as approved by 51904  
the controlling board pursuant to either section 3318.04 or 51905  
division (B)(1) of section 3318.41 of the Revised Code; 51906

(J) Authorization of the school district board to advertise 51907  
for and receive construction bids for the project, for and on 51908  
behalf of the commission, and to award contracts in the name of 51909  
the state subject to approval by the commission; 51910

(K) Provisions for the disbursement of moneys from the school 51911  
district's project account upon issuance by the commission or the 51912  
commission's designated representative of vouchers for work done 51913  
to be certified to the commission by the treasurer of the school 51914  
district board; 51915

(L) Disposal of any balance left in the school district's 51916  
project construction fund upon completion of the project; 51917

(M) Limitations upon use of the project or any part of it so 51918  
long as any obligations issued to finance the project under 51919  
section 3318.26 of the Revised Code are outstanding; 51920

(N) Provision for vesting the state's interest in the project 51921  
to the school district board when the obligations issued to 51922  
finance the project under section 3318.26 of the Revised Code are 51923  
outstanding; 51924

(O) Provision for deposit of an executed copy of the 51925  
agreement in the office of the commission; 51926

(P) Provision for termination of the contract and release of 51927  
the funds encumbered at the time of the conditional approval, if 51928  
the proceeds of the sale of the bonds of the school district board 51929  
are not paid into the school district's project construction fund 51930  
and if bids for the construction of the project have not been 51931  
taken within such period after the execution of the agreement as 51932  
may be fixed by the commission; 51933

(Q) Provision for the school district to maintain the project 51934  
in accordance with a plan approved by the commission; 51935

(R) Provision that all state funds reserved and encumbered to 51936  
pay the state share of the cost of the project and the funds 51937  
provided by the school district to pay for its share of the 51938  
project cost, including the respective shares of the cost of a 51939  
segment if the project is divided into segments, be spent on the 51940  
construction and acquisition of the project or segment 51941  
simultaneously in proportion to the state's and the school 51942  
district's respective shares of that basic project cost as 51943  
determined under section 3318.032 of the Revised Code or, if the 51944  
district is a joint vocational school district, under section 51945  
3318.42 of the Revised Code. However, if the school district 51946  
certifies to the commission that expenditure by the school 51947  
district is necessary to maintain the federal tax status or 51948  
tax-exempt status of notes or bonds issued by the school district 51949  
to pay for its share of the project cost or to comply with 51950  
applicable temporary investment periods or spending exceptions to 51951  
rebate as provided for under federal law in regard to those notes 51952  
or bonds, the school district may commit to spend, or spend, a 51953  
greater portion of the funds it provides during any specific 51954  
period than would otherwise be required under this division. 51955

(S) A provision stipulating that the commission may prohibit 51956  
the district from proceeding with any project if the commission 51957  
determines that the site is not suitable for construction 51958

purposes. The commission may perform soil tests in its 51959  
determination of whether a site is appropriate for construction 51960  
purposes. 51961

(T) A provision stipulating that, unless otherwise authorized 51962  
by the commission, any contingency reserve portion of the 51963  
construction budget prescribed by the commission shall be used 51964  
only to pay costs resulting from unforeseen job conditions, to 51965  
comply with rulings regarding building and other codes, to pay 51966  
costs related to design clarifications or corrections to contract 51967  
documents, and to pay the costs of settlements or judgments 51968  
related to the project as provided under section 3318.086 of the 51969  
Revised Code; 51970

(U) ~~Provision~~ A provision stipulating that for continued 51971  
release of project funds the school district board shall comply 51972  
with ~~section~~ sections 3313.41 and 3313.411 of the Revised Code 51973  
throughout the project and shall notify the department of 51974  
education and the Ohio community school association when the board 51975  
plans to dispose of facilities by sale under that section; 51976

(V) ~~Provision~~ A provision stipulating that the commission 51977  
shall not approve a contract for demolition of a facility until 51978  
the school district board has complied with ~~section~~ sections 51979  
3313.41 and 3313.411 of the Revised Code relative to that 51980  
facility, unless demolition of that facility is to clear a site 51981  
for construction of a replacement facility included in the 51982  
district's project; 51983

(W) A requirement for the school district to adhere to a 51984  
facilities maintenance plan approved by the commission. 51985

**Sec. 3318.31.** (A) The Ohio school facilities commission may 51986  
perform any act and ensure the performance of any function 51987  
necessary or appropriate to carry out the purposes of, and 51988  
exercise the powers granted under, Chapter 3318. of the Revised 51989

Code, including any of the following: 51990

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 51991  
the Revised Code, rules for the administration of programs 51992  
authorized under Chapter 3318. of the Revised Code. 51993

(2) Contract with, retain the services of, or designate, and 51994  
fix the compensation of, such agents, accountants, consultants, 51995  
advisers, and other independent contractors as may be necessary or 51996  
desirable to carry out the programs authorized under Chapter 3318. 51997  
of the Revised Code, or authorize the executive director to 51998  
perform such powers and duties. 51999

(3) Receive and accept any gifts, grants, donations, and 52000  
pledges, and receipts therefrom, to be used for the programs 52001  
authorized under Chapter 3318. of the Revised Code. 52002

(4) Make and enter into all contracts, commitments, and 52003  
agreements, and execute all instruments, necessary or incidental 52004  
to the performance of its duties and the execution of its rights 52005  
and powers under Chapter 3318. of the Revised Code, or authorize 52006  
the executive director or the Ohio facilities construction 52007  
commission to perform such powers and duties. 52008

(5) Request the Ohio facilities construction commission to 52009  
debar a contractor as provided in section 153.02 of the Revised 52010  
Code. 52011

(B) ~~The Ohio school facilities commission shall appoint and~~ 52012  
~~fix the compensation of an~~ executive director who of the Ohio 52013  
facilities construction commission, as appointed under division 52014  
(B) of section 123.21 of the Revised Code, shall also serve at the 52015  
~~pleasure of~~ as the executive director for the Ohio school 52016  
facilities commission. The executive director shall exercise all 52017  
powers that the Ohio school facilities commission possesses, 52018  
supervise the operations of the Ohio school facilities commission 52019  
and perform such other duties as delegated by the Ohio school 52020

facilities commission. The executive director also shall employ 52021  
and fix the compensation of such employees as will facilitate the 52022  
activities and purposes of the Ohio school facilities commission, 52023  
who shall serve at the pleasure of the executive director. The 52024  
employees of the Ohio school facilities commission shall be exempt 52025  
from Chapter 4117. of the Revised Code and shall not be public 52026  
employees as defined in section 4117.01 of the Revised Code. Any 52027  
agreement entered into prior to July 1, 2012, between the office 52028  
of collective bargaining and the exclusive representative for 52029  
employees of the commission is binding and shall continue to have 52030  
effect. 52031

(C) The attorney general shall serve as the legal 52032  
representative for the Ohio school facilities commission and may 52033  
appoint other counsel as necessary for that purpose in accordance 52034  
with section 109.07 of the Revised Code. 52035

**Sec. 3318.36.** (A)(1) As used in this section: 52036

(a) "Ohio school facilities commission," "classroom 52037  
facilities," "school district," "school district board," "net 52038  
bonded indebtedness," "required percentage of the basic project 52039  
costs," "basic project cost," "valuation," and "percentile" have 52040  
the same meanings as in section 3318.01 of the Revised Code. 52041

(b) "Required level of indebtedness" means five per cent of 52042  
the school district's valuation for the year preceding the year in 52043  
which the commission and school district enter into an agreement 52044  
under division (B) of this section, plus [two one-hundredths of 52045  
one per cent multiplied by (the percentile in which the district 52046  
ranks minus one)]. 52047

(c) "Local resources" means any moneys generated in any 52048  
manner permitted for a school district board to raise the school 52049  
district portion of a project undertaken with assistance under 52050  
sections 3318.01 to 3318.20 of the Revised Code. 52051



(d) "Tangible personal property phase-out impacted district" 52052  
means a school district for which the taxable value of its 52053  
tangible personal property certified under division (A)(2) of 52054  
section 3317.021 of the Revised Code for tax year 2005, excluding 52055  
the taxable value of public utility personal property, made up 52056  
eighteen per cent or more of its total taxable value for tax year 52057  
2005 as certified under that section. 52058

(2) For purposes of determining the required level of 52059  
indebtedness, the required percentage of the basic project costs 52060  
under division (C)(1) of this section, and priority for assistance 52061  
under sections 3318.01 to 3318.20 of the Revised Code, the 52062  
percentile ranking of a school district with which the commission 52063  
has entered into an agreement under this section between the first 52064  
day of July and the thirty-first day of August in each fiscal year 52065  
is the percentile ranking calculated for that district for the 52066  
immediately preceding fiscal year, and the percentile ranking of a 52067  
school district with which the commission has entered into such 52068  
agreement between the first day of September and the thirtieth day 52069  
of June in each fiscal year is the percentile ranking calculated 52070  
for that district for the current fiscal year. However, in the 52071  
case of a tangible personal property phase-out impacted district, 52072  
the district's priority for assistance under sections 3318.01 to 52073  
3318.20 of the Revised Code and its portion of the basic project 52074  
cost under those sections shall be determined in the manner 52075  
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 52076  
this section. 52077

(B)(1) There is hereby established the school building 52078  
assistance expedited local partnership program. Under the program, 52079  
the Ohio school facilities commission may enter into an agreement 52080  
with the board of any school district under which the board may 52081  
proceed with the new construction or major repairs of a part of 52082  
the district's classroom facilities needs, as determined under 52083

sections 3318.01 to 3318.20 of the Revised Code, through the 52084  
expenditure of local resources prior to the school district's 52085  
eligibility for state assistance under those sections, and may 52086  
apply that expenditure toward meeting the school district's 52087  
portion of the basic project cost of the total of the district's 52088  
classroom facilities needs, as recalculated under division (E) of 52089  
this section, when the district becomes eligible for state 52090  
assistance under sections 3318.01 to 3318.20 or section 3318.364 52091  
of the Revised Code. Any school district that is reasonably 52092  
expected to receive assistance under sections 3318.01 to 3318.20 52093  
of the Revised Code within two fiscal years from the date the 52094  
school district adopts its resolution under division (B) of this 52095  
section shall not be eligible to participate in the program 52096  
established under this section. 52097

(2) To participate in the program, a school district board 52098  
shall first adopt a resolution certifying to the commission the 52099  
board's intent to participate in the program. 52100

The resolution shall specify the approximate date that the 52101  
board intends to seek elector approval of any bond or tax measures 52102  
or to apply other local resources to use to pay the cost of 52103  
classroom facilities to be constructed under this section. The 52104  
resolution may specify the application of local resources or 52105  
elector-approved bond or tax measures after the resolution is 52106  
adopted by the board, and in such case the board may proceed with 52107  
a discrete portion of its project under this section as soon as 52108  
the commission and the controlling board have approved the basic 52109  
project cost of the district's classroom facilities needs as 52110  
specified in division (D) of this section. The board shall submit 52111  
its resolution to the commission not later than ten days after the 52112  
date the resolution is adopted by the board. 52113

The commission shall not consider any resolution that is 52114  
submitted pursuant to division (B)(2) of this section, as amended 52115

by this amendment, sooner than September 14, 2000. 52116

(3) For purposes of determining when a district that enters 52117  
into an agreement under this section becomes eligible for 52118  
assistance under sections 3318.01 to 3318.20 of the Revised Code 52119  
or priority for assistance under section 3318.364 of the Revised 52120  
Code, the commission shall use one of the following as applicable: 52121

(a) Except for a tangible personal property phase-out 52122  
impacted district, the district's percentile ranking determined at 52123  
the time the district entered into the agreement under this 52124  
section, as prescribed by division (A)(2) of this section; 52125

(b) For a tangible personal property phase-out impacted 52126  
district, the lesser of (i) the district's percentile ranking 52127  
determined at the time the district entered into the agreement 52128  
under this section, as prescribed by division (A)(2) of this 52129  
section, or (ii) the district's current percentile ranking under 52130  
section 3318.011 of the Revised Code. 52131

(4) Any project under this section shall comply with section 52132  
3318.03 of the Revised Code and with any specifications for plans 52133  
and materials for classroom facilities adopted by the commission 52134  
under section 3318.04 of the Revised Code. 52135

(5) If a school district that enters into an agreement under 52136  
this section has not begun a project applying local resources as 52137  
provided for under that agreement at the time the district is 52138  
notified by the commission that it is eligible to receive state 52139  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 52140  
all assessment and agreement documents entered into under this 52141  
section are void. 52142

(6) Only construction of or repairs to classroom facilities 52143  
that have been approved by the commission and have been therefore 52144  
included as part of a district's basic project cost qualify for 52145  
application of local resources under this section. 52146

(C) Based on the results of on-site visits and assessment, 52147  
the commission shall determine the basic project cost of the 52148  
school district's classroom facilities needs. The commission shall 52149  
determine the school district's portion of such basic project 52150  
cost, which shall be the greater of: 52151

(1) The required percentage of the basic project costs, 52152  
determined based on the school district's percentile ranking; 52153

(2) An amount necessary to raise the school district's net 52154  
bonded indebtedness, as of the fiscal year the commission and the 52155  
school district enter into the agreement under division (B) of 52156  
this section, to within five thousand dollars of the required 52157  
level of indebtedness. 52158

(D)(1) When the commission determines the basic project cost 52159  
of the classroom facilities needs of a school district and the 52160  
school district's portion of that basic project cost under 52161  
division (C) of this section, the project shall be conditionally 52162  
approved. Such conditional approval shall be submitted to the 52163  
controlling board for approval thereof. The controlling board 52164  
shall forthwith approve or reject the commission's determination, 52165  
conditional approval, and the amount of the state's portion of the 52166  
basic project cost; however, no state funds shall be encumbered 52167  
under this section. Upon approval by the controlling board, the 52168  
school district board may identify a discrete part of its 52169  
classroom facilities needs, which shall include only new 52170  
construction of or additions or major repairs to a particular 52171  
building, to address with local resources. Upon identifying a part 52172  
of the school district's basic project cost to address with local 52173  
resources, the school district board may allocate any available 52174  
school district moneys to pay the cost of that identified part, 52175  
including the proceeds of an issuance of bonds if approved by the 52176  
electors of the school district. 52177

All local resources utilized under this division shall first 52178

be deposited in the project construction account required under 52179  
section 3318.08 of the Revised Code. 52180

(2) Unless the school district board exercises its option 52181  
under division (D)(3) of this section, for a school district to 52182  
qualify for participation in the program authorized under this 52183  
section, one of the following conditions shall be satisfied: 52184

(a) The electors of the school district by a majority vote 52185  
shall approve the levy of taxes outside the ten-mill limitation 52186  
for a period of twenty-three years at the rate of not less than 52187  
one-half mill for each dollar of valuation to be used to pay the 52188  
cost of maintaining the classroom facilities included in the basic 52189  
project cost as determined by the commission. The form of the 52190  
ballot to be used to submit the question whether to approve the 52191  
tax required under this division to the electors of the school 52192  
district shall be the form for an additional levy of taxes 52193  
prescribed in section 3318.361 of the Revised Code, which may be 52194  
combined in a single ballot question with the questions prescribed 52195  
under section 5705.218 of the Revised Code. 52196

(b) As authorized under division (C) of section 3318.05 of 52197  
the Revised Code, the school district board shall earmark from the 52198  
proceeds of a permanent improvement tax levied under section 52199  
5705.21 of the Revised Code, an amount equivalent to the 52200  
additional tax otherwise required under division (D)(2)(a) of this 52201  
section for the maintenance of the classroom facilities included 52202  
in the basic project cost as determined by the commission. 52203

(c) As authorized under section 3318.051 of the Revised Code, 52204  
the school district board shall, if approved by the commission, 52205  
annually transfer into the maintenance fund required under section 52206  
3318.05 of the Revised Code the amount prescribed in section 52207  
3318.051 of the Revised Code in lieu of the tax otherwise required 52208  
under division (D)(2)(a) of this section for the maintenance of 52209  
the classroom facilities included in the basic project cost as 52210

determined by the commission. 52211

(d) If the school district board has rescinded the agreement 52212  
to make transfers under section 3318.051 of the Revised Code, as 52213  
provided under division (F) of that section, the electors of the 52214  
school district, in accordance with section 3318.063 of the 52215  
Revised Code, first shall approve the levy of taxes outside the 52216  
ten-mill limitation for the period specified in that section at a 52217  
rate of not less than one-half mill for each dollar of valuation. 52218

(e) The school district board shall apply the proceeds of a 52219  
tax to leverage bonds as authorized under section 3318.052 of the 52220  
Revised Code or dedicate a local donated contribution in the 52221  
manner described in division (B) of section 3318.084 of the 52222  
Revised Code in an amount equivalent to the additional tax 52223  
otherwise required under division (D)(2)(a) of this section for 52224  
the maintenance of the classroom facilities included in the basic 52225  
project cost as determined by the commission. 52226

(3) A school district board may opt to delay taking any of 52227  
the actions described in division (D)(2) of this section until the 52228  
school district becomes eligible for state assistance under 52229  
sections 3318.01 to 3318.20 of the Revised Code. In order to 52230  
exercise this option, the board shall certify to the commission a 52231  
resolution indicating the board's intent to do so prior to 52232  
entering into an agreement under division (B) of this section. 52233

(4) If pursuant to division (D)(3) of this section a district 52234  
board opts to delay levying an additional tax until the district 52235  
becomes eligible for state assistance, it shall submit the 52236  
question of levying that tax to the district electors as follows: 52237

(a) In accordance with section 3318.06 of the Revised Code if 52238  
it will also be necessary pursuant to division (E) of this section 52239  
to submit a proposal for approval of a bond issue; 52240

(b) In accordance with section 3318.361 of the Revised Code 52241

if it is not necessary to also submit a proposal for approval of a 52242  
bond issue pursuant to division (E) of this section. 52243

(5) No state assistance under sections 3318.01 to 3318.20 of 52244  
the Revised Code shall be released until a school district board 52245  
that adopts and certifies a resolution under division (D) of this 52246  
section also demonstrates to the satisfaction of the commission 52247  
compliance with the provisions of division (D)(2) of this section. 52248

Any amount required for maintenance under division (D)(2) of 52249  
this section shall be deposited into a separate fund as specified 52250  
in division (B) of section 3318.05 of the Revised Code. 52251

(E)(1) If the school district becomes eligible for state 52252  
assistance under sections 3318.01 to 3318.20 of the Revised Code 52253  
based on its percentile ranking under division (B)(3) of this 52254  
section or is offered assistance under section 3318.364 of the 52255  
Revised Code, the commission shall conduct a new assessment of the 52256  
school district's classroom facilities needs and shall recalculate 52257  
the basic project cost based on this new assessment. The basic 52258  
project cost recalculated under this division shall include the 52259  
amount of expenditures made by the school district board under 52260  
division (D)(1) of this section. The commission shall then 52261  
recalculate the school district's portion of the new basic project 52262  
cost, which shall be one of the following as applicable: 52263

(a) Except for a tangible personal property phase-out 52264  
impacted district, the percentage of the original basic project 52265  
cost assigned to the school district as its portion under division 52266  
(C) of this section; 52267

(b) For a tangible personal property phase-out impacted 52268  
district, the lesser of (i) the percentage of the original basic 52269  
project cost assigned to the school district as its portion under 52270  
division (C) of this section, or (ii) the percentage of the new 52271  
basic project cost determined under section 3318.032 of the 52272

Revised Code using the district's current percentile ranking under 52273  
section 3318.011 of the Revised Code. The 52274

The commission shall deduct the expenditure of school 52275  
district moneys made under division (D)(1) of this section from 52276  
the school district's portion of the basic project cost as 52277  
recalculated under this division. If the amount of school district 52278  
resources applied by the school district board to the school 52279  
district's portion of the basic project cost under this section is 52280  
less than the total amount of such portion as recalculated under 52281  
this division, the school district board by a majority vote of all 52282  
of its members shall, if it desires to seek state assistance under 52283  
sections 3318.01 to 3318.20 of the Revised Code, adopt a 52284  
resolution as specified in section 3318.06 of the Revised Code to 52285  
submit to the electors of the school district the question of 52286  
approval of a bond issue in order to pay any additional amount of 52287  
school district portion required for state assistance. Any tax 52288  
levy approved under division (D) of this section satisfies the 52289  
requirements to levy the additional tax under section 3318.06 of 52290  
the Revised Code. 52291

(2) If the amount of school district resources applied by the 52292  
school district board to the school district's portion of the 52293  
basic project cost under this section is more than the total 52294  
amount of such portion as recalculated under ~~this~~ (E)(1) 52295  
of this section, within one year after the school district's 52296  
portion is so recalculated ~~under division (E)(1) of this section~~ 52297  
the commission may grant to the school district the difference 52298  
between the two calculated portions, but at no time shall the 52299  
commission expend any state funds on a project in an amount 52300  
greater than the state's portion of the basic project cost as 52301  
recalculated under ~~this~~ (E)(1) of this section. 52302

Any reimbursement under this division shall be only for local 52303  
resources the school district has applied toward construction cost 52304



expenditures for the classroom facilities approved by the 52305  
commission, which shall not include any financing costs associated 52306  
with that construction. 52307

The school district board shall use any moneys reimbursed to 52308  
the district under this division to pay off any debt service the 52309  
district owes for classroom facilities constructed under its 52310  
project under this section before such moneys are applied to any 52311  
other purpose. However, the district board first may deposit 52312  
moneys reimbursed under this division into the district's general 52313  
fund or a permanent improvement fund to replace local resources 52314  
the district withdrew from those funds, as long as, and to the 52315  
extent that, those local resources were used by the district for 52316  
constructing classroom facilities included in the district's basic 52317  
project cost. 52318

(3) A tangible personal property phase-out impacted district 52319  
shall receive credit under division (E) of this section for the 52320  
expenditure of local resources pursuant to any prior agreement 52321  
authorized by this section, notwithstanding any recalculation of 52322  
its average taxable value. 52323

**Sec. 3318.363.** (A) This section applies beginning in fiscal 52324  
year 2003 and only to a school district participating in the 52325  
school building assistance expedited local partnership program 52326  
under section 3318.36 of the Revised Code. 52327

(B) If there is a decrease in the tax valuation of a school 52328  
district to which this section applies by ten per cent or greater 52329  
from one tax year to the next due to a decrease in the assessment 52330  
rate of the taxable property of an electric company that owns 52331  
property in the district, as provided for in section 5727.111 of 52332  
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 52333  
General Assembly, the Ohio school facilities commission shall 52334  
calculate or recalculate the state and school district portions of 52335

the basic project cost of the school district's project by 52336  
determining the percentile rank in which the district would be 52337  
located if such ranking were made using the adjusted valuation per 52338  
pupil calculated under division (C) of this section rather than 52339  
the three-year average adjusted valuation per pupil, calculated 52340  
under division (B) of section 3318.011 of the Revised Code. For 52341  
such district, the required percentage of the basic project cost 52342  
used to determine the state and school district shares of that 52343  
cost under division (C) of section 3318.36 of the Revised Code 52344  
shall be based on the percentile rank as calculated under this 52345  
section rather than as otherwise provided in division (C)(1) of 52346  
section 3318.36 of the Revised Code. If the commission has 52347  
determined the state and school district portion of the basic 52348  
project cost of such a district's project under section 3318.36 of 52349  
the Revised Code prior to that decrease in tax valuation, the 52350  
commission shall adjust the state and school district shares of 52351  
the basic project cost of such project in accordance with this 52352  
section. 52353

(C)(1) As used in divisions (C) and (D) of this section, 52354  
"total taxable value," and "formula ADM," ~~and "income factor"~~ have 52355  
the same meanings as in section 3317.02 of the Revised Code, and 52356  
"income factor" has the same meaning as in section 3318.011 of the 52357  
Revised Code. 52358

(2) The adjusted valuation per pupil for a school district to 52359  
which this section applies shall be calculated using the following 52360  
formula: 52361

(The district's total taxable value for the tax year 52362  
preceding the calendar year in which the current fiscal year 52363  
begins / the district's formula ADM for the previous fiscal year) 52364  
- [\$30,000 x (1 - the district's income factor)]. 52365

(D) At the request of the Ohio school facilities commission, 52366  
the department of education shall report a district's total 52367

taxable value for the tax year preceding the calendar year in 52368  
which the current fiscal year begins for any district to which 52369  
this section applies as that information has been certified to the 52370  
department by the tax commissioner pursuant to section 3317.021 of 52371  
the Revised Code. 52372

Sec. 3319.031. Notwithstanding any provision of the Revised 52373  
Code to the contrary, if the board of education of a city, local, 52374  
or exempted village school district does not appoint a business 52375  
manager under section 3319.03 of the Revised Code, the board may 52376  
assign powers and duties specified in section 3319.04 of the 52377  
Revised Code to one or more employees or officers of the board, 52378  
including the treasurer, and may give the employees or officers 52379  
any title recognizing the assignment of the powers and duties. The 52380  
prohibition, in section 3319.04 of the Revised Code, against a 52381  
business manager having possession of moneys does not prevent a 52382  
board from assigning powers and duties specified in that section 52383  
to the treasurer and does not prevent a treasurer who is assigned 52384  
those powers and duties from exercising the powers and duties of 52385  
treasurer. If the board assigns the duties of a business manager 52386  
under section 3319.04 of the Revised Code to the treasurer, the 52387  
treasurer shall not have the authority to make recommendations to 52388  
appoint or discharge noneducational employees, except as provided 52389  
under section 3313.31 of the Revised Code. Instead, the district 52390  
superintendent shall be responsible for making recommendations, 52391  
subject to confirmation by the board, for the appointment or 52392  
discharge of noneducational employees. 52393

**Sec. 3319.07.** (A) The board of education of each city, 52394  
exempted village, local, and joint vocational school district 52395  
shall employ the teachers of the public schools of their 52396  
respective districts. 52397

The governing board of each educational service center may 52398

employ special instruction teachers, special education teachers, 52399  
and teachers of academic courses in which there are too few 52400  
students in each of the school districts entering into agreements 52401  
pursuant to section 3313.843 of the Revised Code to warrant each 52402  
district's employing teachers for those courses. 52403

When any board makes appointments of teachers, the teachers 52404  
in the employ of the board shall be considered before new teachers 52405  
are chosen in their stead. In all school districts and in service 52406  
centers, no teacher shall be employed unless such person is 52407  
nominated by the superintendent of such district or center, or by 52408  
another individual designated by the board in the event that the 52409  
superintendent's nomination would be a violation of section 52410  
2921.42 of the Revised Code. Such board, by a three-fourths vote 52411  
of its full membership, may re-employ any teacher whom the 52412  
superintendent refuses to appoint. 52413

(B) The board of education of any school district may 52414  
contract with the governing board of the educational service 52415  
center from which it otherwise receives services to conduct 52416  
searches and recruitment of candidates for teacher positions. 52417

**Sec. 3319.073.** (A) The board of education of each city and 52418  
exempted village school district and the governing board of each 52419  
educational service center shall adopt or adapt the curriculum 52420  
developed by the department of education for, or shall develop in 52421  
consultation with public or private agencies or persons involved 52422  
in child abuse prevention or intervention programs, a program of 52423  
in-service training in the prevention of child abuse, violence, 52424  
and substance abuse and the promotion of positive youth 52425  
development. Each person employed by any school district or 52426  
service center to work in a school as a nurse, teacher, counselor, 52427  
school psychologist, or administrator shall complete at least four 52428  
hours of the in-service training within two years of commencing 52429

employment with the district or center, and every five years 52430  
thereafter. A person who is employed by any school district or 52431  
service center to work in an elementary school as a nurse, 52432  
teacher, counselor, school psychologist, or administrator on March 52433  
30, 2007, shall complete at least four hours of the in-service 52434  
training not later than March 30, 2009, and every five years 52435  
thereafter. A person who is employed by any school district or 52436  
service center to work in a middle or high school as a nurse, 52437  
teacher, counselor, school psychologist, or administrator on 52438  
October 16, 2009, shall complete at least four hours of the 52439  
in-service training not later than October 16, 2011, and every 52440  
five years thereafter. 52441

(B) Each board shall incorporate training in school safety 52442  
and violence prevention, including human trafficking content, into 52443  
the in-service training required by division (A) of this section. 52444  
For this purpose, the board shall adopt or adapt the curriculum 52445  
developed by the department or shall develop its own curriculum in 52446  
consultation with public or private agencies or persons involved 52447  
in school safety and violence prevention programs. 52448

(C) Each board shall incorporate training on the board's 52449  
harassment, intimidation, or bullying policy adopted under section 52450  
3313.666 of the Revised Code into the in-service training required 52451  
by division (A) of this section. Each board also shall incorporate 52452  
training in the prevention of dating violence into the in-service 52453  
training required by that division for middle and high school 52454  
employees. The board shall develop its own curricula for these 52455  
purposes. 52456

(D) Each board shall incorporate training in youth suicide 52457  
awareness and prevention into the in-service training required by 52458  
division (A) of this section for each person employed by a school 52459  
district or service center to work in a school as a nurse, 52460  
teacher, counselor, school psychologist, or administrator, and any 52461

other personnel that the board determines appropriate. For this 52462  
purpose, the board shall adopt or adapt the curriculum developed 52463  
by the department or shall develop its own curriculum in 52464  
consultation with public or private agencies or persons involved 52465  
in youth suicide awareness and prevention programs. 52466

The training completed under this division shall count toward 52467  
the satisfaction of requirements for professional development 52468  
required by the school district or service center board, and the 52469  
training may be accomplished through self-review of suitable 52470  
suicide prevention materials approved by the board. 52471

**Sec. 3319.17.** (A) As used in this section, "interdistrict 52472  
contract" means any contract or agreement entered into by an 52473  
educational service center governing board and another board or 52474  
other public entity pursuant to section 3313.17, 3313.841, 52475  
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 52476  
Revised Code, including any such contract or agreement for the 52477  
provision of services funded under division (E) of section 52478  
3317.024 of the Revised Code ~~or provided in any unit approved~~ 52479  
~~under section 3317.05 of the Revised Code.~~ 52480

(B) When, for any of the following reasons that apply to any 52481  
city, exempted village, local, or joint vocational school district 52482  
or any educational service center, the board decides that it will 52483  
be necessary to reduce the number of teachers it employs, it may 52484  
make a reasonable reduction: 52485

(1) In the case of any district or service center, return to 52486  
duty of regular teachers after leaves of absence including 52487  
suspension of schools, territorial changes affecting the district 52488  
or center, or financial reasons; 52489

(2) In the case of any city, exempted village, local, or 52490  
joint vocational school district, decreased enrollment of pupils 52491  
in the district; 52492

(3) In the case of any governing board of a service center 52493  
providing any particular service directly to pupils pursuant to 52494  
one or more interdistrict contracts requiring such service, 52495  
reduction in the total number of pupils the governing board is 52496  
required to provide with the service under all interdistrict 52497  
contracts as a result of the termination or nonrenewal of one or 52498  
more of these interdistrict contracts; 52499

(4) In the case of any governing board providing any 52500  
particular service that it does not provide directly to pupils 52501  
pursuant to one or more interdistrict contracts requiring such 52502  
service, reduction in the total level of the service the governing 52503  
board is required to provide under all interdistrict contracts as 52504  
a result of the termination or nonrenewal of one or more of these 52505  
interdistrict contracts. 52506

(C) In making any such reduction, any city, exempted village, 52507  
local, or joint vocational school board shall proceed to suspend 52508  
contracts in accordance with the recommendation of the 52509  
superintendent of schools who shall, within each teaching field 52510  
affected, give preference to teachers on continuing contracts. The 52511  
board shall not give preference to any teacher based on seniority, 52512  
except when making a decision between teachers who have comparable 52513  
evaluations. 52514

On a case-by-case basis, in lieu of suspending a contract in 52515  
whole, a board may suspend a contract in part, so that an 52516  
individual is required to work a percentage of the time the 52517  
employee otherwise is required to work under the contract and 52518  
receives a commensurate percentage of the full compensation the 52519  
employee otherwise would receive under the contract. 52520

The teachers whose continuing contracts are suspended by any 52521  
board pursuant to this section shall have the right of restoration 52522  
to continuing service status by that board if and when teaching 52523  
positions become vacant or are created for which any of such 52524

teachers are or become qualified. No teacher whose continuing 52525  
contract has been suspended pursuant to this section shall lose 52526  
that right of restoration to continuing service status by reason 52527  
of having declined recall to a position that is less than 52528  
full-time or, if the teacher was not employed full-time just prior 52529  
to suspension of the teacher's continuing contract, to a position 52530  
requiring a lesser percentage of full-time employment than the 52531  
position the teacher last held while employed in the district or 52532  
service center. Seniority shall not be the basis for rehiring a 52533  
teacher, except when making a decision between teachers who have 52534  
comparable evaluations. 52535

(D) Notwithstanding any provision to the contrary in Chapter 52536  
4117. of the Revised Code: 52537

(1) The requirements of this section, as it existed prior to 52538  
~~the effective date of this amendment~~ September 29, 2011, prevail 52539  
over any conflicting provisions of agreements between employee 52540  
organizations and public employers entered into between September 52541  
29, 2005, and ~~that effective date~~ September 29, 2011; 52542

(2) The requirements of this section, as it exists on and 52543  
~~after the effective date of this amendment~~ September 29, 2011, 52544  
prevail over any conflicting provisions of agreements between 52545  
employee organizations and public employers entered into on or 52546  
after ~~that effective date~~ September 29, 2011. 52547

**Sec. 3319.22.** (A)(1) The state board of education shall issue 52548  
the following educator licenses: 52549

(a) A resident educator license, which shall be valid for 52550  
four years, except that the state board, on a case-by-case basis, 52551  
may extend the license's duration as necessary to enable the 52552  
license holder to complete the Ohio teacher residency program 52553  
established under section 3319.223 of the Revised Code; 52554



(b) A professional educator license, which shall be valid for 52555  
five years and shall be renewable; 52556

(c) A senior professional educator license, which shall be 52557  
valid for five years and shall be renewable; 52558

(d) A lead professional educator license, which shall be 52559  
valid for five years and shall be renewable. 52560

(2) The state board may issue any additional educator 52561  
licenses of categories, types, and levels the board elects to 52562  
provide. 52563

(3) The state board shall adopt rules establishing the 52564  
standards and requirements for obtaining each educator license 52565  
issued under this section. 52566

(B) The rules adopted under this section shall require at 52567  
least the following standards and qualifications for the educator 52568  
licenses described in division (A)(1) of this section: 52569

(1) An applicant for a resident educator license shall hold 52570  
at least a bachelor's degree from an accredited teacher 52571  
preparation program or be a participant in the teach for America 52572  
program and meet the qualifications required under section 52573  
3319.227 of the Revised Code. 52574

(2) An applicant for a professional educator license shall: 52575

(a) Hold at least a bachelor's degree from an institution of 52576  
higher education accredited by a regional accrediting 52577  
organization; 52578

(b) Have successfully completed the Ohio teacher residency 52579  
program established under section 3319.223 of the Revised Code, if 52580  
the applicant's current or most recently issued license is a 52581  
resident educator license issued under this section or an 52582  
alternative resident educator license issued under section 3319.26 52583  
of the Revised Code. 52584

|                                                                                                                                                                                                                                                                                                  |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| (3) An applicant for a senior professional educator license shall:                                                                                                                                                                                                                               | 52585 |
|                                                                                                                                                                                                                                                                                                  | 52586 |
| (a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;                                                                                                                                                                   | 52587 |
|                                                                                                                                                                                                                                                                                                  | 52588 |
|                                                                                                                                                                                                                                                                                                  | 52589 |
| (b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;                                                                                                                                      | 52590 |
|                                                                                                                                                                                                                                                                                                  | 52591 |
|                                                                                                                                                                                                                                                                                                  | 52592 |
| (c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.                                                                                               | 52593 |
|                                                                                                                                                                                                                                                                                                  | 52594 |
|                                                                                                                                                                                                                                                                                                  | 52595 |
|                                                                                                                                                                                                                                                                                                  | 52596 |
| (4) An applicant for a lead professional educator license shall:                                                                                                                                                                                                                                 | 52597 |
|                                                                                                                                                                                                                                                                                                  | 52598 |
| (a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;                                                                                                                                                                   | 52599 |
|                                                                                                                                                                                                                                                                                                  | 52600 |
|                                                                                                                                                                                                                                                                                                  | 52601 |
| (b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;                                                     | 52602 |
|                                                                                                                                                                                                                                                                                                  | 52603 |
|                                                                                                                                                                                                                                                                                                  | 52604 |
|                                                                                                                                                                                                                                                                                                  | 52605 |
| (c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;                                                                                                               | 52606 |
|                                                                                                                                                                                                                                                                                                  | 52607 |
|                                                                                                                                                                                                                                                                                                  | 52608 |
| (d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. | 52609 |
|                                                                                                                                                                                                                                                                                                  | 52610 |
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|                                                                                                                                                                                                                                                                                                  | 52612 |
|                                                                                                                                                                                                                                                                                                  | 52613 |
| (C) The state board shall align the standards and                                                                                                                                                                                                                                                | 52614 |

qualifications for obtaining a principal license with the 52615  
standards for principals adopted by the state board under section 52616  
3319.61 of the Revised Code. 52617

(D) If the state board requires any examinations for educator 52618  
licensure, the department of education shall provide the results 52619  
of such examinations received by the department to the chancellor 52620  
of the Ohio board of regents, in the manner and to the extent 52621  
permitted by state and federal law. 52622

(E) Any rules the state board of education adopts, amends, or 52623  
rescinds for educator licenses under this section, division (D) of 52624  
section 3301.07 of the Revised Code, or any other law shall be 52625  
adopted, amended, or rescinded under Chapter 119. of the Revised 52626  
Code except as follows: 52627

(1) Notwithstanding division (D) of section 119.03 and 52628  
division (A)(1) of section 119.04 of the Revised Code, in the case 52629  
of the adoption of any rule or the amendment or rescission of any 52630  
rule that necessitates institutions' offering preparation programs 52631  
for educators and other school personnel that are approved by the 52632  
chancellor of the Ohio board of regents under section 3333.048 of 52633  
the Revised Code to revise the curriculum of those programs, the 52634  
effective date shall not be as prescribed in division (D) of 52635  
section 119.03 and division (A)(1) of section 119.04 of the 52636  
Revised Code. Instead, the effective date of such rules, or the 52637  
amendment or rescission of such rules, shall be the date 52638  
prescribed by section 3333.048 of the Revised Code. 52639

(2) Notwithstanding the authority to adopt, amend, or rescind 52640  
emergency rules in division (F) of section 119.03 of the Revised 52641  
Code, this authority shall not apply to the state board of 52642  
education with regard to rules for educator licenses. 52643

(F)(1) The rules adopted under this section establishing 52644  
standards requiring additional coursework for the renewal of any 52645

educator license shall require a school district and a chartered 52646  
nonpublic school to establish local professional development 52647  
committees. In a nonpublic school, the chief administrative 52648  
officer shall establish the committees in any manner acceptable to 52649  
such officer. The committees established under this division shall 52650  
determine whether coursework that a district or chartered 52651  
nonpublic school teacher proposes to complete meets the 52652  
requirement of the rules. The department of education shall 52653  
provide technical assistance and support to committees as the 52654  
committees incorporate the professional development standards 52655  
adopted by the state board of education pursuant to section 52656  
3319.61 of the Revised Code into their review of coursework that 52657  
is appropriate for license renewal. The rules shall establish a 52658  
procedure by which a teacher may appeal the decision of a local 52659  
professional development committee. 52660

(2) In any school district in which there is no exclusive 52661  
representative established under Chapter 4117. of the Revised 52662  
Code, the professional development committees shall be established 52663  
as described in division (F)(2) of this section. 52664

Not later than the effective date of the rules adopted under 52665  
this section, the board of education of each school district shall 52666  
establish the structure for one or more local professional 52667  
development committees to be operated by such school district. The 52668  
committee structure so established by a district board shall 52669  
remain in effect unless within thirty days prior to an anniversary 52670  
of the date upon which the current committee structure was 52671  
established, the board provides notice to all affected district 52672  
employees that the committee structure is to be modified. 52673  
Professional development committees may have a district-level or 52674  
building-level scope of operations, and may be established with 52675  
regard to particular grade or age levels for which an educator 52676  
license is designated. 52677

Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district, in which case the one or two principals employed shall serve on the committee. If a committee has a particular grade or age level scope, the teacher members shall be licensed to teach such grade or age levels, and shall be elected by majority vote of the classroom teachers holding such a license and the principal shall be elected by all principals serving in buildings where any such teachers serve. The district superintendent shall appoint a replacement to fill any vacancy that occurs on a professional development committee, except in the case of vacancies among the elected classroom teacher members, which shall be filled by vote of the remaining members of the committee so selected.

Terms of office on professional development committees shall be prescribed by the district board establishing the committees. The conduct of elections for members of professional development committees shall be prescribed by the district board establishing the committees. A professional development committee may include additional members, except that the majority of members on each such committee shall be classroom teachers employed by the district. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that

term. 52711

The initial meeting of any professional development 52712  
committee, upon election and appointment of all committee members, 52713  
shall be called by a member designated by the district 52714  
superintendent. At this initial meeting, the committee shall 52715  
select a chairperson and such other officers the committee deems 52716  
necessary, and shall adopt rules for the conduct of its meetings. 52717  
Thereafter, the committee shall meet at the call of the 52718  
chairperson or upon the filing of a petition with the district 52719  
superintendent signed by a majority of the committee members 52720  
calling for the committee to meet. 52721

(3) In the case of a school district in which an exclusive 52722  
representative has been established pursuant to Chapter 4117. of 52723  
the Revised Code, professional development committees shall be 52724  
established in accordance with any collective bargaining agreement 52725  
in effect in the district that includes provisions for such 52726  
committees. 52727

If the collective bargaining agreement does not specify a 52728  
different method for the selection of teacher members of the 52729  
committees, the exclusive representative of the district's 52730  
teachers shall select the teacher members. 52731

If the collective bargaining agreement does not specify a 52732  
different structure for the committees, the board of education of 52733  
the school district shall establish the structure, including the 52734  
number of committees and the number of teacher and administrative 52735  
members on each committee; the specific administrative members to 52736  
be part of each committee; whether the scope of the committees 52737  
will be district levels, building levels, or by type of grade or 52738  
age levels for which educator licenses are designated; the lengths 52739  
of terms for members; the manner of filling vacancies on the 52740  
committees; and the frequency and time and place of meetings. 52741  
However, in all cases, except as provided in division (F)(4) of 52742

this section, there shall be a majority of teacher members of any 52743  
professional development committee, there shall be at least five 52744  
total members of any professional development committee, and the 52745  
exclusive representative shall designate replacement members in 52746  
the case of vacancies among teacher members, unless the collective 52747  
bargaining agreement specifies a different method of selecting 52748  
such replacements. 52749

(4) Whenever an administrator's coursework plan is being 52750  
discussed or voted upon, the local professional development 52751  
committee shall, at the request of one of its administrative 52752  
members, cause a majority of the committee to consist of 52753  
administrative members by reducing the number of teacher members 52754  
voting on the plan. 52755

(G)(1) The department of education, educational service 52756  
centers, county boards of developmental disabilities, regional 52757  
professional development centers, special education regional 52758  
resource centers, college and university departments of education, 52759  
head start programs, ~~the eTech Ohio commission~~, and the Ohio 52760  
education computer network may establish local professional 52761  
development committees to determine whether the coursework 52762  
proposed by their employees who are licensed or certificated under 52763  
this section or section 3319.222 of the Revised Code, or under the 52764  
former version of either section as it existed prior to October 52765  
16, 2009, meet the requirements of the rules adopted under this 52766  
section. They may establish local professional development 52767  
committees on their own or in collaboration with a school district 52768  
or other agency having authority to establish them. 52769

Local professional development committees established by 52770  
county boards of developmental disabilities shall be structured in 52771  
a manner comparable to the structures prescribed for school 52772  
districts in divisions (F)(2) and (3) of this section, as shall 52773  
the committees established by any other entity specified in 52774

division (G)(1) of this section that provides educational services 52775  
by employing or contracting for services of classroom teachers 52776  
licensed or certificated under this section or section 3319.222 of 52777  
the Revised Code, or under the former version of either section as 52778  
it existed prior to October 16, 2009. All other entities specified 52779  
in division (G)(1) of this section shall structure their 52780  
committees in accordance with guidelines which shall be issued by 52781  
the state board. 52782

(2) Any public agency that is not specified in division 52783  
(G)(1) of this section but provides educational services and 52784  
employs or contracts for services of classroom teachers licensed 52785  
or certificated under this section or section 3319.222 of the 52786  
Revised Code, or under the former version of either section as it 52787  
existed prior to October 16, 2009, may establish a local 52788  
professional development committee, subject to the approval of the 52789  
department of education. The committee shall be structured in 52790  
accordance with guidelines issued by the state board. 52791

**Sec. 3319.235.** (A) The standards for the preparation of 52792  
teachers adopted under section 3333.048 of the Revised Code shall 52793  
require any institution that provides a course of study for the 52794  
training of teachers to ensure that graduates of such course of 52795  
study are skilled at integrating educational technology in the 52796  
instruction of children, as evidenced by the graduate having 52797  
either demonstrated proficiency in such skills in a manner 52798  
prescribed by the department of education or completed a course 52799  
that includes training in such skills. 52800

(B) The eTech Ohio commission chancellor of the Ohio board of 52801  
regents, in consultation with the department of education, shall 52802  
establish model professional development programs to assist 52803  
teachers who completed their teacher preparation prior to the 52804  
effective date of division (A) of this section to become skilled 52805



at integrating educational technology in the instruction of 52806  
children. The ~~commission~~ chancellor shall provide technical 52807  
assistance to school districts wishing to establish such programs. 52808

**Sec. 3319.57.** (A) A grant program is hereby established under 52809  
which the department of education shall award grants to assist 52810  
certain schools in a city, exempted village, local, or joint 52811  
vocational school district in implementing one of the following 52812  
innovations: 52813

(1) The use of instructional specialists to mentor and 52814  
support classroom teachers; 52815

(2) The use of building managers to supervise the 52816  
administrative functions of school operation so that a school 52817  
principal can focus on supporting instruction, providing 52818  
instructional leadership, and engaging teachers as part of the 52819  
instructional leadership team; 52820

(3) The reconfiguration of school leadership structure in a 52821  
manner that allows teachers to serve in leadership roles so that 52822  
teachers may share the responsibility for making and implementing 52823  
school decisions; 52824

(4) The adoption of new models for restructuring the school 52825  
day or school year, such as including teacher planning and 52826  
collaboration time as part of the school day; 52827

(5) The creation of smaller schools or smaller units within 52828  
larger schools for the purpose of facilitating teacher 52829  
collaboration to improve and advance the professional practice of 52830  
teaching; 52831

(6) The implementation of "grow your own" recruitment 52832  
strategies that are designed to assist individuals who show a 52833  
commitment to education become licensed teachers, to assist 52834  
experienced teachers obtain licensure in subject areas for which 52835

|                                                                                                                                                                                                                                                  |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| there is need, and to assist teachers in becoming principals;                                                                                                                                                                                    | 52836                            |
| (7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;                                                                                                                                   | 52837<br>52838                   |
| (8) The provision of incentives to attract qualified mathematics, science, or special education teachers;                                                                                                                                        | 52839<br>52840                   |
| (9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;                                                            | 52841<br>52842<br>52843          |
| (10) The implementation of a program to increase the cultural competency of both new and veteran teachers;                                                                                                                                       | 52844<br>52845                   |
| (11) The implementation of a program to increase the subject matter competency of veteran teachers.                                                                                                                                              | 52846<br>52847                   |
| (B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria:                                                                                     | 52848<br>52849<br>52850          |
| (1) Be hard to staff, as defined by the department.                                                                                                                                                                                              | 52851                            |
| (2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share <u>percentage index</u> for the fiscal year in which the grant is awarded). | 52852<br>52853<br>52854<br>52855 |
| For purposes of division (B)(2) of this section, "state share <u>percentage index</u> " has the same meaning as in section 3317.02 of the Revised Code.                                                                                          | 52856<br>52857<br>52858          |
| (C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section.                                                     | 52859<br>52860<br>52861<br>52862 |
| (D) The state board of education shall adopt rules for the administration of this grant program.                                                                                                                                                 | 52863<br>52864                   |

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 52865  
"guardian," or "other person having charge or care of a child" 52866  
means either parent unless the parents are separated or divorced 52867  
or their marriage has been dissolved or annulled, in which case 52868  
"parent" means the parent who is the residential parent and legal 52869  
custodian of the child. If the child is in the legal or permanent 52870  
custody of a person or government agency, "parent" means that 52871  
person or government agency. When a child is a resident of a home, 52872  
as defined in section 3313.64 of the Revised Code, and the child's 52873  
parent is not a resident of this state, "parent," "guardian," or 52874  
"other person having charge or care of a child" means the head of 52875  
the home. 52876

A child between six and eighteen years of age is "of 52877  
compulsory school age" for the purpose of sections 3321.01 to 52878  
3321.13 of the Revised Code. A child under six years of age who 52879  
has been enrolled in kindergarten also shall be considered "of 52880  
compulsory school age" for the purpose of sections 3321.01 to 52881  
3321.13 of the Revised Code unless at any time the child's parent 52882  
or guardian, at the parent's or guardian's discretion and in 52883  
consultation with the child's teacher and principal, formally 52884  
withdraws the child from kindergarten. The compulsory school age 52885  
of a child shall not commence until the beginning of the term of 52886  
such schools, or other time in the school year fixed by the rules 52887  
of the board of the district in which the child resides. 52888

(2) No child shall be admitted to a kindergarten or a first 52889  
grade of a public school in a district in which all children are 52890  
admitted to kindergarten and the first grade in August or 52891  
September unless the child is five or six years of age, 52892  
respectively, by the thirtieth day of September of the year of 52893  
admittance, or by the first day of a term or semester other than 52894  
one beginning in August or September in school districts granting 52895  
admittance at the beginning of such term or semester, unless the 52896

child has been recommended for early admittance in accordance with 52897  
the district's acceleration policy adopted under section 3324.10 52898  
of the Revised Code. A child who does not meet the age requirement 52899  
for admittance to kindergarten or first grade shall be evaluated 52900  
for early admittance upon referral by the child's parent or 52901  
guardian, an educator employed by the district, a preschool 52902  
educator who knows the child, or a pediatrician or psychologist 52903  
who knows the child. 52904

(3) Notwithstanding division (A)(2) of this section, 52905  
beginning with the school year that starts in 2001 and continuing 52906  
thereafter the board of education of any district may adopt a 52907  
resolution establishing the first day of August in lieu of the 52908  
thirtieth day of September as the required date by which students 52909  
must have attained the age specified in that division. 52910

(4) After a student has been admitted to kindergarten in a 52911  
school district or chartered nonpublic school, no board of 52912  
education of a school district to which the student transfers 52913  
shall deny that student admission based on the student's age. 52914

(B) As used in division (C) of this section, "successfully 52915  
completed kindergarten" means that the child has completed the 52916  
kindergarten requirements at one of the following: 52917

(1) A public or chartered nonpublic school; 52918

(2) A kindergarten class that is both of the following: 52919

(a) Offered by a day-care provider licensed under Chapter 52920  
5104. of the Revised Code; 52921

(b) If offered after July 1, 1991, is directly taught by a 52922  
teacher who holds one of the following: 52923

(i) A valid educator license issued under section 3319.22 of 52924  
the Revised Code; 52925

(ii) A Montessori preprimary credential or age-appropriate 52926

diploma granted by the American Montessori society or the 52927  
association Montessori internationale; 52928

(iii) Certification determined under division (F) of this 52929  
section to be equivalent to that described in division 52930  
(B)(2)(b)(ii) of this section; 52931

(iv) Certification for teachers in nontax-supported schools 52932  
pursuant to section 3301.071 of the Revised Code. 52933

(C) Except as provided in division (A)(2) of this section, no 52934  
school district shall admit to the first grade any child who has 52935  
not successfully completed kindergarten. 52936

(D) The scheduling of times for kindergarten classes and 52937  
length of the school day for kindergarten shall be determined by 52938  
the board of education of a city, exempted village, or local 52939  
school district. 52940

(E) Any kindergarten class offered by a day-care provider or 52941  
school described by division (B)(1) or (B)(2)(a) of this section 52942  
shall be developmentally appropriate. 52943

(F) Upon written request of a day-care provider described by 52944  
division (B)(2)(a) of this section, the department of education 52945  
shall determine whether certification held by a teacher employed 52946  
by the provider meets the requirement of division (B)(2)(b)(iii) 52947  
of this section and, if so, shall furnish the provider a statement 52948  
to that effect. 52949

(G) As used in this division, "all-day kindergarten" has the 52950  
same meaning as in section 3321.05 of the Revised Code. 52951

(1) ~~Any A school district that did not receive for fiscal~~ 52952  
~~year 2009 poverty based assistance for all day kindergarten under~~ 52953  
~~division (D) of section 3317.029 of the Revised Code may charge~~ 52954  
fees or tuition for ~~students~~ a student enrolled in all-day 52955  
kindergarten only so long as the student is reported as less than 52956

one full-time equivalent student under division (A) of section 3317.03 of the Revised Code. If a district charges fees or tuition for all-day kindergarten under this division, the district shall develop a sliding fee scale based on family incomes.

(2) The department of education shall conduct an annual survey of each school district described in division (G)(1) of this section to determine the following:

(a) Whether the district charges fees or tuition for students enrolled in all-day kindergarten;

(b) The amount of the fees or tuition charged;

(c) How many of the students for whom tuition is charged are eligible for free lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;

(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten.

Each district shall report to the department, in the manner prescribed by the department, the information described in divisions (G)(2)(a) to (d) of this section.

The department shall issue an annual report on the results of the survey and shall post the report on its web site. The department shall issue the first report not later than April 30, 2008, and shall issue a report not later than the thirtieth day of April each year thereafter.

**Sec. 3321.05.** (A) As used in this section, "all-day kindergarten" means a kindergarten class that is in session ~~five days per week~~ for not less than the same number of clock hours each ~~day~~ week as for students in grades one through six.

(B) Any school district may operate all-day kindergarten or extended kindergarten, but no district shall require any student to attend kindergarten for more than the number of clock hours required each day for traditional kindergarten by the minimum standards adopted under division (D) of section 3301.07 of the Revised Code. Each school district that operates all-day or extended kindergarten shall accommodate kindergarten students whose parents or guardians elect to enroll them for the minimum number of hours.

(C) A school district may use space in child day-care centers licensed under Chapter 5104. of the Revised Code to provide all-day kindergarten under this section.

**Sec. 3323.021.** As used in this section, "participating county DD board" means a county board of developmental disabilities electing to participate in the provision of or contracting for educational services for children under division (D) of section 5126.05 of the Revised Code.

(A) When a school district, educational service center, or participating county DD board enters into an agreement or contract with another school district, educational service center, or participating county DD board to provide educational services to a disabled child during a school year, both of the following shall apply:

(1) Beginning with fiscal year 1999, if the provider of the services intends to increase the amount it charges for some or all of those services during the next school year or if the provider intends to cease offering all or part of those services during the next school year, the provider shall notify the entity for which the services are provided of these intended changes no later than the first day of March of the current fiscal year.

(2) Beginning with fiscal year 1999, if the entity for which

services are provided intends to cease obtaining those services 53018  
from the provider for the next school year or intends to change 53019  
the type or amount of services it obtains from the provider for 53020  
the next school year, the entity shall notify the service provider 53021  
of these intended changes no later than the first day of March of 53022  
the current fiscal year. 53023

(B) School districts, educational service centers, 53024  
participating county DD boards, and other applicable governmental 53025  
entities shall collaborate where possible to maximize federal 53026  
sources of revenue to provide additional funds for special 53027  
education related services for disabled children. Annually, each 53028  
school district shall report to the department of education any 53029  
amounts of ~~money~~ such federal revenue the district received 53030  
~~through such medical assistance program.~~ 53031

(C) The state board of education, the department of 53032  
developmental disabilities, and the department of ~~job and family~~ 53033  
~~services~~ medicaid shall develop working agreements for pursuing 53034  
additional funds for services for disabled children. 53035

**Sec. 3323.03.** The state board of education shall, in 53036  
consultation with the department of health, the department of 53037  
~~mental health~~ mental health and addiction services, and the 53038  
department of developmental disabilities, establish standards and 53039  
procedures for the identification, location, and evaluation of all 53040  
children with disabilities residing in the state, including 53041  
children with disabilities who are homeless children or are wards 53042  
of the state and children with disabilities attending nonpublic 53043  
schools, regardless of the severity of their disabilities, and who 53044  
are in need of special education and related services. The state 53045  
board shall develop and implement a practical method to determine 53046  
which children with disabilities are currently receiving needed 53047  
special education and related services. 53048



In conducting the evaluation, the board of education of each school district shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the child's parent. The board of education of each school district, in consultation with the county DD board, the county family and children first council, and the board of alcohol, drug addiction, and mental health services of each county in which the school district has territory, shall identify, locate, and evaluate all children with disabilities residing within the district to determine which children with disabilities are not receiving appropriate special education and related services. In addition, the board of education of each school district, in consultation with such county boards or council, shall identify, locate, and evaluate all children with disabilities who are enrolled by their parents in nonpublic elementary and secondary schools located within the public school district, without regard to where those children reside in accordance with rules of the state board of education or guidelines of the superintendent of public instruction.

Each county DD board, county family and children first council, and board of alcohol, drug addiction, and mental health services and the board's or council's contract agencies may transmit to boards of education the names and addresses of children with disabilities who are not receiving appropriate special education and related services.

**Sec. 3323.04.** The state board of education, in consultation with the department of ~~mental health~~ mental health and addiction services and the department of developmental disabilities, shall establish procedures and standards for the development of individualized education programs for children with disabilities.

The state board shall require the board of education of each school district to develop an individualized education program for each child with a disability who is at least three years of age and less than twenty-two years of age residing in the district in a manner that is in accordance with rules of the state board.

Prior to the placement of a child with a disability in a program operated under section 3323.09 of the Revised Code, the district board of education shall consult the county DD board of the county in which the child resides regarding the proposed placement.

A child with a disability enrolled in a nonpublic school or facility shall be provided special education and related services, in accordance with an individualized education program, at no cost for those services, if the child is placed in, or referred to, that nonpublic school or facility by the department of education or a school district.

The IEP team shall review the individualized education program of each child with a disability periodically, but at least annually, to determine whether the annual goals for the child are being achieved, and shall revise the individualized education program as appropriate.

The state board shall establish procedures and standards to assure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schools, or other removal of children with disabilities from the regular educational environment shall be used only when the nature or severity of a child's disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily.

If an agency directly affected by a placement decision

objects to such decision, an impartial hearing officer, appointed 53111  
by the department of education from a list prepared by the 53112  
department, shall conduct a hearing to review the placement 53113  
decision. The agencies that are parties to a hearing shall divide 53114  
the costs of such hearing equally. The decision of the hearing 53115  
officer shall be final, except that any party to the hearing who 53116  
is aggrieved by the findings or the decision of the hearing 53117  
officer may appeal the findings or decision in accordance with 53118  
division (H) of section 3323.05 of the Revised Code or the parent 53119  
of any child affected by such decision may present a complaint in 53120  
accordance with that section. 53121

**Sec. 3323.07.** The state board of education shall authorize 53122  
the establishment and maintenance of special education and related 53123  
services for all children with disabilities who are at least three 53124  
years of age and less than twenty-two years of age, including 53125  
children with disabilities who have been suspended or expelled 53126  
from school, and may authorize special education and related 53127  
services for children with disabilities who are less than three 53128  
years of age in accordance with rules adopted by the state board. 53129  
The state board shall require the boards of education of school 53130  
districts, shall authorize the department of ~~mental health~~ mental  
health and addiction services and the department of developmental 53131  
disabilities, and may authorize any other educational agency, to 53132  
establish and maintain such special education and related services 53133  
in accordance with standards adopted by the state board. 53134  
53135

**Sec. 3323.08.** (A) Each school district shall submit a plan to 53136  
the superintendent of public instruction that provides assurances 53137  
that the school district will provide for the education of 53138  
children with disabilities within its jurisdiction and has in 53139  
effect policies, procedures, and programs that are consistent with 53140  
the policies and procedures adopted by the state board of 53141

education in accordance with section 612 of the "Individuals with 53142  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 53143  
and that meet the conditions applicable to school districts under 53144  
section 613 of that act, 20 U.S.C. 1413. 53145

Each district's plan shall do all of the following: 53146

(1) Provide, as specified in section 3323.11 of the Revised 53147  
Code and in accordance with standards established by the state 53148  
board, for an organizational structure and necessary and qualified 53149  
staffing and supervision for the identification of and provision 53150  
of special education and related services for children with 53151  
disabilities; 53152

(2) Provide, as specified by section 3323.03 of the Revised 53153  
Code and in accordance with standards established by the state 53154  
board, for the identification, location, and evaluation of all 53155  
children with disabilities residing in the district, including 53156  
children with disabilities who are homeless children or are wards 53157  
of the state and children with disabilities attending private 53158  
schools and who are in need of special education and related 53159  
services. A practical method shall be developed and implemented to 53160  
determine which children with disabilities are currently receiving 53161  
needed special education and related services. 53162

(3) Provide, as specified by section 3323.07 of the Revised 53163  
Code and standards established by the state board, for the 53164  
establishment and maintenance of special education and related 53165  
services for children with disabilities who are at least three 53166  
years of age and less than twenty-two years of age, including 53167  
children with disabilities who have been suspended or expelled 53168  
from school. 53169

(4) Provide, as specified by section 3323.04 of the Revised 53170  
Code and in accordance with standards adopted by the state board, 53171  
for an individualized education program for each child with a 53172

disability who is at least three years of age and less than 53173  
twenty-two years of age residing within the district; 53174

(5) Provide, as specified by section 3323.02 of the Revised 53175  
Code and in accordance with standards established by the state 53176  
board, for special education and related services and a free 53177  
appropriate public education for every child with a disability who 53178  
is at least three years of age and less than twenty-two years of 53179  
age, including children with disabilities who have been suspended 53180  
or expelled from school; 53181

(6) Provide procedural safeguards and prior written notice as 53182  
required under section 3323.05 of the Revised Code and the 53183  
standards established by the state board; 53184

(7) Outline the steps that have been or are being taken to 53185  
comply with standards established by the state board. 53186

(B)(1) A school district may arrange, by a cooperative 53187  
agreement or contract with one or more school districts or with a 53188  
cooperative education or joint vocational school district or an 53189  
educational service center, to provide for the identification, 53190  
location, and evaluation of children with disabilities, and to 53191  
provide special education and related services for such children 53192  
that meet the standards established by the state board. A school 53193  
district may arrange, by a cooperative agreement or contract, for 53194  
the provision of related services for children with disabilities 53195  
that meet the standards established by the state board. 53196

(2) A school district shall arrange by interagency agreement 53197  
with one or more school districts or with a cooperative education 53198  
or joint vocational school district or an educational service 53199  
center or other providers of early learning services to provide 53200  
for the identification, location, evaluation of children with 53201  
disabilities of ages birth through five years of age and for the 53202  
transition of children with disabilities at age three in 53203

accordance with the standards established by the state board. A 53204  
school district may arrange by interagency agreement with 53205  
providers of early learning services to provide special education 53206  
and related services for such children that meet the standards 53207  
established by the state board. 53208

(3) If at the time an individualized education program is 53209  
developed for a child a school district is not providing special 53210  
education and related services required by that individualized 53211  
education program, the school district may arrange by contract 53212  
with a nonpublic entity for the provision of the special education 53213  
and related services, provided the special education and related 53214  
services meet the standards for special education and related 53215  
services established by the state board and is provided within the 53216  
state. 53217

(4) Any cooperative agreement or contract under division 53218  
(B)(1) or (2) of this section involving a local school district 53219  
shall be approved by the governing board of the educational 53220  
service center which serves that district. 53221

(C) No plan of a local school district shall be submitted to 53222  
the superintendent of public instruction until it has been 53223  
approved by the superintendent of the educational service center 53224  
which serves that district. 53225

(D) Upon approval of a school district's plan by the 53226  
superintendent of public instruction, the district shall 53227  
immediately certify students for state funds under section 3317.03 53228  
of the Revised Code to implement and maintain such plan. ~~The~~ 53229  
~~district also shall request approval of classroom units under~~ 53230  
~~division (B) of section 3317.05 of the Revised Code for which the~~ 53231  
~~district has adequately identified preschool children with~~ 53232  
~~disabilities and shall, in accordance with procedures adopted by~~ 53233  
~~the state board, request approval of units under division (C) of~~ 53234  
~~section 3317.05 of the Revised Code.~~ The district shall, in 53235

accordance with guidelines adopted by the state board, identify 53236  
problems relating to the provision of qualified personnel and 53237  
adequate facilities, and indicate the extent to which the cost of 53238  
programs required under the plan will exceed anticipated state 53239  
reimbursement. Each school district shall immediately implement 53240  
the identification, location, and evaluation of children with 53241  
disabilities in accordance with this chapter, and shall implement 53242  
those parts of the plan involving placement and provision of 53243  
special education and related services. 53244

**Sec. 3323.09.** (A) As used in this section: 53245

(1) "Home" has the meaning given in section 3313.64 of the 53246  
Revised Code. 53247

(2) "Preschool child" means a child who is at least age three 53248  
but under age six on the thirtieth day of September of an academic 53249  
year. 53250

(B) Each county DD board shall establish special education 53251  
programs for all children with disabilities who in accordance with 53252  
section 3323.04 of the Revised Code have been placed in special 53253  
education programs operated by the county board and for preschool 53254  
children who are developmentally delayed or at risk of being 53255  
developmentally delayed. The board annually shall submit to the 53256  
department of education a plan for the provision of these programs 53257  
and, ~~if applicable, a request for approval of units under section~~ 53258  
~~3317.05 of the Revised Code.~~ The superintendent of public 53259  
instruction shall review the plan and approve or modify it in 53260  
accordance with rules adopted by the state board of education 53261  
under section 3301.07 of the Revised Code. The superintendent of 53262  
public instruction shall compile the plans submitted by county 53263  
boards and shall submit a comprehensive plan to the state board. 53264

A county DD board may combine transportation for children 53265  
enrolled in classes funded under ~~section~~ sections 3317.0213 or 53266

3317.20 ~~or units approved under section 3317.05~~ with 53267  
transportation for children and adults enrolled in programs and 53268  
services offered by the board under Chapter 5126. of the Revised 53269  
Code. 53270

(C) A county DD board that during the school year provided 53271  
special education pursuant to this section for any child with 53272  
mental disabilities under twenty-two years of age shall prepare 53273  
and submit the following reports and statements: 53274

(1) The board shall prepare a statement for each child who at 53275  
the time of receiving such special education was a resident of a 53276  
home and was not in the legal or permanent custody of an Ohio 53277  
resident or a government agency in this state, and whose natural 53278  
or adoptive parents are not known to have been residents of this 53279  
state subsequent to the child's birth. The statement shall contain 53280  
the child's name, the name of the child's school district of 53281  
residence, the name of the county board providing the special 53282  
education, and the number of months, including any fraction of a 53283  
month, it was provided. Not later than the thirtieth day of June, 53284  
the board shall forward a certified copy of such statement to both 53285  
the director of developmental disabilities and to the home. 53286

Within thirty days after its receipt of a statement, the home 53287  
shall pay tuition to the county board computed in the manner 53288  
prescribed by section 3323.141 of the Revised Code. 53289

(2) The board shall prepare a report for each school district 53290  
that is the school district of residence of one or more of such 53291  
children for whom statements are not required by division (C)(1) 53292  
of this section. The report shall contain the name of the county 53293  
board providing special education, the name of each child 53294  
receiving special education, the number of months, including 53295  
fractions of a month, that the child received it, and the name of 53296  
the child's school district of residence. Not later than the 53297  
thirtieth day of June, the board shall forward certified copies of 53298



each report to the school district named in the report, the 53299  
superintendent of public instruction, and the director of 53300  
developmental disabilities. 53301

**Sec. 3323.091.** (A) The department of ~~mental health~~ mental 53302  
health and addiction services, the department of developmental 53303  
disabilities, the department of youth services, and the department 53304  
of rehabilitation and correction shall establish and maintain 53305  
special education programs for children with disabilities in 53306  
institutions under their jurisdiction according to standards 53307  
adopted by the state board of education. 53308

(B) ~~The superintendent of each state institution required to~~ 53309  
~~provide services under division (A) of this section, and each~~ 53310  
~~county DD board, providing special education for preschool~~ 53311  
~~children with disabilities under this chapter may apply to the~~ 53312  
~~state department of education for unit funding, which shall be~~ 53313  
~~paid in accordance with sections 3317.052 and 3317.053 of the~~ 53314  
~~Revised Code.~~ 53315

The superintendent of each state institution required to 53316  
provide services under division (A) of this section may apply to 53317  
the department of education for special education and related 53318  
services ~~weighted~~ funding for children with disabilities other 53319  
than preschool children with disabilities, calculated in 53320  
accordance with section 3317.201 of the Revised Code. 53321

Each county DD board providing special education for children 53322  
with disabilities other than preschool children with disabilities 53323  
may apply to the department of education for ~~base cost and~~ 53324  
opportunity funds, special education and related services ~~weighted~~ 53325  
funding, and targeted assistance funds calculated in accordance 53326  
with section 3317.20 of the Revised Code. 53327

(C) In addition to the authorization to apply for state 53328  
funding described in division (B) of this section, each state 53329

institution required to provide services under division (A) of 53330  
this section is entitled to tuition payments calculated in the 53331  
manner described in division (C) of this section. 53332

On or before the thirtieth day of June of each year, the 53333  
superintendent of each institution that during the school year 53334  
provided special education pursuant to this section shall prepare 53335  
a statement for each child with a disability under twenty-two 53336  
years of age who has received special education. The statement 53337  
shall contain the child's data verification code assigned pursuant 53338  
to division (D)(2) of section 3301.0714 of the Revised Code and 53339  
the name of the child's school district of residence. Within sixty 53340  
days after receipt of such statement, the department of education 53341  
shall perform one of the following: 53342

(1) For any child except a preschool child with a disability 53343  
described in division (C)(2) of this section, pay to the 53344  
institution submitting the statement an amount equal to the 53345  
tuition calculated under division (A) of section 3317.08 of the 53346  
Revised Code for the period covered by the statement, and deduct 53347  
the same from the amount of state funds, if any, payable under 53348  
Chapter 3317. of the Revised Code, to the child's school district 53349  
of residence or, if the amount of such state funds is 53350  
insufficient, require the child's school district of residence to 53351  
pay the institution submitting the statement an amount equal to 53352  
the amount determined under this division. 53353

(2) For any preschool child with a disability ~~not included in~~ 53354  
~~a unit approved under division (B) of section 3317.05 of the~~ 53355  
~~Revised Code~~, perform the following: 53356

(a) Pay to the institution submitting the statement an amount 53357  
equal to the tuition calculated under division (B) of section 53358  
3317.08 of the Revised Code for the period covered by the 53359  
statement, except that in calculating the tuition under that 53360  
section the operating expenses of the institution submitting the 53361

statement under this section shall be used instead of the 53362  
operating expenses of the school district of residence; 53363

(b) Deduct from the amount of state funds, if any, payable 53364  
under Chapter 3317. of the Revised Code to the child's school 53365  
district of residence an amount equal to the amount paid under 53366  
division (C)(2)(a) of this section. 53367

**Sec. 3323.13.** (A) If a child who is a school resident of one 53368  
school district receives special education from another district, 53369  
the board of education of the district providing the education, 53370  
subject to division (C) of this section, may require the payment 53371  
by the board of education of the district of residence of a sum 53372  
not to exceed one of the following, as applicable: 53373

(1) For any child except a preschool child with a disability 53374  
described in division (A)(2) of this section, the tuition of the 53375  
district providing the education for a child of normal needs of 53376  
the same school grade. The determination of the amount of such 53377  
tuition shall be in the manner provided for by division (A) of 53378  
section 3317.08 of the Revised Code. 53379

(2) For any preschool child with a disability ~~not included in~~ 53380  
~~a unit approved under division (B) of section 3317.05 of the~~ 53381  
~~Revised Code~~, the tuition of the district providing the education 53382  
for the child as calculated under division (B) of section 3317.08 53383  
of the Revised Code, multiplied by 0.50. 53384

(B) The board of the district of residence may contract with 53385  
the board of another district for the transportation of such child 53386  
into any school in such other district, on terms agreed upon by 53387  
such boards. Upon direction of the state board of education, the 53388  
board of the district of residence shall pay for the child's 53389  
transportation and the tuition. 53390

(C) The board of education of a district providing the 53391

education for a child shall be entitled to require payment from 53392  
the district of residence under this section or section 3323.14 of 53393  
the Revised Code only if the district providing the education has 53394  
done at least one of the following: 53395

(1) Invited the district of residence to send representatives 53396  
to attend the meetings of the team developing the child's 53397  
individualized education program; 53398

(2) Received from the district of residence a copy of the 53399  
individualized education program or a multifactored evaluation 53400  
developed for the child by the district of residence; 53401

(3) Informed the district of residence in writing that the 53402  
district is providing the education for the child. 53403

As used in division (C)(2) of this section, "multifactored 53404  
evaluation" means an evaluation, conducted by a multidisciplinary 53405  
team, of more than one area of the child's functioning so that no 53406  
single procedure shall be the sole criterion for determining an 53407  
appropriate educational program placement for the child. 53408

~~Sec. 3323.14. This section does not apply to any preschool 53409  
child with a disability except if included in a unit approved 53410  
under division (B) of section 3317.05 of the Revised Code. 53411~~

(A) Where a child who is a school resident of one school 53412  
district receives special education from another district and the 53413  
per capita cost to the educating district for that child exceeds 53414  
the sum of the amount received by the educating district for that 53415  
child under division (A) of section 3317.08 of the Revised Code 53416  
and the amount received by the district from the state board of 53417  
education for that child, then the board of education of the 53418  
district of residence shall pay to the board of the school 53419  
district that is providing the special education such excess cost 53420  
as is determined by using a formula approved by the department of 53421

education and agreed upon in contracts entered into by the boards 53422  
of the districts concerned at the time the district providing such 53423  
special education accepts the child for enrollment. The department 53424  
shall certify the amount of the payments under Chapter 3317. of 53425  
the Revised Code for such pupils with disabilities for each school 53426  
year ending on the thirtieth day of July. 53427

(B) In the case of a child described in division (A) of this 53428  
section who has been placed in a home, as defined in section 53429  
3313.64 of the Revised Code, pursuant to the order of a court and 53430  
who is not subject to section 3323.141 of the Revised Code, the 53431  
district providing the child with special education and related 53432  
services may charge to the child's district of residence the 53433  
excess cost determined by formula approved by the department, 53434  
regardless of whether the district of residence has entered into a 53435  
contract with the district providing the services. If the district 53436  
providing the services chooses to charge excess costs, the 53437  
district may report the amount calculated under this division to 53438  
the department. 53439

(C) If a district providing special education for a child 53440  
reports an amount for the excess cost of those services, as 53441  
authorized and calculated under division (A) or (B) of this 53442  
section, the department shall pay that amount of excess cost to 53443  
the district providing the services and shall deduct that amount 53444  
from the child's district of residence in accordance with division 53445  
(K) of section 3317.023 of the Revised Code. 53446

**Sec. 3323.141.** (A) When a child who is not in the legal or 53447  
permanent custody of an Ohio resident or a government agency in 53448  
this state and whose natural or adoptive parents are not known to 53449  
have been residents of this state subsequent to the child's birth 53450  
is a resident of a home as defined in section 3313.64 of the 53451  
Revised Code and receives special education and related services 53452

from a school district or county ~~MR/DD~~ DD board, the home shall 53453  
pay tuition to the board providing the special education. 53454

(B) In the case of a child described in division (A) of this 53455  
section who receives special education and related services from a 53456  
school district, tuition shall be the amount determined under 53457  
division (B)(1) or (2) of this section. 53458

(1) For a child other than a child described in division 53459  
(B)(2) of this section the tuition shall be an amount equal to the 53460  
sum of the following: 53461

(a) Tuition as determined in the manner provided for by 53462  
division (B) of section 3317.081 of the Revised Code for the 53463  
district that provides the special education; 53464

(b) Such excess cost as is determined by using a formula 53465  
established by rule of the department of education. The excess 53466  
cost computed in this section shall not be used as excess cost 53467  
computed under section 3323.14 of the Revised Code. 53468

(2) For a child who is a preschool child with a disability 53469  
~~not included in a unit approved under division (B) of section~~ 53470  
~~3317.05 of the Revised Code~~, the tuition shall be computed as 53471  
follows: 53472

(a) Determine the amount of the tuition of the district 53473  
providing the education for the child as calculated under division 53474  
(B) of section 3317.08 of the Revised Code; 53475

(b) For each type of special education service included in 53476  
the computation of the amount of tuition under division (B)(2)(a) 53477  
of this section, divide the amount determined for that computation 53478  
under division (B)(2) of section 3317.08 of the Revised Code by 53479  
the total number of preschool children with disabilities used for 53480  
that computation under division (B)(3) of section 3317.08 of the 53481  
Revised Code; 53482

(c) Determine the sum of the quotients obtained under 53483  
division (B)(2)(b) of this section; 53484

(d) Determine the sum of the amounts determined under 53485  
divisions (B)(2)(a) and (c) of this section. 53486

(C) In the case of a child described in division (A) of this 53487  
section who receives special education and related services from a 53488  
county ~~MR/DD~~ DD board, tuition shall be the amount determined 53489  
under division (C)(1) or (2) of this section. 53490

(1) For a child other than a child described in division 53491  
(C)(2) of this section, the tuition shall be an amount equal to 53492  
such board's per capita cost of providing special education and 53493  
related services for children at least three but less than 53494  
twenty-two years of age as determined by using a formula 53495  
established by rule of the department of developmental 53496  
disabilities. 53497

(2) For a child who is a preschool child with a disability 53498  
~~not included in a unit approved under division (B) of section~~ 53499  
~~3317.05 of the Revised Code~~, the tuition shall equal the sum of 53500  
the amounts of each such board's per capita cost of providing each 53501  
of the special education or related service that the child 53502  
receives. The calculation of tuition shall be made by using a 53503  
formula established by rule of the department of developmental 53504  
disabilities. The formula for the calculation of per capita costs 53505  
under division (C)(2) of this section shall be based only on each 53506  
such ~~MR/DD~~ DD board's cost of providing each type of special 53507  
education or related service to preschool children with 53508  
disabilities ~~not included in a unit approved under division (B) of~~ 53509  
~~section 3317.05 of the Revised Code.~~ 53510

(D) If a home fails to pay the tuition required under this 53511  
section, the board of education or county ~~MR/DD~~ DD board providing 53512  
the education may recover in a civil action the tuition and the 53513

expenses incurred in prosecuting the action, including court costs 53514  
and reasonable attorney's fees. If the prosecuting attorney or 53515  
city director of law represents the board in such action, costs 53516  
and reasonable attorney's fees awarded by the court, based upon 53517  
the time spent preparing and presenting the case by the 53518  
prosecuting attorney, director, or a designee of either, shall be 53519  
deposited in the county or city general fund. 53520

~~Sec. 3323.142. This section does not apply to any preschool 53521  
child with a disability except if included in a unit approved 53522  
under division (B) of section 3317.05 of the Revised Code. 53523~~

As used in this section, "per pupil amount" for a preschool 53524  
child with a disability included in such an approved unit means 53525  
the amount determined by dividing the amount received for the 53526  
classroom unit in which the child has been placed by the number of 53527  
children in the unit. For any other child, "per pupil amount" 53528  
means the amount paid for the child under section 3317.20 of the 53529  
Revised Code. 53530

When a school district places or has placed a child with a 53531  
county DD board for special education, but another district is 53532  
responsible for tuition under section 3313.64 or 3313.65 of the 53533  
Revised Code and the child is not a resident of the territory 53534  
served by the county DD board, the board may charge the district 53535  
responsible for tuition with the educational costs in excess of 53536  
the per pupil amount received by the board under Chapter 3317. of 53537  
the Revised Code. The amount of the excess cost shall be 53538  
determined by the formula established by rule of the department of 53539  
education under section 3323.14 of the Revised Code, and the 53540  
payment for such excess cost shall be made by the school district 53541  
directly to the county DD board. 53542

A school district board of education and the county DD board 53543  
that serves the school district may negotiate and contract, at or 53544



after the time of placement, for payments by the board of 53545  
education to the county DD board for additional services provided 53546  
to a child placed with the county DD board and whose 53547  
individualized education program established pursuant to section 53548  
3323.08 of the Revised Code requires additional services that are 53549  
not routinely provided children in the county DD board's program 53550  
but are necessary to maintain the child's enrollment and 53551  
participation in the program. Additional services may include, but 53552  
are not limited to, specialized supplies and equipment for the 53553  
benefit of the child and instruction, training, or assistance 53554  
provided by staff members other than staff members for which 53555  
funding is received under Chapter 3317. of the Revised Code. 53556

**Sec. 3326.11.** Each science, technology, engineering, and 53557  
mathematics school established under this chapter and its 53558  
governing body shall comply with sections 9.90, 9.91, 109.65, 53559  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 53560  
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 53561  
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 53562  
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 53563  
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 53564  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 53565  
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 53566  
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 53567  
3313.816, 3313.817, 3313.86, ~~3313.88~~, 3313.96, 3319.073, 3319.21, 53568  
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 53569  
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 53570  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 53571  
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 53572  
4123., 4141., and 4167. of the Revised Code as if it were a school 53573  
district. 53574

**Sec. 3326.112.** The governing body of each STEM school shall 53575

comply with the standards for financial reporting adopted under 53576  
division (B)(2) of section 3301.07 of the Revised Code. 53577

**Sec. 3326.20.** (A) As used in this section, "native student" 53578  
means a student entitled to attend school in the school district 53579  
under section 3313.64 or 3313.65 of the Revised Code. 53580

(B) Unless either the proposal for the establishment of a 53581  
science, technology, engineering, and mathematics school, as it 53582  
was approved by the STEM committee under section 3326.03 of the 53583  
Revised Code, ~~otherwise~~ provides for the transportation of 53584  
students to and from the STEM school, or the parent of a native 53585  
student or that student opts to receive the transportation subsidy 53586  
prescribed by section 3327.02 of the Revised Code, the board of 53587  
education of each city, local, and exempted village school 53588  
district shall provide transportation to and from school for its 53589  
~~district's~~ native students enrolled in the STEM school in the same 53590  
manner that section 3327.01 of the Revised Code requires for its 53591  
native students enrolled in nonpublic schools. 53592

**Sec. 3326.31.** As used in sections 3326.31 to 3326.50 of the 53593  
Revised Code: 53594

(A) ~~"Applicable special education weight" means the multiple~~ 53595  
~~specified in section 3317.013 of the Revised Code for a disability~~ 53596  
~~described in that section.~~ 53597

~~(B) "Applicable vocational education weight" means the~~ 53598  
~~multiple specified in section 3317.014 of the Revised Code for~~ 53599  
~~vocational education programs or classes described in that section~~ 53600

(1) "Category one career-technical education student" means a 53601  
student who is receiving the career-technical education services 53602  
described in division (A) of section 3317.014 of the Revised Code. 53603

(2) "Category two career-technical student" means a student 53604

who is receiving the career-technical education services described 53605  
in division (B) of section 3317.014 of the Revised Code. 53606

(3) "Category three career-technical student" means a student 53607  
who is receiving the career-technical education services described 53608  
in division (C) of section 3317.014 of the Revised Code. 53609

(4) "Category four career-technical student" means a student 53610  
who is receiving the career-technical education services described 53611  
in division (D) of section 3317.014 of the Revised Code. 53612

(5) "Category five career-technical education student" means 53613  
a student who is receiving the career-technical education services 53614  
described in division (E) of section 3317.014 of the Revised Code. 53615

(B)(1) "Category one limited English proficient student" 53616  
means a limited English proficient student described in division 53617  
(A) of section 3317.016 of the Revised Code. 53618

(2) "Category two limited English proficient student" means a 53619  
limited English proficient student described in division (B) of 53620  
section 3317.016 of the Revised Code. 53621

(3) "Category three limited English proficient student" means 53622  
a limited English proficient student described in division (C) of 53623  
section 3317.016 of the Revised Code. 53624

(C)(1) "Category one special education student" means a 53625  
student who is receiving special education services for a 53626  
disability specified in division (A) of section 3317.013 of the 53627  
Revised Code. 53628

(2) "Category two special education student" means a student 53629  
who is receiving special education services for a disability 53630  
specified in division (B) of section 3317.013 of the Revised Code. 53631

(3) "Category three special education student" means a 53632  
student who is receiving special education services for a 53633  
disability specified in division (C) of section 3317.013 of the 53634

|                                                                                                                                                                                                                      |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <u>Revised Code.</u>                                                                                                                                                                                                 | 53635                            |
| <u>(4) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.</u>                 | 53636<br>53637<br>53638          |
| <u>(5) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.</u>                 | 53639<br>53640<br>53641          |
| <u>(6) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.</u>                  | 53642<br>53643<br>53644          |
| <del>(C)</del> <u>(D)</u> "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.                                                                                                           | 53645<br>53646                   |
| <del>(D)</del> <u>(E)</u> "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.                                                                                         | 53647<br>53648                   |
| <del>(E) A student is "included in the poverty student count of the student's resident district" if the student's family receives assistance under the Ohio works first program.</del>                               | 53649<br>53650<br>53651          |
| (F) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.                                                              | 53652<br>53653<br>53654          |
| (G) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.                                                                                                                            | 53655<br>53656                   |
| <b>Sec. 3326.32.</b> Each science, technology, engineering, and mathematics school shall report to the department of education, in the form and manner required by the department, all of the following information: | 53657<br>53658<br>53659<br>53660 |
| (A) The total number of students enrolled in the school;                                                                                                                                                             | 53661                            |
| (B) The number of students who are receiving special education and related services pursuant to an IEP;                                                                                                              | 53662<br>53663                   |

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;

(D) The full-time equivalent number of students who are enrolled in ~~vocational~~ career-technical education programs or classes described in each of divisions (A) ~~and~~, (B), (C), (D), and (E) of section 3317.014 of the Revised Code that are provided by the STEM school;

(E) The number of students who are limited English proficient students and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student;

(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income.

(G) The resident district of each student;

~~(F)~~(H) Any additional information the department determines necessary to make payments under this chapter.

~~Sec. 3326.33. Payments and deductions under this section for fiscal years 2012 and 2013 shall be made in accordance with section 3326.39 of the Revised Code.~~

For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, on a full-time equivalency basis, the department of education annually shall deduct from the state education aid of a student's resident school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the school the sum of the following:

~~(A) The sum of the formula amount plus the per pupil amount~~

~~of the base funding supplements specified in divisions (C)(1) to 53694  
(4) of section 3317.012 of the Revised Code. 53695~~

~~(B) If the student is receiving special education and related 53696  
services pursuant to an IEP, the product of the applicable special 53697  
education weight times the formula amount; 53698~~

~~(C) If the student is enrolled in vocational education 53699  
programs or classes that are described in section 3317.014 of the 53700  
Revised Code, are provided by the school, and are comparable as 53701  
determined by the superintendent of public instruction to school 53702  
district vocational education programs and classes eligible for 53703  
state weighted funding under section 3317.014 of the Revised Code, 53704  
the product of the applicable vocational education weight times 53705  
the formula amount times the percentage of time the student spends 53706  
in the vocational education programs or classes; 53707~~

~~(D) If the student is included in the poverty student count 53708  
of the student's resident district, the per pupil amount of the 53709  
district's payment under division (C) of section 3317.029 of the 53710  
Revised Code; 53711~~

~~(E) If the student is identified as limited English 53712  
proficient and the student's resident district receives a payment 53713  
for services to limited English proficient students under division 53714  
(F) of section 3317.029 of the Revised Code, the per pupil amount 53715  
of the district's payment under that division, calculated in the 53716  
same manner as per pupil payments are calculated under division 53717  
(C)(6) of section 3314.08 of the Revised Code; 53718~~

~~(F) If the student's resident district receives a payment 53719  
under division (G), (H), or (I) of section 3317.029 of the Revised 53720  
Code, the per pupil amount of the district's payments under each 53721  
division, calculated in the same manner as per pupil payments are 53722  
calculated under divisions (C)(7) and (8) of section 3314.08 of 53723  
the Revised Code; 53724~~

~~(G) If the student's resident district receives a parity aid payment under section 3317.0217 of the Revised Code, the per pupil amount calculated for the district under division (C) or (D) of that section~~ An opportunity grant in an amount equal to the formula amount;

(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(1) If the student is a category one special education student, the formula amount X the multiple specified in division (A) of section 3317.013 of the Revised Code;

(2) If the student is a category two special education student, the formula amount X the multiple specified in division (B) of section 3317.013 of the Revised Code;

(3) If the student is a category three special education student, the formula amount X the multiple specified in division (C) of section 3317.013 of the Revised Code;

(4) If the student is a category four special education student, the formula amount X the multiple specified in division (D) of section 3317.013 of the Revised Code;

(5) If the student is a category five special education student, the formula amount X the multiple specified in division (E) of section 3317.013 of the Revised Code;

(6) If the student is a category six special education student, the formula amount X the multiple specified in division (F) of section 3317.013 of the Revised Code.

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(D) If the student is in kindergarten through third grade,</u>         | 53755 |
| <u>\$300, in fiscal year 2014, or \$303, in fiscal year 2015;</u>         | 53756 |
| <u>(E) If the student is economically disadvantaged, an amount</u>        | 53757 |
| <u>equal to the following:</u>                                            | 53758 |
| <u>(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X (the</u> | 53759 |
| <u>resident district's economically disadvantaged index)</u>              | 53760 |
| <u>(F) Limited English proficiency funds, as follows:</u>                 | 53761 |
| <u>(1) If the student is a category one limited English</u>               | 53762 |
| <u>proficient student, the amount specified in division (A) of</u>        | 53763 |
| <u>section 3317.016 of the Revised Code;</u>                              | 53764 |
| <u>(2) If the student is a category two limited English</u>               | 53765 |
| <u>proficient student, the amount specified in division (B) of</u>        | 53766 |
| <u>section 3317.016 of the Revised Code;</u>                              | 53767 |
| <u>(3) If the student is a category three limited English</u>             | 53768 |
| <u>proficient student, the amount specified in division (C) of</u>        | 53769 |
| <u>section 3317.016 of the Revised Code.</u>                              | 53770 |
| <u>(G) Career-technical education funds as follows:</u>                   | 53771 |
| <u>(1) If the student is a category one career-technical</u>              | 53772 |
| <u>education student, the formula amount X the multiple specified in</u>  | 53773 |
| <u>division (A) of section 3317.014 of the Revised Code;</u>              | 53774 |
| <u>(2) If the student is a category two career-technical</u>              | 53775 |
| <u>education student, the formula amount X the multiple specified in</u>  | 53776 |
| <u>division (B) of section 3317.014 of the Revised Code;</u>              | 53777 |
| <u>(3) If the student is a category three career-technical</u>            | 53778 |
| <u>education student, the formula amount X the multiple specified in</u>  | 53779 |
| <u>division (C) of section 3317.014 of the Revised Code;</u>              | 53780 |
| <u>(4) If the student is a category four career-technical</u>             | 53781 |
| <u>education student, the formula amount X the multiple specified in</u>  | 53782 |
| <u>division (D) of section 3317.014 of the Revised Code;</u>              | 53783 |
| <u>(5) If the student is a category five career-technical</u>             | 53784 |



education student, the formula amount X the multiple specified in 53785  
division (E) of section 3317.014 of the Revised Code. 53786

Deduction and payment of funds under division (G) of this 53787  
section is subject to approval under section 3317.161 of the 53788  
Revised Code. 53789

**Sec. 3326.34.** If a science, technology, engineering, and 53790  
mathematics school established under this chapter incurs costs for 53791  
a fiscal year for a student receiving special education and 53792  
related services pursuant to an IEP for a disability described in 53793  
divisions (B) to (F) of section 3317.013 of the Revised Code that 53794  
exceed the threshold catastrophic cost for serving the student as 53795  
specified in division ~~(C)(3)(b)~~(B) of section ~~3317.022~~ 3317.0214 53796  
of the Revised Code, the STEM school may submit to the 53797  
superintendent of public instruction documentation, as prescribed 53798  
by the superintendent, of all its costs for that student. Upon 53799  
submission of documentation for a student of the type and in the 53800  
manner prescribed, the department of education shall pay to the 53801  
school an amount equal to the school's costs for the student in 53802  
excess of the threshold catastrophic costs. 53803

The school shall only report under this section, and the 53804  
department shall only pay for, the costs of educational expenses 53805  
and the related services provided to the student in accordance 53806  
with the student's IEP. Any legal fees, court costs, or other 53807  
costs associated with any cause of action relating to the student 53808  
may not be included in the amount. 53809

**Sec. 3326.38.** A science, technology, engineering, and 53810  
mathematics school may do ~~all~~ both of the following: 53811

(A) ~~Apply to the department of education for gifted unit~~ 53812  
~~funding;~~ 53813

~~(B)~~ Apply to any state or federal agency for grants that a 53814

school district or public school may receive under federal or 53815  
state law or any appropriations act of the general assembly; 53816

~~(C)~~(B) Apply to any private entity or foundation for 53817  
additional funds. 53818

**Sec. 3326.45.** (A) The governing body of a science, 53819  
technology, engineering, and mathematics school may contract with 53820  
the governing board of an educational service center or the board 53821  
of education of a joint vocational school district for the 53822  
provision of services to the STEM school or to any student 53823  
enrolled in the school. Services provided under the contract and 53824  
the amount to be paid for those services shall be mutually agreed 53825  
to by the parties to the contract, and shall be specified in the 53826  
contract. 53827

(B) A contract entered into under this section may require an 53828  
educational service center to provide any one or a combination of 53829  
the following services to a STEM school: 53830

(1) Supervisory teachers; 53831

(2) In-service and continuing education programs for 53832  
personnel of the STEM school; 53833

(3) Curriculum services as provided to the client school 53834  
districts of the service center; 53835

(4) Research and development programs; 53836

(5) Academic instruction for which the service center 53837  
governing board employs teachers; 53838

(6) Assistance in the provision of special accommodations and 53839  
classes for students with disabilities. 53840

Services described in division (B) of this section shall be 53841  
provided to the STEM school in the same manner they are provided 53842  
to client school districts of the service center, unless otherwise 53843

specified in the contract. The contract shall specify whether the 53844  
service center will receive a per-pupil payment from the 53845  
department of education for the provision of these services and, 53846  
if so, the amount of the per-pupil payment, ~~which shall not exceed~~ 53847  
~~the per pupil amount paid to the service center under division (F)~~ 53848  
~~of section 3317.11 of the Revised Code for each student in the~~ 53849  
~~service center ADM.~~ 53850

(C) For each contract entered into under this section, the 53851  
department shall deduct the amount owed by the STEM school from 53852  
the state funds due to the STEM school under this chapter and 53853  
shall pay that amount to the educational service center or joint 53854  
vocational school district that is party to the contract. ~~In the~~ 53855  
~~ease of a contract with an educational service center that~~ 53856  
~~specifies per pupil payments for the provision of services~~ 53857  
~~described in division (B) of this section, the department also~~ 53858  
~~shall pay the service center the amount calculated under division~~ 53859  
~~(H) of section 3317.11 of the Revised Code.~~ 53860

(D) No contract entered into under this section shall be 53861  
valid unless a copy is filed with the department by the first day 53862  
of the school year for which the contract is in effect. 53863

(E) As used in this section, "client school district" ~~has the~~ 53864  
~~same meaning as in section 3317.11 of the Revised Code~~ means a 53865  
city, exempted village, or local school district that has entered 53866  
into an agreement under section 3313.843 or 3313.845 of the 53867  
Revised Code to receive any services from an educational service 53868  
center. 53869

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 53870  
and division (D) of section 3311.52 of the Revised Code, this 53871  
section and sections 3327.011, ~~3327.012~~, and 3327.02 of the 53872  
Revised Code do not apply to any joint vocational or cooperative 53873  
education school district. 53874

~~In~~ (A) Except as provided in division (D) of this section or section 3314.091 or 3327.02 of the Revised Code, in all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend, the board of education shall provide transportation for such pupils to and from ~~such that school except as provided in section 3327.02 of the Revised Code.~~

(B) In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section 3313.90 of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career-technical program.

~~In~~ (C) Except as provided in division (D) of this section or section 3314.091 or 3327.02 of the Revised Code, in all city, local, and exempted village school districts, the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community high school which they attend for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.

(D)(1) A board of education shall not be required to 53907  
transport elementary or high school pupils to and from a nonpublic 53908  
or community school where such transportation would require more 53909  
than thirty minutes of direct travel time as measured by school 53910  
bus from the public school building to which the pupils would be 53911  
assigned if attending the public school designated by the district 53912  
of residence. 53913

~~Where it is impractical to transport a pupil by school 53914  
conveyance, a board of education may offer payment, in lieu of 53915  
providing such transportation in accordance with section 3327.02 53916  
of the Revised Code. 53917~~

(2) A board of education shall not be required to transport 53918  
elementary or high school pupils to and from a nonpublic or 53919  
community school on Saturday or Sunday, unless a board of 53920  
education and a nonpublic or community school have an agreement in 53921  
place to do so before the effective date of this amendment. 53922

(E) In all city, local, and exempted village school 53923  
districts, the board shall provide transportation for all children 53924  
who are so disabled that they are unable to walk to and from the 53925  
school for which the state board of education prescribes minimum 53926  
standards pursuant to division (D) of section 3301.07 of the 53927  
Revised Code and which they attend. In case of dispute whether the 53928  
child is able to walk to and from the school, the health 53929  
commissioner shall be the judge of such ability. In all city, 53930  
exempted village, and local school districts, the board shall 53931  
provide transportation to and from school or special education 53932  
classes for ~~educable~~ mentally ~~retarded~~ disabled children in 53933  
accordance with standards adopted by the state board of education. 53934

(F) When transportation of pupils is provided the conveyance 53935  
shall be run on a time schedule that shall be adopted and put in 53936  
force by the board not later than ten days after the beginning of 53937  
the school term. 53938

The cost of any transportation service authorized by this 53939  
section shall be paid first out of federal funds, if any, 53940  
available for the purpose of pupil transportation, and secondly 53941  
out of state appropriations, in accordance with regulations 53942  
adopted by the state board of education. 53943

(G) No transportation of any pupils shall be provided by any 53944  
board of education to or from any school which in the selection of 53945  
pupils, faculty members, or employees, practices discrimination 53946  
against any person on the grounds of race, color, religion, or 53947  
national origin. 53948

(H) No transportation to or from school of pupils in grades 53949  
kindergarten through five shall be provided by way of transit 53950  
buses as defined in section 5735.01 of the Revised Code. 53951

**Sec. 3327.02. (A) As used in this section:** 53952

(1) "Community school" means a community school established 53953  
under Chapter 3314. of the Revised Code. 53954

(2) "Parent" has the same meaning as in section 3313.98 of 53955  
the Revised Code. 53956

(3) "Resident school district" means the city, exempted 53957  
village, or local school district in which a student is entitled 53958  
to attend school under section 3313.64 or 3313.65 of the Revised 53959  
Code. 53960

(4) "School year" has the same meaning as in section 3313.62 53961  
of the Revised Code. 53962

(5) "State education aid" has the same meaning as in section 53963  
5751.20 of the Revised Code. 53964

(6) "STEM school" means a science, technology, engineering, 53965  
and mathematics school established under Chapter 3326. of the 53966  
Revised Code. 53967

(B) Beginning July 1, 2014, the board of education of a city, 53968  
exempted village, or local school district is not required to 53969  
provide transportation to and from school for a student attending 53970  
one of the district's schools or a community school, STEM school, 53971  
or nonpublic school under division (A) or (C) of section 3327.01 53972  
of the Revised Code, if the student's parent or the student, if at 53973  
least eighteen years old and no guardian or custodian is currently 53974  
appointed for the student, opts instead to receive the subsidy 53975  
prescribed by division (D) of this section. The parent or student 53976  
may exercise that option on an annual basis by submitting an 53977  
application to the department of education and by notifying the 53978  
district board in accordance with procedures and deadlines 53979  
prescribed by the department. The department shall prescribe 53980  
deadlines for that application and notice so that the district 53981  
board has sufficient time to take the exercise of the parent's or 53982  
student's option into account when planning its transportation 53983  
routes and schedules for the succeeding school year. The 53984  
department shall not accept an application that is submitted after 53985  
the deadline. The department shall award a subsidy as long as the 53986  
parent or student complies with the application and notice 53987  
procedures. The award shall be for one school year at a time and 53988  
may be renewed if the parent or student again submits an 53989  
application to the department and notice to the district board in 53990  
accordance with the prescribed procedures and deadlines. The 53991  
parent or student shall use the subsidy to pay the cost of the 53992  
student's transportation to and from school for the entire school 53993  
year. 53994

(C) The subsidy prescribed by this section is not available 53995  
for any of the following: 53996

(1) A student attending a community school or nonpublic 53997  
school that is more than thirty minutes of direct travel time, as 53998  
measured by school bus, from the building of the student's 53999

resident school district to which the student would be assigned if attending school in the district, as provided in division (D) of section 3327.01 of the Revised Code; 54000  
54001  
54002

(2) A student attending a community school that either: 54003

(a) Has an agreement with the student's resident school district for the community school to transport students to that school under division (A) of section 3314.091 of the Revised Code; 54004  
54005  
54006

(b) Accepts responsibility to transport students to the school under division (B) of that section. 54007  
54008

(3) A student who attends a school district other than the student's resident school district under an open enrollment policy adopted in accordance with section 3313.98 of the Revised Code; 54009  
54010  
54011

(4) A student who attends school in a school district under division (I) of section 3313.64 of the Revised Code. 54012  
54013

(D) The amount of the subsidy awarded for each student under this section shall equal the lesser of the following: 54014  
54015

(1) The statewide average cost of pupil transportation for the previous school year; 54016  
54017

(2) The average cost of pupil transportation for the previous school year for the student's resident school district. 54018  
54019

The department shall pay that amount to the student's parent or the student, if at least eighteen years old and no guardian or custodian is currently appointed for the student, in quarterly periodic payments. 54020  
54021  
54022  
54023

(E) The department shall deduct the amount of each subsidy awarded for a student under this section from the state education aid of the student's resident school district and, if necessary, from that district's payments under sections 321.24 and 323.156 of the Revised Code. 54024  
54025  
54026  
54027  
54028

The department shall include the student in the calculation 54029



of the district's transportation payment under section 3317.0212 54030  
of the Revised Code and the operating appropriations act. 54031

(F) This section has no effect on a school district's 54032  
responsibility to transport a student to and from a 54033  
college-preparatory boarding school established under Chapter 54034  
3328. of the Revised Code. 54035

(G) The state board of education shall adopt rules under 54036  
Chapter 119. of the Revised Code prescribing procedures necessary 54037  
to implement this section. 54038

**Sec. 3327.07.** (A) The governing authority of a chartered 54039  
nonpublic school that transports a student enrolled in the school 54040  
to and from school may charge the parent or guardian of the 54041  
student a fee for the transportation, if the governing authority 54042  
purchased the vehicle that transports the student using no state 54043  
or federal funds. The fee shall not exceed the per student cost of 54044  
the transportation, as determined by the governing authority. 54045

(B) If the parent or guardian of a student who is enrolled in 54046  
a chartered nonpublic school opts to receive the subsidy 54047  
prescribed by section 3327.02 of the Revised Code, instead of 54048  
transportation by a school district under section 3327.01 of the 54049  
Revised Code, and the governing authority of the chartered 54050  
nonpublic school transports the student to and from school in a 54051  
vehicle that the governing authority purchased using no state or 54052  
federal funds, the governing authority may charge the parent or 54053  
guardian a fee for transportation. 54054

(C) The parent or guardian of a student who is enrolled in a 54055  
chartered nonpublic school and is eligible for transportation by a 54056  
school district under section 3327.01 of the Revised Code may 54057  
decline that transportation and accept transportation from the 54058  
chartered nonpublic school. The governing authority of a chartered 54059  
nonpublic school may charge a fee under division (A) of this 54060

section regardless of whether a student is eligible for 54061  
transportation under section 3327.01 of the Revised Code. 54062

(D) The offering by the governing authority of a chartered 54063  
nonpublic school of transportation to and from the school does not 54064  
relieve any school district board of education from any duty 54065  
imposed by section 3327.01 of the Revised Code with respect to the 54066  
chartered nonpublic school's students. 54067

Sec. 3328.27. The board of trustees of each 54068  
college-preparatory boarding school shall comply with the 54069  
standards for financial reporting adopted under division (B)(2) of 54070  
section 3301.07 of the Revised Code. 54071

**Sec. 3333.041.** (A) On or before the last day of December of 54072  
each year, the chancellor of the Ohio board of regents shall 54073  
submit to the governor and, in accordance with section 101.68 of 54074  
the Revised Code, the general assembly a report or reports 54075  
concerning all of the following: 54076

(1) The status of graduates of Ohio school districts at state 54077  
institutions of higher education during the twelve-month period 54078  
ending on the thirtieth day of September of the current calendar 54079  
year. The report shall list, by school district, the number of 54080  
graduates of each school district who attended a state institution 54081  
of higher education and the percentage of each district's 54082  
graduates enrolled in a state institution of higher education 54083  
during the reporting period who were required during such period 54084  
by the college or university, as a prerequisite to enrolling in 54085  
those courses generally required for first-year students, to 54086  
enroll in a remedial course in English, including composition or 54087  
reading, mathematics, and any other area designated by the 54088  
chancellor. The chancellor also shall make the information 54089  
described in division (A)(1) of this section available to the 54090

board of education of each city, exempted village, and local 54091  
school district. 54092

Each state institution of higher education shall, by the 54093  
first day of November of each year, submit to the chancellor in 54094  
the form specified by the chancellor the information the 54095  
chancellor requires to compile the report. 54096

(2) Aggregate academic growth data for students assigned to 54097  
graduates of teacher preparation programs approved under section 54098  
3333.048 of the Revised Code who teach English language arts or 54099  
mathematics in any of grades four to eight in a public school in 54100  
Ohio. For this purpose, the chancellor shall use the value-added 54101  
progress dimension prescribed by section 3302.021 of the Revised 54102  
Code or the alternative student academic progress measure if 54103  
adopted under division (C)(1)(e) of section 3302.03 of the Revised 54104  
Code. The chancellor shall aggregate the data by graduating class 54105  
for each approved teacher preparation program, except that if a 54106  
particular class has ten or fewer graduates to which this section 54107  
applies, the chancellor shall report the data for a group of 54108  
classes over a three-year period. In no case shall the report 54109  
identify any individual graduate. The department of education 54110  
shall share any data necessary for the report with the chancellor. 54111

(3) The following information with respect to the Ohio 54112  
tuition trust authority: 54113

(a) The name of each investment manager that is a minority 54114  
business enterprise or a women's business enterprise with which 54115  
the chancellor contracts; 54116

(b) The amount of assets managed by investment managers that 54117  
are minority business enterprises or women's business enterprises, 54118  
expressed as a percentage of assets managed by investment managers 54119  
with which the chancellor has contracted; 54120

(c) Efforts by the chancellor to increase utilization of 54121

investment managers that are minority business enterprises or 54122  
women's business enterprises. 54123

~~(4) The status of implementation of faculty improvement 54124  
programs under section 3345.28 of the Revised Code. The report 54125  
shall include, but need not be limited to, the following: the 54126  
number of professional leave grants made by each institution; the 54127  
purpose of each professional leave; and a statement of the cost to 54128  
the institution of each professional leave, to the extent that the 54129  
cost exceeds the salary of the faculty member on professional 54130  
leave. 54131~~

~~(5) The number and types of biobased products purchased under 54132  
section 125.092 of the Revised Code and the amount of money spent 54133  
by state institutions of higher education for those biobased 54134  
products as that information is provided to the chancellor under 54135  
division (A) of section 3345.692 of the Revised Code. 54136~~

~~(6) A description of dual enrollment programs, as defined in 54137  
section 3313.6013 of the Revised Code, that are offered by school 54138  
districts, community schools established under Chapter 3314. of 54139  
the Revised Code, STEM schools established under Chapter 3326. of 54140  
the Revised Code, college-preparatory boarding schools established 54141  
under Chapter 3328. of the Revised Code, and chartered nonpublic 54142  
high schools. The chancellor also shall post the information on 54143  
the chancellor's web site. 54144~~

~~(7) The academic and economic impact of the Ohio innovation 54145  
partnership established under section 3333.61 of the Revised Code. 54146  
At a minimum, the report shall include the following: 54147~~

~~(a) Progress and performance metrics for each initiative that 54148  
received an award in the previous fiscal year; 54149~~

~~(b) Economic indicators of the impact of each initiative, and 54150  
all initiatives as a whole, on the regional economies and the 54151  
statewide economy; 54152~~

~~(e)~~(5) The chancellor's strategy in assigning choose Ohio first scholarships, as established under section 3333.61 of the Revised Code, among state universities and colleges and how the actual awards fit that strategy.

~~(8)~~(6) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:

(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;

(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;

(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy.

(B) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.

(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code.

(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state.

Sec. 3333.049. No nonprofit institution that holds a

certificate of authorization issued under Chapter 1713. of the 54182  
Revised Code shall be liable for a breach of confidentiality 54183  
arising from the institution's submission of student data or 54184  
records to the board of regents or any other state agency in 54185  
compliance with any law, rule, or regulation, provided that the 54186  
breach occurs as a result of one of the following: 54187

(A) An action by a third party during and after the 54188  
transmission of the data or records by the institution but prior 54189  
to receipt of the data or records by the board of regents or other 54190  
state agency; 54191

(B) An action by the board of regents or the state agency. 54192

This provision shall apply to the submission of any student 54193  
data or records that are subject to any laws of this state or, to 54194  
the extent permitted, any federal law, including the "Family 54195  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 54196  
U.S.C. 1232g. 54197

**Sec. 3333.124.** There is hereby created in the state treasury 54198  
the Ohio college opportunity grant program reserve fund. Not later 54199  
than the first day of July of each fiscal year, the chancellor of 54200  
the Ohio board of regents shall certify to the director of budget 54201  
and management the unencumbered balance of the general revenue 54202  
fund appropriations made in the immediately preceding fiscal year 54203  
for purposes of the Ohio college opportunity grant program created 54204  
in section 3333.122 of the Revised Code. Upon receipt of the 54205  
certification, the director may transfer an amount not exceeding 54206  
the certified amount from the general revenue fund to the Ohio 54207  
college opportunity grant program reserve fund. Moneys in the Ohio 54208  
college opportunity grant program reserve fund shall be used to 54209  
pay grant obligations in excess of the general revenue fund 54210  
appropriations made for that purpose. 54211

The director may transfer any unencumbered balance from the 54212  
Ohio college opportunity grant program reserve fund to the general 54213  
revenue fund. 54214

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 54215  
purposes, status as a resident of Ohio shall be defined by the 54216  
chancellor of the Ohio board of regents by rule promulgated 54217  
pursuant to Chapter 119. of the Revised Code. No adjudication as 54218  
to the status of any person under such rule, however, shall be 54219  
required to be made pursuant to Chapter 119. of the Revised Code. 54220  
The term "resident" for these purposes shall not be equated with 54221  
the definition of that term as it is employed elsewhere under the 54222  
laws of this state and other states, and shall not carry with it 54223  
any of the legal connotations appurtenant thereto. Rather, except 54224  
as provided in divisions (B) and (D) of this section, for such 54225  
purposes, the rule promulgated under this section shall have the 54226  
objective of excluding from treatment as residents those who are 54227  
present in the state primarily for the purpose of attending a 54228  
state-supported or state-assisted institution of higher education, 54229  
and may prescribe presumptive rules, rebuttable or conclusive, as 54230  
to such purpose based upon the source or sources of support of the 54231  
student, residence prior to first enrollment, evidence of 54232  
intention to remain in the state after completion of studies, or 54233  
such other factors as the chancellor deems relevant. 54234

(B) The rules of the chancellor for determining student 54235  
residency shall grant residency status to a veteran and to the 54236  
veteran's spouse and any dependent of the veteran, if both of the 54237  
following conditions are met: 54238

(1) The veteran either: 54239

(a) Served one or more years on active military duty and was 54240  
honorably discharged or received a medical discharge that was 54241  
related to the military service; 54242

(b) Was killed while serving on active military duty or has  
been declared to be missing in action or a prisoner of war.

(2) If the veteran seeks residency status for tuition  
surcharge purposes, the veteran has established domicile in this  
state as of the first day of a term of enrollment in an  
institution of higher education. If the spouse or a dependent of  
the veteran seeks residency status for tuition surcharge purposes,  
the veteran and the spouse or dependent seeking residency status  
have established domicile in this state as of the first day of a  
term of enrollment in an institution of higher education, except  
that if the veteran was killed while serving on active military  
duty, has been declared to be missing in action or a prisoner of  
war, or is deceased after discharge, only the spouse or dependent  
seeking residency status shall be required to have established  
domicile in accordance with this division.

(C) The rules of the chancellor for determining student  
residency shall not deny residency status to a student who is  
either a dependent child of a parent, or the spouse of a person  
who, as of the first day of a term of enrollment in an institution  
of higher education, has accepted full-time employment and  
established domicile in this state for reasons other than gaining  
the benefit of favorable tuition rates.

Documentation of full-time employment and domicile shall  
include both of the following documents:

(1) A sworn statement from the employer or the employer's  
representative on the letterhead of the employer or the employer's  
representative certifying that the parent or spouse of the student  
is employed full-time in Ohio;

(2) A copy of the lease under which the parent or spouse is  
the lessee and occupant of rented residential property in the  
state, a copy of the closing statement on residential real



property of which the parent or spouse is the owner and occupant 54274  
in this state or, if the parent or spouse is not the lessee or 54275  
owner of the residence in which the parent or spouse has 54276  
established domicile, a letter from the owner of the residence 54277  
certifying that the parent or spouse resides at that residence. 54278

Residency officers may also evaluate, in accordance with the 54279  
chancellor's rule, requests for immediate residency status from 54280  
dependent students whose parents are not living and whose domicile 54281  
follows that of a legal guardian who has accepted full-time 54282  
employment and established domicile in the state for reasons other 54283  
than gaining the benefit of favorable tuition rates. 54284

(D)(1) The rules of the chancellor for determining student 54285  
residency shall grant residency status to a person who, while a 54286  
resident of this state for state subsidy and tuition surcharge 54287  
purposes, graduated from a high school in this state or completed 54288  
the final year of instruction at home as authorized under section 54289  
3321.04 of the Revised Code, if the person enrolls in an 54290  
institution of higher education and establishes domicile in this 54291  
state, regardless of the student's residence prior to that 54292  
enrollment. 54293

(2) The rules of the chancellor for determining student 54294  
residency shall not grant residency status to an alien if the 54295  
alien is not also an immigrant or a nonimmigrant. 54296

(E) The rules of the chancellor for determining student 54297  
residency shall grant residency status to a student to whom a 54298  
state institution of higher education issues a letter or utility 54299  
bill for use as proof that the student is a qualified elector in 54300  
this state. 54301

Nothing in division (E) of this section shall be used to 54302  
grant residency to a student for any purpose other than for state 54303  
subsidy and tuition surcharge purposes. 54304

|                                                                                                                                                                                                                                                                                                                                                                              |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (F) As used in this section:                                                                                                                                                                                                                                                                                                                                                 | 54305                                              |
| (1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.                                                                                                                                                                                                     | 54306<br>54307<br>54308                            |
| (2) "Alien" means a person who is not a United States citizen or a United States national.                                                                                                                                                                                                                                                                                   | 54309<br>54310                                     |
| (3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States.                                                                                                                                          | 54311<br>54312<br>54313<br>54314                   |
| (4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.                                                                                                                                                                                             | 54315<br>54316<br>54317                            |
| <u>(5) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.</u>                                                                                                                                                                                                                                                          | 54318<br>54319                                     |
| <b><u>Sec. 3333.342.</u></b> (A) <u>The chancellor of the Ohio board of regents may designate a "certificate of value" for a certificate program at any adult career-technical education institution or state institution of higher education, as defined under section 3345.011 of the Revised Code, based on the standards adopted under division (B) of this section.</u> | 54320<br>54321<br>54322<br>54323<br>54324<br>54325 |
| <u>(B) The chancellor shall develop standards for designation of the certificates of value for certificate programs at adult career-technical education institutions and state institutions of higher education. The standards shall include at least the following considerations:</u>                                                                                      | 54326<br>54327<br>54328<br>54329<br>54330          |
| <u>(1) The quality of the certificate program;</u>                                                                                                                                                                                                                                                                                                                           | 54331                                              |
| <u>(2) The ability to transfer agreed-upon technical courses completed through an adult career-technical education institution to a state institution of higher education without unnecessary</u>                                                                                                                                                                            | 54332<br>54333<br>54334                            |

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| <u>duplication or institutional barriers;</u>                                                                                                                                                                                                                                                             | 54335 |
| <u>(3) The extent to which the certificate program encourages a student to obtain an associate's or bachelor's degree;</u>                                                                                                                                                                                | 54336 |
| <u>(4) The extent to which the certificate program increases a student's likelihood to complete other certificate programs or an associate's or bachelor's degree;</u>                                                                                                                                    | 54338 |
| <u>(5) The ability of the certificate program to meet the expectations of the workplace and higher education;</u>                                                                                                                                                                                         | 54339 |
| <u>(6) The extent to which the certificate program is aligned with the strengths of the regional economy;</u>                                                                                                                                                                                             | 54340 |
| <u>(7) The extent to which the certificate program increases the amount of individuals who remain in or enter the state's workforce;</u>                                                                                                                                                                  | 54341 |
| <u>(8) The extent of a certificate program's relationship with private companies in the state to fill potential job growth.</u>                                                                                                                                                                           | 54342 |
| <u>(C) The designation of a certificate of value under this section shall expire six years after its designation date.</u>                                                                                                                                                                                | 54343 |
| <u>(D) The chancellor may revoke a designation prior to its expiration date if the chancellor determines that the program no longer complies with the standards developed under division (B) of this section.</u>                                                                                         | 54344 |
| <u>(E) Any revocation of a certificate of value under this section shall become effective one hundred eighty days after the date the revocation was declared by the chancellor.</u>                                                                                                                       | 54345 |
| <u>(F) Any adult career-technical education institution or state institution of higher education that desires to be eligible to receive a designation of certificate of value for one or more of its certificate programs shall comply with all records and data requests required by the chancellor.</u> | 54346 |
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| <b>Sec. <del>3333.90</del> <u>3333.59</u>.</b> (A) As used in this section:                                                                                                                                                                                                                                  | 54364                                     |
| (1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the Ohio board of regents by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year. | 54365<br>54366<br>54367<br>54368<br>54369 |
| (2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.                                                                                                                                                                                                                       | 54370<br>54371                            |
| (3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.                                                                                                                                                                                                                    | 54372<br>54373                            |
| (4) "Chancellor" means the chancellor of the Ohio board of regents.                                                                                                                                                                                                                                          | 54374<br>54375                            |
| (5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:                                                                                                                                                             | 54376<br>54377<br>54378                   |
| (a) A community college as defined in section 3354.01 of the Revised Code;                                                                                                                                                                                                                                   | 54379<br>54380                            |
| (b) A technical college as defined in section 3357.01 of the Revised Code;                                                                                                                                                                                                                                   | 54381<br>54382                            |
| (c) A state community college as defined in section 3358.01 of the Revised Code.                                                                                                                                                                                                                             | 54383<br>54384                            |
| (6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:                                                                                                                                          | 54385<br>54386<br>54387                   |
| (a) A community college district as defined in section 3354.01 of the Revised Code;                                                                                                                                                                                                                          | 54388<br>54389                            |
| (b) A technical college district as defined in section 3357.01 of the Revised Code;                                                                                                                                                                                                                          | 54390<br>54391                            |
| (c) A state community college district as defined in section                                                                                                                                                                                                                                                 | 54392                                     |

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| 3358.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 54393                                                                                                             |
| (7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 54394<br>54395                                                                                                    |
| (8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 54396<br>54397                                                                                                    |
| (B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the issuing authority proposes to issue obligations under section 154.25 of the Revised Code, may adopt a resolution requesting the chancellor to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the community or technical college it operates in respect of its allocated state share of instruction, for the payment of bond service charges on such obligations. | 54398<br>54399<br>54400<br>54401<br>54402<br>54403<br>54404<br>54405<br>54406<br>54407<br>54408<br>54409<br>54410 |
| The board of trustees shall deliver to the chancellor a copy of the resolution and any additional pertinent information the chancellor may require.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 54411<br>54412<br>54413                                                                                           |
| The chancellor and the office of budget and management, and the issuing authority in the case of obligations to be issued by the issuing authority, shall evaluate each request received from a community or technical college district under this section. The chancellor, with the advice and consent of the director of budget and management and the issuing authority in the case of obligations to be issued by the issuing authority, shall approve each request if all of the following conditions are met:                                                                                                                                                                                                                                                                              | 54414<br>54415<br>54416<br>54417<br>54418<br>54419<br>54420<br>54421                                              |
| (1) Approval of the request will enhance the marketability of the obligations for which the request is made;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 54422<br>54423                                                                                                    |

(2) The chancellor and the office of budget and management, 54424  
and the issuing authority in the case of obligations to be issued 54425  
by the issuing authority, have no reason to believe the requesting 54426  
community or technical college district or the community or 54427  
technical college it operates will be unable to pay when due the 54428  
bond service charges on the obligations for which the request is 54429  
made, and bond service charges on those obligations are therefore 54430  
not anticipated to be paid pursuant to this section from the 54431  
allocated state share of instruction for purposes of Section 17 of 54432  
Article VIII, Ohio Constitution. 54433

(3) Any other pertinent conditions established in rules 54434  
adopted under division (H) of this section. 54435

(C) If the chancellor approves the request of a community or 54436  
technical college district to withhold and deposit funds pursuant 54437  
to this section, the chancellor shall enter into a written 54438  
agreement with the district and the primary paying agent or fiscal 54439  
agent for the obligations, which agreement shall provide for the 54440  
withholding of funds pursuant to this section for the payment of 54441  
bond service charges on those obligations. The agreement may also 54442  
include both of the following: 54443

(1) Provisions for certification by the district to the 54444  
chancellor, prior to the deadline for payment of the applicable 54445  
bond service charges, whether the district and the community or 54446  
technical college it operates are able to pay those bond service 54447  
charges when due; 54448

(2) Requirements that the district or the community or 54449  
technical college it operates deposits amounts for the payment of 54450  
those bond service charges with the primary paying agent or fiscal 54451  
agent for the obligations prior to the date on which the bond 54452  
service charges are due to the owners or holders of the 54453  
obligations. 54454

(D) Whenever a district or the community or technical college it operates notifies the chancellor that it will not be able to pay the bond service charges when they are due, subject to the withholding provisions of this section, or whenever the applicable paying agent or fiscal agent notifies the chancellor that it has not timely received from a district or from the college it operates the full amount needed for payment of the bond service charges when due to the holders or owners of such obligations, the chancellor shall immediately contact the district or college and the paying agent or fiscal agent to confirm that the district and the college are not able to make the required payment by the date on which it is due.

If the chancellor confirms that the district and the college are not able to make the payment and the payment will not be made pursuant to a credit enhancement facility, the chancellor shall promptly pay to the applicable primary paying agent or fiscal agent the lesser of the amount due for bond service charges or the amount of the next periodic distribution scheduled to be made to the district or to the college in respect of its allocated state share of instruction. If this amount is insufficient to pay the total amount then due the agent for the payment of bond service charges, the chancellor shall continue to pay to the agent from each periodic distribution thereafter, and until the full amount due the agent for unpaid bond service charges is paid in full, the lesser of the remaining amount due the agent for bond service charges or the amount of the next periodic distribution scheduled to be made to the district or college in respect of its allocated state share of instruction.

(E) The chancellor may make any payments under this section by direct deposit of funds by electronic transfer.

Any amount received by a paying agent or fiscal agent under this section shall be applied only to the payment of bond service

charges on the obligations of the community or technical college 54487  
district or community or technical college subject to this section 54488  
or to the reimbursement of the provider of a credit enhancement 54489  
facility that has paid the bond service charges. 54490

(F) The chancellor may make payments under this section to 54491  
paying agents or fiscal agents during any fiscal biennium of the 54492  
state only from and to the extent that money is appropriated to 54493  
the board of regents by the general assembly for distribution 54494  
during such biennium for the state share of instruction and only 54495  
to the extent that a portion of the state share of instruction has 54496  
been allocated to the community or technical college district or 54497  
community or technical college. Obligations of the issuing 54498  
authority or of a community or technical college district to which 54499  
this section is made applicable do not constitute an obligation or 54500  
a debt or a pledge of the faith, credit, or taxing power of the 54501  
state, and the holders or owners of those obligations have no 54502  
right to have excises or taxes levied or appropriations made by 54503  
the general assembly for the payment of bond service charges on 54504  
the obligations, and the obligations shall contain a statement to 54505  
that effect. The agreement for or the actual withholding and 54506  
payment of money under this section does not constitute the 54507  
assumption by the state of any debt of a community or technical 54508  
college district or a community or technical college, and bond 54509  
service charges on the related obligations are not anticipated to 54510  
be paid from the state general revenue fund for purposes of 54511  
Section 17 of Article VIII, Ohio Constitution. 54512

(G) In the case of obligations subject to the withholding 54513  
provisions of this section, the issuing community or technical 54514  
college district, or the issuing authority in the case of 54515  
obligations issued by the issuing authority, shall appoint a 54516  
paying agent or fiscal agent who is not an officer or employee of 54517  
the district or college. 54518



(H) The chancellor, with the advice and consent of the office of budget and management, may adopt reasonable rules not inconsistent with this section for the implementation of this section to secure payment of bond service charges on obligations issued by a community or technical college district or by the issuing authority for the benefit of a community or technical college district or the community or technical college it operates. Those rules shall include criteria for the evaluation and approval or denial of community or technical college district requests for withholding under this section.

(I) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law for the same or similar purposes.

Sec. 3333.613. There is hereby created in the state treasury the choose Ohio first scholarship reserve fund. Not later than the first day of July of each fiscal year, the chancellor of the Ohio board of regents shall certify to the director of budget and management the unencumbered balance of the general revenue fund appropriations made in the immediately preceding fiscal year for purposes of the choose Ohio first scholarship program created in section 3333.61 of the Revised Code. Upon receipt of the certification, the director may transfer an amount not exceeding the certified amount from the general revenue fund to the choose Ohio first scholarship reserve fund. Moneys in the choose Ohio first scholarship reserve fund shall be used to pay scholarship obligations in excess of the general revenue fund appropriations made for that purpose.

The director may transfer any unencumbered balance from the choose Ohio first scholarship reserve fund to the general revenue fund.

**Sec. 3333.82.** (A) The chancellor of the Ohio board of regents 54549  
shall establish a clearinghouse of interactive distance learning 54550  
courses and other distance learning courses delivered via a 54551  
computer-based method offered by school districts, community 54552  
schools, STEM schools, state institutions of higher education, 54553  
private colleges and universities, and other nonprofit and 54554  
for-profit course providers for sharing with other school 54555  
districts, community schools, STEM schools, state institutions of 54556  
higher education, private colleges and universities, and 54557  
individuals for the fee set pursuant to section 3333.84 of the 54558  
Revised Code. The chancellor shall not be responsible for the 54559  
content of courses offered through the clearinghouse; however, all 54560  
such courses shall be delivered only in accordance with technical 54561  
specifications approved by the chancellor and on a common 54562  
statewide platform administered by the chancellor. 54563

The clearinghouse's distance learning program for students in 54564  
grades kindergarten to twelve shall be based on the following 54565  
principles: 54566

(1) All Ohio students shall have access to high quality 54567  
distance learning courses at any point in their educational 54568  
careers. 54569

(2) All students shall be able to customize their education 54570  
using distance learning courses offered through the clearinghouse 54571  
and no student shall be denied access to any course in the 54572  
clearinghouse in which the student is eligible to enroll. 54573

(3) Students may take distance learning courses for all or 54574  
any portion of their curriculum requirements and may utilize a 54575  
combination of distance learning courses and courses taught in a 54576  
traditional classroom setting. 54577

(4) Students may earn an unlimited number of academic credits 54578  
through distance learning courses. 54579

(5) Students may take distance learning courses at any time 54580  
of the calendar year. 54581

(6) Student advancement to higher coursework shall be based 54582  
on a demonstration of subject area competency instead of 54583  
completion of any particular number of hours of instruction. 54584

(B) To offer a course through the clearinghouse, a course 54585  
provider shall apply to the chancellor in a form and manner 54586  
prescribed by the chancellor. The application for each course 54587  
shall describe the course of study in as much detail as required 54588  
by the chancellor, whether an instructor is provided, the 54589  
qualification and credentials of the instructor, the number of 54590  
hours of instruction, and any other information required by the 54591  
chancellor. The chancellor may require course providers to include 54592  
in their applications information recommended by the state board 54593  
of education under former section 3353.30 of the Revised Code. 54594

(C) The chancellor shall review the technical specifications 54595  
of each application submitted under division (B) of this section. 54596  
In reviewing applications, the chancellor may consult with the 54597  
department of education; however, the responsibility to either 54598  
approve or not approve a course for the clearinghouse belongs to 54599  
the chancellor. The chancellor may request additional information 54600  
from a course provider that submits an application under division 54601  
(B) of this section, if the chancellor determines that such 54602  
information is necessary. The chancellor may negotiate changes in 54603  
the proposal to offer a course, if the chancellor determines that 54604  
changes are necessary in order to approve the course. 54605

(D) The chancellor shall catalog each course approved for the 54606  
clearinghouse, through a print or electronic medium, displaying 54607  
the following: 54608

(1) Information necessary for a student and the student's 54609  
parent, guardian, or custodian and the student's school district, 54610

community school, STEM school, college, or university to decide 54611  
whether to enroll in or subscribe to the course; 54612

(2) Instructions for enrolling in that course, including 54613  
deadlines for enrollment. 54614

(E) Any expenses related to the installation of a course into 54615  
the common statewide platform shall be borne by the course 54616  
provider. 54617

(F) ~~The eTech Ohio commission, in consultation with the~~ 54618  
~~chancellor and the state board, shall distribute information to~~ 54619  
~~students and parents describing the clearinghouse. The information~~ 54620  
~~shall be provided in an easily understandable format~~ The 54621  
chancellor may contract with an entity to perform any or all of 54622  
the chancellor's duties under sections 3333.81 to 3333.88 of the 54623  
Revised Code. 54624

**Sec. 3335.35.** There is hereby created the ~~"Ohio cooperative~~ 54625  
~~OSU extension service fund,"~~ which shall be under the custody and 54626  
control of the board of trustees of the Ohio state university and 54627  
shall consist of all moneys appropriated, given, granted, or 54628  
bequeathed to the university for the use of ~~the Ohio cooperative~~ 54629  
~~OSU extension service~~ by the United States, this state, any 54630  
political subdivision of this state, or any person. The board 54631  
shall have responsibility for expenditure of all moneys in the 54632  
fund in accordance with state and federal law and memoranda of 54633  
agreement between the university and the United States department 54634  
of agriculture. 54635

**Sec. 3335.36.** The board of trustees of the Ohio state 54636  
university may employ such employees as it considers appropriate 54637  
for the conduct of educational programs of ~~the Ohio cooperative~~ 54638  
~~OSU extension service~~ and may provide for the payment from the 54639  
~~Ohio cooperative OSU extension service~~ fund created by section 54640

3335.35 of the Revised Code of reasonable compensation to such 54641  
employees and of reasonable expenses incurred by them in the 54642  
discharge of their duties, including expenses of travel and of 54643  
maintaining, equipping, and supplying their offices. 54644

The employees shall cooperate with the department of 54645  
agriculture, the Ohio agricultural research and development 54646  
center, the department of education, and the United States 54647  
department of agriculture, for the purpose of making available the 54648  
educational materials of ~~the~~ OSU extension service. ~~Such~~ The 54649  
employees shall represent the university and shall conduct 54650  
educational activities related to agriculture, natural resources, 54651  
~~home economics~~ community development, family ~~living~~ and consumer 54652  
sciences, and 4-H programs for the citizens of this state through 54653  
personal instruction, bulletins, practical demonstrations, mass 54654  
media, and otherwise, subject to such rules as may be prescribed 54655  
by the board of trustees of the university. ~~Such~~ The employees 54656  
shall have offices provided by the county or other political 54657  
subdivision in which they serve in which bulletins and other 54658  
educational materials of value to the people may be consulted and 54659  
through which the employees may be reached. 54660

The board of trustees of the Ohio state university may hire 54661  
or use employees of ~~the Ohio cooperative~~ OSU extension service to 54662  
carry out the functions and duties of a director of economic 54663  
development under division (B) of section 307.07 of the Revised 54664  
Code pursuant to any agreement with a county under division (A)(2) 54665  
of section 307.07 of the Revised Code. 54666

**Sec. 3335.37.** The board of county commissioners of any county 54667  
may levy a tax, within the limitations prescribed by law, and 54668  
appropriate money from the proceeds thereof or from the general 54669  
fund of the county to be paid to the Ohio state university to the 54670  
credit of the ~~Ohio cooperative~~ OSU extension service fund created 54671

by section 3335.35 of the Revised Code and expended for the 54672  
purposes prescribed in section 3335.36 of the Revised Code for the 54673  
benefit of the citizens of ~~such~~ that county. Any money paid into 54674  
the fund under this section that aggregates more than ten per cent 54675  
of the county appropriation in the preceding year and that remains 54676  
unexpended for two years from the time of ~~such~~ the payment shall 54677  
be returned to the county from which it came unless the board of 54678  
county commissioners determines by resolution to contribute it to 54679  
~~the Ohio cooperative~~ OSU extension ~~service~~ for general purposes. 54680  
54681

**Sec. 3335.38.** The board of trustees of the Ohio state 54682  
university shall establish a farm financial management institute 54683  
in ~~the Ohio cooperative~~ OSU extension ~~service~~ to train interested 54684  
and qualified persons to assist farmers needing help with farm 54685  
financial management problems. 54686

Participation shall be open to all interested persons, but 54687  
the following persons shall be given priority as to enrollment: 54688  
employees or representatives of banks and other farm credit 54689  
agencies, agricultural teachers, and faculty and employees of the 54690  
Ohio state university and ~~the Ohio cooperative~~ OSU extension 54691  
~~service~~ who agree to assist Ohio farmers in completing and 54692  
understanding the coordinated financial statement and other 54693  
subjects. A fee may be charged participants, as determined by ~~the~~ 54694  
OSU extension ~~service~~, but may be waived for those participants 54695  
granted priority status at enrollment. 54696

**Sec. 3345.05.** (A) All registration fees, nonresident tuition 54697  
fees, academic fees for the support of off-campus instruction, 54698  
laboratory and course fees when so assessed and collected, student 54699  
health fees for the support of a student health service, all other 54700  
fees, deposits, charges, receipts, and income from all or part of 54701  
the students, all subsidy or other payments from state 54702

appropriations, and all other fees, deposits, charges, receipts, 54703  
income, and revenue received by each state institution of higher 54704  
education, the Ohio state university hospitals and their ancillary 54705  
facilities, the Ohio agricultural research and development center, 54706  
and ~~the Ohio state university cooperative~~ OSU extension ~~service~~ 54707  
shall be held and administered by the respective boards of 54708  
trustees of the state institution of higher education; provided, 54709  
that such fees, deposits, charges, receipts, income and revenue, 54710  
to the extent required by resolutions, trust agreements, 54711  
indentures, leases, and agreements adopted, made, or entered into 54712  
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 54713  
Revised Code, shall be held, administered, transferred, and 54714  
applied in accordance therewith. 54715

(B) The Ohio board of regents shall require annual reporting 54716  
by the Ohio agricultural research and development center and by 54717  
each university and college receiving state aid in such form and 54718  
detail as determined by the board in consultation with such 54719  
center, universities and colleges, and the director of budget and 54720  
management. 54721

(C) Notwithstanding any provision of the Revised Code to the 54722  
contrary, the title to investments made by the board of trustees 54723  
of a state institution of higher education with funds derived from 54724  
any of the sources described in division (A) of this section shall 54725  
not be vested in the state or the political subdivision but shall 54726  
be held in trust by the board. Such investments shall be made 54727  
pursuant to an investment policy adopted by the board in public 54728  
session that requires all fiduciaries to discharge their duties 54729  
with the care, skill, prudence, and diligence under the 54730  
circumstances then prevailing that a prudent person acting in like 54731  
capacity and familiar with such matters would use in the conduct 54732  
of an enterprise of a like character and with like aims. The 54733  
policy also shall require at least the following: 54734

(1) A stipulation that investment of at least twenty-five per cent of the average amount of the investment portfolio over the course of the previous fiscal year be invested in securities of the United States government or of its agencies or instrumentalities, the treasurer of state's pooled investment program, obligations of this state or any political subdivision of this state, certificates of deposit of any national bank located in this state, written repurchase agreements with any eligible Ohio financial institution that is a member of the federal reserve system or federal home loan bank, money market funds, or bankers acceptances maturing in two hundred seventy days or less which are eligible for purchase by the federal reserve system, as a reserve;

(2) Eligible funds above those that meet the conditions of division (C)(1) of this section may be pooled with other institutional funds and invested in accordance with section 1715.52 of the Revised Code.

(3) The establishment of an investment committee.

(D) The investment committee established under division (C)(3) of this section shall meet at least quarterly. The committee shall review and recommend revisions to the board's investment policy and shall advise the board on its investments made under division (C) of this section in an effort to assist it in meeting its obligations as a fiduciary as described in division (C) of this section. The committee shall be authorized to retain the services of an investment advisor who meets both of the following qualifications:

(1) The advisor is either:

(a) Licensed by the division of securities under section 1707.141 of the Revised Code;

(b) Registered with the securities and exchange commission.

(2) The advisor either:



(a) Has experience in the management of investments of public funds, especially in the investment of state-government investment portfolios; 54766  
54767  
54768

(b) Is an eligible institution referenced in section 135.03 of the Revised Code. 54769  
54770

(E) As used in this section, "state institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code. 54771  
54772  
54773

**Sec. 3345.06.** (A) Subject to divisions (B) and (C) of this section, a graduate of the twelfth grade shall be entitled to admission without examination to any college or university which is supported wholly or in part by the state, but for unconditional admission may be required to complete such units not included in the graduate's high school course as may be prescribed, not less than two years prior to the graduate's entrance, by the faculty of the institution. 54774  
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(B) Beginning with the 2014-2015 academic year, each state university listed in section 3345.011 of the Revised Code, except for Central state university, Shawnee state university, and Youngstown state university, shall permit a resident of this state who entered ninth grade for the first time on or after July 1, 2010, to begin undergraduate coursework at the university only if the person has successfully completed the Ohio core curriculum for high school graduation prescribed in division (C) of section 3313.603 of the Revised Code, unless one of the following applies: 54782  
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(1) The person has earned at least ten semester hours, or the equivalent, at a community college, state community college, university branch, technical college, or another post-secondary institution except a state university to which division (B) of this section applies, in courses that are college-credit-bearing and may be applied toward the requirements for a degree. The 54791  
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54796

university shall grant credit for successful completion of those 54797  
courses pursuant to any applicable articulation and transfer 54798  
policy of the Ohio board of regents or any agreements the 54799  
university has entered into in accordance with policies and 54800  
procedures adopted under section 3333.16, 3313.161, or 3333.162 of 54801  
the Revised Code. The university may count college credit that the 54802  
student earned while in high school through the post-secondary 54803  
enrollment options program under Chapter 3365. of the Revised 54804  
Code, or through other dual enrollment programs, toward the 54805  
requirements of division (B)(1) of this section if the credit may 54806  
be applied toward a degree. 54807

(2) The person qualified to graduate from high school under 54808  
division (D) or (F) of section 3313.603 of the Revised Code and 54809  
has successfully completed the topics or courses that the person 54810  
lacked to graduate under division (C) of that section at any 54811  
post-secondary institution or at a summer program at the state 54812  
university. A state university may admit a person for enrollment 54813  
contingent upon completion of such topics or courses or summer 54814  
program. 54815

(3) The person met the high school graduation requirements by 54816  
successfully completing the person's individualized education 54817  
program developed under section 3323.08 of the Revised Code. 54818

~~(3)~~(4) The person is receiving or has completed the final 54819  
year of instruction at home as authorized under section 3321.04 of 54820  
the Revised Code, or has graduated from a nonchartered, nonpublic 54821  
school in Ohio, and demonstrates mastery of the academic content 54822  
and skills in reading, writing, and mathematics needed to 54823  
successfully complete introductory level coursework at an 54824  
institution of higher education and to avoid remedial coursework. 54825

~~(4)~~(5) The person is a high school student participating in 54826  
the post-secondary enrollment options program under Chapter 3365. 54827  
of the Revised Code or another dual enrollment program. 54828

(C) A state university subject to division (B) of this section may delay admission for or admit conditionally an undergraduate student who has successfully completed the Ohio core curriculum if the university determines the student requires academic remedial or developmental coursework. The university may delay admission pending, or make admission conditional upon, the student's successful completion of the academic remedial or developmental coursework at a university branch, community college, state community college, or technical college.

(D) This section does not deny the right of a college of law, medicine, or other specialized education to require college training for admission, or the right of a department of music or other art to require particular preliminary training or talent.

**Sec. 3345.12.** (A) As used in this section and sections 3345.07 and 3345.11 of the Revised Code, in other sections of the Revised Code that make reference to this section unless the context does not permit, and in related bond proceedings unless otherwise expressly provided:

(1) "State university or college" means each of the state universities identified in section 3345.011 of the Revised Code and the northeast Ohio medical university, and includes its board of trustees.

(2) "Institution of higher education" or "institution" means a state university or college, or a community college district, technical college district, university branch district, or state community college, and includes the applicable board of trustees or, in the case of a university branch district, any other managing authority.

(3) "Housing and dining facilities" means buildings, structures, and other improvements, and equipment, real estate, and interests in real estate therefor, to be used for or in

connection with dormitories or other living quarters and 54860  
accommodations, or related dining halls or other food service and 54861  
preparation facilities, for students, members of the faculty, 54862  
officers, or employees of the institution of higher education, and 54863  
their spouses and families. 54864

(4) "Auxiliary facilities" means buildings, structures, and 54865  
other improvements, and equipment, real estate, and interests in 54866  
real estate therefor, to be used for or in connection with student 54867  
activity or student service facilities, housing and dining 54868  
facilities, dining halls, and other food service and preparation 54869  
facilities, vehicular parking facilities, bookstores, athletic and 54870  
recreational facilities, faculty centers, auditoriums, assembly 54871  
and exhibition halls, hospitals, infirmaries and other medical and 54872  
health facilities, research, and continuing education facilities. 54873

(5) "Education facilities" means buildings, structures, and 54874  
other improvements, and equipment, real estate, and interests in 54875  
real estate therefor, to be used for or in connection with, 54876  
classrooms or other instructional facilities, libraries, 54877  
administrative and office facilities, and other facilities, other 54878  
than auxiliary facilities, to be used directly or indirectly for 54879  
or in connection with the conduct of the institution of higher 54880  
education. 54881

(6) "Facilities" means housing and dining facilities, 54882  
auxiliary facilities, or education facilities, and includes any 54883  
one, part of, or any combination of such facilities, and further 54884  
includes site improvements, utilities, machinery, furnishings, and 54885  
any separate or connected buildings, structures, improvements, 54886  
sites, open space and green space areas, utilities or equipment to 54887  
be used in, or in connection with the operation or maintenance of, 54888  
or supplementing or otherwise related to the services or 54889  
facilities to be provided by, such facilities. 54890

(7) "Obligations" means bonds or notes or other evidences of 54891

obligation, including interest coupons pertaining thereto, 54892  
authorized to be issued under this section or section 3345.07, 54893  
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 54894  
Code. 54895

(8) "Bond service charges" means principal, including any 54896  
mandatory sinking fund or redemption requirements for the 54897  
retirement of obligations or assurances, interest, or interest 54898  
equivalent and other accreted amounts, and any call premium 54899  
required to be paid on obligations or assurances. 54900

(9) "Bond proceedings" means the resolutions, trust 54901  
agreement, indenture, and other agreements and credit enhancement 54902  
facilities, and amendments and supplements to the foregoing, or 54903  
any one or more or combination thereof, authorizing, awarding, or 54904  
providing for the terms and conditions applicable to, or providing 54905  
for the security or liquidity of, obligations or assurances, and 54906  
the provisions contained in those obligations or assurances. 54907

(10) "Costs of facilities" means the costs of acquiring, 54908  
constructing, reconstructing, rehabilitating, remodeling, 54909  
renovating, enlarging, improving, equipping, or furnishing 54910  
facilities, and the financing thereof, including the cost of 54911  
clearance and preparation of the site and of any land to be used 54912  
in connection with facilities, the cost of any indemnity and 54913  
surety bonds and premiums on insurance, all related direct 54914  
administrative expenses and allocable portions of direct costs of 54915  
the institution of higher education or state agency, cost of 54916  
engineering, architectural services, design, plans, specifications 54917  
and surveys, estimates of cost, legal fees, fees and expenses of 54918  
trustees, depositories, bond registrars, and paying agents for the 54919  
obligations, cost of issuance of the obligations and financing 54920  
costs and fees and expenses of financial advisers and consultants 54921  
in connection therewith, interest on the obligations from the date 54922  
thereof to the time when interest is to be covered by available 54923

receipts or other sources other than proceeds of the obligations, 54924  
amounts necessary to establish reserves as required by the bond 54925  
proceedings, costs of audits, the reimbursements of all moneys 54926  
advanced or applied by or borrowed from the institution or others, 54927  
from whatever source provided, including any temporary advances 54928  
from state appropriations, for the payment of any item or items of 54929  
cost of facilities, and all other expenses necessary or incident 54930  
to planning or determining feasibility or practicability with 54931  
respect to facilities, and such other expenses as may be necessary 54932  
or incident to the acquisition, construction, reconstruction, 54933  
rehabilitation, remodeling, renovation, enlargement, improvement, 54934  
equipment, and furnishing of facilities, the financing thereof and 54935  
the placing of them in use and operation, including any one, part 54936  
of, or combination of such classes of costs and expenses. 54937

(11) "Available receipts" means all moneys received by the 54938  
institution of higher education, including income, revenues, and 54939  
receipts from the operation, ownership, or control of facilities 54940  
or entrepreneurial projects, grants, gifts, donations, and pledges 54941  
and receipts therefrom, receipts from fees and charges, and the 54942  
proceeds of the sale of obligations or assurances, including 54943  
proceeds of obligations or assurances issued to refund obligations 54944  
or assurances previously issued, but excluding any special fee, 54945  
and receipts therefrom, charged pursuant to division (D) of 54946  
section 154.21 of the Revised Code. 54947

(12) "Credit enhancement facilities" has the meaning given in 54948  
division (H) of section 133.01 of the Revised Code. 54949

(13) "Financing costs" has the meaning given in division (K) 54950  
of section 133.01 of the Revised Code. 54951

(14) "Interest" or "interest equivalent" has the meaning 54952  
given in division (R) of section 133.01 of the Revised Code. 54953

(15) "Assurances" means bonds, notes, or other evidence of 54954

indebtedness, including interest coupons pertaining thereto, 54955  
authorized to be issued under section 3345.36 of the Revised Code. 54956

(16) "Entrepreneurial project" has the same meaning as in 54957  
section 3345.36 of the Revised Code. 54958

(17) "Costs of entrepreneurial projects" means any costs 54959  
related to the establishment or development of entrepreneurial 54960  
projects pursuant to a resolution adopted under section 3345.36 of 54961  
the Revised Code. 54962

(B) Obligations issued under section 3345.07 or 3345.11 of 54963  
the Revised Code by a state university or college shall be 54964  
authorized by resolution of its board of trustees. Obligations 54965  
issued by any other institution of higher education shall be 54966  
authorized by resolution of its board of trustees, or managing 54967  
directors in the case of certain university branch districts, as 54968  
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 54969  
apply to obligations and assurances. Obligations and assurances 54970  
may be issued to pay costs of facilities or entrepreneurial 54971  
projects even if the institution anticipates the possibility of a 54972  
future state appropriation to pay all or a portion of such costs. 54973

(C) Obligations and assurances shall be secured by a pledge 54974  
of and lien on all or such part of the available receipts of the 54975  
institution of higher education as it provides for in the bond 54976  
proceedings, excluding moneys raised by taxation and state 54977  
appropriations except as permitted by section ~~3333.90~~ 3333.59 of 54978  
the Revised Code. Such pledge and lien may be made prior to all 54979  
other expenses, claims, or payments, excepting any pledge of such 54980  
available receipts previously made to the contrary and except as 54981  
provided by any existing restrictions on the use thereof, or such 54982  
pledge and lien may be made subordinate to such other expenses, 54983  
claims, or payments, as provided in the bond proceedings. 54984  
Obligations or assurances may be additionally secured by covenants 54985  
of the institution to make, fix, adjust, collect, and apply such 54986

charges, rates, fees, rentals, and other items of available 54987  
receipts as will produce pledged available receipts sufficient to 54988  
meet bond service charges, reserve, and other requirements 54989  
provided for in the bond proceedings. Notwithstanding this and any 54990  
other sections of the Revised Code, the holders or owners of the 54991  
obligations or assurances shall not be given the right and shall 54992  
have no right to have excises or taxes levied by the general 54993  
assembly for the payment of bond service charges thereon, and each 54994  
such obligation or assurance shall bear on its face a statement to 54995  
that effect and to the effect that the right to such payment is 54996  
limited to the available receipts and special funds pledged to 54997  
such purpose under the bond proceedings. 54998

All pledged available receipts and funds and the proceeds of 54999  
obligations or assurances are trust funds and, subject to the 55000  
provisions of this section and the applicable bond proceedings, 55001  
shall be held, deposited, invested, reinvested, disbursed, 55002  
applied, and used to such extent, in such manner, at such times, 55003  
and for such purposes, as are provided in the bond proceedings. 55004

(D) The bond proceedings for obligations or assurances shall 55005  
provide for the purpose thereof and the principal amount or 55006  
maximum principal amount, and provide for or authorize the manner 55007  
of determining the principal maturity or maturities, the sale 55008  
price including any permitted discount, the interest rate or 55009  
rates, which may be a variable rate or rates, or the maximum 55010  
interest rate, the date of the obligations or assurances and the 55011  
date or dates of payment of interest thereon, their denominations, 55012  
the manner of sale thereof, and the establishment within or 55013  
without the state of a place or places of payment of bond service 55014  
charges. The bond proceedings also shall provide for a pledge of 55015  
and lien on available receipts of the institution of higher 55016  
education as provided in division (C) of this section, and a 55017  
pledge of and lien on such fund or funds provided in the bond 55018



proceedings arising from available receipts, which pledges and 55019  
liens may provide for parity with obligations or assurances 55020  
theretofore or thereafter issued by the institution. The available 55021  
receipts so pledged and thereafter received by the institution and 55022  
the funds so pledged are immediately subject to the lien of such 55023  
pledge without any physical delivery thereof or further act, and 55024  
the lien of any such pledge is valid and binding against all 55025  
parties having claims of any kind against the institution, 55026  
irrespective of whether such parties have notice thereof, and 55027  
shall create a perfected security interest for all purposes of 55028  
Chapter 1309. of the Revised Code, without the necessity for 55029  
separation or delivery of funds or for the filing or recording of 55030  
the bond proceedings by which such pledge is created or any 55031  
certificate, statement, or other document with respect thereto; 55032  
and the pledge of such available receipts and funds shall be 55033  
effective and the money therefrom and thereof may be applied to 55034  
the purposes for which pledged without necessity for any act of 55035  
appropriation. 55036

(E) The bond proceedings may contain additional provisions 55037  
customary or appropriate to the financing or to the obligations or 55038  
assurances or to particular obligations and assurances, including: 55039

(1) The acquisition, construction, reconstruction, equipment, 55040  
furnishing, improvement, operation, alteration, enlargement, 55041  
maintenance, insurance, and repair of facilities or 55042  
entrepreneurial projects, and the duties of the institution of 55043  
higher education with reference thereto; 55044

(2) The terms of the obligations or assurances, including 55045  
provisions for their redemption prior to maturity at the option of 55046  
the institution of higher education at such price or prices and 55047  
under such terms and conditions as are provided in the bond 55048  
proceedings; 55049

(3) Limitations on the purposes to which the proceeds of the 55050

obligations or assurances may be applied; 55051

(4) The rates or rentals or other charges for the use of or 55052  
right to use the facilities or entrepreneurial projects financed 55053  
by the obligations or assurances, or other properties the revenues 55054  
or receipts from which are pledged to the obligations or 55055  
assurances, and rules for assuring any applicable use and 55056  
occupancy thereof, including limitations upon the right to modify 55057  
such rates, rentals, other charges, or regulations; 55058

(5) The use and expenditure of the pledged available receipts 55059  
in such manner and to such extent as shall be determined, which 55060  
may include provision for the payment of the expenses of 55061  
operation, maintenance, and repair of facilities or 55062  
entrepreneurial projects so that such expenses, or part thereof, 55063  
shall be paid or provided as a charge prior or subsequent to the 55064  
payment of bond service charges and any other payments required to 55065  
be made by the bond proceedings; 55066

(6) Limitations on the issuance of additional obligations or 55067  
assurances; 55068

(7) The terms of any trust agreement or indenture securing 55069  
the obligations or assurances or under which the same may be 55070  
issued; 55071

(8) The deposit, investment, and application of funds, and 55072  
the safeguarding of funds on hand or on deposit without regard to 55073  
Chapter 131. or 135. of the Revised Code, and any bank or trust 55074  
company or other financial institution that acts as depository of 55075  
any moneys under the bond proceedings shall furnish such 55076  
indemnifying bonds or pledge such securities as required by the 55077  
bond proceedings or otherwise by the institution of higher 55078  
education; 55079

(9) The binding effect of any or every provision of the bond 55080  
proceedings upon such officer, board, commission, authority, 55081

agency, department, or other person or body as may from time to 55082  
time have the authority under law to take such actions as may be 55083  
necessary to perform all or any part of the duty required by such 55084  
provision; 55085

(10) Any provision that may be made in a trust agreement or 55086  
indenture; 55087

(11) Any other or additional agreements with respect to the 55088  
facilities of the institution of higher education or its 55089  
entrepreneurial projects, their operation, the available receipts 55090  
and funds pledged, and insurance of facilities or entrepreneurial 55091  
projects and of the institution, its officers and employees. 55092

(F) Such obligations or assurances may have the seal of the 55093  
institution of higher education or a facsimile thereof affixed 55094  
thereto or printed thereon and shall be executed by such officers 55095  
as are designated in the bond proceedings, which execution may be 55096  
by facsimile signatures. Any obligations or assurances may be 55097  
executed by an officer who, on the date of execution, is the 55098  
proper officer although on the date of such obligations or 55099  
assurances such person was not the proper officer. In case any 55100  
officer whose signature or a facsimile of whose signature appears 55101  
on any such obligation or assurance ceases to be such officer 55102  
before delivery thereof, such signature or facsimile is 55103  
nevertheless valid and sufficient for all purposes as if the 55104  
person had remained such officer until such delivery; and in case 55105  
the seal of the institution has been changed after a facsimile of 55106  
the seal has been imprinted on such obligations or assurances, 55107  
such facsimile seal continues to be sufficient as to such 55108  
obligations or assurances and obligations or assurances issued in 55109  
substitution or exchange therefor. 55110

(G) All such obligations or assurances are negotiable 55111  
instruments and securities under Chapter 1308. of the Revised 55112  
Code, subject to the provisions of the bond proceedings as to 55113

registration. The obligations or assurances may be issued in 55114  
coupon or in registered form, or both. Provision may be made for 55115  
the registration of any obligations or assurances with coupons 55116  
attached thereto as to principal alone or as to both principal and 55117  
interest, their exchange for obligations or assurances so 55118  
registered, and for the conversion or reconversion into 55119  
obligations or assurances with coupons attached thereto of any 55120  
obligations or assurances registered as to both principal and 55121  
interest, and for reasonable charges for such registration, 55122  
exchange, conversion, and reconversion. 55123

(H) Pending preparation of definitive obligations or 55124  
assurances, the institution of higher education may issue interim 55125  
receipts or certificates which shall be exchanged for such 55126  
definitive obligations or assurances. 55127

(I) Such obligations or assurances may be secured 55128  
additionally by a trust agreement or indenture between the 55129  
institution of higher education and a corporate trustee, which may 55130  
be any trust company or bank having the powers of a trust company 55131  
within or without this state but authorized to exercise trust 55132  
powers within this state. Any such agreement or indenture may 55133  
contain the resolution authorizing the issuance of the obligations 55134  
or assurances, any provisions that may be contained in the bond 55135  
proceedings as authorized by this section, and other provisions 55136  
which are customary or appropriate in an agreement or indenture of 55137  
such type, including: 55138

(1) Maintenance of each pledge, trust agreement, and 55139  
indenture, or other instrument comprising part of the bond 55140  
proceedings until the institution of higher education has fully 55141  
paid the bond service charges on the obligations or assurances 55142  
secured thereby, or provision therefor has been made; 55143

(2) In the event of default in any payments required to be 55144  
made by the bond proceedings, or any other agreement of the 55145

institution of higher education made as a part of the contract 55146  
under which the obligations or assurances were issued, enforcement 55147  
of such payments or agreement by mandamus, the appointment of a 55148  
receiver, suit in equity, action at law, or any combination of the 55149  
foregoing; 55150

(3) The rights and remedies of the holders of obligations or 55151  
assurances and of the trustee, and provisions for protecting and 55152  
enforcing them, including limitations on rights of individual 55153  
holders of obligations or assurances; 55154

(4) The replacement of any obligations or assurances that 55155  
become mutilated or are destroyed, lost, or stolen; 55156

(5) Such other provisions as the trustee and the institution 55157  
of higher education agree upon, including limitations, conditions, 55158  
or qualifications relating to any of the foregoing. 55159

(J) Each duty of the institution of higher education and its 55160  
officers or employees, undertaken pursuant to the bond proceedings 55161  
or any related agreement or lease made under authority of law, is 55162  
hereby established as a duty of such institution, and of each such 55163  
officer or employee having authority to perform such duty, 55164  
specially enjoined by law resulting from an office, trust, or 55165  
station within the meaning of section 2731.01 of the Revised Code. 55166  
The persons who are at the time the members of the board of 55167  
trustees or the managing directors of the institution or its 55168  
officers or employees are not liable in their personal capacities 55169  
on such obligations or assurances, or lease, or other agreement of 55170  
the institution. 55171

(K) The authority to issue obligations or assurances includes 55172  
authority to: 55173

(1) Issue obligations or assurances in the form of bond 55174  
anticipation notes and to renew them from time to time by the 55175  
issuance of new notes. Such notes are payable solely from the 55176

available receipts and funds that may be pledged to the payment of 55177  
such bonds, or from the proceeds of such bonds or renewal notes, 55178  
or both, as the institution of higher education provides in its 55179  
resolution authorizing such notes. Such notes may be additionally 55180  
secured by covenants of the institution to the effect that it will 55181  
do such or all things necessary for the issuance of such bonds or 55182  
renewal notes in appropriate amount, and either exchange such 55183  
bonds or renewal notes therefor or apply the proceeds thereof to 55184  
the extent necessary, to make full payment of the bond service 55185  
charges on such notes at the time or times contemplated, as 55186  
provided in such resolution. Subject to the provisions of this 55187  
division, all references to obligations or assurances in this 55188  
section apply to such anticipation notes. 55189

(2) Issue obligations or assurances to refund, including 55190  
funding and retirement of, obligations or assurances previously 55191  
issued to pay costs of facilities or entrepreneurial projects. 55192  
Such obligations or assurances may be issued in amounts sufficient 55193  
for payment of the principal amount of the obligations or 55194  
assurances to be so refunded, any redemption premiums thereon, 55195  
principal maturities of any obligations or assurances maturing 55196  
prior to the redemption of any other obligations or assurances on 55197  
a parity therewith to be so refunded, interest accrued or to 55198  
accrue to the maturity date or dates of redemption of such 55199  
obligations or assurances, and any expenses incurred or to be 55200  
incurred in connection with such refunding or the issuance of the 55201  
obligations or assurances. 55202

(L) Obligations and assurances are lawful investments for 55203  
banks, societies for savings, savings and loan associations, 55204  
deposit guarantee associations, trust companies, trustees, 55205  
fiduciaries, insurance companies, including domestic for life and 55206  
domestic not for life, trustees or other officers having charge of 55207  
sinking and bond retirement or other special funds of political 55208

subdivisions and taxing districts of this state, the commissioners 55209  
of the sinking fund, the administrator of workers' compensation in 55210  
accordance with the investment policy approved by the bureau of 55211  
workers' compensation board of directors pursuant to section 55212  
4121.12 of the Revised Code, the state teachers retirement system, 55213  
the public employees retirement system, the school employees 55214  
retirement system, and the Ohio police and fire pension fund, 55215  
notwithstanding any other provisions of the Revised Code or rules 55216  
adopted pursuant thereto by any state agency with respect to 55217  
investments by them, and are also acceptable as security for the 55218  
deposit of public moneys. 55219

(M) All facilities or entrepreneurial projects purchased, 55220  
acquired, constructed, or owned by an institution of higher 55221  
education, or financed in whole or in part by obligations or 55222  
assurances issued by an institution, and used for the purposes of 55223  
the institution or other publicly owned and controlled college or 55224  
university, is public property used exclusively for a public 55225  
purpose, and such property and the income therefrom is exempt from 55226  
all taxation and assessment within this state, including ad 55227  
valorem and excise taxes. The obligations or assurances, the 55228  
transfer thereof, and the income therefrom, including any profit 55229  
made on the sale thereof, are at all times free from taxation 55230  
within the state. The transfer of tangible personal property by 55231  
lease under authority of this section or section 3345.07, 3345.11, 55232  
3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 55233  
Code is not a sale as used in Chapter 5739. of the Revised Code. 55234

(N) The authority granted by this section is cumulative with 55235  
the authority granted to institutions of higher education under 55236  
Chapter 154. of the Revised Code, and nothing in this section 55237  
impairs or limits the authority granted by Chapter 154. of the 55238  
Revised Code. In any lease, agreement, or commitment made by an 55239  
institution of higher education under Chapter 154. of the Revised 55240

Code, it may agree to restrict or subordinate any pledge it may 55241  
thereafter make under authority of this section. 55242

(O) Title to lands acquired under this section and sections 55243  
3345.07 and 3345.11 of the Revised Code by a state university or 55244  
college shall be taken in the name of the state. 55245

(P) Except where costs of facilities or entrepreneurial 55246  
projects are to be paid in whole or in part from funds 55247  
appropriated by the general assembly, section 125.81 of the 55248  
Revised Code and the requirement for certification with respect 55249  
thereto under section 153.04 of the Revised Code do not apply to 55250  
such facilities or entrepreneurial projects. 55251

(Q) A state university or college may sell or lease lands or 55252  
interests in land owned by it or by the state for its use, or 55253  
facilities authorized to be acquired or constructed by it under 55254  
section 3345.07 or 3345.11 of the Revised Code, to permit the 55255  
purchasers or lessees thereof to acquire, construct, equip, 55256  
furnish, reconstruct, alter, enlarge, remodel, renovate, 55257  
rehabilitate, improve, maintain, repair, or maintain and operate 55258  
thereon and to provide by lease or otherwise to such institution, 55259  
facilities authorized in section 3345.07 or 3345.11 of the Revised 55260  
Code or entrepreneurial projects authorized under section 3345.36 55261  
of the Revised Code. Such land or interests therein shall be sold 55262  
for such appraised value, or leased, and on such terms as the 55263  
board of trustees determines. All deeds or other instruments 55264  
relating to such sales or leases shall be executed by such officer 55265  
of the state university or college as the board of trustees 55266  
designates. The state university or college shall hold, invest, or 55267  
use the proceeds of such sales or leases for the same purposes for 55268  
which proceeds of borrowings may be used under sections 3345.07 55269  
and 3345.11 of the Revised Code or, if the proceeds relate to the 55270  
sale or lease of entrepreneurial projects, for purposes of section 55271  
3345.36 of the Revised Code. 55272



(R) An institution of higher education may pledge available receipts, to the extent permitted by division (C) of this section with respect to obligations, to secure the payments to be made by it under any lease, lease with option to purchase, or lease-purchase agreement authorized under this section or section 3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code.

**Sec. 3345.48.** (A) As used in this section:

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university.

(2) "Eligible student" means an undergraduate student who:

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the chancellor of the Ohio board of regents under section 3333.31 of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of a state university may establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program.

If the board of trustees chooses to establish such a program, the board shall adopt rules for the program that include, but are not limited to, all of the following:

(1) The number of credit hours required to earn an 55303  
undergraduate degree in each major; 55304

(2) A guarantee that the general and instructional fees for 55305  
each student in the cohort shall remain constant for four years so 55306  
long as the student complies with the requirements of the program, 55307  
except that, notwithstanding any law to the contrary, the board 55308  
may increase the guaranteed amount by up to six per cent above 55309  
what has been charged in the previous academic year one time for 55310  
the first cohort enrolled under the tuition guarantee program. If 55311  
the board of trustees determines that economic conditions or other 55312  
circumstances require an increase for the first cohort of above 55313  
six per cent, the board shall submit a request to increase the 55314  
amount by a specified percentage to the chancellor. The 55315  
chancellor, based on information the chancellor requires from the 55316  
board of trustees, shall approve or disapprove such a request. 55317  
There shall be no other increase of general and instructional fees 55318  
for that cohort or for subsequent cohorts under the program unless 55319  
the general assembly approves such an increase for all tuition 55320  
guarantee programs established under this section. 55321

(3) A benchmark by which the board sets annual increases in 55322  
general and instructional fees. This benchmark and any subsequent 55323  
change to the benchmark shall be subject to approval of the 55324  
chancellor. 55325

(4) Eligibility requirements for students to participate in 55326  
the program; 55327

(5) Student rights and privileges under the program; 55328

(6) Consequences to the university for students unable to 55329  
complete a degree program within four years, as follows: 55330

(a) For a student who could not complete the program in four 55331  
years due to a lack of available classes or space in classes 55332  
provided by the university, the university shall provide the 55333

necessary course or courses for completion to the student free of charge. 55334  
55335

(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate. 55336  
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(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B)(7) of this section. 55341  
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(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years; 55347  
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(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site. 55350  
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(C) If a board of trustees implements a program under this section, the board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program. 55353  
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The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section. 55357  
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(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students. 55360  
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(E) Within five years after the effective date of this 55363

section, the chancellor shall publish on the board of regents web site a report that includes all of the following: 55364  
55365

(1) The state universities that have adopted an undergraduate tuition guarantee program under this section; 55366  
55367

(2) The details of each undergraduate tuition guarantee program established under this section; 55368  
55369

(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities. 55370  
55371  
55372

**Sec. 3345.81.** Not later than May 1, 2014, and biennially thereafter, each institution of higher education, as defined by section 3345.12 of the Revised Code, shall submit to the chancellor of the Ohio board of regents, for each campus under the authority of that institution, a campus-specific completion plan designed to increase college completion rates. The chancellor shall prescribe a format for all plans required under this section, which may include specific strategies, targets, and metrics that promote student access, retention, progression, and completion of each student's chosen program of study. Institutions shall submit each campus plan in accordance with this format and shall include all required content, as prescribed by the chancellor. Each plan shall be consistent with the mission and strategic priorities of the campus and shall examine and, as appropriate, include all of the following: 55373  
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(A) Increased alignment of the institution's programs with programs of other educational institutions from preschool through higher education; 55388  
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55390

(B) A communications strategy; 55391

(C) A guidance plan to provide current and potential students with broadened awareness of dual enrollment programs, as defined 55392  
55393

by section 3313.6013 of the Revised Code, and the connections 55394  
between college completion and career opportunities. The guidance 55395  
plan also shall also include financial literacy and planning for 55396  
students and their families. 55397

(D) Increased support to ensure success for first-year 55398  
students, such as increased access to career counseling and 55399  
mentoring, improvements to remediation course design and subject 55400  
matter, and other support programs; 55401

(E) The development of institutional systems to streamline 55402  
and accelerate a student's progress toward completion, such as a 55403  
coordinated system for the transfer of academic credit or a system 55404  
that awards academic credit for alternative study, work, or 55405  
military experience; 55406

(F) Incentives and rewards for successful student progression 55407  
within, and completion of, each student's chosen program. 55408

**Sec. 3350.15.** The northeast Ohio medical university may enter 55409  
into a partnership with Cleveland state university to establish 55410  
the northeast Ohio medical university academic campus at Cleveland 55411  
state university, to enable fifty per cent or more of the medical 55412  
curriculum taught to students enrolled under this partnership to 55413  
be based in Cleveland at Cleveland state university, local 55414  
hospitals, and community- and neighborhood-based primary care 55415  
clinics. Cleveland state university shall not receive state 55416  
capital appropriations to pay for facilities for the academic 55417  
campus. 55418

**Sec. 3353.01.** As used in this chapter: 55419

(A) "Educational television or radio" means television or 55420  
radio programs which serve the educational needs of the community 55421  
and which meet the requirements of the federal communications 55422  
commission for noncommercial educational television or radio. 55423

(B) "Educational telecommunications network" means a system of connected educational television, radio, or radio reading service facilities and coordinated programs established and operated or controlled by the ~~eTech-Ohio~~ broadcast educational media commission, pursuant to this chapter.

(C) "Transmission" means the sending out of television, radio, or radio reading service programs, either directly to the public, or to broadcasting stations or services for simultaneous broadcast or rebroadcast.

(D) "Transmission facilities" means structures, equipment, material, and services used in the transmission of educational television, radio, or radio reading service programs.

(E) "Interconnection facilities" means the equipment, material, and services used to link one location to another location or to several locations by means of telephone line, coaxial cable, microwave relays, or other available technologies.

(F) "Broadcasting station" means a properly licensed noncommercial educational television or radio station, appropriately staffed and equipped to produce programs or lessons and to broadcast programs.

(G) "Radio reading service" means a nonprofit organization that disseminates news and other information to blind and physically handicapped persons.

(H) "Affiliate" means an educational telecommunication entity, including a television or radio broadcasting station or radio reading service.

**Sec. 3353.02.** (A) There is hereby created the ~~eTech-Ohio~~ broadcast educational media commission as an independent agency to advance education and accelerate the learning of the citizens of this state through ~~technology~~ public educational broadcasting

services. The commission shall provide leadership and support in 55454  
extending the knowledge of the citizens of this state by promoting 55455  
access to and use of ~~all forms of educational technology~~ 55456  
broadcasting services, including educational television and radio, 55457  
and radio reading services, ~~broadband networks, videotapes,~~ 55458  
~~compact discs, digital video on demand (DVD), and the internet.~~ 55459  
The commission also shall administer programs to provide financial 55460  
and other assistance to ~~school districts and other educational~~ 55461  
~~institutions for the acquisition and utilization of educational~~ 55462  
~~technology~~ television and radio and radio reading services. 55463

The commission is a body corporate and politic, an agency of 55464  
the state performing essential governmental functions of the 55465  
state. 55466

(B) The commission shall consist of thirteen members, nine of 55467  
whom shall be voting members. Six of the voting members shall be 55468  
representatives of the public selected from among leading citizens 55469  
in the state who have demonstrated interest in educational 55470  
broadcast media through service on boards or advisory councils of 55471  
educational television stations, educational radio stations, 55472  
educational technology agencies, or radio reading services. Of the 55473  
representatives of the public, four shall be appointed by the 55474  
governor with the advice and consent of the senate, one shall be 55475  
appointed by the speaker of the house of representatives, and one 55476  
shall be appointed by the president of the senate. The 55477  
superintendent of public instruction or a designee of the 55478  
superintendent, the chancellor of the Ohio board of regents or a 55479  
designee of the chancellor, and the state chief information 55480  
officer or a designee of the officer shall be ex officio voting 55481  
members. Of the nonvoting members, two shall be members of the 55482  
house of representatives appointed by the speaker of the house of 55483  
representatives and two shall be members of the senate appointed 55484  
by the president of the senate. The members appointed from each 55485

chamber shall not be members of the same political party. 55486

(C) Initial terms of office for members appointed by the 55487  
governor shall be one year for one member, two years for one 55488  
member, three years for one member, and four years for one member. 55489  
At the first meeting of the commission, members appointed by the 55490  
governor shall draw lots to determine the length of the term each 55491  
member will serve. Thereafter, terms of office for members 55492  
appointed by the governor shall be for four years. Terms of office 55493  
for voting members appointed by the speaker of the house of 55494  
representatives and the president of the senate shall be for four 55495  
years. Any member who is a representative of the public may be 55496  
reappointed by the member's respective appointing authority, but 55497  
no such member may serve more than two consecutive four-year 55498  
terms. Such a member may be removed by the member's respective 55499  
appointing authority for cause. 55500

Any legislative member appointed by the speaker of the house 55501  
of representatives or the president of the senate who ceases to be 55502  
a member of the legislative chamber from which the member was 55503  
appointed shall cease to be a member of the commission. The 55504  
speaker of the house of representatives and the president of the 55505  
senate may remove their respective appointments to the commission 55506  
at any time. 55507

(D) Vacancies among appointed members shall be filled in the 55508  
manner provided for original appointments. Any member appointed to 55509  
fill a vacancy occurring prior to the expiration of the term for 55510  
which the member's predecessor was appointed shall hold office for 55511  
the remainder of that term. Any appointed member shall continue in 55512  
office subsequent to the expiration of that member's term until 55513  
the member's successor takes office or until a period of sixty 55514  
days has elapsed, whichever occurs first. 55515

(E) Members of the commission shall serve without 55516  
compensation. The members who are representatives of the public 55517



shall be reimbursed, pursuant to office of budget and management 55518  
guidelines, for actual and necessary expenses incurred in the 55519  
performance of official duties. 55520

(F) The governor shall appoint the chairperson of the 55521  
commission from among the commission's public voting members. The 55522  
chairperson shall serve a term of two years and may be 55523  
reappointed. The commission shall elect other officers as 55524  
necessary from among its voting members and shall prescribe its 55525  
rules of procedure. 55526

~~(G) The commission shall establish advisory groups as needed 55527  
to address topics of interest and to provide guidance to the 55528  
commission regarding educational technology issues and the 55529  
technology needs of educators, learners, and the public. Members 55530  
of each advisory group shall be appointed by the commission and 55531  
shall include representatives of individuals or organizations with 55532  
an interest in the topic addressed by the advisory group. 55533~~

**Sec. 3353.03.** (A) The ~~eTech-Ohio~~ broadcast educational media 55534  
commission shall appoint an executive director, who shall serve at 55535  
the pleasure of the commission. The executive director shall have 55536  
no authority other than that provided by law or delegated to the 55537  
executive director by the commission. The executive director shall 55538  
do all of the following: 55539

(1) Direct ~~commission employees~~ in the administration of all 55540  
programs of the commission; 55541

(2) Provide leadership and support in extending the knowledge 55542  
of the citizens of this state by promoting equal access to and use 55543  
of ~~all forms of educational technology~~ broadcast media, as 55544  
directed by the commission; 55545

(3) Provide financial and other assistance to ~~school~~ 55546  
~~districts~~, educational television and radio stations, radio 55547

reading services, ~~educational technology organizations, and other~~ 55548  
~~educational institutions for the acquisition and utilization of~~ 55549  
~~educational technology~~ and related organizations and activities; 55550

(4) Implement policies and directives issued by the 55551  
commission; 55552

(5) Perform other duties authorized by the commission. 55553

(B) The commission shall fix the compensation of the 55554  
executive director. The executive director shall employ and fix 55555  
the compensation for such employees as necessary to facilitate the 55556  
activities and purposes of the commission. The employees shall 55557  
serve at the pleasure of the executive director. 55558

(C) The employees of the commission shall be placed in the 55559  
unclassified service. 55560

(D)(1) Except as provided in division (D)(2) of this section, 55561  
the employees of the commission shall be exempt from Chapter 4117. 55562  
of the Revised Code and shall not be public employees as defined 55563  
in section 4117.01 of the Revised Code. 55564

(2) All employees of the commission who transferred to the 55565  
commission from one of the commission's predecessor agencies upon 55566  
the commission's creation and, when employed by the predecessor 55567  
agency were included in a bargaining unit established under 55568  
Chapter 4117. of the Revised Code, shall continue to be included 55569  
in that bargaining unit, are public employees as defined in 55570  
section 4117.01 of the Revised Code, and may collectively bargain 55571  
with the commission in accordance with that chapter. Otherwise, 55572  
any employee hired by the commission after July 1, 2005, either to 55573  
fill vacancies or to fill new positions, shall be exempt from 55574  
Chapter 4117. of the Revised Code and shall not be public 55575  
employees as defined in section 4117.10 of the Revised Code. 55576

**Sec. 3353.04.** (A) The ~~eTech-Ohio~~ broadcast educational media 55577

commission may perform any act necessary to carry out the 55578  
functions of this chapter, including any of the following: 55579

~~(1) Make grants to institutions and other organizations as 55580  
prescribed by the general assembly for the provision of technical 55581  
assistance, professional development, and other support services 55582  
to enable school districts, community schools established under 55583  
Chapter 3314. of the Revised Code, other educational institutions, 55584  
and affiliates to utilize educational technology; 55585~~

~~(2) Establish a reporting system for school districts, 55586  
community schools, other educational institutions, affiliates, and 55587  
educational technology organizations that receive financial 55588  
assistance from the commission. The system may require the 55589  
reporting of information regarding the manner in which the 55590  
assistance was expended, the manner in which the equipment or 55591  
services purchased with the assistance is being utilized, the 55592  
results or outcome of the utilization, the manner in which the 55593  
utilization is compatible with the statewide academic standards 55594  
adopted by the state board of education pursuant to section 55595  
3301.079 of the Revised Code, and any other information determined 55596  
by the commission. 55597~~

~~(3) Ensure that, where appropriate, products produced by any 55598  
entity to which the commission provides financial assistance for 55599  
use in elementary and secondary education are aligned with the 55600  
statewide academic standards adopted by the state board pursuant 55601  
to section 3301.079 of the Revised Code; 55602~~

~~(4) Promote accessibility ~~to~~ through broadcasting services of 55603  
educational products aligned with the statewide academic 55604  
standards, adopted by the state board pursuant to section 3301.079 55605  
of the Revised Code, for school districts, community schools, and 55606  
other entities serving grades kindergarten through twelve; 55607~~

~~(5)(2) Own or operate transmission facilities and 55608~~

interconnection facilities, or contract for transmission 55609  
facilities and interconnection facilities, for an educational 55610  
television, radio, or radio reading service network; 55611

~~(6)~~(3) Establish standards for interconnection facilities 55612  
used by the commission in the transmission of educational 55613  
television, radio, or radio reading service programming; 55614

~~(7)~~(4) Enter into agreements with noncommercial educational 55615  
television or radio broadcasting stations or radio reading 55616  
services for the operation of the interconnection; 55617

~~(8)~~(5) Enter into agreements with noncommercial educational 55618  
television or radio broadcasting stations or radio reading 55619  
services for the production and use of educational television, 55620  
radio, or radio reading service programs to be transmitted by the 55621  
educational telecommunications network; 55622

~~(9)~~(6) Execute contracts and other agreements necessary and 55623  
desirable to carry out the purposes of this chapter and other 55624  
duties prescribed to the commission by law or authorize the 55625  
executive director of the commission to execute such contracts and 55626  
agreements on the commission's behalf; 55627

~~(10)~~(7) Act as consultant with educational television and 55628  
educational radio stations and radio reading services toward 55629  
coordination within the state of the distribution of federal funds 55630  
that may become available for equipment for educational 55631  
broadcasting or radio reading services; 55632

~~(11)~~(8) Make payments to noncommercial Ohio educational 55633  
television or radio broadcasting stations or radio reading 55634  
services to sustain the operation of such stations or services; 55635

~~(12)~~(9) In consultation with participants in programs 55636  
administered by the commission, establish guidelines governing 55637  
purchasing and procurement that facilitate the timely and 55638  
effective implementation of such programs; 55639

~~(13)~~(10) In consultation with participants in programs 55640  
administered by the commission, consider the efficiency and cost 55641  
savings of statewide procurement prior to allocating and releasing 55642  
funds for such programs; 55643

~~(14)~~(11) In consultation with participants in programs 55644  
administered by the commission, establish a systems support 55645  
network to facilitate the timely implementation of the programs 55646  
and other projects and activities for which the commission 55647  
provides assistance. 55648

(B) Chapters 123., 124., 125., and 153. of the Revised Code 55649  
and sections 9.331 to 9.335 of the Revised Code do not apply to 55650  
contracts, programs, projects, or activities of the commission. 55651

**Sec. 3353.06.** (A) The affiliates services fund is hereby 55652  
created in the state treasury. The ~~eTech-Ohio~~ broadcast 55653  
educational media commission shall deposit any money it receives 55654  
for services provided to affiliates to the credit of the fund, 55655  
including: 55656

(1) Reimbursements for services provided to stations; 55657

(2) Charges levied for maintenance of telecommunications, 55658  
broadcasting, or transmission equipment; 55659

(3) Contract or grant payments from affiliates. 55660

(B) The commission shall use money credited to the affiliates 55661  
services fund for any commission operating purposes, including: 55662

(1) The purchase, repair, or maintenance of 55663  
telecommunications, broadcasting, or transmission equipment; 55664

(2) The purchase or lease of educational programming; 55665

(3) The purchase of tape and digital media storage and 55666  
maintenance of a media library; 55667

(4) ~~Professional development programs and services;~~ 55668

(5) Administrative expenses. 55669

**Sec. 3353.07.** (A) There is hereby created the Ohio government 55670  
telecommunications service. The Ohio government telecommunications 55671  
service shall provide the state government and affiliated 55672  
organizations with multimedia support including audio, visual, and 55673  
internet services, multimedia streaming, and hosting multimedia 55674  
programs. 55675

Services relating to the official activities of the general 55676  
assembly and the executive offices provided by the Ohio government 55677  
telecommunications service shall be funded through grants to a 55678  
~~public~~ an educational television broadcasting station that will 55679  
manage the staff and provide the services of the Ohio government 55680  
telecommunications service. The Ohio educational television 55681  
stations shall select a member station to manage the Ohio 55682  
government telecommunications service. The Ohio government 55683  
telecommunications service shall receive grants from, or contract 55684  
with, any of the three branches of Ohio government, and their 55685  
affiliates, to provide additional services. Services provided by 55686  
the Ohio government telecommunications service shall not be used 55687  
for political purposes included in campaign materials, or 55688  
otherwise used to influence an election, legislation, issue, 55689  
judicial decision, or other policy of state government. 55690

(B)(1) There is hereby created the legislative programming 55691  
committee of the Ohio government telecommunications service that 55692  
shall consist of the president of the senate, speaker of the house 55693  
of representatives, minority leader of the senate, and minority 55694  
leader of the house of representatives, or their designees, and 55695  
the clerks of the senate and house of representatives as 55696  
nonvoting, ex officio members. By a vote of a majority of its 55697  
members, the program committee may add additional members to the 55698  
committee. 55699

(2) The legislative programming committee shall adopt rules that govern the operation of the Ohio government telecommunications service relating to the general assembly and any affiliated organizations.

**Sec. 3365.01.** As used in this chapter:

(A) "College" means any state-assisted college or university described in section 3333.041 of the Revised Code, any nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, any private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, and any institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code.

(B) "School district," except as specified in division (G) of this section, means any school district to which a student is admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of the Revised Code and does not include a joint vocational or cooperative education school district.

(C) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(D) "Participant" means a student enrolled in a college under the post-secondary enrollment options program established by this chapter, including a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code.

(E) "Secondary grade" means the ninth through twelfth grades.

(F) "School foundation payments" means the amount required to be paid to a school district for a fiscal year under Chapter 3317.

of the Revised Code. 55730

(G) "~~Tuition base~~" means, ~~with respect to a participant's~~ 55731  
~~school district, the sum of the formula amount plus the per pupil~~ 55732  
~~amount of the base funding supplements specified in divisions~~ 55733  
~~(C)(1) to (4) of section 3317.012 3317.02 of the Revised Code for~~ 55734  
~~the applicable fiscal year 2009.~~ 55735

~~The participant's "school district" in the case of a~~ 55736  
~~participant enrolled in a community school shall be the school~~ 55737  
~~district in which the student is entitled to attend school under~~ 55738  
~~section 3313.64 or 3313.65 of the Revised Code.~~ 55739

(H) "Educational program" means enrollment in one or more 55740  
school districts, in a nonpublic school, or in a college under 55741  
division (B) of section 3365.04 of the Revised Code. 55742

(I) "Nonpublic school" means a chartered or nonchartered 55743  
school for which minimum standards are prescribed by the state 55744  
board of education pursuant to division (D) of section 3301.07 of 55745  
the Revised Code. 55746

(J) "School year" means the year beginning on the first day 55747  
of July and ending on the thirtieth day of June. 55748

(K) "Community school" means any school established pursuant 55749  
to Chapter 3314. of the Revised Code that includes secondary 55750  
grades. 55751

(L) "STEM school" means a science, technology, engineering, 55752  
and mathematics school established under Chapter 3326. of the 55753  
Revised Code. 55754

**Sec. 3365.02.** There is hereby established the post-secondary 55755  
enrollment options program under which a secondary grade student 55756  
who is a resident of this state may enroll at a college, on a 55757  
full- or part-time basis, and complete nonsectarian courses for 55758  
high school and college credit. 55759



Secondary grade students in a nonpublic school may 55760  
participate in the post-secondary enrollment options program if 55761  
the chief administrator of such school notifies the department of 55762  
education by the first day of April prior to the school year in 55763  
which the school's students will participate. 55764

The state board of education, after consulting with the board 55765  
of regents, shall adopt rules governing the program. The rules 55766  
shall include: 55767

(A) Requirements for school districts, community schools, or 55768  
participating nonpublic schools to provide information about the 55769  
program prior to the first day of March of each year to all 55770  
students enrolled in grades eight through eleven; 55771

(B) A requirement that a student or the student's parent 55772  
inform the district board of education, the governing authority of 55773  
a community school, the STEM school chief administrative officer, 55774  
or the nonpublic school administrator by the thirtieth day of 55775  
March of the student's intent to participate in the program during 55776  
the following school year. The rule shall provide that any student 55777  
who fails to provide the notification by the required date may not 55778  
participate in the program during the following school year 55779  
without the written consent of the district superintendent, the 55780  
governing authority of a community school, the STEM school chief 55781  
administrative officer, or the nonpublic school administrator. 55782

(C) Requirements that school districts, community schools, 55783  
and STEM schools provide counseling services to students in grades 55784  
eight through eleven and to their parents before the students 55785  
participate in the program under this chapter to ensure that 55786  
students and parents are fully aware of the possible risks and 55787  
consequences of participation. Counseling information shall 55788  
include without limitation: 55789

(1) Program eligibility; 55790

|                                                                                                                                                                                                                                                                                                                                 |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (2) The process for granting academic credits;                                                                                                                                                                                                                                                                                  | 55791                                     |
| (3) Financial arrangements for tuition, books, materials, and fees;                                                                                                                                                                                                                                                             | 55792<br>55793                            |
| (4) Criteria for any transportation aid;                                                                                                                                                                                                                                                                                        | 55794                                     |
| (5) Available support services;                                                                                                                                                                                                                                                                                                 | 55795                                     |
| (6) Scheduling;                                                                                                                                                                                                                                                                                                                 | 55796                                     |
| (7) The consequences of failing or not completing a course in which the student enrolls and the effect of the grade attained in the course being included in the student's grade point average, if applicable;                                                                                                                  | 55797<br>55798<br>55799<br>55800          |
| (8) The effect of program participation on the student's ability to complete the district's or school's graduation requirements;                                                                                                                                                                                                | 55801<br>55802<br>55803                   |
| (9) The academic and social responsibilities of students and parents under the program;                                                                                                                                                                                                                                         | 55804<br>55805                            |
| (10) Information about and encouragement to use the counseling services of the college in which the student intends to enroll.                                                                                                                                                                                                  | 55806<br>55807<br>55808                   |
| (D) A requirement that the student and the student's parent sign a form, provided by the school district or school, stating that they have received the counseling required by division (C) of this section and that they understand the responsibilities they must assume in the program;                                      | 55809<br>55810<br>55811<br>55812<br>55813 |
| (E) The options required by section 3365.04 of the Revised Code;                                                                                                                                                                                                                                                                | 55814<br>55815                            |
| <del>(F) A requirement that a student may not enroll in any specific college course through the program if the student has taken high school courses in the same subject area as that college course and has failed to attain a cumulative grade point average of at least 3.0 on a 4.0 scale, or the equivalent, in such</del> | 55816<br>55817<br>55818<br>55819<br>55820 |

~~completed high school courses~~ A requirement that student 55821  
participation in the program be based solely on a participating 55822  
college's established admission standards. 55823

**Sec. 3365.022.** (A) Beginning July 1, 2013, a student who has 55824  
been excused from the compulsory attendance law for the purpose of 55825  
home instruction under section 3321.04 of the Revised Code, and is 55826  
the equivalent of a ninth, tenth, eleventh, or twelfth grader may 55827  
participate in the post-secondary enrollment options program 55828  
established under this chapter. 55829

(B)(1) If a student meets the criteria established in 55830  
division (A) of this section and wishes to participate in the 55831  
post-secondary enrollment options program, the parent or guardian 55832  
of that student shall notify the department of education by the 55833  
first day of April prior to the school year in which the student 55834  
wishes to participate. 55835

(2) For the 2013-2014 school year, the department may accept 55836  
applications at a later date if that student wishes to participate 55837  
in the program during the 2013-2014 school year. 55838

(C) Pursuant to rules adopted by the state board of education 55839  
under section 3365.02 of the Revised Code, payments to a 55840  
participating college, in which home-instructed students enrolled 55841  
pursuant to this section, shall be made in the same manner as 55842  
payments made for participating students from nonpublic secondary 55843  
schools, pursuant to section 3365.07 of the Revised Code. 55844

**Sec. 3365.07.** (A) The rules adopted under section 3365.02 of 55845  
the Revised Code shall specify a method for each of the following: 55846

(1) Determining, with respect to any participant, the 55847  
percentage of a full-time educational program constituted by the 55848  
participant's total educational program. That percentage shall be 55849  
the participant's full-time equivalency percentage for purposes of 55850

the computation required by division (B)(1) of this section. 55851

(2) In the case of a participant who is not enrolled in a 55852  
participating nonpublic school, determining the percentage of a 55853  
participant's school day during which the participant is 55854  
participating in each of the following: 55855

(a) Programs provided by the city, local, or exempted village 55856  
school district, a community school, or a STEM school; 55857

(b) Programs provided by a joint vocational school district; 55858

(c) Programs provided by a college under division (B) of 55859  
section 3365.04 of the Revised Code. 55860

The sum of divisions (A)(2)(a) to (c) of this section shall equal 55861  
one hundred per cent. 55862

(3) In the case of a participant who is not enrolled in a 55863  
participating nonpublic school, determining the percentage of a 55864  
participant's enrollment that shall be deemed to be enrollment in 55865  
a joint vocational school district and the percentage that shall 55866  
be deemed to be enrollment in a city, local, or exempted village 55867  
school district. The sum of such percentages shall equal one 55868  
hundred per cent. 55869

(4) In the case of a participant who is enrolled in a 55870  
participating nonpublic school, determining the percentage of a 55871  
participant's school day during which the participant is 55872  
participating in programs provided by a college under division (B) 55873  
of section 3365.04 of the Revised Code. 55874

(B) Each July, unless provided otherwise in an alternative 55875  
funding agreement entered into under rules adopted under section 55876  
3365.12 of the Revised Code, the department of education shall pay 55877  
each college for any participant enrolled in the college in the 55878  
prior school year under division (B) of section 3365.04 of the 55879  
Revised Code an amount computed as follows: 55880

(1) Multiply the tuition base by the participant's full-time 55881  
equivalency percentage and multiply the resulting amount by a 55882  
percentage equal to the percentage of the participant's school day 55883  
apportioned to the college under division (A)(2)(c) or (4) of this 55884  
section, as applicable. 55885

(2) Pay the college the lesser of: 55886

(a) The amount computed under division (B)(1) of this 55887  
section; 55888

(b) The actual costs that would have been the responsibility 55889  
of the participant had the participant elected to enroll under 55890  
division (A) of section 3365.04 of the Revised Code, as verified 55891  
by the department, of tuition, textbooks, materials, and fees 55892  
directly related to any courses elected by the participant during 55893  
the prior school year under division (B) of section 3365.04 of the 55894  
Revised Code. 55895

(C) The department shall not reimburse ~~any~~ a college for any 55896  
of the following: 55897

(1) A college course taken by a participant under division 55898  
(A) of section 3365.04 of the Revised Code; 55899

(2) A college course taken by a participant that is not 55900  
included in or equivalent to a course included in either a 55901  
transfer module or the transfer assurance guide developed by the 55902  
chancellor. 55903

(D) If the participant was not enrolled in a participating 55904  
nonpublic school, the amount paid under division (B) of this 55905  
section for each participant shall be subtracted from the school 55906  
foundation payments made to the participant's school district or, 55907  
if the participant was enrolled in a community school or a STEM 55908  
school, from the payments made to the participant's school under 55909  
section 3314.08 or 3326.33 of the Revised Code. If the participant 55910  
was enrolled in a joint vocational school district, a portion of 55911

the amount shall be subtracted from the payments to the joint 55912  
vocational school district and a portion shall be subtracted from 55913  
the payments to the participant's city, local, or exempted village 55914  
school district. The amount of the payment subtracted from the 55915  
city, local, or exempted village school district shall be computed 55916  
as follows: 55917

(1) Add the following: 55918

(a) The percentage of the participant's enrollment in the 55919  
school district, determined under division (A)(3) of this section; 55920  
and 55921

(b) Twenty-five per cent times the percentage of the 55922  
participant's enrollment in the joint vocational school district, 55923  
determined under division (A)(3) of this section. 55924

(2) Multiply the sum obtained under division (D)(1) of this 55925  
section by the amount computed under division (B)(2) of this 55926  
section. 55927

The balance of the payment shall be subtracted from the joint 55928  
vocational district's school foundation payments. 55929

(E) If the participant was enrolled in a participating 55930  
nonpublic school, the amount paid under division (B) of this 55931  
section shall be subtracted from moneys set aside by the general 55932  
assembly for such purpose from funds appropriated for the purposes 55933  
of section 3317.06 of the Revised Code. 55934

**Sec. 3365.12.** The superintendent of public instruction and 55935  
the chancellor of the Ohio board of regents jointly may adopt 55936  
rules in accordance with Chapter 119. of the Revised Code 55937  
permitting a board of education of a school district or joint 55938  
vocational school district, governing authority of a community 55939  
school, governing body of a STEM school, or governing authority of 55940  
a participating nonpublic school to enter into an agreement with a 55941

college or university to use an alternate funding formula to 55942  
calculate, or an alternate method to transmit, the amount the 55943  
college or university would be paid for a student participating in 55944  
a program under this chapter, including the program known as 55945  
seniors to sophomores. 55946

Rules adopted under this section may include, but need not be 55947  
limited to, any of the following alternative funding options: 55948

(A) Direct payment of funds necessary to support students 55949  
participating in a program under this chapter, including the 55950  
seniors to sophomores program, by the school district, joint 55951  
vocational school district, community school, STEM school, or any 55952  
combination thereof, to the college or university in which the 55953  
student enrolled; 55954

(B) Alternate funding formulas to calculate the amount of 55955  
money to be paid to colleges for participants; 55956

(C) A negotiated amount to be paid, as agreed by the school 55957  
district, joint vocational school district, community school, or 55958  
STEM school and the college or university. 55959

Rules adopted under this section shall prohibit any 55960  
alternative funding option to include charging a student 55961  
participating in the program under this chapter any tuition or 55962  
fees. 55963

**Sec. 3501.01.** As used in the sections of the Revised Code 55964  
relating to elections and political communications: 55965

(A) "General election" means the election held on the first 55966  
Tuesday after the first Monday in each November. 55967

(B) "Regular municipal election" means the election held on 55968  
the first Tuesday after the first Monday in November in each 55969  
odd-numbered year. 55970

(C) "Regular state election" means the election held on the first Tuesday after the first Monday in November in each even-numbered year.

(D) "Special election" means any election other than those elections defined in other divisions of this section. A special election may be held only on the first Tuesday after the first Monday in February, May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall be held in February or May, except as authorized by a municipal or county charter, but may be held on the first Tuesday after the first Monday in March.

(E)(1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held.

(2) "Presidential primary election" means a primary election as defined by division (E)(1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise specified, presidential primary elections are included in references to primary elections. In years in which a presidential primary election is held, all primary elections shall be held on the first Tuesday after the first Monday in March except as otherwise authorized by a municipal or county charter.

(F) "Political party" means any group of voters meeting the



requirements set forth in section 3517.01 of the Revised Code for 56003  
the formation and existence of a political party. 56004

(1) "Major political party" means any political party 56005  
organized under the laws of this state whose candidate for 56006  
governor or nominees for presidential electors received no less 56007  
than twenty per cent of the total vote cast for such office at the 56008  
most recent regular state election. 56009

(2) "Intermediate political party" means any political party 56010  
organized under the laws of this state whose candidate for 56011  
governor or nominees for presidential electors received less than 56012  
twenty per cent but not less than ten per cent of the total vote 56013  
cast for such office at the most recent regular state election. 56014

(3) "Minor political party" means any political party 56015  
organized under the laws of this state whose candidate for 56016  
governor or nominees for presidential electors received less than 56017  
ten per cent but not less than five per cent of the total vote 56018  
cast for such office at the most recent regular state election or 56019  
which has filed with the secretary of state, subsequent to any 56020  
election in which it received less than five per cent of such 56021  
vote, a petition signed by qualified electors equal in number to 56022  
at least one per cent of the total vote cast for such office in 56023  
the last preceding regular state election, except that a newly 56024  
formed political party shall be known as a minor political party 56025  
until the time of the first election for governor or president 56026  
which occurs not less than twelve months subsequent to the 56027  
formation of such party, after which election the status of such 56028  
party shall be determined by the vote for the office of governor 56029  
or president. 56030

(G) "Dominant party in a precinct" or "dominant political 56031  
party in a precinct" means that political party whose candidate 56032  
for election to the office of governor at the most recent regular 56033  
state election at which a governor was elected received more votes 56034

than any other person received for election to that office in such 56035  
precinct at such election. 56036

(H) "Candidate" means any qualified person certified in 56037  
accordance with the provisions of the Revised Code for placement 56038  
on the official ballot of a primary, general, or special election 56039  
to be held in this state, or any qualified person who claims to be 56040  
a write-in candidate, or who knowingly assents to being 56041  
represented as a write-in candidate by another at either a 56042  
primary, general, or special election to be held in this state. 56043

(I) "Independent candidate" means any candidate who claims 56044  
not to be affiliated with a political party, and whose name has 56045  
been certified on the office-type ballot at a general or special 56046  
election through the filing of a statement of candidacy and 56047  
nominating petition, as prescribed in section 3513.257 of the 56048  
Revised Code. 56049

(J) "Nonpartisan candidate" means any candidate whose name is 56050  
required, pursuant to section 3505.04 of the Revised Code, to be 56051  
listed on the nonpartisan ballot, including all candidates for 56052  
judicial office, for member of any board of education, for 56053  
municipal or township offices in which primary elections are not 56054  
held for nominating candidates by political parties, and for 56055  
offices of municipal corporations having charters that provide for 56056  
separate ballots for elections for these offices. 56057

(K) "Party candidate" means any candidate who claims to be a 56058  
member of a political party, whose name has been certified on the 56059  
office-type ballot at a general or special election through the 56060  
filing of a declaration of candidacy and petition of candidate, 56061  
and who has won the primary election of the candidate's party for 56062  
the public office the candidate seeks or is selected by party 56063  
committee in accordance with section 3513.31 of the Revised Code. 56064

(L) "Officer of a political party" includes, but is not 56065

limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major, intermediate, or minor political party.

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.

(O) "Voter" means an elector who votes at an election.

(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.

(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.

(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.

(T) "Political subdivision" means a county, township, city, village, or school district.

(U) "Election officer" or "election official" means any of the following:

(1) Secretary of state;

(2) Employees of the secretary of state serving the division

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| of elections in the capacity of attorney, administrative officer,  | 56096 |
| administrative assistant, elections administrator, office manager, | 56097 |
| or clerical supervisor;                                            | 56098 |
| (3) Director of a board of elections;                              | 56099 |
| (4) Deputy director of a board of elections;                       | 56100 |
| (5) Member of a board of elections;                                | 56101 |
| (6) Employees of a board of elections;                             | 56102 |
| (7) Precinct polling place judges;                                 | 56103 |
| (8) Employees appointed by the boards of elections on a            | 56104 |
| temporary or part-time basis.                                      | 56105 |
| (V) "Acknowledgment notice" means a notice sent by a board of      | 56106 |
| elections, on a form prescribed by the secretary of state,         | 56107 |
| informing a voter registration applicant or an applicant who       | 56108 |
| wishes to change the applicant's residence or name of the status   | 56109 |
| of the application; the information necessary to complete or       | 56110 |
| update the application, if any; and if the application is          | 56111 |
| complete, the precinct in which the applicant is to vote.          | 56112 |
| (W) "Confirmation notice" means a notice sent by a board of        | 56113 |
| elections, on a form prescribed by the secretary of state, to a    | 56114 |
| registered elector to confirm the registered elector's current     | 56115 |
| address.                                                           | 56116 |
| (X) "Designated agency" means an office or agency in the           | 56117 |
| state that provides public assistance or that provides             | 56118 |
| state-funded programs primarily engaged in providing services to   | 56119 |
| persons with disabilities and that is required by the National     | 56120 |
| Voter Registration Act of 1993 to implement a program designed and | 56121 |
| administered by the secretary of state for registering voters, or  | 56122 |
| any other public or government office or agency that implements a  | 56123 |
| program designed and administered by the secretary of state for    | 56124 |
| registering voters, including the department of job and family     | 56125 |

services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of ~~mental health~~ mental health and addiction services, the department of developmental disabilities, the rehabilitation services commission, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the "National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(AA) "Photo identification" means a document that meets each of the following requirements:

(1) It shows the name of the individual to whom it was issued, which shall conform to the name in the poll list or signature pollbook.

(2) It shows the current address of the individual to whom it was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook.

(3) It shows a photograph of the individual to whom it was issued.

(4) It includes an expiration date that has not passed.

(5) It was issued by the government of the United States or

this state. 56156

**Sec. 3599.45.** (A) As used in this section: 56157

"Candidate," "campaign committee," and "contribution" have 56158  
the same meanings as in section 3517.01 of the Revised Code. 56159

"Medicaid provider" has the same meaning as in section 56160  
5164.01 of the Revised Code. 56161

(B) No candidate for the office of attorney general or county 56162  
prosecutor or such a candidate's campaign committee shall 56163  
knowingly accept any contribution from a medicaid provider ~~of~~ 56164  
~~services or goods under contract with the department of job and~~ 56165  
~~family services pursuant to the medicaid program of Title XIX of~~ 56166  
~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as~~ 56167  
~~amended,~~ or from any person having an ownership interest in the 56168  
medicaid provider. 56169

~~As used in this section "candidate," "campaign committee,"~~ 56170  
~~and "contribution" have the same meaning as in section 3517.01 of~~ 56171  
~~the Revised Code.~~ 56172

~~(B)~~(C) Whoever violates this section is guilty of a 56173  
misdemeanor of the first degree. 56174

**Sec. 3701.023.** (A) The department of health shall review 56175  
applications for eligibility for the program for medically 56176  
handicapped children that are submitted to the department by city 56177  
and general health districts and physician providers approved in 56178  
accordance with division (C) of this section. The department shall 56179  
determine whether the applicants meet the medical and financial 56180  
eligibility requirements established by the director of health 56181  
pursuant to division (A)(1) of section 3701.021 of the Revised 56182  
Code, and by the department in the manual of operational 56183  
procedures and guidelines for the program for medically 56184  
handicapped children developed pursuant to division (B) of that 56185

section. Referrals of potentially eligible children for the 56186  
program may be submitted to the department on behalf of the child 56187  
by parents, guardians, public health nurses, or any other 56188  
interested person. The department of health may designate other 56189  
agencies to refer applicants to the department of health. 56190

(B) In accordance with the procedures established in rules 56191  
adopted under division (A)(4) of section 3701.021 of the Revised 56192  
Code, the department of health shall authorize a provider or 56193  
providers to provide to any Ohio resident under twenty-one years 56194  
of age, without charge to the resident or the resident's family 56195  
and without restriction as to the economic status of the resident 56196  
or the resident's family, diagnostic services necessary to 56197  
determine whether the resident has a medically handicapping or 56198  
potentially medically handicapping condition. 56199

(C) The department of health shall review the applications of 56200  
health professionals, hospitals, medical equipment suppliers, and 56201  
other individuals, groups, or agencies that apply to become 56202  
providers. The department shall enter into a written agreement 56203  
with each applicant who is determined, pursuant to the 56204  
requirements set forth in rules adopted under division (A)(2) of 56205  
section 3701.021 of the Revised Code, to be eligible to be a 56206  
provider in accordance with the provider agreement required by the 56207  
~~medical assistance~~ medicaid ~~program established under section~~ 56208  
~~5111.01 of the Revised Code.~~ No provider shall charge a medically 56209  
handicapped child or the child's parent or guardian for services 56210  
authorized by the department under division (B) or (D) of this 56211  
section. 56212

The department, in accordance with rules adopted under 56213  
division (A)(3) of section 3701.021 of the Revised Code, may 56214  
disqualify any provider from further participation in the program 56215  
for violating any requirement set forth in rules adopted under 56216  
division (A)(2) of that section. The disqualification shall not 56217

take effect until a written notice, specifying the requirement 56218  
violated and describing the nature of the violation, has been 56219  
delivered to the provider and the department has afforded the 56220  
provider an opportunity to appeal the disqualification under 56221  
division (H) of this section. 56222

(D) The department of health shall evaluate applications from 56223  
city and general health districts and approved physician providers 56224  
for authorization to provide treatment services, service 56225  
coordination, and related goods to children determined to be 56226  
eligible for the program for medically handicapped children 56227  
pursuant to division (A) of this section. The department shall 56228  
authorize necessary treatment services, service coordination, and 56229  
related goods for each eligible child in accordance with an 56230  
individual plan of treatment for the child. As an alternative, the 56231  
department may authorize payment of health insurance premiums on 56232  
behalf of eligible children when the department determines, in 56233  
accordance with criteria set forth in rules adopted under division 56234  
(A)(9) of section 3701.021 of the Revised Code, that payment of 56235  
the premiums is cost-effective. 56236

(E) The department of health shall pay, from appropriations 56237  
to the department, any necessary expenses, including but not 56238  
limited to, expenses for diagnosis, treatment, service 56239  
coordination, supportive services, transportation, and accessories 56240  
and their upkeep, provided to medically handicapped children, 56241  
provided that the provision of the goods or services is authorized 56242  
by the department under division (B) or (D) of this section. Money 56243  
appropriated to the department of health may also be expended for 56244  
reasonable administrative costs incurred by the program. The 56245  
department of health also may purchase liability insurance 56246  
covering the provision of services under the program for medically 56247  
handicapped children by physicians and other health care 56248  
professionals. 56249



Payments made to providers by the department of health 56250  
pursuant to this division for inpatient hospital care, outpatient 56251  
care, and all other medical assistance furnished to eligible 56252  
recipients shall be made in accordance with rules adopted by the 56253  
director of health pursuant to division (A) of section 3701.021 of 56254  
the Revised Code. 56255

The departments of health and ~~job and family services~~ 56256  
medicaid shall jointly implement procedures to ensure that 56257  
duplicate payments are not made under the program for medically 56258  
handicapped children and the ~~medical assistance~~ medicaid program 56259  
~~established under section 5111.01 of the Revised Code~~ and to 56260  
identify and recover duplicate payments. 56261

(F) At the time of applying for participation in the program 56262  
for medically handicapped children, a medically handicapped child 56263  
or the child's parent or guardian shall disclose the identity of 56264  
any third party against whom the child or the child's parent or 56265  
guardian has or may have a right of recovery for goods and 56266  
services provided under division (B) or (D) of this section. The 56267  
department of health shall require a medically handicapped child 56268  
who receives services from the program or the child's parent or 56269  
guardian to apply for all third-party benefits for which the child 56270  
may be eligible and require the child, parent, or guardian to 56271  
apply all third-party benefits received to the amount determined 56272  
under division (E) of this section as the amount payable for goods 56273  
and services authorized under division (B) or (D) of this section. 56274  
The department is the payer of last resort and shall pay for 56275  
authorized goods or services, up to the amount determined under 56276  
division (E) of this section for the authorized goods or services, 56277  
only to the extent that payment for the authorized goods or 56278  
services is not made through third-party benefits. When a third 56279  
party fails to act on an application or claim for benefits by a 56280  
medically handicapped child or the child's parent or guardian, the 56281

department shall pay for the goods or services only after ninety 56282  
days have elapsed since the date the child, parents, or guardians 56283  
made an application or claim for all third-party benefits. 56284  
Third-party benefits received shall be applied to the amount 56285  
determined under division (E) of this section. Third-party 56286  
payments for goods and services not authorized under division (B) 56287  
or (D) of this section shall not be applied to payment amounts 56288  
determined under division (E) of this section. Payment made by the 56289  
department shall be considered payment in full of the amount 56290  
determined under division (E) of this section. Medicaid payments 56291  
for persons eligible for the ~~medical assistance~~ medicaid program 56292  
~~established under section 5111.01 of the Revised Code~~ shall be 56293  
considered payment in full of the amount determined under division 56294  
(E) of this section. 56295

(G) The department of health shall administer a program to 56296  
provide services to Ohio residents who are twenty-one or more 56297  
years of age who have cystic fibrosis and who meet the eligibility 56298  
requirements established in rules adopted by the director of 56299  
health pursuant to division (A)(7) of section 3701.021 of the 56300  
Revised Code, subject to all provisions of this section, but not 56301  
subject to section 3701.024 of the Revised Code. 56302

(H) The department of health shall provide for appeals, in 56303  
accordance with rules adopted under section 3701.021 of the 56304  
Revised Code, of denials of applications for the program for 56305  
medically handicapped children under division (A) or (D) of this 56306  
section, disqualification of providers, or amounts paid under 56307  
division (E) of this section. Appeals under this division are not 56308  
subject to Chapter 119. of the Revised Code. 56309

The department may designate ombudspersons to assist 56310  
medically handicapped children or their parents or guardians, upon 56311  
the request of the children, parents, or guardians, in filing 56312  
appeals under this division and to serve as children's, parents', 56313

or guardians' advocates in matters pertaining to the 56314  
administration of the program for medically handicapped children 56315  
and eligibility for program services. The ombudspersons shall 56316  
receive no compensation but shall be reimbursed by the department, 56317  
in accordance with rules of the office of budget and management, 56318  
for their actual and necessary travel expenses incurred in the 56319  
performance of their duties. 56320

(I) The department of health, and city and general health 56321  
districts providing service coordination pursuant to division 56322  
(A)(2) of section 3701.024 of the Revised Code, shall provide 56323  
service coordination in accordance with the standards set forth in 56324  
the rules adopted under section 3701.021 of the Revised Code, 56325  
without charge, and without restriction as to economic status. 56326

(J)(1) The department of health may establish a manufacturer 56327  
discount program under which a manufacturer of a drug or 56328  
nutritional formula is permitted to enter into an agreement with 56329  
the department to provide a discount on the price of the drug or 56330  
nutritional formula distributed to medically handicapped children 56331  
participating in the program for medically handicapped children. 56332  
The program shall be administered in accordance with rules adopted 56333  
under section 3701.021 of the Revised Code. 56334

(2) If a manufacturer enters into an agreement with the 56335  
department as described in division (J)(1) of this section, the 56336  
manufacturer and the department may negotiate the amount and terms 56337  
of the discount. 56338

(3) In lieu of establishing a discount program as described 56339  
in division (J)(1) of this section, the department and a 56340  
manufacturer of a drug or nutritional formula may discuss a 56341  
donation of drugs, nutritional formulas, or money by the 56342  
manufacturer to the department. 56343

**Sec. 3701.024.** (A)(1) Under a procedure established in rules 56344

adopted under section 3701.021 of the Revised Code, the department 56345  
of health shall determine the amount each county shall provide 56346  
annually for the program for medically handicapped children, based 56347  
on a proportion of the county's total general property tax 56348  
duplicate, not to exceed one-tenth of a mill, and charge the 56349  
county for any part of expenses incurred under the program for 56350  
treatment services on behalf of medically handicapped children 56351  
having legal settlement in the county that is not paid from 56352  
federal funds or through the ~~medical assistance~~ medicaid program 56353  
~~established under section 5111.01 of the Revised Code.~~ The 56354  
department shall not charge the county for expenses exceeding the 56355  
difference between the amount determined under division (A)(1) of 56356  
this section and any amounts retained under divisions (A)(2) and 56357  
(3) of this section. 56358

All amounts collected by the department under division (A)(1) 56359  
of this section shall be deposited into the state treasury to the 56360  
credit of the medically handicapped children-county assessment 56361  
fund, which is hereby created. The fund shall be used by the 56362  
department to comply with sections 3701.021 to 3701.028 of the 56363  
Revised Code. 56364

(2) The department, in accordance with rules adopted under 56365  
section 3701.021 of the Revised Code, may allow each county to 56366  
retain up to ten per cent of the amount determined under division 56367  
(A)(1) of this section to provide funds to city or general health 56368  
districts of the county with which the districts shall provide 56369  
service coordination, public health nursing, or transportation 56370  
services for medically handicapped children. 56371

(3) In addition to any amount retained under division (A)(2) 56372  
of this section, the department, in accordance with rules adopted 56373  
under section 3701.021 of the Revised Code, may allow counties 56374  
that it determines have significant numbers of potentially 56375  
eligible medically handicapped children to retain an amount equal 56376

to the difference between: 56377

(a) Twenty-five per cent of the amount determined under 56378  
division (A)(1) of this section; 56379

(b) Any amount retained under division (A)(2) of this 56380  
section. 56381

Counties shall use amounts retained under division (A)(3) of 56382  
this section to provide funds to city or general health districts 56383  
of the county with which the districts shall conduct outreach 56384  
activities to increase participation in the program for medically 56385  
handicapped children. 56386

(4) Prior to any increase in the millage charged to a county, 56387  
the director of health shall hold a public hearing on the proposed 56388  
increase and shall give notice of the hearing to each board of 56389  
county commissioners that would be affected by the increase at 56390  
least thirty days prior to the date set for the hearing. Any 56391  
county commissioner may appear and give testimony at the hearing. 56392  
Any increase in the millage any county is required to provide for 56393  
the program for medically handicapped children shall be 56394  
determined, and notice of the amount of the increase shall be 56395  
provided to each affected board of county commissioners, no later 56396  
than the first day of June of the fiscal year next preceding the 56397  
fiscal year in which the increase will take effect. 56398

(B) Each board of county commissioners shall establish a 56399  
medically handicapped children's fund and shall appropriate 56400  
thereto an amount, determined in accordance with division (A)(1) 56401  
of this section, for the county's share in providing medical, 56402  
surgical, and other aid to medically handicapped children residing 56403  
in such county and for the purposes specified in divisions (A)(2) 56404  
and (3) of this section. Each county shall use money retained 56405  
under divisions (A)(2) and (3) of this section only for the 56406  
purposes specified in those divisions. 56407

**Sec. 3701.027.** The department of health shall administer 56408  
funds received from the "Maternal and Child Health Block Grant," 56409  
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 56410  
U.S.C.A. 701, as amended, for programs including the program for 56411  
medically handicapped children, and to provide technical 56412  
assistance and consultation to city and general health districts 56413  
and local health planning organizations in implementing local, 56414  
community-based, family-centered, coordinated systems of care for 56415  
medically handicapped children. The department may make grants to 56416  
persons and other entities for the provision of services with the 56417  
funds. In addition, the department may use the funds to purchase 56418  
liability insurance covering the provision of services under the 56419  
programs by physicians and other health care professionals, and to 56420  
pay health insurance premiums on behalf of medically handicapped 56421  
children participating in the program for medically handicapped 56422  
children when the department determines, in accordance with 56423  
criteria set forth in rules adopted under division (A)(9) of 56424  
section 3701.021 of the Revised Code, that payment of the premiums 56425  
is cost effective. 56426

In determining eligibility for services provided with funds 56427  
received from the "Maternal and Child Health Block Grant," the 56428  
department may use the application form established under section 56429  
~~5111.013~~ 5163.40 of the Revised Code. The department may require 56430  
applicants to furnish their social security numbers. Funds from 56431  
the "Maternal and Child Health Block Grant" that are administered 56432  
for the purpose of providing family planning services shall be 56433  
distributed in accordance with section 3701.033 of the Revised 56434  
Code. 56435

**Sec. 3701.033.** (A) This section establishes the order of 56436  
priority to be followed by the department of health when 56437  
distributing funds for the purpose of providing family planning 56438

services, including funds the department receives through the 56439  
"Maternal and Child Health Block Grant," Title V of the "Social 56440  
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, and 56441  
funds the department receives through Title X of the "Public 56442  
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 56443  
amended. This section does not apply to grants awarded by the 56444  
department under section 3701.046 of the Revised Code. 56445

(B) With respect to each period during which funds from a 56446  
particular source are distributed for the purpose of providing 56447  
family planning services, the department is subject to both of the 56448  
following when distributing the funds to applicants seeking those 56449  
funds: 56450

(1) Foremost priority shall be given to public entities that 56451  
are operated by state or local government entities and that 56452  
provide or are able to provide family planning services. 56453

(2) If any funds remain after the department distributes 56454  
funds to public entities under division (B)(1) of this section, 56455  
the department may distribute funds to nonpublic entities. If 56456  
funds are distributed to nonpublic entities, the department shall 56457  
distribute the funds in the following order of descending 56458  
priority: 56459

(a) Nonpublic entities that are federally qualified health 56460  
centers or federally qualified health center look-alikes, both as 56461  
defined in section 3701.047 of the Revised Code, or community 56462  
action agencies, as defined in section 122.66 of the Revised Code; 56463

(b) Nonpublic entities that provide comprehensive primary and 56464  
preventive care services in addition to family planning services; 56465

(c) Nonpublic entities that provide family planning services, 56466  
but do not provide comprehensive primary and preventive care 56467  
services. 56468

Sec. 3701.13. The department of health shall have supervision 56469  
of all matters relating to the preservation of the life and health 56470  
of the people and have ultimate authority in matters of quarantine 56471  
and isolation, which it may declare and enforce, when neither 56472  
exists, and modify, relax, or abolish, when either has been 56473  
established. The department may approve methods of immunization 56474  
against the diseases specified in section 3313.671 of the Revised 56475  
Code for the purpose of carrying out the provisions of that 56476  
section and take such actions as are necessary to encourage 56477  
vaccination against those diseases. 56478

The department may make special or standing orders or rules 56479  
for preventing the use of fluoroscopes for nonmedical purposes 56480  
~~which~~ that emit doses of radiation likely to be harmful to any 56481  
person, for preventing the spread of contagious or infectious 56482  
diseases, for governing the receipt and conveyance of remains of 56483  
deceased persons, and for such other sanitary matters as are best 56484  
controlled by a general rule. Whenever possible, the department 56485  
shall work in cooperation with the health commissioner of a 56486  
general or city health district. ~~It~~ The department may make and 56487  
enforce orders in local matters or reassign substantive authority 56488  
for mandatory programs from a general or city health district to 56489  
another general or city health district when an emergency exists, 56490  
or when the board of health of a general or city health district 56491  
has neglected or refused to act with sufficient promptness or 56492  
efficiency, or when such board has not been established as 56493  
provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 56494  
3709.12, and 3709.14 of the Revised Code. In such cases, the 56495  
necessary expense incurred shall be paid by the general health 56496  
district or city for which the services are rendered. 56497

The department of health may require general or city health 56498  
districts to enter into agreements for shared services under 56499  
section 9.482 of the Revised Code. 56500



As a condition precedent to receiving funding from the 56501  
department of health, the director of health may require general 56502  
or city health districts to be accredited not later than July 1, 56503  
2018, by an accreditation body approved by the director. 56504

The department may make evaluative studies of the nutritional 56505  
status of Ohio residents, and of the food and nutrition-related 56506  
programs operating within the state. Every agency of the state, at 56507  
the request of the department, shall provide information and 56508  
otherwise assist in the execution of such studies. 56509

**Sec. 3701.132.** The department of health is hereby designated 56510  
as the state agency to administer the "special supplemental 56511  
nutrition program for women, infants, and children" established 56512  
under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 56513  
1786, as amended. The director of health may adopt rules pursuant 56514  
to Chapter 119. of the Revised Code as necessary for administering 56515  
the program. The rules may include civil money penalties for 56516  
violations of the rules. 56517

In determining eligibility for services provided under the 56518  
program, the department may use the application form established 56519  
under section ~~5111.013~~ 5163.40 of the Revised Code for the healthy 56520  
start program. The department may require applicants to furnish 56521  
their social security numbers. 56522

If the department determines that a vendor has committed an 56523  
act with respect to the program that federal statutes or 56524  
regulations or state statutes or rules prohibit, the department 56525  
shall take action against the vendor in the manner required by 7 56526  
C.F.R. part 246, including imposition of a civil money penalty in 56527  
accordance with 7 C.F.R. 246.12, or rules adopted under this 56528  
section. 56529

**Sec. 3701.243.** (A) Except as provided in this section or 56530

section 3701.248 of the Revised Code, no person or agency of state 56531  
or local government that acquires the information while providing 56532  
any health care service or while in the employ of a health care 56533  
facility or health care provider shall disclose or compel another 56534  
to disclose any of the following: 56535

(1) The identity of any individual on whom an HIV test is 56536  
performed; 56537

(2) The results of an HIV test in a form that identifies the 56538  
individual tested; 56539

(3) The identity of any individual diagnosed as having AIDS 56540  
or an AIDS-related condition. 56541

(B)(1) Except as provided in divisions (B)(2), (C), (D), and 56542  
(F) of this section, the results of an HIV test or the identity of 56543  
an individual on whom an HIV test is performed or who is diagnosed 56544  
as having AIDS or an AIDS-related condition may be disclosed only 56545  
to the following: 56546

(a) The individual who was tested or the individual's legal 56547  
guardian, and the individual's spouse or any sexual partner; 56548

(b) A person to whom disclosure is authorized by a written 56549  
release, executed by the individual tested or by the individual's 56550  
legal guardian and specifying to whom disclosure of the test 56551  
results or diagnosis is authorized and the time period during 56552  
which the release is to be effective; 56553

(c) The individual's physician; 56554

(d) The department of health or a health commissioner to 56555  
which reports are made under section 3701.24 of the Revised Code; 56556

(e) A health care facility or provider that procures, 56557  
processes, distributes, or uses a human body part from a deceased 56558  
individual, donated for a purpose specified in Chapter 2108. of 56559  
the Revised Code, and that needs medical information about the 56560

deceased individual to ensure that the body part is medically 56561  
acceptable for its intended purpose; 56562

(f) Health care facility staff committees or accreditation or 56563  
oversight review organizations conducting program monitoring, 56564  
program evaluation, or service reviews; 56565

(g) A health care provider, emergency medical services 56566  
worker, or peace officer who sustained a significant exposure to 56567  
the body fluids of another individual, if that individual was 56568  
tested pursuant to division (E)(6) of section 3701.242 of the 56569  
Revised Code, except that the identity of the individual tested 56570  
shall not be revealed; 56571

(h) To law enforcement authorities pursuant to a search 56572  
warrant or a subpoena issued by or at the request of a grand jury, 56573  
a prosecuting attorney, a city director of law or similar chief 56574  
legal officer of a municipal corporation, or a village solicitor, 56575  
in connection with a criminal investigation or prosecution. 56576

(2) The results of an HIV test or a diagnosis of AIDS or an 56577  
AIDS-related condition may be disclosed to a health care provider, 56578  
or an authorized agent or employee of a health care facility or a 56579  
health care provider, if the provider, agent, or employee has a 56580  
medical need to know the information and is participating in the 56581  
diagnosis, care, or treatment of the individual on whom the test 56582  
was performed or who has been diagnosed as having AIDS or an 56583  
AIDS-related condition. 56584

This division does not impose a standard of disclosure 56585  
different from the standard for disclosure of all other specific 56586  
information about a patient to health care providers and 56587  
facilities. Disclosure may not be requested or made solely for the 56588  
purpose of identifying an individual who has a positive HIV test 56589  
result or has been diagnosed as having AIDS or an AIDS-related 56590  
condition in order to refuse to treat the individual. Referral of 56591

an individual to another health care provider or facility based on 56592  
reasonable professional judgment does not constitute refusal to 56593  
treat the individual. 56594

(3) Not later than ninety days after November 1, 1989, each 56595  
health care facility in this state shall establish a protocol to 56596  
be followed by employees and individuals affiliated with the 56597  
facility in making disclosures authorized by division (B)(2) of 56598  
this section. A person employed by or affiliated with a health 56599  
care facility who determines in accordance with the protocol 56600  
established by the facility that a disclosure is authorized by 56601  
division (B)(2) of this section is immune from liability to any 56602  
person in a civil action for damages for injury, death, or loss to 56603  
person or property resulting from the disclosure. 56604

(C)(1) Any person or government agency may seek access to or 56605  
authority to disclose the HIV test records of an individual in 56606  
accordance with the following provisions: 56607

(a) The person or government agency shall bring an action in 56608  
a court of common pleas requesting disclosure of or authority to 56609  
disclose the results of an HIV test of a specific individual, who 56610  
shall be identified in the complaint by a pseudonym but whose name 56611  
shall be communicated to the court confidentially, pursuant to a 56612  
court order restricting the use of the name. The court shall 56613  
provide the individual with notice and an opportunity to 56614  
participate in the proceedings if the individual is not named as a 56615  
party. Proceedings shall be conducted in chambers unless the 56616  
individual agrees to a hearing in open court. 56617

(b) The court may issue an order granting the plaintiff 56618  
access to or authority to disclose the test results only if the 56619  
court finds by clear and convincing evidence that the plaintiff 56620  
has demonstrated a compelling need for disclosure of the 56621  
information that cannot be accommodated by other means. In 56622  
assessing compelling need, the court shall weigh the need for 56623

disclosure against the privacy right of the individual tested and 56624  
against any disservice to the public interest that might result 56625  
from the disclosure, such as discrimination against the individual 56626  
or the deterrence of others from being tested. 56627

(c) If the court issues an order, it shall guard against 56628  
unauthorized disclosure by specifying the persons who may have 56629  
access to the information, the purposes for which the information 56630  
shall be used, and prohibitions against future disclosure. 56631

(2) A person or government agency that considers it necessary 56632  
to disclose the results of an HIV test of a specific individual in 56633  
an action in which it is a party may seek authority for the 56634  
disclosure by filing an in camera motion with the court in which 56635  
the action is being heard. In hearing the motion, the court shall 56636  
employ procedures for confidentiality similar to those specified 56637  
in division (C)(1) of this section. The court shall grant the 56638  
motion only if it finds by clear and convincing evidence that a 56639  
compelling need for the disclosure has been demonstrated. 56640

(3) Except for an order issued in a criminal prosecution or 56641  
an order under division (C)(1) or (2) of this section granting 56642  
disclosure of the result of an HIV test of a specific individual, 56643  
a court shall not compel a blood bank, hospital blood center, or 56644  
blood collection facility to disclose the result of HIV tests 56645  
performed on the blood of voluntary donors in a way that reveals 56646  
the identity of any donor. 56647

(4) In a civil action in which the plaintiff seeks to recover 56648  
damages from an individual defendant based on an allegation that 56649  
the plaintiff contracted the HIV virus as a result of actions of 56650  
the defendant, the prohibitions against disclosure in this section 56651  
do not bar discovery of the results of any HIV test given to the 56652  
defendant or any diagnosis that the defendant suffers from AIDS or 56653  
an AIDS-related condition. 56654

(D) The results of an HIV test or the identity of an 56655  
individual on whom an HIV test is performed or who is diagnosed as 56656  
having AIDS or an AIDS-related condition may be disclosed to a 56657  
federal, state, or local government agency, or the official 56658  
representative of such an agency, for purposes of the ~~medical~~ 56659  
~~assistance~~ medicaid program established under ~~section 5111.01 of~~ 56660  
~~the Revised Code~~, the medicare program established under ~~Title~~ 56661  
~~XVIII of the "Social Security Act," 49 Stat. 620 (1935) 42~~ 56662  
~~U.S.C.A. 301, as amended~~, or any other public assistance program. 56663

(E) Any disclosure pursuant to this section shall be in 56664  
writing and accompanied by a written statement that includes the 56665  
following or substantially similar language: "This information has 56666  
been disclosed to you from confidential records protected from 56667  
disclosure by state law. You shall make no further disclosure of 56668  
this information without the specific, written, and informed 56669  
release of the individual to whom it pertains, or as otherwise 56670  
permitted by state law. A general authorization for the release of 56671  
medical or other information is not sufficient for the purpose of 56672  
the release of HIV test results or diagnoses." 56673

(F) An individual who knows that the individual has received 56674  
a positive result on an HIV test or has been diagnosed as having 56675  
AIDS or an AIDS-related condition shall disclose this information 56676  
to any other person with whom the individual intends to make 56677  
common use of a hypodermic needle or engage in sexual conduct as 56678  
defined in section 2907.01 of the Revised Code. An individual's 56679  
compliance with this division does not prohibit a prosecution of 56680  
the individual for a violation of division (B) of section 2903.11 56681  
of the Revised Code. 56682

(G) Nothing in this section prohibits the introduction of 56683  
evidence concerning an HIV test of a specific individual in a 56684  
criminal proceeding. 56685

**Sec. 3701.261.** (A) As used in this section, "state university" has the same meaning as in section 3345.011 of the Revised Code. 56686  
56687  
56688

(B) The director of health shall: 56689

(1) Establish a population-based cancer registry, which shall 56690  
be known as the Ohio cancer incidence surveillance system, to 56691  
monitor the incidence of various types of malignant diseases in 56692  
Ohio, make appropriate epidemiologic studies to determine any 56693  
causal relations of such diseases with occupational, nutritional, 56694  
environmental, or infectious conditions, and alleviate or 56695  
eliminate any such conditions; 56696

(2) Advise, consult, cooperate with, and assist, by contract 56697  
or otherwise, agencies of the state and federal government, 56698  
agencies of the governments of other states, agencies of political 56699  
subdivisions of this state, universities, private organizations, 56700  
corporations, and associations for the purposes of division 56701  
~~(A)~~(B)(1) of this section; 56702

(3) Accept and administer grants from the federal government 56703  
or other sources, public or private, for carrying out any of the 56704  
functions enumerated in divisions ~~(A)~~(B)(1) and (2) of this 56705  
section. 56706

~~(B)~~(C) The Ohio cancer incidence surveillance system shall 56707  
follow a model of cancer data collection as set forth by the 56708  
survey epidemiology and end results system (SEERS). 56709

(D) The department may, by contract, designate a state 56710  
university as an agent to implement some or all of this section 56711  
and section 3701.262 of the Revised Code and the rules adopted 56712  
under those sections. 56713

**Sec. 3701.262.** (A) As used in this section ~~and section 56714  
3701.263 of the Revised Code:~~ 56715

(1) "Physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine ~~or~~ and surgery or osteopathic medicine and surgery.

(2) "Dentist" means a person who is licensed under Chapter 4715. of the Revised Code to practice dentistry.

(3) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(4) "Cancer" includes those diseases specified by rule of the director of health under division (B)(2) of this section.

(B) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:

(1) Establish the Ohio cancer incidence surveillance system required by section 3701.261 of the Revised Code;

(2) Specify the types of cancer and other tumorous and precancerous diseases to be reported to the department of health under division (D) of this section;

(3) Establish reporting requirements for information concerning diagnosed cancer cases as the director considers necessary to conduct epidemiologic surveys of cancer in this state;

(4) Establish standards that must be met by research projects to be eligible to receive information concerning individual cancer patients from the department of health ~~under division (B) of section 3701.263 of the Revised Code.~~

(C) The department of health shall record in the registry all reports of cancer received by it. In the development and administration of the cancer registry the department may use information compiled by public or private cancer registries and may contract for the collection and analysis of, and research



related to, the information recorded under this section. 56746

(D)(1) Each physician, dentist, hospital, or person providing 56747  
diagnostic or treatment services to patients with cancer shall 56748  
report each case of cancer to the department. Any person required 56749  
to report pursuant to this section may elect to report to the 56750  
department through an existing cancer registry if the registry 56751  
meets the reporting standards established by the director and 56752  
reports to the department. 56753

(2) No person shall fail to make the cancer reports required 56754  
by division (D)(1) of this section. 56755

(E) All physicians, dentists, hospitals, or persons providing 56756  
diagnostic or treatment services to patients with cancer shall 56757  
grant to the department or its authorized representative access to 56758  
all records that identify cases of cancer or establish 56759  
characteristics of cancer, the treatment of cancer, or the medical 56760  
status of any identified cancer patient. 56761

(F) The Arthur G. James cancer hospital and Richard J. Solove 56762  
research institute of the Ohio state university, shall analyze and 56763  
evaluate the cancer reports collected pursuant to this section. 56764  
The department shall publish and make available to the public 56765  
reports summarizing the information collected. Reports shall be 56766  
made on a calendar year basis and published not later than ninety 56767  
days after the end of each calendar year. 56768

(G) Furnishing information, including records, reports, 56769  
statements, notes, memoranda, or other information, to the 56770  
department of health, either voluntarily or as required by this 56771  
section, or to a person or governmental entity designated as a 56772  
medical research project by the department, does not subject a 56773  
physician, dentist, hospital, or person providing diagnostic or 56774  
treatment services to patients with cancer to liability in an 56775  
action for damages or other relief for furnishing the information. 56776

(H) This section does not affect the authority of any person 56777  
or facility providing diagnostic or treatment services to patients 56778  
with cancer to maintain facility-based tumor registries, in 56779  
addition to complying with the reporting requirements of this 56780  
section. 56781

~~(I) No person shall fail to make the cancer reports required 56782  
by division (D) of this section. 56783~~

**Sec. 3701.264.** There is hereby created the Ohio cancer 56784  
incidence surveillance system advisory board. The board shall 56785  
consist of the director of health, who shall serve as chair of the 56786  
board, and one representative, appointed by the governor, from 56787  
each medical school accredited by the liaison committee on medical 56788  
education and each osteopathic medical school accredited by the 56789  
American osteopathic association in Ohio. In addition, the 56790  
director of health shall appoint up to three additional members of 56791  
the board. Vacancies on the board shall be filled in the same 56792  
manner as the initial appointments. Members shall serve without 56793  
compensation. 56794

The board shall provide oversight of the collection and 56795  
analysis of data by the Ohio cancer incidence surveillance system 56796  
to the director of health and the Arthur G. James cancer hospital 56797  
and Richard J. Solove research institute of the Ohio state 56798  
university and advise in the implementation of sections 3701.261 56799  
~~to 3701.263~~ and 3701.262 of the Revised Code. The board shall meet 56800  
and conduct its business as directed by the chair. 56801

~~The board shall report to the finance committees of both 56802  
houses of the general assembly, not later than March 1, 2001, on 56803  
the progress made in implementing sections 3701.261 to 3701.263 of 56804  
the Revised Code. 56805~~

The board is not subject to sections 101.82 to 101.87 of the 56806  
Revised Code. 56807

~~Sec. 3701.342. After consultation with the public health standards task force established under section 3701.343 of the Revised Code, the~~ The director of health shall adopt rules establishing minimum standards and optimum achievable standards for boards of health and local health departments. The minimum standards shall assure that boards of health and local health departments provide for:

(A) Analysis and prevention of communicable disease;

(B) Analysis of the causes of, and appropriate treatment for, the leading causes of morbidity and mortality;

(C) The administration and management of the local health department;

(D) Access to primary health care by medically underserved individuals;

(E) Environmental health management programs;

(F) Health promotion services designed to encourage individual and community wellness;

(G) Annual completion of two continuing education units by each member of a board of health.

The director shall adopt rules establishing a formula for distribution of state health district subsidy funds to boards of health and local health departments. The formula shall provide no subsidy funds to a board or department unless it meets minimum standards and shall provide higher funding levels for boards and districts that meet optimum achievable standards.

Notwithstanding section 119.03 of the Revised Code, rules adopted under this section shall not take effect unless approved by concurrent resolution of the general assembly.

**Sec. 3701.344.** As used in this section and sections 3701.345,

3701.346, and 3701.347 of the Revised Code: 56837

(A) "Private water system" means any water system for the 56838  
provision of water for human consumption, if such system has fewer 56839  
than fifteen service connections and does not regularly serve an 56840  
average of at least twenty-five individuals daily at least sixty 56841  
days out of the year. A private water system includes any well, 56842  
spring, cistern, pond, or hauled water and any equipment for the 56843  
collection, transportation, filtration, disinfection, treatment, 56844  
or storage of such water extending from and including the source 56845  
of the water to the point of discharge from any pressure tank or 56846  
other storage vessel; to the point of discharge from the water 56847  
pump where no pressure tank or other storage vessel is present; 56848  
or, in the case of multiple service connections serving more than 56849  
one dwelling, to the point of discharge from each service 56850  
connection. "Private water system" does not include the water 56851  
service line extending from the point of discharge to a structure. 56852

(B) Notwithstanding section 3701.347 of the Revised Code and 56853  
subject to division (C) of this section, rules adopted by the 56854  
director of health regarding private water systems shall provide 56855  
for the following: 56856

(1) Except as otherwise provided in this division, boards of 56857  
health of city or general health districts shall be given the 56858  
exclusive power to establish fees in accordance with section 56859  
3709.09 of the Revised Code for administering and enforcing such 56860  
rules. Such fees shall establish a different rate for 56861  
administering and enforcing the rules relative to private water 56862  
systems serving single-family dwelling houses and nonsingle-family 56863  
dwelling houses. Except for an amount established by the director, 56864  
pursuant to division (B)(5) of this section, for each new private 56865  
water system installation, no portion of any fee for administering 56866  
and enforcing such rules shall be returned to the department of 56867  
health. If the director of health determines that a board of 56868

health of a city or general health district is unable to 56869  
administer and enforce a private water system program in the 56870  
district, the director shall administer and enforce such a program 56871  
in the district and establish fees for such administration and 56872  
enforcement. 56873

(2) Boards of health of city or general health districts 56874  
shall be given the exclusive power to determine the number of 56875  
inspections necessary for determining the safe drinking 56876  
characteristics of a private water system. 56877

(3) Private water systems contractors, as a condition of 56878  
doing business in this state, shall annually register with, and 56879  
comply with surety bonding requirements of, the department of 56880  
health. No such contractor shall be permitted to register if the 56881  
contractor fails to comply with all applicable rules adopted by 56882  
the director and the board of health of the city or general health 56883  
district. The annual registration fee for private water systems 56884  
contractors shall be sixty-five dollars. The director, by rule 56885  
adopted in accordance with Chapter 119. of the Revised Code, may 56886  
increase the annual registration fee. 56887

(4) Subject to rules adopted by the director, boards of 56888  
health of city or general health districts shall have the option 56889  
of determining whether bacteriological examinations shall be 56890  
performed at approved laboratories of the state or at approved 56891  
private laboratories. 56892

(5) The director may establish fees for each new private 56893  
water system installation, which shall be collected by the 56894  
appropriate board of health and transmitted to the director 56895  
pursuant to section 3709.092 of the Revised Code. 56896

(6) All fees received by the director of health under 56897  
divisions (B)(1), (3), and (5) of this section shall be deposited 56898  
in the state treasury to the credit of the general operations fund 56899

created in section 3701.83 of the Revised Code for use in the 56900  
administration and enforcement of sections 3701.344 to 3701.347 of 56901  
the Revised Code and the rules pertaining to private water systems 56902  
adopted under those sections. 56903

(C) To the extent that rules adopted under division (B) of 56904  
this section require health districts to follow specific 56905  
procedures or use prescribed forms, no such procedure or form 56906  
shall be implemented until it is approved by majority vote of an 56907  
approval board of health commissioners, hereby created. Members of 56908  
the board shall be the officers of the association of Ohio health 56909  
commissioners, or any successor organization, and membership on 56910  
the board shall be coterminous with holding an office of the 56911  
association. No health district is required to follow a procedure 56912  
or use a form required by a rule adopted under division (B) of 56913  
this section without the approval of the board. 56914

(D) A board of health shall collect well log filing fees on 56915  
behalf of the division of soil and water resources in the 56916  
department of natural resources in accordance with section 1521.05 56917  
of the Revised Code and rules adopted under it. The fees shall be 56918  
submitted to the division quarterly as provided in those rules. 56919

(E) A water system that does not provide water for human 56920  
consumption shall not be required to obtain a permit or license 56921  
issued under, pay any fees assessed or levied under, or comply 56922  
with any rule adopted under sections 3701.34 to 3701.347 of the 56923  
Revised Code. 56924

**Sec. 3701.507.** (A) To assist in implementing sections 56925  
3701.503 to 3701.509 of the Revised Code, the medically 56926  
handicapped children's medical advisory council created in section 56927  
3701.025 of the Revised Code shall appoint a permanent infant 56928  
hearing screening subcommittee. The subcommittee shall consist of 56929  
the following members: 56930

|                                                                                                                                   |                |
|-----------------------------------------------------------------------------------------------------------------------------------|----------------|
| (1) One otolaryngologist;                                                                                                         | 56931          |
| (2) One neonatologist;                                                                                                            | 56932          |
| (3) One pediatrician;                                                                                                             | 56933          |
| (4) One neurologist;                                                                                                              | 56934          |
| (5) One hospital administrator;                                                                                                   | 56935          |
| (6) Two or more audiologists who are experienced in infant hearing screening and evaluation;                                      | 56936<br>56937 |
| (7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;                                           | 56938<br>56939 |
| (8) Two persons who are each a parent of a hearing-impaired child;                                                                | 56940<br>56941 |
| (9) One geneticist;                                                                                                               | 56942          |
| (10) One epidemiologist;                                                                                                          | 56943          |
| (11) One adult who is deaf or hearing impaired;                                                                                   | 56944          |
| (12) One representative from an organization for the deaf or hearing impaired;                                                    | 56945<br>56946 |
| (13) One family advocate;                                                                                                         | 56947          |
| (14) One nurse from a well-baby neonatal nursery;                                                                                 | 56948          |
| (15) One nurse from a special care neonatal nursery;                                                                              | 56949          |
| (16) One teacher of the deaf who works with infants and toddlers;                                                                 | 56950<br>56951 |
| (17) One representative of the health insurance industry;                                                                         | 56952          |
| (18) One representative of the bureau for children with medical handicaps;                                                        | 56953<br>56954 |
| (19) One representative of the department of education;                                                                           | 56955          |
| (20) One representative of the Ohio department of <del>job and family services who has responsibilities regarding</del> medicaid; | 56956<br>56957 |

|                                                                                                                                                                                                                                |                                  |
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| (21) Any other person the advisory council appoints.                                                                                                                                                                           | 56958                            |
| (B) The infant hearing subcommittee shall:                                                                                                                                                                                     | 56959                            |
| (1) Consult with the director of health regarding the<br>administration of sections 3701.503 to 3701.509 of the Revised<br>Code;                                                                                               | 56960<br>56961<br>56962          |
| (2) Advise and make recommendations regarding proposed rules<br>prior to their adoption by the director under section 3701.508 of<br>the Revised Code;                                                                         | 56963<br>56964<br>56965          |
| (3) Consult with the director of health and advise and make<br>recommendations regarding program development and implementation<br>under sections 3701.503 to 3701.509 of the Revised Code, including<br>all of the following: | 56966<br>56967<br>56968<br>56969 |
| (a) Establishment under section 3701.504 of the Revised Code<br>of the statewide hearing screening, tracking, and early<br>intervention program to identify newborn and infant hearing<br>impairment;                          | 56970<br>56971<br>56972<br>56973 |
| (b) Identification of locations where hearing evaluations may<br>be conducted;                                                                                                                                                 | 56974<br>56975                   |
| (c) Recommendations for methods and techniques of hearing<br>screening and hearing evaluation;                                                                                                                                 | 56976<br>56977                   |
| (d) Referral, data recording and compilation, and procedures<br>to encourage follow-up hearing care;                                                                                                                           | 56978<br>56979                   |
| (e) Maintenance of a register of newborns and infants who do<br>not pass the hearing screening;                                                                                                                                | 56980<br>56981                   |
| (f) Preparation of the information required by section<br>3701.506 of the Revised Code.                                                                                                                                        | 56982<br>56983                   |
| <b><u>Sec. 3701.5010.</u></b> (A) As used in this section:                                                                                                                                                                     | 56984                            |
| <u>(1) "Critical congenital heart defects screening" means the</u><br><u>identification of a newborn that may have a critical congenital</u>                                                                                   | 56985<br>56986                   |



heart defect, through the use of a physiologic test; 56987

(2) "Freestanding birthing center" has the same meaning as in section 3702.141 of the Revised Code; 56988  
56989

(3) "Hospital," "maternity unit," "newborn," and "physician" have the same meanings as in section 3701.503 of the Revised Code. 56990  
56991

(B) Except as provided in division (C) of this section, each hospital and each freestanding birthing center shall conduct a critical congenital heart defects screening on each newborn born in the hospital or center, unless the newborn is being transferred to another hospital. The screening shall be performed after the newborn reaches twenty-four hours of age but before discharge. If the newborn is transferred to another hospital, that hospital shall conduct the screening when determined to be medically appropriate. 56992  
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The hospital or center shall promptly notify the newborn's parent, guardian, or custodian and attending physician of the screening results. The hospital or center shall notify the department of health of the screening results for each newborn screened. 57001  
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(C) A hospital or freestanding birthing center shall not conduct a critical congenital heart defects screening if the newborn's parent objects on the grounds that the screening conflicts with the parent's religious tenets and practices. 57006  
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(D) The director of health shall establish and maintain a statewide tracking and monitoring system to ensure that universal critical congenital heart defects screening is implemented. 57010  
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(E) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the screening required by this section, including all of the following: 57013  
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| <u>(1) Identifying the critical congenital heart defects to be included in the screening;</u>                                                                                                                                                                                                 | 57017<br>57018                            |
| <u>(2) Specifying equipment to be used for and methods of screening for critical congenital heart defects;</u>                                                                                                                                                                                | 57019<br>57020                            |
| <u>(3) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed;</u>                                                                                                                                                                 | 57021<br>57022                            |
| <u>(4) Providing notice to the newborn's parent, guardian, or custodian of the required initial screening and the possibility that rescreenings may be necessary;</u>                                                                                                                         | 57023<br>57024<br>57025                   |
| <u>(5) Communicating to the newborn's parent, guardian, or custodian and attending physician the results of the screening and any rescreenings;</u>                                                                                                                                           | 57026<br>57027<br>57028                   |
| <u>(6) Causing rescreenings to be performed when initial screenings have abnormal results;</u>                                                                                                                                                                                                | 57029<br>57030                            |
| <u>(7) Referring newborns who receive abnormal screening or rescreening results to providers of follow-up services.</u>                                                                                                                                                                       | 57031<br>57032                            |
| <b><u>Sec. 3701.541.</u></b> <u>As used in this section, "board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.</u>                                              | 57033<br>57034<br>57035<br>57036          |
| <u>Any state funds or funds from the federal government distributed by the department of health to a board of health or a city or general health district shall be distributed directly to the board or district. The department shall not distribute any such funds on a regional basis.</u> | 57037<br>57038<br>57039<br>57040<br>57041 |
| <b>Sec. 3701.74.</b> (A) As used in this section and section 3701.741 of the Revised Code:                                                                                                                                                                                                    | 57042<br>57043                            |
| (1) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not                                                                                                                                                               | 57044<br>57045                            |

require hospitalization, including a dialysis center, ambulatory 57046  
surgical facility, cardiac catheterization facility, diagnostic 57047  
imaging center, extracorporeal shock wave lithotripsy center, home 57048  
health agency, inpatient hospice, birthing center, radiation 57049  
therapy center, emergency facility, and an urgent care center. 57050  
"Ambulatory care facility" does not include the private office of 57051  
a physician or dentist, whether the office is for an individual or 57052  
group practice. 57053

(2) "Chiropractor" means an individual licensed under Chapter 57054  
4734. of the Revised Code to practice chiropractic. 57055

(3) "Emergency facility" means a hospital emergency 57056  
department or any other facility that provides emergency medical 57057  
services. 57058

(4) "Health care practitioner" means all of the following: 57059

(a) A dentist or dental hygienist licensed under Chapter 57060  
4715. of the Revised Code; 57061

(b) A registered or licensed practical nurse licensed under 57062  
Chapter 4723. of the Revised Code; 57063

(c) An optometrist licensed under Chapter 4725. of the 57064  
Revised Code; 57065

(d) A dispensing optician, spectacle dispensing optician, 57066  
contact lens dispensing optician, or spectacle-contact lens 57067  
dispensing optician licensed under Chapter 4725. of the Revised 57068  
Code; 57069

(e) A pharmacist licensed under Chapter 4729. of the Revised 57070  
Code; 57071

(f) A physician; 57072

(g) A physician assistant authorized under Chapter 4730. of 57073  
the Revised Code to practice as a physician assistant; 57074

(h) A practitioner of a limited branch of medicine issued a 57075

|                                                                                                                                                                                                      |                                  |
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| certificate under Chapter 4731. of the Revised Code;                                                                                                                                                 | 57076                            |
| (i) A psychologist licensed under Chapter 4732. of the Revised Code;                                                                                                                                 | 57077<br>57078                   |
| (j) A chiropractor;                                                                                                                                                                                  | 57079                            |
| (k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;                                                                                                                 | 57080<br>57081                   |
| (l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;                                                                                                   | 57082<br>57083                   |
| (m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;                                                                                    | 57084<br>57085                   |
| (n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;                                                                                             | 57086<br>57087                   |
| (o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code; | 57088<br>57089<br>57090<br>57091 |
| (p) A dietitian licensed under Chapter 4759. of the Revised Code;                                                                                                                                    | 57092<br>57093                   |
| (q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;                                                                                                                | 57094<br>57095                   |
| (r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.                   | 57096<br>57097<br>57098          |
| (5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.                                           | 57099<br>57100<br>57101          |
| (6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.                                                                                                                       | 57102<br>57103                   |
| (7) "Long-term care facility" means a nursing home,                                                                                                                                                  | 57104                            |

residential care facility, or home for the aging, as those terms 57105  
are defined in section 3721.01 of the Revised Code; a residential 57106  
facility licensed under section ~~5119.22~~ 5119.34 of the Revised 57107  
Code that provides accommodations, supervision, and personal care 57108  
services for three to sixteen unrelated adults; a nursing facility 57109  
~~or intermediate care facility for the mentally retarded~~, as those 57110  
~~terms are~~ defined in section ~~5111.20~~ 5165.01 of the Revised Code; 57111  
~~a facility or portion of a facility certified as a skilled nursing~~ 57112  
~~facility under Title XVIII of the "Social Security Act," 49 Stat.~~ 57113  
~~286 (1965), 42 U.S.C.A. 1395, as amended, as defined in section~~ 57114  
5165.01 of the Revised Code; and an intermediate care facility for 57115  
the mentally retarded, as defined in section 5124.01 of the 57116  
Revised Code. 57117

(8) "Medical record" means data in any form that pertains to 57118  
a patient's medical history, diagnosis, prognosis, or medical 57119  
condition and that is generated and maintained by a health care 57120  
provider in the process of the patient's health care treatment. 57121

(9) "Medical records company" means a person who stores, 57122  
locates, or copies medical records for a health care provider, or 57123  
is compensated for doing so by a health care provider, and charges 57124  
a fee for providing medical records to a patient or patient's 57125  
representative. 57126

(10) "Patient" means either of the following: 57127

(a) An individual who received health care treatment from a 57128  
health care provider; 57129

(b) A guardian, as defined in section 1337.11 of the Revised 57130  
Code, of an individual described in division (A)(10)(a) of this 57131  
section. 57132

(11) "Patient's personal representative" means a minor 57133  
patient's parent or other person acting in loco parentis, a 57134  
court-appointed guardian, or a person with durable power of 57135

attorney for health care for a patient, the executor or 57136  
administrator of the patient's estate, or the person responsible 57137  
for the patient's estate if it is not to be probated. "Patient's 57138  
personal representative" does not include an insurer authorized 57139  
under Title XXXIX of the Revised Code to do the business of 57140  
sickness and accident insurance in this state, a health insuring 57141  
corporation holding a certificate of authority under Chapter 1751. 57142  
of the Revised Code, or any other person not named in this 57143  
division. 57144

(12) "Pharmacy" has the same meaning as in section 4729.01 of 57145  
the Revised Code. 57146

(13) "Physician" means a person authorized under Chapter 57147  
4731. of the Revised Code to practice medicine and surgery, 57148  
osteopathic medicine and surgery, or podiatric medicine and 57149  
surgery. 57150

(14) "Authorized person" means a person to whom a patient has 57151  
given written authorization to act on the patient's behalf 57152  
regarding the patient's medical record. 57153

(B) A patient, a patient's personal representative or an 57154  
authorized person who wishes to examine or obtain a copy of part 57155  
or all of a medical record shall submit to the health care 57156  
provider a written request signed by the patient, personal 57157  
representative, or authorized person dated not more than one year 57158  
before the date on which it is submitted. The request shall 57159  
indicate whether the copy is to be sent to the requestor, 57160  
physician or chiropractor, or held for the requestor at the office 57161  
of the health care provider. Within a reasonable time after 57162  
receiving a request that meets the requirements of this division 57163  
and includes sufficient information to identify the record 57164  
requested, a health care provider that has the patient's medical 57165  
records shall permit the patient to examine the record during 57166  
regular business hours without charge or, on request, shall 57167

provide a copy of the record in accordance with section 3701.741 57168  
of the Revised Code, except that if a physician or chiropractor 57169  
who has treated the patient determines for clearly stated 57170  
treatment reasons that disclosure of the requested record is 57171  
likely to have an adverse effect on the patient, the health care 57172  
provider shall provide the record to a physician or chiropractor 57173  
designated by the patient. The health care provider shall take 57174  
reasonable steps to establish the identity of the person making 57175  
the request to examine or obtain a copy of the patient's record. 57176

(C) If a health care provider fails to furnish a medical 57177  
record as required by division (B) of this section, the patient, 57178  
personal representative, or authorized person who requested the 57179  
record may bring a civil action to enforce the patient's right of 57180  
access to the record. 57181

(D)(1) This section does not apply to medical records whose 57182  
release is covered by section 173.20 or 3721.13 of the Revised 57183  
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 57184  
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 57185  
Records," or by 42 C.F.R. 483.10. 57186

(2) Nothing in this section is intended to supersede the 57187  
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 57188  
and 2305.252 of the Revised Code. 57189

**Sec. 3701.741.** (A) Each health care provider and medical 57190  
records company shall provide copies of medical records in 57191  
accordance with this section. 57192

(B) Except as provided in divisions (C) and (E) of this 57193  
section, a health care provider or medical records company that 57194  
receives a request for a copy of a patient's medical record shall 57195  
charge not more than the amounts set forth in this section. 57196

(1) If the request is made by the patient or the patient's 57197

personal representative, total costs for copies and all services 57198  
related to those copies shall not exceed the sum of the following: 57199

(a) Except as provided in division (B)(1)(b) of this section, 57200  
with respect to data recorded on paper or electronically, the 57201  
following amounts adjusted in accordance with section 3701.742 of 57202  
the Revised Code: 57203

(i) Two dollars and seventy-four cents per page for the first 57204  
ten pages; 57205

(ii) Fifty-seven cents per page for pages eleven through 57206  
fifty; 57207

(iii) Twenty-three cents per page for pages fifty-one and 57208  
higher; 57209

(b) With respect to data resulting from an x-ray, magnetic 57210  
resonance imaging (MRI), or computed axial tomography (CAT) scan 57211  
and recorded on paper or film, one dollar and eighty-seven cents 57212  
per page; 57213

(c) The actual cost of any related postage incurred by the 57214  
health care provider or medical records company. 57215

(2) If the request is made other than by the patient or the 57216  
patient's personal representative, total costs for copies and all 57217  
services related to those copies shall not exceed the sum of the 57218  
following: 57219

(a) An initial fee of sixteen dollars and eighty-four cents 57220  
adjusted in accordance with section 3701.742 of the Revised Code, 57221  
which shall compensate for the records search; 57222

(b) Except as provided in division (B)(2)(c) of this section, 57223  
with respect to data recorded on paper or electronically, the 57224  
following amounts adjusted in accordance with section 3701.742 of 57225  
the Revised Code: 57226

(i) One dollar and eleven cents per page for the first ten 57227



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| pages;                                                                                                                                                                                                                                                                                                                             | 57228 |
| (ii) Fifty-seven cents per page for pages eleven through fifty;                                                                                                                                                                                                                                                                    | 57229 |
| (iii) Twenty-three cents per page for pages fifty-one and higher.                                                                                                                                                                                                                                                                  | 57230 |
| (c) With respect to data resulting from an x-ray, magnetic resonance imaging (MRI), or computed axial tomography (CAT) scan and recorded on paper or film, one dollar and eighty-seven cents per page;                                                                                                                             | 57231 |
| (d) The actual cost of any related postage incurred by the health care provider or medical records company.                                                                                                                                                                                                                        | 57232 |
| (C)(1) On request, a health care provider or medical records company shall provide one copy of the patient's medical record and one copy of any records regarding treatment performed subsequent to the original request, not including copies of records already provided, without charge to the following:                       | 57233 |
| (a) The bureau of workers' compensation, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;                                                                                                                                                                               | 57234 |
| (b) The industrial commission, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;                                                                                                                                                                                         | 57235 |
| (c) The department of <del>job and family services</del> <u>medicaid</u> or a county department of job and family services, in accordance with Chapters <del>5101.</del> <u>5160., 5161., 5162., 5163., 5164., 5165., 5166.,</u> and <del>5111.</del> <u>5167.</u> of the Revised Code and the rules adopted under those chapters; | 57236 |
| (d) The attorney general, in accordance with sections 2743.51 to 2743.72 of the Revised Code and any rules that may be adopted under those sections;                                                                                                                                                                               | 57237 |
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(e) A patient, patient's personal representative, or authorized person if the medical record is necessary to support a claim under Title II or Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the request is accompanied by documentation that a claim has been filed.

(2) Nothing in division (C)(1) of this section requires a health care provider or medical records company to provide a copy without charge to any person or entity not listed in division (C)(1) of this section.

(D) Division (C) of this section shall not be construed to supersede any rule of the bureau of workers' compensation, the industrial commission, or the department of ~~job and family services~~ medicaid.

(E) A health care provider or medical records company may enter into a contract with either of the following for the copying of medical records at a fee other than as provided in division (B) of this section:

(1) A patient, a patient's personal representative, or an authorized person;

(2) An insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state or health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code.

(F) This section does not apply to medical records the copying of which is covered by section 173.20 of the Revised Code or by 42 C.F.R. 483.10.

**Sec. 3701.742.** ~~Not later than January 31, 2006, the~~ The amounts specified in division (B) of section 3701.741 of the Revised Code ~~and, not later than the first day of January of each~~

~~year thereafter,~~ shall be adjusted annually in accordance with 57288  
this section. These amounts plus any amounts previously computed 57289  
by annual adjustments made under this section~~,~~ shall be increased 57290  
or decreased by the average percentage of increase or decrease in 57291  
the consumer price index for all urban consumers (United States 57292  
city average, all items), prepared by the United States department 57293  
of labor, bureau of labor statistics, for the 57294  
~~twelve calendar month period prior to the~~ immediately preceding 57295  
~~first day of January~~ calendar year over the calendar year 57296  
immediately preceding ~~twelve calendar month period~~ that year, as 57297  
reported by the bureau. The director of health shall make this 57298  
determination and adjust the amounts accordingly. The director 57299  
shall ~~provide a list of the adjusted amounts to any party upon~~ 57300  
~~request and the department of health shall make the~~ a list of the 57301  
adjusted amounts available to the public on ~~its~~ the internet web 57302  
site maintained by the department of health. 57303

**Sec. 3701.78.** (A) There is hereby created the commission on 57304  
minority health, consisting of twenty-one members. The governor 57305  
shall appoint to the commission nine members from among health 57306  
researchers, health planners, and health professionals. The 57307  
governor also shall appoint two members who are representatives of 57308  
the lupus awareness and education program. The speaker of the 57309  
house of representatives shall appoint to the commission two 57310  
members of the house of representatives, not more than one of whom 57311  
is a member of the same political party, and the president of the 57312  
senate shall appoint to the commission two members of the senate, 57313  
not more than one of whom is a member of the same political party. 57314  
The following shall be members of the commission: the directors of 57315  
health, ~~mental health~~ mental health and addiction services, 57316  
developmental disabilities, ~~alcohol and drug addiction services,~~ 57317  
and job and family services, or their designees~~;~~ the medicaid 57318  
director, or the director's designee; and the superintendent of 57319

public instruction, or the superintendent's designee, ~~shall be~~ 57320  
~~members of the commission.~~ The 57321

The commission shall elect a chairperson from among its 57322  
members. ~~Of~~ 57323

Of the members appointed by the governor, five shall be 57324  
appointed to initial terms of one year, and four shall be 57325  
appointed to initial terms of two years. Thereafter, all members 57326  
appointed by the governor shall be appointed to terms of two 57327  
years. All members of the commission appointed by the speaker of 57328  
the house of representatives or the president of the senate shall 57329  
be nonvoting members of the commission and be appointed within 57330  
thirty days after the commencement of the first regular session of 57331  
each general assembly, and shall serve until the expiration of the 57332  
session of the general assembly during which they were appointed. 57333

~~Members~~ 57334

Members of the commission shall serve without compensation, 57335  
but shall be reimbursed for the actual and necessary expenses they 57336  
incur in the performance of their official duties. 57337

(B) The commission shall promote health and the prevention of 57338  
disease among members of minority groups. Each year the commission 57339  
shall distribute grants from available funds to community-based 57340  
health groups to be used to promote health and the prevention of 57341  
disease among members of minority groups. As used in this 57342  
division, "minority group" means any of the following economically 57343  
disadvantaged groups: Blacks, American Indians, Hispanics, and 57344  
Orientals. The commission shall adopt and maintain rules pursuant 57345  
to Chapter 119. of the Revised Code to provide for the 57346  
distribution of these grants. No group shall qualify to receive a 57347  
grant from the commission unless it receives at least twenty per 57348  
cent of its funds from sources other than grants distributed under 57349  
this section. 57350

(C) The commission may appoint such employees as it considers 57351  
necessary to carry out its duties under this section. The 57352  
department of health shall provide office space for the 57353  
commission. 57354

(D) The commission shall meet at the call of its chairperson 57355  
to conduct its official business. A majority of the voting members 57356  
of the commission constitute a quorum. The votes of at least eight 57357  
voting members of the commission are necessary for the commission 57358  
to take any official action or to approve the distribution of 57359  
grants under this section. 57360

**Sec. 3701.83.** (A) There is hereby created in the state 57361  
treasury the general operations fund. Moneys in the fund shall be 57362  
used for the purposes specified in sections 3701.04, 3701.344, 57363  
3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 57364  
3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 57365  
3749.04, 3749.07, 4747.04, ~~4751.04~~, and 4769.09 of the Revised 57366  
Code. 57367

(B) The alcohol testing program fund is hereby created in the 57368  
state treasury. The director of health shall use the fund to 57369  
administer and enforce the alcohol testing and permit program 57370  
authorized by section 3701.143 of the Revised Code. 57371

The fund shall receive transfers from the liquor control fund 57372  
created under section 4301.12 of the Revised Code. All investment 57373  
earnings of the alcohol testing program fund shall be credited to 57374  
the fund. 57375

**Sec. 3701.881.** (A) As used in this section: 57376

(1) "Applicant" means a person who is under final 57377  
consideration for employment with a home health agency in a 57378  
full-time, part-time, or temporary position that involves 57379  
providing direct care to an individual or is referred to a home 57380

health agency by an employment service for such a position. 57381

(2) "Community-based long-term care ~~agency provider~~ means a provider as defined in section 173.39 of the 57382  
~~same meaning~~ Revised Code. 57383  
57384

(3) "Community-based long-term care subcontractor" means a 57385  
subcontractor as defined in section 173.38 of the Revised Code. 57386

(4) "Criminal records check" has the same meaning as in 57387  
section 109.572 of the Revised Code. 57388

~~(4)~~(5) "Direct care" means any of the following: 57389

(a) Any service identified in divisions (A)~~(7)~~(8)(a) to (f) 57390  
of this section that is provided in a patient's place of residence 57391  
used as the patient's home; 57392

(b) Any activity that requires the person performing the 57393  
activity to be routinely alone with a patient or to routinely have 57394  
access to a patient's personal property or financial documents 57395  
regarding a patient; 57396

(c) For each home health agency individually, any other 57397  
routine service or activity that the chief administrator of the 57398  
home health agency designates as direct care. 57399

~~(5)~~(6) "Disqualifying offense" means any of the offenses 57400  
listed or described in divisions (A)(3)(a) to (e) of section 57401  
109.572 of the Revised Code. 57402

~~(6)~~(7) "Employee" means a person employed by a home health 57403  
agency in a full-time, part-time, or temporary position that 57404  
involves providing direct care to an individual and a person who 57405  
works in such a position due to being referred to a home health 57406  
agency by an employment service. 57407

~~(7)~~(8) "Home health agency" means a person or government 57408  
entity, other than a nursing home, residential care facility, 57409  
hospice care program, or pediatric respite care program, that has 57410

|                                                                                  |       |
|----------------------------------------------------------------------------------|-------|
| the primary function of providing any of the following services to               | 57411 |
| a patient at a place of residence used as the patient's home:                    | 57412 |
| (a) Skilled nursing care;                                                        | 57413 |
| (b) Physical therapy;                                                            | 57414 |
| (c) Speech-language pathology;                                                   | 57415 |
| (d) Occupational therapy;                                                        | 57416 |
| (e) Medical social services;                                                     | 57417 |
| (f) Home health aide services.                                                   | 57418 |
| <del>(8)</del> <u>(9)</u> "Home health aide services" means any of the following | 57419 |
| services provided by an employee of a home health agency:                        | 57420 |
| (a) Hands-on bathing or assistance with a tub bath or shower;                    | 57421 |
| (b) Assistance with dressing, ambulation, and toileting;                         | 57422 |
| (c) Catheter care but not insertion;                                             | 57423 |
| (d) Meal preparation and feeding.                                                | 57424 |
| <del>(9)</del> <u>(10)</u> "Hospice care program" and "pediatric respite care    | 57425 |
| program" have the same meanings as in section 3712.01 of the                     | 57426 |
| Revised Code.                                                                    | 57427 |
| <del>(10)</del> <u>(11)</u> "Medical social services" means services provided by | 57428 |
| a social worker under the direction of a patient's attending                     | 57429 |
| physician.                                                                       | 57430 |
| <del>(11)</del> <u>(12)</u> "Minor drug possession offense" has the same meaning | 57431 |
| as in section 2925.01 of the Revised Code.                                       | 57432 |
| <del>(12)</del> <u>(13)</u> "Nursing home," "residential care facility," and     | 57433 |
| "skilled nursing care" have the same meanings as in section                      | 57434 |
| 3721.01 of the Revised Code.                                                     | 57435 |
| <del>(13)</del> <u>(14)</u> "Occupational therapy" has the same meaning as in    | 57436 |
| section 4755.04 of the Revised Code.                                             | 57437 |
| <del>(14)</del> <u>(15)</u> "Physical therapy" has the same meaning as in        | 57438 |

section 4755.40 of the Revised Code. 57439

~~(15)~~(16) "Social worker" means a person licensed under 57440  
Chapter 4757. of the Revised Code to practice as a social worker 57441  
or independent social worker. 57442

~~(16)~~(17) "Speech-language pathology" has the same meaning as 57443  
in section 4753.01 of the Revised Code. 57444

~~(17)~~(18) "Waiver agency" has the same meaning as in section 57445  
~~5111.033~~ 5164.342 of the Revised Code. 57446

(B) No home health agency shall employ an applicant or 57447  
continue to employ an employee in a position that involves 57448  
providing direct care to an individual if any of the following 57449  
apply: 57450

(1) A review of the databases listed in division (D) of this 57451  
section reveals any of the following: 57452

(a) That the applicant or employee is included in one or more 57453  
of the databases listed in divisions (D)(1) to (5) of this 57454  
section; 57455

(b) That there is in the state nurse aide registry 57456  
established under section 3721.32 of the Revised Code a statement 57457  
detailing findings by the director of health that the applicant or 57458  
employee neglected or abused a long-term care facility or 57459  
residential care facility resident or misappropriated property of 57460  
such a resident; 57461

(c) That the applicant or employee is included in one or more 57462  
of the databases, if any, specified in rules adopted under this 57463  
section and the rules prohibit the home health agency from 57464  
employing an applicant or continuing to employ an employee 57465  
included in such a database in a position that involves providing 57466  
direct care to an individual. 57467

(2) After the applicant or employee is provided, pursuant to 57468



division (E)(2)(a) of this section, a copy of the form prescribed 57469  
pursuant to division (C)(1) of section 109.572 of the Revised Code 57470  
and the standard impression sheet prescribed pursuant to division 57471  
(C)(2) of that section, the applicant or employee fails to 57472  
complete the form or provide the applicant's or employee's 57473  
fingerprint impressions on the standard impression sheet. 57474

(3) Except as provided in rules adopted under this section, 57475  
the applicant or employee is found by a criminal records check 57476  
required by this section to have been convicted of, pleaded guilty 57477  
to, or been found eligible for intervention in lieu of conviction 57478  
for a disqualifying offense. 57479

(C) Except as provided by division (F) of this section, the 57480  
chief administrator of a home health agency shall inform each 57481  
applicant of both of the following at the time of the applicant's 57482  
initial application for employment or referral to the home health 57483  
agency by an employment service for a position that involves 57484  
providing direct care to an individual: 57485

(1) That a review of the databases listed in division (D) of 57486  
this section will be conducted to determine whether the home 57487  
health agency is prohibited by division (B)(1) of this section 57488  
from employing the applicant in the position; 57489

(2) That, unless the database review reveals that the 57490  
applicant may not be employed in the position, a criminal records 57491  
check of the applicant will be conducted and the applicant is 57492  
required to provide a set of the applicant's fingerprint 57493  
impressions as part of the criminal records check. 57494

(D) As a condition of employing any applicant in a position 57495  
that involves providing direct care to an individual, the chief 57496  
administrator of a home health agency shall conduct a database 57497  
review of the applicant in accordance with rules adopted under 57498  
this section. If rules adopted under this section so require, the 57499

chief administrator of a home health agency shall conduct a 57500  
database review of an employee in accordance with the rules as a 57501  
condition of continuing to employ the employee in a position that 57502  
involves providing direct care to an individual. However, the 57503  
chief administrator is not required to conduct a database review 57504  
of an applicant or employee if division (F) of this section 57505  
applies. A database review shall determine whether the applicant 57506  
or employee is included in any of the following: 57507

(1) The excluded parties list system that is maintained by 57508  
the United States general services administration pursuant to 57509  
subpart 9.4 of the federal acquisition regulation and available at 57510  
the federal web site known as the system for award management; 57511

(2) The list of excluded individuals and entities maintained 57512  
by the office of inspector general in the United States department 57513  
of health and human services pursuant to ~~section 1128 of the~~ 57514  
~~"Social Security Act," 94 Stat. 2619 (1980) sections 1128 and~~ 57515  
~~1156, 42 U.S.C. 1320a-7, as amended, and section 1156 of the~~ 57516  
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. and 1320c-5,~~ 57517  
~~as amended;~~ 57518

(3) The registry of MR/DD employees established under section 57519  
5123.52 of the Revised Code; 57520

(4) The internet-based sex offender and child-victim offender 57521  
database established under division (A)(11) of section 2950.13 of 57522  
the Revised Code; 57523

(5) The internet-based database of inmates established under 57524  
section 5120.66 of the Revised Code; 57525

(6) The state nurse aide registry established under section 57526  
3721.32 of the Revised Code; 57527

(7) Any other database, if any, specified in rules adopted 57528  
under this section. 57529

(E)(1) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a home health agency shall request the superintendent to conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or the employee if division (F) of this section applies or the home health agency is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof that the applicant or employee has been a resident of this state for that five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

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(2) The chief administrator shall do all of the following: 57562

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

(b) Obtain the completed form and standard impression sheet from each applicant and employee;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the chief administrator requests the criminal records check.

(3) A home health agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the agency requests under this section. A home health agency may charge an applicant a fee not exceeding the amount the agency pays to the bureau under this section if both of the following apply:

(a) The home health agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program ~~established under Chapter 5111. of the Revised Code~~ does not reimburse the home health agency for the fee it pays to the bureau under this section.

(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply:

(1) The chief administrator of the home health agency

receives from the employment service confirmation that a review of 57594  
the databases listed in division (D) of this section was conducted 57595  
with regard to the applicant or employee. 57596

(2) The chief administrator of the home health agency 57597  
receives from the employment service, applicant, or employee a 57598  
report of the results of a criminal records check of the applicant 57599  
or employee that has been conducted by the superintendent within 57600  
the one-year period immediately preceding the following: 57601

(a) In the case of an applicant, the date of the applicant's 57602  
referral by the employment service to the home health agency; 57603

(b) In the case of an employee, the date by which the home 57604  
health agency would otherwise have to request a criminal records 57605  
check of the employee under division (E) of this section. 57606

(G)(1) A home health agency may employ conditionally an 57607  
applicant for whom a criminal records check request is required by 57608  
this section before obtaining the results of the criminal records 57609  
check if the agency is not prohibited by division (B) of this 57610  
section from employing the applicant in a position that involves 57611  
providing direct care to an individual and either of the following 57612  
applies: 57613

(a) The chief administrator of the home health agency 57614  
requests the criminal records check in accordance with division 57615  
(E) of this section not later than five business days after the 57616  
applicant begins conditional employment. 57617

(b) The applicant is referred to the home health agency by an 57618  
employment service, the employment service or the applicant 57619  
provides the chief administrator of the agency a letter that is on 57620  
the letterhead of the employment service, the letter is dated and 57621  
signed by a supervisor or another designated official of the 57622  
employment service, and the letter states all of the following: 57623

(i) That the employment service has requested the 57624

superintendent to conduct a criminal records check regarding the 57625  
applicant; 57626

(ii) That the requested criminal records check is to include 57627  
a determination of whether the applicant has been convicted of, 57628  
pleaded guilty to, or been found eligible for intervention in lieu 57629  
of conviction for a disqualifying offense; 57630

(iii) That the employment service has not received the 57631  
results of the criminal records check as of the date set forth on 57632  
the letter; 57633

(iv) That the employment service promptly will send a copy of 57634  
the results of the criminal records check to the chief 57635  
administrator of the home health agency when the employment 57636  
service receives the results. 57637

(2) If a home health agency employs an applicant 57638  
conditionally pursuant to division (G)(1)(b) of this section, the 57639  
employment service, on its receipt of the results of the criminal 57640  
records check, promptly shall send a copy of the results to the 57641  
chief administrator of the agency. 57642

(3) A home health agency that employs an applicant 57643  
conditionally pursuant to division (G)(1)(a) or (b) of this 57644  
section shall terminate the applicant's employment if the results 57645  
of the criminal records check, other than the results of any 57646  
request for information from the federal bureau of investigation, 57647  
are not obtained within the period ending sixty days after the 57648  
date the request for the criminal records check is made. 57649  
Regardless of when the results of the criminal records check are 57650  
obtained, if the results indicate that the applicant has been 57651  
convicted of, pleaded guilty to, or been found eligible for 57652  
intervention in lieu of conviction for a disqualifying offense, 57653  
the home health agency shall terminate the applicant's employment 57654  
unless circumstances specified in rules adopted under this section 57655

that permit the agency to employ the applicant exist and the 57656  
agency chooses to employ the applicant. Termination of employment 57657  
under this division shall be considered just cause for discharge 57658  
for purposes of division (D)(2) of section 4141.29 of the Revised 57659  
Code if the applicant makes any attempt to deceive the home health 57660  
agency about the applicant's criminal record. 57661

(H) The report of any criminal records check conducted by the 57662  
bureau of criminal identification and investigation in accordance 57663  
with section 109.572 of the Revised Code and pursuant to a request 57664  
made under this section is not a public record for the purposes of 57665  
section 149.43 of the Revised Code and shall not be made available 57666  
to any person other than the following: 57667

(1) The applicant or employee who is the subject of the 57668  
criminal records check or the applicant's or employee's 57669  
representative; 57670

(2) The home health agency requesting the criminal records 57671  
check or its representative; 57672

(3) The administrator of any other facility, agency, or 57673  
program that provides direct care to individuals that is owned or 57674  
operated by the same entity that owns or operates the home health 57675  
agency that requested the criminal records check; 57676

(4) The employment service that requested the criminal 57677  
records check; 57678

(5) The director of health and the staff of the department of 57679  
health who monitor a home health agency's compliance with this 57680  
section; 57681

(6) The director of aging or the director's designee if 57682  
either of the following apply: 57683

(a) In the case of a criminal records check requested by a 57684  
home health agency, the home health agency also is a 57685

community-based long-term care ~~agency~~ provider or community-based 57686  
long-term care subcontractor; 57687

(b) In the case of a criminal records check requested by an 57688  
employment service, the employment service makes the request for 57689  
an applicant or employee the employment service refers to a home 57690  
health agency that also is a community-based long-term care ~~agency~~ 57691  
provider or community-based long-term care subcontractor. 57692

(7) The medicaid director ~~of job and family services~~ and the 57693  
staff of the department of ~~job and family services~~ medicaid who 57694  
are involved in the administration of the medicaid program if 57695  
either of the following apply: 57696

(a) In the case of a criminal records check requested by a 57697  
home health agency, the home health agency also is a waiver 57698  
agency; 57699

(b) In the case of a criminal records check requested by an 57700  
employment service, the employment service makes the request for 57701  
an applicant or employee the employment service refers to a home 57702  
health agency that also is a waiver agency. 57703

(8) Any court, hearing officer, or other necessary individual 57704  
involved in a case dealing with any of the following: 57705

(a) A denial of employment of the applicant or employee; 57706

(b) Employment or unemployment benefits of the applicant or 57707  
employee; 57708

(c) A civil or criminal action regarding the medicaid 57709  
program. 57710

(I) In a tort or other civil action for damages that is 57711  
brought as the result of an injury, death, or loss to person or 57712  
property caused by an applicant or employee who a home health 57713  
agency employs in a position that involves providing direct care 57714  
to an individual, all of the following shall apply: 57715



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

(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

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

(1) The rules may do the following:

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

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

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

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

(a) The procedures for conducting database reviews under this section; 57746  
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 57748  
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(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 57752  
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(d) Circumstances under which a home health agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards. 57757  
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**Sec. 3701.921.** There is hereby established the patient centered medical home education program in the department of health. For the purpose of advancing education in the patient centered medical home model of care, the director of health may implement and administer the program pursuant to sections 3701.922 to 3701.929 of the Revised Code. The patient centered medical home model of care is an enhanced model of primary care in which care teams attend to the multifaceted needs of patients, providing whole person comprehensive and coordinate patient centered care. 57763  
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To the extent that funds are available, the program shall include the patient centered medical home education pilot project and may include any other ~~pilot~~ projects the director establishes pursuant to division (A)(3) of section 3701.922 of the Revised Code. 57772  
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Sec. 3701.922. (A) The director of health may do any of the following to implement and administer the patient centered medical home education program:

(1) Develop and implement programs of education or training on the patient centered medical home model of care or other similar enhanced models of coordinated patient centered care that are intended to address the multifaceted needs of patients and provide whole person comprehensive and coordinated patient centered care;

(2) Advise, consult, cooperate with, and assist, by contract or other arrangement, government agencies or institutions or private organizations, corporations, or associations in the development and promotion of programs pertaining to the evaluation and implementation of the patient centered medical home model of care or other similar enhanced models of coordinated patient centered care;

(3) Establish ~~pilot~~ projects that ~~do any of the following:~~

~~(a) Evaluate or implement the patient centered medical home model of care or other similar enhanced models of coordinated patient centered care;~~

~~(b) Provide provide education or training on the patient centered medical home model of care or other similar enhanced models of coordinated patient centered care.~~

(4) Seek and administer state funds or grants from other sources to carry out any functions of the patient centered medical home education program.

Any funds or grants received by the director for purposes of the program shall be used for the program.

(B) The director may adopt rules as necessary to implement and administer the patient centered medical home education

program, including rules that define what constitutes a "patient  
centered medical home" for purposes of an entity authorized to  
provide care coordination services. The rules shall be adopted in  
accordance with Chapter 119. of the Revised Code.

Sec. 3701.94. There is hereby established the patient  
centered medical home program in the department of health. The  
patient centered medical home model of care is an advanced model  
of primary care in which care teams attend to the multifaceted  
needs of patients, providing whole person comprehensive and  
coordinated patient centered care.

Sec. 3701.941. (A) As part of the patient centered medical  
home program established under section 3701.94 of the Revised  
Code, the department of health shall establish a voluntary patient  
centered medical home certification program.

(B) Each primary care practice, that seeks a patient centered  
medical home certificate shall submit an application on a form  
prepared by the department. The department may require an  
application fee and annual renewal fee as determined by the  
department. If the department establishes a fee under this  
section, the fee shall be in an amount that is sufficient to cover  
the cost of any on-site evaluations conducted by the department or  
an entity under contract with the department pursuant to section  
3701.942 of the Revised Code.

(C) A practice certified under this section shall do all of  
the following:

(1) Meet any standards developed by national independent  
accrediting and medical home organizations, as determined by the  
department;

(2) Develop a systematic follow-up procedure for patients,  
including the use of health information technology and patient

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| <u>registries;</u>                                                                                                                                                                                                               | 57837 |
| <u>(3) Implement and maintain health information technology that meets the requirements of 42 U.S.C. 300jj;</u>                                                                                                                  | 57838 |
| <u>(4) Comply with the reporting requirements of section 3701.942 of the Revised Code;</u>                                                                                                                                       | 57839 |
| <u>(5) Meet any process, outcome, and quality standards specified by the department of health;</u>                                                                                                                               | 57840 |
| <u>(6) Meet any other requirements established by the department.</u>                                                                                                                                                            | 57841 |
| <u>(D) The department shall seek to do all of the following through the certification of patient centered medical homes:</u>                                                                                                     | 57842 |
| <u>(1) Expand, enhance, and encourage the use of primary care providers, including primary care physicians, advanced practice registered nurses, and physician assistants, as personal clinicians;</u>                           | 57843 |
| <u>(2) Develop a focus on delivering high-quality, efficient, and effective health care services;</u>                                                                                                                            | 57844 |
| <u>(3) Encourage patient centered care and the provision of care that is appropriate for a patient's race, ethnicity, and language;</u>                                                                                          | 57845 |
| <u>(4) Encourage the education and active participation of patients and patients' families or legal guardians, as appropriate, in decision making and care plan development;</u>                                                 | 57846 |
| <u>(5) Provide patients with consistent, ongoing contact with a personal clinician or team of clinical professionals to ensure continuous and appropriate care;</u>                                                              | 57847 |
| <u>(6) Ensure that patient centered medical homes develop and maintain appropriate comprehensive care plans for patients with complex or chronic conditions, including an assessment of health risks and chronic conditions;</u> | 57848 |
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(7) Ensure that patient centered medical homes plan for transition of care from youth to adult to senior; 57866  
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(8) Enable and encourage use of a range of qualified health care professionals, including dedicated care coordinators, in a manner that enables those professionals to practice to the fullest extent of their professional licenses. 57868  
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**Sec. 3701.942.** (A) Each certified patient centered medical home shall report health care quality and performance information to the department of health, including any data necessary for monitoring compliance with certification standards and for evaluating the impact of patient centered medical homes on health care quality, cost, and outcomes. 57872  
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(B) The department may contract with a private entity to evaluate the effectiveness of certified patient centered medical homes. The department may provide the entity with data collected under division (A) of this section. 57878  
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(C) The department may contract with national independent accrediting and medical home organizations to provide on-site evaluation of primary care practices and verification of data collected under division (A) of this section. 57882  
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(D) Data collected under this section is not a public record under section 149.43 of the Revised Code. 57886  
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**Sec. 3701.943.** (A) The department of health shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly, evaluating the patient centered medical home program not later than three years after rules adopted pursuant to section 3701.944 of the Revised Code first become effective. The department shall submit a second report not later than five years after those rules first become effective. 57888  
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| <u>(B) The reports submitted under division (A) of this section</u>               | 57896 |
| <u>shall include all of the following:</u>                                        | 57897 |
| <u>(1) The number of patients receiving primary care services</u>                 | 57898 |
| <u>from certified patient centered medical homes and the number and</u>           | 57899 |
| <u>characteristics of those patients with complex or chronic</u>                  | 57900 |
| <u>conditions. To the extent available, information regarding the</u>             | 57901 |
| <u>income, race, ethnicity, and language of patients shall be</u>                 | 57902 |
| <u>included in the reports;</u>                                                   | 57903 |
| <u>(2) The number and geographic distribution of certified</u>                    | 57904 |
| <u>patient centered medical homes;</u>                                            | 57905 |
| <u>(3) Performance of and quality of care measures implemented</u>                | 57906 |
| <u>by certified patient centered medical homes;</u>                               | 57907 |
| <u>(4) Preventive care measures implemented by certified patient</u>              | 57908 |
| <u>centered medical homes;</u>                                                    | 57909 |
| <u>(5) Payment arrangements of certified patient centered</u>                     | 57910 |
| <u>medical homes;</u>                                                             | 57911 |
| <u>(6) Costs related to implementation of the patient centered</u>                | 57912 |
| <u>medical home program and payment of care coordination fees;</u>                | 57913 |
| <u>(7) The estimated effect of certified patient centered</u>                     | 57914 |
| <u>medical homes on health disparities;</u>                                       | 57915 |
| <u>(8) The estimated savings from establishing the patient</u>                    | 57916 |
| <u>centered medical home program, as those savings apply to the fee</u>           | 57917 |
| <u>for service, managed care, and state-based purchasing sectors.</u>             | 57918 |
| <b><u>Sec. 3701.944.</u></b> <u>The department of health shall adopt rules in</u> | 57919 |
| <u>accordance with Chapter 119. of the Revised Code to do all of the</u>          | 57920 |
| <u>following:</u>                                                                 | 57921 |
| <u>(A) Considering the goals set forth in section 3701.941 of</u>                 | 57922 |
| <u>the Revised Code, establish standards and procedures for</u>                   | 57923 |
| <u>certifying a primary care practice as a patient centered medical</u>           | 57924 |

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| <u>home;</u>                                                                                                                                                                                                                                                                                                                                       | 57925 |
| <u>(B) Specify the types of medical practices that constitute primary care practices for the purpose of certifying patient centered medical homes;</u>                                                                                                                                                                                             | 57926 |
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| <u>(C) Specify the health care quality and performance information that certified patient centered medical homes must report to the department pursuant to section 3701.942 of the Revised Code.</u>                                                                                                                                               | 57929 |
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| <b><u>Sec. 3701.95.</u></b> (A) <u>As used in this section, "direct care services" and "direct care worker" have the same meanings as in section 191.061 of the Revised Code.</u>                                                                                                                                                                  | 57933 |
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| <u>(B) Not later than October 1, 2014, the director of health shall establish a direct care worker certification program. The director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the program. The rules may address standards, procedures, and application fees charged for certification.</u> | 57936 |
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| <u>(C) For purposes of the program, the director shall do both of the following:</u>                                                                                                                                                                                                                                                               | 57942 |
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| <u>(1) Specify the minimum standards that must be met by a direct care worker to attain certification, which may include standards pertaining to education, experience, and continuing education requirements, as well as standards for compliance with administrative requirements.</u>                                                           | 57944 |
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| <u>(2) Specify a procedure for determining whether a direct care worker satisfies the standards specified under division (C)(1) of this section.</u>                                                                                                                                                                                               | 57949 |
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| <b><u>Sec. 3701.99.</u></b> (A) <u>Whoever violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section</u>                                                                                                                                                                                                 | 57952 |
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3701.24, division (B) of section 3701.25, division ~~(I)~~(D)(2) of 57954  
section 3701.262, ~~division (D) of section 3701.263,~~ or sections 57955  
3701.46 to 3701.55 of the Revised Code is guilty of a minor 57956  
misdemeanor on a first offense; on each subsequent offense, the 57957  
person is guilty of a misdemeanor of the fourth degree. 57958

(B) Whoever violates section 3701.82 of the Revised Code is 57959  
guilty of a misdemeanor of the first degree. 57960

(C) Whoever violates section 3701.352 or 3701.81 of the 57961  
Revised Code is guilty of a misdemeanor of the second degree. 57962

**Sec. 3702.30.** (A) As used in this section: 57963

(1) "Ambulatory surgical facility" means a facility, whether 57964  
or not part of the same organization as a hospital, that is 57965  
located in a building distinct from another in which inpatient 57966  
care is provided, and to which any of the following apply: 57967

(a) Outpatient surgery is routinely performed in the 57968  
facility, and the facility functions separately from a hospital's 57969  
inpatient surgical service and from the offices of private 57970  
physicians, podiatrists, and dentists. 57971

(b) Anesthesia is administered in the facility by an 57972  
anesthesiologist or certified registered nurse anesthetist, and 57973  
the facility functions separately from a hospital's inpatient 57974  
surgical service and from the offices of private physicians, 57975  
podiatrists, and dentists. 57976

(c) The facility applies to be certified by the United States 57977  
centers for medicare and medicaid services as an ambulatory 57978  
surgical center for purposes of reimbursement under Part B of the 57979  
medicare program, Part B of Title XVIII of the "Social Security 57980  
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 57981

(d) The facility applies to be certified by a national 57982  
accrediting body approved by the centers for medicare and medicaid 57983

services for purposes of deemed compliance with the conditions for 57984  
participating in the medicare program as an ambulatory surgical 57985  
center. 57986

(e) The facility bills or receives from any third-party 57987  
payer, governmental health care program, or other person or 57988  
government entity any ambulatory surgical facility fee that is 57989  
billed or paid in addition to any fee for professional services. 57990

(f) The facility is held out to any person or government 57991  
entity as an ambulatory surgical facility or similar facility by 57992  
means of signage, advertising, or other promotional efforts. 57993

"Ambulatory surgical facility" does not include a hospital 57994  
emergency department. 57995

(2) "Ambulatory surgical facility fee" means a fee for 57996  
certain overhead costs associated with providing surgical services 57997  
in an outpatient setting. A fee is an ambulatory surgical facility 57998  
fee only if it directly or indirectly pays for costs associated 57999  
with any of the following: 58000

(a) Use of operating and recovery rooms, preparation areas, 58001  
and waiting rooms and lounges for patients and relatives; 58002

(b) Administrative functions, record keeping, housekeeping, 58003  
utilities, and rent; 58004

(c) Services provided by nurses, orderlies, technical 58005  
personnel, and others involved in patient care related to 58006  
providing surgery. 58007

"Ambulatory surgical facility fee" does not include any 58008  
additional payment in excess of a professional fee that is 58009  
provided to encourage physicians, podiatrists, and dentists to 58010  
perform certain surgical procedures in their office or their group 58011  
practice's office rather than a health care facility, if the 58012  
purpose of the additional fee is to compensate for additional cost 58013

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| incurred in performing office-based surgery.                              | 58014 |
| (3) "Governmental health care program" has the same meaning               | 58015 |
| as in section 4731.65 of the Revised Code.                                | 58016 |
| (4) "Health care facility" means any of the following:                    | 58017 |
| (a) An ambulatory surgical facility;                                      | 58018 |
| (b) A freestanding dialysis center;                                       | 58019 |
| (c) A freestanding inpatient rehabilitation facility;                     | 58020 |
| (d) A freestanding birthing center;                                       | 58021 |
| (e) A freestanding radiation therapy center;                              | 58022 |
| (f) A freestanding or mobile diagnostic imaging center.                   | 58023 |
| (5) "Third-party payer" has the same meaning as in section                | 58024 |
| 3901.38 of the Revised Code.                                              | 58025 |
| (B) By rule adopted in accordance with sections 3702.12 and               | 58026 |
| 3702.13 of the Revised Code, the director of health shall                 | 58027 |
| establish quality standards for health care facilities. The               | 58028 |
| standards may incorporate accreditation standards or other quality        | 58029 |
| standards established by any entity recognized by the director.           | 58030 |
| <u>In the case of an ambulatory surgical facility, the standards</u>      | 58031 |
| <u>shall require the ambulatory surgical facility to maintain an</u>      | 58032 |
| <u>infection control program. The purposes of the program are to</u>      | 58033 |
| <u>minimize infections and communicable diseases and facilitate a</u>     | 58034 |
| <u>functional and sanitary environment consistent with standards of</u>   | 58035 |
| <u>professional practice. To achieve these purposes, ambulatory</u>       | 58036 |
| <u>surgical facility staff managing the program shall create and</u>      | 58037 |
| <u>administer a plan designed to prevent, identify, and manage</u>        | 58038 |
| <u>infections and communicable diseases; ensure that the program is</u>   | 58039 |
| <u>directed by a qualified professional trained in infection control;</u> | 58040 |
| <u>ensure that the program is an integral part of the ambulatory</u>      | 58041 |
| <u>surgical facility's quality assessment and performance improvement</u> | 58042 |
| <u>program; and implement in an expeditious manner corrective and</u>     | 58043 |

preventive measures that result in improvement. 58044

(C) Every ambulatory surgical facility shall require that 58045  
each physician who practices at the facility comply with all 58046  
relevant provisions in the Revised Code that relate to the 58047  
obtaining of informed consent from a patient. 58048

(D) The director shall issue a license to each health care 58049  
facility that makes application for a license and demonstrates to 58050  
the director that it meets the quality standards established by 58051  
the rules adopted under division (B) of this section and satisfies 58052  
the informed consent compliance requirements specified in division 58053  
(C) of this section. 58054

(E)(1) Except as provided in division (H) of this section and 58055  
in section 3702.301 of the Revised Code, no health care facility 58056  
shall operate without a license issued under this section. 58057

(2) If the department of health finds that a physician who 58058  
practices at a health care facility is not complying with any 58059  
provision of the Revised Code related to the obtaining of informed 58060  
consent from a patient, the department shall report its finding to 58061  
the state medical board, the physician, and the health care 58062  
facility. 58063

(3) This division does not create, and shall not be construed 58064  
as creating, a new cause of action or substantive legal right 58065  
against a health care facility and in favor of a patient who 58066  
allegedly sustains harm as a result of the failure of the 58067  
patient's physician to obtain informed consent from the patient 58068  
prior to performing a procedure on or otherwise caring for the 58069  
patient in the health care facility. 58070

(F) The rules adopted under division (B) of this section 58071  
shall include all of the following: 58072

(1) Provisions governing application for, renewal, 58073  
suspension, and revocation of a license under this section; 58074

(2) Provisions governing orders issued pursuant to section 58075  
3702.32 of the Revised Code for a health care facility to cease 58076  
its operations or to prohibit certain types of services provided 58077  
by a health care facility; 58078

(3) Provisions governing the imposition under section 3702.32 58079  
of the Revised Code of civil penalties for violations of this 58080  
section or the rules adopted under this section, including a scale 58081  
for determining the amount of the penalties; 58082

(4) Provisions specifying the form inspectors must use when 58083  
conducting inspections of ambulatory surgical facilities. 58084

(G) An ambulatory surgical facility that performs or induces 58085  
abortions shall comply with section 3701.791 of the Revised Code. 58086

(H) The following entities are not required to obtain a 58087  
license as a freestanding diagnostic imaging center issued under 58088  
this section: 58089

(1) A hospital registered under section 3701.07 of the 58090  
Revised Code that provides diagnostic imaging; 58091

(2) An entity that is reviewed as part of a hospital 58092  
accreditation or certification program and that provides 58093  
diagnostic imaging; 58094

(3) An ambulatory surgical facility that provides diagnostic 58095  
imaging in conjunction with or during any portion of a surgical 58096  
procedure. 58097

Sec. 3702.302. In the case of an ambulatory surgical facility 58098  
not certified by the centers for medicare and medicaid services as 58099  
an ambulatory surgical center, the director of health shall 58100  
conduct an inspection of the facility each time the facility 58101  
submits an application for license renewal. The director shall not 58102  
renew the license unless all of the following conditions are met: 58103

(A) The inspector conducting the inspection completes each 58104

item on the following, as applicable: 58105

(1) Until the director adopts rules under division (F) of section 3702.30 of the Revised Code, the form approved by the director on the effective date of this section; 58106  
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(2) The form specified by the director pursuant to rules adopted under division (F) of section 3702.30 of the Revised Code. 58109  
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(B) The inspection demonstrates that the ambulatory surgical facility complies with all quality standards established by the director in rules adopted under division (B) of section 3702.30 of the Revised Code. 58111  
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(C) The director determines that the most recent version of the updated written transfer agreement filed in accordance with division (B) of section 3702.303 of the Revised Code is satisfactory. 58115  
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**Sec. 3702.303.** (A) Except as provided in division (C) of this section, an ambulatory surgical facility shall have a written transfer agreement with a local hospital that specifies an effective procedure for the safe and immediate transfer of patients from the facility to the hospital when medical care beyond the care that can be provided at the ambulatory surgical facility is necessary, including when emergency situations occur or medical complications arise. A copy of the agreement shall be filed with the director of health. 58119  
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(B) An ambulatory surgical facility shall update a written transfer agreement each year and file a copy of the updated agreement with the director. 58128  
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(C) The requirement for a written transfer agreement between an ambulatory surgical facility and a hospital does not apply if either of the following is the case: 58131  
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(1) The facility is a provider-based entity, as defined in 42 58134

C.F.R. 413.65(a)(2), of a hospital and the facility's policies and 58135  
procedures to address situations when care beyond the care that 58136  
can be provided at the ambulatory surgical facility are approved 58137  
by the governing body of the facility's parent hospital and 58138  
implemented; 58139

(2) The director of health has, pursuant to the procedure 58140  
specified in section 3702.304 of the Revised Code, granted the 58141  
facility a variance from the requirement. 58142

**Sec. 3702.304.** (A) The director of health may grant a 58143  
variance from the written transfer agreement requirement of 58144  
section 3702.303 of the Revised Code if the ambulatory surgical 58145  
facility submits to the director a complete variance application, 58146  
prescribed by the director, and the director determines after 58147  
reviewing the application that the facility is capable of 58148  
achieving the purpose of a written transfer agreement in the 58149  
absence of one. 58150

(B) A variance application is complete for purposes of 58151  
division (A) of this section if it contains or includes as 58152  
attachments all of the following: 58153

(1) A statement explaining why application of the requirement 58154  
would cause the facility undue hardship and why the variance will 58155  
not jeopardize the health and safety of any patient; 58156

(2) A letter, contract, or memorandum of understanding signed 58157  
by the facility and one or more consulting physicians who have 58158  
admitting privileges at a minimum of one local hospital, 58159  
memorializing the physician or physicians' agreement to provide 58160  
back-up coverage when medical care beyond the level the facility 58161  
can provide is necessary; 58162

(3) For each consulting physician described in division 58163  
(B)(2) of this section: 58164

(a) A signed statement in which the physician attests that the physician is familiar with the facility and its operations, and agrees to provide notice to the facility of any changes in the physician's ability to provide back-up coverage; 58165  
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(b) The estimated travel time from the physician's main residence or office to each local hospital where the physician has admitting privileges; 58169  
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(c) Written verification that the facility has a record of the name, telephone numbers, and practice specialties of the physician; 58172  
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(d) Written verification from the state medical board that the physician possesses a valid certificate to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code; 58175  
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(e) Documented verification that each hospital at which the physician has admitting privileges has been informed in writing by the physician that the physician is a consulting physician for the ambulatory surgical facility and has agreed to provide back-up coverage for the facility when medical care beyond the care the facility can provide is necessary. 58179  
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(4) A copy of the facility's operating procedures or protocols that, at a minimum, do all of the following: 58185  
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(a) Address how back-up coverage by consulting physicians is to occur, including how back-up coverage is to occur when consulting physicians are temporarily unavailable; 58187  
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(b) Specify that each consulting physician is required to notify the facility, without delay, when the physician is unable to expeditiously admit patients to a local hospital and provide for continuity of patient care; 58190  
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(c) Specify that a patient's medical record maintained by the 58194



facility must be transferred contemporaneously with the patient 58195  
when the patient is transferred from the facility to a hospital. 58196

(5) Any other information the director considers necessary. 58197

(C) The director's decision to grant or refuse a variance is 58198  
final and not subject to any administrative proceedings under 58199  
Chapter 119. or any other provision of the Revised Code. 58200

(D) The director shall consider each application for a 58201  
variance independently without regard to any decision the director 58202  
may have made on a prior occasion to grant or deny a variance to 58203  
that ambulatory surgical facility or any other facility. 58204

Sec. 3702.305. The director of health may impose conditions 58205  
on any variance the director has granted under section 3702.304 of 58206  
the Revised Code. The director may, at any time, revoke the 58207  
variance if the director determines that the facility is failing 58208  
to meet one or more of the conditions. 58209

Sec. 3702.306. A variance the director of health grants under 58210  
section 3702.304 of the Revised Code is effective for the period 58211  
of time specified by the director, except that it shall not be 58212  
effective beyond the date the ambulatory surgical facility's 58213  
license expires. If a variance is to expire on the date the 58214  
facility's license expires, the facility may submit to the 58215  
director an application for a new variance with its next license 58216  
renewal application. 58217

Sec. 3702.307. An ambulatory surgical facility shall notify 58218  
the director of health when either of the following occurs: 58219

(A) The facility modifies its operating procedures or 58220  
protocols described in division (B)(4) of section 3702.304 of the 58221  
Revised Code. Notification under these circumstances shall occur 58222  
not later than forty-eight hours after the modification is made. 58223

(B) The ambulatory surgical facility becomes aware of an 58224  
event, including disciplinary action by the state medical board 58225  
pursuant to section 4731.22 of the Revised Code, that may affect a 58226  
consulting physician's certificate to practice medicine and 58227  
surgery or osteopathic medicine and surgery or the physician's 58228  
ability to admit patients to a hospital identified in a variance 58229  
application, as described in division (B)(3)(e) of section 58230  
3702.304 of the Revised Code. Notification under these 58231  
circumstances shall occur not later than one week after the 58232  
facility becomes aware of the event's occurrence. 58233

**Sec. 3702.51.** As used in sections 3702.51 to 3702.62 of the 58234  
Revised Code: 58235

(A) "Applicant" means any person that submits an application 58236  
for a certificate of need and who is designated in the application 58237  
as the applicant. 58238

(B) "Person" means any individual, corporation, business 58239  
trust, estate, firm, partnership, association, joint stock 58240  
company, insurance company, government unit, or other entity. 58241

(C) "Certificate of need" means a written approval granted by 58242  
the director of health to an applicant to authorize conducting a 58243  
reviewable activity. 58244

(D) "Service area" means the current and projected primary 58245  
and secondary service areas to which the long-term care facility 58246  
is, or will be, providing long-term care services. 58247

(E) "Primary service area" means the geographic region, 58248  
usually comprised of the Ohio zip code in which the long-term care 58249  
facility is located and contiguous zip codes, from which 58250  
approximately seventy-five to eighty per cent of the facility's 58251  
residents currently originate or are expected to originate. 58252

(F) "Secondary service area" means the geographic region, 58253

usually comprised of Ohio zip codes not included in the primary 58254  
service area, excluding isolated exceptions, from which the 58255  
facility's remaining residents currently originate or are expected 58256  
to originate. 58257

(G) "Third-party payer" means a health insuring corporation 58258  
licensed under Chapter 1751. of the Revised Code, a health 58259  
maintenance organization as defined in division (I) of this 58260  
section, an insurance company that issues sickness and accident 58261  
insurance in conformity with Chapter 3923. of the Revised Code, a 58262  
state-financed health insurance program under Chapter 3701.7 or 58263  
4123.7 ~~or 5111.~~ of the Revised Code, the medicaid program, or any 58264  
self-insurance plan. 58265

(H) "Government unit" means the state and any county, 58266  
municipal corporation, township, or other political subdivision of 58267  
the state, or any department, division, board, or other agency of 58268  
the state or a political subdivision. 58269

(I) "Health maintenance organization" means a public or 58270  
private organization organized under the law of any state that is 58271  
qualified under section 1310(d) of Title XIII of the "Public 58272  
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 58273

(J) "Existing long-term care facility" means either of the 58274  
following: 58275

(1) A long-term care facility that is licensed or otherwise 58276  
authorized to operate in this state in accordance with applicable 58277  
law, including a county home or a county nursing home that is 58278  
certified under Title XVIII or Title XIX of the "Social Security 58279  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 58280  
and equipped to provide long-term care services, and is actively 58281  
providing long-term care services; 58282

(2) A long-term care facility that is licensed or otherwise 58283  
authorized to operate in this state in accordance with applicable 58284

law, including a county home or a county nursing home that is 58285  
certified under Title XVIII or Title XIX of the "Social Security 58286  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 58287  
beds registered under section 3701.07 of the Revised Code as 58288  
skilled nursing beds or long-term care beds and has provided 58289  
long-term care services for at least three hundred sixty-five 58290  
consecutive days within the twenty-four months immediately 58291  
preceding the date a certificate of need application is filed with 58292  
the director of health. 58293

(K) "State" means the state of Ohio, including, but not 58294  
limited to, the general assembly, the supreme court, the offices 58295  
of all elected state officers, and all departments, boards, 58296  
offices, commissions, agencies, institutions, and other 58297  
instrumentalities of the state of Ohio. "State" does not include 58298  
political subdivisions. 58299

(L) "Political subdivision" means a municipal corporation, 58300  
township, county, school district, and all other bodies corporate 58301  
and politic responsible for governmental activities only in 58302  
geographic areas smaller than that of the state to which the 58303  
sovereign immunity of the state attaches. 58304

(M) "Affected person" means: 58305

(1) An applicant for a certificate of need, including an 58306  
applicant whose application was reviewed comparatively with the 58307  
application in question; 58308

(2) The person that requested the reviewability ruling in 58309  
question; 58310

(3) Any person that resides or regularly uses long-term care 58311  
facilities within the service area served or to be served by the 58312  
long-term care services that would be provided under the 58313  
certificate of need or reviewability ruling in question; 58314

(4) Any long-term care facility that is located in the 58315

service area where the long-term care services would be provided 58316  
under the certificate of need or reviewability ruling in question; 58317

(5) Third-party payers that reimburse long-term care 58318  
facilities for services in the service area where the long-term 58319  
care services would be provided under the certificate of need or 58320  
reviewability ruling in question. 58321

(N) "Long-term care facility" means any of the following: 58322

(1) A nursing home licensed under section 3721.02 of the 58323  
Revised Code or by a political subdivision certified under section 58324  
3721.09 of the Revised Code; 58325

(2) The portion of any facility, including a county home or 58326  
county nursing home, that is certified as a skilled nursing 58327  
facility or a nursing facility under Title XVIII or XIX of the 58328  
"Social Security Act"; 58329

(3) The portion of any hospital that contains beds registered 58330  
under section 3701.07 of the Revised Code as skilled nursing beds 58331  
or long-term care beds. 58332

(O) "Long-term care bed" or "bed" means a bed that is 58333  
categorized as one of the following: 58334

(1) A bed that is located in a facility that is a nursing 58335  
home licensed under section 3721.02 of the Revised Code or a 58336  
facility licensed by a political subdivision certified under 58337  
section 3721.09 of the Revised Code and is included in the 58338  
authorized maximum licensed capacity of the facility; 58339

(2) A bed that is located in the portion of any facility, 58340  
including a county home or county nursing home, that is certified 58341  
as a skilled nursing facility under the medicare program or a 58342  
nursing facility under the medicaid program and is included in the 58343  
authorized maximum certified capacity of that portion of the 58344  
facility; 58345

(3) A bed that is registered under section 3701.07 of the Revised Code as a skilled nursing bed, a long-term care bed, or a special skilled nursing bed;

(4) A bed in a county home or county nursing home that has been certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and is eligible for licensure as a nursing home bed;

(5) A bed held as an approved bed under a certificate of need approved by the director.

A bed cannot simultaneously be both a bed described in division (O)(1), (2), (3), or (4) of this section and a bed described in division (O)(5) of this section.

(P) "Reviewability ruling" means a ruling issued by the director of health under division (A) of section 3702.52 of the Revised Code as to whether a particular proposed project is or is not a reviewable activity.

(Q) "County nursing home" has the same meaning as in section 5155.31 of the Revised Code.

(R) "Principal participant" means both of the following:

(1) A person who has an ownership or controlling interest of at least five per cent in an applicant, in a long-term care facility that is the subject of an application for a certificate of need, or in the owner or operator of the applicant or such a facility;

(2) An officer, director, trustee, or general partner of an applicant, of a long-term care facility that is the subject of an application for a certificate of need, or of the owner or operator of the applicant or such a facility.

(S) "Actual harm but not immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a

pattern of deficiencies resulting in actual harm that is not 58376  
immediate jeopardy or represents widespread deficiencies resulting 58377  
in actual harm that is not immediate jeopardy. 58378

(T) "Immediate jeopardy deficiency" means a deficiency that, 58379  
under 42 C.F.R. 488.404, either constitutes a pattern of 58380  
deficiencies resulting in immediate jeopardy to resident health or 58381  
safety or represents widespread deficiencies resulting in 58382  
immediate jeopardy to resident health or safety. 58383

(U) "Existing bed" or "existing long-term care bed" means a 58384  
bed from an existing long-term care facility, a bed described in 58385  
division (O)(5) of this section, or a bed correctly reported as a 58386  
long-term care bed pursuant to section 5155.38 of the Revised 58387  
Code. 58388

**Sec. 3702.521.** (A) Reviews of applications for certificates 58389  
of need to recategorize hospital beds to skilled nursing beds 58390  
shall be conducted in accordance with this division and rules 58391  
adopted by the director of health. 58392

(1) No hospital recategorizing beds shall apply for a 58393  
certificate of need for more than twenty skilled nursing beds. 58394

(2) No beds for which a certificate of need is requested 58395  
under this division shall be reviewed under or counted in any 58396  
formula developed under rules adopted by the director for the 58397  
purpose of determining the number of long-term care beds that may 58398  
be needed within the state. 58399

(3) No beds shall be approved under this division unless the 58400  
hospital certifies and demonstrates in the application that the 58401  
beds will be dedicated to patients with a length of stay of no 58402  
more than thirty days. 58403

(4) No beds shall be approved under this division unless the 58404  
hospital can satisfactorily demonstrate in the application that it 58405

is routinely unable to place the patients planned for the beds in 58406  
accessible skilled nursing facilities. 58407

(5) In developing rules to implement this division, the 58408  
director shall give special attention to the required 58409  
documentation of the need for such beds, including the efforts 58410  
made by the hospital to place patients in suitable skilled nursing 58411  
facilities, and special attention to the appropriate size of units 58412  
with such beds given the historical pattern of the applicant 58413  
hospital's documented difficulty in placing skilled nursing 58414  
patients. 58415

(B) For assistance in monitoring the use of hospital beds 58416  
recategorized as skilled nursing beds after August 5, 1989, the 58417  
director shall adopt rules specifying appropriate quarterly 58418  
procedures for reporting to the department of health. 58419

(C) A patient may stay in a hospital bed that, after August 58420  
5, 1989, has been recategorized as a skilled nursing bed for more 58421  
than thirty days if the hospital is able to demonstrate that it 58422  
made a good faith effort to place the patient in an accessible 58423  
skilled nursing facility acceptable to the patient within the 58424  
thirty-day period, but was unable to do so. 58425

(D) No hospital bed recategorized after August 5, 1989, as a 58426  
skilled nursing bed shall be covered by a provider agreement under 58427  
the ~~medical assistance~~ medicaid program established under Chapter 58428  
5111. of the Revised Code. 58429

(E) Nothing in this section requires a hospital to place a 58430  
patient in any nursing home if the patient does not wish to be 58431  
placed in the nursing home. Nothing in this section limits the 58432  
ability of a hospital to file a certificate of need application 58433  
for the addition of long-term care beds that meet the definition 58434  
of "home" in section 3721.01 of the Revised Code. Nothing in this 58435  
section limits the ability of the director to grant certificates 58436



of need necessary for hospitals to engage in demonstration 58437  
projects authorized by the federal government for the purpose of 58438  
enhancing long-term quality of care and cost containment. Nothing 58439  
in this section limits the ability of hospitals to develop swing 58440  
bed programs in accordance with federal regulations. 58441

No hospital that is granted a certificate of need after 58442  
August 5, 1989, to recategorize hospital beds as skilled nursing 58443  
beds is subject to sections 3721.01 to 3721.09 of the Revised 58444  
Code. If the portion of the hospital in which the recategorized 58445  
beds are located is certified as a skilled nursing facility under 58446  
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 58447  
U.S.C.A. 301, as amended, that portion of the hospital is subject 58448  
to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of 58449  
the Revised Code. If the beds are registered pursuant to section 58450  
3701.07 of the Revised Code as long-term care beds, the beds are 58451  
subject to sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the 58452  
Revised Code. 58453

**Sec. 3702.55.** A person that the director of health determines 58454  
has violated section 3702.53 of the Revised Code shall cease 58455  
conducting the activity that constitutes the violation or 58456  
utilizing the facility resulting from the violation not later than 58457  
thirty days after the person receives the notice mailed under 58458  
section 3702.532 of the Revised Code or, if the person appeals the 58459  
director's determination under section 3702.60 of the Revised 58460  
Code, thirty days after the person receives an order upholding the 58461  
director's determination that is not subject to further appeal. 58462

If any person determined to have violated section 3702.53 of 58463  
the Revised Code fails to cease conducting an activity or using a 58464  
facility as required by this section or if the person continues to 58465  
seek payment or reimbursement for services rendered or costs 58466  
incurred in conducting the activity as prohibited by section 58467

3702.56 of the Revised Code, in addition to the penalties imposed 58468  
under section 3702.54 or 3702.541 of the Revised Code: 58469

(A) The director of health may refuse to include any beds 58470  
involved in the activity in the bed capacity of a hospital for 58471  
purposes of registration under section 3701.07 of the Revised 58472  
Code; 58473

(B) The director of health may refuse to license, or may 58474  
revoke a license or reduce bed capacity previously granted to, a 58475  
hospice care program under section 3712.04 of the Revised Code; a 58476  
nursing home, residential care facility, or home for the aging 58477  
under section 3721.02 of the Revised Code; or any beds within any 58478  
of those facilities that are involved in the activity; 58479

(C) A political subdivision certified under section 3721.09 58480  
of the Revised Code may refuse to license, or may revoke a license 58481  
or reduce bed capacity previously granted to, a nursing home, 58482  
residential care facility, or home for the aging, or any beds 58483  
within any of those facilities that are involved in the activity; 58484

(D) The director of ~~mental health~~ mental health and addiction 58485  
services may refuse to license under section ~~5119.20~~ 5119.33 of 58486  
the Revised Code, or may revoke a license or reduce bed capacity 58487  
previously granted to, a hospital receiving mentally ill persons 58488  
or beds within such a hospital that are involved in the activity; 58489

(E) The department of ~~job and family services~~ medicaid may 58490  
refuse to enter into a provider agreement that includes a 58491  
facility, beds, or services that result from the activity. 58492

**Sec. 3702.62.** Sections 3702.51 to 3702.61 of the Revised Code 58493  
do not apply to any part of a long-term care facility's campus 58494  
that is certified as an intermediate care facility for the 58495  
mentally retarded ~~under Title XIX of the "Social Security Act," 79~~ 58496  
~~Stat. 343 (1965), 42 U.S.C. 1396 et seq., as amended, as defined~~ 58497

in section 5124.01 of the Revised Code. 58498

**Sec. 3702.74.** (A) A primary care physician who has signed a 58499  
letter of intent under section 3702.73 of the Revised Code and the 58500  
director of health may enter into a contract for the physician's 58501  
participation in the physician loan repayment program. The 58502  
physician's employer or other funding source may also be a party 58503  
to the contract. 58504

(B) The contract shall include all of the following 58505  
obligations: 58506

(1) The primary care physician agrees to provide primary care 58507  
services in the health resource shortage area identified in the 58508  
letter of intent for at least two years; 58509

(2) When providing primary care services in the health 58510  
resource shortage area, the primary care physician agrees to do 58511  
all of the following: 58512

(a) Provide primary care services for a minimum of forty 58513  
hours per week, of which at least twenty-one hours will be spent 58514  
providing patient care in an outpatient or ambulatory setting; 58515

(b) Provide primary care services without regard to a 58516  
patient's ability to pay; 58517

(c) Meet the ~~conditions prescribed by the "Social Security~~ 58518  
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the~~ 58519  
~~department of job and family services requirements for~~ 58520  
~~participation in the a medicaid program established under Chapter~~ 58521  
~~5111. of the Revised Code provider agreement and enter into a~~ 58522  
~~contract the agreement with the department of medicaid to provide~~ 58523  
primary care services to medicaid recipients ~~of the medical~~ 58524  
~~assistance program.~~ 58525

(3) The department of health agrees, as provided in section 58526  
3702.75 of the Revised Code, to repay, so long as the primary care 58527

physician performs the service obligation agreed to under division 58528  
(B)(1) of this section, all or part of the principal and interest 58529  
of a government or other educational loan taken by the primary 58530  
care physician for expenses described in section 3702.75 of the 58531  
Revised Code; 58532

(4) The primary care physician agrees to pay the department 58533  
of health an amount established by rules adopted under section 58534  
3702.79 of the Revised Code if the physician fails to complete the 58535  
service obligation agreed to under division (B)(1) of this 58536  
section. 58537

(C) The contract may include any other terms agreed upon by 58538  
the parties. 58539

**Sec. 3702.91.** (A) An individual who has signed a letter of 58540  
intent under section 3702.90 of the Revised Code may enter into a 58541  
contract with the director of health for participation in the 58542  
dentist loan repayment program. The dentist's employer or other 58543  
funding source may also be a party to the contract. 58544

(B) The contract shall include all of the following 58545  
obligations: 58546

(1) The individual agrees to provide dental services in the 58547  
dental health resource shortage area identified in the letter of 58548  
intent for at least two years. 58549

(2) When providing dental services in the dental health 58550  
resource shortage area, the individual agrees to do all of the 58551  
following: 58552

(a) Provide dental services for a minimum of forty hours per 58553  
week; 58554

(b) Provide dental services without regard to a patient's 58555  
ability to pay; 58556

(c) Meet the ~~conditions prescribed by the "Social Security~~ 58557

Act," ~~49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the~~ 58558  
~~department of job and family services requirements for~~ 58559  
~~participation in the a medicaid program established under Chapter~~ 58560  
~~5111. of the Revised Code provider agreement and enter into a~~ 58561  
~~contract the agreement with the department of medicaid to provide~~ 58562  
dental services to medicaid recipients. 58563

(3) The department of health agrees, as provided in section 58564  
3702.85 of the Revised Code, to repay, so long as the individual 58565  
performs the service obligation agreed to under division (B)(1) of 58566  
this section, all or part of the principal and interest of a 58567  
government or other educational loan taken by the individual for 58568  
expenses described in section 3702.85 of the Revised Code. 58569

(4) The individual agrees to pay the department of health an 58570  
amount established by rules adopted under section 3702.86 of the 58571  
Revised Code, if the individual fails to complete the service 58572  
obligation agreed to under division (B)(1) of this section. 58573

(C) The contract may include any other terms agreed upon by 58574  
the parties. 58575

(D) Not later than the thirty-first day of January of each 58576  
year, the department of health shall mail to each individual to 58577  
whom or on whose behalf repayment is made under the dentist loan 58578  
repayment program a statement showing the amount of principal and 58579  
interest repaid by the department pursuant to the contract in the 58580  
preceding year. The statement shall be sent by ordinary mail with 58581  
address correction and forwarding requested in the manner 58582  
prescribed by the United States postal service. 58583

**Sec. 3704.144.** (A) Gifts, grants, and contributions for the 58584  
purpose of adding pollution control equipment to diesel-powered 58585  
school buses and converting diesel-powered school buses to 58586  
alternative fuels, including contributions that are made pursuant 58587  
to the settlement of an administrative action or civil action that 58588

is brought at the request of the director of environmental 58589  
protection pursuant to Chapter 3704., 3714., 3734., 6109., or 58590  
6111. of the Revised Code, shall be credited to the clean diesel 58591  
school bus fund, which is hereby created in the state treasury. 58592  
The director shall use money credited to the fund to make grants 58593  
to school districts in the state and to county boards of 58594  
developmental disabilities for the purpose of adding pollution 58595  
control equipment to diesel-powered school buses and converting 58596  
diesel-powered school buses to alternative fuels by means of 58597  
certified engine configurations and verified technologies that are 58598  
consistent with the requirements of section 793 and any 58599  
regulations adopted under that section and to pay the 58600  
environmental protection agency's costs incurred in administering 58601  
this section. In addition, the director may use money credited to 58602  
the fund to make grants to school districts and to county boards 58603  
of developmental disabilities for the purpose of maintaining 58604  
pollution control equipment that is installed on diesel-powered 58605  
school buses ~~and to pay the additional cost incurred by a school~~ 58606  
~~district or a county board for using ultra low sulfur diesel fuel~~ 58607  
~~instead of diesel fuel for the operation of diesel powered school~~ 58608  
~~buses.~~ 58609

(B) In making grants under this section, the director shall 58610  
give priority to school districts and to county boards of 58611  
developmental disabilities that are located in a county that is 58612  
designated as nonattainment by the United States environmental 58613  
protection agency for the fine particulate national ambient air 58614  
quality standard under the federal Clean Air Act. In addition, the 58615  
director may give a higher priority to a school district or a 58616  
county board of developmental disabilities that employs additional 58617  
measures that reduce air pollution from the district's or the 58618  
county board's school bus fleet. 58619

(C) The director shall adopt rules establishing procedures 58620

and requirements that are necessary to implement this section, 58621  
including procedures and requirements governing applications for 58622  
grants. 58623

(D) As used in this section: 58624

(1) "Alternative fuel" has the same meaning as in section 58625  
125.831 of the Revised Code. 58626

(2) "Certified engine configuration" and "section 793" have 58627  
the same meanings as in section 122.861 of the Revised Code. 58628

(3) "Verified technology" means a pollution control 58629  
technology, including retrofit technology and auxiliary power 58630  
unit, that has been verified by the administrator of the United 58631  
States environmental protection agency or the California air 58632  
resources board. 58633

**Sec. 3706.01.** As used in this chapter: 58634

(A) "Governmental agency" means a department, division, or 58635  
other unit of state government, a municipal corporation, county, 58636  
township, and other political subdivision, or any other public 58637  
corporation or agency having the power to acquire, construct, or 58638  
operate air quality facilities, the United States or any agency 58639  
thereof, and any agency, commission, or authority established 58640  
pursuant to an interstate compact or agreement. 58641

(B) "Person" means any individual, firm, partnership, 58642  
association, or corporation, or any combination thereof. 58643

(C) "Air contaminant" means particulate matter, dust, fumes, 58644  
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 58645  
odorous substance, or any combination thereof. 58646

(D) "Air pollution" means the presence in the ambient air of 58647  
one or more air contaminants in sufficient quantity and of such 58648  
characteristics and duration as to injure human health or welfare, 58649  
plant or animal life, or property, or that unreasonably interferes 58650

with the comfortable enjoyment of life or property. 58651

(E) "Ambient air" means that portion of the atmosphere 58652  
outside of buildings and other enclosures, stacks, or ducts that 58653  
surrounds human, plant, or animal life, or property. 58654

(F) "Emission" means the release into the outdoor atmosphere 58655  
of an air contaminant. 58656

(G) "Air quality facility" means any of the following: 58657

(1) Any method, modification or replacement of property, 58658  
process, device, structure, or equipment that removes, reduces, 58659  
prevents, contains, alters, conveys, stores, disperses, or 58660  
disposes of air contaminants or substances containing air 58661  
contaminants, or that renders less noxious or reduces the 58662  
concentration of air contaminants in the ambient air, including, 58663  
without limitation, facilities and expenditures that qualify as 58664  
air pollution control facilities under section 103 (C)(4)(F) of 58665  
the Internal Revenue Code of 1954, as amended, and regulations 58666  
adopted thereunder; 58667

(2) Motor vehicle inspection stations operated in accordance 58668  
with, and any equipment used for motor vehicle inspections 58669  
conducted under, section 3704.14 of the Revised Code and rules 58670  
adopted under it; 58671

(3) Ethanol or other biofuel facilities, including any 58672  
equipment used at the ethanol or other biofuel facility for the 58673  
production of ethanol or other biofuels; 58674

(4) Any property or portion thereof used for the collection, 58675  
storage, treatment, utilization, processing, or final disposal of 58676  
a by-product or solid waste resulting from any method, process, 58677  
device, structure, or equipment that removes, reduces, prevents, 58678  
contains, alters, conveys, stores, disperses, or disposes of air 58679  
contaminants, or that renders less noxious or reduces the 58680  
concentration of air contaminants in the ambient air; 58681



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (5) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through improvements in the efficiency of energy utilization or energy conservation;                                                                                                                                                                                                                                                                        | 58682<br>58683<br>58684<br>58685                                     |
| (6) Any coal research and development project conducted under Chapter 1555. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                     | 58686<br>58687                                                       |
| (7) As determined by the director of the Ohio coal development office, any property or portion thereof that is used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product resulting from a coal research and development project as defined in section 1555.01 of the Revised Code or from the use of clean coal technology, excluding any property or portion thereof that is used primarily for other subsequent commercial purposes; | 58688<br>58689<br>58690<br>58691<br>58692<br>58693<br>58694<br>58695 |
| (8) Any property or portion thereof that is part of the FutureGen project of the United States department of energy or related to the siting of the FutureGen project;                                                                                                                                                                                                                                                                                                               | 58696<br>58697<br>58698                                              |
| (9) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through the generation of clean, renewable energy with renewable energy resources or advanced energy resources as defined in section 3706.25 of the Revised Code;                                                                                                                                                                                           | 58699<br>58700<br>58701<br>58702<br>58703                            |
| (10) Any property, device, structure or equipment necessary for the manufacture and production of equipment described as an air quality facility under this chapter;                                                                                                                                                                                                                                                                                                                 | 58704<br>58705<br>58706                                              |
| <u>(11) Any property, device, or equipment related to the recharging or refueling of vehicles that promotes the reduction of emissions of air contaminants into the ambient air through the use of an alternative fuel as defined in section 125.831 of the Revised Code or the use of a renewable energy resource as defined in section 3706.25 of the Revised Code.</u>                                                                                                            | 58707<br>58708<br>58709<br>58710<br>58711<br>58712                   |

"Air quality facility" further includes any property or system to be used in whole or in part for any of the purposes in divisions (G)(1) to ~~(10)~~(11) of this section, whether another purpose is also served, and any property or system incidental to or that has to do with, or the end purpose of which is, any of the foregoing. Air quality facilities that are defined in this division for industry, commerce, distribution, or research, including public utility companies, are hereby determined to be those that qualify as facilities for the control of air pollution and thermal pollution related to air under Section 13 of Article VIII, Ohio Constitution.

(H) "Project" or "air quality project" means any air quality facility, including undivided or other interests therein, acquired or to be acquired or constructed or to be constructed by the Ohio air quality development authority under this chapter, or acquired or to be acquired or constructed or to be constructed by a governmental agency or person with all or a part of the cost thereof being paid from a loan or grant from the authority under this chapter or otherwise paid from the proceeds of air quality revenue bonds, including all buildings and facilities that the authority determines necessary for the operation of the project, together with all property, rights, easements, and interests that may be required for the operation of the project.

(I) "Cost" as applied to an air quality project means the cost of acquisition and construction, the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights, and interests required for such acquisition and construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of acquiring or constructing and equipping a principal office and sub-offices of the authority, the cost of diverting highways,

interchange of highways, and access roads to private property, 58745  
including the cost of land or easements for such access roads, the 58746  
cost of public utility and common carrier relocation or 58747  
duplication, the cost of all machinery, furnishings, and 58748  
equipment, financing charges, interest prior to and during 58749  
construction and for no more than eighteen months after completion 58750  
of construction, engineering, expenses of research and development 58751  
with respect to air quality facilities, the cost of any commodity 58752  
contract, including fees and expenses related thereto, legal 58753  
expenses, plans, specifications, surveys, studies, estimates of 58754  
cost and revenues, working capital, other expenses necessary or 58755  
incident to determining the feasibility or practicability of 58756  
acquiring or constructing such project, administrative expense, 58757  
and such other expense as may be necessary or incident to the 58758  
acquisition or construction of the project, the financing of such 58759  
acquisition or construction, including the amount authorized in 58760  
the resolution of the authority providing for the issuance of air 58761  
quality revenue bonds to be paid into any special funds from the 58762  
proceeds of such bonds, and the financing of the placing of such 58763  
project in operation. Any obligation, cost, or expense incurred by 58764  
any governmental agency or person for surveys, borings, 58765  
preparation of plans and specifications, and other engineering 58766  
services, or any other cost described above, in connection with 58767  
the acquisition or construction of a project may be regarded as a 58768  
part of the cost of that project and may be reimbursed out of the 58769  
proceeds of air quality revenue bonds as authorized by this 58770  
chapter. 58771

(J) "Owner" includes an individual, copartnership, 58772  
association, or corporation having any title or interest in any 58773  
property, rights, easements, or interests authorized to be 58774  
acquired by this chapter. 58775

(K) "Revenues" means all rentals and other charges received 58776

by the authority for the use or services of any air quality 58777  
project, any gift or grant received with respect to any air 58778  
quality project, any moneys received with respect to the lease, 58779  
sublease, sale, including installment sale or conditional sale, or 58780  
other disposition of an air quality project, moneys received in 58781  
repayment of and for interest on any loans made by the authority 58782  
to a person or governmental agency, whether from the United States 58783  
or any department, administration, or agency thereof, or 58784  
otherwise, proceeds of such bonds to the extent that use thereof 58785  
for payment of principal of, premium, if any, or interest on the 58786  
bonds is authorized by the authority, amounts received or 58787  
otherwise derived from a commodity contract or from the sale of 58788  
the related commodity under such a contract, proceeds from any 58789  
insurance, condemnation, or guaranty pertaining to a project or 58790  
property mortgaged to secure bonds or pertaining to the financing 58791  
of the project, and income and profit from the investment of the 58792  
proceeds of air quality revenue bonds or of any revenues. 58793

(L) "Public roads" includes all public highways, roads, and 58794  
streets in the state, whether maintained by the state, county, 58795  
city, township, or other political subdivision. 58796

(M) "Public utility facilities" includes tracks, pipes, 58797  
mains, conduits, cables, wires, towers, poles, and other equipment 58798  
and appliances of any public utility. 58799

(N) "Construction," unless the context indicates a different 58800  
meaning or intent, includes reconstruction, enlargement, 58801  
improvement, or providing furnishings or equipment. 58802

(O) "Air quality revenue bonds," unless the context indicates 58803  
a different meaning or intent, includes air quality revenue notes, 58804  
air quality revenue renewal notes, and air quality revenue 58805  
refunding bonds, except that notes issued in anticipation of the 58806  
issuance of bonds shall have a maximum maturity of five years as 58807  
provided in section 3706.05 of the Revised Code and notes or 58808

renewal notes issued as the definitive obligation may be issued 58809  
maturing at such time or times with a maximum maturity of forty 58810  
years from the date of issuance of the original note. 58811

(P) "Solid waste" means any garbage; refuse; sludge from a 58812  
waste water treatment plant, water supply treatment plant, or air 58813  
pollution control facility; and other discarded material, 58814  
including solid, liquid, semisolid, or contained gaseous material 58815  
resulting from industrial, commercial, mining, and agricultural 58816  
operations, and from community activities, but not including solid 58817  
or dissolved material in domestic sewage, or solid or dissolved 58818  
material in irrigation return flows or industrial discharges that 58819  
are point sources subject to permits under section 402 of the 58820  
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 58821  
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 58822  
byproduct material as defined by the "Atomic Energy Act of 1954," 58823  
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 58824

(Q) "Sludge" means any solid, semisolid, or liquid waste, 58825  
other than a recyclable by-product, generated from a municipal, 58826  
commercial, or industrial waste water treatment plant, water 58827  
supply plant, or air pollution control facility or any other such 58828  
wastes having similar characteristics and effects. 58829

(R) "Ethanol or other biofuel facility" means a plant at 58830  
which ethanol or other biofuel is produced. 58831

(S) "Ethanol" means fermentation ethyl alcohol derived from 58832  
agricultural products, including potatoes, cereal, grains, cheese 58833  
whey, and sugar beets; forest products; or other renewable or 58834  
biomass resources, including residue and waste generated from the 58835  
production, processing, and marketing of agricultural products, 58836  
forest products, and other renewable or biomass resources, that 58837  
meets all of the specifications in the American society for 58838  
testing and materials (ASTM) specification D 4806-88 and is 58839  
denatured as specified in Parts 20 and 21 of Title 27 of the Code 58840

of Federal Regulations. 58841

(T) "Biofuel" means any fuel that is made from cellulosic 58842  
biomass resources, including renewable organic matter, crop waste 58843  
residue, wood, aquatic plants and other crops, animal waste, solid 58844  
waste, or sludge, and that is used for the production of energy 58845  
for transportation or other purposes. 58846

(U) "FutureGen project" means the buildings, equipment, and 58847  
real property and functionally related buildings, equipment, and 58848  
real property, including related research projects that support 58849  
the development and operation of the buildings, equipment, and 58850  
real property, designated by the United States department of 58851  
energy and the FutureGen industrial alliance, inc., as the 58852  
coal-fueled, zero-emissions power plant designed to prove the 58853  
technical and economic feasibility of producing electricity and 58854  
hydrogen from coal and nearly eliminating carbon dioxide emissions 58855  
through capture and permanent storage. 58856

(V) "Commodity contract" means a contract or series of 58857  
contracts entered into in connection with the acquisition or 58858  
construction of air quality facilities for the purchase or sale of 58859  
a commodity that is eligible for prepayment with the proceeds of 58860  
federally tax exempt bonds under sections 103, 141, and 148 of the 58861  
Internal Revenue Code of 1986, as amended, and regulations adopted 58862  
under it. 58863

**Sec. 3707.511.** (A) As used in this section, ~~"physician":~~ 58864

"Physician" means a person authorized under Chapter 4731. of 58865  
the Revised Code to practice medicine and surgery or osteopathic 58866  
medicine and surgery. 58867

"Chiropractor" means a person licensed under Chapter 4734. of 58868  
the Revised Code to practice chiropractic. 58869

(B) A youth sports organization shall provide to the parent, 58870

guardian, or other person having care or charge of an individual 58871  
who wishes to practice for or compete in an athletic activity 58872  
organized by a youth sports organization the concussion and head 58873  
injury information sheet required by section 3707.52 of the 58874  
Revised Code. The organization shall provide the information sheet 58875  
annually for each sport or other category of athletic activity for 58876  
or in which the individual practices or competes. 58877

(C)(1) No individual shall act as a coach or referee for a 58878  
youth sports organization unless the individual holds a 58879  
pupil-activity program permit issued under section 3319.303 of the 58880  
Revised Code for coaching interscholastic athletics or presents 58881  
evidence that the individual has successfully completed, within 58882  
the previous three years, a training program in recognizing the 58883  
symptoms of concussions and head injuries to which the department 58884  
of health has provided a link on its internet web site under 58885  
section 3707.52 of the Revised Code. 58886

(2) The youth sports organization for which the individual 58887  
intends to act as a coach or referee shall inform the individual 58888  
of the requirement described in division (C)(1) of this section. 58889

(D) If an individual practicing for or competing in an 58890  
athletic event organized by a youth sports organization exhibits 58891  
signs, symptoms, or behaviors consistent with having sustained a 58892  
concussion or head injury while participating in the practice or 58893  
competition, the individual shall be removed from the practice or 58894  
competition by one of the following: 58895

(1) The individual who is serving as the individual's coach 58896  
during that practice or competition; 58897

(2) An individual who is serving as a referee during that 58898  
practice or competition; 58899

(3) An official of the youth sports organization who is 58900  
supervising that practice or competition. 58901

(E)(1) If an individual is removed from practice or competition under division (D) of this section, the coach, referee, or official who removed the individual shall not allow the individual, on the same day the individual is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach, referee, or official is responsible. Thereafter, the coach, referee, or official shall not allow the student to return to that practice or competition or to participate in any other practice or competition for which the coach, referee, or official is responsible until both of the following conditions are satisfied:

(a) The individual's condition is assessed by ~~either~~ any of the following:

(i) A physician;

(ii) A chiropractor;

(iii) Any other licensed health care provider the youth sports organization, pursuant to division (E)(2) of this section, authorizes to assess an individual who has been removed from practice or competition under division (D) of this section.

(b) The individual receives written clearance that it is safe for the individual to return to practice or competition from a physician, chiropractor, or ~~from~~ another licensed health care provider authorized pursuant to division (E)(2) of this section to grant the clearance.

(2) A youth sports organization may authorize a licensed health care provider who is not a physician or a chiropractor to make an assessment or grant a clearance for purposes of division (E)(1) of this section only if the provider is acting in accordance with one of the following, as applicable to the provider's authority to practice in this state:

(a) In consultation with a physician;



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (b) Pursuant to the referral of a physician;                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 58933                                                       |
| (c) In collaboration with a physician;                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 58934                                                       |
| (d) Under the supervision of a physician.                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 58935                                                       |
| (3) A physician, <u>chiropractor</u> , or other licensed health care provider who makes an assessment or grants a clearance for purposes of division (E)(1) of this section may be a volunteer.                                                                                                                                                                                                                                                                                                   | 58936<br>58937<br>58938                                     |
| (F)(1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.                                                                                                          | 58939<br>58940<br>58941<br>58942<br>58943<br>58944          |
| (2) This section does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.                                                                                                                                                                                                                            | 58945<br>58946<br>58947<br>58948<br>58949                   |
| <b>Sec. 3709.01.</b> The state shall be divided into health districts. Each city constitutes a health district and shall be known as a "city health district."                                                                                                                                                                                                                                                                                                                                    | 58950<br>58951<br>58952                                     |
| The townships and villages in each county shall be combined into a health district and shall be known as a "general health district."                                                                                                                                                                                                                                                                                                                                                             | 58953<br>58954<br>58955                                     |
| As provided for in sections <u>3709.051</u> , 3709.07, <del>3709.071</del> , and 3709.10 of the Revised Code, there may be a union of two or more <del>contiguous</del> general health districts, <del>not to exceed five</del> , a union of two or more <del>contiguous</del> city health districts to form a <u>single</u> city health district, or a union of a general health district and one or more city health districts located within or partially within such general health district. | 58956<br>58957<br>58958<br>58959<br>58960<br>58961<br>58962 |

**Sec. 3709.051.** Two or more ~~contiguous~~ city health districts 58963  
may be united to form a single city health district by a majority 58964  
affirmative vote of the legislative authority of each city 58965  
affected by the union. 58966

If at least three per cent of the qualified electors residing 58967  
within each of two or more ~~contiguous~~ city health districts sign a 58968  
petition proposing a union into a single city health district, an 58969  
election shall be held as provided in this section to determine 58970  
whether a single city health district shall be formed. The 58971  
petition for union may specify regarding the board of health of 58972  
the new district: 58973

(A) The qualifications for membership; 58974

(B) The term of office; 58975

(C) The number of members or a method by which the number may 58976  
be determined from time to time; 58977

(D) The method of appointment. 58978

Such petition shall be filed with the boards of county 58979  
commissioners of the respective counties affected, subject to 58980  
approval of the director of health, and such boards shall promptly 58981  
certify the text of the proposal to the boards of election for the 58982  
purpose of having the proposal placed on the ballot at the next 58983  
general election occurring more than ninety days after such 58984  
certification. The election procedures provided in Chapter 3505. 58985  
of the Revised Code for questions and issues shall apply to the 58986  
election. If a majority of the electors voting on the proposal in 58987  
each of the health districts affected vote in favor thereof, the 58988  
union of such districts into a single city health district shall 58989  
be established on the second succeeding first day of January. 58990

**Sec. 3709.10.** When it is proposed that two or more ~~contiguous~~ 58991  
general health districts, ~~not to exceed five,~~ unite in the 58992

formation of one general health district, the district advisory 58993  
council of each general health district shall meet and vote on the 58994  
question of union. An affirmative majority vote of the district 58995  
advisory council shall be required for approval. When the district 58996  
advisory councils have voted affirmatively on the question, they 58997  
shall meet in joint session and shall elect a board of health for 58998  
the combined districts. Each original general health district 58999  
shall be entitled to at least one member on the board of health of 59000  
the combined districts. 59001

When such union is completed, ~~such~~ the district shall 59002  
constitute a general health district and shall be governed in the 59003  
manner provided for general health districts. When two or more 59004  
general health districts unite to form one district, the office of 59005  
the board of health shall be located at the county seat of the 59006  
county selected by the joint board of district advisory councils. 59007

When two or more general health districts have been combined 59008  
into a single district, the county auditor of the county selected 59009  
by the joint board of district advisory councils as the location 59010  
of the central office of the board of health shall be the auditor 59011  
of such district and the county treasurer of such county shall be 59012  
the custodian of the health funds of such district. When the 59013  
budget of such combined general health district is a matter for 59014  
consideration, the members of the budget commissions of the 59015  
counties constituting the district shall sit as a joint board for 59016  
considering and acting on such budget. 59017

**Sec. 3712.051.** (A) As used in this division, "person" does 59018  
not include a member of an interdisciplinary team, as defined in 59019  
section 3712.01 of the Revised Code, or any individual who is 59020  
employed by a person or public agency licensed under section 59021  
3712.041 of the Revised Code. 59022

Except as provided in division (B) of this section, no person 59023

or public agency, other than a person or public agency licensed 59024  
pursuant to section 3712.041 of the Revised Code, shall hold 59025  
itself out as providing a pediatric respite care program, or 59026  
provide a pediatric respite care program, or use the term 59027  
"pediatric respite care program" or any term containing "pediatric 59028  
respite care" to describe or refer to a health program, facility, 59029  
or agency. 59030

(B) Division (A) of this section does not apply to any of the 59031  
following: 59032

(1) A hospital; 59033

(2) A nursing home or residential care facility, as those 59034  
terms are defined in section 3721.01 of the Revised Code; 59035

(3) A home health agency, if it provides services under 59036  
contract with a person or public agency providing a pediatric 59037  
respite care program licensed under section 3712.041 of the 59038  
Revised Code; 59039

(4) A regional, state, or national nonprofit organization 59040  
whose members are providers of pediatric respite care programs, 59041  
individuals interested in pediatric respite care programs, or 59042  
both, as long as the organization does not provide or represent 59043  
that it provides pediatric respite care programs; 59044

(5) A person or government entity certified under section 59045  
5123.161 of the Revised Code as a supported living provider; 59046

(6) A residential facility licensed under section 5123.19 of 59047  
the Revised Code; 59048

(7) A respite care home certified under section 5126.05 of 59049  
the Revised Code; 59050

(8) A person providing respite care under a family support 59051  
services program established under section 5126.11 of the Revised 59052  
Code; 59053

(9) A person or government entity providing respite care 59054  
under a medicaid waiver component that the department of 59055  
developmental disabilities administers pursuant to section 59056  
~~5111.871~~ 5166.21 of the Revised Code. 59057

(C) The department of health shall petition the court of 59058  
common pleas of any county in which a person or public agency, 59059  
without a license granted under section 3712.041 of the Revised 59060  
Code, is holding itself out as providing a pediatric respite care 59061  
program, is providing a pediatric respite care program, or is 59062  
representing a health program, facility, or agency as a pediatric 59063  
respite care program, for an order enjoining that person or public 59064  
agency from conducting those activities without a license. The 59065  
court has jurisdiction to grant injunctive relief upon a showing 59066  
that the respondent named in the petition is conducting those 59067  
activities without a license. 59068

Any person or public agency may request the department to 59069  
petition the court for injunctive relief under this division, and 59070  
the department shall do so if it determines that the person or 59071  
public agency named in the request is violating division (A) of 59072  
this section. 59073

**Sec. 3712.07.** (A) As used in this section, "terminal care 59074  
facility for the homeless" means a facility that provides 59075  
accommodations to homeless individuals who are terminally ill. 59076

(B) A person or public agency licensed under this chapter to 59077  
provide a hospice care program may enter into an agreement with a 59078  
terminal care facility for the homeless under which hospice care 59079  
program services may be provided to individuals residing at the 59080  
facility, if all of the following apply: 59081

(1) Each resident of the facility has been diagnosed by a 59082  
physician as having a terminal condition and an anticipated life 59083  
expectancy of six months or less; 59084

(2) No resident of the facility has a relative or other person willing or capable of providing the care necessary to cope with ~~his~~ the resident's terminal illness or is financially capable of hiring a person to provide such care;

(3) Each resident of the facility is under the direct care of a physician;

(4) No resident of the facility requires the staff of the facility to administer medication by injection;

(5) The facility does not receive any remuneration, directly or indirectly, from the residents;

(6) The facility does not receive any remuneration, directly or indirectly, from the ~~medical assistance~~ medicaid program established under section 5111.01 of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(7) The facility meets all applicable state and federal health and safety standards, including standards for fire prevention, maintenance of safe and sanitary conditions, and proper preparation and storage of foods.

(C) Hospice care program services may be provided at a terminal care facility for the homeless only by the personnel of the person or public agency that has entered into an agreement with the facility under this section.

(D) A terminal care facility for the homeless that has entered into an agreement under this section may assist its residents with the self-administration of medication if the medication has been prescribed by a physician and is not administered by injection. In the event that a resident has entered the final stages of dying and is no longer mentally alert, the facility may administer medication to that resident if the medication has been prescribed by a physician and is not

administered by injection. Determinations of whether an individual 59116  
has entered the final stages of dying and is no longer mentally 59117  
alert shall be based on directions from the personnel who provide 59118  
hospice care program services at the facility. 59119

**Sec. 3712.09.** (A) As used in this section: 59120

(1) "Applicant" means a person who is under final 59121  
consideration for employment with a hospice care program or 59122  
pediatric respite care program in a full-time, part-time, or 59123  
temporary position that involves providing direct care to an older 59124  
adult or pediatric respite care patient. "Applicant" does not 59125  
include a person who provides direct care as a volunteer without 59126  
receiving or expecting to receive any form of remuneration other 59127  
than reimbursement for actual expenses. 59128

(2) "Criminal records check" has the same meaning as in 59129  
section 109.572 of the Revised Code. 59130

(3) "Older adult" means a person age sixty or older. 59131

(B)(1) Except as provided in division (I) of this section, 59132  
the chief administrator of a hospice care program or pediatric 59133  
respite care program shall request that the superintendent of the 59134  
bureau of criminal identification and investigation conduct a 59135  
criminal records check of each applicant. If an applicant for whom 59136  
a criminal records check request is required under this division 59137  
does not present proof of having been a resident of this state for 59138  
the five-year period immediately prior to the date the criminal 59139  
records check is requested or provide evidence that within that 59140  
five-year period the superintendent has requested information 59141  
about the applicant from the federal bureau of investigation in a 59142  
criminal records check, the chief administrator shall request that 59143  
the superintendent obtain information from the federal bureau of 59144  
investigation as part of the criminal records check of the 59145  
applicant. Even if an applicant for whom a criminal records check 59146

request is required under this division presents proof of having 59147  
been a resident of this state for the five-year period, the chief 59148  
administrator may request that the superintendent include 59149  
information from the federal bureau of investigation in the 59150  
criminal records check. 59151

(2) A person required by division (B)(1) of this section to 59152  
request a criminal records check shall do both of the following: 59153

(a) Provide to each applicant for whom a criminal records 59154  
check request is required under that division a copy of the form 59155  
prescribed pursuant to division (C)(1) of section 109.572 of the 59156  
Revised Code and a standard fingerprint impression sheet 59157  
prescribed pursuant to division (C)(2) of that section, and obtain 59158  
the completed form and impression sheet from the applicant; 59159

(b) Forward the completed form and impression sheet to the 59160  
superintendent of the bureau of criminal identification and 59161  
investigation. 59162

(3) An applicant provided the form and fingerprint impression 59163  
sheet under division (B)(2)(a) of this section who fails to 59164  
complete the form or provide fingerprint impressions shall not be 59165  
employed in any position for which a criminal records check is 59166  
required by this section. 59167

(C)(1) Except as provided in rules adopted by the director of 59168  
health in accordance with division (F) of this section and subject 59169  
to division (C)(2) of this section, no hospice care program or 59170  
pediatric respite care program shall employ a person in a position 59171  
that involves providing direct care to an older adult or pediatric 59172  
respite care patient if the person has been convicted of or 59173  
pleaded guilty to any of the following: 59174

(a) A violation of section 2903.01, 2903.02, 2903.03, 59175  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 59176  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 59177



2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 59178  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 59179  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 59180  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 59181  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 59182  
2925.22, 2925.23, or 3716.11 of the Revised Code. 59183

(b) A violation of an existing or former law of this state, 59184  
any other state, or the United States that is substantially 59185  
equivalent to any of the offenses listed in division (C)(1)(a) of 59186  
this section. 59187

(2)(a) A hospice care program or pediatric respite care 59188  
program may employ conditionally an applicant for whom a criminal 59189  
records check request is required under division (B) of this 59190  
section prior to obtaining the results of a criminal records check 59191  
regarding the individual, provided that the program shall request 59192  
a criminal records check regarding the individual in accordance 59193  
with division (B)(1) of this section not later than five business 59194  
days after the individual begins conditional employment. In the 59195  
circumstances described in division (I)(2) of this section, a 59196  
hospice care program or pediatric respite care program may employ 59197  
conditionally an applicant who has been referred to the hospice 59198  
care program or pediatric respite care program by an employment 59199  
service that supplies full-time, part-time, or temporary staff for 59200  
positions involving the direct care of older adults or pediatric 59201  
respite care patients and for whom, pursuant to that division, a 59202  
criminal records check is not required under division (B) of this 59203  
section. 59204

(b) A hospice care program or pediatric respite care program 59205  
that employs an individual conditionally under authority of 59206  
division (C)(2)(a) of this section shall terminate the 59207  
individual's employment if the results of the criminal records 59208  
check requested under division (B) of this section or described in 59209

division (I)(2) of this section, other than the results of any 59210  
request for information from the federal bureau of investigation, 59211  
are not obtained within the period ending thirty days after the 59212  
date the request is made. Regardless of when the results of the 59213  
criminal records check are obtained, if the results indicate that 59214  
the individual has been convicted of or pleaded guilty to any of 59215  
the offenses listed or described in division (C)(1) of this 59216  
section, the program shall terminate the individual's employment 59217  
unless the program chooses to employ the individual pursuant to 59218  
division (F) of this section. Termination of employment under this 59219  
division shall be considered just cause for discharge for purposes 59220  
of division (D)(2) of section 4141.29 of the Revised Code if the 59221  
individual makes any attempt to deceive the program about the 59222  
individual's criminal record. 59223

(D)(1) Each hospice care program or pediatric respite care 59224  
program shall pay to the bureau of criminal identification and 59225  
investigation the fee prescribed pursuant to division (C)(3) of 59226  
section 109.572 of the Revised Code for each criminal records 59227  
check conducted pursuant to a request made under division (B) of 59228  
this section. 59229

(2) A hospice care program or pediatric respite care program 59230  
may charge an applicant a fee not exceeding the amount the program 59231  
pays under division (D)(1) of this section. A program may collect 59232  
a fee only if both of the following apply: 59233

(a) The program notifies the person at the time of initial 59234  
application for employment of the amount of the fee and that, 59235  
unless the fee is paid, the person will not be considered for 59236  
employment; 59237

(b) The ~~medical assistance~~ medicaid program established under 59238  
~~Chapter 5111. of the Revised Code~~ does not reimburse the program 59239  
the fee it pays under division (D)(1) of this section. 59240

(E) The report of a criminal records check conducted pursuant 59241  
to a request made under this section is not a public record for 59242  
the purposes of section 149.43 of the Revised Code and shall not 59243  
be made available to any person other than the following: 59244

(1) The individual who is the subject of the criminal records 59245  
check or the individual's representative; 59246

(2) The chief administrator of the program requesting the 59247  
criminal records check or the administrator's representative; 59248

(3) The administrator of any other facility, agency, or 59249  
program that provides direct care to older adults or pediatric 59250  
respite care patients that is owned or operated by the same entity 59251  
that owns or operates the hospice care program or pediatric 59252  
respite care program; 59253

(4) A court, hearing officer, or other necessary individual 59254  
involved in a case dealing with a denial of employment of the 59255  
applicant or dealing with employment or unemployment benefits of 59256  
the applicant; 59257

(5) Any person to whom the report is provided pursuant to, 59258  
and in accordance with, division (I)(1) or (2) of this section. 59259

(F) The director of health shall adopt rules in accordance 59260  
with Chapter 119. of the Revised Code to implement this section. 59261  
The rules shall specify circumstances under which a hospice care 59262  
program or pediatric respite care program may employ a person who 59263  
has been convicted of or pleaded guilty to an offense listed or 59264  
described in division (C)(1) of this section but meets personal 59265  
character standards set by the director. 59266

(G) The chief administrator of a hospice care program or 59267  
pediatric respite care program shall inform each individual, at 59268  
the time of initial application for a position that involves 59269  
providing direct care to an older adult or pediatric respite care 59270  
patient, that the individual is required to provide a set of 59271

fingerprint impressions and that a criminal records check is 59272  
required to be conducted if the individual comes under final 59273  
consideration for employment. 59274

(H) In a tort or other civil action for damages that is 59275  
brought as the result of an injury, death, or loss to person or 59276  
property caused by an individual who a hospice care program or 59277  
pediatric respite care program employs in a position that involves 59278  
providing direct care to older adults or pediatric respite care 59279  
patients, all of the following shall apply: 59280

(1) If the program employed the individual in good faith and 59281  
reasonable reliance on the report of a criminal records check 59282  
requested under this section, the program shall not be found 59283  
negligent solely because of its reliance on the report, even if 59284  
the information in the report is determined later to have been 59285  
incomplete or inaccurate; 59286

(2) If the program employed the individual in good faith on a 59287  
conditional basis pursuant to division (C)(2) of this section, the 59288  
program shall not be found negligent solely because it employed 59289  
the individual prior to receiving the report of a criminal records 59290  
check requested under this section; 59291

(3) If the program in good faith employed the individual 59292  
according to the personal character standards established in rules 59293  
adopted under division (F) of this section, the program shall not 59294  
be found negligent solely because the individual prior to being 59295  
employed had been convicted of or pleaded guilty to an offense 59296  
listed or described in division (C)(1) of this section. 59297

(I)(1) The chief administrator of a hospice care program or 59298  
pediatric respite care program is not required to request that the 59299  
superintendent of the bureau of criminal identification and 59300  
investigation conduct a criminal records check of an applicant if 59301  
the applicant has been referred to the program by an employment 59302

service that supplies full-time, part-time, or temporary staff for 59303  
positions involving the direct care of older adults or pediatric 59304  
respite care patients and both of the following apply: 59305

(a) The chief administrator receives from the employment 59306  
service or the applicant a report of the results of a criminal 59307  
records check regarding the applicant that has been conducted by 59308  
the superintendent within the one-year period immediately 59309  
preceding the applicant's referral; 59310

(b) The report of the criminal records check demonstrates 59311  
that the person has not been convicted of or pleaded guilty to an 59312  
offense listed or described in division (C)(1) of this section, or 59313  
the report demonstrates that the person has been convicted of or 59314  
pleaded guilty to one or more of those offenses, but the hospice 59315  
care program or pediatric respite care program chooses to employ 59316  
the individual pursuant to division (F) of this section. 59317

(2) The chief administrator of a hospice care program or 59318  
pediatric respite care program is not required to request that the 59319  
superintendent of the bureau of criminal identification and 59320  
investigation conduct a criminal records check of an applicant and 59321  
may employ the applicant conditionally as described in this 59322  
division, if the applicant has been referred to the program by an 59323  
employment service that supplies full-time, part-time, or 59324  
temporary staff for positions involving the direct care of older 59325  
adults or pediatric respite care patients and if the chief 59326  
administrator receives from the employment service or the 59327  
applicant a letter from the employment service that is on the 59328  
letterhead of the employment service, dated, and signed by a 59329  
supervisor or another designated official of the employment 59330  
service and that states that the employment service has requested 59331  
the superintendent to conduct a criminal records check regarding 59332  
the applicant, that the requested criminal records check will 59333  
include a determination of whether the applicant has been 59334

convicted of or pleaded guilty to any offense listed or described 59335  
in division (C)(1) of this section, that, as of the date set forth 59336  
on the letter, the employment service had not received the results 59337  
of the criminal records check, and that, when the employment 59338  
service receives the results of the criminal records check, it 59339  
promptly will send a copy of the results to the hospice care 59340  
program or pediatric respite care program. If a hospice care 59341  
program or pediatric respite care program employs an applicant 59342  
conditionally in accordance with this division, the employment 59343  
service, upon its receipt of the results of the criminal records 59344  
check, promptly shall send a copy of the results to the hospice 59345  
care program or pediatric respite care program, and division 59346  
(C)(2)(b) of this section applies regarding the conditional 59347  
employment. 59348

**Sec. 3713.06.** (A) Any person required to register under 59349  
division (A) of section 3713.02 of the Revised Code who imports 59350  
bedding or stuffed toys into this state for retail sale or use in 59351  
this state and any person required to register under division (A) 59352  
of section 3713.02 of the Revised Code who manufactures bedding or 59353  
stuffed toys in this state for retail sale or use in this state 59354  
shall submit a report to the superintendent of industrial 59355  
compliance, in a form and manner prescribed by the superintendent. 59356  
The form shall be submitted once ~~every six months~~ per year and 59357  
shall show the total number of items of bedding or stuffed toys 59358  
imported into this state or manufactured in this state. Each 59359  
report shall be accompanied by a fee of four cents for each item 59360  
of bedding or stuffed toy imported into this state or manufactured 59361  
in this state. 59362

(B) Every importer, manufacturer, or wholesaler of stuffed 59363  
toys or articles of bedding, and every mobile home and 59364  
recreational vehicle dealer, conversion van dealer, secondhand 59365  
dealer, and auction house shall retain records, designated by the 59366

superintendent in rule, for the time period established in rule. 59367

(C) Every importer, manufacturer, or wholesaler of stuffed 59368  
toys or articles of bedding, and every mobile home and 59369  
recreational vehicle dealer, conversion van dealer, secondhand 59370  
dealer, and auction house shall make sufficient investigation of 59371  
its records to ensure that the information reported to the 59372  
superintendent under division (A) of this section is accurate. 59373

**Sec. 3714.07.** (A)(1) For the purpose of assisting boards of 59374  
health and the environmental protection agency in administering 59375  
and enforcing this chapter and rules adopted under it, there is 59376  
hereby levied a fee of thirty cents per cubic yard or sixty cents 59377  
per ton, as applicable, on both of the following: 59378

(a) The disposal of construction and demolition debris at a 59379  
construction and demolition debris facility that is licensed under 59380  
this chapter or at a solid waste facility that is licensed under 59381  
Chapter 3734. of the Revised Code; 59382

(b) The disposal of asbestos or asbestos-containing materials 59383  
or products at a construction and demolition debris facility that 59384  
is licensed under this chapter or at a solid waste facility that 59385  
is licensed under Chapter 3734. of the Revised Code. 59386

(2) The owner or operator of a construction and demolition 59387  
debris facility or a solid waste facility shall determine if cubic 59388  
yards or tons will be used as the unit of measurement. If basing 59389  
the fee on cubic yards, the owner or operator shall utilize either 59390  
the maximum cubic yard capacity of the container, or the hauling 59391  
volume of the vehicle, that transports the construction and 59392  
demolition debris to the facility or the cubic yards actually 59393  
logged for disposal by the owner or operator in accordance with 59394  
rules adopted under section 3714.02 of the Revised Code. If basing 59395  
the fee on tonnage, the owner or operator shall use certified 59396  
scales to determine the tonnage of construction and demolition 59397

debris that is disposed of. 59398

(3) The owner or operator of a construction and demolition 59399  
debris facility or a solid waste facility shall calculate the 59400  
amount of money generated from the fee levied under division 59401  
(A)(1) of this section and shall hold that amount as a trustee for 59402  
the health district having jurisdiction over the facility, if that 59403  
district is on the approved list under section 3714.09 of the 59404  
Revised Code, or for the state. The owner or operator shall 59405  
prepare and file with the appropriate board of health or the 59406  
director of environmental protection monthly returns indicating 59407  
the total volume or weight, as applicable, of construction and 59408  
demolition debris and asbestos or asbestos-containing materials or 59409  
products disposed of at the facility and the total amount of money 59410  
generated during that month from the fee levied under division 59411  
(A)(1) of this section on the disposal of construction and 59412  
demolition debris and asbestos or asbestos-containing materials or 59413  
products. Not later than thirty days after the last day of the 59414  
month to which the return applies, the owner or operator shall 59415  
mail to the board of health or the director the return for that 59416  
month together with the amount of money calculated under division 59417  
(A)(3) of this section on the disposal of construction and 59418  
demolition debris and asbestos or asbestos-containing materials or 59419  
products during that month or may submit the return and money 59420  
electronically in a manner approved by the director. The owner or 59421  
operator may request, in writing, an extension of not more than 59422  
thirty days after the last day of the month to which the return 59423  
applies. A request for extension may be denied. If the owner or 59424  
operator submits the money late, the owner or operator shall pay a 59425  
penalty of ten per cent of the amount of the money due for each 59426  
month that it is late. 59427

(4) Of the money that is submitted by a construction and 59428  
demolition debris facility or a solid waste facility on a per 59429



cubic yard or per ton basis under this section, a board of health 59430  
shall transmit three cents per cubic yard or six cents per ton, as 59431  
applicable, to the director not later than forty-five days after 59432  
the receipt of the money. The money retained by a board of health 59433  
under this section shall be paid into a special fund, which is 59434  
hereby created in each health district, and used solely ~~to~~ for the 59435  
following purposes: 59436

(a) To administer and enforce this chapter and rules adopted 59437  
under it; 59438

(b) To abate accumulations of construction and demolition 59439  
debris as provided in section 3714.074 of the Revised Code. 59440

The director shall transmit all money received under this 59441  
section to the treasurer of state to be credited to the 59442  
construction and demolition debris facility oversight fund, which 59443  
is hereby created in the state treasury. The fund shall be 59444  
administered by the director, and money credited to the fund shall 59445  
be used exclusively for the administration and enforcement of this 59446  
chapter and rules adopted under it. 59447

(B) The board of health of a health district or the director 59448  
may enter into an agreement with the owner or operator of a 59449  
construction and demolition debris facility or a solid waste 59450  
facility for the quarterly payment of money generated from the 59451  
disposal fee as calculated in division (A)(3) of this section. The 59452  
board of health shall notify the director of any such agreement. 59453  
Not later than forty-five days after receipt of the quarterly 59454  
payment, the board of health shall transmit the amount established 59455  
in division (A)(4) of this section to the director. The money 59456  
retained by the board of health shall be deposited in the special 59457  
fund of the district as required under that division. Upon receipt 59458  
of the money from a board of health, the director shall transmit 59459  
the money to the treasurer of state to be credited to the 59460  
construction and demolition debris facility oversight fund. 59461

(C) If a construction and demolition debris facility or a solid waste facility is located within the territorial boundaries of a municipal corporation or the unincorporated area of a township, the municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the disposal fee required to be paid by the facility under division (A)(1) of this section for the same purposes that a municipal corporation or township may levy a fee under division (C) of section 3734.57 of the Revised Code.

The legislative authority of the municipal corporation or township may appropriate the money from the fee by enacting an ordinance or adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the legislative authority shall mail a certified copy of the ordinance or resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code, to the director. Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money generated from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money generated from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.

Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the clerk of the township, as

appropriate, shall maintain separate records of the money received 59494  
under this division. 59495

The legislative authority of a municipal corporation or 59496  
township may cease appropriating money under this division by 59497  
repealing the ordinance or resolution that was enacted or adopted 59498  
under this division. 59499

The director shall adopt rules in accordance with Chapter 59500  
119. of the Revised Code establishing requirements for prorating 59501  
the amount of the fee that may be appropriated under this division 59502  
by a municipal corporation or township in which only a portion of 59503  
a construction and demolition debris facility is located within 59504  
the territorial boundaries of the municipal corporation or 59505  
township. 59506

(D) The board of county commissioners of a county in which a 59507  
construction and demolition debris facility or a solid waste 59508  
facility is located may appropriate up to three cents per cubic 59509  
yard or up to six cents per ton of the disposal fee required to be 59510  
paid by the facility under division (A)(1) of this section for the 59511  
same purposes that a solid waste management district may levy a 59512  
fee under division (B) of section 3734.57 of the Revised Code. 59513

The board of county commissioners may appropriate the money 59514  
from the fee by adopting a resolution establishing the amount of 59515  
the fee to be appropriated. Upon doing so, the board of county 59516  
commissioners shall mail a certified copy of the resolution to the 59517  
board of health of the health district in which the construction 59518  
and demolition debris facility or the solid waste facility is 59519  
located or, if the facility is located in a health district that 59520  
is not on the approved list under section 3714.09 of the Revised 59521  
Code, to the director. Upon receipt of the copy of the resolution 59522  
and not later than forty-five days after receipt of money 59523  
generated from the fee, the board of health or the director, as 59524  
applicable, shall transmit to the treasurer of the county that 59525

portion of the money generated from the disposal fee by the owner 59526  
or operator of the facility that is required by the resolution to 59527  
be paid to that county. 59528

Money received by a county treasurer under this division 59529  
shall be paid into the general fund of the county. The county 59530  
treasurer shall maintain separate records of the money received 59531  
under this division. 59532

A board of county commissioners may cease appropriating money 59533  
under this division by repealing the resolution that was adopted 59534  
under this division. 59535

(E)(1) This section does not apply to the disposal of 59536  
construction and demolition debris at a solid waste facility that 59537  
is licensed under Chapter 3734. of the Revised Code if there is no 59538  
construction and demolition debris facility licensed under this 59539  
chapter within thirty-five miles of the solid waste facility as 59540  
determined by a facility's property boundaries. 59541

(2) This section does not apply to the disposal of 59542  
construction and demolition debris at a solid waste facility that 59543  
is licensed under Chapter 3734. of the Revised Code if the owner 59544  
or operator of the facility chooses to collect fees on the 59545  
disposal of the construction and demolition debris and asbestos or 59546  
asbestos-containing materials or products that are identical to 59547  
the fees that are collected under Chapters 343. and 3734. of the 59548  
Revised Code on the disposal of solid wastes at that facility. 59549

(3) This section does not apply to the disposal of source 59550  
separated materials that are exclusively composed of reinforced or 59551  
nonreinforced concrete, asphalt, clay tile, building or paving 59552  
brick, or building or paving stone at a construction and 59553  
demolition debris facility that is licensed under this chapter 59554  
when either of the following applies: 59555

(a) The materials are placed within the limits of 59556

construction and demolition debris placement at the facility as 59557  
specified in the license issued to the facility under section 59558  
3714.06 of the Revised Code, are not placed within the unloading 59559  
zone of the facility, and are used as a fire prevention measure in 59560  
accordance with rules adopted by the director under section 59561  
3714.02 of the Revised Code. 59562

(b) The materials are not placed within the unloading zone of 59563  
the facility or within the limits of construction and demolition 59564  
debris placement at the facility as specified in the license 59565  
issued to the facility under section 3714.06 of the Revised Code, 59566  
but are used as fill material, either alone or in conjunction with 59567  
clean soil, sand, gravel, or other clean aggregates, in legitimate 59568  
fill operations for construction purposes at the facility or to 59569  
bring the facility up to a consistent grade. 59570

Sec. 3714.074. (A) A board of health may use money in the 59571  
board's special fund created in section 3714.07 of the Revised 59572  
Code for the purpose specified in division (B) of this section if 59573  
both of the following apply: 59574

(1) It is the end of the fiscal year. 59575

(2) The board determines that it has more money in the fund 59576  
than is necessary for the board to administer and enforce this 59577  
chapter and rules adopted under it for the following fiscal year. 59578

(B) A board of health may use excess money as described in 59579  
division (A) of this section to abate accumulations of 59580  
construction and demolition debris at a location for which a 59581  
license has not been issued pursuant to section 3714.05 of the 59582  
Revised Code if all of the following apply to the property on 59583  
which the accumulations are located: 59584

(1) The construction and demolition debris was placed on the 59585  
property under either of the following circumstances: 59586

|                                                                                   |       |
|-----------------------------------------------------------------------------------|-------|
| <u>(a) After the owner of the property acquired title to it;</u>                  | 59587 |
| <u>(b) Before the owner of the property acquired title to it if</u>               | 59588 |
| <u>the owner acquired title to the property by bequest or devise.</u>             | 59589 |
| <u>(2) The owner of the property did not have knowledge that the</u>              | 59590 |
| <u>construction and demolition debris was being placed on the</u>                 | 59591 |
| <u>property, or the owner posted on the property signs prohibiting</u>            | 59592 |
| <u>dumping or took other action to prevent the placing of</u>                     | 59593 |
| <u>construction and demolition debris on the property.</u>                        | 59594 |
| <u>(3) The owner of the property did not participate in or</u>                    | 59595 |
| <u>consent to the placement of the construction and demolition debris</u>         | 59596 |
| <u>on the property.</u>                                                           | 59597 |
| <u>(4) The owner of the property did not receive any financial</u>                | 59598 |
| <u>benefit from the placement of the construction and demolition</u>              | 59599 |
| <u>debris on the property or from having the construction and</u>                 | 59600 |
| <u>demolition debris on the property.</u>                                         | 59601 |
| <u>(5) Title to the property was not transferred to the owner of</u>              | 59602 |
| <u>that property for the purpose of avoiding liability for violations</u>         | 59603 |
| <u>of this chapter or rules adopted under it.</u>                                 | 59604 |
| <u>(6) The person responsible for the placement of the</u>                        | 59605 |
| <u>construction and demolition debris on the property, in placing the</u>         | 59606 |
| <u>construction and demolition debris on the property, was not acting</u>         | 59607 |
| <u>as an agent for the owner of the property.</u>                                 | 59608 |
| <b>Sec. 3717.08.</b> (A) The director of agriculture and director of              | 59609 |
| health shall strive to increase consumer confidence in the state's                | 59610 |
| food supply by promoting food safety awareness and education. The                 | 59611 |
| efforts of the director of agriculture and director of health                     | 59612 |
| shall be made, when appropriate and available, through                            | 59613 |
| partnerships with representatives of retail food establishments,                  | 59614 |
| representatives of food service operations, and representatives of                | 59615 |
| the academic community, including <del>the Ohio state university</del> <u>OSU</u> | 59616 |

extension ~~service~~. 59617

(B) As part of their promotion of food safety awareness, the 59618  
director of agriculture and the director of health shall do the 59619  
following: 59620

(1) Develop training programs regarding the Ohio uniform food 59621  
safety code. The directors may offer the training programs 59622  
separately but shall coordinate the content of the programs to the 59623  
greatest extent practicable. The training programs shall be made 59624  
available to the employees of the department of agriculture, 59625  
employees of the department of health, representatives of boards 59626  
of health and the health officials employed by the boards, 59627  
representatives of retail food establishments, and representatives 59628  
of food service operations. 59629

(2) Co-sponsor a biennial statewide food safety conference. 59630  
Additional statewide food safety conferences may be held as 59631  
considered appropriate by the director of agriculture and director 59632  
of health. 59633

**Sec. 3718.06.** (A) A board of health shall establish fees in 59634  
accordance with section 3709.09 of the Revised Code for the 59635  
purpose of carrying out its duties under this chapter and rules 59636  
adopted under it, including fees for installation permits, 59637  
operation permits, and alteration permits issued by the board. All 59638  
fees so established and collected by the board shall be deposited 59639  
in a special fund of the district to be used exclusively by the 59640  
board in carrying out those duties. 59641

(B) In accordance with Chapter 119. of the Revised Code, the 59642  
director of health may establish by rule a fee to be collected 59643  
from applicants for installation permits and alteration permits 59644  
issued under rules adopted under this chapter. The director of 59645  
health shall use not more than ~~seventy-five~~ ninety per cent of the 59646  
proceeds from that fee for administering and enforcing this 59647

chapter and the rules adopted under it by the director. The 59648  
director shall use not less than ~~twenty-five~~ ten per cent of the 59649  
proceeds from that fee to establish a program in cooperation with 59650  
boards of health to fund installation and evaluation of sewage 59651  
treatment system new technology pilot projects through grants or 59652  
other agreements. In the selection of pilot projects, the director 59653  
shall consult with the sewage treatment system technical advisory 59654  
committee. A board of health shall collect and transmit the fee to 59655  
the director pursuant to section 3709.092 of the Revised Code. 59656

**Sec. 3719.61.** Nothing in the laws dealing with drugs of abuse 59657  
shall be construed to prohibit treatment of narcotic drug 59658  
dependent persons by the continuing maintenance of their 59659  
dependence through the administration of methadone in accordance 59660  
with the rules adopted by the department of ~~alcohol and drug~~ 59661  
~~addiction services~~ mental health and addiction services under 59662  
section ~~3793.11~~ 5119.39 of the Revised Code, when all of the 59663  
following apply: 59664

(A) The likelihood that any person undergoing maintenance 59665  
treatment will be cured of dependence on narcotic drugs is remote, 59666  
the treatment is prescribed for the purpose of alleviating or 59667  
controlling the patient's drug dependence, and the patient's 59668  
prognosis while undergoing treatment is at least a partial 59669  
improvement in the patient's asocial or antisocial behavior 59670  
patterns; 59671

(B) In the case of an inpatient in a hospital or clinic, the 59672  
amount of the maintenance drug dispensed at any one time does not 59673  
exceed the quantity necessary for a single dose, and the dose is 59674  
administered to the patient immediately; 59675

(C) In the case of an outpatient, the amount of the 59676  
maintenance drug dispensed at any one time shall be determined by 59677  
the patient's treatment provider taking into account the patient's 59678



progress in the treatment program and the patient's needs for 59679  
gainful employment, education, and responsible homemaking, except 59680  
that in no event shall the dosage be greater than the amount 59681  
permitted by federal law and rules adopted by the department 59682  
pursuant to section ~~3793.11~~ 5119.39 of the Revised Code; 59683

(D) The drug is not dispensed in any case to replace or 59684  
supplement any part of a supply of the drug previously dispensed, 59685  
or when there is reasonable cause to believe it will be used or 59686  
disposed of unlawfully; 59687

(E) The drug is dispensed through a program licensed and 59688  
operated in accordance with section ~~3793.11~~ 5119.39 of the Revised 59689  
Code. 59690

**Sec. 3721.01.** (A) As used in sections 3721.01 to 3721.09 and 59691  
3721.99 of the Revised Code: 59692

(1)(a) "Home" means an institution, residence, or facility 59693  
that provides, for a period of more than twenty-four hours, 59694  
whether for a consideration or not, accommodations to three or 59695  
more unrelated individuals who are dependent upon the services of 59696  
others, including a nursing home, residential care facility, home 59697  
for the aging, and a veterans' home operated under Chapter 5907. 59698  
of the Revised Code. 59699

(b) "Home" also means both of the following: 59700

(i) Any facility that a person, as defined in section 3702.51 59701  
of the Revised Code, proposes for certification as a skilled 59702  
nursing facility or nursing facility under Title XVIII or XIX of 59703  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 59704  
as amended, and for which a certificate of need, other than a 59705  
certificate to recategorize hospital beds as described in section 59706  
3702.521 of the Revised Code or division (R)(7)(d) of the version 59707  
of section 3702.51 of the Revised Code in effect immediately prior 59708

to April 20, 1995, has been granted to the person under sections 59709  
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 59710

(ii) A county home or district home that is or has been 59711  
licensed as a residential care facility. 59712

(c) "Home" does not mean any of the following: 59713

(i) Except as provided in division (A)(1)(b) of this section, 59714  
a public hospital or hospital as defined in section 3701.01 or 59715  
5122.01 of the Revised Code; 59716

(ii) A residential facility as defined in section ~~5119.22~~ 59717  
5119.34 of the Revised Code; 59718

(iii) A residential facility as defined in section 5123.19 of 59719  
the Revised Code; 59720

(iv) ~~An alcohol or drug~~ A community addiction ~~program~~ 59721  
services provider as defined in section ~~3793.01~~ 5119.01 of the 59722  
Revised Code; 59723

(v) A facility licensed to provide methadone treatment under 59724  
section ~~3793.11~~ 5119.39 of the Revised Code; 59725

(vi) A facility providing services under contract with the 59726  
department of developmental disabilities under section 5123.18 of 59727  
the Revised Code; 59728

(vii) A facility operated by a hospice care program licensed 59729  
under section 3712.04 of the Revised Code that is used exclusively 59730  
for care of hospice patients; 59731

(viii) A facility operated by a pediatric respite care 59732  
program licensed under section 3712.041 of the Revised Code that 59733  
is used exclusively for care of pediatric respite care patients; 59734

(ix) A facility, infirmary, or other entity that is operated 59735  
by a religious order, provides care exclusively to members of 59736  
religious orders who take vows of celibacy and live by virtue of 59737  
their vows within the orders as if related, and does not 59738

participate in the medicare program ~~established under Title XVIII~~ 59739  
~~of the "Social Security Act" or the medical assistance~~ medicaid 59740  
~~program established under Chapter 5111. of the Revised Code and~~ 59741  
~~Title XIX of the "Social Security Act,"~~ if on January 1, 1994, the 59742  
facility, infirmary, or entity was providing care exclusively to 59743  
members of the religious order; 59744

(x) A county home or district home that has never been 59745  
licensed as a residential care facility. 59746

(2) "Unrelated individual" means one who is not related to 59747  
the owner or operator of a home or to the spouse of the owner or 59748  
operator as a parent, grandparent, child, grandchild, brother, 59749  
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 59750  
uncle. 59751

(3) "Mental impairment" does not mean mental illness as 59752  
defined in section 5122.01 of the Revised Code or mental 59753  
retardation as defined in section 5123.01 of the Revised Code. 59754

(4) "Skilled nursing care" means procedures that require 59755  
technical skills and knowledge beyond those the untrained person 59756  
possesses and that are commonly employed in providing for the 59757  
physical, mental, and emotional needs of the ill or otherwise 59758  
incapacitated. "Skilled nursing care" includes, but is not limited 59759  
to, the following: 59760

(a) Irrigations, catheterizations, application of dressings, 59761  
and supervision of special diets; 59762

(b) Objective observation of changes in the patient's 59763  
condition as a means of analyzing and determining the nursing care 59764  
required and the need for further medical diagnosis and treatment; 59765

(c) Special procedures contributing to rehabilitation; 59766

(d) Administration of medication by any method ordered by a 59767  
physician, such as hypodermically, rectally, or orally, including 59768

observation of the patient after receipt of the medication; 59769

(e) Carrying out other treatments prescribed by the physician 59770  
that involve a similar level of complexity and skill in 59771  
administration. 59772

(5)(a) "Personal care services" means services including, but 59773  
not limited to, the following: 59774

(i) Assisting residents with activities of daily living; 59775

(ii) Assisting residents with self-administration of 59776  
medication, in accordance with rules adopted under section 3721.04 59777  
of the Revised Code; 59778

(iii) Preparing special diets, other than complex therapeutic 59779  
diets, for residents pursuant to the instructions of a physician 59780  
or a licensed dietitian, in accordance with rules adopted under 59781  
section 3721.04 of the Revised Code. 59782

(b) "Personal care services" does not include "skilled 59783  
nursing care" as defined in division (A)(4) of this section. A 59784  
facility need not provide more than one of the services listed in 59785  
division (A)(5)(a) of this section to be considered to be 59786  
providing personal care services. 59787

(6) "Nursing home" means a home used for the reception and 59788  
care of individuals who by reason of illness or physical or mental 59789  
impairment require skilled nursing care and of individuals who 59790  
require personal care services but not skilled nursing care. A 59791  
nursing home is licensed to provide personal care services and 59792  
skilled nursing care. 59793

(7) "Residential care facility" means a home that provides 59794  
either of the following: 59795

(a) Accommodations for seventeen or more unrelated 59796  
individuals and supervision and personal care services for three 59797  
or more of those individuals who are dependent on the services of 59798

others by reason of age or physical or mental impairment; 59799

(b) Accommodations for three or more unrelated individuals, 59800  
supervision and personal care services for at least three of those 59801  
individuals who are dependent on the services of others by reason 59802  
of age or physical or mental impairment, and, to at least one of 59803  
those individuals, any of the skilled nursing care authorized by 59804  
section 3721.011 of the Revised Code. 59805

(8) "Home for the aging" means a home that provides services 59806  
as a residential care facility and a nursing home, except that the 59807  
home provides its services only to individuals who are dependent 59808  
on the services of others by reason of both age and physical or 59809  
mental impairment. 59810

The part or unit of a home for the aging that provides 59811  
services only as a residential care facility is licensed as a 59812  
residential care facility. The part or unit that may provide 59813  
skilled nursing care beyond the extent authorized by section 59814  
3721.011 of the Revised Code is licensed as a nursing home. 59815

(9) "County home" and "district home" mean a county home or 59816  
district home operated under Chapter 5155. of the Revised Code. 59817

(B) The director of health may further classify homes. For 59818  
the purposes of this chapter, any residence, institution, hotel, 59819  
congregate housing project, or similar facility that meets the 59820  
definition of a home under this section is such a home regardless 59821  
of how the facility holds itself out to the public. 59822

(C) For purposes of this chapter, personal care services or 59823  
skilled nursing care shall be considered to be provided by a 59824  
facility if they are provided by a person employed by or 59825  
associated with the facility or by another person pursuant to an 59826  
agreement to which neither the resident who receives the services 59827  
nor the resident's sponsor is a party. 59828

(D) Nothing in division (A)(4) of this section shall be 59829

construed to permit skilled nursing care to be imposed on an 59830  
individual who does not require skilled nursing care. 59831

Nothing in division (A)(5) of this section shall be construed 59832  
to permit personal care services to be imposed on an individual 59833  
who is capable of performing the activity in question without 59834  
assistance. 59835

(E) Division (A)(1)(c)(ix) of this section does not prohibit 59836  
a facility, infirmary, or other entity described in that division 59837  
from seeking licensure under sections 3721.01 to 3721.09 of the 59838  
Revised Code or certification under Title XVIII or XIX of the 59839  
"Social Security Act." However, such a facility, infirmary, or 59840  
entity that applies for licensure or certification must meet the 59841  
requirements of those sections or titles and the rules adopted 59842  
under them and obtain a certificate of need from the director of 59843  
health under section 3702.52 of the Revised Code. 59844

(F) Nothing in this chapter, or rules adopted pursuant to it, 59845  
shall be construed as authorizing the supervision, regulation, or 59846  
control of the spiritual care or treatment of residents or 59847  
patients in any home who rely upon treatment by prayer or 59848  
spiritual means in accordance with the creed or tenets of any 59849  
recognized church or religious denomination. 59850

**Sec. 3721.011.** (A) In addition to providing accommodations, 59851  
supervision, and personal care services to its residents, a 59852  
residential care facility may do the following: 59853

(1) Provide the following skilled nursing care to its 59854  
residents: 59855

(a) Supervision of special diets; 59856

(b) Application of dressings, in accordance with rules 59857  
adopted under section 3721.04 of the Revised Code; 59858

(c) Subject to division (B)(1) of this section, 59859

administration of medication. 59860

(2) Subject to division (C) of this section, provide other 59861  
skilled nursing care on a part-time, intermittent basis for not 59862  
more than a total of one hundred twenty days in a twelve-month 59863  
period; 59864

(3) Provide skilled nursing care for more than one hundred 59865  
twenty days in a twelve-month period to a resident when the 59866  
requirements of division (D) of this section are met. 59867

A residential care facility may not admit or retain an 59868  
individual requiring skilled nursing care that is not authorized 59869  
by this section. A residential care facility may not provide 59870  
skilled nursing care beyond the limits established by this 59871  
section. 59872

(B)(1) A residential care facility may admit or retain an 59873  
individual requiring medication, including biologicals, only if 59874  
the individual's personal physician has determined in writing that 59875  
the individual is capable of self-administering the medication or 59876  
the facility provides for the medication to be administered to the 59877  
individual by a home health agency certified under Title XVIII of 59878  
the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C. 1395, as 59879  
amended; a hospice care program licensed under Chapter 3712. of 59880  
the Revised Code; or a member of the staff of the residential care 59881  
facility who is qualified to perform medication administration. 59882  
Medication may be administered in a residential care facility only 59883  
by the following persons authorized by law to administer 59884  
medication: 59885

(a) A registered nurse licensed under Chapter 4723. of the 59886  
Revised Code; 59887

(b) A licensed practical nurse licensed under Chapter 4723. 59888  
of the Revised Code who holds proof of successful completion of a 59889  
course in medication administration approved by the board of 59890

nursing and who administers the medication only at the direction 59891  
of a registered nurse or a physician authorized under Chapter 59892  
4731. of the Revised Code to practice medicine and surgery or 59893  
osteopathic medicine and surgery; 59894

(c) A medication aide certified under Chapter 4723. of the 59895  
Revised Code; 59896

(d) A physician authorized under Chapter 4731. of the Revised 59897  
Code to practice medicine and surgery or osteopathic medicine and 59898  
surgery. 59899

(2) In assisting a resident with self-administration of 59900  
medication, any member of the staff of a residential care facility 59901  
may do the following: 59902

(a) Remind a resident when to take medication and watch to 59903  
ensure that the resident follows the directions on the container; 59904

(b) Assist a resident by taking the medication from the 59905  
locked area where it is stored, in accordance with rules adopted 59906  
pursuant to section 3721.04 of the Revised Code, and handing it to 59907  
the resident. If the resident is physically unable to open the 59908  
container, a staff member may open the container for the resident. 59909

(c) Assist a physically impaired but mentally alert resident, 59910  
such as a resident with arthritis, cerebral palsy, or Parkinson's 59911  
disease, in removing oral or topical medication from containers 59912  
and in consuming or applying the medication, upon request by or 59913  
with the consent of the resident. If a resident is physically 59914  
unable to place a dose of medicine to the resident's mouth without 59915  
spilling it, a staff member may place the dose in a container and 59916  
place the container to the mouth of the resident. 59917

(C) Except as provided in division (D) of this section, a 59918  
residential care facility may admit or retain individuals who 59919  
require skilled nursing care beyond the supervision of special 59920  
diets, application of dressings, or administration of medication, 59921



only if the care will be provided on a part-time, intermittent 59922  
basis for not more than a total of one hundred twenty days in any 59923  
twelve-month period. In accordance with Chapter 119. of the 59924  
Revised Code, the director of health shall adopt rules specifying 59925  
what constitutes the need for skilled nursing care on a part-time, 59926  
intermittent basis. The director shall adopt rules that are 59927  
consistent with rules pertaining to home health care adopted by 59928  
the medicaid director ~~of job and family services~~ for the medicaid 59929  
program ~~established under Chapter 5111. of the Revised Code.~~ 59930  
Skilled nursing care provided pursuant to this division may be 59931  
provided by a home health agency certified ~~under Title XVIII of~~ 59932  
~~the "Social Security Act for participation in the medicare~~ 59933  
program," a hospice care program licensed under Chapter 3712. of 59934  
the Revised Code, or a member of the staff of a residential care 59935  
facility who is qualified to perform skilled nursing care. 59936

A residential care facility that provides skilled nursing 59937  
care pursuant to this division shall do both of the following: 59938

(1) Evaluate each resident receiving the skilled nursing care 59939  
at least once every seven days to determine whether the resident 59940  
should be transferred to a nursing home; 59941

(2) Meet the skilled nursing care needs of each resident 59942  
receiving the care. 59943

(D)(1) A residential care facility may admit or retain an 59944  
individual who requires skilled nursing care for more than one 59945  
hundred twenty days in any twelve-month period only if the 59946  
facility has entered into a written agreement with each of the 59947  
following: 59948

(a) The individual or individual's sponsor; 59949

(b) The individual's personal physician; 59950

(c) Unless the individual's personal physician oversees the 59951  
skilled nursing care, the provider of the skilled nursing care; 59952

(d) If the individual is a hospice patient as defined in 59953  
section 3712.01 of the Revised Code, a hospice care program 59954  
licensed under Chapter 3712. of the Revised Code. 59955

(2) The agreement required by division (D)(1) of this section 59956  
shall include all of the following provisions: 59957

(a) That the individual will be provided skilled nursing care 59958  
in the facility only if a determination has been made that the 59959  
individual's needs can be met at the facility; 59960

(b) That the individual will be retained in the facility only 59961  
if periodic redeterminations are made that the individual's needs 59962  
are being met at the facility; 59963

(c) That the redeterminations will be made according to a 59964  
schedule specified in the agreement; 59965

(d) If the individual is a hospice patient, that the 59966  
individual has been given an opportunity to choose the hospice 59967  
care program that best meets the individual's needs; 59968

(e) Unless the individual is a hospice patient, that the 59969  
individual's personal physician has determined that the skilled 59970  
nursing care the individual needs is routine. 59971

(E) Notwithstanding any other provision of this chapter, a 59972  
residential care facility in which residents receive skilled 59973  
nursing care pursuant to this section is not a nursing home. 59974

**Sec. 3721.02.** (A) As used in this section, "residential 59975  
facility" means a residential facility licensed under section 59976  
~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, 59977  
supervision, and personal care services for three to sixteen 59978  
unrelated adults. 59979

(B) The director of health shall license homes and establish 59980  
procedures to be followed in inspecting and licensing homes. The 59981  
director may inspect a home at any time. Each home shall be 59982

inspected by the director at least once prior to the issuance of a license and at least once every fifteen months thereafter. The state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal shall also inspect a home prior to issuance of a license, at least once every fifteen months thereafter, and at any other time requested by the director. A home does not have to be inspected prior to issuance of a license by the director, state fire marshal, or a fire department if ownership of the home is assigned or transferred to a different person and the home was licensed under this chapter immediately prior to the assignment or transfer. The director may enter at any time, for the purposes of investigation, any institution, residence, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is operating as a nursing home, residential care facility, or home for the aging without a valid license required by section 3721.05 of the Revised Code or, in the case of a county home or district home, is operating despite the revocation of its residential care facility license. The director may delegate the director's authority and duties under this chapter to any division, bureau, agency, or official of the department of health.

(C) A single facility may be licensed both as a nursing home pursuant to this chapter and as a residential facility pursuant to section ~~5119.22~~ 5119.34 of the Revised Code if the director determines that the part or unit to be licensed as a nursing home can be maintained separate and discrete from the part or unit to be licensed as a residential facility.

(D) In determining the number of residents in a home for the purpose of licensing, the director shall consider all the individuals for whom the home provides accommodations as one group unless one of the following is the case:

(1) The home is a home for the aging, in which case all the

individuals in the part or unit licensed as a nursing home shall 60015  
be considered as one group, and all the individuals in the part or 60016  
unit licensed as a rest home shall be considered as another group. 60017

(2) The home is both a nursing home and a residential 60018  
facility. In that case, all the individuals in the part or unit 60019  
licensed as a nursing home shall be considered as one group, and 60020  
all the individuals in the part or unit licensed as an adult care 60021  
facility shall be considered as another group. 60022

(3) The home maintains, in addition to a nursing home or 60023  
residential care facility, a separate and discrete part or unit 60024  
that provides accommodations to individuals who do not require or 60025  
receive skilled nursing care and do not receive personal care 60026  
services from the home, in which case the individuals in the 60027  
separate and discrete part or unit shall not be considered in 60028  
determining the number of residents in the home if the separate 60029  
and discrete part or unit is in compliance with the Ohio basic 60030  
building code established by the board of building standards under 60031  
Chapters 3781. and 3791. of the Revised Code and the home permits 60032  
the director, on request, to inspect the separate and discrete 60033  
part or unit and speak with the individuals residing there, if 60034  
they consent, to determine whether the separate and discrete part 60035  
or unit meets the requirements of this division. 60036

(E)(1) The director of health shall charge the following 60037  
application fee and annual renewal licensing and inspection fee 60038  
for each fifty persons or part thereof of a home's licensed 60039  
capacity: 60040

(a) For state fiscal year 2010, two hundred twenty dollars; 60041

(b) For state fiscal year 2011, two hundred seventy dollars; 60042

(c) For each state fiscal year thereafter, three hundred 60043  
twenty dollars. 60044

(2) All fees collected by the director for the issuance or 60045

renewal of licenses shall be deposited into the state treasury to 60046  
the credit of the general operations fund created in section 60047  
3701.83 of the Revised Code for use only in administering and 60048  
enforcing this chapter and rules adopted under it. 60049

(F)(1) Except as otherwise provided in this section, the 60050  
results of an inspection or investigation of a home that is 60051  
conducted under this section, including any statement of 60052  
deficiencies and all findings and deficiencies cited in the 60053  
statement on the basis of the inspection or investigation, shall 60054  
be used solely to determine the home's compliance with this 60055  
chapter or another chapter of the Revised Code in any action or 60056  
proceeding other than an action commenced under division (I) of 60057  
section 3721.17 of the Revised Code. Those results of an 60058  
inspection or investigation, that statement of deficiencies, and 60059  
the findings and deficiencies cited in that statement shall not be 60060  
used in any court or in any action or proceeding that is pending 60061  
in any court and are not admissible in evidence in any action or 60062  
proceeding unless that action or proceeding is an appeal of an 60063  
action by the department of health under this chapter or is an 60064  
action by any department or agency of the state to enforce this 60065  
chapter or another chapter of the Revised Code. 60066

(2) Nothing in division (E)(1) of this section prohibits the 60067  
results of an inspection or investigation conducted under this 60068  
section from being used in a criminal investigation or 60069  
prosecution. 60070

**Sec. 3721.022.** (A) As used in this section: 60071

(1) "Nursing facility" has the same meaning as in section 60072  
~~5111.20~~ 5165.01 of the Revised Code. 60073

(2) "Deficiency" and "survey" have the same meanings as in 60074  
section ~~5111.35~~ 5165.60 of the Revised Code. 60075

(3) "Title XIX" and "Title XVIII" have the same meanings as 60076  
in section 5165.01 of the Revised Code. 60077

(B) The department of health is hereby designated the state 60078  
agency responsible for establishing and maintaining health 60079  
standards and serving as the state survey agency for the purposes 60080  
of ~~Titles~~ Title XVIII and Title XIX ~~of the "Social Security Act,"~~ 60081  
~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~ The department 60082  
shall carry out these functions in accordance with the 60083  
regulations, guidelines, and procedures issued under ~~Titles~~ Title 60084  
XVIII and Title XIX by the United States secretary of health and 60085  
human services and with sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 60086  
5165.89 of the Revised Code. The director of health shall enter 60087  
into agreements with regard to these functions with the department 60088  
of ~~job and family services~~ medicaid and the United States 60089  
department of health and human services. The director may also 60090  
enter into agreements with the department of ~~job and family~~ 60091  
~~services~~ medicaid under which the department of health is 60092  
designated to perform functions under sections ~~5111.35~~ 5165.60 to 60093  
~~5111.62~~ 5165.89 of the Revised Code. 60094

The director, in accordance with Chapter 119. of the Revised 60095  
Code, shall adopt rules necessary to implement the survey and 60096  
certification requirements for skilled nursing facilities and 60097  
nursing facilities established by the United States secretary of 60098  
health and human services under ~~Titles~~ Title XVIII and Title XIX 60099  
~~of the "Social Security Act,"~~ and the survey requirements 60100  
established under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of 60101  
the Revised Code. The rules shall include an informal process by 60102  
which a facility may obtain up to two reviews of any deficiencies 60103  
that have been cited on a statement of deficiencies made by the 60104  
department of health under 42 C.F.R. Part 488 and cause the 60105  
facility to be in noncompliance as defined in 42 C.F.R. 488.301. 60106  
The first review shall be conducted by an employee of the 60107

department who did not participate in and was not otherwise 60108  
involved in any way with the survey. A facility that is not 60109  
satisfied with the results of a first review may receive a second 60110  
review on payment of a fee to the department. The amount of the 60111  
fee shall be specified in rules adopted under this section. The 60112  
fee shall be deposited into the state treasury to the credit of 60113  
the general operations fund created in section 3701.83 of the 60114  
Revised Code for use in the implementation of this section. The 60115  
second review shall be conducted by either of the following as 60116  
selected by the facility: a hearing officer employed by the 60117  
department or a hearing officer included on a list the department 60118  
shall provide the facility. A final determination that any 60119  
deficiency citation is unjustified shall be reflected clearly in 60120  
all records relating to the survey. 60121

The director need not adopt as rules any of the regulations, 60122  
guidelines, or procedures issued under ~~Titles~~ Title XVIII and 60123  
Title XIX ~~of the "Social Security Act"~~ by the United States 60124  
secretary of health and human services. 60125

**Sec. 3721.024.** As used in this section, "nursing facility" 60126  
has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised 60127  
Code. 60128

The department of health may establish a program of 60129  
recognition of nursing facilities that provide the highest quality 60130  
care to residents who are medicaid recipients ~~of medical~~ 60131  
~~assistance under Chapter 5111. of the Revised Code.~~ The program 60132  
may be funded with public funds appropriated by the general 60133  
assembly for the purpose of the program or any funds appropriated 60134  
for nursing home licensure. 60135

**Sec. 3721.027.** (A) As used in this section, "survey" has the 60136  
same meaning as in section 5165.60 of the Revised Code. 60137

(B) The department of health shall investigate within ten 60138  
working days after referral, in accordance with procedures and 60139  
criteria to be established by the department of health and the 60140  
department of aging, any unresolved complaint that the office of 60141  
the state long-term care ombudsperson ombudsman has investigated 60142  
and found to be valid and refers to the department of health. This 60143  
requirement does not supersede federal requirements for survey 60144  
agency complaint investigations. 60145

**Sec. 3721.042.** The director of health may not deny a nursing 60146  
home license to a facility seeking a license under this chapter as 60147  
a nursing home on the grounds that the facility does not satisfy a 60148  
requirement established in rules adopted under section 3721.04 of 60149  
the Revised Code regarding the toilet rooms and dining and 60150  
recreational areas of nursing homes if all of the following 60151  
requirements are met: 60152

(A) The facility seeks a license under this chapter because 60153  
it is a county home or district home being sold under section 60154  
5155.31 of the Revised Code to a person who may not operate the 60155  
facility without a nursing home license under this chapter. 60156

(B) The requirement would not have applied to the facility 60157  
had the facility been a nursing home first licensed under this 60158  
chapter before October 20, 2001. 60159

(C) The facility was a nursing facility, as defined in 60160  
section ~~5111.20~~ 5165.01 of the Revised Code, on the date 60161  
immediately preceding the date the facility is sold to the person 60162  
seeking the license. 60163

**Sec. 3721.071.** The buildings in which a home is housed shall 60164  
be equipped with both an automatic fire extinguishing system and 60165  
fire alarm system. Such systems shall conform to standards set 60166  
forth in the regulations of the board of building standards and 60167



the state fire marshal. 60168

The time for compliance with the requirements imposed by this 60169  
section shall be January 1, 1975, except that the date for 60170  
compliance with the automatic fire extinguishing requirements is 60171  
extended to January 1, 1976, provided the buildings of the home 60172  
are otherwise in compliance with fire safety laws and regulations 60173  
and: 60174

(A) The home within thirty days after August 4, 1975, files a 60175  
written plan with the state fire marshal's office that: 60176

(1) Outlines the interim safety procedures which shall be 60177  
carried out to reduce the possibility of a fire; 60178

(2) Provides evidence that the home has entered into an 60179  
agreement for a fire safety inspection to be conducted not less 60180  
than monthly by a qualified independent safety engineer consultant 60181  
or a township, municipal, or other legally constituted fire 60182  
department, or by a township or municipal fire prevention officer; 60183

(3) Provides verification that the home has entered into a 60184  
valid contract for the installation of an automatic fire 60185  
extinguishing system or fire alarm system, or both, as required to 60186  
comply with this section; 60187

(4) Includes a statement regarding the expected date for the 60188  
completion of the fire extinguishing system or fire alarm system, 60189  
or both. 60190

(B) Inspections by a qualified independent safety engineer 60191  
consultant or a township, municipal, or other legally constituted 60192  
fire department, or by a township or municipal fire prevention 60193  
officer are initiated no later than sixty days after August 4, 60194  
1975, and are conducted no less than monthly thereafter, and 60195  
reports of the consultant, fire department, or fire prevention 60196  
officer identifying existing hazards and recommended corrective 60197  
actions are submitted to the state fire marshal, the division of 60198

industrial compliance in the department of commerce, and the 60199  
department of health. 60200

It is the express intent of the general assembly that the 60201  
department of ~~job and family services~~ medicaid shall terminate 60202  
~~payments under Title XIX of the "Social Security Act," 49 Stat.~~ 60203  
~~620 (1935), 42 U.S.C. 301, as amended, to~~ the medicaid provider 60204  
agreements of those homes ~~which~~ that do not comply with the 60205  
requirements of this section for the submission of a written fire 60206  
safety plan and the deadline for entering into contracts for the 60207  
installation of systems. 60208

Sec. 3721.072. (A) As used in this section: 60209

(1) "Advance care planning" means providing each nursing home 60210  
resident, or the resident's sponsor if the resident is unable to 60211  
participate, on admission to the nursing home and quarterly 60212  
thereafter, with the opportunity to discuss the resident's care 60213  
goals. 60214

(2) "Overhead paging" means sending audible announcements via 60215  
an electronic sound amplification and distribution system 60216  
throughout part or all of a nursing home to staff, residents, 60217  
residents' families, or others. 60218

(3) "Quality improvement project" means a project listed by 60219  
the department of aging under the nursing home quality initiative 60220  
established under section 173.60 of the Revised Code. 60221

(B) Beginning July 1, 2013, each nursing home shall 60222  
participate in at least one quality improvement project each year. 60223  
Each nursing facility shall select the project in which it will 60224  
participate from the list the department of aging makes available 60225  
pursuant to section 173.60 of the Revised Code. 60226

(C) Beginning July 1, 2015, each nursing home shall 60227  
participate in advance care planning with all residents or their 60228

sponsors. 60229

(D) Beginning July 1, 2015, each nursing home shall prohibit 60230  
the use of overhead paging within the nursing home, except that 60231  
the nursing home may permit the use of overhead paging for matters 60232  
of urgent public safety or urgent clinical operations and in 60233  
accordance with the preferences of the nursing home's residents. 60234  
The nursing home shall develop a written policy regarding its use 60235  
of overhead paging and make the policy available to staff, 60236  
residents, and residents' families. 60237

**Sec. 3721.08.** (A) As used in this section, "real and present 60238  
danger" means imminent danger of serious physical or 60239  
life-threatening harm to one or more occupants of a home. 60240

(B) The director of health may petition the court of common 60241  
pleas of the county in which the home is located for an order 60242  
enjoining any person from operating a home without a license or 60243  
enjoining a county home or district home that has had its license 60244  
revoked from continuing to operate. The court shall have 60245  
jurisdiction to grant such injunctive relief upon a showing that 60246  
the respondent named in the petition is operating a home without a 60247  
license or that the county home or district home named in the 60248  
petition is operating despite the revocation of its license. The 60249  
court shall have jurisdiction to grant such injunctive relief 60250  
against the operation of a home without a valid license regardless 60251  
of whether the home meets essential licensing requirements. 60252

(C) Unless the department of ~~job and family services~~ medicaid 60253  
or contracting agency has taken action under section ~~5111.51~~ 60254  
5165.77 of the Revised Code to appoint a temporary manager or seek 60255  
injunctive relief, if, in the judgment of the director of health, 60256  
real and present danger exists at any home, the director may 60257  
petition the court of common pleas of the county in which the home 60258  
is located for such injunctive relief as is necessary to close the 60259

home, transfer one or more occupants to other homes or other 60260  
appropriate care settings, or otherwise eliminate the real and 60261  
present danger. The court shall have the jurisdiction to grant 60262  
such injunctive relief upon a showing that there is real and 60263  
present danger. 60264

(D)(1) If the director determines that real and present 60265  
danger exists at a home and elects not to immediately seek 60266  
injunctive relief under division (C) of this section, the director 60267  
may give written notice of proposed action to the home. The notice 60268  
shall specify all of the following: 60269

(a) The nature of the conditions giving rise to the real and 60270  
present danger; 60271

(b) The measures that the director determines the home must 60272  
take to respond to the conditions; 60273

(c) The date on which the director intends to seek injunctive 60274  
relief under division (C) of this section if the director 60275  
determines that real and present danger exists at the home. 60276

(2) If the home notifies the director, within the time 60277  
specified pursuant to division (D)(1)(c) of this section, that it 60278  
believes the conditions giving rise to the real and present danger 60279  
have been substantially corrected, the director shall conduct an 60280  
inspection to determine whether real and present danger exists. If 60281  
the director determines on the basis of the inspection that real 60282  
and present danger exists, the director may petition under 60283  
division (C) of this section for injunctive relief. 60284

(E)(1) If in the judgment of the director of health 60285  
conditions exist at a home that will give rise to real and present 60286  
danger if not corrected, the director shall give written notice of 60287  
proposed action to the home. The notice shall specify all of the 60288  
following: 60289

(a) The nature of the conditions giving rise to the 60290

director's judgment; 60291

(b) The measures that the director determines the home must 60292  
take to respond to the conditions; 60293

(c) The date, which shall be no less than ten days after the 60294  
notice is delivered, on which the director intends to seek 60295  
injunctive relief under division (C) of this section if the 60296  
conditions are not substantially corrected and the director 60297  
determines that a real and present danger exists. 60298

(2) If the home notifies the director, within the period of 60299  
time specified pursuant to division (E)(1)(c) of this section, 60300  
that the conditions giving rise to the director's determination 60301  
have been substantially corrected, the director shall conduct an 60302  
inspection. If the director determines on the basis of the 60303  
inspection that the conditions have not been corrected and a real 60304  
and present danger exists, the director may petition under 60305  
division (C) of this section for injunctive relief. 60306

(F)(1) A court that grants injunctive relief under division 60307  
(C) of this section may also appoint a special master who, subject 60308  
to division (F)(2) of this section, shall have such powers and 60309  
authority over the home and length of appointment as the court 60310  
considers necessary. Subject to division (F)(2) of this section, 60311  
the salary of a special master and any costs incurred by a special 60312  
master shall be the obligation of the home. 60313

(2) No special master shall enter into any employment 60314  
contract on behalf of a home, or purchase with the home's funds 60315  
any capital goods totaling more than ten thousand dollars, unless 60316  
the special master has obtained approval for the contract or 60317  
purchase from the home's operator or the court. 60318

(G) If the director takes action under division (C), (D), or 60319  
(E) of this section, the director may also appoint employees of 60320  
the department of health to conduct on-site monitoring of the 60321

home. Appointment of monitors is not subject to appeal under 60322  
Chapter 119. or any other section of the Revised Code. No employee 60323  
of a home for which monitors are appointed, no person employed by 60324  
the home within the previous two years, and no person who 60325  
currently has a consulting contract with the department or a home, 60326  
shall be appointed under this division. Every monitor shall have 60327  
the professional qualifications necessary to monitor correction of 60328  
the conditions that give rise to or, in the director's judgment, 60329  
will give rise to real and present danger. The number of monitors 60330  
present at a home at any given time shall not exceed one for every 60331  
fifty residents, or fraction thereof. 60332

(H) On finding that the real and present danger for which 60333  
injunctive relief was granted under division (C) of this section 60334  
has been eliminated and that the home's operator has demonstrated 60335  
the capacity to prevent the real and present danger from 60336  
recurring, the court shall terminate its jurisdiction over the 60337  
home and return control and management of the home to the 60338  
operator. If the real and present danger cannot be eliminated 60339  
practicably within a reasonable time following appointment of a 60340  
special master, the court may order the special master to close 60341  
the home and transfer all residents to other homes or other 60342  
appropriate care settings. 60343

(I) The director of health shall give notice of proposed 60344  
action under divisions (D) and (E) of this section to both of the 60345  
following: 60346

(1) The home's administrator; 60347

(2) If the home is operated by an organization described in 60348  
subsection 501(c)(3) and tax exempt under subsection 501(a) of the 60349  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 60350  
amended, the board of trustees of the organization; or, if the 60351  
home is not operated by such an organization, the owner of the 60352  
home. 60353

Notices shall be delivered by certified mail or hand delivery. If notices are mailed, they shall be addressed to the persons specified in divisions (I)(1) and (2) of this section, as indicated in the department of health's records. If they are hand delivered, they shall be delivered to persons who would reasonably appear to the average prudent person to have authority to accept them.

(J) If ownership of a home is assigned or transferred to a different person, the new owner is responsible and liable for compliance with any notice of proposed action or order issued under this section prior to the effective date of the assignment or transfer.

**Sec. 3721.10.** As used in sections 3721.10 to 3721.18 of the Revised Code:

(A) "Home" means all of the following:

(1) A home as defined in section 3721.01 of the Revised Code;

(2) Any facility or part of a facility not defined as a home under section 3721.01 of the Revised Code that is ~~certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395 and 1396, as amended, or as a~~ or nursing facility, both as defined in section ~~5111.20~~ 5165.01 of the Revised Code;

(3) A county home or district home operated pursuant to Chapter 5155. of the Revised Code.

(B) "Resident" means a resident or a patient of a home.

(C) "Administrator" means all of the following:

(1) With respect to a home as defined in section 3721.01 of the Revised Code, a nursing home administrator as defined in section 4751.01 of the Revised Code;

(2) With respect to a facility or part of a facility not defined as a home in section 3721.01 of the Revised Code that is authorized to provide skilled nursing facility or nursing facility services, the administrator of the facility or part of a facility;

(3) With respect to a county home or district home, the superintendent appointed under Chapter 5155. of the Revised Code.

(D) "Sponsor" means an adult relative, friend, or guardian of a resident who has an interest or responsibility in the resident's welfare.

(E) "Residents' rights advocate" means:

(1) An employee or representative of any state or local government entity that has a responsibility regarding residents and that has registered with the department of health under division (B) of section 3701.07 of the Revised Code;

(2) An employee or representative of any private nonprofit corporation or association that qualifies for tax-exempt status under section 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and that has registered with the department of health under division (B) of section 3701.07 of the Revised Code and whose purposes include educating and counseling residents, assisting residents in resolving problems and complaints concerning their care and treatment, and assisting them in securing adequate services to meet their needs;

(3) A member of the general assembly.

(F) "Physical restraint" means, but is not limited to, any article, device, or garment that interferes with the free movement of the resident and that the resident is unable to remove easily, a geriatric chair, or a locked room door.

(G) "Chemical restraint" means any medication bearing the American hospital formulary service therapeutic class ~~4-00~~ 4:00,



28:16:08, 28:24:08, or 28:24:92 that alters the functioning of the  
central nervous system in a manner that limits physical and  
cognitive functioning to the degree that the resident cannot  
attain the resident's highest practicable physical, mental, and  
psychosocial well-being.

(H) "Ancillary service" means, but is not limited to,  
podiatry, dental, hearing, vision, physical therapy, occupational  
therapy, speech therapy, and psychological and social services.

(I) "Facility" means a facility, or part of a facility,  
certified as a nursing facility or skilled nursing facility ~~under~~  
~~Title XVIII or Title XIX of the "Social Security Act, both as~~  
defined in section 5165.01 of the Revised Code." "Facility" does  
not include an intermediate care facility for the mentally  
retarded, as defined in section ~~5111.20~~ 5124.01 of the Revised  
Code.

~~(J) "Medicare" means the program established by Title XVIII~~  
~~of the "Social Security Act."~~

~~(K) "Medicaid" means the program established by Title XIX of~~  
~~the "Social Security Act" and Chapter 5111. of the Revised Code.~~

**Sec. 3721.12.** (A) The administrator of a home shall:

(1) With the advice of residents, their sponsors, or both,  
establish and review at least annually, written policies regarding  
the applicability and implementation of residents' rights under  
sections 3721.10 to 3721.17 of the Revised Code, the  
responsibilities of residents regarding the rights, and the home's  
grievance procedure established under division (A)(2) of this  
section. The administrator is responsible for the development of,  
and adherence to, procedures implementing the policies.

(2) Establish a grievance committee for review of complaints  
by residents. The grievance committee shall be comprised of the

home's staff and residents, sponsors, or outside representatives 60443  
in a ratio of not more than one staff member to every two 60444  
residents, sponsors, or outside representatives. 60445

(3) Furnish to each resident and sponsor prior to or at the 60446  
time of admission, and to each member of the home's staff, at 60447  
least one of each of the following: 60448

(a) A copy of the rights established under sections 3721.10 60449  
to 3721.17 of the Revised Code; 60450

(b) A written explanation of the provisions of sections 60451  
3721.16 to 3721.162 of the Revised Code; 60452

(c) A copy of the home's policies and procedures established 60453  
under this section; 60454

(d) A copy of the home's rules; 60455

(e) A copy of the addresses and telephone numbers of the 60456  
board of health of the health district of the county in which the 60457  
home is located, the county department of job and family services 60458  
of the county in which the home is located, the state departments 60459  
of health and ~~job and family services~~ medicaid, the state and 60460  
local offices of the department of aging, and any Ohio nursing 60461  
home ~~ombudsperson~~ ombudsman program. 60462

(B) Written acknowledgment of the receipt of copies of the 60463  
materials listed in this section shall be made part of the 60464  
resident's record and the staff member's personnel record. 60465

(C) The administrator shall post all of the following 60466  
prominently within the home: 60467

(1) A copy of the rights of residents as listed in division 60468  
(A) of section 3721.13 of the Revised Code; 60469

(2) A copy of the home's rules and its policies and 60470  
procedures regarding the rights and responsibilities of residents; 60471

(3) A notice that a copy of this chapter, rules of the 60472

department of health applicable to the home, and federal 60473  
regulations adopted under the medicare and medicaid programs, and 60474  
the materials required to be available in the home under section 60475  
3721.021 of the Revised Code, are available for inspection in the 60476  
home at reasonable hours; 60477

(4) A list of residents' rights advocates; 60478

(5) A notice that the following are available in a place 60479  
readily accessible to residents: 60480

(a) If the home is licensed under section 3721.02 of the 60481  
Revised Code, a copy of the most recent licensure inspection 60482  
report prepared for the home under that section; 60483

(b) If the home is a facility, a copy of the most recent 60484  
statement of deficiencies issued to the home under section ~~5111.42~~ 60485  
5165.68 of the Revised Code. 60486

(D) The administrator of a home may, with the advice of 60487  
residents, their sponsors, or both, establish written policies 60488  
regarding the applicability and administration of any additional 60489  
residents' rights beyond those set forth in sections 3721.10 to 60490  
3721.17 of the Revised Code, and the responsibilities of residents 60491  
regarding the rights. Policies established under this division 60492  
shall be reviewed, and procedures developed and adhered to as in 60493  
division (A)(1) of this section. 60494

**Sec. 3721.121.** (A) As used in this section: 60495

(1) "Adult day-care program" means a program operated 60496  
pursuant to rules adopted by the director of health under section 60497  
3721.04 of the Revised Code and provided by and on the same site 60498  
as homes licensed under this chapter. 60499

(2) "Applicant" means a person who is under final 60500  
consideration for employment with a home or adult day-care program 60501  
in a full-time, part-time, or temporary position that involves 60502

providing direct care to an older adult. "Applicant" does not 60503  
include a person who provides direct care as a volunteer without 60504  
receiving or expecting to receive any form of remuneration other 60505  
than reimbursement for actual expenses. 60506

(3) "Community-based long-term care services provider" means 60507  
a provider as defined in section 173.39 of the Revised Code. 60508

(4) "Criminal records check" has the same meaning as in 60509  
section 109.572 of the Revised Code. 60510

~~(4)~~(5) "Home" means a home as defined in section 3721.10 of 60511  
the Revised Code. 60512

~~(5)~~(6) "Older adult" means a person age sixty or older. 60513

(B)(1) Except as provided in division (I) of this section, 60514  
the chief administrator of a home or adult day-care program shall 60515  
request that the superintendent of the bureau of criminal 60516  
identification and investigation conduct a criminal records check 60517  
of each applicant. If an applicant for whom a criminal records 60518  
check request is required under this division does not present 60519  
proof of having been a resident of this state for the five-year 60520  
period immediately prior to the date the criminal records check is 60521  
requested or provide evidence that within that five-year period 60522  
the superintendent has requested information about the applicant 60523  
from the federal bureau of investigation in a criminal records 60524  
check, the chief administrator shall request that the 60525  
superintendent obtain information from the federal bureau of 60526  
investigation as part of the criminal records check of the 60527  
applicant. Even if an applicant for whom a criminal records check 60528  
request is required under this division presents proof of having 60529  
been a resident of this state for the five-year period, the chief 60530  
administrator may request that the superintendent include 60531  
information from the federal bureau of investigation in the 60532  
criminal records check. 60533

(2) A person required by division (B)(1) of this section to request a criminal records check shall do both of the following:

(a) Provide to each applicant for whom a criminal records check request is required under that division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section, and obtain the completed form and impression sheet from the applicant;

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(3) An applicant provided the form and fingerprint impression sheet under division (B)(2)(a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section.

(C)(1) Except as provided in rules adopted by the director of health in accordance with division (F) of this section and subject to division (C)(2) of this section, no home or adult day-care program shall employ a person in a position that involves providing direct care to an older adult if the person has been convicted of or pleaded guilty to any of the following:

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

(b) A violation of an existing or former law of this state, 60565  
any other state, or the United States that is substantially 60566  
equivalent to any of the offenses listed in division (C)(1)(a) of 60567  
this section. 60568

(2)(a) A home or an adult day-care program may employ 60569  
conditionally an applicant for whom a criminal records check 60570  
request is required under division (B) of this section prior to 60571  
obtaining the results of a criminal records check regarding the 60572  
individual, provided that the home or program shall request a 60573  
criminal records check regarding the individual in accordance with 60574  
division (B)(1) of this section not later than five business days 60575  
after the individual begins conditional employment. In the 60576  
circumstances described in division (I)(2) of this section, a home 60577  
or adult day-care program may employ conditionally an applicant 60578  
who has been referred to the home or adult day-care program by an 60579  
employment service that supplies full-time, part-time, or 60580  
temporary staff for positions involving the direct care of older 60581  
adults and for whom, pursuant to that division, a criminal records 60582  
check is not required under division (B) of this section. 60583

(b) A home or adult day-care program that employs an 60584  
individual conditionally under authority of division (C)(2)(a) of 60585  
this section shall terminate the individual's employment if the 60586  
results of the criminal records check requested under division (B) 60587  
of this section or described in division (I)(2) of this section, 60588  
other than the results of any request for information from the 60589  
federal bureau of investigation, are not obtained within the 60590  
period ending thirty days after the date the request is made. 60591  
Regardless of when the results of the criminal records check are 60592  
obtained, if the results indicate that the individual has been 60593  
convicted of or pleaded guilty to any of the offenses listed or 60594  
described in division (C)(1) of this section, the home or program 60595  
shall terminate the individual's employment unless the home or 60596

program chooses to employ the individual pursuant to division (F) 60597  
of this section. Termination of employment under this division 60598  
shall be considered just cause for discharge for purposes of 60599  
division (D)(2) of section 4141.29 of the Revised Code if the 60600  
individual makes any attempt to deceive the home or program about 60601  
the individual's criminal record. 60602

(D)(1) Each home or adult day-care program shall pay to the 60603  
bureau of criminal identification and investigation the fee 60604  
prescribed pursuant to division (C)(3) of section 109.572 of the 60605  
Revised Code for each criminal records check conducted pursuant to 60606  
a request made under division (B) of this section. 60607

(2) A home or adult day-care program may charge an applicant 60608  
a fee not exceeding the amount the home or program pays under 60609  
division (D)(1) of this section. A home or program may collect a 60610  
fee only if both of the following apply: 60611

(a) The home or program notifies the person at the time of 60612  
initial application for employment of the amount of the fee and 60613  
that, unless the fee is paid, the person will not be considered 60614  
for employment; 60615

(b) The ~~medical assistance~~ medicaid program established under 60616  
~~Chapter 5111. of the Revised Code~~ does not reimburse the home or 60617  
program the fee it pays under division (D)(1) of this section. 60618

(E) The report of any criminal records check conducted 60619  
pursuant to a request made under this section is not a public 60620  
record for the purposes of section 149.43 of the Revised Code and 60621  
shall not be made available to any person other than the 60622  
following: 60623

(1) The individual who is the subject of the criminal records 60624  
check or the individual's representative; 60625

(2) The chief administrator of the home or program requesting 60626  
the criminal records check or the administrator's representative; 60627

(3) The administrator of any other facility, agency, or program that provides direct care to older adults that is owned or operated by the same entity that owns or operates the home or program;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;

(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section;

(6) The board of nursing for purposes of accepting and processing an application for a medication aide certificate issued under Chapter 4723. of the Revised Code;

(7) The director of aging or the director's designee if the criminal records check is requested by the chief administrator of a home that is also a community-based long-term care services provider.

(F) In accordance with section 3721.11 of the Revised Code, the director of health shall adopt rules to implement this section. The rules shall specify circumstances under which a home or adult day-care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a home or adult day-care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.



(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a home or adult day-care program employs in a position that involves providing direct care to older adults, all of the following shall apply:

(1) If the home or program employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the home or program shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;

(2) If the home or program employed the individual in good faith on a conditional basis pursuant to division (C)(2) of this section, the home or program shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this section;

(3) If the home or program in good faith employed the individual according to the personal character standards established in rules adopted under division (F) of this section, the home or program shall not be found negligent solely because the individual prior to being employed had been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section.

(I)(1) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:

(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home or adult day-care program chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant and may employ the applicant conditionally as described in this division, if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment service and that states that the employment service has requested the superintendent to conduct a criminal records check regarding the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(1) of this section, that, as of the date set forth on the letter, the employment service had not received the results of the criminal records check, and that, when the employment

service receives the results of the criminal records check, it 60722  
promptly will send a copy of the results to the home or adult 60723  
day-care program. If a home or adult day-care program employs an 60724  
applicant conditionally in accordance with this division, the 60725  
employment service, upon its receipt of the results of the 60726  
criminal records check, promptly shall send a copy of the results 60727  
to the home or adult day-care program, and division (C)(2)(b) of 60728  
this section applies regarding the conditional employment. 60729

**Sec. 3721.13.** (A) The rights of residents of a home shall 60730  
include, but are not limited to, the following: 60731

(1) The right to a safe and clean living environment pursuant 60732  
to the medicare and medicaid programs and applicable state laws 60733  
and rules adopted by the director of health; 60734

(2) The right to be free from physical, verbal, mental, and 60735  
emotional abuse and to be treated at all times with courtesy, 60736  
respect, and full recognition of dignity and individuality; 60737

(3) Upon admission and thereafter, the right to adequate and 60738  
appropriate medical treatment and nursing care and to other 60739  
ancillary services that comprise necessary and appropriate care 60740  
consistent with the program for which the resident contracted. 60741  
This care shall be provided without regard to considerations such 60742  
as race, color, religion, national origin, age, or source of 60743  
payment for care. 60744

(4) The right to have all reasonable requests and inquiries 60745  
responded to promptly; 60746

(5) The right to have clothes and bed sheets changed as the 60747  
need arises, to ensure the resident's comfort or sanitation; 60748

(6) The right to obtain from the home, upon request, the name 60749  
and any specialty of any physician or other person responsible for 60750  
the resident's care or for the coordination of care; 60751

(7) The right, upon request, to be assigned, within the 60752  
capacity of the home to make the assignment, to the staff 60753  
physician of the resident's choice, and the right, in accordance 60754  
with the rules and written policies and procedures of the home, to 60755  
select as the attending physician a physician who is not on the 60756  
staff of the home. If the cost of a physician's services is to be 60757  
met under a federally supported program, the physician shall meet 60758  
the federal laws and regulations governing such services. 60759

(8) The right to participate in decisions that affect the 60760  
resident's life, including the right to communicate with the 60761  
physician and employees of the home in planning the resident's 60762  
treatment or care and to obtain from the attending physician 60763  
complete and current information concerning medical condition, 60764  
prognosis, and treatment plan, in terms the resident can 60765  
reasonably be expected to understand; the right of access to all 60766  
information in the resident's medical record; and the right to 60767  
give or withhold informed consent for treatment after the 60768  
consequences of that choice have been carefully explained. When 60769  
the attending physician finds that it is not medically advisable 60770  
to give the information to the resident, the information shall be 60771  
made available to the resident's sponsor on the resident's behalf, 60772  
if the sponsor has a legal interest or is authorized by the 60773  
resident to receive the information. The home is not liable for a 60774  
violation of this division if the violation is found to be the 60775  
result of an act or omission on the part of a physician selected 60776  
by the resident who is not otherwise affiliated with the home. 60777

(9) The right to withhold payment for physician visitation if 60778  
the physician did not visit the resident; 60779

(10) The right to confidential treatment of personal and 60780  
medical records, and the right to approve or refuse the release of 60781  
these records to any individual outside the home, except in case 60782  
of transfer to another home, hospital, or health care system, as 60783

required by law or rule, or as required by a third-party payment contract; 60784  
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(11) The right to privacy during medical examination or treatment and in the care of personal or bodily needs; 60786  
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(12) The right to refuse, without jeopardizing access to appropriate medical care, to serve as a medical research subject; 60788  
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(13) The right to be free from physical or chemical restraints or prolonged isolation except to the minimum extent necessary to protect the resident from injury to self, others, or to property and except as authorized in writing by the attending physician for a specified and limited period of time and documented in the resident's medical record. Prior to authorizing the use of a physical or chemical restraint on any resident, the attending physician shall make a personal examination of the resident and an individualized determination of the need to use the restraint on that resident. 60790  
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Physical or chemical restraints or isolation may be used in an emergency situation without authorization of the attending physician only to protect the resident from injury to self or others. Use of the physical or chemical restraints or isolation shall not be continued for more than twelve hours after the onset of the emergency without personal examination and authorization by the attending physician. The attending physician or a staff physician may authorize continued use of physical or chemical restraints for a period not to exceed thirty days, and at the end of this period and any subsequent period may extend the authorization for an additional period of not more than thirty days. The use of physical or chemical restraints shall not be continued without a personal examination of the resident and the written authorization of the attending physician stating the reasons for continuing the restraint. 60800  
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If physical or chemical restraints are used under this 60815  
division, the home shall ensure that the restrained resident 60816  
receives a proper diet. In no event shall physical or chemical 60817  
restraints or isolation be used for punishment, incentive, or 60818  
convenience. 60819

(14) The right to the pharmacist of the resident's choice and 60820  
the right to receive pharmaceutical supplies and services at 60821  
reasonable prices not exceeding applicable and normally accepted 60822  
prices for comparably packaged pharmaceutical supplies and 60823  
services within the community; 60824

(15) The right to exercise all civil rights, unless the 60825  
resident has been adjudicated incompetent pursuant to Chapter 60826  
2111. of the Revised Code and has not been restored to legal 60827  
capacity, as well as the right to the cooperation of the home's 60828  
administrator in making arrangements for the exercise of the right 60829  
to vote; 60830

(16) The right of access to opportunities that enable the 60831  
resident, at the resident's own expense or at the expense of a 60832  
third-party payer, to achieve the resident's fullest potential, 60833  
including educational, vocational, social, recreational, and 60834  
habilitation programs; 60835

(17) The right to consume a reasonable amount of alcoholic 60836  
beverages at the resident's own expense, unless not medically 60837  
advisable as documented in the resident's medical record by the 60838  
attending physician or unless contradictory to written admission 60839  
policies; 60840

(18) The right to use tobacco at the resident's own expense 60841  
under the home's safety rules and under applicable laws and rules 60842  
of the state, unless not medically advisable as documented in the 60843  
resident's medical record by the attending physician or unless 60844  
contradictory to written admission policies; 60845

(19) The right to retire and rise in accordance with the resident's reasonable requests, if the resident does not disturb others or the posted meal schedules and upon the home's request remains in a supervised area, unless not medically advisable as documented by the attending physician;

(20) The right to observe religious obligations and participate in religious activities; the right to maintain individual and cultural identity; and the right to meet with and participate in activities of social and community groups at the resident's or the group's initiative;

(21) The right upon reasonable request to private and unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as documented in the resident's medical record by the attending physician, except that communications with public officials or with the resident's attorney or physician shall not be restricted. Private and unrestricted communications shall include, but are not limited to, the right to:

(a) Receive, send, and mail sealed, unopened correspondence;

(b) Reasonable access to a telephone for private communications;

(c) Private visits at any reasonable hour.

(22) The right to assured privacy for visits by the spouse, or if both are residents of the same home, the right to share a room within the capacity of the home, unless not medically advisable as documented in the resident's medical record by the attending physician;

(23) The right upon reasonable request to have room doors closed and to have them not opened without knocking, except in the case of an emergency or unless not medically advisable as documented in the resident's medical record by the attending

physician; 60877

(24) The right to retain and use personal clothing and a 60878  
reasonable amount of possessions, in a reasonably secure manner, 60879  
unless to do so would infringe on the rights of other residents or 60880  
would not be medically advisable as documented in the resident's 60881  
medical record by the attending physician; 60882

(25) The right to be fully informed, prior to or at the time 60883  
of admission and during the resident's stay, in writing, of the 60884  
basic rate charged by the home, of services available in the home, 60885  
and of any additional charges related to such services, including 60886  
charges for services not covered under the medicare or medicaid 60887  
program. The basic rate shall not be changed unless thirty days' 60888  
notice is given to the resident or, if the resident is unable to 60889  
understand this information, to the resident's sponsor. 60890

(26) The right of the resident and person paying for the care 60891  
to examine and receive a bill at least monthly for the resident's 60892  
care from the home that itemizes charges not included in the basic 60893  
rates; 60894

(27)(a) The right to be free from financial exploitation; 60895

(b) The right to manage the resident's own personal financial 60896  
affairs, or, if the resident has delegated this responsibility in 60897  
writing to the home, to receive upon written request at least a 60898  
quarterly accounting statement of financial transactions made on 60899  
the resident's behalf. The statement shall include: 60900

(i) A complete record of all funds, personal property, or 60901  
possessions of a resident from any source whatsoever, that have 60902  
been deposited for safekeeping with the home for use by the 60903  
resident or the resident's sponsor; 60904

(ii) A listing of all deposits and withdrawals transacted, 60905  
which shall be substantiated by receipts which shall be available 60906  
for inspection and copying by the resident or sponsor. 60907



(28) The right of the resident to be allowed unrestricted access to the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;

(29) The right to receive reasonable notice before the resident's room or roommate is changed, including an explanation of the reason for either change.

(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:

(a) The welfare and needs of the resident cannot be met in the home.

(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.

(c) The safety of individuals in the home is endangered.

(d) The health of individuals in the home would otherwise be endangered.

(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case:

(i) The resident's application, or a substantially similar previous application, has been denied ~~by the county department of job and family services.~~

(ii) If the resident appealed the denial ~~pursuant to division (C) of section 5101.35 of the Revised Code, the director of job and family services has upheld the denial~~ was upheld.

(f) The home's license has been revoked, the home is being 60938  
closed pursuant to section 3721.08, sections ~~5111.35~~ 5165.60 to 60939  
~~5111.62~~ 5165.89, or section 5155.31 of the Revised Code, or the 60940  
home otherwise ceases to operate. 60941

(g) The resident is a recipient of medicaid, and the home's 60942  
participation in the medicaid program is involuntarily terminated 60943  
or denied. 60944

(h) The resident is a beneficiary under the medicare program, 60945  
and the home's participation in the medicare program is 60946  
involuntarily terminated or denied. 60947

(31) The right to voice grievances and recommend changes in 60948  
policies and services to the home's staff, to employees of the 60949  
department of health, or to other persons not associated with the 60950  
operation of the home, of the resident's choice, free from 60951  
restraint, interference, coercion, discrimination, or reprisal. 60952  
This right includes access to a residents' rights advocate, and 60953  
the right to be a member of, to be active in, and to associate 60954  
with persons who are active in organizations of relatives and 60955  
friends of nursing home residents and other organizations engaged 60956  
in assisting residents. 60957

(32) The right to have any significant change in the 60958  
resident's health status reported to the resident's sponsor. As 60959  
soon as such a change is known to the home's staff, the home shall 60960  
make a reasonable effort to notify the sponsor within twelve 60961  
hours. 60962

(B) A sponsor may act on a resident's behalf to assure that 60963  
the home does not deny the residents' rights under sections 60964  
3721.10 to 3721.17 of the Revised Code. 60965

(C) Any attempted waiver of the rights listed in division (A) 60966  
of this section is void. 60967

|                                                                                                                                                                                                                                                                                          |                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Sec. 3721.14. To assist in the implementation of the rights granted in division (A) of section 3721.13 of the Revised Code, each home shall provide:                                                                                                                                     | 60968<br>60969<br>60970                   |
| (A) Appropriate staff training to implement each resident's rights under division (A) of section 3721.13 of the Revised Code, including, but not limited to, explaining:                                                                                                                 | 60971<br>60972<br>60973                   |
| (1) The resident's rights and the staff's responsibility in the implementation of the rights;                                                                                                                                                                                            | 60974<br>60975                            |
| (2) The staff's obligation to provide all residents who have similar needs with comparable service.                                                                                                                                                                                      | 60976<br>60977                            |
| (B) Arrangements for a resident's needed ancillary services;                                                                                                                                                                                                                             | 60978                                     |
| (C) Protected areas outside the home for residents to enjoy outdoor activity, within the capacity of the facility, consistent with applicable laws and rules;                                                                                                                            | 60979<br>60980<br>60981                   |
| (D) Adequate indoor space, which need not be dedicated to that purpose, for families of residents to meet privately with families of other residents;                                                                                                                                    | 60982<br>60983<br>60984                   |
| (E) Access to the following persons to enter the home during reasonable hours, except where such access would interfere with resident care or the privacy of residents:                                                                                                                  | 60985<br>60986<br>60987                   |
| (1) Employees of the department of health, department of <del>mental health</del> <u>mental health and addiction services</u> , department of developmental disabilities, department of aging, department of job and family services, and county departments of job and family services; | 60988<br>60989<br>60990<br>60991<br>60992 |
| (2) Prospective residents and their sponsors;                                                                                                                                                                                                                                            | 60993                                     |
| (3) A resident's sponsors;                                                                                                                                                                                                                                                               | 60994                                     |
| (4) Residents' rights advocates;                                                                                                                                                                                                                                                         | 60995                                     |
| (5) A resident's attorney;                                                                                                                                                                                                                                                               | 60996                                     |

(6) A minister, priest, rabbi, or other person ministering to a resident's religious needs. 60997  
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(F) In writing, a description of the home's grievance procedures. 60999  
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**Sec. 3721.15.** (A) Authorization from a resident or a sponsor with a power of attorney for a home to manage the resident's financial affairs shall be in writing and shall be attested to by a witness who is not connected in any manner whatsoever with the home or its administrator. The home shall maintain accounts pursuant to division (A)(27) of section 3721.13 of the Revised Code. Upon the resident's transfer, discharge, or death, the account shall be closed and a final accounting made. All remaining funds shall be returned to the resident or resident's sponsor, except in the case of death, when all remaining funds shall be transferred or used in accordance with section ~~5111.113~~ 5162.22 of the Revised Code. 61001  
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(B) A home that manages a resident's financial affairs shall deposit the resident's funds in excess of one hundred dollars, and may deposit the resident's funds that are one hundred dollars or less, in an interest-bearing account separate from any of the home's operating accounts. Interest earned on the resident's funds shall be credited to the resident's account. A resident's funds that are one hundred dollars or less and have not been deposited in an interest-bearing account may be deposited in a noninterest-bearing account or petty cash fund. 61013  
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(C) Each resident whose financial affairs are managed by a home shall be promptly notified by the home when the total of the amount of funds in the resident's accounts and the petty cash fund plus other nonexempt resources reaches two hundred dollars less than the maximum amount permitted a recipient of medicaid. The notice shall include an explanation of the potential effect on the 61022  
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resident's eligibility for medicaid if the amount in the 61028  
resident's accounts and the petty cash fund, plus the value of 61029  
other nonexempt resources, exceeds the maximum assets a medicaid 61030  
recipient may retain. 61031

(D) Each home that manages the financial affairs of residents 61032  
shall purchase a surety bond or otherwise provide assurance 61033  
satisfactory to the director of health, or, in the case of a home 61034  
that participates in the medicaid program, to the medicaid 61035  
~~director of job and family services~~, to assure the security of all 61036  
residents' funds managed by the home. 61037

**Sec. 3721.16.** For each resident of a home, notice of a 61038  
proposed transfer or discharge shall be in accordance with this 61039  
section. 61040

(A)(1) The administrator of a home shall notify a resident in 61041  
writing, and the resident's sponsor in writing by certified mail, 61042  
return receipt requested, in advance of any proposed transfer or 61043  
discharge from the home. The administrator shall send a copy of 61044  
the notice to the state department of health. The notice shall be 61045  
provided at least thirty days in advance of the proposed transfer 61046  
or discharge, unless any of the following applies: 61047

(a) The resident's health has improved sufficiently to allow 61048  
a more immediate discharge or transfer to a less skilled level of 61049  
care; 61050

(b) The resident has resided in the home less than thirty 61051  
days; 61052

(c) An emergency arises in which the safety of individuals in 61053  
the home is endangered; 61054

(d) An emergency arises in which the health of individuals in 61055  
the home would otherwise be endangered; 61056

(e) An emergency arises in which the resident's urgent 61057

medical needs necessitate a more immediate transfer or discharge. 61058

In any of the circumstances described in divisions (A)(1)(a) 61059  
to (e) of this section, the notice shall be provided as many days 61060  
in advance of the proposed transfer or discharge as is 61061  
practicable. 61062

(2) The notice required under division (A)(1) of this section 61063  
shall include all of the following: 61064

(a) The reasons for the proposed transfer or discharge; 61065

(b) The proposed date the resident is to be transferred or 61066  
discharged; 61067

(c) Subject to division (A)(3) of this section, a proposed 61068  
location to which the resident may relocate and a notice that the 61069  
resident and resident's sponsor may choose another location to 61070  
which the resident will relocate; 61071

(d) Notice of the right of the resident and the resident's 61072  
sponsor to an impartial hearing at the home on the proposed 61073  
transfer or discharge, and of the manner in which and the time 61074  
within which the resident or sponsor may request a hearing 61075  
pursuant to section 3721.161 of the Revised Code; 61076

(e) A statement that the resident will not be transferred or 61077  
discharged before the date specified in the notice unless the home 61078  
and the resident or, if the resident is not competent to make a 61079  
decision, the home and the resident's sponsor, agree to an earlier 61080  
date; 61081

(f) The address of the legal services office of the 61082  
department of health; 61083

(g) The name, address, and telephone number of a 61084  
representative of the state long-term care ~~ombuds~~ombudsman 61085  
program and, if the resident or patient has a developmental 61086  
disability or mental illness, the name, address, and telephone 61087

number of the Ohio protection and advocacy system. 61088

(3) The proposed location to which a resident may relocate as 61089  
specified pursuant to division (A)(2)(c) of this section in the 61090  
proposed transfer or discharge notice shall be capable of meeting 61091  
the resident's health-care and safety needs. The proposed location 61092  
for relocation need not have accepted the resident at the time the 61093  
notice is issued to the resident and resident's sponsor. 61094

(B) No home shall transfer or discharge a resident before the 61095  
date specified in the notice required by division (A) of this 61096  
section unless the home and the resident or, if the resident is 61097  
not competent to make a decision, the home and the resident's 61098  
sponsor, agree to an earlier date. 61099

(C) Transfer or discharge actions shall be documented in the 61100  
resident's medical record by the home if there is a medical basis 61101  
for the action. 61102

(D) A resident or resident's sponsor may challenge a transfer 61103  
or discharge by requesting an impartial hearing pursuant to 61104  
section 3721.161 of the Revised Code, unless the transfer or 61105  
discharge is required because of one of the following reasons: 61106

(1) The home's license has been revoked under this chapter; 61107

(2) The home is being closed pursuant to section 3721.08, 61108  
sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89, or section 5155.31 of 61109  
the Revised Code; 61110

(3) The resident is a recipient of medicaid and the home's 61111  
participation in the medicaid program has been involuntarily 61112  
terminated or denied by the federal government; 61113

(4) The resident is a beneficiary under the medicare program 61114  
and the home's certification under the medicare program has been 61115  
involuntarily terminated or denied by the federal government. 61116

(E) If a resident is transferred or discharged pursuant to 61117

this section, the home from which the resident is being 61118  
transferred or discharged shall provide the resident with adequate 61119  
preparation prior to the transfer or discharge to ensure a safe 61120  
and orderly transfer or discharge from the home, and the home or 61121  
alternative setting to which the resident is to be transferred or 61122  
discharged shall have accepted the resident for transfer or 61123  
discharge. 61124

(F) At the time of a transfer or discharge of a resident who 61125  
is a recipient of medicaid from a home to a hospital or for 61126  
therapeutic leave, the home shall provide notice in writing to the 61127  
resident and in writing by certified mail, return receipt 61128  
requested, to the resident's sponsor, specifying the number of 61129  
days, if any, during which the resident will be permitted under 61130  
the medicaid program to return and resume residence in the home 61131  
and specifying the medicaid program's coverage of the days during 61132  
which the resident is absent from the home. An individual who is 61133  
absent from a home for more than the number of days specified in 61134  
the notice and continues to require the services provided by the 61135  
facility shall be given priority for the first available bed in a 61136  
semi-private room. 61137

**Sec. 3721.17.** (A) Any resident who believes that the 61138  
resident's rights under sections 3721.10 to 3721.17 of the Revised 61139  
Code have been violated may file a grievance under procedures 61140  
adopted pursuant to division (A)(2) of section 3721.12 of the 61141  
Revised Code. 61142

When the grievance committee determines a violation of 61143  
sections 3721.10 to 3721.17 of the Revised Code has occurred, it 61144  
shall notify the administrator of the home. If the violation 61145  
cannot be corrected within ten days, or if ten days have elapsed 61146  
without correction of the violation, the grievance committee shall 61147  
refer the matter to the department of health. 61148



(B) Any person who believes that a resident's rights under sections 3721.10 to 3721.17 of the Revised Code have been violated may report or cause reports to be made of the information directly to the department of health. No person who files a report is liable for civil damages resulting from the report.

(C)(1) Within thirty days of receiving a complaint under this section, the department of health shall investigate any complaint referred to it by a home's grievance committee and any complaint from any source that alleges that the home provided substantially less than adequate care or treatment, or substantially unsafe conditions, or, within seven days of receiving a complaint, refer it to the attorney general, if the attorney general agrees to investigate within thirty days.

(2) Within thirty days of receiving a complaint under this section, the department of health may investigate any alleged violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant to those sections, not covered by division (C)(1) of this section, or it may, within seven days of receiving a complaint, refer the complaint to the grievance committee at the home where the alleged violation occurred, or to the attorney general if the attorney general agrees to investigate within thirty days.

(D) If, after an investigation, the department of health finds probable cause to believe that a violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant to those sections, has occurred at a home that is certified under the medicare or medicaid program, it shall cite one or more findings or deficiencies under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. If the home is not so certified, the department shall hold an adjudicative hearing within thirty days under Chapter 119. of the Revised Code.

(E) Upon a finding at an adjudicative hearing under division 61181  
(D) of this section that a violation of sections 3721.10 to 61182  
3721.17 of the Revised Code, or of rules, policies, or procedures 61183  
adopted pursuant thereto, has occurred, the department of health 61184  
shall make an order for compliance, set a reasonable time for 61185  
compliance, and assess a fine pursuant to division (F) of this 61186  
section. The fine shall be paid to the general revenue fund only 61187  
if compliance with the order is not shown to have been made within 61188  
the reasonable time set in the order. The department of health may 61189  
issue an order prohibiting the continuation of any violation of 61190  
sections 3721.10 to 3721.17 of the Revised Code. 61191

Findings at the hearings conducted under this section may be 61192  
appealed pursuant to Chapter 119. of the Revised Code, except that 61193  
an appeal may be made to the court of common pleas of the county 61194  
in which the home is located. 61195

The department of health shall initiate proceedings in court 61196  
to collect any fine assessed under this section that is unpaid 61197  
thirty days after the violator's final appeal is exhausted. 61198

(F) Any home found, pursuant to an adjudication hearing under 61199  
division (D) of this section, to have violated sections 3721.10 to 61200  
3721.17 of the Revised Code, or rules, policies, or procedures 61201  
adopted pursuant to those sections may be fined not less than one 61202  
hundred nor more than five hundred dollars for a first offense. 61203  
For each subsequent offense, the home may be fined not less than 61204  
two hundred nor more than one thousand dollars. 61205

A violation of sections 3721.10 to 3721.17 of the Revised 61206  
Code is a separate offense for each day of the violation and for 61207  
each resident who claims the violation. 61208

(G) No home or employee of a home shall retaliate against any 61209  
person who: 61210

(1) Exercises any right set forth in sections 3721.10 to 61211

3721.17 of the Revised Code, including, but not limited to, filing 61212  
a complaint with the home's grievance committee or reporting an 61213  
alleged violation to the department of health; 61214

(2) Appears as a witness in any hearing conducted under this 61215  
section or section 3721.162 of the Revised Code; 61216

(3) Files a civil action alleging a violation of sections 61217  
3721.10 to 3721.17 of the Revised Code, or notifies a county 61218  
prosecuting attorney or the attorney general of a possible 61219  
violation of sections 3721.10 to 3721.17 of the Revised Code. 61220

If, under the procedures outlined in this section, a home or 61221  
its employee is found to have retaliated, the violator may be 61222  
fined up to one thousand dollars. 61223

(H) When legal action is indicated, any evidence of criminal 61224  
activity found in an investigation under division (C) of this 61225  
section shall be given to the prosecuting attorney in the county 61226  
in which the home is located for investigation. 61227

(I)(1)(a) Any resident whose rights under sections 3721.10 to 61228  
3721.17 of the Revised Code are violated has a cause of action 61229  
against any person or home committing the violation. 61230

(b) An action under division (I)(1)(a) of this section may be 61231  
commenced by the resident or by the resident's legal guardian or 61232  
other legally authorized representative on behalf of the resident 61233  
or the resident's estate. If the resident or the resident's legal 61234  
guardian or other legally authorized representative is unable to 61235  
commence an action under that division on behalf of the resident, 61236  
the following persons in the following order of priority have the 61237  
right to and may commence an action under that division on behalf 61238  
of the resident or the resident's estate: 61239

(i) The resident's spouse; 61240

(ii) The resident's parent or adult child; 61241

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (iii) The resident's guardian if the resident is a minor child;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 61242<br>61243                                                                         |
| (iv) The resident's brother or sister;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 61244                                                                                  |
| (v) The resident's niece, nephew, aunt, or uncle.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 61245                                                                                  |
| (c) Notwithstanding any law as to priority of persons entitled to commence an action, if more than one eligible person within the same level of priority seeks to commence an action on behalf of a resident or the resident's estate, the court shall determine, in the best interest of the resident or the resident's estate, the individual to commence the action. A court's determination under this division as to the person to commence an action on behalf of a resident or the resident's estate shall bar another person from commencing the action on behalf of the resident or the resident's estate. | 61246<br>61247<br>61248<br>61249<br>61250<br>61251<br>61252<br>61253<br>61254<br>61255 |
| (d) The result of an action commenced pursuant to division (I)(1)(a) of this section by a person authorized under division (I)(1)(b) of this section shall bind the resident or the resident's estate that is the subject of the action.                                                                                                                                                                                                                                                                                                                                                                            | 61256<br>61257<br>61258<br>61259                                                       |
| (e) A cause of action under division (I)(1)(a) of this section shall accrue, and the statute of limitations applicable to that cause of action shall begin to run, based upon the violation of a resident's rights under sections 3721.10 to 3721.17 of the Revised Code, regardless of the party commencing the action on behalf of the resident or the resident's estate as authorized under divisions (I)(1)(b) and (c) of this section.                                                                                                                                                                         | 61260<br>61261<br>61262<br>61263<br>61264<br>61265<br>61266                            |
| (2)(a) The plaintiff in an action filed under division (I)(1) of this section may obtain injunctive relief against the violation of the resident's rights. The plaintiff also may recover compensatory damages based upon a showing, by a preponderance of the evidence, that the violation of the resident's rights resulted from a negligent act or omission of the person or home and that                                                                                                                                                                                                                       | 61267<br>61268<br>61269<br>61270<br>61271<br>61272                                     |

the violation was the proximate cause of the resident's injury, 61273  
death, or loss to person or property. 61274

(b) If compensatory damages are awarded for a violation of 61275  
the resident's rights, section 2315.21 of the Revised Code shall 61276  
apply to an award of punitive or exemplary damages for the 61277  
violation. 61278

(c) The court, in a case in which only injunctive relief is 61279  
granted, may award to the prevailing party reasonable attorney's 61280  
fees limited to the work reasonably performed. 61281

(3) Division (I)(2) (b) of this section shall be considered 61282  
to be purely remedial in operation and shall be applied in a 61283  
remedial manner in any civil action in which this section is 61284  
relevant, whether the action is pending in court or commenced on 61285  
or after July 9, 1998. 61286

(4) Within thirty days after the filing of a complaint in an 61287  
action for damages brought against a home under division (I)(1)(a) 61288  
of this section by or on behalf of a resident or former resident 61289  
of the home, the plaintiff or plaintiff's counsel shall send 61290  
written notice of the filing of the complaint to the department of 61291  
~~job and family services~~ medicaid if the department has a right of 61292  
recovery under section ~~5101.58~~ 5160.37 of the Revised Code against 61293  
the liability of the home for the cost of ~~medical~~ medicaid 61294  
services ~~and care~~ arising out of injury, disease, or disability of 61295  
the resident or former resident. 61296

**Sec. 3721.19.** (A) As used in this section: 61297

(1) "Home" and "residential care facility" have the same 61298  
meanings as in section 3721.01 of the Revised Code; 61299

(2) "Provider agreement" has the same meaning as in section 61300  
5165.01 of the Revised Code. 61301

(3) "Sponsor" and "residents' rights advocate" have the same 61302

meanings as in section 3721.10 of the Revised Code. 61303

A home licensed under this chapter that is not a party to a 61304  
provider agreement, ~~as defined in section 5111.20 of the Revised~~ 61305  
~~Code,~~ shall provide each prospective resident, before admission, 61306  
with the following information, orally and in a separate written 61307  
notice on which is printed in a conspicuous manner: "This home is 61308  
not a participant in the ~~medical assistance~~ medicaid program 61309  
administered by the Ohio department of ~~job and family services~~ 61310  
medicaid. Consequently, you may be discharged from this home if 61311  
you are unable to pay for the services provided by this home." 61312

If the prospective resident has a sponsor whose identity is 61313  
made known to the home, the home shall also inform the sponsor, 61314  
before admission of the resident, of the home's status relative to 61315  
the ~~medical assistance~~ medicaid program. Written acknowledgement 61316  
of the receipt of the information shall be provided by the 61317  
resident and, if the prospective resident has a sponsor who has 61318  
been identified to the home, by the sponsor. The written 61319  
acknowledgement shall be made part of the resident's record by the 61320  
home. 61321

No home shall terminate its ~~status as a provider under the~~ 61322  
~~medicaid program agreement~~ unless it has complied with section 61323  
~~5111.66~~ 5165.50 of the Revised Code and, at least ninety days 61324  
prior to such termination, provided written notice to the 61325  
residents of the home and their sponsors of such action. This 61326  
requirement shall not apply in cases where the department of ~~job~~ 61327  
~~and family services~~ medicaid terminates a home's provider 61328  
agreement or provider status. 61329

(B) A home licensed under this chapter as a residential care 61330  
facility shall provide notice to each prospective resident or the 61331  
individual's sponsor of the services offered by the facility and 61332  
the types of skilled nursing care that the facility may provide. A 61333  
residential care facility that, pursuant to section 3721.012 of 61334

the Revised Code, has a policy of entering into risk agreements 61335  
with residents or their sponsors shall provide each prospective 61336  
resident or the individual's sponsor a written explanation of the 61337  
policy and the provisions that may be contained in a risk 61338  
agreement. At the time the information is provided, the facility 61339  
shall obtain a statement signed by the individual receiving the 61340  
information acknowledging that the individual received the 61341  
information. The facility shall maintain on file the individual's 61342  
signed statement. 61343

(C) A resident has a cause of action against a home for 61344  
breach of any duty imposed by this section. The action may be 61345  
commenced by the resident, or on the resident's behalf by the 61346  
resident's sponsor or a residents' rights advocate, by the filing 61347  
of a civil action in the court of common pleas of the county in 61348  
which the home is located, or in the court of common pleas of 61349  
Franklin county. 61350

If the court finds that a breach of any duty imposed by this 61351  
section has occurred, the court shall enjoin the home from 61352  
discharging the resident from the home until arrangements 61353  
satisfactory to the court are made for the orderly transfer of the 61354  
resident to another mode of health care including, but not limited 61355  
to, another home, and may award the resident and a person or 61356  
public agency that brings an action on behalf of a resident 61357  
reasonable attorney's fees. If a home discharges a resident to 61358  
whom or to whose sponsor information concerning its status 61359  
relative to the ~~medical assistance~~ medicaid program was not 61360  
provided as required under this section, the court shall grant any 61361  
appropriate relief including, but not limited to, actual damages, 61362  
reasonable attorney's fees, and costs. 61363

**Sec. 3727.01.** (A) As used in this section, "health 61364  
maintenance organization" means a public or private organization 61365

organized under the law of any state that is qualified under 61366  
section 1310(d) of Title XIII of the "Public Health Service Act," 61367  
87 Stat. 931 (1973), 42 U.S.C. 300e-9, or that does all of the 61368  
following: 61369

(1) Provides or otherwise makes available to enrolled 61370  
participants health care services including at least the following 61371  
basic health care services: usual physician services, 61372  
hospitalization, laboratory, x-ray, emergency and preventive 61373  
service, and out-of-area coverage; 61374

(2) Is compensated, except for copayments, for the provision 61375  
of basic health care services to enrolled participants by a 61376  
payment that is paid on a periodic basis without regard to the 61377  
date the health care services are provided and that is fixed 61378  
without regard to the frequency, extent, or kind of health service 61379  
actually provided; 61380

(3) Provides physician services primarily in either of the 61381  
following ways: 61382

(a) Directly through physicians who are either employees or 61383  
partners of the organization; 61384

(b) Through arrangements with individual physicians or one or 61385  
more groups of physicians organized on a group-practice or 61386  
individual-practice basis. 61387

(B) As used in this chapter: 61388

(1) "Children's hospital" means any of the following: 61389

(a) A hospital registered under section 3701.07 of the 61390  
Revised Code that provides general pediatric medical and surgical 61391  
care, and in which at least seventy-five per cent of annual 61392  
inpatient discharges for the preceding two calendar years were 61393  
individuals less than eighteen years of age; 61394

(b) A distinct portion of a hospital registered under section 61395



3701.07 of the Revised Code that provides general pediatric 61396  
medical and surgical care, has a total of at least one hundred 61397  
fifty registered pediatric special care and pediatric acute care 61398  
beds, and in which at least seventy-five per cent of annual 61399  
inpatient discharges for the preceding two calendar years were 61400  
individuals less than eighteen years of age; 61401

(c) A distinct portion of a hospital, if the hospital is 61402  
registered under section 3701.07 of the Revised Code as a 61403  
children's hospital and the children's hospital meets all the 61404  
requirements of division (B)(1)(a) of this section. 61405

(2) "Hospital" means an institution classified as a hospital 61406  
under section 3701.07 of the Revised Code in which are provided to 61407  
inpatients diagnostic, medical, surgical, obstetrical, 61408  
psychiatric, or rehabilitation care for a continuous period longer 61409  
than twenty-four hours or a hospital operated by a health 61410  
maintenance organization. "Hospital" does not include a facility 61411  
licensed under Chapter 3721. of the Revised Code, a health care 61412  
facility operated by the department of ~~mental health~~ mental health 61413  
and addiction services or the department of developmental 61414  
disabilities, a health maintenance organization that does not 61415  
operate a hospital, the office of any private licensed health care 61416  
professional, whether organized for individual or group practice, 61417  
or a clinic that provides ambulatory patient services and where 61418  
patients are not regularly admitted as inpatients. "Hospital" also 61419  
does not include an institution for the sick that is operated 61420  
exclusively for patients who use spiritual means for healing and 61421  
for whom the acceptance of medical care is inconsistent with their 61422  
religious beliefs, accredited by a national accrediting 61423  
organization, exempt from federal income taxation under section 61424  
501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 61425  
U.S.C.A. 1, as amended, and providing twenty-four hour nursing 61426  
care pursuant to the exemption in division (E) of section 4723.32 61427

of the Revised Code from the licensing requirements of Chapter 61428  
4723. of the Revised Code. 61429

(3) "Joint commission" means the commission formerly known as 61430  
the joint commission on accreditation of healthcare organizations 61431  
or the joint commission on accreditation of hospitals. 61432

**Sec. 3734.28.** Except as otherwise provided in sections 61433  
3734.281 and 3734.282 of the Revised Code, moneys collected under 61434  
sections 3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 61435  
of the Revised Code and under the "Comprehensive Environmental 61436  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 61437  
42 U.S.C.A. 9601, et seq., as amended, including moneys recovered 61438  
under division (B)(1) of this section, shall be paid into the 61439  
state treasury to the credit of the hazardous waste clean-up fund, 61440  
which is hereby created. In addition, both of the following shall 61441  
be credited to the fund: 61442

(A) Moneys recovered for costs paid from the fund for 61443  
activities described in divisions (A)(1) and (2) of section 61444  
3745.12 of the Revised Code; 61445

(B) Natural resource damage assessment costs recovered under 61446  
any of the following: 61447

(1) The "Comprehensive Environmental Response, Compensation, 61448  
and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601, et 61449  
seq., as amended; 61450

(2) The "Oil Pollution Act of 1990," 104 Stat. 484, 33 U.S.C. 61451  
2701, et seq., as amended; 61452

(3) ~~The Federal Water Pollution Control Act as defined in~~ 61453  
~~section 6111.01 of the Revised Code~~ "Clean Water Act of 1977," 91 61454  
Stat. 1566, 33 U.S.C. 1321, et seq., as amended; 61455

(4) Any other applicable federal or state law. 61456

The environmental protection agency shall use the moneys in 61457

the fund for the purposes set forth in division (D) of section 61458  
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 61459  
3734.26, and 3734.27, divisions (A)(1) and (2) of section 3745.12, 61460  
and Chapter 3746. of the Revised Code, including any related 61461  
enforcement expenses and administrative expenses of any related 61462  
closure or corrective action program. In addition, the agency 61463  
shall use the moneys in the fund to pay the state's long-term 61464  
operation and maintenance costs or matching share for actions 61465  
taken under the "Comprehensive Environmental Response, 61466  
Compensation, and Liability Act of 1980," as amended. If those 61467  
moneys are reimbursed by grants or other moneys from the United 61468  
States or any other person, the moneys shall be placed in the fund 61469  
and not in the general revenue fund. 61470

The director of environmental protection may enter into 61471  
contracts and grant agreements with federal, state, or local 61472  
government agencies, nonprofit organizations, and colleges and 61473  
universities for the purpose of carrying out the responsibilities 61474  
of the environmental protection agency for which money may be 61475  
expended from the fund. 61476

**Sec. 3734.57.** (A) The following fees are hereby levied on the 61477  
transfer or disposal of solid wastes in this state: 61478

(1) One dollar per ton through June 30, ~~2014~~ 2016, ~~one-half~~ 61479  
thirty per cent of the proceeds of which shall be deposited in the 61480  
state treasury to the credit of the hazardous waste facility 61481  
management fund created in section 3734.18 of the Revised Code and 61482  
~~one-half~~ seventy per cent of the proceeds of which shall be 61483  
deposited in the state treasury to the credit of the hazardous 61484  
waste clean-up fund created in section 3734.28 of the Revised 61485  
Code; 61486

(2) An additional one dollar per ton through June 30, ~~2014~~ 61487  
2016, the proceeds of which shall be deposited in the state 61488

treasury to the credit of the solid waste fund, which is hereby 61489  
created. The environmental protection agency shall use money in 61490  
the solid waste fund to pay the costs of administering and 61491  
enforcing the laws pertaining to solid wastes, infectious wastes, 61492  
and construction and demolition debris, including, without 61493  
limitation, ground water evaluations related to solid wastes, 61494  
infectious wastes, and construction and demolition debris, under 61495  
this chapter and Chapter 3714. of the Revised Code and any rules 61496  
adopted under them, providing compliance assistance to small 61497  
businesses, and paying a share of the administrative costs of the 61498  
environmental protection agency pursuant to section 3745.014 of 61499  
the Revised Code. 61500

(3) An additional two dollars and fifty cents per ton through 61501  
June 30, ~~2014~~ 2016, the proceeds of which shall be deposited in 61502  
the state treasury to the credit of the environmental protection 61503  
fund created in section 3745.015 of the Revised Code; 61504

(4) An additional twenty-five cents per ton through June 30, 61505  
~~2013~~ 2016, the proceeds of which shall be deposited in the state 61506  
treasury to the credit of the soil and water conservation district 61507  
assistance fund created in section 1515.14 of the Revised Code. 61508

In the case of solid wastes that are taken to a solid waste 61509  
transfer facility located in this state prior to being transported 61510  
for disposal at a solid waste disposal facility located in this 61511  
state or outside of this state, the fees levied under this 61512  
division shall be collected by the owner or operator of the 61513  
transfer facility as a trustee for the state. The amount of fees 61514  
required to be collected under this division at such a transfer 61515  
facility shall equal the total tonnage of solid wastes received at 61516  
the facility multiplied by the fees levied under this division. In 61517  
the case of solid wastes that are not taken to a solid waste 61518  
transfer facility located in this state prior to being transported 61519  
to a solid waste disposal facility, the fees shall be collected by 61520

the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days after the last day of the month to which a return applies, the owner or operator shall mail to the director the return for that month together with the fees required to be collected under this division during that month as indicated on the return or may submit the return and fees electronically in a manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in

writing, on a form prescribed by the director, and shall be 61586  
supported by evidence that may be required in rules adopted by the 61587  
director under this chapter. After reviewing the request, and if 61588  
the request and evidence submitted with the request indicate that 61589  
a refund or credit is warranted, the director shall grant a refund 61590  
to the owner or operator or shall permit a credit to be taken by 61591  
the owner or operator on a subsequent monthly return submitted by 61592  
the owner or operator. The amount of a refund or credit shall not 61593  
exceed an amount that is equal to ninety days' worth of fees owed 61594  
to an owner or operator by a particular debtor of the owner or 61595  
operator. A refund or credit shall not be granted by the director 61596  
to an owner or operator more than once in any twelve-month period 61597  
for fees owed to the owner or operator by a particular debtor. 61598

If, after receiving a refund or credit from the director, an 61599  
owner or operator receives payment of all or part of the fees, the 61600  
owner or operator shall remit the fees with the next monthly 61601  
return submitted to the director together with a written 61602  
explanation of the reason for the submittal. 61603

For purposes of computing the fees levied under this division 61604  
or division (B) of this section, any solid waste transfer or 61605  
disposal facility that does not use scales as a means of 61606  
determining gate receipts shall use a conversion factor of three 61607  
cubic yards per ton of solid waste or one cubic yard per ton for 61608  
baled waste, as applicable. 61609

The fees levied under this division and divisions (B) and (C) 61610  
of this section are in addition to all other applicable fees and 61611  
taxes and shall be paid by the customer or a political subdivision 61612  
to the owner or operator of a solid waste transfer or disposal 61613  
facility. In the alternative, the fees shall be paid by a customer 61614  
or political subdivision to a transporter of waste who 61615  
subsequently transfers the fees to the owner or operator of such a 61616  
facility. The fees shall be paid notwithstanding the existence of 61617

any provision in a contract that the customer or a political 61618  
subdivision may have with the owner or operator or with a 61619  
transporter of waste to the facility that would not require or 61620  
allow such payment regardless of whether the contract was entered 61621  
prior to or after October 16, 2009. For those purposes, "customer" 61622  
means a person who contracts with, or utilizes the solid waste 61623  
services of, the owner or operator of a solid waste transfer or 61624  
disposal facility or a transporter of solid waste to such a 61625  
facility. 61626

(B) For the purposes specified in division (G) of this 61627  
section, the solid waste management policy committee of a county 61628  
or joint solid waste management district may levy fees upon the 61629  
following activities: 61630

(1) The disposal at a solid waste disposal facility located 61631  
in the district of solid wastes generated within the district; 61632

(2) The disposal at a solid waste disposal facility within 61633  
the district of solid wastes generated outside the boundaries of 61634  
the district, but inside this state; 61635

(3) The disposal at a solid waste disposal facility within 61636  
the district of solid wastes generated outside the boundaries of 61637  
this state. 61638

The solid waste management plan of the county or joint 61639  
district approved under section 3734.521 or 3734.55 of the Revised 61640  
Code and any amendments to it, or the resolution adopted under 61641  
this division, as appropriate, shall establish the rates of the 61642  
fees levied under divisions (B)(1), (2), and (3) of this section, 61643  
if any, and shall specify whether the fees are levied on the basis 61644  
of tons or cubic yards as the unit of measurement. A solid waste 61645  
management district that levies fees under this division on the 61646  
basis of cubic yards shall do so in accordance with division (A) 61647  
of this section. 61648



The fee levied under division (B)(1) of this section shall be 61649  
not less than one dollar per ton nor more than two dollars per 61650  
ton, the fee levied under division (B)(2) of this section shall be 61651  
not less than two dollars per ton nor more than four dollars per 61652  
ton, and the fee levied under division (B)(3) of this section 61653  
shall be not more than the fee levied under division (B)(1) of 61654  
this section. 61655

Prior to the approval of the solid waste management plan of a 61656  
district under section 3734.55 of the Revised Code, the solid 61657  
waste management policy committee of a district may levy fees 61658  
under this division by adopting a resolution establishing the 61659  
proposed amount of the fees. Upon adopting the resolution, the 61660  
committee shall deliver a copy of the resolution to the board of 61661  
county commissioners of each county forming the district and to 61662  
the legislative authority of each municipal corporation and 61663  
township under the jurisdiction of the district and shall prepare 61664  
and publish the resolution and a notice of the time and location 61665  
where a public hearing on the fees will be held. Upon adopting the 61666  
resolution, the committee shall deliver written notice of the 61667  
adoption of the resolution; of the amount of the proposed fees; 61668  
and of the date, time, and location of the public hearing to the 61669  
director and to the fifty industrial, commercial, or institutional 61670  
generators of solid wastes within the district that generate the 61671  
largest quantities of solid wastes, as determined by the 61672  
committee, and to their local trade associations. The committee 61673  
shall make good faith efforts to identify those generators within 61674  
the district and their local trade associations, but the 61675  
nonprovision of notice under this division to a particular 61676  
generator or local trade association does not invalidate the 61677  
proceedings under this division. The publication shall occur at 61678  
least thirty days before the hearing. After the hearing, the 61679  
committee may make such revisions to the proposed fees as it 61680  
considers appropriate and thereafter, by resolution, shall adopt 61681

the revised fee schedule. Upon adopting the revised fee schedule, 61682  
the committee shall deliver a copy of the resolution doing so to 61683  
the board of county commissioners of each county forming the 61684  
district and to the legislative authority of each municipal 61685  
corporation and township under the jurisdiction of the district. 61686  
Within sixty days after the delivery of a copy of the resolution 61687  
adopting the proposed revised fees by the policy committee, each 61688  
such board and legislative authority, by ordinance or resolution, 61689  
shall approve or disapprove the revised fees and deliver a copy of 61690  
the ordinance or resolution to the committee. If any such board or 61691  
legislative authority fails to adopt and deliver to the policy 61692  
committee an ordinance or resolution approving or disapproving the 61693  
revised fees within sixty days after the policy committee 61694  
delivered its resolution adopting the proposed revised fees, it 61695  
shall be conclusively presumed that the board or legislative 61696  
authority has approved the proposed revised fees. The committee 61697  
shall determine if the resolution has been ratified in the same 61698  
manner in which it determines if a draft solid waste management 61699  
plan has been ratified under division (B) of section 3734.55 of 61700  
the Revised Code. 61701

The committee may amend the schedule of fees levied pursuant 61702  
to a resolution adopted and ratified under this division by 61703  
adopting a resolution establishing the proposed amount of the 61704  
amended fees. The committee may repeal the fees levied pursuant to 61705  
such a resolution by adopting a resolution proposing to repeal 61706  
them. Upon adopting such a resolution, the committee shall proceed 61707  
to obtain ratification of the resolution in accordance with this 61708  
division. 61709

Not later than fourteen days after declaring the new fees to 61710  
be ratified or the fees to be repealed under this division, the 61711  
committee shall notify by certified mail the owner or operator of 61712  
each solid waste disposal facility that is required to collect the 61713

fees of the ratification and the amount of the fees or of the 61714  
repeal of the fees. Collection of any fees shall commence or 61715  
collection of repealed fees shall cease on the first day of the 61716  
second month following the month in which notification is sent to 61717  
the owner or operator. 61718

Fees levied under this division also may be established, 61719  
amended, or repealed by a solid waste management policy committee 61720  
through the adoption of a new district solid waste management 61721  
plan, the adoption of an amended plan, or the amendment of the 61722  
plan or amended plan in accordance with sections 3734.55 and 61723  
3734.56 of the Revised Code or the adoption or amendment of a 61724  
district plan in connection with a change in district composition 61725  
under section 3734.521 of the Revised Code. 61726

Not later than fourteen days after the director issues an 61727  
order approving a district's solid waste management plan, amended 61728  
plan, or amendment to a plan or amended plan that establishes, 61729  
amends, or repeals a schedule of fees levied by the district, the 61730  
committee shall notify by certified mail the owner or operator of 61731  
each solid waste disposal facility that is required to collect the 61732  
fees of the approval of the plan or amended plan, or the amendment 61733  
to the plan, as appropriate, and the amount of the fees, if any. 61734  
In the case of an initial or amended plan approved under section 61735  
3734.521 of the Revised Code in connection with a change in 61736  
district composition, other than one involving the withdrawal of a 61737  
county from a joint district, the committee, within fourteen days 61738  
after the change takes effect pursuant to division (G) of that 61739  
section, shall notify by certified mail the owner or operator of 61740  
each solid waste disposal facility that is required to collect the 61741  
fees that the change has taken effect and of the amount of the 61742  
fees, if any. Collection of any fees shall commence or collection 61743  
of repealed fees shall cease on the first day of the second month 61744  
following the month in which notification is sent to the owner or 61745

operator. 61746

If, in the case of a change in district composition involving 61747  
the withdrawal of a county from a joint district, the director 61748  
completes the actions required under division (G)(1) or (3) of 61749  
section 3734.521 of the Revised Code, as appropriate, forty-five 61750  
days or more before the beginning of a calendar year, the policy 61751  
committee of each of the districts resulting from the change that 61752  
obtained the director's approval of an initial or amended plan in 61753  
connection with the change, within fourteen days after the 61754  
director's completion of the required actions, shall notify by 61755  
certified mail the owner or operator of each solid waste disposal 61756  
facility that is required to collect the district's fees that the 61757  
change is to take effect on the first day of January immediately 61758  
following the issuance of the notice and of the amount of the fees 61759  
or amended fees levied under divisions (B)(1) to (3) of this 61760  
section pursuant to the district's initial or amended plan as so 61761  
approved or, if appropriate, the repeal of the district's fees by 61762  
that initial or amended plan. Collection of any fees set forth in 61763  
such a plan or amended plan shall commence on the first day of 61764  
January immediately following the issuance of the notice. If such 61765  
an initial or amended plan repeals a schedule of fees, collection 61766  
of the fees shall cease on that first day of January. 61767

If, in the case of a change in district composition involving 61768  
the withdrawal of a county from a joint district, the director 61769  
completes the actions required under division (G)(1) or (3) of 61770  
section 3734.521 of the Revised Code, as appropriate, less than 61771  
forty-five days before the beginning of a calendar year, the 61772  
director, on behalf of each of the districts resulting from the 61773  
change that obtained the director's approval of an initial or 61774  
amended plan in connection with the change proceedings, shall 61775  
notify by certified mail the owner or operator of each solid waste 61776  
disposal facility that is required to collect the district's fees 61777

that the change is to take effect on the first day of January 61778  
immediately following the mailing of the notice and of the amount 61779  
of the fees or amended fees levied under divisions (B)(1) to (3) 61780  
of this section pursuant to the district's initial or amended plan 61781  
as so approved or, if appropriate, the repeal of the district's 61782  
fees by that initial or amended plan. Collection of any fees set 61783  
forth in such a plan or amended plan shall commence on the first 61784  
day of the second month following the month in which notification 61785  
is sent to the owner or operator. If such an initial or amended 61786  
plan repeals a schedule of fees, collection of the fees shall 61787  
cease on the first day of the second month following the month in 61788  
which notification is sent to the owner or operator. 61789

If the schedule of fees that a solid waste management 61790  
district is levying under divisions (B)(1) to (3) of this section 61791  
is amended or repealed, the fees in effect immediately prior to 61792  
the amendment or repeal shall continue to be collected until 61793  
collection of the amended fees commences or collection of the 61794  
repealed fees ceases, as applicable, as specified in this 61795  
division. In the case of a change in district composition, money 61796  
so received from the collection of the fees of the former 61797  
districts shall be divided among the resulting districts in 61798  
accordance with division (B) of section 343.012 of the Revised 61799  
Code and the agreements entered into under division (B) of section 61800  
343.01 of the Revised Code to establish the former and resulting 61801  
districts and any amendments to those agreements. 61802

For the purposes of the provisions of division (B) of this 61803  
section establishing the times when newly established or amended 61804  
fees levied by a district are required to commence and the 61805  
collection of fees that have been amended or repealed is required 61806  
to cease, "fees" or "schedule of fees" includes, in addition to 61807  
fees levied under divisions (B)(1) to (3) of this section, those 61808  
levied under section 3734.573 or 3734.574 of the Revised Code. 61809

(C) For the purposes of defraying the added costs to a 61810  
municipal corporation or township of maintaining roads and other 61811  
public facilities and of providing emergency and other public 61812  
services, and compensating a municipal corporation or township for 61813  
reductions in real property tax revenues due to reductions in real 61814  
property valuations resulting from the location and operation of a 61815  
solid waste disposal facility within the municipal corporation or 61816  
township, a municipal corporation or township in which such a 61817  
solid waste disposal facility is located may levy a fee of not 61818  
more than twenty-five cents per ton on the disposal of solid 61819  
wastes at a solid waste disposal facility located within the 61820  
boundaries of the municipal corporation or township regardless of 61821  
where the wastes were generated. 61822

The legislative authority of a municipal corporation or 61823  
township may levy fees under this division by enacting an 61824  
ordinance or adopting a resolution establishing the amount of the 61825  
fees. Upon so doing the legislative authority shall mail a 61826  
certified copy of the ordinance or resolution to the board of 61827  
county commissioners or directors of the county or joint solid 61828  
waste management district in which the municipal corporation or 61829  
township is located or, if a regional solid waste management 61830  
authority has been formed under section 343.011 of the Revised 61831  
Code, to the board of trustees of that regional authority, the 61832  
owner or operator of each solid waste disposal facility in the 61833  
municipal corporation or township that is required to collect the 61834  
fee by the ordinance or resolution, and the director of 61835  
environmental protection. Although the fees levied under this 61836  
division are levied on the basis of tons as the unit of 61837  
measurement, the legislative authority, in its ordinance or 61838  
resolution levying the fees under this division, may direct that 61839  
the fees be levied on the basis of cubic yards as the unit of 61840  
measurement based upon a conversion factor of three cubic yards 61841  
per ton generally or one cubic yard per ton for baled wastes. 61842

Not later than five days after enacting an ordinance or 61843  
adopting a resolution under this division, the legislative 61844  
authority shall so notify by certified mail the owner or operator 61845  
of each solid waste disposal facility that is required to collect 61846  
the fee. Collection of any fee levied on or after March 24, 1992, 61847  
shall commence on the first day of the second month following the 61848  
month in which notification is sent to the owner or operator. 61849

(D)(1) The fees levied under divisions (A), (B), and (C) of 61850  
this section do not apply to the disposal of solid wastes that: 61851

(a) Are disposed of at a facility owned by the generator of 61852  
the wastes when the solid waste facility exclusively disposes of 61853  
solid wastes generated at one or more premises owned by the 61854  
generator regardless of whether the facility is located on a 61855  
premises where the wastes are generated; 61856

(b) Are generated from the combustion of coal, or from the 61857  
combustion of primarily coal, regardless of whether the disposal 61858  
facility is located on the premises where the wastes are 61859  
generated; 61860

(c) Are asbestos or asbestos-containing materials or products 61861  
disposed of at a construction and demolition debris facility that 61862  
is licensed under Chapter 3714. of the Revised Code or at a solid 61863  
waste facility that is licensed under this chapter. 61864

(2) Except as provided in section 3734.571 of the Revised 61865  
Code, any fees levied under division (B)(1) of this section apply 61866  
to solid wastes originating outside the boundaries of a county or 61867  
joint district that are covered by an agreement for the joint use 61868  
of solid waste facilities entered into under section 343.02 of the 61869  
Revised Code by the board of county commissioners or board of 61870  
directors of the county or joint district where the wastes are 61871  
generated and disposed of. 61872

(3) When solid wastes, other than solid wastes that consist 61873

of scrap tires, are burned in a disposal facility that is an 61874  
incinerator or energy recovery facility, the fees levied under 61875  
divisions (A), (B), and (C) of this section shall be levied upon 61876  
the disposal of the fly ash and bottom ash remaining after burning 61877  
of the solid wastes and shall be collected by the owner or 61878  
operator of the sanitary landfill where the ash is disposed of. 61879

(4) When solid wastes are delivered to a solid waste transfer 61880  
facility, the fees levied under divisions (B) and (C) of this 61881  
section shall be levied upon the disposal of solid wastes 61882  
transported off the premises of the transfer facility for disposal 61883  
and shall be collected by the owner or operator of the solid waste 61884  
disposal facility where the wastes are disposed of. 61885

(5) The fees levied under divisions (A), (B), and (C) of this 61886  
section do not apply to sewage sludge that is generated by a waste 61887  
water treatment facility holding a national pollutant discharge 61888  
elimination system permit and that is disposed of through 61889  
incineration, land application, or composting or at another 61890  
resource recovery or disposal facility that is not a landfill. 61891

(6) The fees levied under divisions (A), (B), and (C) of this 61892  
section do not apply to solid wastes delivered to a solid waste 61893  
composting facility for processing. When any unprocessed solid 61894  
waste or compost product is transported off the premises of a 61895  
composting facility and disposed of at a landfill, the fees levied 61896  
under divisions (A), (B), and (C) of this section shall be 61897  
collected by the owner or operator of the landfill where the 61898  
unprocessed waste or compost product is disposed of. 61899

(7) When solid wastes that consist of scrap tires are 61900  
processed at a scrap tire recovery facility, the fees levied under 61901  
divisions (A), (B), and (C) of this section shall be levied upon 61902  
the disposal of the fly ash and bottom ash or other solid wastes 61903  
remaining after the processing of the scrap tires and shall be 61904  
collected by the owner or operator of the solid waste disposal 61905



facility where the ash or other solid wastes are disposed of. 61906

(8) The director of environmental protection may issue an 61907  
order exempting from the fees levied under this section solid 61908  
wastes, including, but not limited to, scrap tires, that are 61909  
generated, transferred, or disposed of as a result of a contract 61910  
providing for the expenditure of public funds entered into by the 61911  
administrator or regional administrator of the United States 61912  
environmental protection agency, the director of environmental 61913  
protection, or the director of administrative services on behalf 61914  
of the director of environmental protection for the purpose of 61915  
remediating conditions at a hazardous waste facility, solid waste 61916  
facility, or other location at which the administrator or regional 61917  
administrator or the director of environmental protection has 61918  
reason to believe that there is a substantial threat to public 61919  
health or safety or the environment or that the conditions are 61920  
causing or contributing to air or water pollution or soil 61921  
contamination. An order issued by the director of environmental 61922  
protection under division (D)(8) of this section shall include a 61923  
determination that the amount of the fees not received by a solid 61924  
waste management district as a result of the order will not 61925  
adversely impact the implementation and financing of the 61926  
district's approved solid waste management plan and any approved 61927  
amendments to the plan. Such an order is a final action of the 61928  
director of environmental protection. 61929

(E) The fees levied under divisions (B) and (C) of this 61930  
section shall be collected by the owner or operator of the solid 61931  
waste disposal facility where the wastes are disposed of as a 61932  
trustee for the county or joint district and municipal corporation 61933  
or township where the wastes are disposed of. Moneys from the fees 61934  
levied under division (B) of this section shall be forwarded to 61935  
the board of county commissioners or board of directors of the 61936  
district in accordance with rules adopted under division (H) of 61937

this section. Moneys from the fees levied under division (C) of 61938  
this section shall be forwarded to the treasurer or such other 61939  
officer of the municipal corporation as, by virtue of the charter, 61940  
has the duties of the treasurer or to the fiscal officer of the 61941  
township, as appropriate, in accordance with those rules. 61942

(F) Moneys received by the treasurer or other officer of the 61943  
municipal corporation under division (E) of this section shall be 61944  
paid into the general fund of the municipal corporation. Moneys 61945  
received by the fiscal officer of the township under that division 61946  
shall be paid into the general fund of the township. The treasurer 61947  
or other officer of the municipal corporation or the township 61948  
fiscal officer, as appropriate, shall maintain separate records of 61949  
the moneys received from the fees levied under division (C) of 61950  
this section. 61951

(G) Moneys received by the board of county commissioners or 61952  
board of directors under division (E) of this section or section 61953  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 61954  
shall be paid to the county treasurer, or other official acting in 61955  
a similar capacity under a county charter, in a county district or 61956  
to the county treasurer or other official designated by the board 61957  
of directors in a joint district and kept in a separate and 61958  
distinct fund to the credit of the district. If a regional solid 61959  
waste management authority has been formed under section 343.011 61960  
of the Revised Code, moneys received by the board of trustees of 61961  
that regional authority under division (E) of this section shall 61962  
be kept by the board in a separate and distinct fund to the credit 61963  
of the district. Moneys in the special fund of the county or joint 61964  
district arising from the fees levied under division (B) of this 61965  
section and the fee levied under division (A) of section 3734.573 61966  
of the Revised Code shall be expended by the board of county 61967  
commissioners or directors of the district in accordance with the 61968  
district's solid waste management plan or amended plan approved 61969

under section 3734.521, 3734.55, or 3734.56 of the Revised Code 61970  
exclusively for the following purposes: 61971

(1) Preparation of the solid waste management plan of the 61972  
district under section 3734.54 of the Revised Code, monitoring 61973  
implementation of the plan, and conducting the periodic review and 61974  
amendment of the plan required by section 3734.56 of the Revised 61975  
Code by the solid waste management policy committee; 61976

(2) Implementation of the approved solid waste management 61977  
plan or amended plan of the district, including, without 61978  
limitation, the development and implementation of solid waste 61979  
recycling or reduction programs; 61980

(3) Providing financial assistance to boards of health within 61981  
the district, if solid waste facilities are located within the 61982  
district, for enforcement of this chapter and rules, orders, and 61983  
terms and conditions of permits, licenses, and variances adopted 61984  
or issued under it, other than the hazardous waste provisions of 61985  
this chapter and rules adopted and orders and terms and conditions 61986  
of permits issued under those provisions; 61987

(4) Providing financial assistance to each county within the 61988  
district to defray the added costs of maintaining roads and other 61989  
public facilities and of providing emergency and other public 61990  
services resulting from the location and operation of a solid 61991  
waste facility within the county under the district's approved 61992  
solid waste management plan or amended plan; 61993

(5) Pursuant to contracts entered into with boards of health 61994  
within the district, if solid waste facilities contained in the 61995  
district's approved plan or amended plan are located within the 61996  
district, for paying the costs incurred by those boards of health 61997  
for collecting and analyzing samples from public or private water 61998  
wells on lands adjacent to those facilities; 61999

(6) Developing and implementing a program for the inspection 62000

of solid wastes generated outside the boundaries of this state 62001  
that are disposed of at solid waste facilities included in the 62002  
district's approved solid waste management plan or amended plan; 62003

(7) Providing financial assistance to boards of health within 62004  
the district for the enforcement of section 3734.03 of the Revised 62005  
Code or to local law enforcement agencies having jurisdiction 62006  
within the district for enforcing anti-littering laws and 62007  
ordinances; 62008

(8) Providing financial assistance to boards of health of 62009  
health districts within the district that are on the approved list 62010  
under section 3734.08 of the Revised Code to defray the costs to 62011  
the health districts for the participation of their employees 62012  
responsible for enforcement of the solid waste provisions of this 62013  
chapter and rules adopted and orders and terms and conditions of 62014  
permits, licenses, and variances issued under those provisions in 62015  
the training and certification program as required by rules 62016  
adopted under division (L) of section 3734.02 of the Revised Code; 62017

(9) Providing financial assistance to individual municipal 62018  
corporations and townships within the district to defray their 62019  
added costs of maintaining roads and other public facilities and 62020  
of providing emergency and other public services resulting from 62021  
the location and operation within their boundaries of a 62022  
composting, energy or resource recovery, incineration, or 62023  
recycling facility that either is owned by the district or is 62024  
furnishing solid waste management facility or recycling services 62025  
to the district pursuant to a contract or agreement with the board 62026  
of county commissioners or directors of the district; 62027

(10) Payment of any expenses that are agreed to, awarded, or 62028  
ordered to be paid under section 3734.35 of the Revised Code and 62029  
of any administrative costs incurred pursuant to that section. In 62030  
the case of a joint solid waste management district, if the board 62031  
of county commissioners of one of the counties in the district is 62032

negotiating on behalf of affected communities, as defined in that 62033  
section, in that county, the board shall obtain the approval of 62034  
the board of directors of the district in order to expend moneys 62035  
for administrative costs incurred. 62036

Prior to the approval of the district's solid waste 62037  
management plan under section 3734.55 of the Revised Code, moneys 62038  
in the special fund of the district arising from the fees shall be 62039  
expended for those purposes in the manner prescribed by the solid 62040  
waste management policy committee by resolution. 62041

Notwithstanding division (G)(6) of this section as it existed 62042  
prior to October 29, 1993, or any provision in a district's solid 62043  
waste management plan prepared in accordance with division 62044  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 62045  
prior to that date, any moneys arising from the fees levied under 62046  
division (B)(3) of this section prior to January 1, 1994, may be 62047  
expended for any of the purposes authorized in divisions (G)(1) to 62048  
(10) of this section. 62049

(H) The director shall adopt rules in accordance with Chapter 62050  
119. of the Revised Code prescribing procedures for collecting and 62051  
forwarding the fees levied under divisions (B) and (C) of this 62052  
section to the boards of county commissioners or directors of 62053  
county or joint solid waste management districts and to the 62054  
treasurers or other officers of municipal corporations and the 62055  
fiscal officers of townships. The rules also shall prescribe the 62056  
dates for forwarding the fees to the boards and officials and may 62057  
prescribe any other requirements the director considers necessary 62058  
or appropriate to implement and administer divisions (A), (B), and 62059  
(C) of this section. 62060

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 62061  
defray the cost of administering and enforcing the scrap tire 62062  
provisions of this chapter, rules adopted under those provisions, 62063

and terms and conditions of orders, variances, and licenses issued 62064  
under those provisions; to abate accumulations of scrap tires; to 62065  
make grants supporting market development activities for scrap 62066  
tires and synthetic rubber from tire manufacturing processes and 62067  
tire recycling processes and to support scrap tire amnesty and 62068  
cleanup events; to make loans to promote the recycling or recovery 62069  
of energy from scrap tires; and to defray the costs of 62070  
administering and enforcing sections 3734.90 to 3734.9014 of the 62071  
Revised Code, a fee of fifty cents per tire is hereby levied on 62072  
the sale of tires. The proceeds of the fee shall be deposited in 62073  
the state treasury to the credit of the scrap tire management fund 62074  
created in section 3734.82 of the Revised Code. The fee is levied 62075  
from the first day of the calendar month that begins next after 62076  
thirty days from October 29, 1993, through June 30, ~~2013~~ 2016. 62077

(2) Beginning on July 1, 2011, and ending on June 30, ~~2013~~ 62078  
2016, there is hereby levied an additional fee of fifty cents per 62079  
tire on the sale of tires the proceeds of which shall be deposited 62080  
in the state treasury to the credit of the soil and water 62081  
conservation district assistance fund created in section 1515.14 62082  
of the Revised Code. 62083

(B) Only one sale of the same article shall be used in 62084  
computing the amount of the fee due. 62085

**Sec. 3734.907.** (A) Any person required to pay the fee imposed 62086  
by section 3734.901 of the Revised Code is personally liable for 62087  
the fee. The tax commissioner may make an assessment, based upon 62088  
any information in the commissioner's possession, against any 62089  
person who fails to file a return or pay any fee, interest, or 62090  
additional charge as required by sections 3734.90 to 3734.9014 of 62091  
the Revised Code. The commissioner shall give the person assessed 62092  
written notice of the assessment in the manner provided in section 62093  
5703.37 of the Revised Code. With the notice, the commissioner 62094

shall provide instructions on how to petition for reassessment and 62095  
request a hearing on the petition. 62096

(B) When the information in the possession of the tax 62097  
commissioner indicates that a person liable for the fee imposed by 62098  
section 3734.901 of the Revised Code has not paid the full amount 62099  
of fee due, the commissioner may audit a representative sample of 62100  
the person's business and may issue an assessment based on the 62101  
audit. 62102

(C) A penalty of up to fifteen per cent may be added to all 62103  
amounts assessed under this section. The commissioner may adopt 62104  
rules providing for the imposition and remission of the penalties. 62105

(D) Unless the person assessed files with the tax 62106  
commissioner within sixty days after service of the notice of 62107  
assessment, either personally or by certified mail, a written 62108  
petition for reassessment signed by the person assessed or that 62109  
person's authorized agent having knowledge of the facts, the 62110  
assessment becomes final and the amount of the assessment is due 62111  
and payable from the person assessed to the treasurer of state. 62112  
The petition shall indicate the objections of the person assessed, 62113  
but additional objections may be raised in writing if received by 62114  
the commissioner prior to the date shown on the final 62115  
determination. If the petition has been properly filed, the 62116  
commissioner shall proceed under section 5703.60 of the Revised 62117  
Code. 62118

(E) After an assessment becomes final, if any portion of the 62119  
assessment, including accrued interest, remains unpaid, a 62120  
certified copy of the tax commissioner's entry making the 62121  
assessment final may be filed in the office of the clerk of the 62122  
court of common pleas in the county in which the person assessed 62123  
resides or in which the person's business is conducted. If the 62124  
person assessed maintains no place of business in this state and 62125  
is not a resident of this state, the certified copy of the entry 62126

may be filed in the office of the clerk of the court of common 62127  
pleas of Franklin county. 62128

Immediately upon the filing of the entry, the clerk shall 62129  
enter a judgment for the state against the person assessed in the 62130  
amount shown on the entry. The judgment may be filed by the clerk 62131  
in a loose-leaf book entitled "special judgments for state tire 62132  
fee," and shall have the same effect as other judgments. Execution 62133  
shall issue upon the judgment upon the request of the tax 62134  
commissioner, and all laws applicable to sales on execution shall 62135  
apply to sales made under the judgment. 62136

~~The portion of~~ If the assessment is not paid in its entirety 62137  
within sixty days after the day the assessment was issued, the 62138  
portion of the assessment consisting of tax due shall bear 62139  
interest at the rate per annum prescribed by section 5703.47 of 62140  
the Revised Code from the day the commissioner issues the 62141  
assessment until the day the assessment is paid or until it is 62142  
certified to the attorney general for collection under section 62143  
131.02 of the Revised Code, whichever comes first. If the unpaid 62144  
portion of the assessment is certified to the attorney general for 62145  
collection, the entire unpaid portion of the assessment shall bear 62146  
interest at the rate per annum prescribed by section 5703.47 of 62147  
the Revised Code from the date of certification until the date it 62148  
is paid in its entirety. Interest shall be paid in the same manner 62149  
as the fee and may be collected by the issuance of an assessment 62150  
under this section. 62151

(F) If the tax commissioner believes that collection of the 62152  
fee will be jeopardized unless proceedings to collect or secure 62153  
collection of the fee are instituted without delay, the 62154  
commissioner may issue a jeopardy assessment against the person 62155  
liable for the fee. Immediately upon the issuance of the jeopardy 62156  
assessment, the commissioner shall file an entry with the clerk of 62157  
the court of common pleas in the manner prescribed by division (E) 62158



of this section. Notice of the jeopardy assessment shall be served 62159  
on the person assessed or the person's legal representative, as 62160  
provided in section 5703.37 of the Revised Code, within five days 62161  
of the filing of the entry with the clerk. The total amount 62162  
assessed is immediately due and payable, unless the person 62163  
assessed files a petition for reassessment in accordance with 62164  
division (D) of this section and provides security in a form 62165  
satisfactory to the commissioner and in an amount sufficient to 62166  
satisfy the unpaid balance of the assessment. Full or partial 62167  
payment of the assessment does not prejudice the commissioner's 62168  
consideration of the petition for reassessment. 62169

(G) All money collected by the tax commissioner under this 62170  
section shall be paid to the treasurer of state as revenue arising 62171  
from the fee imposed by section 3734.901 of the Revised Code. 62172

**Sec. 3735.58.** (A) The director of ~~mental health~~ mental health 62173  
and addiction services, the director of developmental 62174  
disabilities, or the director of rehabilitation and correction may 62175  
enter into contracts for the sale of land not needed by their 62176  
departments and under their jurisdiction or supervision to 62177  
metropolitan housing authorities for use by such an authority for 62178  
a housing project or projects. Such contract may contain such 62179  
conditions and terms as are, in the discretion of the directors, 62180  
in the best interests of the state and the welfare of the 62181  
residents of the state. 62182

(B) The director may, upon receipt of a request from a 62183  
metropolitan housing authority, request the approval of the 62184  
governor to sell and convey land not needed by the director's 62185  
department and under the director's jurisdiction or supervision to 62186  
an authority, subject to such terms and conditions consistent with 62187  
the public interest and welfare of the residents of the state as 62188  
the director considers necessary. The governor, with the approval 62189

of the controlling board, may approve the request. Such property 62190  
shall be appraised at its fair market value before it is conveyed. 62191  
The director of administrative services shall cause it to be 62192  
appraised by three disinterested persons and shall determine the 62193  
fee which each appraiser shall receive, not to exceed fifty 62194  
dollars. All appraisal fees shall be paid by the authority which 62195  
shall deposit with the director one hundred fifty dollars before 62196  
the appraisal is made. If the deposit exceeds the appraisal fee, 62197  
the balance shall be returned to the authority. The appraisal 62198  
value, when approved by the director, is the purchase price. If 62199  
the purchase price is not paid within ninety days after notice to 62200  
the authority of the approved appraisal value, the director shall 62201  
withdraw approval of the appraisal value and no deed shall be 62202  
delivered to the authority without the written approval of the 62203  
director of the purchase price. If the purchase price is paid 62204  
within ninety days, a deed shall be prepared and recorded pursuant 62205  
to section 5301.13 of the Revised Code. 62206

(C) Moneys received from sales of land to a metropolitan 62207  
housing authority shall be placed in the state treasury in special 62208  
funds, to be used for such purposes of the department of ~~mental~~ 62209  
~~health~~ mental health and addiction services, the department of 62210  
developmental disabilities, or the department of rehabilitation 62211  
and correction as is appropriate. 62212

Sec. 3735.661. (A) For the purpose of determining the "first 62213  
two amendments" referenced in division (B) of Section 3 of Am. 62214  
Sub. S.B. 19 of the 120th General Assembly, an amendment means any 62215  
modification to an ordinance or resolution adopted under section 62216  
3735.66 of the Revised Code that does any of the following: 62217

(1) Expands the geographic size of a community reinvestment 62218  
area. 62219

(2) Increases a property's or category of property's exempted 62220

percentage of assessed valuation, notwithstanding the requirements 62221  
of section 3735.66 of the Revised Code as that section existed on 62222  
July 21, 1994. Division (A)(2) of this section does not authorize 62223  
a municipal corporation to increase a property's or category of 62224  
property's exempted percentage of assessed valuation pursuant to 62225  
that section. 62226

(3) Increases the term of any tax exemption or authorized 62227  
category of tax exemptions. 62228

(4) Extends the duration of a community reinvestment area 62229

(5) Changes eligibility requirements for receiving tax 62230  
exemptions. 62231

(B) For the purpose of determining the "first two amendments" 62232  
in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th 62233  
General Assembly, an amendment does not include any modification 62234  
to an ordinance or resolution adopted under section 3735.66 of the 62235  
Revised Code that does any of the following: 62236

(1) Restricts the availability of tax exemptions, including 62237  
any of the following: 62238

(a) Removes area from or decreases the geographic size of a 62239  
community reinvestment area. 62240

(b) Decreases a property's or category of property's exempted 62241  
percentage of assessed valuation, notwithstanding the requirements 62242  
of section 3735.66 of the Revised Code as that section existed on 62243  
July 21, 1994. Division (B)(1)(b) of this section does not 62244  
authorize a municipal corporation to decrease a property's or 62245  
category of property's exempted percentage of assessed valuation 62246  
pursuant to that section. 62247

(c) Decreases the term of any tax exemption or category of 62248  
exemption. 62249

(d) Shortens the period of time after which the granting of 62250

|                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <u>tax exemptions may be terminated.</u>                                                                                                                                                                                                                                                                                                                                                                               | 62251                                                       |
| <u>(2) Recognizes or confirms the continuing existence of a community reinvestment area until a date after which the area may be terminated.</u>                                                                                                                                                                                                                                                                       | 62252<br>62253<br>62254                                     |
| <u>(3) Recognizes or confirms a previously granted tax exemption.</u>                                                                                                                                                                                                                                                                                                                                                  | 62255<br>62256                                              |
| <u>(4) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions.</u>                                                                                                                                                                                                                                                                                                                  | 62257<br>62258                                              |
| <u>(5) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code.</u> | 62259<br>62260<br>62261<br>62262<br>62263<br>62264<br>62265 |
| <b>Sec. 3737.02.</b> (A) The fire marshal may collect fees to cover the costs of performing inspections and other duties that the fire marshal is authorized or required by law to perform. Except as provided in division (B) of this section, all fees collected by the fire marshal shall be deposited to the credit of the fire marshal's fund.                                                                    | 62266<br>62267<br>62268<br>62269<br>62270<br>62271          |
| (B) <u>All of the following shall be credited to the underground storage tank administration fund, which is hereby created in the state treasury:</u>                                                                                                                                                                                                                                                                  | 62272<br>62273<br>62274                                     |
| <u>(1) Fees collected under sections 3737.88 and 3737.881 of the Revised Code for operation of the underground storage tank and underground storage tank installer certification programs,</u> <del> moneys;</del>                                                                                                                                                                                                     | 62275<br>62276<br>62277                                     |
| <u>(2) Moneys</u> recovered under section 3737.89 of the Revised Code for the state's costs of undertaking corrective or enforcement actions under that section or section 3737.882 of the                                                                                                                                                                                                                             | 62278<br>62279<br>62280                                     |

Revised Code, ~~and fines;~~ 62281

~~(3) Fines and penalties collected under section 3737.882 of 62282  
the Revised Code shall be credited to the underground storage tank 62283  
administration fund, which is hereby created in the state 62284  
treasury. All;~~ 62285

(4) Amounts repaid for underground storage tank revolving 62286  
loans under section 3737.883 of the Revised Code. 62287

(C) All interest earned on moneys credited to the underground 62288  
storage tank administration fund shall be credited to the fund. 62289  
Moneys credited to the underground storage tank administration 62290  
fund shall be used by the fire marshal for implementation and 62291  
enforcement of underground storage tank, corrective action, and 62292  
installer certification programs under sections 3737.88 to 3737.89 62293  
of the Revised Code. Only moneys described in divisions (B)(3) and 62294  
(4) of this section shall be used by the fire marshal to make 62295  
underground storage tank revolving loans under section 3737.883 of 62296  
the Revised Code, and no other moneys may be used to make those 62297  
loans. 62298

~~(C)~~(D) The fire marshal shall take all actions necessary to 62299  
obtain any federal funding available to carry out the fire 62300  
marshal's responsibilities under sections 3737.88 to 3737.89 of 62301  
the Revised Code and federal laws regarding the cleaning up of 62302  
releases of petroleum, as "release" is defined in section 3737.87 62303  
of the Revised Code, including, without limitation, any federal 62304  
funds that are available to reimburse the state for the costs of 62305  
undertaking corrective actions for such releases of petroleum. The 62306  
state may, when appropriate, return to the United States any 62307  
federal funds recovered under sections 3737.882 and 3737.89 of the 62308  
Revised Code. 62309

**Sec. 3737.83.** The fire marshal shall, as part of the state 62310  
fire code, adopt rules to: 62311

(A) Establish minimum standards of performance for fire protection equipment and fire fighting equipment; 62312  
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(B) Establish minimum standards of training, fix minimum qualifications, and require certificates for all persons who engage in the business for profit of installing, testing, repairing, or maintaining fire protection equipment; 62314  
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(C) Provide for the issuance of certificates required under division (B) of this section and establish the fees to be charged for such certificates. A certificate shall be granted, renewed, or revoked according to rules the fire marshal shall adopt. 62318  
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(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the fire marshal shall be identical to the minimum federal standards. 62322  
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In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the fire marshal, standards previously adopted by the fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards. 62328  
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With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code. 62334  
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(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code. 62337  
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(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section ~~5119.22~~ 62341  
62342

5119.34 of the Revised Code that provides accommodations, 62343  
supervision, and personal care services for three to sixteen 62344  
unrelated adults. The fire marshal shall adopt the rules under 62345  
this division in consultation with the director of ~~mental health~~ 62346  
mental health and addiction services and interested parties 62347  
designated by the director of ~~mental health~~ mental health and 62348  
addiction services. 62349

**Sec. 3737.841.** As used in this section and section 3737.842 62350  
of the Revised Code: 62351

(A) "Public occupancy" means all of the following: 62352

(1) Any state correctional institution as defined in section 62353  
2967.01 of the Revised Code and any county, multicounty, 62354  
municipal, or municipal-county jail or workhouse; 62355

(2) Any hospital as defined in section 3727.01 of the Revised 62356  
Code, any hospital licensed by the department of ~~mental health~~ 62357  
mental health and addiction services under section ~~5119.20~~ 5119.33 62358  
of the Revised Code, and any institution, hospital, or other place 62359  
established, controlled, or supervised by the department of ~~mental~~ 62360  
~~health~~ mental health and addiction services under Chapter 5119. of 62361  
the Revised Code; 62362

(3) Any nursing home, residential care facility, or home for 62363  
the aging as defined in section 3721.01 of the Revised Code and 62364  
any residential facility licensed under section ~~5119.22~~ 5119.34 of 62365  
the Revised Code that provides accommodations, supervision, and 62366  
personal care services for three to sixteen unrelated adults; 62367

(4) Any child day-care center and any type A family day-care 62368  
home as defined in section 5104.01 of the Revised Code; 62369

(5) Any public auditorium or stadium; 62370

(6) Public assembly areas of hotels and motels containing 62371  
more than ten articles of seating furniture. 62372

(B) "Sell" includes sell, offer or expose for sale, barter, 62373  
trade, deliver, give away, rent, consign, lease, possess for sale, 62374  
or dispose of in any other commercial manner. 62375

(C) Except as provided in division (D) of this section, 62376  
"seating furniture" means any article of furniture, including 62377  
children's furniture, that can be used as a support for an 62378  
individual, or an individual's limbs or feet, when sitting or 62379  
resting in an upright or reclining position and that either: 62380

(1) Is made with loose or attached cushions or pillows; 62381

(2) Is stuffed or filled in whole or in part with any filling 62382  
material; 62383

(3) Is or can be stuffed or filled in whole or in part with 62384  
any substance or material, concealed by fabric or any other 62385  
covering. 62386

"Seating furniture" includes the cushions or pillows 62387  
belonging to or forming a part of the furniture, the structural 62388  
unit, and the filling material and its container or covering. 62389

(D) "Seating furniture" does not include, except if intended 62390  
for use by children or in facilities designed for the care or 62391  
treatment of humans, any of the following: 62392

(1) Cushions or pads intended solely for outdoor use; 62393

(2) Any article with a smooth surface that contains no more 62394  
than one-half inch of filling material, if that article does not 62395  
have an upholstered horizontal surface meeting an upholstered 62396  
vertical surface; 62397

(3) Any article manufactured solely for recreational use or 62398  
physical fitness purposes, including weight-lifting benches, 62399  
gymnasium mats or pads, and sidehorses. 62400

(E) "Filling material" means cotton, wool, kapok, feathers, 62401  
down, hair, liquid, or any other natural or artificial material or 62402



substance that is used or can be used as stuffing in seating 62403  
furniture. 62404

**Sec. 3737.88.** (A)(1) The fire marshal shall have 62405  
responsibility for implementation of the underground storage tank 62406  
program and corrective action program for releases of petroleum 62407  
from underground storage tanks established by the "Resource 62408  
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 62409  
6901, as amended. To implement the programs, the fire marshal may 62410  
adopt, amend, and rescind such rules, conduct such inspections, 62411  
require annual registration of underground storage tanks, issue 62412  
such citations and orders to enforce those rules, enter into 62413  
environmental covenants in accordance with sections 5301.80 to 62414  
5301.92 of the Revised Code, and perform such other duties, as are 62415  
consistent with those programs. The fire marshal, by rule, may 62416  
delegate the authority to conduct inspections of underground 62417  
storage tanks to certified fire safety inspectors. 62418

(2) In the place of any rules regarding release containment 62419  
and release detection for underground storage tanks adopted under 62420  
division (A)(1) of this section, the fire marshal, by rule, shall 62421  
designate areas as being sensitive for the protection of human 62422  
health and the environment and adopt alternative rules regarding 62423  
release containment and release detection methods for new and 62424  
upgraded underground storage tank systems located in those areas. 62425  
In designating such areas, the fire marshal shall take into 62426  
consideration such factors as soil conditions, hydrogeology, water 62427  
use, and the location of public and private water supplies. Not 62428  
later than July 11, 1990, the fire marshal shall file the rules 62429  
required under this division with the secretary of state, director 62430  
of the legislative service commission, and joint committee on 62431  
agency rule review in accordance with divisions (B) and (H) of 62432  
section 119.03 of the Revised Code. 62433

(3) Notwithstanding sections 3737.87 to 3737.89 of the Revised Code, a person who is not a responsible person, as determined by the fire marshal pursuant to this chapter, may conduct a voluntary action in accordance with Chapter 3746. of the Revised Code and rules adopted under it for either of the following:

(a) A class C release;

(b) A release, other than a class C release, that is subject to the rules adopted by the fire marshal under division (B) of section 3737.882 of the Revised Code pertaining to a corrective action, provided that both of the following apply:

(i) The voluntary action also addresses hazardous substances or petroleum that is not subject to the rules adopted under division (B) of section 3737.882 of the Revised Code pertaining to a corrective action.

(ii) The fire marshal has not issued an administrative order concerning the release or referred the release to the attorney general for enforcement.

The director of environmental protection, pursuant to section 3746.12 of the Revised Code, may issue a covenant not to sue to any person who properly completes a voluntary action with respect to any such release in accordance with Chapter 3746. of the Revised Code and rules adopted under it.

(B) Before adopting any rule under this section or section 3737.881 or 3737.882 of the Revised Code, the fire marshal shall file written notice of the proposed rule with the chairperson of the state fire council, and, within sixty days after notice is filed, the council may file responses to or comments on and may recommend alternative or supplementary rules to the fire marshal. At the end of the sixty-day period or upon the filing of responses, comments, or recommendations by the council, the fire

marshal may adopt the rule filed with the council or any 62465  
alternative or supplementary rule recommended by the council. 62466

(C) The state fire council may recommend courses of action to 62467  
be taken by the fire marshal in carrying out the fire marshal's 62468  
duties under this section. The council shall file its 62469  
recommendations in the office of the fire marshal, and, within 62470  
sixty days after the recommendations are filed, the fire marshal 62471  
shall file with the chairperson of the council comments on, and 62472  
proposed action in response to, the recommendations. 62473

(D) For the purpose of sections 3737.87 to 3737.89 of the 62474  
Revised Code, the fire marshal shall adopt, and may amend and 62475  
rescind, rules identifying or listing hazardous substances. The 62476  
rules shall be consistent with and equivalent in scope, coverage, 62477  
and content to regulations identifying or listing hazardous 62478  
substances adopted under the "Comprehensive Environmental 62479  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 62480  
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 62481  
not identify or list as a hazardous substance any hazardous waste 62482  
identified or listed in rules adopted under division (A) of 62483  
section 3734.12 of the Revised Code. 62484

(E) Except as provided in division (A)(3) of this section, 62485  
the fire marshal shall have exclusive jurisdiction to regulate the 62486  
storage, treatment, and disposal of petroleum contaminated soil 62487  
generated from corrective actions undertaken in response to 62488  
releases of petroleum from underground storage tank systems. The 62489  
fire marshal may adopt, amend, or rescind such rules as the fire 62490  
marshal considers to be necessary or appropriate to regulate the 62491  
storage, treatment, or disposal of petroleum contaminated soil so 62492  
generated. 62493

(F) The fire marshal shall adopt, amend, and rescind rules 62494  
under sections 3737.88 to ~~3737.882~~ 3737.883 of the Revised Code in 62495  
accordance with Chapter 119. of the Revised Code. 62496

Sec. 3737.883. (A) As used in this section, "political subdivision" has the same meaning as in section 2744.01 of the Revised Code, but includes a community improvement corporation as that term is defined in section 1724.01 of the Revised Code. 62497  
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(B) A political subdivision may do any of the following for an underground storage tank located within its territorial boundaries if the responsible person is not identifiable or if the state fire marshal determines that an identified responsible person is unable to pay the costs of the action to be taken by the political subdivision: 62501  
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(1) Initiate, continue, or properly complete the removal of an underground storage tank system; 62507  
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(2) Initiate, continue, or properly complete an assessment of the site of an underground storage tank or the site of an underground storage tank system; 62509  
62510  
62511

(3) Initiate, continue, or properly complete a corrective action. 62512  
62513

(C) The state fire marshal or the state fire marshal's designee shall administer an underground storage tank revolving loan program under which the state fire marshal issues loans to assist with the costs of actions described in divisions (B)(1) to (3) of this section. The state fire marshal shall issue a loan under the program to a political subdivision that meets the application requirements of division (D) of this section and agrees to written terms and conditions of the loan with the state fire marshal. 62514  
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(D) A political subdivision shall apply to the state fire marshal for a loan under this section on a form prescribed by the state fire marshal. In the application, the political subdivision shall do all of the following: 62523  
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- (1) Describe the action for which it is requesting a loan; 62527
- (2) State the requested loan amount; 62528
- (3) Explain how the political subdivision plans to spend, of its own funds, in undertaking the action for which the loan is requested, an amount equal to at least five per cent of the requested loan amount; 62529  
62530  
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- (4) Provide any other information requested by the state fire marshal. 62533  
62534
- (E) The state fire marshal shall consult with the director of development services before issuing any loan under this section. 62535  
62536
- (F) A loan issued under this section shall not carry interest. No loan issued under this section shall have a term of more than ten years. The political subdivision shall repay a loan issued under this section to the state fire marshal. 62537  
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- (G) If, at any time after the expenditure of loan funds by a political subdivision under this section, the state fire marshal or any law enforcement agency identifies the responsible person or determines, for any reason, that the previously identified responsible person was or is able to pay the costs of the action for which the loan was issued, the political subdivision may bring any appropriate proceedings against the responsible person to recover the costs incurred by the political subdivision. The proceedings may be brought in either the court of common pleas having jurisdiction where the underground storage tank is located or the court of common pleas of Franklin county. 62541  
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- (H)(1) The state fire marshal shall adopt and may amend and rescind rules as necessary for the administration and operation of the underground storage tank revolving loan program. The rules may do any of the following: 62552  
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- (a) Further define the entities considered "political 62556

subdivisions" eligible to receive loans; 62557

(b) Establish qualifying criteria for loan recipients; 62558

(c) Establish criteria for awarding loans, loan amounts, loan 62559  
payment terms, and permissible expenditures of loan funds, 62560  
including methods that the state fire marshal may use to verify 62561  
the proper use of loan funds or to obtain reimbursement for or the 62562  
return of improperly used loan funds. 62563

(2) The state fire marshal may adopt and may amend and 62564  
rescind rules for the issuance of emergency underground storage 62565  
tank revolving loans to qualifying entities during a natural 62566  
disaster or another similar event as defined in the rules. 62567

**Sec. ~~3737.883~~ 3737.884.** On receipt of a notice pursuant to 62568  
section 3123.43 of the Revised Code, the state fire marshal shall 62569  
comply with sections 3123.41 to 3123.50 of the Revised Code and 62570  
any applicable rules adopted under section 3123.63 of the Revised 62571  
Code with respect to a certificate issued pursuant to section 62572  
3737.34, 3737.65, 3737.83, or 3737.881 of the Revised Code. 62573

**Sec. 3742.30.** Each child at risk of lead poisoning shall 62574  
undergo a blood lead screening test to determine whether the child 62575  
has lead poisoning. The at-risk children shall undergo the test at 62576  
times determined by rules the director of health shall adopt in 62577  
accordance with Chapter 119. of the Revised Code that are 62578  
consistent with the guidelines established by the centers for 62579  
disease control and prevention in the public health service of the 62580  
United States department of health and human services. The rules 62581  
shall specify which children are at risk of lead poisoning. 62582

Neither this section nor the rules adopted under it affect 62583  
the coverage of blood lead screening tests by any publicly funded 62584  
health program, including the medicaid program ~~established by~~ 62585  
~~Chapter 5111. of the Revised Code.~~ Neither this section nor the 62586

rules adopted under it apply to a child if a parent of the child 62587  
objects to the test on the grounds that the test conflicts with 62588  
the parent's religious tenets and practices. 62589

**Sec. 3742.31.** (A) The director of health shall establish, 62590  
promote, and maintain a child lead poisoning prevention program. 62591  
The program shall provide statewide coordination of screening, 62592  
diagnosis, and treatment services for children under age six, 62593  
including both of the following: 62594

(1) Collecting the social security numbers of all children 62595  
screened, diagnosed, or treated as part of the program's case 62596  
management system; 62597

(2) Disclosing to the ~~office of medical assistance in the~~ 62598  
department of ~~job and family services~~ medicaid on at least an 62599  
annual basis the identity and lead screening test results of each 62600  
child screened pursuant to section 3742.30 of the Revised Code. 62601  
The director shall collect and disseminate information relating to 62602  
child lead poisoning and controlling lead hazards. 62603

(B) The director of health shall operate the child lead 62604  
poisoning prevention program in accordance with rules adopted 62605  
under section 3742.50 of the Revised Code. The director may enter 62606  
into an interagency agreement with one or more other state 62607  
agencies to perform one or more of the program's duties. The 62608  
director shall supervise and direct an agency's performance of 62609  
such a duty. 62610

**Sec. 3742.32.** (A) The director of health shall appoint an 62611  
advisory council to assist in the ongoing development and 62612  
implementation of the child lead poisoning prevention program 62613  
created under section 3742.31 of the Revised Code. The advisory 62614  
council shall consist of the following members: 62615

(1) A representative of the ~~office of medical assistance in~~ 62616

|                                                                                                                                                                                                                                 |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| the department of <del>job and family services</del> <u>medicaid</u> ;                                                                                                                                                          | 62617                            |
| (2) A representative of the bureau of child care in the department of job and family services;                                                                                                                                  | 62618<br>62619                   |
| (3) A representative of the department of environmental protection;                                                                                                                                                             | 62620<br>62621                   |
| (4) A representative of the department of education;                                                                                                                                                                            | 62622                            |
| (5) A representative of the <del>department of</del> development <u>services agency</u> ;                                                                                                                                       | 62623<br>62624                   |
| (6) A representative of the Ohio apartment owner's association;                                                                                                                                                                 | 62625<br>62626                   |
| (7) A representative of the Ohio help end lead poisoning coalition;                                                                                                                                                             | 62627<br>62628                   |
| (8) A representative of the Ohio environmental health association;                                                                                                                                                              | 62629<br>62630                   |
| (9) An Ohio representative of the national paint and coatings association.                                                                                                                                                      | 62631<br>62632                   |
| (B) The advisory council shall do both of the following:                                                                                                                                                                        | 62633                            |
| (1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation; | 62634<br>62635<br>62636<br>62637 |
| (2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.                                              | 62638<br>62639<br>62640          |
| (C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.                                                                                                                                       | 62641<br>62642                   |
| <b>Sec. 3742.51.</b> (A) There is hereby created in the state treasury the lead poisoning prevention fund. The fund shall                                                                                                       | 62643<br>62644                   |



include all moneys appropriated to the department of health for 62645  
the administration and enforcement of sections 3742.31 to 3742.50 62646  
of the Revised Code and the rules adopted under those sections. 62647  
Any grants, contributions, or other moneys collected by the 62648  
department for purposes of preventing lead poisoning shall be 62649  
deposited in the state treasury to the credit of the fund. 62650

(B) Moneys in the fund shall be used solely for the purposes 62651  
of the child lead poisoning prevention program established under 62652  
section 3742.31 of the Revised Code, including providing financial 62653  
assistance to individuals who are unable to pay for the following: 62654

(1) Costs associated with obtaining lead tests and lead 62655  
poisoning treatment for children under six years of age who are 62656  
not covered by private medical insurance or are underinsured, are 62657  
not eligible for the medicaid program ~~established under Chapter~~ 62658  
~~5111. of the Revised Code~~ or any other government health program, 62659  
and do not have access to another source of funds to cover the 62660  
cost of lead tests and any indicated treatments; 62661

(2) Costs associated with having lead abatement performed or 62662  
having the preventive treatments specified in section 3742.41 of 62663  
the Revised Code performed. 62664

**Sec. 3745.11.** (A) Applicants for and holders of permits, 62665  
licenses, variances, plan approvals, and certifications issued by 62666  
the director of environmental protection pursuant to Chapters 62667  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 62668  
to the environmental protection agency for each such issuance and 62669  
each application for an issuance as provided by this section. No 62670  
fee shall be charged for any issuance for which no application has 62671  
been submitted to the director. 62672

(B) Except as otherwise provided in division (C)(2) of this 62673  
section, beginning July 1, 1994, each person who owns or operates 62674  
an air contaminant source and who is required to apply for and 62675

obtain a Title V permit under section 3704.036 of the Revised Code 62676  
shall pay the fees set forth in this division. For the purposes of 62677  
this division, total emissions of air contaminants may be 62678  
calculated using engineering calculations, emissions factors, 62679  
material balance calculations, or performance testing procedures, 62680  
as authorized by the director. 62681

The following fees shall be assessed on the total actual 62682  
emissions from a source in tons per year of the regulated 62683  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 62684  
organic compounds, and lead: 62685

(1) Fifteen dollars per ton on the total actual emissions of 62686  
each such regulated pollutant during the period July through 62687  
December 1993, to be collected no sooner than July 1, 1994; 62688

(2) Twenty dollars per ton on the total actual emissions of 62689  
each such regulated pollutant during calendar year 1994, to be 62690  
collected no sooner than April 15, 1995; 62691

(3) Twenty-five dollars per ton on the total actual emissions 62692  
of each such regulated pollutant in calendar year 1995, and each 62693  
subsequent calendar year, to be collected no sooner than the 62694  
fifteenth day of April of the year next succeeding the calendar 62695  
year in which the emissions occurred. 62696

The fees levied under this division do not apply to that 62697  
portion of the emissions of a regulated pollutant at a facility 62698  
that exceed four thousand tons during a calendar year. 62699

(C)(1) The fees assessed under division (B) of this section 62700  
are for the purpose of providing funding for the Title V permit 62701  
program. 62702

(2) The fees assessed under division (B) of this section do 62703  
not apply to emissions from any electric generating unit 62704  
designated as a Phase I unit under Title IV of the federal Clean 62705  
Air Act prior to calendar year 2000. Those fees shall be assessed 62706

on the emissions from such a generating unit commencing in 62707  
calendar year 2001 based upon the total actual emissions from the 62708  
generating unit during calendar year 2000 and shall continue to be 62709  
assessed each subsequent calendar year based on the total actual 62710  
emissions from the generating unit during the preceding calendar 62711  
year. 62712

(3) The director shall issue invoices to owners or operators 62713  
of air contaminant sources who are required to pay a fee assessed 62714  
under division (B) or (D) of this section. Any such invoice shall 62715  
be issued no sooner than the applicable date when the fee first 62716  
may be collected in a year under the applicable division, shall 62717  
identify the nature and amount of the fee assessed, and shall 62718  
indicate that the fee is required to be paid within thirty days 62719  
after the issuance of the invoice. 62720

(D)(1) Except as provided in division (D)(3) of this section, 62721  
from January 1, 1994, through December 31, 2003, each person who 62722  
owns or operates an air contaminant source; who is required to 62723  
apply for a permit to operate pursuant to rules adopted under 62724  
division (G), or a variance pursuant to division (H), of section 62725  
3704.03 of the Revised Code; and who is not required to apply for 62726  
and obtain a Title V permit under section 3704.036 of the Revised 62727  
Code shall pay a single fee based upon the sum of the actual 62728  
annual emissions from the facility of the regulated pollutants 62729  
particulate matter, sulfur dioxide, nitrogen oxides, organic 62730  
compounds, and lead in accordance with the following schedule: 62731

| Total tons per year<br>of regulated pollutants<br>emitted | Annual fee<br>per facility | 62732<br>62733<br>62734 |
|-----------------------------------------------------------|----------------------------|-------------------------|
| More than 0, but less than 50                             | \$ 75                      | 62735                   |
| 50 or more, but less than 100                             | 300                        | 62736                   |
| 100 or more                                               | 700                        | 62737                   |

(2) Except as provided in division (D)(3) of this section, 62738

beginning January 1, 2004, each person who owns or operates an air 62739  
contaminant source; who is required to apply for a permit to 62740  
operate pursuant to rules adopted under division (G), or a 62741  
variance pursuant to division (H), of section 3704.03 of the 62742  
Revised Code; and who is not required to apply for and obtain a 62743  
Title V permit under section 3704.03 of the Revised Code shall pay 62744  
a single fee based upon the sum of the actual annual emissions 62745  
from the facility of the regulated pollutants particulate matter, 62746  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 62747  
accordance with the following schedule: 62748

| Total tons per year<br>of regulated pollutants<br>emitted | Annual fee<br>per facility |       |
|-----------------------------------------------------------|----------------------------|-------|
| More than 0, but less than 10                             | \$ 100                     | 62752 |
| 10 or more, but less than 50                              | 200                        | 62753 |
| 50 or more, but less than 100                             | 300                        | 62754 |
| 100 or more                                               | 700                        | 62755 |

(3)(a) As used in division (D) of this section, "synthetic 62756  
minor facility" means a facility for which one or more permits to 62757  
install or permits to operate have been issued for the air 62758  
contaminant sources at the facility that include terms and 62759  
conditions that lower the facility's potential to emit air 62760  
contaminants below the major source thresholds established in 62761  
rules adopted under section 3704.036 of the Revised Code. 62762

(b) Beginning January 1, 2000, through June 30, ~~2014~~ 2016, 62763  
each person who owns or operates a synthetic minor facility shall 62764  
pay an annual fee based on the sum of the actual annual emissions 62765  
from the facility of particulate matter, sulfur dioxide, nitrogen 62766  
dioxide, organic compounds, and lead in accordance with the 62767  
following schedule: 62768

| Combined total tons<br>per year of all regulated | Annual fee |       |
|--------------------------------------------------|------------|-------|
|                                                  |            | 62770 |

| pollutants emitted            | per facility |       |
|-------------------------------|--------------|-------|
| Less than 10                  | \$ 170       | 62772 |
| 10 or more, but less than 20  | 340          | 62773 |
| 20 or more, but less than 30  | 670          | 62774 |
| 30 or more, but less than 40  | 1,010        | 62775 |
| 40 or more, but less than 50  | 1,340        | 62776 |
| 50 or more, but less than 60  | 1,680        | 62777 |
| 60 or more, but less than 70  | 2,010        | 62778 |
| 70 or more, but less than 80  | 2,350        | 62779 |
| 80 or more, but less than 90  | 2,680        | 62780 |
| 90 or more, but less than 100 | 3,020        | 62781 |
| 100 or more                   | 3,350        | 62782 |

(4) The fees assessed under division (D)(1) of this section 62783  
shall be collected annually no sooner than the fifteenth day of 62784  
April, commencing in 1995. The fees assessed under division (D)(2) 62785  
of this section shall be collected annually no sooner than the 62786  
fifteenth day of April, commencing in 2005. The fees assessed 62787  
under division (D)(3) of this section shall be collected no sooner 62788  
than the fifteenth day of April, commencing in 2000. The fees 62789  
assessed under division (D) of this section in a calendar year 62790  
shall be based upon the sum of the actual emissions of those 62791  
regulated pollutants during the preceding calendar year. For the 62792  
purpose of division (D) of this section, emissions of air 62793  
contaminants may be calculated using engineering calculations, 62794  
emission factors, material balance calculations, or performance 62795  
testing procedures, as authorized by the director. The director, 62796  
by rule, may require persons who are required to pay the fees 62797  
assessed under division (D) of this section to pay those fees 62798  
biennially rather than annually. 62799

(E)(1) Consistent with the need to cover the reasonable costs 62800  
of the Title V permit program, the director annually shall 62801  
increase the fees prescribed in division (B) of this section by 62802  
the percentage, if any, by which the consumer price index for the 62803

most recent calendar year ending before the beginning of a year 62804  
exceeds the consumer price index for calendar year 1989. Upon 62805  
calculating an increase in fees authorized by division (E)(1) of 62806  
this section, the director shall compile revised fee schedules for 62807  
the purposes of division (B) of this section and shall make the 62808  
revised schedules available to persons required to pay the fees 62809  
assessed under that division and to the public. 62810

(2) For the purposes of division (E)(1) of this section: 62811

(a) The consumer price index for any year is the average of 62812  
the consumer price index for all urban consumers published by the 62813  
United States department of labor as of the close of the 62814  
twelve-month period ending on the thirty-first day of August of 62815  
that year. 62816

(b) If the 1989 consumer price index is revised, the director 62817  
shall use the revision of the consumer price index that is most 62818  
consistent with that for calendar year 1989. 62819

(F) Each person who is issued a permit to install pursuant to 62820  
rules adopted under division (F) of section 3704.03 of the Revised 62821  
Code on or after July 1, 2003, shall pay the fees specified in the 62822  
following schedules: 62823

(1) Fuel-burning equipment (boilers, furnaces, or process 62824  
heaters used in the process of burning fuel for the primary 62825  
purpose of producing heat or power by indirect heat transfer) 62826  
Input capacity (maximum) 62827  
(million British thermal units per hour) Permit to install 62828  
Greater than 0, but less than 10 \$ 200 62829  
10 or more, but less than 100 400 62830  
100 or more, but less than 300 1000 62831  
300 or more, but less than 500 2250 62832  
500 or more, but less than 1000 3750 62833  
1000 or more, but less than 5000 6000 62834

|                                                                                                                                                                                                                                                                                                                               |                   |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------------------|
| 5000 or more                                                                                                                                                                                                                                                                                                                  | 9000              | 62835                                     |
| Units burning exclusively natural gas, number two fuel oil,<br>or both shall be assessed a fee that is one-half the applicable<br>amount shown in division (F)(1) of this section.                                                                                                                                            |                   | 62836<br>62837<br>62838                   |
| (2) Combustion turbines and stationary internal combustion<br>engines designed to generate electricity                                                                                                                                                                                                                        |                   | 62839<br>62840                            |
| Generating capacity (mega watts)                                                                                                                                                                                                                                                                                              | Permit to install | 62841                                     |
| 0 or more, but less than 10                                                                                                                                                                                                                                                                                                   | \$ 25             | 62842                                     |
| 10 or more, but less than 25                                                                                                                                                                                                                                                                                                  | 150               | 62843                                     |
| 25 or more, but less than 50                                                                                                                                                                                                                                                                                                  | 300               | 62844                                     |
| 50 or more, but less than 100                                                                                                                                                                                                                                                                                                 | 500               | 62845                                     |
| 100 or more, but less than 250                                                                                                                                                                                                                                                                                                | 1000              | 62846                                     |
| 250 or more                                                                                                                                                                                                                                                                                                                   | 2000              | 62847                                     |
| (3) Incinerators                                                                                                                                                                                                                                                                                                              |                   | 62848                                     |
| Input capacity (pounds per hour)                                                                                                                                                                                                                                                                                              | Permit to install | 62849                                     |
| 0 to 100                                                                                                                                                                                                                                                                                                                      | \$ 100            | 62850                                     |
| 101 to 500                                                                                                                                                                                                                                                                                                                    | 500               | 62851                                     |
| 501 to 2000                                                                                                                                                                                                                                                                                                                   | 1000              | 62852                                     |
| 2001 to 20,000                                                                                                                                                                                                                                                                                                                | 1500              | 62853                                     |
| more than 20,000                                                                                                                                                                                                                                                                                                              | 3750              | 62854                                     |
| (4)(a) Process                                                                                                                                                                                                                                                                                                                |                   | 62855                                     |
| Process weight rate (pounds per hour)                                                                                                                                                                                                                                                                                         | Permit to install | 62856                                     |
| 0 to 1000                                                                                                                                                                                                                                                                                                                     | \$ 200            | 62857                                     |
| 1001 to 5000                                                                                                                                                                                                                                                                                                                  | 500               | 62858                                     |
| 5001 to 10,000                                                                                                                                                                                                                                                                                                                | 750               | 62859                                     |
| 10,001 to 50,000                                                                                                                                                                                                                                                                                                              | 1000              | 62860                                     |
| more than 50,000                                                                                                                                                                                                                                                                                                              | 1250              | 62861                                     |
| In any process where process weight rate cannot be<br>ascertained, the minimum fee shall be assessed. A boiler, furnace,<br>combustion turbine, stationary internal combustion engine, or<br>process heater designed to provide direct heat or power to a<br>process not designed to generate electricity shall be assessed a |                   | 62862<br>62863<br>62864<br>62865<br>62866 |

fee established in division (F)(4)(a) of this section. A 62867  
combustion turbine or stationary internal combustion engine 62868  
designed to generate electricity shall be assessed a fee 62869  
established in division (F)(2) of this section. 62870

(b) Notwithstanding division (F)(4)(a) of this section, any 62871  
person issued a permit to install pursuant to rules adopted under 62872  
division (F) of section 3704.03 of the Revised Code shall pay the 62873  
fees set forth in division (F)(4)(c) of this section for a process 62874  
used in any of the following industries, as identified by the 62875  
applicable two-digit, three-digit, or four-digit standard 62876  
industrial classification code according to the Standard 62877  
Industrial Classification Manual published by the United States 62878  
office of management and budget in the executive office of the 62879  
president, 1987, as revised: 62880

Major group 10, metal mining; 62881

Major group 12, coal mining; 62882

Major group 14, mining and quarrying of nonmetallic minerals; 62883

Industry group 204, grain mill products; 62884

2873 Nitrogen fertilizers; 62885

2874 Phosphatic fertilizers; 62886

3281 Cut stone and stone products; 62887

3295 Minerals and earth, ground or otherwise treated; 62888

4221 Grain elevators (storage only); 62889

5159 Farm related raw materials; 62890

5261 Retail nurseries and lawn and garden supply stores. 62891

(c) The fees set forth in the following schedule apply to the 62892  
issuance of a permit to install pursuant to rules adopted under 62893  
division (F) of section 3704.03 of the Revised Code for a process 62894  
identified in division (F)(4)(b) of this section: 62895



|                                                                                                                                                                                                                          |                   |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------|
| Process weight rate (pounds per hour)                                                                                                                                                                                    | Permit to install | 62896 |
| 0 to 10,000                                                                                                                                                                                                              | \$ 200            | 62897 |
| 10,001 to 50,000                                                                                                                                                                                                         | 400               | 62898 |
| 50,001 to 100,000                                                                                                                                                                                                        | 500               | 62899 |
| 100,001 to 200,000                                                                                                                                                                                                       | 600               | 62900 |
| 200,001 to 400,000                                                                                                                                                                                                       | 750               | 62901 |
| 400,001 or more                                                                                                                                                                                                          | 900               | 62902 |
| (5) Storage tanks                                                                                                                                                                                                        |                   | 62903 |
| Gallons (maximum useful capacity)                                                                                                                                                                                        | Permit to install | 62904 |
| 0 to 20,000                                                                                                                                                                                                              | \$ 100            | 62905 |
| 20,001 to 40,000                                                                                                                                                                                                         | 150               | 62906 |
| 40,001 to 100,000                                                                                                                                                                                                        | 250               | 62907 |
| 100,001 to 500,000                                                                                                                                                                                                       | 400               | 62908 |
| 500,001 or greater                                                                                                                                                                                                       | 750               | 62909 |
| (6) Gasoline/fuel dispensing facilities                                                                                                                                                                                  |                   | 62910 |
| For each gasoline/fuel dispensing facility (includes all units at the facility)                                                                                                                                          | Permit to install | 62911 |
|                                                                                                                                                                                                                          | \$ 100            | 62912 |
|                                                                                                                                                                                                                          |                   | 62913 |
| (7) Dry cleaning facilities                                                                                                                                                                                              |                   | 62914 |
| For each dry cleaning facility (includes all units at the facility)                                                                                                                                                      | Permit to install | 62915 |
|                                                                                                                                                                                                                          | \$ 100            | 62916 |
|                                                                                                                                                                                                                          |                   | 62917 |
| (8) Registration status                                                                                                                                                                                                  |                   | 62918 |
| For each source covered by registration status                                                                                                                                                                           | Permit to install | 62919 |
|                                                                                                                                                                                                                          | \$ 75             | 62920 |
| (G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay the fees set forth in the following schedule: |                   | 62921 |
|                                                                                                                                                                                                                          |                   | 62922 |
|                                                                                                                                                                                                                          |                   | 62923 |
|                                                                                                                                                                                                                          |                   | 62924 |
| Action                                                                                                                                                                                                                   | Fee               | 62925 |

|                   |                |       |
|-------------------|----------------|-------|
| Each notification | \$75           | 62926 |
| Asbestos removal  | \$3/unit       | 62927 |
| Asbestos cleanup  | \$4/cubic yard | 62928 |

For purposes of this division, "unit" means any combination of  
linear feet or square feet equal to fifty. 62929  
62930

(H) A person who is issued an extension of time for a permit 62931  
to install an air contaminant source pursuant to rules adopted 62932  
under division (F) of section 3704.03 of the Revised Code shall 62933  
pay a fee equal to one-half the fee originally assessed for the 62934  
permit to install under this section, except that the fee for such 62935  
an extension shall not exceed two hundred dollars. 62936

(I) A person who is issued a modification to a permit to 62937  
install an air contaminant source pursuant to rules adopted under 62938  
section 3704.03 of the Revised Code shall pay a fee equal to 62939  
one-half of the fee that would be assessed under this section to 62940  
obtain a permit to install the source. The fee assessed by this 62941  
division only applies to modifications that are initiated by the 62942  
owner or operator of the source and shall not exceed two thousand 62943  
dollars. 62944

(J) Notwithstanding division (F) of this section, a person 62945  
who applies for or obtains a permit to install pursuant to rules 62946  
adopted under division (F) of section 3704.03 of the Revised Code 62947  
after the date actual construction of the source began shall pay a 62948  
fee for the permit to install that is equal to twice the fee that 62949  
otherwise would be assessed under the applicable division unless 62950  
the applicant received authorization to begin construction under 62951  
division (W) of section 3704.03 of the Revised Code. This division 62952  
only applies to sources for which actual construction of the 62953  
source begins on or after July 1, 1993. The imposition or payment 62954  
of the fee established in this division does not preclude the 62955  
director from taking any administrative or judicial enforcement 62956  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 62957

of the Revised Code, or a rule adopted under any of them, in 62958  
connection with a violation of rules adopted under division (F) of 62959  
section 3704.03 of the Revised Code. 62960

As used in this division, "actual construction of the source" 62961  
means the initiation of physical on-site construction activities 62962  
in connection with improvements to the source that are permanent 62963  
in nature, including, without limitation, the installation of 62964  
building supports and foundations and the laying of underground 62965  
pipework. 62966

(K)(1) Money received under division (B) of this section 62967  
shall be deposited in the state treasury to the credit of the 62968  
Title V clean air fund created in section 3704.035 of the Revised 62969  
Code. Annually, fifty cents per ton of each fee assessed under 62970  
division (B) of this section on actual emissions from a source and 62971  
received by the environmental protection agency pursuant to that 62972  
division shall be transferred using an interstate transfer voucher 62973  
to the state treasury to the credit of the small business 62974  
assistance fund created in section 3706.19 of the Revised Code. In 62975  
addition, annually, the amount of money necessary for the 62976  
operation of the office of ombudsperson as determined under 62977  
division (B) of that section shall be transferred to the state 62978  
treasury to the credit of the small business ombudsperson fund 62979  
created by that section. 62980

(2) Money received by the agency pursuant to divisions (D), 62981  
(F), (G), (H), (I), and (J) of this section shall be deposited in 62982  
the state treasury to the credit of the non-Title V clean air fund 62983  
created in section 3704.035 of the Revised Code. 62984

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 62985  
or (c) of this section, a person issued a water discharge permit 62986  
or renewal of a water discharge permit pursuant to Chapter 6111. 62987  
of the Revised Code shall pay a fee based on each point source to 62988  
which the issuance is applicable in accordance with the following 62989

|                                                                                    |      |       |
|------------------------------------------------------------------------------------|------|-------|
| schedule:                                                                          |      | 62990 |
| Design flow discharge (gallons per day)                                            | Fee  | 62991 |
| 0 to 1000                                                                          | \$ 0 | 62992 |
| 1,001 to 5000                                                                      | 100  | 62993 |
| 5,001 to 50,000                                                                    | 200  | 62994 |
| 50,001 to 100,000                                                                  | 300  | 62995 |
| 100,001 to 300,000                                                                 | 525  | 62996 |
| over 300,000                                                                       | 750  | 62997 |
| (b) Notwithstanding the fee schedule specified in division                         |      | 62998 |
| (L)(1)(a) of this section, the fee for a water discharge permit                    |      | 62999 |
| that is applicable to coal mining operations regulated under                       |      | 63000 |
| Chapter 1513. of the Revised Code shall be two hundred fifty                       |      | 63001 |
| dollars per mine.                                                                  |      | 63002 |
| (c) Notwithstanding the fee schedule specified in division                         |      | 63003 |
| (L)(1)(a) of this section, the fee for a water discharge permit                    |      | 63004 |
| for a public discharger identified by I in the third character of                  |      | 63005 |
| the permittee's NPDES permit number shall not exceed seven hundred                 |      | 63006 |
| fifty dollars.                                                                     |      | 63007 |
| (2) A person applying for a plan approval for a wastewater                         |      | 63008 |
| treatment works pursuant to section 6111.44, 6111.45, or 6111.46                   |      | 63009 |
| of the Revised Code shall pay a fee of one hundred dollars plus                    |      | 63010 |
| sixty-five one-hundredths of one per cent of the estimated project                 |      | 63011 |
| cost through June 30, <del>2014</del> <u>2016</u> , and one hundred dollars plus   |      | 63012 |
| two-tenths of one per cent of the estimated project cost on and                    |      | 63013 |
| after July 1, <del>2014</del> <u>2016</u> , except that the total fee shall not    |      | 63014 |
| exceed fifteen thousand dollars through June 30, <del>2014</del> <u>2016</u> , and |      | 63015 |
| five thousand dollars on and after July 1, <del>2014</del> <u>2016</u> . The fee   |      | 63016 |
| shall be paid at the time the application is submitted.                            |      | 63017 |
| (3) A person issued a modification of a water discharge                            |      | 63018 |
| permit shall pay a fee equal to one-half the fee that otherwise                    |      | 63019 |
| would be charged for a water discharge permit, except that the fee                 |      | 63020 |
| for the modification shall not exceed four hundred dollars.                        |      | 63021 |

(4) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(5)(a)(i) Not later than January 30, ~~2012~~ 2014, and January 30, ~~2013~~ 2015, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(5)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(5)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(5)(a)(i) of this section, except for the surcharge applicable

to certain industrial facilities pursuant to division (L)(5)(c) of 63054  
this section, shall be based upon the average daily discharge flow 63055  
in gallons per day calculated using first day of May through 63056  
thirty-first day of October flow data for the period two years 63057  
prior to the date on which the fee is due. In the case of NPDES 63058  
discharge permits for new sources, the fee shall be calculated 63059  
using the average daily design flow of the facility until actual 63060  
average daily discharge flow values are available for the time 63061  
period specified in division (L)(5)(a)(iii) of this section. The 63062  
annual discharge fee may be prorated for a new source as described 63063  
in division (L)(5)(a)(ii) of this section. 63064

(b) An NPDES permit holder that is a public discharger shall 63065  
pay the fee specified in the following schedule: 63066

| Average daily             | Fee due by                        |       |
|---------------------------|-----------------------------------|-------|
| discharge flow            | January 30,                       |       |
|                           | <del>2012</del> <u>2014</u> , and |       |
|                           | January 30, <del>2013</del>       |       |
|                           | <u>2015</u>                       |       |
| 5,000 to 49,999           | \$ 200                            | 63071 |
| 50,000 to 100,000         | 500                               | 63072 |
| 100,001 to 250,000        | 1,050                             | 63073 |
| 250,001 to 1,000,000      | 2,600                             | 63074 |
| 1,000,001 to 5,000,000    | 5,200                             | 63075 |
| 5,000,001 to 10,000,000   | 10,350                            | 63076 |
| 10,000,001 to 20,000,000  | 15,550                            | 63077 |
| 20,000,001 to 50,000,000  | 25,900                            | 63078 |
| 50,000,001 to 100,000,000 | 41,400                            | 63079 |
| 100,000,001 or more       | 62,100                            | 63080 |

Public dischargers owning or operating two or more publicly 63081  
owned treatment works serving the same political subdivision, as 63082  
"treatment works" is defined in section 6111.01 of the Revised 63083  
Code, and that serve exclusively political subdivisions having a 63084

population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

| Average daily discharge flow | Fee due by<br>January 30,<br><del>2012</del> <u>2014</u> , and<br>January 30, <del>2013</del><br><u>2015</u> |       |
|------------------------------|--------------------------------------------------------------------------------------------------------------|-------|
| 5,000 to 49,999              | \$ 250                                                                                                       | 63097 |
| 50,000 to 250,000            | 1,200                                                                                                        | 63098 |
| 250,001 to 1,000,000         | 2,950                                                                                                        | 63099 |
| 1,000,001 to 5,000,000       | 5,850                                                                                                        | 63100 |
| 5,000,001 to 10,000,000      | 8,800                                                                                                        | 63101 |
| 10,000,001 to 20,000,000     | 11,700                                                                                                       | 63102 |
| 20,000,001 to 100,000,000    | 14,050                                                                                                       | 63103 |
| 100,000,001 to 250,000,000   | 16,400                                                                                                       | 63104 |
| 250,000,001 or more          | 18,700                                                                                                       | 63105 |

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2012~~ 2014, and not later than January 30, ~~2013~~ 2015. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this

section, a public discharger identified by I in the third 63116  
character of the permittee's NPDES permit number and an industrial 63117  
discharger identified by I, J, L, V, W, X, Y, or Z in the third 63118  
character of the permittee's NPDES permit number shall pay a 63119  
nonrefundable annual discharge fee of one hundred eighty dollars 63120  
not later than January 30, ~~2012~~ 2014, and not later than January 63121  
30, ~~2013~~ 2015. Any person who fails to pay the fee at that time 63122  
shall pay an additional amount that equals ten per cent of the 63123  
required fee. 63124

(6) Each person obtaining a national pollutant discharge 63125  
elimination system general or individual permit for municipal 63126  
storm water discharge shall pay a nonrefundable storm water 63127  
discharge fee of one hundred dollars per square mile of area 63128  
permitted. The fee shall not exceed ten thousand dollars and shall 63129  
be payable on or before January 30, 2004, and the thirtieth day of 63130  
January of each year thereafter. Any person who fails to pay the 63131  
fee on the date specified in division (L)(6) of this section shall 63132  
pay an additional amount per year equal to ten per cent of the 63133  
annual fee that is unpaid. 63134

(7) The director shall transmit all moneys collected under 63135  
division (L) of this section to the treasurer of state for deposit 63136  
into the state treasury to the credit of the surface water 63137  
protection fund created in section 6111.038 of the Revised Code. 63138

(8) As used in division (L) of this section: 63139

(a) "NPDES" means the federally approved national pollutant 63140  
discharge elimination system program for issuing, modifying, 63141  
revoking, reissuing, terminating, monitoring, and enforcing 63142  
permits and imposing and enforcing pretreatment requirements under 63143  
Chapter 6111. of the Revised Code and rules adopted under it. 63144

(b) "Public discharger" means any holder of an NPDES permit 63145  
identified by P in the second character of the NPDES permit number 63146



assigned by the director. 63147

(c) "Industrial discharger" means any holder of an NPDES 63148  
permit identified by I in the second character of the NPDES permit 63149  
number assigned by the director. 63150

(d) "Major discharger" means any holder of an NPDES permit 63151  
classified as major by the regional administrator of the United 63152  
States environmental protection agency in conjunction with the 63153  
director. 63154

(M) Through June 30, ~~2014~~ 2016, a person applying for a 63155  
license or license renewal to operate a public water system under 63156  
section 6109.21 of the Revised Code shall pay the appropriate fee 63157  
established under this division at the time of application to the 63158  
director. Any person who fails to pay the fee at that time shall 63159  
pay an additional amount that equals ten per cent of the required 63160  
fee. The director shall transmit all moneys collected under this 63161  
division to the treasurer of state for deposit into the drinking 63162  
water protection fund created in section 6109.30 of the Revised 63163  
Code. 63164

Except as provided in ~~division~~ divisions (M)(4) and (5) of 63165  
this section, fees required under this division shall be 63166  
calculated and paid in accordance with the following schedule: 63167

(1) For the initial license required under section 6109.21 of 63168  
the Revised Code for any public water system that is a community 63169  
water system as defined in section 6109.01 of the Revised Code, 63170  
and for each license renewal required for such a system prior to 63171  
January 31, ~~2014~~ 2016, the fee is: 63172

| Number of service connections | Fee amount                  |       |
|-------------------------------|-----------------------------|-------|
| Not more than 49              | \$ 112                      | 63174 |
| 50 to 99                      | 176                         | 63175 |
| Number of service connections | Average cost per connection |       |
| 100 to 2,499                  | \$ 1.92                     | 63177 |

|                    |      |       |
|--------------------|------|-------|
| 2,500 to 4,999     | 1.48 | 63178 |
| 5,000 to 7,499     | 1.42 | 63179 |
| 7,500 to 9,999     | 1.34 | 63180 |
| 10,000 to 14,999   | 1.16 | 63181 |
| 15,000 to 24,999   | 1.10 | 63182 |
| 25,000 to 49,999   | 1.04 | 63183 |
| 50,000 to 99,999   | .92  | 63184 |
| 100,000 to 149,999 | .86  | 63185 |
| 150,000 to 199,999 | .80  | 63186 |
| 200,000 or more    | .76  | 63187 |

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2014~~ 2016, the fee is:

| Population served | Fee amount |       |
|-------------------|------------|-------|
| Fewer than 150    | \$ 112     | 63201 |
| 150 to 299        | 176        | 63202 |
| 300 to 749        | 384        | 63203 |
| 750 to 1,499      | 628        | 63204 |
| 1,500 to 2,999    | 1,268      | 63205 |
| 3,000 to 7,499    | 2,816      | 63206 |
| 7,500 to 14,999   | 5,510      | 63207 |
| 15,000 to 22,499  | 9,048      | 63208 |

|                  |        |       |
|------------------|--------|-------|
| 22,500 to 29,999 | 12,430 | 63210 |
| 30,000 or more   | 16,820 | 63211 |

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2014~~ 2016, the fee is:

| Number of wells or sources, other than surface water, supplying system | Fee amount |       |
|------------------------------------------------------------------------|------------|-------|
| 1                                                                      | \$112      | 63224 |
| 2                                                                      | 112        | 63225 |
| 3                                                                      | 176        | 63226 |
| 4                                                                      | 278        | 63227 |
| 5                                                                      | 568        | 63228 |
| System designated as using a surface water source                      | 792        | 63230 |

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that

equals a prorated amount of the appropriate fee for the remainder 63241  
of the licensing year. 63242

(N)(1) A person applying for a plan approval for a public 63243  
water supply system under section 6109.07 of the Revised Code 63244  
shall pay a fee of one hundred fifty dollars plus thirty-five 63245  
hundredths of one per cent of the estimated project cost, except 63246  
that the total fee shall not exceed twenty thousand dollars 63247  
through June 30, ~~2014~~ 2016, and fifteen thousand dollars on and 63248  
after July 1, ~~2014~~ 2016. The fee shall be paid at the time the 63249  
application is submitted. 63250

(2) A person who has entered into an agreement with the 63251  
director under division (A)(2) of section 6109.07 of the Revised 63252  
Code shall pay an administrative service fee for each plan 63253  
submitted under that section for approval that shall not exceed 63254  
the minimum amount necessary to pay administrative costs directly 63255  
attributable to processing plan approvals. The director annually 63256  
shall calculate the fee and shall notify all persons that have 63257  
entered into agreements under that division, or who have applied 63258  
for agreements, of the amount of the fee. 63259

(3) Through June 30, ~~2014~~ 2016, the following fee, on a per 63260  
survey basis, shall be charged any person for services rendered by 63261  
the state in the evaluation of laboratories and laboratory 63262  
personnel for compliance with accepted analytical techniques and 63263  
procedures established pursuant to Chapter 6109. of the Revised 63264  
Code for determining the qualitative characteristics of water: 63265

|                    |         |       |
|--------------------|---------|-------|
| microbiological    |         | 63266 |
| MMO-MUG            | \$2,000 | 63267 |
| MF                 | 2,100   | 63268 |
| MMO-MUG and MF     | 2,550   | 63269 |
| organic chemical   | 5,400   | 63270 |
| trace metals       | 5,400   | 63271 |
| standard chemistry | 2,800   | 63272 |

limited chemistry 1,550 63273

On and after July 1, ~~2014~~ 2016, the following fee, on a per survey basis, shall be charged any such person: 63274  
63275

microbiological \$ 1,650 63276

organic chemicals 3,500 63277

trace metals 3,500 63278

standard chemistry 1,800 63279

limited chemistry 1,000 63280

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2014~~ 2016, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested. 63281  
63282  
63283  
63284  
63285  
63286  
63287

As used in division (N)(3) of this section: 63288

(a) "MF" means microfiltration. 63289

(b) "MMO" means minimal medium ONPG. 63290

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 63291

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 63292

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 63293  
63294  
63295  
63296

(O) Any person applying to the director to take an examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2014~~ 2016: 63297  
63298  
63299  
63300  
63301  
63302

|                    |       |       |
|--------------------|-------|-------|
| Class A operator   | \$ 80 | 63303 |
| Class I operator   | 105   | 63304 |
| Class II operator  | 120   | 63305 |
| Class III operator | 130   | 63306 |
| Class IV operator  | 145   | 63307 |

On and after December 1, ~~2014~~ 2016, the applicant shall pay a fee in accordance with the following schedule:

|                    |       |       |
|--------------------|-------|-------|
| Class A operator   | \$ 50 | 63310 |
| Class I operator   | 70    | 63311 |
| Class II operator  | 80    | 63312 |
| Class III operator | 90    | 63313 |
| Class IV operator  | 100   | 63314 |

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

|                    |      |       |
|--------------------|------|-------|
| Class A operator   | \$25 | 63323 |
| Class I operator   | 35   | 63324 |
| Class II operator  | 45   | 63325 |
| Class III operator | 55   | 63326 |
| Class IV operator  | 65   | 63327 |

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

|                  |      |       |
|------------------|------|-------|
| Class A operator | \$45 | 63333 |
| Class I operator | 55   | 63334 |

|                    |    |       |
|--------------------|----|-------|
| Class II operator  | 65 | 63335 |
| Class III operator | 75 | 63336 |
| Class IV operator  | 85 | 63337 |

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as

provided in section 5709.212 of the Revised Code. 63367

(Q) Except as otherwise provided in division (R) of this 63368  
section, a person issued a permit by the director for a new solid 63369  
waste disposal facility other than an incineration or composting 63370  
facility, a new infectious waste treatment facility other than an 63371  
incineration facility, or a modification of such an existing 63372  
facility that includes an increase in the total disposal or 63373  
treatment capacity of the facility pursuant to Chapter 3734. of 63374  
the Revised Code shall pay a fee of ten dollars per thousand cubic 63375  
yards of disposal or treatment capacity, or one thousand dollars, 63376  
whichever is greater, except that the total fee for any such 63377  
permit shall not exceed eighty thousand dollars. A person issued a 63378  
modification of a permit for a solid waste disposal facility or an 63379  
infectious waste treatment facility that does not involve an 63380  
increase in the total disposal or treatment capacity of the 63381  
facility shall pay a fee of one thousand dollars. A person issued 63382  
a permit to install a new, or modify an existing, solid waste 63383  
transfer facility under that chapter shall pay a fee of two 63384  
thousand five hundred dollars. A person issued a permit to install 63385  
a new or to modify an existing solid waste incineration or 63386  
composting facility, or an existing infectious waste treatment 63387  
facility using incineration as its principal method of treatment, 63388  
under that chapter shall pay a fee of one thousand dollars. The 63389  
increases in the permit fees under this division resulting from 63390  
the amendments made by Amended Substitute House Bill 592 of the 63391  
117th general assembly do not apply to any person who submitted an 63392  
application for a permit to install a new, or modify an existing, 63393  
solid waste disposal facility under that chapter prior to 63394  
September 1, 1987; any such person shall pay the permit fee 63395  
established in this division as it existed prior to June 24, 1988. 63396  
In addition to the applicable permit fee under this division, a 63397  
person issued a permit to install or modify a solid waste facility 63398  
or an infectious waste treatment facility under that chapter who 63399



fails to pay the permit fee to the director in compliance with 63400  
division (V) of this section shall pay an additional ten per cent 63401  
of the amount of the fee for each week that the permit fee is 63402  
late. 63403

Permit and late payment fees paid to the director under this 63404  
division shall be credited to the general revenue fund. 63405

(R)(1) A person issued a registration certificate for a scrap 63406  
tire collection facility under section 3734.75 of the Revised Code 63407  
shall pay a fee of two hundred dollars, except that if the 63408  
facility is owned or operated by a motor vehicle salvage dealer 63409  
licensed under Chapter 4738. of the Revised Code, the person shall 63410  
pay a fee of twenty-five dollars. 63411

(2) A person issued a registration certificate for a new 63412  
scrap tire storage facility under section 3734.76 of the Revised 63413  
Code shall pay a fee of three hundred dollars, except that if the 63414  
facility is owned or operated by a motor vehicle salvage dealer 63415  
licensed under Chapter 4738. of the Revised Code, the person shall 63416  
pay a fee of twenty-five dollars. 63417

(3) A person issued a permit for a scrap tire storage 63418  
facility under section 3734.76 of the Revised Code shall pay a fee 63419  
of one thousand dollars, except that if the facility is owned or 63420  
operated by a motor vehicle salvage dealer licensed under Chapter 63421  
4738. of the Revised Code, the person shall pay a fee of fifty 63422  
dollars. 63423

(4) A person issued a permit for a scrap tire monocell or 63424  
monofill facility under section 3734.77 of the Revised Code shall 63425  
pay a fee of ten dollars per thousand cubic yards of disposal 63426  
capacity or one thousand dollars, whichever is greater, except 63427  
that the total fee for any such permit shall not exceed eighty 63428  
thousand dollars. 63429

(5) A person issued a registration certificate for a scrap 63430

tire recovery facility under section 3734.78 of the Revised Code 63431  
shall pay a fee of one hundred dollars. 63432

(6) A person issued a permit for a scrap tire recovery 63433  
facility under section 3734.78 of the Revised Code shall pay a fee 63434  
of one thousand dollars. 63435

(7) In addition to the applicable registration certificate or 63436  
permit fee under divisions (R)(1) to (6) of this section, a person 63437  
issued a registration certificate or permit for any such scrap 63438  
tire facility who fails to pay the registration certificate or 63439  
permit fee to the director in compliance with division (V) of this 63440  
section shall pay an additional ten per cent of the amount of the 63441  
fee for each week that the fee is late. 63442

(8) The registration certificate, permit, and late payment 63443  
fees paid to the director under divisions (R)(1) to (7) of this 63444  
section shall be credited to the scrap tire management fund 63445  
created in section 3734.82 of the Revised Code. 63446

(S)(1) Except as provided by divisions (L), (M), (N), (O), 63447  
(P), and (S)(2) of this section, division (A)(2) of section 63448  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 63449  
and rules adopted under division (T)(1) of this section, any 63450  
person applying for a registration certificate under section 63451  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 63452  
variance, or plan approval under Chapter 3734. of the Revised Code 63453  
shall pay a nonrefundable fee of fifteen dollars at the time the 63454  
application is submitted. 63455

Except as otherwise provided, any person applying for a 63456  
permit, variance, or plan approval under Chapter 6109. or 6111. of 63457  
the Revised Code shall pay a nonrefundable fee of one hundred 63458  
dollars at the time the application is submitted through June 30, 63459  
~~2014~~ 2016, and a nonrefundable fee of fifteen dollars at the time 63460  
the application is submitted on and after July 1, ~~2014~~ 2016. 63461

Except as provided in division (S)(3) of this section, through 63462  
June 30, ~~2014~~ 2016, any person applying for a national pollutant 63463  
discharge elimination system permit under Chapter 6111. of the 63464  
Revised Code shall pay a nonrefundable fee of two hundred dollars 63465  
at the time of application for the permit. On and after July 1, 63466  
~~2014~~ 2016, such a person shall pay a nonrefundable fee of fifteen 63467  
dollars at the time of application. 63468

In addition to the application fee established under division 63469  
(S)(1) of this section, any person applying for a national 63470  
pollutant discharge elimination system general storm water 63471  
construction permit shall pay a nonrefundable fee of twenty 63472  
dollars per acre for each acre that is permitted above five acres 63473  
at the time the application is submitted. However, the per acreage 63474  
fee shall not exceed three hundred dollars. In addition, any 63475  
person applying for a national pollutant discharge elimination 63476  
system general storm water industrial permit shall pay a 63477  
nonrefundable fee of one hundred fifty dollars at the time the 63478  
application is submitted. 63479

The director shall transmit all moneys collected under 63480  
division (S)(1) of this section pursuant to Chapter 6109. of the 63481  
Revised Code to the treasurer of state for deposit into the 63482  
drinking water protection fund created in section 6109.30 of the 63483  
Revised Code. 63484

The director shall transmit all moneys collected under 63485  
division (S)(1) of this section pursuant to Chapter 6111. of the 63486  
Revised Code and under division (S)(3) of this section to the 63487  
treasurer of state for deposit into the surface water protection 63488  
fund created in section 6111.038 of the Revised Code. 63489

If a registration certificate is issued under section 63490  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 63491  
the application fee paid shall be deducted from the amount of the 63492  
registration certificate fee due under division (R)(1), (2), or 63493

(5) of this section, as applicable. 63494

If a person submits an electronic application for a 63495  
registration certificate, permit, variance, or plan approval for 63496  
which an application fee is established under division (S)(1) of 63497  
this section, the person shall pay the applicable application fee 63498  
as expeditiously as possible after the submission of the 63499  
electronic application. An application for a registration 63500  
certificate, permit, variance, or plan approval for which an 63501  
application fee is established under division (S)(1) of this 63502  
section shall not be reviewed or processed until the applicable 63503  
application fee, and any other fees established under this 63504  
division, are paid. 63505

(2) Division (S)(1) of this section does not apply to an 63506  
application for a registration certificate for a scrap tire 63507  
collection or storage facility submitted under section 3734.75 or 63508  
3734.76 of the Revised Code, as applicable, if the owner or 63509  
operator of the facility or proposed facility is a motor vehicle 63510  
salvage dealer licensed under Chapter 4738. of the Revised Code. 63511

(3) A person applying for coverage under a national pollutant 63512  
discharge elimination system general discharge permit for 63513  
household sewage treatment systems shall pay the following fees: 63514

(a) A nonrefundable fee of two hundred dollars at the time of 63515  
application for initial permit coverage; 63516

(b) A nonrefundable fee of one hundred dollars at the time of 63517  
application for a renewal of permit coverage. 63518

(T) The director may adopt, amend, and rescind rules in 63519  
accordance with Chapter 119. of the Revised Code that do all of 63520  
the following: 63521

(1) Prescribe fees to be paid by applicants for and holders 63522  
of any license, permit, variance, plan approval, or certification 63523  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 63524

the Revised Code that are not specifically established in this 63525  
section. The fees shall be designed to defray the cost of 63526  
processing, issuing, revoking, modifying, denying, and enforcing 63527  
the licenses, permits, variances, plan approvals, and 63528  
certifications. 63529

The director shall transmit all moneys collected under rules 63530  
adopted under division (T)(1) of this section pursuant to Chapter 63531  
6109. of the Revised Code to the treasurer of state for deposit 63532  
into the drinking water protection fund created in section 6109.30 63533  
of the Revised Code. 63534

The director shall transmit all moneys collected under rules 63535  
adopted under division (T)(1) of this section pursuant to Chapter 63536  
6111. of the Revised Code to the treasurer of state for deposit 63537  
into the surface water protection fund created in section 6111.038 63538  
of the Revised Code. 63539

(2) Exempt the state and political subdivisions thereof, 63540  
including education facilities or medical facilities owned by the 63541  
state or a political subdivision, or any person exempted from 63542  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 63543  
any fee required by this section; 63544

(3) Provide for the waiver of any fee, or any part thereof, 63545  
otherwise required by this section whenever the director 63546  
determines that the imposition of the fee would constitute an 63547  
unreasonable cost of doing business for any applicant, class of 63548  
applicants, or other person subject to the fee; 63549

(4) Prescribe measures that the director considers necessary 63550  
to carry out this section. 63551

(U) When the director reasonably demonstrates that the direct 63552  
cost to the state associated with the issuance of a permit to 63553  
install, license, variance, plan approval, or certification 63554  
exceeds the fee for the issuance or review specified by this 63555

section, the director may condition the issuance or review on the 63556  
payment by the person receiving the issuance or review of, in 63557  
addition to the fee specified by this section, the amount, or any 63558  
portion thereof, in excess of the fee specified under this 63559  
section. The director shall not so condition issuances for which a 63560  
fee is prescribed in division (L)(1)(b) of this section. 63561

(V) Except as provided in divisions (L), (M), and (P) of this 63562  
section or unless otherwise prescribed by a rule of the director 63563  
adopted pursuant to Chapter 119. of the Revised Code, all fees 63564  
required by this section are payable within thirty days after the 63565  
issuance of an invoice for the fee by the director or the 63566  
effective date of the issuance of the license, permit, variance, 63567  
plan approval, or certification. If payment is late, the person 63568  
responsible for payment of the fee shall pay an additional ten per 63569  
cent of the amount due for each month that it is late. 63570

(W) As used in this section, "fuel-burning equipment," 63571  
"fuel-burning equipment input capacity," "incinerator," 63572  
"incinerator input capacity," "process," "process weight rate," 63573  
"storage tank," "gasoline dispensing facility," "dry cleaning 63574  
facility," "design flow discharge," and "new source treatment 63575  
works" have the meanings ascribed to those terms by applicable 63576  
rules or standards adopted by the director under Chapter 3704. or 63577  
6111. of the Revised Code. 63578

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 63579  
(J) of this section, and in any other provision of this section 63580  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 63581  
Code: 63582

(1) "Facility," "federal Clean Air Act," "person," and "Title 63583  
V permit" have the same meanings as in section 3704.01 of the 63584  
Revised Code. 63585

(2) "Title V permit program" means the following activities 63586

as necessary to meet the requirements of Title V of the federal  
Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally  
applicable rules or guidance regarding the permit program or its  
implementation or enforcement;

(b) Reviewing and acting on any application for a Title V  
permit, permit revision, or permit renewal, including the  
development of an applicable requirement as part of the processing  
of a permit, permit revision, or permit renewal;

(c) Administering the permit program, including the  
supporting and tracking of permit applications, compliance  
certification, and related data entry;

(d) Determining which sources are subject to the program and  
implementing and enforcing the terms of any Title V permit, not  
including any court actions or other formal enforcement actions;

(e) Emission and ambient monitoring;

(f) Modeling, analyses, or demonstrations;

(g) Preparing inventories and tracking emissions;

(h) Providing direct and indirect support to small business  
stationary sources to determine and meet their obligations under  
the federal Clean Air Act pursuant to the small business  
stationary source technical and environmental compliance  
assistance program required by section 507 of that act and  
established in sections 3704.18, 3704.19, and 3706.19 of the  
Revised Code.

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)  
of this section, each sewage sludge facility shall pay a  
nonrefundable annual sludge fee equal to three dollars and fifty  
cents per dry ton of sewage sludge, including the dry tons of  
sewage sludge in materials derived from sewage sludge, that the

sewage sludge facility treats or disposes of in this state. The 63617  
annual volume of sewage sludge treated or disposed of by a sewage 63618  
sludge facility shall be calculated using the first day of January 63619  
through the thirty-first day of December of the calendar year 63620  
preceding the date on which payment of the fee is due. 63621

(2)(a) Except as provided in division (Y)(2)(d) of this 63622  
section, each sewage sludge facility shall pay a minimum annual 63623  
sewage sludge fee of one hundred dollars. 63624

(b) The annual sludge fee required to be paid by a sewage 63625  
sludge facility that treats or disposes of exceptional quality 63626  
sludge in this state shall be thirty-five per cent less per dry 63627  
ton of exceptional quality sludge than the fee assessed under 63628  
division (Y)(1) of this section, subject to the following 63629  
exceptions: 63630

(i) Except as provided in division (Y)(2)(d) of this section, 63631  
a sewage sludge facility that treats or disposes of exceptional 63632  
quality sludge shall pay a minimum annual sewage sludge fee of one 63633  
hundred dollars. 63634

(ii) A sewage sludge facility that treats or disposes of 63635  
exceptional quality sludge shall not be required to pay the annual 63636  
sludge fee for treatment or disposal in this state of exceptional 63637  
quality sludge generated outside of this state and contained in 63638  
bags or other containers not greater than one hundred pounds in 63639  
capacity. 63640

A thirty-five per cent reduction for exceptional quality 63641  
sludge applies to the maximum annual fees established under 63642  
division (Y)(3) of this section. 63643

(c) A sewage sludge facility that transfers sewage sludge to 63644  
another sewage sludge facility in this state for further treatment 63645  
prior to disposal in this state shall not be required to pay the 63646  
annual sludge fee for the tons of sewage sludge that have been 63647



transferred. In such a case, the sewage sludge facility that 63648  
disposes of the sewage sludge shall pay the annual sludge fee. 63649  
However, the facility transferring the sewage sludge shall pay the 63650  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 63651  
of this section. 63652

In the case of a sewage sludge facility that treats sewage 63653  
sludge in this state and transfers it out of this state to another 63654  
entity for disposal, the sewage sludge facility in this state 63655  
shall be required to pay the annual sludge fee for the tons of 63656  
sewage sludge that have been transferred. 63657

(d) A sewage sludge facility that generates sewage sludge 63658  
resulting from an average daily discharge flow of less than five 63659  
thousand gallons per day is not subject to the fees assessed under 63660  
division (Y) of this section. 63661

(3) No sewage sludge facility required to pay the annual 63662  
sludge fee shall be required to pay more than the maximum annual 63663  
fee for each disposal method that the sewage sludge facility uses. 63664  
The maximum annual fee does not include the additional amount that 63665  
may be charged under division (Y)(5) of this section for late 63666  
payment of the annual sludge fee. The maximum annual fee for the 63667  
following methods of disposal of sewage sludge is as follows: 63668

(a) Incineration: five thousand dollars; 63669

(b) Preexisting land reclamation project or disposal in a 63670  
landfill: five thousand dollars; 63671

(c) Land application, land reclamation, surface disposal, or 63672  
any other disposal method not specified in division (Y)(3)(a) or 63673  
(b) of this section: twenty thousand dollars. 63674

(4)(a) In the case of an entity that generates sewage sludge 63675  
or a sewage sludge facility that treats sewage sludge and 63676  
transfers the sewage sludge to an incineration facility for 63677  
disposal, the incineration facility, and not the entity generating 63678

the sewage sludge or the sewage sludge facility treating the 63679  
sewage sludge, shall pay the annual sludge fee for the tons of 63680  
sewage sludge that are transferred. However, the entity or 63681  
facility generating or treating the sewage sludge shall pay the 63682  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 63683  
of this section. 63684

(b) In the case of an entity that generates sewage sludge and 63685  
transfers the sewage sludge to a landfill for disposal or to a 63686  
sewage sludge facility for land reclamation or surface disposal, 63687  
the entity generating the sewage sludge, and not the landfill or 63688  
sewage sludge facility, shall pay the annual sludge fee for the 63689  
tons of sewage sludge that are transferred. 63690

(5) Not later than the first day of April of the calendar 63691  
year following March 17, 2000, and each first day of April 63692  
thereafter, the director shall issue invoices to persons who are 63693  
required to pay the annual sludge fee. The invoice shall identify 63694  
the nature and amount of the annual sludge fee assessed and state 63695  
the first day of May as the deadline for receipt by the director 63696  
of objections regarding the amount of the fee and the first day of 63697  
July as the deadline for payment of the fee. 63698

Not later than the first day of May following receipt of an 63699  
invoice, a person required to pay the annual sludge fee may submit 63700  
objections to the director concerning the accuracy of information 63701  
regarding the number of dry tons of sewage sludge used to 63702  
calculate the amount of the annual sludge fee or regarding whether 63703  
the sewage sludge qualifies for the exceptional quality sludge 63704  
discount established in division (Y)(2)(b) of this section. The 63705  
director may consider the objections and adjust the amount of the 63706  
fee to ensure that it is accurate. 63707

If the director does not adjust the amount of the annual 63708  
sludge fee in response to a person's objections, the person may 63709  
appeal the director's determination in accordance with Chapter 63710

119. of the Revised Code. 63711

Not later than the first day of June, the director shall 63712  
notify the objecting person regarding whether the director has 63713  
found the objections to be valid and the reasons for the finding. 63714  
If the director finds the objections to be valid and adjusts the 63715  
amount of the annual sludge fee accordingly, the director shall 63716  
issue with the notification a new invoice to the person 63717  
identifying the amount of the annual sludge fee assessed and 63718  
stating the first day of July as the deadline for payment. 63719

Not later than the first day of July, any person who is 63720  
required to do so shall pay the annual sludge fee. Any person who 63721  
is required to pay the fee, but who fails to do so on or before 63722  
that date shall pay an additional amount that equals ten per cent 63723  
of the required annual sludge fee. 63724

(6) The director shall transmit all moneys collected under 63725  
division (Y) of this section to the treasurer of state for deposit 63726  
into the surface water protection fund created in section 6111.038 63727  
of the Revised Code. The moneys shall be used to defray the costs 63728  
of administering and enforcing provisions in Chapter 6111. of the 63729  
Revised Code and rules adopted under it that govern the use, 63730  
storage, treatment, or disposal of sewage sludge. 63731

(7) Beginning in fiscal year 2001, and every two years 63732  
thereafter, the director shall review the total amount of moneys 63733  
generated by the annual sludge fees to determine if that amount 63734  
exceeded six hundred thousand dollars in either of the two 63735  
preceding fiscal years. If the total amount of moneys in the fund 63736  
exceeded six hundred thousand dollars in either fiscal year, the 63737  
director, after review of the fee structure and consultation with 63738  
affected persons, shall issue an order reducing the amount of the 63739  
fees levied under division (Y) of this section so that the 63740  
estimated amount of moneys resulting from the fees will not exceed 63741  
six hundred thousand dollars in any fiscal year. 63742

If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division (Y)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that

|                                                                                                                                                                                                                                                                                                           |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| meets all of the following qualifications:                                                                                                                                                                                                                                                                | 63774                                     |
| (i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);                                                                                                                                                                                                                                      | 63775<br>63776                            |
| (ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);                                                                                                                                                                                                   | 63777<br>63778                            |
| (iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;                                                                                                                                                                                           | 63779<br>63780                            |
| (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.                                                                                                                                                                                                  | 63781<br>63782                            |
| (d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.                                                                                                                         | 63783<br>63784<br>63785                   |
| (e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.                                                                                                                    | 63786<br>63787<br>63788                   |
| (f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil. | 63789<br>63790<br>63791<br>63792<br>63793 |
| (g) "Land reclamation" means the returning of disturbed land to productive use.                                                                                                                                                                                                                           | 63794<br>63795                            |
| (h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.                                                                                                  | 63796<br>63797<br>63798<br>63799          |
| (i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.                                                                                                               | 63800<br>63801<br>63802<br>63803          |

(j) "Incineration facility" includes all incinerators owned 63804  
or operated by the same entity and located on a contiguous tract 63805  
of land. Areas of land are considered to be contiguous even if 63806  
they are separated by a public road or highway. 63807

(k) "Annual sludge fee" means the fee assessed under division 63808  
(Y)(1) of this section. 63809

(l) "Landfill" means a sanitary landfill facility, as defined 63810  
in rules adopted under section 3734.02 of the Revised Code, that 63811  
is licensed under section 3734.05 of the Revised Code. 63812

(m) "Preexisting land reclamation project" means a 63813  
property-specific land reclamation project that has been in 63814  
continuous operation for not less than five years pursuant to 63815  
approval of the activity by the director and includes the 63816  
implementation of a community outreach program concerning the 63817  
activity. 63818

**Sec. 3745.113.** (A) A person that applies for a state isolated 63819  
wetland permit under Chapter 6111. of the Revised Code and rules 63820  
adopted under it shall pay an application fee of two hundred 63821  
dollars at the time of application. 63822

In addition, that person shall pay, at the time of 63823  
application, a review fee of five hundred dollars per acre of the 63824  
wetlands to be impacted. 63825

However, the review fee shall not exceed five thousand 63826  
dollars per application. In addition, if an application is denied, 63827  
the director of environmental protection shall refund to the 63828  
applicant one-half of the amount of the review fee paid by the 63829  
applicant under division (A) of this section. 63830

(B) If a person conducts any activities for which an 63831  
individual state isolated wetland permit is required under Chapter 63832  
6111. of the Revised Code and rules adopted under it without first 63833

obtaining such a permit, the person shall pay twice the amount of 63834  
the application and review fees that the person otherwise would 63835  
have been required to pay under division (A) of this section, not 63836  
to exceed ten thousand dollars. 63837

(C) All moneys collected under this section shall be 63838  
deposited in the state treasury to the credit of the ~~dredge and~~ 63839  
~~fill~~ surface water protection fund created in section ~~6111.029~~ 63840  
6111.038 of the Revised Code. 63841

(D) Fees established under this section shall not apply to 63842  
any agency or department of the state or to any county, township, 63843  
or municipal corporation in this state. 63844

**Sec. 3769.08.** (A) Any person holding a permit to conduct a 63845  
horse-racing meeting may provide a place in the race meeting 63846  
grounds or enclosure at which the permit holder may conduct and 63847  
supervise the pari-mutuel system of wagering by patrons of legal 63848  
age on the live racing programs and simulcast racing programs 63849  
conducted by the permit holder. 63850

The pari-mutuel method of wagering upon the live racing 63851  
programs and simulcast racing programs held at or conducted within 63852  
such race track, and at the time of such horse-racing meeting, or 63853  
at other times authorized by the state racing commission, shall 63854  
not be unlawful. No other place, except that provided and 63855  
designated by the permit holder and except as provided in section 63856  
3769.26 of the Revised Code, nor any other method or system of 63857  
betting or wagering on live racing programs and simulcast racing 63858  
programs, except the pari-mutuel system, shall be used or 63859  
permitted by the permit holder; nor, except as provided in section 63860  
3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel 63861  
system of wagering be conducted by the permit holder on any races 63862  
except the races at the race track, grounds, or enclosure for 63863  
which the person holds a permit. Each permit holder may retain as 63864

a commission an amount not to exceed eighteen per cent of the 63865  
total of all moneys wagered on live racing programs and simulcast 63866  
racing programs. 63867

The pari-mutuel wagering authorized by this section is 63868  
subject to sections 3769.25 to 3769.28 of the Revised Code. 63869

(B) At the close of each racing day, each permit holder 63870  
authorized to conduct thoroughbred racing, out of the amount 63871  
retained on that day by the permit holder, shall pay by check, 63872  
draft, or money order to the tax commissioner, as a tax, a sum 63873  
equal to the following percentages of the total of all moneys 63874  
wagered on live racing programs on that day and shall separately 63875  
compute and pay by check, draft, or money order to the tax 63876  
commissioner, as a tax, a sum equal to the following percentages 63877  
of the total of all money wagered on simulcast racing programs on 63878  
that day: 63879

(1) One per cent of the first two hundred thousand dollars 63880  
wagered, or any part of that amount; 63881

(2) Two per cent of the next one hundred thousand dollars 63882  
wagered, or any part of that amount; 63883

(3) Three per cent of the next one hundred thousand dollars 63884  
wagered, or any part of that amount; 63885

(4) Four per cent of all sums over four hundred thousand 63886  
dollars wagered. 63887

Except as otherwise provided in section 3769.089 of the 63888  
Revised Code, each permit holder authorized to conduct 63889  
thoroughbred racing shall use for purse money a sum equal to fifty 63890  
per cent of the pari-mutuel revenues retained by the permit holder 63891  
as a commission after payment of the state tax. This fifty per 63892  
cent payment shall be in addition to the purse distribution from 63893  
breakage specified in this section. 63894



Subject to division (M) of this section, from the moneys paid 63895  
to the tax commissioner by thoroughbred racing permit holders, 63896  
one-half of one per cent of the total of all moneys so wagered on 63897  
a racing day shall be paid into the Ohio fairs fund created by 63898  
section 3769.082 of the Revised Code, one and one-eighth per cent 63899  
of the total of all moneys so wagered on a racing day shall be 63900  
paid into the Ohio thoroughbred race fund created by section 63901  
3769.083 of the Revised Code, and one-quarter of one per cent of 63902  
the total of all moneys wagered on a racing day by each permit 63903  
holder shall be paid into the state racing commission operating 63904  
fund created by section 3769.03 of the Revised Code. The required 63905  
payment to the state racing commission operating fund does not 63906  
apply to county and independent fairs and agricultural societies. 63907  
The remaining moneys may be retained by the permit holder, except 63908  
as provided in this section with respect to the odd cents 63909  
redistribution. Amounts paid into the nursing home franchise 63910  
permit fee fund pursuant to this section and section 3769.26 of 63911  
the Revised Code shall be used solely for the support of the 63912  
PASSPORT program as determined in appropriations made by the 63913  
general assembly. If the PASSPORT program is abolished, the amount 63914  
that would have been paid to the nursing home franchise permit fee 63915  
fund under this chapter shall be paid to the general revenue fund 63916  
of the state. As used in this chapter, "PASSPORT program" ~~means~~ 63917  
~~the PASSPORT program created under~~ has the same meaning as in 63918  
section ~~173.40~~ 173.51 of the Revised Code. 63919

The total amount paid to the Ohio thoroughbred race fund 63920  
under this section and division (A) of section 3769.087 of the 63921  
Revised Code shall not exceed by more than six per cent the total 63922  
amount paid to this fund under this section and division (A) of 63923  
that section during the immediately preceding calendar year. 63924

Each year, the total amount calculated for payment into the 63925  
Ohio fairs fund under this division, division (C) of this section, 63926

and division (A) of section 3769.087 of the Revised Code shall be 63927  
an amount calculated using the percentages specified in this 63928  
division, division (C) of this section, and division (A) of 63929  
section 3769.087 of the Revised Code. 63930

A permit holder may contract with a thoroughbred horsemen's 63931  
organization for the organization to act as a representative of 63932  
all thoroughbred owners and trainers participating in a 63933  
horse-racing meeting conducted by the permit holder. A 63934  
"thoroughbred horsemen's organization" is any corporation or 63935  
association that represents, through membership or otherwise, more 63936  
than one-half of the aggregate of all thoroughbred owners and 63937  
trainers who were licensed and actively participated in racing 63938  
within this state during the preceding calendar year. Except as 63939  
otherwise provided in this paragraph, any moneys received by a 63940  
thoroughbred horsemen's organization shall be used exclusively for 63941  
the benefit of thoroughbred owners and trainers racing in this 63942  
state through the administrative purposes of the organization, 63943  
benevolent activities on behalf of the horsemen, promotion of the 63944  
horsemen's rights and interests, and promotion of equine research. 63945  
A thoroughbred horsemen's organization may expend not more than an 63946  
aggregate of five per cent of its annual gross receipts, or a 63947  
larger amount as approved by the organization, for dues, 63948  
assessments, and other payments to all other local, national, or 63949  
international organizations having as their primary purposes the 63950  
promotion of thoroughbred horse racing, thoroughbred horsemen's 63951  
rights, and equine research. 63952

(C) Except as otherwise provided in division (B) of this 63953  
section, at the close of each racing day, each permit holder 63954  
authorized to conduct harness or quarter horse racing, out of the 63955  
amount retained that day by the permit holder, shall pay by check, 63956  
draft, or money order to the tax commissioner, as a tax, a sum 63957  
equal to the following percentages of the total of all moneys 63958

wagered on live racing programs and shall separately compute and 63959  
pay by check, draft, or money order to the tax commissioner, as a 63960  
tax, a sum equal to the following percentages of the total of all 63961  
money wagered on simulcast racing programs on that day: 63962

(1) One per cent of the first two hundred thousand dollars 63963  
wagered, or any part of that amount; 63964

(2) Two per cent of the next one hundred thousand dollars 63965  
wagered, or any part of that amount; 63966

(3) Three per cent of the next one hundred thousand dollars 63967  
wagered, or any part of that amount; 63968

(4) Four per cent of all sums over four hundred thousand 63969  
dollars wagered. 63970

Except as otherwise provided in division (B) and subject to 63971  
division (M) of this section, from the moneys paid to the tax 63972  
commissioner by permit holders authorized to conduct harness or 63973  
quarter horse racing, one-half of one per cent of all moneys 63974  
wagered on that racing day shall be paid into the Ohio fairs fund; 63975  
from the moneys paid to the tax commissioner by permit holders 63976  
authorized to conduct harness racing, five-eighths of one per cent 63977  
of all moneys wagered on that racing day shall be paid into the 63978  
Ohio standardbred development fund; and from the moneys paid to 63979  
the tax commissioner by permit holders authorized to conduct 63980  
quarter horse racing, five-eighths of one per cent of all moneys 63981  
wagered on that racing day shall be paid into the Ohio quarter 63982  
horse development fund. 63983

(D) In addition, subject to division (M) of this section, 63984  
beginning on January 1, 1996, from the money paid to the tax 63985  
commissioner as a tax under this section and division (A) of 63986  
section 3769.087 of the Revised Code by harness horse permit 63987  
holders, one-half of one per cent of the amount wagered on a 63988  
racing day shall be paid into the Ohio standardbred development 63989

fund. Beginning January 1, 1998, the payment to the Ohio 63990  
standardbred development fund required under this division does 63991  
not apply to county agricultural societies or independent 63992  
agricultural societies. 63993

The total amount paid to the Ohio standardbred development 63994  
fund under this division, division (C) of this section, and 63995  
division (A) of section 3769.087 of the Revised Code and the total 63996  
amount paid to the Ohio quarter horse development fund under this 63997  
division and division (A) of that section shall not exceed by more 63998  
than six per cent the total amount paid into the fund under this 63999  
division, division (C) of this section, and division (A) of 64000  
section 3769.087 of the Revised Code in the immediately preceding 64001  
calendar year. 64002

(E) Subject to division (M) of this section, from the money 64003  
paid as a tax under this chapter by harness and quarter horse 64004  
permit holders, one-quarter of one per cent of the total of all 64005  
moneys wagered on a racing day by each permit holder shall be paid 64006  
into the state racing commission operating fund created by section 64007  
3769.03 of the Revised Code. This division does not apply to 64008  
county and independent fairs and agricultural societies. 64009

(F) Except as otherwise provided in section 3769.089 of the 64010  
Revised Code, each permit holder authorized to conduct harness 64011  
racing shall pay to the harness horsemen's purse pool a sum equal 64012  
to fifty per cent of the pari-mutuel revenues retained by the 64013  
permit holder as a commission after payment of the state tax. This 64014  
fifty per cent payment is to be in addition to the purse 64015  
distribution from breakage specified in this section. 64016

(G) In addition, each permit holder authorized to conduct 64017  
harness racing shall be allowed to retain the odd cents of all 64018  
redistribution to be made on all mutual contributions exceeding a 64019  
sum equal to the next lowest multiple of ten. 64020

Forty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for purse money for Ohio sired, bred, and owned colts, for purse money for Ohio bred horses, and for increased purse money for horse races. Upon the formation of the corporation described in section 3769.21 of the Revised Code to establish a harness horsemen's health and retirement fund, twenty-five per cent of that portion of that total sum of odd cents shall be paid at the close of each racing day by the permit holder to that corporation to establish and fund the health and retirement fund. Until that corporation is formed, that twenty-five per cent shall be paid at the close of each racing day by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county in which the permit holder operates race meetings. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

(H) In addition, each permit holder authorized to conduct thoroughbred racing shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten. Twenty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for increased purse money for horse races. Upon the formation of the corporation described in section 3769.21 of the Revised Code to establish a thoroughbred horsemen's health and retirement fund, forty-five per cent of that portion of that total sum of odd cents shall be paid at the close of each racing day by the permit holder to that corporation to establish and fund the health and retirement fund. Until that corporation is formed, that forty-five per cent shall be paid by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county in which the permit holder operates race meetings, at the close of each racing day. The remaining thirty-five per cent of that portion of that total sum of odd

cents shall be retained by the permit holder. 64054

(I) In addition, each permit holder authorized to conduct 64055  
quarter horse racing shall be allowed to retain the odd cents of 64056  
all redistribution to be made on all mutuel contributions 64057  
exceeding a sum equal to the next lowest multiple of ten, subject 64058  
to a tax of twenty-five per cent on that portion of the total sum 64059  
of such odd cents that is in excess of two thousand dollars during 64060  
a calendar year, which tax shall be paid at the close of each 64061  
racing day by the permit holder to the tax commissioner or the tax 64062  
commissioner's agent in the county seat of the county within which 64063  
the permit holder operates race meetings. Forty per cent of that 64064  
portion of that total sum of such odd cents shall be used by the 64065  
permit holder for increased purse money for horse races. The 64066  
remaining thirty-five per cent of that portion of that total sum 64067  
of odd cents shall be retained by the permit holder. 64068

(J)(1) To encourage the improvement of racing facilities for 64069  
the benefit of the public, breeders, and horse owners, and to 64070  
increase the revenue to the state from the increase in pari-mutuel 64071  
wagering resulting from those improvements, the taxes paid by a 64072  
permit holder to the state as provided for in this chapter shall 64073  
be reduced by three-fourths of one per cent of the total amount 64074  
wagered for those permit holders who make capital improvements to 64075  
existing race tracks or construct new race tracks. The percentage 64076  
of the reduction that may be taken each racing day shall equal 64077  
seventy-five per cent of the taxes levied under divisions (B) and 64078  
(C) of this section and section 3769.087 of the Revised Code, and 64079  
division (F)(2) of section 3769.26 of the Revised Code, as 64080  
applicable, divided by the calculated amount each fund should 64081  
receive under divisions (B) and (C) of this section and section 64082  
3769.087 of the Revised Code, and division (F)(2) of section 64083  
3769.26 of the Revised Code and the reduction provided for in this 64084  
division. If the resulting percentage is less than one, that 64085

percentage shall be multiplied by the amount of the reduction 64086  
provided for in this division. Otherwise, the permit holder shall 64087  
receive the full reduction provided for in this division. The 64088  
amount of the allowable reduction not received shall be carried 64089  
forward and applied against future tax liability. After any 64090  
reductions expire, any reduction carried forward shall be treated 64091  
as a reduction as provided for in this division. 64092

If more than one permit holder is authorized to conduct 64093  
racing at the facility that is being built or improved, the cost 64094  
of the new race track or capital improvement shall be allocated 64095  
between or among all the permit holders in the ratio that the 64096  
permit holders' number of racing days bears to the total number of 64097  
racing days conducted at the facility. 64098

A reduction for a new race track or a capital improvement 64099  
shall start from the day racing is first conducted following the 64100  
date actual construction of the new race track or each capital 64101  
improvement is completed and the construction cost has been 64102  
approved by the racing commission, unless otherwise provided in 64103  
this section. A reduction for a new race track or a capital 64104  
improvement shall continue for a period of twenty-five years for 64105  
new race tracks and for fifteen years for capital improvements if 64106  
the construction of the capital improvement or new race track 64107  
commenced prior to March 29, 1988, and for a period of ten years 64108  
for new race tracks or capital improvements if the construction of 64109  
the capital improvement or new race track commenced on or after 64110  
March 29, 1988, but before June 6, 2001, or until the total tax 64111  
reduction reaches seventy per cent of the approved cost of the new 64112  
race track or capital improvement, as allocated to each permit 64113  
holder, whichever occurs first. A reduction for a new race track 64114  
or a capital improvement approved after June 6, 2001, shall 64115  
continue until the total tax reduction reaches one hundred per 64116  
cent of the approved cost of the new race track or capital 64117

improvement, as allocated to each permit holder. 64118

A reduction granted for a new race track or a capital 64119  
improvement, the application for which was approved by the racing 64120  
commission after March 29, 1988, but before June 6, 2001, shall 64121  
not commence nor shall the ten-year period begin to run until all 64122  
prior tax reductions with respect to the same race track have 64123  
ended. The total tax reduction because of capital improvements 64124  
shall not during any one year exceed for all permit holders using 64125  
any one track three-fourths of one per cent of the total amount 64126  
wagered, regardless of the number of capital improvements made. 64127  
Several capital improvements to a race track may be consolidated 64128  
in an application if the racing commission approved the 64129  
application prior to March 29, 1988. No permit holder may receive 64130  
a tax reduction for a capital improvement approved by the racing 64131  
commission on or after March 29, 1988, at a race track until all 64132  
tax reductions have ended for all prior capital improvements 64133  
approved by the racing commission under this section or section 64134  
3769.20 of the Revised Code at that race track. If there are two 64135  
or more permit holders operating meetings at the same track, they 64136  
may consolidate their applications. The racing commission shall 64137  
notify the tax commissioner when the reduction of tax begins and 64138  
when it ends. 64139

Each fiscal year the racing commission shall submit a report 64140  
to the tax commissioner, the office of budget and management, and 64141  
the legislative service commission. The report shall identify each 64142  
capital improvement project undertaken under this division and in 64143  
progress at each race track, indicate the total cost of each 64144  
project, state the tax reduction that resulted from each project 64145  
during the immediately preceding fiscal year, estimate the tax 64146  
reduction that will result from each project during the current 64147  
fiscal year, state the total tax reduction that resulted from all 64148  
such projects at all race tracks during the immediately preceding 64149



fiscal year, and estimate the total tax reduction that will result 64150  
from all such projects at all race tracks during the current 64151  
fiscal year. 64152

(2) In order to qualify for the reduction in tax, a permit 64153  
holder shall apply to the racing commission in such form as the 64154  
commission may require and shall provide full details of the new 64155  
race track or capital improvement, including a schedule for its 64156  
construction and completion, and set forth the costs and expenses 64157  
incurred in connection with it. The racing commission shall not 64158  
approve an application unless the permit holder shows that a 64159  
contract for the new race track or capital improvement has been 64160  
let under an unrestricted competitive bidding procedure, unless 64161  
the contract is exempted by the controlling board because of its 64162  
unusual nature. In determining whether to approve an application, 64163  
the racing commission shall consider whether the new race track or 64164  
capital improvement will promote the safety, convenience, and 64165  
comfort of the racing public and horse owners and generally tend 64166  
towards the improvement of racing in this state. 64167

(3) If a new race track or capital improvement is approved by 64168  
the racing commission and construction has started, the tax 64169  
reduction may be authorized by the commission upon presentation of 64170  
copies of paid bills in excess of one hundred thousand dollars or 64171  
ten per cent of the approved cost, whichever is greater. After the 64172  
initial authorization, the permit holder shall present copies of 64173  
paid bills. If the permit holder is in substantial compliance with 64174  
the schedule for construction and completion of the new race track 64175  
or capital improvement, the racing commission may authorize the 64176  
continuation of the tax reduction upon the presentation of the 64177  
additional paid bills. The total amount of the tax reduction 64178  
authorized shall not exceed the percentage of the approved cost of 64179  
the new race track or capital improvement specified in division 64180  
(J)(1) of this section. The racing commission may terminate any 64181

tax reduction immediately if a permit holder fails to complete the 64182  
new race track or capital improvement, or to substantially comply 64183  
with the schedule for construction and completion of the new race 64184  
track or capital improvement. If a permit holder fails to complete 64185  
a new race track or capital improvement, the racing commission 64186  
shall order the permit holder to repay to the state the total 64187  
amount of tax reduced. The normal tax paid by the permit holder 64188  
shall be increased by three-fourths of one per cent of the total 64189  
amount wagered until the total amount of the additional tax 64190  
collected equals the total amount of tax reduced. 64191

(4) As used in this section: 64192

(a) "Capital improvement" means an addition, replacement, or 64193  
remodeling of a structural unit of a race track facility costing 64194  
at least one hundred thousand dollars, including, but not limited 64195  
to, the construction of barns used exclusively for the race track 64196  
facility, backstretch facilities for horsemen, paddock facilities, 64197  
new pari-mutuel and totalizator equipment and appurtenances to 64198  
that equipment purchased by the track, new access roads, new 64199  
parking areas, the complete reconstruction, reshaping, and 64200  
leveling of the racing surface and appurtenances, the installation 64201  
of permanent new heating or air conditioning, roof replacement or 64202  
restoration, installations of a permanent nature forming a part of 64203  
the track structure, and construction of buildings that are 64204  
located on a permit holder's premises. "Capital improvement" does 64205  
not include the cost of replacement of equipment that is not 64206  
permanently installed, ordinary repairs, painting, and maintenance 64207  
required to keep a race track facility in ordinary operating 64208  
condition. 64209

(b) "New race track" includes the reconstruction of a race 64210  
track damaged by fire or other cause that has been declared by the 64211  
racing commission, as a result of the damage, to be an inadequate 64212  
facility for the safe operation of horse racing. 64213

(c) "Approved cost" includes all debt service and interest 64214  
costs that are associated with a capital improvement or new race 64215  
track and that the racing commission approves for a tax reduction 64216  
under division (J) of this section. 64217

(5) The racing commission shall not approve an application 64218  
for a tax reduction under this section if it has reasonable cause 64219  
to believe that the actions or negligence of the permit holder 64220  
substantially contributed to the damage suffered by the track due 64221  
to fire or other cause. The racing commission shall obtain any 64222  
data or information available from a fire marshal, law enforcement 64223  
official, or insurance company concerning any fire or other damage 64224  
suffered by a track, prior to approving an application for a tax 64225  
reduction. 64226

(6) The approved cost to which a tax reduction applies shall 64227  
be determined by generally accepted accounting principles and 64228  
verified by an audit of the permit holder's records upon 64229  
completion of the project by the racing commission, or by an 64230  
independent certified public accountant selected by the permit 64231  
holder and approved by the commission. 64232

(K) No other license or excise tax or fee, except as provided 64233  
in sections 3769.01 to 3769.14 of the Revised Code, shall be 64234  
assessed or collected from such licensee by any county, township, 64235  
district, municipal corporation, or other body having power to 64236  
assess or collect a tax or fee. That portion of the tax paid under 64237  
this section by permit holders for racing conducted at and during 64238  
the course of an agricultural exposition or fair, and that portion 64239  
of the tax that would have been paid by eligible permit holders 64240  
into the nursing home franchise permit fee fund as a result of 64241  
racing conducted at and during the course of an agricultural 64242  
exposition or fair, shall be deposited into the state treasury to 64243  
the credit of the horse racing tax fund, which is hereby created 64244  
for the use of the agricultural societies of the several counties 64245

in which the taxes originate. The state racing commission shall 64246  
determine eligible permit holders for purposes of the preceding 64247  
sentence, taking into account the breed of horse, the racing 64248  
dates, the geographic proximity to the fair, and the best 64249  
interests of Ohio racing. On the first day of any month on which 64250  
there is money in the fund, the tax commissioner shall provide for 64251  
payment to the treasurer of each agricultural society the amount 64252  
of the taxes collected under this section upon racing conducted at 64253  
and during the course of any exposition or fair conducted by the 64254  
society. 64255

(L) From the tax paid under this section by harness track 64256  
permit holders, the tax commissioner shall pay into the Ohio 64257  
thoroughbred race fund a sum equal to a percentage of the amount 64258  
wagered upon which the tax is paid. The percentage shall be 64259  
determined by the tax commissioner and shall be rounded to the 64260  
nearest one-hundredth. The percentage shall be such that, when 64261  
multiplied by the amount wagered upon which tax was paid by the 64262  
harness track permit holders in the most recent year for which 64263  
final figures are available, it results in a sum that 64264  
substantially equals the same amount of tax paid by the tax 64265  
commissioner during that year into the Ohio fairs fund from taxes 64266  
paid by thoroughbred permit holders. This division does not apply 64267  
to county and independent fairs and agricultural societies. 64268

(M) Twenty-five per cent of the taxes levied on thoroughbred 64269  
racing permit holders, harness racing permit holders, and quarter 64270  
horse racing permit holders under this section, division (A) of 64271  
section 3769.087 of the Revised Code, and division (F)(2) of 64272  
section 3769.26 of the Revised Code shall be paid into the nursing 64273  
home franchise permit fee fund. The tax commissioner shall pay any 64274  
money remaining, after the payment into the nursing home franchise 64275  
permit fee fund and the reductions provided for in division (J) of 64276  
this section and in section 3769.20 of the Revised Code, into the 64277

Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred development fund, Ohio quarter horse fund, and state racing commission operating fund as prescribed in this section and division (A) of section 3769.087 of the Revised Code. The tax commissioner shall thereafter use and apply the balance of the money paid as a tax by any permit holder to cover any shortage in the accounts of such funds resulting from an insufficient payment as a tax by any other permit holder. The moneys received by the tax commissioner shall be deposited weekly and paid by the tax commissioner into the funds to cover the total aggregate amount due from all permit holders to the funds, as calculated under this section and division (A) of section 3769.087 of the Revised Code, as applicable. If, after the payment into the nursing home franchise permit fee fund, sufficient funds are not available from the tax deposited by the tax commissioner to pay the required amounts into the Ohio fairs fund, Ohio standardbred development fund, Ohio thoroughbred race fund, Ohio quarter horse fund, and the state racing commission operating fund, the tax commissioner shall prorate on a proportional basis the amount paid to each of the funds. Any shortage to the funds as a result of a proration shall be applied against future deposits for the same calendar year when funds are available. After this application, the tax commissioner shall pay any remaining money paid as a tax by all permit holders into the nursing home franchise permit fee fund. This division does not apply to permit holders conducting racing at the course of an agricultural exposition or fair as described in division (K) of this section.

**Sec. 3769.088.** (A) If any permit holder required by this chapter to pay the taxes levied by sections 3769.08, 3769.087, 3769.26, and 3769.28 of the Revised Code fails to pay the taxes, the tax commissioner may make an assessment against the permit holder based upon any information in the commissioner's

possession. 64310

A penalty of up to fifteen per cent may be added to the 64311  
amount of every assessment made under this section. The 64312  
commissioner may adopt rules providing for the imposition and 64313  
remission of penalties added to assessments made under this 64314  
section. 64315

The commissioner shall give the party assessed written notice 64316  
of the assessment in the manner provided in section 5703.37 of the 64317  
Revised Code. With the notice, the commissioner shall provide 64318  
instructions on how to petition for reassessment and request a 64319  
hearing on the petition. 64320

(B) Unless the party assessed files with the tax commissioner 64321  
within sixty days after service of the notice of assessment, 64322  
either personally or by certified mail, a written petition for 64323  
reassessment signed by the party assessed or that party's 64324  
authorized agent having knowledge of the facts, the assessment 64325  
becomes final and the amount of the assessment is due and payable 64326  
from the party assessed to the commissioner. The petition shall 64327  
indicate the objections of the party assessed, but additional 64328  
objections may be raised in writing if received by the 64329  
commissioner prior to the date shown on the final determination. 64330  
If the petition has been properly filed, the commissioner shall 64331  
proceed under section 5703.60 of the Revised Code. 64332

(C) After an assessment becomes final, if any portion of the 64333  
assessment remains unpaid, including accrued interest, a certified 64334  
copy of the tax commissioner's entry making the assessment final 64335  
may be filed in the office of the clerk of the court of common 64336  
pleas in the county in which the place, track, or enclosure for 64337  
which the permit was issued is located or the county in which the 64338  
party assessed resides or has its principal place of business. If 64339  
the party assessed maintains no place of business in this state 64340  
and is not a resident of this state, the certified copy of the 64341

entry may be filed in the office of the clerk of the court of 64342  
common pleas of Franklin county. 64343

Immediately upon the filing of the entry, the clerk shall 64344  
enter a judgment for the state against the party assessed in the 64345  
amount shown on the entry. The judgment may be filed by the clerk 64346  
in a loose-leaf book entitled "special judgments for state horse 64347  
racing tax," and shall have the same effect as other judgments. 64348  
Execution shall issue upon the judgment upon the request of the 64349  
tax commissioner, and all laws applicable to sales on execution 64350  
shall apply to sales made under the judgment. 64351

~~The portion of~~ If the assessment is not paid in its entirety 64352  
within sixty days after the day the assessment was issued, the 64353  
portion of the assessment consisting of tax due shall bear 64354  
interest at the rate per annum prescribed by section 5703.47 of 64355  
the Revised Code from the day the tax commissioner issues the 64356  
assessment until the day the assessment is paid or until it is 64357  
certified to the attorney general for collection under section 64358  
131.02 of the Revised Code, whichever comes first. If the unpaid 64359  
portion of the assessment is certified to the attorney general for 64360  
collection, the entire unpaid portion of the assessment shall bear 64361  
interest at the rate per annum prescribed by section 5703.47 of 64362  
the Revised Code from the date of certification until the date it 64363  
is paid in its entirety. Interest shall be paid in the same manner 64364  
as the tax and may be collected by the issuance of an assessment 64365  
under this section. 64366

(D) All money collected by the tax commissioner under this 64367  
section shall be treated as revenue arising from the taxes imposed 64368  
by sections 3769.08, 3769.087, 3769.26, and 3769.28 of the Revised 64369  
Code. 64370

**Sec. 3770.02.** (A) Subject to the advice and consent of the 64371  
senate, the governor shall appoint a director of the state lottery 64372

commission who shall serve at the pleasure of the governor. The 64373  
director shall devote full time to the duties of the office and 64374  
shall hold no other office or employment. The director shall meet 64375  
all requirements for appointment as a member of the commission and 64376  
shall, by experience and training, possess management skills that 64377  
equip the director to administer an enterprise of the nature of a 64378  
state lottery. The director shall receive an annual salary in 64379  
accordance with pay range 48 of section 124.152 of the Revised 64380  
Code. 64381

(B)(1) The director shall attend all meetings of the 64382  
commission and shall act as its secretary. The director shall keep 64383  
a record of all commission proceedings and shall keep the 64384  
commission's records, files, and documents at the commission's 64385  
principal office. All records of the commission's meetings shall 64386  
be available for inspection by any member of the public, upon a 64387  
showing of good cause and prior notification to the director. 64388

(2) The director shall be the commission's executive officer 64389  
and shall be responsible for keeping all commission records and 64390  
supervising and administering the state lottery in accordance with 64391  
this chapter, and carrying out all commission rules adopted under 64392  
section 3770.03 of the Revised Code. 64393

(C)(1) The director shall appoint an assistant director, 64394  
deputy directors of marketing, operations, sales, finance, public 64395  
relations, security, and administration, and as many regional 64396  
managers as are required. The director may also appoint necessary 64397  
professional, technical, and clerical assistants. All such 64398  
officers and employees shall be appointed and compensated pursuant 64399  
to Chapter 124. of the Revised Code. Regional and assistant 64400  
regional managers, sales representatives, and any lottery 64401  
executive account representatives shall remain in the unclassified 64402  
service. 64403

(2) The director, in consultation with the director of 64404



administrative services, may establish standards of proficiency 64405  
and productivity for commission field representatives. 64406

(D) The director shall request the bureau of criminal 64407  
identification and investigation, the department of public safety, 64408  
or any other state, local, or federal agency to supply the 64409  
director with the criminal records of any job applicant and may 64410  
periodically request the criminal records of commission employees. 64411  
At or prior to the time of making such a request, the director 64412  
shall require a job applicant or commission employee to obtain 64413  
fingerprint cards prescribed by the superintendent of the bureau 64414  
of criminal identification and investigation at a qualified law 64415  
enforcement agency, and the director shall cause these fingerprint 64416  
cards to be forwarded to the bureau of criminal identification and 64417  
investigation and the federal bureau of investigation. The 64418  
commission shall assume the cost of obtaining the fingerprint 64419  
cards and shall pay to each agency supplying criminal records for 64420  
each investigation under this division a reasonable fee, as 64421  
determined by the agency. 64422

(E) The director shall license lottery sales agents pursuant 64423  
to section 3770.05 of the Revised Code and, when it is considered 64424  
necessary, may revoke or suspend the license of any lottery sales 64425  
agent. The director may license video lottery technology 64426  
providers, independent testing laboratories, and gaming employees, 64427  
and promulgate rules relating thereto. When the director considers 64428  
it necessary, the director may suspend or revoke the license of a 64429  
video lottery technology provider, independent testing laboratory, 64430  
or gaming employee, including suspension or revocation without 64431  
affording an opportunity for a prior hearing under section 119.07 64432  
of the Revised Code when the public safety, convenience, or trust 64433  
requires immediate action. 64434

(F) The director shall confer at least once each month with 64435  
the commission, at which time the director shall advise it 64436

regarding the operation and administration of the lottery. The 64437  
director shall make available at the request of the commission all 64438  
documents, files, and other records pertaining to the operation 64439  
and administration of the lottery. The director shall prepare and 64440  
make available to the commission each month a complete and 64441  
accurate accounting of lottery revenues, prize money disbursements 64442  
and the cost of goods and services awarded as prizes, operating 64443  
expenses, and all other relevant financial information, including 64444  
an accounting of all transfers made from any lottery funds in the 64445  
custody of the treasurer of state to benefit education. 64446

(G) The director may enter into contracts for the operation 64447  
or promotion of the lottery pursuant to Chapter 125. of the 64448  
Revised Code. 64449

(H)(1) Pursuant to rules adopted by the commission under 64450  
section 3770.03 of the Revised Code, the director shall require 64451  
any lottery sales agents to ~~either mail directly to the commission~~ 64452  
~~or~~ deposit to the credit of the state lottery fund, in banking 64453  
institutions designated by the treasurer of state, net proceeds 64454  
due the commission as determined by the director, ~~and to file with~~ 64455  
~~the director or the director's designee reports of their receipts~~ 64456  
~~and transactions in the sale of lottery tickets in the form~~ 64457  
~~required by the director.~~ 64458

(2) Pursuant to rules adopted by the commission under Chapter 64459  
119. of the Revised Code, the director may impose penalties for 64460  
the failure of a sales agent to transfer funds to the commission 64461  
in a timely manner. Penalties may include monetary penalties, 64462  
immediate suspension or revocation of a license, or any other 64463  
penalty the commission adopts by rule. 64464

(I) The director may arrange for any person, or any banking 64465  
institution, to perform functions and services in connection with 64466  
the operation of the lottery as the director may consider 64467  
necessary to carry out this chapter. 64468

(J)(1) As used in this chapter, "statewide joint lottery game" means a lottery game that the commission sells solely within this state under an agreement with other lottery jurisdictions to sell the same lottery game solely within their statewide or other jurisdictional boundaries.

(2) If the governor directs the director to do so, the director shall enter into an agreement with other lottery jurisdictions to conduct statewide joint lottery games. If the governor signs the agreement personally or by means of an authenticating officer pursuant to section 107.15 of the Revised Code, the director then may conduct statewide joint lottery games under the agreement.

(3) The entire net proceeds from any statewide joint lottery games shall be used to fund elementary, secondary, vocational, and special education programs in this state.

(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B)(5) of section 3770.03 of the Revised Code.

(K)(1) The director shall enter into an agreement with the department of ~~alcohol and drug addiction services~~ mental health and addiction services under which the department shall provide a program of gambling addiction services on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement.

(2) As used in this section, "gambling addiction services" has the same meaning as in section ~~3793.01~~ 5119.01 of the Revised Code.

**Sec. 3770.03.** (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted, which includes, and since the original enactment of this section

has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets shall not be construed to in any way limit the authority of the commission to operate video lottery terminal games. Nothing in this chapter shall restrict the authority of the commission to promulgate rules related to the operation of games utilizing video lottery terminals as described in section 3770.21 of the Revised Code. Provided, however, that no tickets shall be sold, offered for sale, or purchased from a licensed lottery sales agent or the commission by telephone or by the use of computer, credit card, debit card, or fascimile services. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated pursuant to section 111.15 of the Revised Code but are not subject to division (D) of that section. Subjects covered in these rules shall include, but need not be limited to, the following:

(1) The type of lottery to be conducted;

(2) The prices of tickets in the lottery;

(3) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets.

(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to, the following:

(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair,

and at any other expositions the director of the commission 64530  
considers acceptable. These rules shall prohibit commission 64531  
personnel or other licensed individuals from soliciting from an 64532  
exposition the right to sell lottery tickets at that exposition, 64533  
but shall allow commission personnel or other licensed individuals 64534  
to sell lottery tickets at an exposition if the exposition 64535  
requests commission personnel or licensed individuals to do so. 64536  
These rules may also address the accessibility of sales agent 64537  
locations to commission products in accordance with the "Americans 64538  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 64539  
et seq. 64540

(2) The manner in which lottery sales revenues are to be 64541  
collected, including authorization for the director to impose 64542  
penalties for failure by lottery sales agents to transfer revenues 64543  
to the commission in a timely manner; 64544

(3) The amount of compensation to be paid licensed lottery 64545  
sales agents; 64546

(4) The substantive criteria for the licensing of lottery 64547  
sales agents consistent with section 3770.05 of the Revised Code, 64548  
and procedures for revoking or suspending their licenses 64549  
consistent with Chapter 119. of the Revised Code. If 64550  
circumstances, such as the nonpayment of funds owed by a lottery 64551  
sales agent, or other circumstances related to the public safety, 64552  
convenience, or trust, require immediate action, the director may 64553  
suspend a license without affording an opportunity for a prior 64554  
hearing under section 119.07 of the Revised Code. 64555

(5) Special game rules to implement any agreements signed by 64556  
the governor that the director enters into with other lottery 64557  
jurisdictions under division (J) of section 3770.02 of the Revised 64558  
Code to conduct statewide joint lottery games. The rules shall 64559  
require that the entire net proceeds of those games that remain, 64560  
after associated operating expenses, prize disbursements, lottery 64561

sales agent bonuses, commissions, and reimbursements, and any 64562  
other expenses necessary to comply with the agreements or the 64563  
rules are deducted from the gross proceeds of those games, be 64564  
transferred to the lottery profits education fund under division 64565  
(B) of section 3770.06 of the Revised Code. 64566

(6) Any other subjects the commission determines are 64567  
necessary for the operation of video lottery terminal games, 64568  
including the establishment of any fees, fines, or payment 64569  
schedules. 64570

(C) Chapter 2915. of the Revised Code does not apply to, 64571  
affect, or prohibit lotteries conducted pursuant to this chapter. 64572

(D) The commission may promulgate rules, in addition to those 64573  
described in divisions (A) and (B) of this section, that establish 64574  
standards governing the display of advertising and celebrity 64575  
images on lottery tickets and on other items that are used in the 64576  
conduct of, or to promote, the statewide lottery and statewide 64577  
joint lottery games. Any revenue derived from the sale of 64578  
advertising displayed on lottery tickets and on those other items 64579  
shall be considered, for purposes of section 3770.06 of the 64580  
Revised Code, to be related proceeds in connection with the 64581  
statewide lottery or gross proceeds from statewide joint lottery 64582  
games, as applicable. 64583

(E)(1) The commission shall meet with the director at least 64584  
once each month and shall convene other meetings at the request of 64585  
the chairperson or any five of the members. No action taken by the 64586  
commission shall be binding unless at least five of the members 64587  
present vote in favor of the action. A written record shall be 64588  
made of the proceedings of each meeting and shall be transmitted 64589  
forthwith to the governor, the president of the senate, the senate 64590  
minority leader, the speaker of the house of representatives, and 64591  
the house minority leader. 64592

(2) The director shall present to the commission a report 64593  
each month, showing the total revenues, prize disbursements, and 64594  
operating expenses of the state lottery for the preceding month. 64595  
As soon as practicable after the end of each fiscal year, the 64596  
commission shall prepare and transmit to the governor and the 64597  
general assembly a report of lottery revenues, prize 64598  
disbursements, and operating expenses for the preceding fiscal 64599  
year and any recommendations for legislation considered necessary 64600  
by the commission. 64601

**Sec. 3770.06.** (A) There is hereby created the state lottery 64602  
gross revenue fund, which shall be in the custody of the treasurer 64603  
of state but shall not be part of the state treasury. All gross 64604  
revenues received from sales of lottery tickets, fines, fees, and 64605  
related proceeds in connection with the statewide lottery and all 64606  
gross proceeds from statewide joint lottery games shall be 64607  
deposited into the fund. The treasurer of state shall invest any 64608  
portion of the fund not needed for immediate use in the same 64609  
manner as, and subject to all provisions of law with respect to 64610  
the investment of, state funds. The treasurer of state shall 64611  
disburse money from the fund on order of the director of the state 64612  
lottery commission or the director's designee. 64613

Except for gross proceeds from statewide joint lottery games, 64614  
all revenues of the state lottery gross revenue fund that are not 64615  
paid to holders of winning lottery tickets, that are not required 64616  
to meet short-term prize liabilities, that are not credited to 64617  
lottery sales agents in the form of bonuses, commissions, or 64618  
reimbursements, that are not paid to financial institutions to 64619  
reimburse those institutions for sales agent nonsufficient funds, 64620  
and that are collected from sales agents for remittance to 64621  
insurers under contract to provide sales agent bonding services 64622  
shall be transferred to the state lottery fund, which is hereby 64623  
created in the state treasury. In addition, all revenues of the 64624

state lottery gross revenue fund that represent the gross proceeds 64625  
from the statewide joint lottery games and that are not paid to 64626  
holders of winning lottery tickets, that are not required to meet 64627  
short-term prize liabilities, that are not credited to lottery 64628  
sales agents in the form of bonuses, commissions, or 64629  
reimbursements, and that are not necessary to cover operating 64630  
expenses associated with those games or to otherwise comply with 64631  
the agreements signed by the governor that the director enters 64632  
into under division (J) of section 3770.02 of the Revised Code or 64633  
the rules the commission adopts under division (B)(5) of section 64634  
3770.03 of the Revised Code shall be transferred to the state 64635  
lottery fund. All investment earnings of the fund shall be 64636  
credited to the fund. Moneys shall be disbursed from the fund 64637  
pursuant to vouchers approved by the director. Total disbursements 64638  
for monetary prize awards to holders of winning lottery tickets in 64639  
connection with the statewide lottery and purchases of goods and 64640  
services awarded as prizes to holders of winning lottery tickets 64641  
shall be of an amount equal to at least fifty per cent of the 64642  
total revenue accruing from the sale of lottery tickets. 64643

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 64644  
there is hereby established in the state treasury the lottery 64645  
profits education fund. Whenever, in the judgment of the director 64646  
of the state lottery commission, the amount to the credit of the 64647  
state lottery fund that does not represent proceeds from statewide 64648  
joint lottery games is in excess of that needed to meet the 64649  
maturing obligations of the commission and as working capital for 64650  
its further operations, the director of the state lottery 64651  
commission shall recommend the amount of the excess to be 64652  
transferred to the lottery profits education fund, and the 64653  
director of budget and management may transfer the excess to the 64654  
lottery profits education fund in connection with the statewide 64655  
lottery. In addition, whenever, in the judgment of the director of 64656  
the state lottery commission, the amount to the credit of the 64657



state lottery fund that represents proceeds from statewide joint 64658  
lottery games equals the entire net proceeds of those games as 64659  
described in division (B)(5) of section 3770.03 of the Revised 64660  
Code and the rules adopted under that division, the director of 64661  
the state lottery commission shall recommend the amount of the 64662  
proceeds to be transferred to the lottery profits education fund, 64663  
and the director of budget and management may transfer those 64664  
proceeds to the lottery profits education fund. Investment 64665  
earnings of the lottery profits education fund shall be credited 64666  
to the fund. 64667

The lottery profits education fund shall be used solely for 64668  
the support of elementary, secondary, vocational, and special 64669  
education programs as determined in appropriations made by the 64670  
general assembly, or as provided in applicable bond proceedings 64671  
for the payment of debt service on obligations issued to pay costs 64672  
of capital facilities, including those for a system of common 64673  
schools throughout the state pursuant to section 2n of Article 64674  
VIII, Ohio Constitution. When determining the availability of 64675  
money in the lottery profits education fund, the director of 64676  
budget and management may consider all balances and estimated 64677  
revenues of the fund. 64678

(C) There is hereby established in the state treasury the 64679  
deferred prizes trust fund. With the approval of the director of 64680  
budget and management, an amount sufficient to fund annuity prizes 64681  
shall be transferred from the state lottery fund and credited to 64682  
the trust fund. The treasurer of state shall credit all earnings 64683  
arising from investments purchased under this division to the 64684  
trust fund. Within sixty days after the end of each fiscal year, 64685  
the treasurer of state shall certify to the director of budget and 64686  
management whether the actuarial amount of the trust fund is 64687  
sufficient over the fund's life for continued funding of all 64688  
remaining deferred prize liabilities as of the last day of the 64689

fiscal year just ended. Also, within that sixty days, the director 64690  
of budget and management shall certify the amount of investment 64691  
earnings necessary to have been credited to the trust fund during 64692  
the fiscal year just ending to provide for such continued funding 64693  
of deferred prizes. Any earnings credited in excess of the latter 64694  
certified amount shall be transferred to the lottery profits 64695  
education fund. 64696

To provide all or a part of the amounts necessary to fund 64697  
deferred prizes awarded by the commission in connection with the 64698  
statewide lottery, the treasurer of state, in consultation with 64699  
the commission, may invest moneys contained in the deferred prizes 64700  
trust fund which represents proceeds from the statewide lottery in 64701  
obligations of the type permitted for the investment of state 64702  
funds but whose maturities are thirty years or less. 64703  
Notwithstanding the requirements of any other section of the 64704  
Revised Code, to provide all or part of the amounts necessary to 64705  
fund deferred prizes awarded by the commission in connection with 64706  
statewide joint lottery games, the treasurer of state, in 64707  
consultation with the commission, may invest moneys in the trust 64708  
fund which represent proceeds derived from the statewide joint 64709  
lottery games in accordance with the rules the commission adopts 64710  
under division (B)(5) of section 3770.03 of the Revised Code. 64711  
Investments of the trust fund are not subject to the provisions of 64712  
division (A)(10) of section 135.143 of the Revised Code limiting 64713  
to twenty-five per cent the amount of the state's total average 64714  
portfolio that may be invested in debt interests and limiting to 64715  
one-half of one per cent the amount that may be invested in debt 64716  
interests of a single issuer. 64717

All purchases made under this division shall be effected on a 64718  
delivery versus payment method and shall be in the custody of the 64719  
treasurer of state. 64720

The treasurer of state may retain an investment advisor, if 64721

necessary. The commission shall pay any costs incurred by the 64722  
treasurer of state in retaining an investment advisor. 64723

(D) The auditor of state shall conduct annual audits of all 64724  
funds and any other audits as the auditor of state or the general 64725  
assembly considers necessary. The auditor of state may examine all 64726  
records, files, and other documents of the commission, and records 64727  
of lottery sales agents that pertain to their activities as 64728  
agents, for purposes of conducting authorized audits. 64729

(E) The state lottery commission shall establish an internal 64730  
audit ~~program~~ plan before the beginning of each fiscal year, 64731  
subject to the approval of the ~~auditor office~~ of state internal 64732  
audit in the office of budget and management. At the end of each 64733  
fiscal year, the commission shall prepare and submit an annual 64734  
report to the ~~auditor office~~ of state internal audit for the 64735  
~~auditor of state's office's~~ review and approval, specifying the 64736  
internal audit work completed by the end of that fiscal year and 64737  
reporting on compliance with the annual internal audit ~~program~~. 64738  
~~The form and content of the report shall be prescribed by the~~ 64739  
~~auditor of state under division (C) of section 117.20 of the~~ 64740  
~~Revised Code~~ plan. 64741

~~(E)~~(F) Whenever, in the judgment of the director of budget 64742  
and management, an amount of net state lottery proceeds is 64743  
necessary to be applied to the payment of debt service on 64744  
obligations, all as defined in sections 151.01 and 151.03 of the 64745  
Revised Code, the director shall transfer that amount directly 64746  
from the state lottery fund or from the lottery profits education 64747  
fund to the bond service fund defined in those sections. The 64748  
provisions of this division are subject to any prior pledges or 64749  
obligation of those amounts to the payment of bond service charges 64750  
as defined in division (C) of section 3318.21 of the Revised Code, 64751  
as referred to in division (B) of this section. 64752

**Sec. 3772.03.** (A) To ensure the integrity of casino gaming, 64753  
the commission shall have authority to complete the functions of 64754  
licensing, regulating, investigating, and penalizing casino 64755  
operators, management companies, holding companies, key employees, 64756  
casino gaming employees, and gaming-related vendors. The 64757  
commission also shall have jurisdiction over all persons 64758  
participating in casino gaming authorized by Section 6(C) of 64759  
Article XV, Ohio Constitution, and this chapter. 64760

(B) All rules adopted by the commission under this chapter 64761  
shall be adopted under procedures established in Chapter 119. of 64762  
the Revised Code. The commission may contract for the services of 64763  
experts and consultants to assist the commission in carrying out 64764  
its duties under this section. 64765

(C) Within six months of September 10, 2010, the commission 64766  
shall adopt initial rules as are necessary for completing the 64767  
functions stated in division (A) of this section and for 64768  
addressing the subjects enumerated in division (D) of this 64769  
section. 64770

(D) The commission shall adopt, and as advisable and 64771  
necessary shall amend or repeal, rules that include all of the 64772  
following: 64773

(1) The prevention of practices detrimental to the public 64774  
interest; 64775

(2) Prescribing the method of applying, and the form of 64776  
application, that an applicant for a license under this chapter 64777  
must follow as otherwise described in this chapter; 64778

(3) Prescribing the information to be furnished by an 64779  
applicant or licensee as described in section 3772.11 of the 64780  
Revised Code; 64781

(4) Describing the certification standards and duties of an 64782

independent testing laboratory certified under section 3772.31 of 64783  
the Revised Code and the relationship between the commission, the 64784  
laboratory, the gaming-related vendor, and the casino operator; 64785

(5) The minimum amount of insurance that must be maintained 64786  
by a casino operator, management company, holding company, or 64787  
gaming-related vendor; 64788

(6) The approval process for ~~a significant~~ any change in 64789  
ownership or transfer of control of a licensee casino operator as 64790  
provided in section 3772.091 of the Revised Code; 64791

(7) The design of gaming supplies, devices, and equipment to 64792  
be distributed by gaming-related vendors; 64793

(8) Identifying the casino gaming that is permitted, 64794  
identifying the gaming supplies, devices, and equipment, that are 64795  
permitted, defining the area in which the permitted casino gaming 64796  
may be conducted, and specifying the method of operation according 64797  
to which the permitted casino gaming is to be conducted as 64798  
provided in section 3772.20 of the Revised Code, and requiring 64799  
gaming devices and equipment to meet the standards of this state; 64800

(9) Tournament play in any casino facility; 64801

(10) Establishing and implementing a voluntary exclusion 64802  
program that provides all of the following: 64803

(a) Except as provided by commission rule, a person who 64804  
participates in the program shall agree to refrain from entering a 64805  
casino facility. 64806

(b) The name of a person participating in the program shall 64807  
be included on a list of persons excluded from all casino 64808  
facilities. 64809

(c) Except as provided by commission rule, no person who 64810  
participates in the program shall petition the commission for 64811  
admittance into a casino facility. 64812

(d) The list of persons participating in the program and the 64813  
personal information of those persons shall be confidential and 64814  
shall only be disseminated by the commission to a casino operator 64815  
and the agents and employees of the casino operator for purposes 64816  
of enforcement and to other entities, upon request of the 64817  
participant and agreement by the commission. 64818

(e) A casino operator shall make all reasonable attempts as 64819  
determined by the commission to cease all direct marketing efforts 64820  
to a person participating in the program. 64821

(f) A casino operator shall not cash the check of a person 64822  
participating in the program or extend credit to the person in any 64823  
manner. However, the program shall not exclude a casino operator 64824  
from seeking the payment of a debt accrued by a person before 64825  
participating in the program. 64826

(g) Any and all locations at which a person may register as a 64827  
participant in the program shall be published. 64828

(11) Requiring the commission to adopt standards regarding 64829  
the marketing materials of a licensed casino operator, including 64830  
allowing the commission to prohibit marketing materials that are 64831  
contrary to the adopted standards; 64832

(12) Requiring that the records, including financial 64833  
statements, of any casino operator, management company, holding 64834  
company, and gaming-related vendor be maintained in the manner 64835  
prescribed by the commission and made available for inspection 64836  
upon demand by the commission, but shall be subject to section 64837  
3772.16 of the Revised Code; 64838

(13) Permitting a licensed casino operator, management 64839  
company, key employee, or casino gaming employee to question a 64840  
person suspected of violating this chapter; 64841

(14) The chips, tokens, tickets, electronic cards, or similar 64842  
objects that may be purchased by means of an agreement under which 64843

credit is extended to a wagerer by a casino operator; 64844

(15) Establishing standards for provisional key employee 64845  
licenses for a person who is required to be licensed as a key 64846  
employee and is in exigent circumstances and standards for 64847  
provisional licenses for casino gaming employees who submit 64848  
complete applications and are compliant under an instant 64849  
background check. A provisional license shall be valid not longer 64850  
than three months. A provisional license may be renewed one time, 64851  
at the commission's discretion, for an additional three months. In 64852  
establishing standards with regard to instant background checks 64853  
the commission shall take notice of criminal records checks as 64854  
they are conducted under section 311.41 of the Revised Code using 64855  
electronic fingerprint reading devices. 64856

(16) Establishing approval procedures for third-party 64857  
engineering or accounting firms, as described in section 3772.09 64858  
of the Revised Code; 64859

(17) Prescribing the manner in which winnings, compensation 64860  
from casino gaming, and gross revenue must be computed and 64861  
reported by a licensee as described in Chapter 5753. of the 64862  
Revised Code; 64863

(18) Prescribing conditions under which a licensee's license 64864  
may be suspended or revoked as described in section 3772.04 of the 64865  
Revised Code; 64866

(19) Prescribing the manner and procedure of all hearings to 64867  
be conducted by the commission or by any hearing examiner; 64868

(20) Prescribing technical standards and requirements that 64869  
are to be met by security and surveillance equipment that is used 64870  
at and standards and requirements to be met by personnel who are 64871  
employed at casino facilities, and standards and requirements for 64872  
the provision of security at and surveillance of casino 64873  
facilities; 64874

- (21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees; 64875  
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- (22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code; 64879  
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- (23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the joint committee on gaming and wagering; 64884  
64885  
64886
- (24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government; 64887  
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- (25) Establishing standards for the repair of casino gaming equipment; 64889  
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- (26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code; 64891  
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- (27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status; 64895  
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- (28) Providing for any other thing necessary and proper for 64905



successful and efficient regulation of casino gaming under this 64906  
chapter. 64907

(E) The commission shall employ and assign gaming agents as 64908  
necessary to assist the commission in carrying out the duties of 64909  
this chapter. In order to maintain employment as a gaming agent, 64910  
the gaming agent shall successfully complete all continuing 64911  
training programs required by the commission and shall not have 64912  
been convicted of or pleaded guilty or no contest to a 64913  
disqualifying offense as defined in section 3772.07 of the Revised 64914  
Code. 64915

(F) The commission, as a law enforcement agency, and its 64916  
gaming agents, as law enforcement officers as defined in section 64917  
2901.01 of the Revised Code, shall have authority with regard to 64918  
the detection and investigation of, the seizure of evidence 64919  
allegedly relating to, and the apprehension and arrest of persons 64920  
allegedly committing gaming offenses, and shall have access to 64921  
casino facilities to carry out the requirements of this chapter. 64922

(G) The commission may eject or exclude or authorize the 64923  
ejection or exclusion of and a gaming agent may eject a person 64924  
from a casino facility for any of the following reasons: 64925

(1) The person's name is on the list of persons voluntarily 64926  
excluding themselves from all casinos in a program established 64927  
according to rules adopted by the commission; 64928

(2) The person violates or conspires to violate this chapter 64929  
or a rule adopted thereunder; or 64930

(3) The commission determines that the person's conduct or 64931  
reputation is such that the person's presence within a casino 64932  
facility may call into question the honesty and integrity of the 64933  
casino gaming operations or interfere with the orderly conduct of 64934  
the casino gaming operations. 64935

(H) A person, other than a person participating in a 64936

voluntary exclusion program, may petition the commission for a public hearing on the person's ejection or exclusion under this chapter.

(I) A casino operator or management company shall have the same authority to eject or exclude a person from the management company's casino facilities as authorized in division (G) of this section. The licensee shall immediately notify the commission of an ejection or exclusion.

(J) The commission shall submit a written annual report with the governor, president and minority leader of the senate, speaker and minority leader of the house of representatives, and joint committee on gaming and wagering before the first day of September each year. The annual report shall include a statement describing the receipts and disbursements of the commission, relevant financial data regarding casino gaming, including gross revenues and disbursements made under this chapter, actions taken by the commission, an update on casino operators', management companies', and holding companies' compulsive and problem gambling plans and the voluntary exclusion program and list, and any additional information that the commission considers useful or that the governor, president or minority leader of the senate, speaker or minority leader of the house of representatives, or joint committee on gaming and wagering requests.

(K) Notwithstanding any law to the contrary, beginning on July 1, 2011, the commission shall assume jurisdiction over and oversee the regulation of skill-based amusement machines as is provided in the law of this state.

**Sec. 3772.062.** (A) The executive director of the commission shall enter into an agreement with the department of ~~alcohol and drug addiction services~~ mental health and addiction services under which the department provides a program of gambling and addiction

services on behalf of the commission. 64968

(B) The executive director of the commission, in conjunction 64969  
with the department of ~~alcohol and drug addiction services~~ mental 64970  
health and addiction services and the state lottery commission, 64971  
shall establish, operate, and publicize an in-state, toll-free 64972  
telephone number Ohio residents may call to obtain basic 64973  
information about problem gambling, the gambling addiction 64974  
services available to problem gamblers, and how a problem gambler 64975  
may obtain help. The telephone number shall be staffed twenty-four 64976  
hours per day, seven days a week, to respond to inquiries and 64977  
provide that information. The costs of establishing, operating, 64978  
and publicizing the telephone number shall be paid for with money 64979  
in the problem casino gambling and addictions fund. 64980

**Sec. 3772.091.** (A) ~~No~~ A casino operator license issued under 64981  
this chapter is transferable, subject to approval by the 64982  
commission. ~~Except as provided in division (B) of this section,~~ 64983  
~~new majority ownership interest or~~ Any such transfer shall require 64984  
the filing of an application for transferring a casino operator 64985  
license and submission of an application fee with the commission 64986  
before the transfer may be approved. 64987

(B) A new majority ownership interest in or change in or 64988  
transfer of control of a licensee casino operator shall require a 64989  
new license commission approval. ~~The commission may reopen a~~ 64990  
~~licensing investigation at any time. A significant~~ Any such 64991  
ownership interest in or change in or transfer of control, ~~as~~ 64992  
~~determined by the commission,~~ shall require the filing of an 64993  
application for a ~~new~~ transferring the casino operator license and 64994  
submission of a ~~license~~ an application fee with the commission 64995  
before ~~any such~~ the ownership interest in or the change in or 64996  
transfer of control ~~is~~ may be approved. ~~A change in or transfer of~~ 64997  
~~control to an immediate family member is not considered a~~ 64998

~~significant change under this section~~ 64999

(C) An application for transferring a casino operator license shall be made under oath on forms prescribed by the commission and shall contain the information required by section 3772.11 of the Revised Code and the rules adopted thereunder. 65000  
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(D) The fee to obtain an application for transferring a casino operator license shall be the same as is required to obtain an application under division (C) of section 3772.17 of the Revised Code. Such an application fee may be increased to the extent that the actual review and investigation costs relating to an applicant exceed the fee set forth in this division. This application fee is nonrefundable and shall be deposited into the casino control commission fund. 65004  
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(E) In the determination of whether to approve the transfer of a casino operator license, the applicant shall prove their suitability for licensure by clear and convincing evidence and the commission shall consider all the factors established in this chapter that pertain to the granting of a casino operator license. 65012  
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(F) The commission may reopen a licensing investigation at any time. 65017  
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~~(B) An initial license shall not be considered transferred, and a new license shall not be required, when an initial licensee that is licensed before June 1, 2013, does or has done both of the following:~~ 65019  
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~~(1) Obtains a majority ownership interest in, or a change in or transfer of control of, another initial licensee for the same casino facility; and~~ 65023  
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~~(2) Was investigated under this chapter as a parent, affiliate, subsidiary, key employee, or partner, or joint venturer with another initial licensee that has held for the same casino facility a majority ownership interest in or control of the~~ 65026  
65027  
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~~initial license when the initial license was issued and when such~~ 65030  
~~an initial licensee obtains a majority ownership interest in or a~~ 65031  
~~change in or transfer of control.~~ 65032

~~(C)(G) As used in this section:~~ 65033

~~(1) "Control", "control" means either of the following:~~ 65034

~~(a)(1) Either:~~ 65035

~~(i)(a) Holding fifty per cent or more of the outstanding~~ 65036  
~~voting securities of a licensee; or~~ 65037

~~(ii)(b) For an unincorporated licensee, having the right to~~ 65038  
~~fifty per cent or more of the profits of the licensee, or having~~ 65039  
~~the right in the event of dissolution to fifty per cent or more of~~ 65040  
~~the assets of the licensee.~~ 65041

~~(b)(2) Having the contractual power presently to designate~~ 65042  
~~fifty per cent or more of the directors of a for-profit or~~ 65043  
~~not-for-profit corporation, or in the case of trusts described in~~ 65044  
~~paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of such~~ 65045  
~~a trust.~~ 65046

~~(2) "Initial license" means the first plenary license issued~~ 65047  
~~to an initial licensee.~~ 65048

~~(3) "Initial licensee" means any of the persons issued an~~ 65049  
~~initial license to conduct or participate in conducting casino~~ 65050  
~~gaming at each casino facility as either a casino operator, a~~ 65051  
~~management company, or a holding company of a casino operator or~~ 65052  
~~management company.~~ 65053

Sec. 3772.092. (A) Except as provided in division (A) of 65054  
section 3772.091 of the Revised Code, no license issued under this 65055  
chapter is transferable. 65056

(B) Except as provided in division (B) of section 3772.091 of 65057  
the Revised Code, a new majority ownership interest in or a change 65058

in or transfer of control of a licensee shall require a new 65059  
license. Any such ownership interest in or change in or transfer 65060  
of control shall require the filing of the applicable application 65061  
for a new license and submission of the applicable application and 65062  
license fees with the commission before the new license may be 65063  
issued. 65064

(C) An application for the applicable new license shall be 65065  
made under oath on forms prescribed by the commission and shall 65066  
contain the information required by this chapter and the rules 65067  
adopted thereunder. 65068

(D) The applicable application and license fees shall be in 65069  
the amounts prescribed in section 3772.17 of the Revised Code and 65070  
the rules adopted thereunder. Such an application fee may be 65071  
increased to the extent that the actual review and investigation 65072  
costs relating to an applicant exceed the fee set forth in this 65073  
division. The application fee is nonrefundable and shall be 65074  
deposited into the casino control commission fund. 65075

(E) In the determination of whether to approve the 65076  
application for a new license, the applicant shall prove their 65077  
suitability for licensure by clear and convincing evidence and the 65078  
commission shall consider all of the factors established in this 65079  
chapter that pertain to the granting of such a license. 65080

(F) The commission may reopen a licensing investigation at 65081  
any time. 65082

(G) As used in this section, "control" has the same meaning 65083  
as in division (G) of section 3772.091 of the Revised Code. 65084

**Sec. 3772.36.** (A) There is hereby created in the state 65085  
treasury the casino control commission enforcement fund. All 65086  
moneys that are derived from any fines, mandatory fines, or 65087  
forfeited bail to which the commission may be entitled under this 65088

chapter and all moneys that are derived from forfeitures of 65089  
property to which the commission may be entitled under this 65090  
chapter or Chapter 2981. of the Revised Code, any other provision 65091  
of the Revised Code, or federal law shall be deposited into the 65092  
fund. Subject to division (B) of this section and divisions (B), 65093  
(C), and (D) of section 2981.13 of the Revised Code, the moneys in 65094  
the fund shall be used solely to subsidize the commission's 65095  
division of enforcement and its efforts to ensure the integrity of 65096  
casino gaming. 65097

(B) Notwithstanding any contrary provision in the Revised 65098  
Code, moneys that are derived from forfeitures of property under 65099  
federal law and that are deposited into the casino control 65100  
commission enforcement fund in accordance with division (A) of 65101  
this section shall be used and accounted for in accordance with 65102  
the applicable federal law, and the commission otherwise shall 65103  
comply with federal law in connection with that money. 65104

**Sec. 3781.112.** (A) As used in this section, "secured 65105  
facility" means any of the following: 65106

(1) A maternity unit, newborn care nursery, or maternity home 65107  
licensed under Chapter 3711. of the Revised Code; 65108

(2) A pediatric intensive care unit subject to rules adopted 65109  
by the director of health pursuant to section 3702.11 of the 65110  
Revised Code; 65111

(3) A children's hospital, as defined in section 3727.01 of 65112  
the Revised Code; 65113

(4) A hospital that is licensed under section ~~5119.20~~ 5119.33 65114  
of the Revised Code to receive mentally ill persons; 65115

(5) The portion of a nursing home licensed under section 65116  
3721.02 of the Revised Code or in accordance with section 3721.09 65117  
of the Revised Code in which specialized care is provided to 65118

residents of the nursing home who have physical or mental 65119  
conditions that require a resident to be restricted in the 65120  
resident's freedom of movement for the health and safety of the 65121  
resident, the staff attending the resident, or the general public. 65122

(B) A secured facility may take reasonable steps in 65123  
accordance with rules the board of building standards adopts under 65124  
division (A) of section 3781.10 of the Revised Code and in 65125  
accordance with the state fire code the fire marshal adopts under 65126  
section 3737.82 of the Revised Code, to deny egress to confine and 65127  
protect patients or residents of the secured facility who are not 65128  
capable of self-preservation. A secured facility that wishes to 65129  
deny egress to those patients or residents may use delayed-egress 65130  
doors and electronically coded doors to deny egress, on the 65131  
condition that those doors are installed and used in accordance 65132  
with rules the board of building standards adopts under division 65133  
(A) of section 3781.10 of the Revised Code and in accordance with 65134  
the state fire code the fire marshal adopts under section 3737.82 65135  
of the Revised Code. A secured facility also may install 65136  
controlled-egress locks, in compliance with rules the board of 65137  
building standards adopts under division (A) of section 3781.10 of 65138  
the Revised Code and in compliance with the state fire code the 65139  
fire marshal adopts under section 3737.82 of the Revised Code, in 65140  
areas of the secured facility where patients or residents who have 65141  
physical or mental conditions that would endanger the patients or 65142  
residents, the staff attending the patients or residents, or the 65143  
general public if those patients or residents are not restricted 65144  
in their freedom of movement. A secured facility that uses 65145  
delayed-egress doors and electronically coded doors, 65146  
controlled-egress locks, or both, shall do both of the following: 65147

(1) Provide continuous, twenty-four-hour custodial care to 65148  
the patients or residents of the facility; 65149

(2) Establish a system to evacuate patients or residents in 65150



the event of fire or other emergency. 65151

**Sec. 3798.01.** As used in this chapter: 65152

(A) "Administrative safeguards," "physical safeguards," and 65153  
"technical safeguards" have the same meanings as in 45 C.F.R. 65154  
164.304. 65155

(B) "Approved health information exchange" means a health 65156  
information exchange that has been approved or reapproved by the 65157  
director of job and family services pursuant to the approval or 65158  
reapproval process, as applicable, the director establishes in 65159  
rules adopted under division (A) of section 3798.15 of the Revised 65160  
Code or that has been certified by the office of the national 65161  
coordinator for health information technology in the United States 65162  
department of health and human services. 65163

(C) "Covered entity," "disclosure," "health care provider," 65164  
"health information," "individually identifiable health 65165  
information," "protected health information," and "use" have the 65166  
same meanings as in 45 C.F.R. 160.103. 65167

(D) "Designated record set" has the same meaning as in 45 65168  
C.F.R. 164.501. 65169

(E) "Direct exchange" means the activity of electronic 65170  
transmission of health information through a direct connection 65171  
between the electronic record systems of health care providers 65172  
without the use of a health information exchange. 65173

(F) "Health care component" and "hybrid entity" have the same 65174  
meanings as in 45 C.F.R. 164.103. 65175

(G) "Health information exchange" means any person or 65176  
governmental entity that provides in this state a technical 65177  
infrastructure to connect computer systems or other electronic 65178  
devices used by covered entities to facilitate the secure 65179  
transmission of health information. "Health information exchange" 65180

excludes health care providers engaged in direct exchange, 65181  
including direct exchange through the use of a health information 65182  
service provider. 65183

(H) "HIPAA privacy rule" means the standards for privacy of 65184  
individually identifiable health information in 45 C.F.R. part 160 65185  
and in 45 C.F.R. part 164, subparts A and E. 65186

(I) "Interoperability" means the capacity of two or more 65187  
information systems to exchange information in an accurate, 65188  
effective, secure, and consistent manner. 65189

(J) "Minor" means an unemancipated person under eighteen 65190  
years of age or a mentally or physically disabled person under 65191  
twenty-one years of age who meets criteria specified in rules 65192  
adopted by the director of job and family services under section 65193  
3798.13 of the Revised Code. 65194

(K) "More stringent" has the same meaning as in 45 C.F.R. 65195  
160.202. 65196

(L) "Office of health transformation" means the office of 65197  
health transformation created by executive order 2011-02K or a 65198  
successor governmental entity responsible for health system 65199  
oversight in this state. 65200

(M) "Personal representative" means a person who has 65201  
authority under applicable law to make decisions related to health 65202  
care on behalf of an adult or emancipated minor, or the parent, 65203  
legal guardian, or other person acting in loco parentis who is 65204  
authorized under law to make health care decisions on behalf of an 65205  
unemancipated minor. "Personal representative" does not include 65206  
the parent or legal guardian of, or another person acting in loco 65207  
parentis to, a minor who consents to the minor's own receipt of 65208  
health care or a minor who makes medical decisions on the minor's 65209  
own behalf pursuant to law, court approval, or because the minor's 65210  
parent, legal guardian, or other person acting in loco parentis 65211

has assented to an agreement of confidentiality between the 65212  
provider and the minor. 65213

(N) "Political subdivision" means a municipal corporation, 65214  
township, county, school district, or other body corporate and 65215  
politic responsible for governmental activities in a geographic 65216  
area smaller than that of the state. 65217

(O) "State agency" means any one or more of the following: 65218

(1) The department of aging; 65219

(2) The department of ~~alcohol and drug addiction services~~ 65220  
mental health and addiction services; 65221

(3) The department of developmental disabilities; 65222

(4) The department of education; 65223

(5) The department of health; 65224

(6) The department of insurance; 65225

(7) The department of job and family services; 65226

(8) The department of ~~mental health~~ medicaid; 65227

(9) The department of rehabilitation and correction; 65228

(10) The department of youth services; 65229

(11) The bureau of workers' compensation; 65230

(12) The rehabilitation services commission; 65231

(13) The office of the attorney general; 65232

(14) A health care licensing board created under Title XLVII 65233  
of the Revised Code that possesses individually identifiable 65234  
health information. 65235

**Sec. 3901.3814.** Sections 3901.38 and 3901.381 to 3901.3813 of 65236  
the Revised Code do not apply to the following: 65237

(A) Policies offering coverage that is regulated under 65238

Chapters 3935. and 3937. of the Revised Code; 65239

(B) An employer's self-insurance plan and any of its 65240  
administrators, as defined in section 3959.01 of the Revised Code, 65241  
to the extent that federal law supersedes, preempts, prohibits, or 65242  
otherwise precludes the application of any provisions of those 65243  
sections to the plan and its administrators; 65244

(C) A third-party payer for coverage provided under the 65245  
medicare advantage program operated under Title XVIII of the 65246  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 65247  
amended; 65248

(D) A third-party payer for coverage provided under the 65249  
medicaid program ~~operated under Title XIX of the "Social Security~~ 65250  
~~Act,"~~ except that if a federal waiver applied for under section 65251  
~~5111.178~~ 5167.25 of the Revised Code is granted or the medicaid 65252  
~~director of job and family services~~ determines that this provision 65253  
can be implemented without a waiver, sections 3901.38 and 3901.381 65254  
to 3901.3813 of the Revised Code apply to claims submitted 65255  
electronically or non-electronically that are made with respect to 65256  
coverage of medicaid recipients by health insuring corporations 65257  
licensed under Chapter 1751. of the Revised Code, instead of the 65258  
prompt payment requirements of 42 C.F.R. 447.46; 65259

(E) A third-party payer for coverage provided under the 65260  
tricare program offered by the United States department of 65261  
defense. 65262

**Sec. 3903.14.** (A) The superintendent of insurance as 65263  
rehabilitator may appoint one or more special deputies, who shall 65264  
have all the powers and responsibilities of the rehabilitator 65265  
granted under this section, and the superintendent may employ such 65266  
clerks and assistants as considered necessary. The compensation of 65267  
the special deputies, clerks, and assistants and all expenses of 65268  
taking possession of the insurer and of conducting the proceedings 65269

shall be fixed by the superintendent, with the approval of the 65270  
court and shall be paid out of the funds or assets of the insurer. 65271  
The persons appointed under this section shall serve at the 65272  
pleasure of the superintendent. In the event that the property of 65273  
the insurer does not contain sufficient cash or liquid assets to 65274  
defray the costs incurred, the superintendent may advance the 65275  
costs so incurred out of any appropriation for the maintenance of 65276  
the department of insurance. Any amounts so advanced for expenses 65277  
of administration shall be repaid to the superintendent for the 65278  
use of the department out of the first available money of the 65279  
insurer. 65280

(B) The rehabilitator may take such action as the 65281  
rehabilitator considers necessary or appropriate to reform and 65282  
revitalize the insurer. The rehabilitator shall have all the 65283  
powers of the directors, officers, and managers, whose authority 65284  
shall be suspended, except as they are redelegated by the 65285  
rehabilitator. The rehabilitator shall have full power to direct 65286  
and manage, to hire and discharge employees subject to any 65287  
contract rights they may have, and to deal with the property and 65288  
business of the insurer. 65289

(C) If it appears to the rehabilitator that there has been 65290  
criminal or tortious conduct, or breach of any contractual or 65291  
fiduciary obligation detrimental to the insurer by any officer, 65292  
manager, agent, director, trustee, broker, employee, or other 65293  
person, the rehabilitator may pursue all appropriate legal 65294  
remedies on behalf of the insurer. 65295

(D) If the rehabilitator determines that reorganization, 65296  
consolidation, conversion, reinsurance, merger, or other 65297  
transformation of the insurer is appropriate, the rehabilitator 65298  
shall prepare a plan to effect such changes. Upon application of 65299  
the rehabilitator for approval of the plan, and after such notice 65300  
and hearings as the court may prescribe, the court may either 65301

approve or disapprove the plan proposed, or may modify it and 65302  
approve it as modified. Any plan approved under this section shall 65303  
be, in the judgment of the court, fair and equitable to all 65304  
parties concerned. If the plan is approved, the rehabilitator 65305  
shall carry out the plan. In the case of a life insurer, the plan 65306  
proposed may include the imposition of liens upon the policies of 65307  
the company, if all rights of shareholders are first relinquished. 65308  
A plan for a life insurer may also propose imposition of a 65309  
moratorium upon loan and cash surrender rights under policies, for 65310  
such period and to such an extent as may be necessary. 65311

(E) In the case of a medicaid health insuring corporation 65312  
that has posted a bond or deposited securities in accordance with 65313  
section 1751.271 of the Revised Code, the plan proposed under 65314  
division (D) of this section may include the use of the proceeds 65315  
of the bond or securities to first pay the claims of contracted 65316  
providers for covered health care services provided to medicaid 65317  
recipients, then next to pay other claimants with any remaining 65318  
funds, consistent with the priorities set forth in sections 65319  
3903.421 and 3903.42 of the Revised Code. 65320

(F) The rehabilitator shall have the power under sections 65321  
3903.26 and 3903.27 of the Revised Code to avoid fraudulent 65322  
transfers. 65323

(G) As used in this section: 65324

(1) "Contracted provider" means a provider with a contract 65325  
with a medicaid health insuring corporation to provide covered 65326  
health care services to medicaid recipients. 65327

(2) "Medicaid recipient" means a person ~~eligible for~~ 65328  
~~assistance under~~ enrolled in the medicaid program ~~operated~~ 65329  
~~pursuant to Chapter 5111. of the Revised Code.~~ 65330

**Sec. 3905.40.** There shall be paid to the superintendent of 65331

|                                                                                                                                                                                                                                                                      |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| insurance the following fees:                                                                                                                                                                                                                                        | 65332 |
| (A) Each insurance company doing business in this state shall pay:                                                                                                                                                                                                   | 65333 |
| (1) For filing a copy of its charter or deed of settlement, two hundred fifty dollars;                                                                                                                                                                               | 65334 |
| (2) For filing each statement, one hundred seventy-five dollars;                                                                                                                                                                                                     | 65335 |
| (3) For each certificate of authority or license, one hundred seventy-five, and for each certified copy thereof, five dollars;                                                                                                                                       | 65336 |
| (4) For each copy of a paper filed in the superintendent's office, twenty cents per page;                                                                                                                                                                            | 65337 |
| (5) For issuing certificates of deposits or certified copies thereof, five dollars for the first certificate or copy and one dollar for each additional certificate or copy;                                                                                         | 65338 |
| (6) For issuing certificates of compliance or certified copies thereof, sixty dollars;                                                                                                                                                                               | 65339 |
| (7) For affixing the seal of office and certifying documents, other than those enumerated herein, two dollars;                                                                                                                                                       | 65340 |
| (8) For each agent appointment and each annual renewal of an agent appointment, <u>not more than</u> twenty dollars;                                                                                                                                                 | 65341 |
| <del>(9) For each termination of an agent appointment, five dollars.</del>                                                                                                                                                                                           | 65342 |
| (B) Each domestic life insurance company doing business in this state shall pay for annual valuation of its policies, one cent on every one thousand dollars of insurance.                                                                                           | 65343 |
| (C) Each applicant for licensure as an insurance agent except applicants for licensure as surety bail bond agents, surplus line brokers, and portable electronics insurance vendors shall pay ten dollars for each line of authority requested. Fees collected under | 65344 |
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|                                                                                                                                                                                                                                                                      | 65360 |

this division shall be credited to the department of insurance 65361  
operating fund created in section 3901.021 of the Revised Code. 65362

(D) Each domestic mutual life insurance company shall pay for 65363  
verifying that any amendment to its articles of incorporation was 65364  
regularly adopted, two hundred fifty dollars with each application 65365  
for verification. Any such amendment shall be considered to have 65366  
been regularly adopted when approved by the affirmative vote of 65367  
two-thirds of the policyholders present in person or by proxy at 65368  
any annual meeting of policyholders or at a special meeting of 65369  
policyholders called for that purpose. 65370

(E) Each insurance agent doing business in this state shall 65371  
pay a biennial license renewal fee of twenty-five dollars, except 65372  
the following insurance agents are not required to pay that 65373  
license renewal fee: 65374

(1) Individual resident agents who have met their continuing 65375  
education requirements under section 3905.481 of the Revised Code; 65376

(2) Surety bail bond agents; 65377

(3) Surplus line brokers; 65378

(4) Portable electronics insurance vendors. 65379

(F) Each applicant for licensure as a portable electronics 65380  
insurance vendor with a portable electronics insurance limited 65381  
lines license and each licensed vendor doing business in this 65382  
state shall pay the following fees prescribed by the 65383  
superintendent: 65384

(1) For vendors engaged in portable electronic transactions 65385  
at more than ten locations in this state, an application fee not 65386  
to exceed five thousand dollars for an initial license and a 65387  
biennial license renewal fee not to exceed two thousand five 65388  
hundred dollars for each renewal thereafter; 65389

(2) For vendors engaged in portable electronic transactions 65390



at ten or fewer locations in this state, an application fee not to exceed three thousand dollars for an initial license and a biennial license renewal fee not to exceed one thousand dollars for each renewal thereafter.

(G) All fees collected by the superintendent under this section except any fees collected under divisions (A)(2), (3), and (6) of this section shall be credited to the department of insurance operating fund created under section 3901.021 of the Revised Code.

**Sec. 3905.483.** (A) There is hereby created the insurance agent education advisory council to advise the superintendent of insurance in carrying out the duties imposed under sections 3905.04 and 3905.481 to 3905.486 of the Revised Code.

(B) The council shall be composed of the superintendent, or the superintendent's designee, and twelve members appointed by the superintendent, as follows:

(1) One representative of the association of Ohio life insurance companies;

(2) One representative of the independent insurance agents of Ohio;

(3) One representative of the Ohio association of health underwriters;

(4) One representative of the national association of insurance and financial advisors-Ohio;

(5) One representative of the Ohio insurance institute;

(6) One representative of the professional insurance agents association of Ohio;

(7) One representative of the Ohio land title association;

(8) Two insurance agents each of whom has been licensed

continuously during the five-year period immediately preceding the agent's appointment; 65420  
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(9) One representative of an insurance company admitted to transact business in this state; 65422  
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(10) Two representatives of consumers, one of whom shall be at least ~~sixty~~ fifty years of age. 65424  
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(C)(1) Of the initial eleven appointments made by the superintendent, three shall be for terms ending December 31, 1994, four shall be for terms ending December 31, 1995, and four shall be for terms ending December 31, 1996. Thereafter, terms of office shall be for three years, each term ending on the thirty-first day of December of the third year. 65426  
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(2) The initial appointment of the twelfth member made by the superintendent under division (B)(7) of this section, pursuant to Am. Sub. S.B. 129 of the 124th general assembly, shall be for a term ending December 31, 2003. Thereafter, the term of office shall be for three years, ending on the thirty-first day of December of the third year. 65432  
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(D) Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A vacancy shall be filled in the same manner as the original appointment. 65438  
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(E) Initial appointments to the council shall be made no later than thirty days after April 16, 1993. The initial appointment of the twelfth member to the council under division 65448  
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(B)(7) of this section, pursuant to Am. Sub. S.B. 129 of the 124th  
general assembly, shall be made no later than December 31, 2002.

(F) Any member is eligible for reappointment. The  
superintendent, after notice and opportunity for a hearing, may  
remove for cause any member the superintendent appoints.

(G) The superintendent or the superintendent's designee shall  
serve as chairperson of the council. Meetings shall be held upon  
the call of the chairperson and as may be provided by procedures  
adopted by the superintendent. Seven members of the council  
constitute a quorum.

(H) Each member shall receive mileage and necessary and  
actual expenses while engaged in the business of the council.

**Sec. 3905.862.** Upon the expiration or cancellation of a  
surety bail bond agent's appointment, the agent shall not engage  
or attempt to engage in any activity requiring such an  
appointment. However, an insurer that cancels the appointment of a  
surety bail bond agent may authorize the agent to continue to  
attempt the arrest and surrender of a defendant for whom a bail  
bond had been written prior to the cancellation and to seek  
discharge of forfeitures and judgments.

~~An insurer that cancels the appointment of a surety bail bond  
agent or allows that appointment to expire shall pay to the  
superintendent of insurance a fee pursuant to division (A)(9) of  
section 3905.40 of the Revised Code.~~

**Sec. 3916.06.** (A)(1) With each application for a viatical  
settlement, a viatical settlement provider or viatical settlement  
broker shall disclose at least the following to a viator no later  
than the time all parties sign the application for the viatical  
settlement contract:

(a) That there are possible alternatives to viatical

settlement contracts, including any accelerated death benefits  
offered under the viator's policy; 65481  
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(b) That some or all of the proceeds of the viatical  
settlement may be subject to federal income taxation and state  
franchise and income taxation, and that assistance should be  
sought from a professional tax advisor; 65483  
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(c) That the proceeds of the viatical settlement could be  
subject to the claims of creditors; 65487  
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(d) That receipt of the proceeds of the viatical settlement  
may adversely affect the viator's eligibility for ~~medical~~  
~~assistance under Chapter 5111. of the Revised Code~~ the medicaid  
program or other government benefits or entitlements, and that  
advice should be obtained from the appropriate government  
agencies; 65489  
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(e) That the viator has a right to rescind the viatical  
settlement contract for at least fifteen calendar days after the  
viator receives the viatical settlement proceeds, as provided in  
section 3916.08 of the Revised Code. If the insured dies during  
the rescission period, the viatical settlement contract shall be  
deemed to have been rescinded, subject to repayment of all  
viatical settlement proceeds to the viatical settlement company.  
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(f) That funds will be sent to the viator within three  
business days after the viatical settlement provider has received  
written acknowledgment from the insurer or group administrator  
that ownership of the policy or interest in the certificate has  
been transferred and that the beneficiary has been designated  
pursuant to the viatical settlement contract; 65502  
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(g) That entering into a viatical settlement contract may  
cause other rights or benefits, including conversion rights and  
waiver of premium benefits that may exist under the policy, to be  
forfeited by the viator and that assistance should be sought from  
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a financial advisor. 65512

(h) That following execution of the viatical settlement 65513  
contract, the viatical settlement provider or the authorized 65514  
representative of the viatical settlement provider may contact the 65515  
insured for the purpose of determining the insured's health status 65516  
and to confirm the insured's residential or business address and 65517  
telephone number or for other purposes permitted by law. Any such 65518  
contact shall be limited to once in any three-month period if the 65519  
insured has a life expectancy of more than one year or to once per 65520  
month if the insured has a life expectancy of one year or less. 65521

(2) The viatical settlement provider or viatical settlement 65522  
broker shall provide the disclosures under division (A)(1) of this 65523  
section in a separate document that is signed by the viator and 65524  
the viatical settlement provider or viatical settlement broker. 65525

(3) Disclosure to a viator under division (A)(1) of this 65526  
section shall include distribution of a brochure describing the 65527  
process of viatical settlements. The viatical settlement provider 65528  
or viatical settlement broker shall use the NAIC's form for the 65529  
brochure unless another form is developed or approved by the 65530  
superintendent. 65531

(4) The disclosure document under division (A)(1) of this 65532  
section shall contain the following language: 65533

"All medical, financial, or personal information solicited or 65534  
obtained by a viatical settlement provider or viatical settlement 65535  
broker about an insured, including the insured's identity or the 65536  
identity of family members, a spouse, or a significant other may 65537  
be disclosed as necessary to effect the viatical settlement 65538  
between the viator and the viatical settlement provider. If you 65539  
are asked to provide this information, you will be asked to 65540  
consent to the disclosure. The information may be provided to 65541  
someone who buys the policy or provides funds for the purchase. 65542

You may be asked to renew your permission to share information every two years." 65543  
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(B)(1) A viatical settlement provider shall disclose at least the following to a viator prior to the date the viatical settlement contract is signed by all the necessary parties: 65545  
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(a) The affiliation, if any, between the viatical settlement provider and the issuer of the policy to be viaticated; 65548  
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(b) The name, business address, and telephone number of the viatical settlement provider; 65550  
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(c) Regarding a viatical settlement broker, the amount and method of calculating the broker's compensation. As used in this division, "compensation" includes anything of value paid or given to a viatical settlement broker for the placement of a policy or certificate. 65552  
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(d) Any affiliations or contractual arrangements between the viatical settlement provider and the viatical settlement broker; 65557  
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(e) If a policy to be viaticated has been issued as a joint policy or involves family riders or any coverage of a life other than the insured under the policy to be viaticated, the possible loss of coverage on the other lives under the policy and that advice should be sought from the viator's insurance agent or the company issuing the policy; 65559  
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(f) The dollar amount of the current death benefit payable to the viatical settlement provider under the policy, and, if known, the availability of any additional guaranteed insurance benefits, the dollar amount of any accidental death and dismemberment benefits under the policy, and the extent to which the viator's interest in those benefits will be transferred as a result of the viatical settlement contract. 65565  
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(g) That an escrow agent shall provide escrow services to the 65572

parties pursuant to a written agreement, signed by the viatical 65573  
settlement provider, the viatical settlement broker, and the 65574  
viator. At the close of escrow, the escrow agent will distribute 65575  
the proceeds of the sale to the viator, minus any compensation to 65576  
be paid to any other persons who provided services and to whom the 65577  
viator has agreed to compensate out of the gross amount offered by 65578  
the viatical settlement purchaser. All persons receiving any form 65579  
of compensation under the escrow agreement shall be clearly 65580  
identified, including name, business address, telephone number, 65581  
and tax identification number. 65582

(2) The viatical settlement broker shall disclose at least 65583  
the following to a viator prior to the execution of the viatical 65584  
settlement contract: 65585

(a) The name, business address, and telephone number of the 65586  
viatical settlement broker; 65587

(b) A full, complete, and accurate description of all offers, 65588  
counteroffers, acceptances, and rejections relating to the 65589  
proposed viatical settlement contract; 65590

(c) Any affiliations or contractual agreements between the 65591  
viatical settlement broker and any person making an offer in 65592  
connection with the proposed viatical settlement contract; 65593

(d) The amount and method of calculating the viatical 65594  
settlement broker's compensation and, if any portion of the 65595  
viatical settlement broker's compensation is taken from the 65596  
viatical settlement offer, the total amount of the viatical 65597  
settlement offer and the viatical settlement broker's compensation 65598  
as a percentage of that total. As used in this division, 65599  
"compensation" includes anything of value paid or given to a 65600  
viatical settlement broker related to the settlement of a policy. 65601

(3) The viatical settlement provider or viatical settlement 65602  
broker shall conspicuously display the disclosures required under 65603

divisions (B)(1) and (2) of this section in the viatical 65604  
settlement contract or in a separate document signed by the viator 65605  
and the viatical settlement provider or viatical settlement 65606  
broker, as appropriate. 65607

(C) If the viatical settlement provider transfers ownership 65608  
or changes the beneficiary of the policy, the viatical settlement 65609  
provider shall communicate in writing the change in ownership or 65610  
beneficiary to the insured within twenty days after the change. 65611

**Sec. 3923.24.** (A) Notwithstanding section 3901.71 of the 65612  
Revised Code, every certificate furnished by an insurer in 65613  
connection with, or pursuant to any provision of, any group 65614  
sickness and accident insurance policy delivered, issued for 65615  
delivery, renewed, or used in this state on or after January 1, 65616  
1972, every policy of sickness and accident insurance delivered, 65617  
issued for delivery, renewed, or used in this state on or after 65618  
January 1, 1972, and every multiple employer welfare arrangement 65619  
offering an insurance program, which provides that coverage of an 65620  
unmarried dependent child of a parent or legal guardian will 65621  
terminate upon attainment of the limiting age for dependent 65622  
children specified in the contract shall also provide in substance 65623  
both of the following: 65624

(1) Once an unmarried child has attained the limiting age for 65625  
dependent children, as provided in the policy, upon the request of 65626  
the insured, the insurer shall offer to cover the unmarried child 65627  
until the child attains twenty-eight years of age if all of the 65628  
following are true: 65629

(a) The child is the natural child, stepchild, or adopted 65630  
child of the insured. 65631

(b) The child is a resident of this state or a full-time 65632  
student at an accredited public or private institution of higher 65633  
education. 65634



(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage. 65635  
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(d) The child is not eligible for ~~coverage under~~ the medicaid program ~~established under Chapter 5111. of the Revised Code~~ or the medicare program ~~established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.~~ 65638  
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(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following: 65642  
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(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap; 65646  
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(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance. 65648  
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(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually after the two-year period following the child's attainment of the limiting age, the insurer may require proof satisfactory to it of the continuance of such incapacity and dependency. 65650  
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(C) Nothing in this section shall require an insurer to cover a dependent child who is mentally retarded or physically handicapped if the contract is underwritten on evidence of insurability based on health factors set forth in the application, or if such dependent child does not satisfy the conditions of the contract as to any requirement for evidence of insurability or other provision of the contract, satisfaction of which is required for coverage thereunder to take effect. In any such case, the 65658  
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terms of the contract shall apply with regard to the coverage or 65666  
exclusion of the dependent from such coverage. Nothing in this 65667  
section shall apply to accidental death or dismemberment benefits 65668  
provided by any such policy of sickness and accident insurance. 65669

(D) Nothing in this section shall do any of the following: 65670

(1) Require that any policy offer coverage for dependent 65671  
children or provide coverage for an unmarried dependent child's 65672  
children as dependents on the policy; 65673

(2) Require an employer to pay for any part of the premium 65674  
for an unmarried dependent child that has attained the limiting 65675  
age for dependents, as provided in the policy; 65676

(3) Require an employer to offer health insurance coverage to 65677  
the dependents of any employee. 65678

(E) This section does not apply to any policies or 65679  
certificates covering only accident, credit, dental, disability 65680  
income, long-term care, hospital indemnity, medicare supplement, 65681  
specified disease, or vision care; coverage under a 65682  
one-time-limited-duration policy of not longer than six months; 65683  
coverage issued as a supplement to liability insurance; insurance 65684  
arising out of a workers' compensation or similar law; automobile 65685  
medical-payment insurance; or insurance under which benefits are 65686  
payable with or without regard to fault and that is statutorily 65687  
required to be contained in any liability insurance policy or 65688  
equivalent self-insurance. 65689

(F) As used in this section, "health benefit plan" has the 65690  
same meaning as in section 3924.01 of the Revised Code and also 65691  
includes both of the following: 65692

(1) A public employee benefit plan; 65693

(2) A health benefit plan as regulated under the "Employee 65694  
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 65695

**Sec. 3923.241.** (A) Notwithstanding section 3901.71 of the Revised Code, any public employee benefit plan that provides that coverage of an unmarried dependent child will terminate upon attainment of the limiting age for dependent children specified in the plan shall also provide in substance both of the following:

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the plan, upon the request of the employee, the public employee benefit plan shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted child of the employee.

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.

(d) The child is not eligible for ~~coverage under the medicaid program established under Chapter 5111. of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.~~

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;

(b) Primarily dependent upon the plan member for support and maintenance.

(B) Proof of incapacity and dependence for purposes of 65726  
division (A)(2) of this section shall be furnished to the public 65727  
employee benefit plan within thirty-one days of the child's 65728  
attainment of the limiting age. Upon request, but not more 65729  
frequently than annually, the public employee benefit plan may 65730  
require proof satisfactory to it of the continuance of such 65731  
incapacity and dependency. 65732

(C) Nothing in this section shall do any of the following: 65733

(1) Require that any public employee benefit plan offer 65734  
coverage for dependent children or provide coverage for an 65735  
unmarried dependent child's children as dependents on the public 65736  
employee benefit plan; 65737

(2) Require an employer to pay for any part of the premium 65738  
for an unmarried dependent child that has attained the limiting 65739  
age for dependents, as provided in the plan; 65740

(3) Require an employer to offer health insurance coverage to 65741  
the dependents of any employee. 65742

(D) This section does not apply to any public employee 65743  
benefit plan covering only accident, credit, dental, disability 65744  
income, long-term care, hospital indemnity, medicare supplement, 65745  
specified disease, or vision care; coverage under a 65746  
one-time-limited-duration policy of not longer than six months; 65747  
coverage issued as a supplement to liability insurance; insurance 65748  
arising out of a workers' compensation or similar law; automobile 65749  
medical-payment insurance; or insurance under which benefits are 65750  
payable with or without regard to fault and which is statutorily 65751  
required to be contained in any liability insurance policy or 65752  
equivalent self-insurance. 65753

(E) As used in this section, "health benefit plan" has the 65754  
same meaning as in section 3924.01 of the Revised Code and also 65755  
includes both of the following: 65756

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| (1) A public employee benefit plan;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 65757                                                                                                                      |
| (2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 65758<br>65759                                                                                                             |
| <b>Sec. 3923.281.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 65760                                                                                                                      |
| (1) "Biologically based mental illness" means schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, and panic disorder, as these terms are defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 65761<br>65762<br>65763<br>65764<br>65765<br>65766<br>65767                                                                |
| (2) "Policy of sickness and accident insurance" has the same meaning as in section 3923.01 of the Revised Code, but excludes any hospital indemnity, medicare supplement, long-term care, disability income, one-time-limited-duration policy of not longer than six months, supplemental benefit, or other policy that provides coverage for specific diseases or accidents only; any policy that provides coverage for workers' compensation claims compensable pursuant to Chapters 4121. and 4123. of the Revised Code; and any policy that provides coverage to <del>beneficiaries enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance program or medicaid, as provided by the Ohio department of job and family services under Chapter 5111. of the Revised Code recipients.</del> | 65768<br>65769<br>65770<br>65771<br>65772<br>65773<br>65774<br>65775<br>65776<br>65777<br>65778<br>65779<br>65780<br>65781 |
| (B) Notwithstanding section 3901.71 of the Revised Code, and subject to division (E) of this section, every policy of sickness and accident insurance shall provide benefits for the diagnosis and treatment of biologically based mental illnesses on the same terms and conditions as, and shall provide benefits no less extensive than, those provided under the policy of sickness and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 65782<br>65783<br>65784<br>65785<br>65786<br>65787                                                                         |

accident insurance for the treatment and diagnosis of all other 65788  
physical diseases and disorders, if both of the following apply: 65789

(1) The biologically based mental illness is clinically 65790  
diagnosed by a physician authorized under Chapter 4731. of the 65791  
Revised Code to practice medicine and surgery or osteopathic 65792  
medicine and surgery; a psychologist licensed under Chapter 4732. 65793  
of the Revised Code; a professional clinical counselor, 65794  
professional counselor, or independent social worker licensed 65795  
under Chapter 4757. of the Revised Code; or a clinical nurse 65796  
specialist licensed under Chapter 4723. of the Revised Code whose 65797  
nursing specialty is mental health. 65798

(2) The prescribed treatment is not experimental or 65799  
investigational, having proven its clinical effectiveness in 65800  
accordance with generally accepted medical standards. 65801

(C) Division (B) of this section applies to all coverages and 65802  
terms and conditions of the policy of sickness and accident 65803  
insurance, including, but not limited to, coverage of inpatient 65804  
hospital services, outpatient services, and medication; maximum 65805  
lifetime benefits; copayments; and individual and family 65806  
deductibles. 65807

(D) Nothing in this section shall be construed as prohibiting 65808  
a sickness and accident insurance company from taking any of the 65809  
following actions: 65810

(1) Negotiating separately with mental health care providers 65811  
with regard to reimbursement rates and the delivery of health care 65812  
services; 65813

(2) Offering policies that provide benefits solely for the 65814  
diagnosis and treatment of biologically based mental illnesses; 65815

(3) Managing the provision of benefits for the diagnosis or 65816  
treatment of biologically based mental illnesses through the use 65817  
of pre-admission screening, by requiring beneficiaries to obtain 65818

authorization prior to treatment, or through the use of any other 65819  
mechanism designed to limit coverage to that treatment determined 65820  
to be necessary; 65821

(4) Enforcing the terms and conditions of a policy of 65822  
sickness and accident insurance. 65823

(E) An insurer that offers any policy of sickness and 65824  
accident insurance is not required to provide benefits for the 65825  
diagnosis and treatment of biologically based mental illnesses 65826  
pursuant to division (B) of this section if all of the following 65827  
apply: 65828

(1) The insurer submits documentation certified by an 65829  
independent member of the American academy of actuaries to the 65830  
superintendent of insurance showing that incurred claims for 65831  
diagnostic and treatment services for biologically based mental 65832  
illnesses for a period of at least six months independently caused 65833  
the insurer's costs for claims and administrative expenses for the 65834  
coverage of all other physical diseases and disorders to increase 65835  
by more than one per cent per year. 65836

(2) The insurer submits a signed letter from an independent 65837  
member of the American academy of actuaries to the superintendent 65838  
of insurance opining that the increase described in division 65839  
(E)(1) of this section could reasonably justify an increase of 65840  
more than one per cent in the annual premiums or rates charged by 65841  
the insurer for the coverage of all other physical diseases and 65842  
disorders. 65843

(3) The superintendent of insurance makes the following 65844  
determinations from the documentation and opinion submitted 65845  
pursuant to divisions (E)(1) and (2) of this section: 65846

(a) Incurred claims for diagnostic and treatment services for 65847  
biologically based mental illnesses for a period of at least six 65848  
months independently caused the insurer's costs for claims and 65849

administrative expenses for the coverage of all other physical 65850  
diseases and disorders to increase by more than one per cent per 65851  
year. 65852

(b) The increase in costs reasonably justifies an increase of 65853  
more than one per cent in the annual premiums or rates charged by 65854  
the insurer for the coverage of all other physical diseases and 65855  
disorders. 65856

Any determination made by the superintendent under this 65857  
division is subject to Chapter 119. of the Revised Code. 65858

**Sec. 3923.443.** (A)(1) No agent shall sell, solicit, or 65859  
negotiate long-term care insurance on or after September 1, 2008, 65860  
without completing an initial eight-hour partnership program 65861  
training course as described in division (B) of this section. 65862

(2)(a) Any agent that sells, solicits, or negotiates any 65863  
long-term care insurance shall complete at least four hours of 65864  
continuing education in every twenty-four-month period commencing 65865  
on the first day of January of the year immediately following the 65866  
year of the issuance of the agent's license. 65867

(b) No agent shall fail to complete the continuing education 65868  
requirements in division (A)(2)(a) of this section in the 65869  
twenty-four-month period described in that division. 65870

(B) The initial training course and continuing education 65871  
required under division (A) of this section may be approved by the 65872  
superintendent of insurance as continuing education courses under 65873  
sections 3905.481 to 3905.486 of the Revised Code and shall 65874  
consist of combined topics related to long-term care insurance, 65875  
long-term care services, and state long-term care insurance 65876  
partnership programs, including all of the following: 65877

(1) State and federal regulations and requirements and the 65878  
relationship between state long-term care insurance partnership 65879



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                      |
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| programs and other public and private coverage of long-term care services, including medicaid;                                                                                                                                                                                                                                                                                                                                                                                                             | 65880<br>65881                                                       |
| (2) Available long-term care services and providers;                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 65882                                                                |
| (3) Changes or improvements in long-term care services or providers;                                                                                                                                                                                                                                                                                                                                                                                                                                       | 65883<br>65884                                                       |
| (4) Alternatives to the purchase of private long-term care insurance;                                                                                                                                                                                                                                                                                                                                                                                                                                      | 65885<br>65886                                                       |
| (5) The effect of inflation on benefits and the importance of inflation protection;                                                                                                                                                                                                                                                                                                                                                                                                                        | 65887<br>65888                                                       |
| (6) Consumer suitability standards and guidelines;                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 65889                                                                |
| (7) Any other topics required by the superintendent.                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 65890                                                                |
| (C) The initial training and continuing education required by division (A) of this section shall not include training that is specific to a particular insurer or company product or that includes any sales or marketing information, materials, or training other than those required by state or federal law.                                                                                                                                                                                           | 65891<br>65892<br>65893<br>65894<br>65895                            |
| (D) A resident agent shall satisfy the training and continuing education required by division (A) of this section by completing long-term care courses that are approved by the superintendent. A nonresident agent may satisfy the training and continuing education required by division (A) of this section by completing the training requirements in any other state, provided that the course is approved for credit by the insurance department of that state prior to the agent taking the course. | 65896<br>65897<br>65898<br>65899<br>65900<br>65901<br>65902<br>65903 |
| (E) Each insurer shall obtain records of the initial training and continuing education completed by agents of that insurer pursuant to division (A) of this section as well as the training completed by the insurer's agents concerning the distribution of the insurer's partnership program policies and shall make those records available to the superintendent upon request.                                                                                                                         | 65904<br>65905<br>65906<br>65907<br>65908<br>65909                   |

(F) Each insurer shall maintain records with respect to the training of its agents concerning the distribution of the insurer's partnership program policies. Each insurer shall provide documentation to the superintendent that will allow the superintendent to provide assurance to the medicaid director ~~of job and family services~~ that agents have received the training required by this section and that agents have demonstrated an understanding of the partnership program policies and their relationship to public and private coverage of long-term care in this state, including medicaid. The superintendent may audit each insurer's records annually to verify that the insurer is maintaining the records required by this division. The superintendent shall make the records provided to the superintendent pursuant to division (E) of this section available to the director.

**Sec. 3923.49.** The department of insurance shall establish an outreach program to educate consumers about the following:

(A) The need for long-term care insurance;

(B) Mechanisms for financing long-term care;

(C) The availability of long-term care insurance;

(D) The resource protection provided by the Ohio long-term care insurance program under section ~~5111.18~~ 5164.86 of the Revised Code;

(E) That a consumer who purchased a long-term care insurance policy that does not meet the requirements of section 3923.50 of the Revised Code may purchase a policy that meets those requirements.

The department shall develop and make available to consumers information to assist them in choosing long-term care insurance coverage.

**Sec. 3923.50.** For the purposes of the Ohio long-term care insurance program established under section ~~5111.18~~ 5164.86 of the Revised Code, the department of insurance shall notify the department of ~~job and family services~~ medicaid of all long-term care insurance policies that meet all of the following requirements:

(A) Comply with sections 3923.41 to 3923.48 of the Revised Code and the rules adopted under section 3923.47 of the Revised Code;

(B) Provide benefits for home and community-based services in addition to nursing home care;

(C) Include case management services in its coverage of home and community-based services;

(D) Provide five per cent inflation protection compounded annually;

(E) Provide for the keeping of records and explanation-of-benefit reports on insurance payments that count toward resource exclusion for the ~~medical assistance~~ medicaid program;

(F) Provide the information the medicaid director ~~of job and family services~~ determines is necessary to document the extent of resource exclusion and to evaluate the Ohio long-term care insurance program;

(G) Comply with other requirements established in rules adopted under this section.

The superintendent of insurance shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements under division (G) of this section that policies must meet to qualify under the Ohio long-term care insurance program. The superintendent shall consult with the departments of aging and

~~job and family services~~ medicaid in adopting those rules. 65970

**Sec. 3923.601.** (A)(1) This section applies to both of the 65971  
following: 65972

(a) A sickness and accident insurer that issues or requires 65973  
the use of a standardized identification card or an electronic 65974  
technology for submission and routing of prescription drug claims 65975  
pursuant to a policy, contract, or agreement for health care 65976  
services; 65977

(b) A person that a sickness and accident insurer contracts 65978  
with to issue a standardized identification card or an electronic 65979  
technology described in division (A)(1)(a) of this section. 65980

(2) Notwithstanding division (A)(1) of this section, this 65981  
section does not apply to the issuance or required use of a 65982  
standardized identification card or an electronic technology for 65983  
the submission and routing of prescription drug claims in 65984  
connection with any of the following: 65985

(a) Any individual or group policy of sickness and accident 65986  
insurance covering only accident, credit, dental, disability 65987  
income, long-term care, hospital indemnity, medicare supplement, 65988  
medicare, tricare, specified disease, or vision care; coverage 65989  
under a one-time-limited-duration policy of not longer than six 65990  
months; coverage issued as a supplement to liability insurance; 65991  
insurance arising out of workers' compensation or similar law; 65992  
automobile medical payment insurance; or insurance under which 65993  
benefits are payable with or without regard to fault and which is 65994  
statutorily required to be contained in any liability insurance 65995  
policy or equivalent self-insurance. 65996

(b) Coverage provided under the ~~medicaid, as defined in~~ 65997  
~~section 5111.01 of the Revised Code~~ program. 65998

(c) Coverage provided under an employer's self-insurance plan 65999

or by any of its administrators, as defined in section 3959.01 of 66000  
the Revised Code, to the extent that federal law supersedes, 66001  
preempts, prohibits, or otherwise precludes the application of 66002  
this section to the plan and its administrators. 66003

(B) A standardized identification card or an electronic 66004  
technology issued or required to be used as provided in division 66005  
(A)(1) of this section shall contain uniform prescription drug 66006  
information in accordance with either division (B)(1) or (2) of 66007  
this section. 66008

(1) The standardized identification card or the electronic 66009  
technology shall be in a format and contain information fields 66010  
approved by the national council for prescription drug programs or 66011  
a successor organization, as specified in the council's or 66012  
successor organization's pharmacy identification card 66013  
implementation guide in effect on the first day of October most 66014  
immediately preceding the issuance or required use of the 66015  
standardized identification card or the electronic technology. 66016

(2) If the insurer or person under contract with the insurer 66017  
to issue a standardized identification card or an electronic 66018  
technology requires the information for the submission and routing 66019  
of a claim, the standardized identification card or the electronic 66020  
technology shall contain any of the following information: 66021

(a) The insurer's name; 66022

(b) The insured's name, group number, and identification 66023  
number; 66024

(c) A telephone number to inquire about pharmacy-related 66025  
issues; 66026

(d) The issuer's international identification number, labeled 66027  
as "ANSI BIN" or "RxBIN"; 66028

(e) The processor's control number, labeled as "RxPCN"; 66029

(f) The insured's pharmacy benefits group number if different 66030  
from the insured's medical group number, labeled as "RxGrp." 66031

(C) If the standardized identification card or the electronic 66032  
technology issued or required to be used as provided in division 66033  
(A)(1) of this section is also used for submission and routing of 66034  
nonpharmacy claims, the designation "Rx" is required to be 66035  
included as part of the labels identified in divisions (B)(2)(d) 66036  
and (e) of this section if the issuer's international 66037  
identification number or the processor's control number is 66038  
different for medical and pharmacy claims. 66039

(D) Each sickness and accident insurer described in division 66040  
(A) of this section shall annually file a certificate with the 66041  
superintendent of insurance certifying that it or any person it 66042  
contracts with to issue a standardized identification card or 66043  
electronic technology for submission and routing of prescription 66044  
drug claims complies with this section. 66045

(E)(1) Except as provided in division (E)(2) of this section, 66046  
if there is a change in the information contained in the 66047  
standardized identification card or the electronic technology 66048  
issued to an insured, the insurer or person under contract with 66049  
the insurer to issue a standardized identification card or an 66050  
electronic technology shall issue a new card or electronic 66051  
technology to the insured. 66052

(2) An insurer or person under contract with the insurer is 66053  
not required under division (E)(1) of this section to issue a new 66054  
card or electronic technology to an insured more than once during 66055  
a twelve-month period. 66056

(F) Nothing in this section shall be construed as requiring 66057  
an insurer to produce more than one standardized identification 66058  
card or one electronic technology for use by insureds accessing 66059  
health care benefits provided under a policy of sickness and 66060

accident insurance. 66061

**Sec. 3923.83.** (A)(1) This section applies to both of the 66062  
following: 66063

(a) A public employee benefit plan that issues or requires 66064  
the use of a standardized identification card or an electronic 66065  
technology for submission and routing of prescription drug claims 66066  
pursuant to a policy, contract, or agreement for health care 66067  
services; 66068

(b) A person or entity that a public employee benefit plan 66069  
contracts with to issue a standardized identification card or an 66070  
electronic technology described in division (A)(1)(a) of this 66071  
section. 66072

(2) Notwithstanding division (A)(1) of this section, this 66073  
section does not apply to the issuance or required use of a 66074  
standardized identification card or an electronic technology for 66075  
the submission and routing of prescription drug claims in 66076  
connection with either of the following: 66077

(a) Any individual or group policy of insurance covering only 66078  
accident, credit, dental, disability income, long-term care, 66079  
hospital indemnity, medicare supplement, medicare, tricare, 66080  
specified disease, or vision care; coverage under a 66081  
one-time-limited-duration policy of not longer than six months; 66082  
coverage issued as a supplement to liability insurance; insurance 66083  
arising out of workers' compensation or similar law; automobile 66084  
medical payment insurance; or insurance under which benefits are 66085  
payable with or without regard to fault and which is statutorily 66086  
required to be contained in any liability insurance policy or 66087  
equivalent self-insurance. 66088

(b) Coverage provided under the medicaid, ~~as defined in~~ 66089  
~~section 5111.01 of the Revised Code~~ program. 66090

(B) A standardized identification card or an electronic  
technology issued or required to be used as provided in division  
(A)(1) of this section shall contain uniform prescription drug  
information in accordance with either division (B)(1) or (2) of  
this section.

(1) The standardized identification card or the electronic  
technology shall be in a format and contain information fields  
approved by the national council for prescription drug programs or  
a successor organization, as specified in the council's or  
successor organization's pharmacy identification card  
implementation guide in effect on the first day of October most  
immediately preceding the issuance or required use of the  
standardized identification card or the electronic technology.

(2) If the public employee benefit plan or person under  
contract with the plan to issue a standardized identification card  
or an electronic technology requires the information for the  
submission and routing of a claim, the standardized identification  
card or the electronic technology shall contain any of the  
following information:

(a) The plan's name;

(b) The insured's name, group number, and identification  
number;

(c) A telephone number to inquire about pharmacy-related  
issues;

(d) The issuer's international identification number, labeled  
as "ANSI BIN" or "RxBIN";

(e) The processor's control number, labeled as "RxPCN";

(f) The insured's pharmacy benefits group number if different  
from the insured's medical group number, labeled as "RxGrp."

(C) If the standardized identification card or the electronic



technology issued or required to be used as provided in division 66121  
(A)(1) of this section is also used for submission and routing of 66122  
nonpharmacy claims, the designation "Rx" is required to be 66123  
included as part of the labels identified in divisions (B)(2)(d) 66124  
and (e) of this section if the issuer's international 66125  
identification number or the processor's control number is 66126  
different for medical and pharmacy claims. 66127

(D)(1) Except as provided in division (D)(2) of this section, 66128  
if there is a change in the information contained in the 66129  
standardized identification card or the electronic technology 66130  
issued to an insured, the public employee benefit plan or person 66131  
under contract with the plan to issue a standardized 66132  
identification card or electronic technology shall issue a new 66133  
card or electronic technology to the insured. 66134

(2) A public employee benefit plan or person under contract 66135  
with the plan is not required under division (D)(1) of this 66136  
section to issue a new card or electronic technology to an insured 66137  
more than once during a twelve-month period. 66138

~~(F)~~(E) Nothing in this section shall be construed as 66139  
requiring a public employee benefit plan to produce more than one 66140  
standardized identification card or one electronic technology for 66141  
use by insureds accessing health care benefits provided under a 66142  
health benefit plan. 66143

**Sec. 3924.41.** (A) As used in sections 3924.41 and 3924.42 of 66144  
the Revised Code, "health insurer" means any sickness and accident 66145  
insurer or health insuring corporation. "Health insurer" also 66146  
includes any group health plan as defined in section 607 of the 66147  
federal "Employee Retirement Income Security Act of 1974," 88 66148  
Stat. 832, 29 U.S.C.A. 1167. 66149

(B) Notwithstanding any other provision of the Revised Code, 66150  
no health insurer shall take into consideration the availability 66151

of, or eligibility for, ~~medical assistance~~ the medicaid program in 66152  
this state ~~under Chapter 5111. of the Revised Code~~ or in any other 66153  
state ~~pursuant to Title XIX of the "Social Security Act," 49 Stat.~~ 66154  
~~620 (1935), 42 U.S.C.A. 301, as amended,~~ when determining an 66155  
individual's eligibility for coverage or when making payments to 66156  
or on behalf of an enrollee, subscriber, policyholder, or 66157  
certificate holder. 66158

**Sec. 3924.42.** No health insurer shall impose requirements on 66159  
the department of ~~job and family services~~ medicaid, when it has 66160  
been assigned the rights of an individual who is eligible for 66161  
~~medical assistance under Chapter 5111. of the Revised Code~~ 66162  
medicaid and who is covered under a health care policy, contract, 66163  
or plan issued by the health insurer, that are different from the 66164  
requirements applicable to an agent or assignee of any other 66165  
individual so covered. 66166

**Sec. 3963.01.** As used in this chapter: 66167

(A) "Affiliate" means any person or entity that has ownership 66168  
or control of a contracting entity, is owned or controlled by a 66169  
contracting entity, or is under common ownership or control with a 66170  
contracting entity. 66171

(B) "Basic health care services" has the same meaning as in 66172  
division (A) of section 1751.01 of the Revised Code, except that 66173  
it does not include any services listed in that division that are 66174  
provided by a pharmacist or nursing home. 66175

(C) "Contracting entity" means any person that has a primary 66176  
business purpose of contracting with participating providers for 66177  
the delivery of health care services. 66178

(D) "Credentialing" means the process of assessing and 66179  
validating the qualifications of a provider applying to be 66180  
approved by a contracting entity to provide basic health care 66181

services, specialty health care services, or supplemental health care services to enrollees. 66182  
66183

(E) "Edit" means adjusting one or more procedure codes billed by a participating provider on a claim for payment or a practice that results in any of the following: 66184  
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66186

(1) Payment for some, but not all of the procedure codes originally billed by a participating provider; 66187  
66188

(2) Payment for a different procedure code than the procedure code originally billed by a participating provider; 66189  
66190

(3) A reduced payment as a result of services provided to an enrollee that are claimed under more than one procedure code on the same service date. 66191  
66192  
66193

(F) "Electronic claims transport" means to accept and digitize claims or to accept claims already digitized, to place those claims into a format that complies with the electronic transaction standards issued by the United States department of health and human services pursuant to the "Health Insurance Portability and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as those electronic standards are applicable to the parties and as those electronic standards are updated from time to time, and to electronically transmit those claims to the appropriate contracting entity, payer, or third-party administrator. 66194  
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(G) "Enrollee" means any person eligible for health care benefits under a health benefit plan, including an eligible recipient of medicaid ~~under Chapter 5111. of the Revised Code~~, and includes all of the following terms: 66205  
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66207  
66208

(1) "Enrollee" and "subscriber" as defined by section 1751.01 of the Revised Code; 66209  
66210

(2) "Member" as defined by section 1739.01 of the Revised 66211

|                                                                                                                                                                                                                                                                                                                                                                                |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Code;                                                                                                                                                                                                                                                                                                                                                                          | 66212                                              |
| (3) "Insured" and "plan member" pursuant to Chapter 3923. of the Revised Code;                                                                                                                                                                                                                                                                                                 | 66213<br>66214                                     |
| (4) "Beneficiary" as defined by section 3901.38 of the Revised Code.                                                                                                                                                                                                                                                                                                           | 66215<br>66216                                     |
| (H) "Health care contract" means a contract entered into, materially amended, or renewed between a contracting entity and a participating provider for the delivery of basic health care services, specialty health care services, or supplemental health care services to enrollees.                                                                                          | 66217<br>66218<br>66219<br>66220<br>66221          |
| (I) "Health care services" means basic health care services, specialty health care services, and supplemental health care services.                                                                                                                                                                                                                                            | 66222<br>66223<br>66224                            |
| (J) "Material amendment" means an amendment to a health care contract that decreases the participating provider's payment or compensation, changes the administrative procedures in a way that may reasonably be expected to significantly increase the provider's administrative expenses, or adds a new product. A material amendment does not include any of the following: | 66225<br>66226<br>66227<br>66228<br>66229<br>66230 |
| (1) A decrease in payment or compensation resulting solely from a change in a published fee schedule upon which the payment or compensation is based and the date of applicability is clearly identified in the contract;                                                                                                                                                      | 66231<br>66232<br>66233<br>66234                   |
| (2) A decrease in payment or compensation that was anticipated under the terms of the contract, if the amount and date of applicability of the decrease is clearly identified in the contract;                                                                                                                                                                                 | 66235<br>66236<br>66237<br>66238                   |
| (3) An administrative change that may significantly increase the provider's administrative expense, the specific applicability of which is clearly identified in the contract;                                                                                                                                                                                                 | 66239<br>66240<br>66241                            |

(4) Changes to an existing prior authorization, 66242  
precertification, notification, or referral program that do not 66243  
substantially increase the provider's administrative expense; 66244

(5) Changes to an edit program or to specific edits if the 66245  
participating provider is provided notice of the changes pursuant 66246  
to division (A)(1) of section 3963.04 of the Revised Code and the 66247  
notice includes information sufficient for the provider to 66248  
determine the effect of the change; 66249

(6) Changes to a health care contract described in division 66250  
(B) of section 3963.04 of the Revised Code. 66251

(K) "Participating provider" means a provider that has a 66252  
health care contract with a contracting entity and is entitled to 66253  
reimbursement for health care services rendered to an enrollee 66254  
under the health care contract. 66255

(L) "Payer" means any person that assumes the financial risk 66256  
for the payment of claims under a health care contract or the 66257  
reimbursement for health care services provided to enrollees by 66258  
participating providers pursuant to a health care contract. 66259

(M) "Primary enrollee" means a person who is responsible for 66260  
making payments for participation in a health care plan or an 66261  
enrollee whose employment or other status is the basis of 66262  
eligibility for enrollment in a health care plan. 66263

(N) "Procedure codes" includes the American medical 66264  
association's current procedural terminology code, the American 66265  
dental association's current dental terminology, and the centers 66266  
for medicare and medicaid services health care common procedure 66267  
coding system. 66268

(O) "Product" means one of the following types of categories 66269  
of coverage for which a participating provider may be obligated to 66270  
provide health care services pursuant to a health care contract: 66271

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| (1) A health maintenance organization or other product provided by a health insuring corporation;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 66272<br>66273                                                                                                                      |
| (2) A preferred provider organization;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 66274                                                                                                                               |
| (3) Medicare;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 66275                                                                                                                               |
| (4) Medicaid;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 66276                                                                                                                               |
| (5) Workers' compensation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 66277                                                                                                                               |
| (P) "Provider" means a physician, podiatrist, dentist, chiropractor, optometrist, psychologist, physician assistant, advanced practice registered nurse, occupational therapist, massage therapist, physical therapist, professional counselor, professional clinical counselor, hearing aid dealer, orthotist, prosthetist, home health agency, hospice care program, pediatric respite care program, or hospital, or a provider organization or physician-hospital organization that is acting exclusively as an administrator on behalf of a provider to facilitate the provider's participation in health care contracts. "Provider" does not mean a pharmacist, pharmacy, nursing home, or a provider organization or physician-hospital organization that leases the provider organization's or physician-hospital organization's network to a third party or contracts directly with employers or health and welfare funds. | 66278<br>66279<br>66280<br>66281<br>66282<br>66283<br>66284<br>66285<br>66286<br>66287<br>66288<br>66289<br>66290<br>66291<br>66292 |
| (Q) "Specialty health care services" has the same meaning as in section 1751.01 of the Revised Code, except that it does not include any services listed in division (B) of section 1751.01 of the Revised Code that are provided by a pharmacist or a nursing home.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 66293<br>66294<br>66295<br>66296<br>66297                                                                                           |
| (R) "Supplemental health care services" has the same meaning as in division (B) of section 1751.01 of the Revised Code, except that it does not include any services listed in that division that are provided by a pharmacist or nursing home.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 66298<br>66299<br>66300<br>66301                                                                                                    |

**Sec. 3963.04.** (A)(1) If an amendment to a health care 66302  
contract is not a material amendment, the contracting entity shall 66303  
provide the participating provider notice of the amendment at 66304  
least fifteen days prior to the effective date of the amendment. 66305  
The contracting entity shall provide all other notices to the 66306  
participating provider pursuant to the health care contract. 66307

(2) A material amendment to a health care contract shall 66308  
occur only if the contracting entity provides to the participating 66309  
provider the material amendment in writing and notice of the 66310  
material amendment not later than ninety days prior to the 66311  
effective date of the material amendment. The notice shall be 66312  
conspicuously entitled "Notice of Material Amendment to Contract." 66313

(3) If within fifteen days after receiving the material 66314  
amendment and notice described in division (A)(2) of this section, 66315  
the participating provider objects in writing to the material 66316  
amendment, and there is no resolution of the objection, either 66317  
party may terminate the health care contract upon written notice 66318  
of termination provided to the other party not later than sixty 66319  
days prior to the effective date of the material amendment. 66320

(4) If the participating provider does not object to the 66321  
material amendment in the manner described in division (A)(3) of 66322  
this section, the material amendment shall be effective as 66323  
specified in the notice described in division (A)(2) of this 66324  
section. 66325

(B)(1) Division (A) of this section does not apply if the 66326  
delay caused by compliance with that division could result in 66327  
imminent harm to an enrollee, if the material amendment of a 66328  
health care contract is required by state or federal law, rule, or 66329  
regulation, or if the provider affirmatively accepts the material 66330  
amendment in writing and agrees to an earlier effective date than 66331  
otherwise required by division (A)(2) of this section. 66332

(2) This section does not apply under any of the following 66333  
circumstances: 66334

(a) The participating provider's payment or compensation is 66335  
based on the current medicaid or medicare physician fee schedule, 66336  
and the change in payment or compensation results solely from a 66337  
change in that physician fee schedule. 66338

(b) A routine change or update of the health care contract is 66339  
made in response to any addition, deletion, or revision of any 66340  
service code, procedure code, or reporting code, or a pricing 66341  
change is made by any third party source. 66342

For purposes of division (B)(2)(b) of this section: 66343

(i) "Service code, procedure code, or reporting code" means 66344  
the current procedural terminology (CPT), current dental 66345  
terminology (CDT), the healthcare common procedure coding system 66346  
(HCPCS), the international classification of diseases (ICD), or 66347  
the drug topics redbook average wholesale price (AWP). 66348

(ii) "Third party source" means the American medical 66349  
association, American dental association, the centers for medicare 66350  
and medicaid services, the national center for health statistics, 66351  
the department of health and human services office of the 66352  
inspector general, the Ohio department of insurance, or the Ohio 66353  
department of ~~job and family services~~ medicaid. 66354

(C) Notwithstanding divisions (A) and (B) of this section, a 66355  
health care contract may be amended by operation of law as 66356  
required by any applicable state or federal law, rule, or 66357  
regulation. Nothing in this section shall be construed to require 66358  
the renegotiation of a health care contract that is in existence 66359  
before ~~the effective date of this section~~ June 25, 2008, until the 66360  
time that the contract is renewed or materially amended. 66361

**Sec. 4104.33.** There is hereby created the historical boilers 66362



licensing board consisting of seven members, three of whom shall 66363  
be appointed by the governor with the advice and consent of the 66364  
senate. The governor shall make initial appointments to the board 66365  
within ninety days after October 24, 2002. Of the initial members 66366  
appointed by the governor, one shall be for a term ending three 66367  
years after October 24, 2002, one shall be for a term ending four 66368  
years after October 24, 2002, and one shall be for a term ending 66369  
five years after October 24, 2002. Thereafter, terms of office 66370  
shall be for five years, each term ending on the same day of the 66371  
same month of the year as did the term that it succeeds. Of the 66372  
three members the governor appoints, one member shall be an 66373  
employee of the division of boiler inspection in the department of 66374  
commerce; one member shall be an independent mechanical engineer 66375  
who is not involved in selling or inspecting historical boilers; 66376  
and one shall be an active member of an association that 66377  
represents managers of fairs or festivals. 66378

Two members of the board shall be appointed by the president 66379  
of the senate and two members of the board shall be appointed by 66380  
the speaker of the house of representatives. The president and 66381  
speaker shall make initial appointments to the board within ninety 66382  
days after October 24, 2002. Of the initial members appointed by 66383  
the president, one shall be for a term ending four years after 66384  
October 24, 2002 and one shall be for a term ending five years 66385  
after October 24, 2002. Of the initial members appointed by the 66386  
speaker, one shall be for a term ending three years after October 66387  
24, 2002 and one shall be for a term ending five years after 66388  
October 24, 2002. Thereafter, terms of office shall be for five 66389  
years, each term ending on the same day of the same month of the 66390  
year as did the term that it succeeds. Of the four members 66391  
appointed by the president and speaker, each shall own a 66392  
historical boiler and also have at least ten years of experience 66393  
in the operation of historical boilers, and each of these four 66394  
members shall reside in a different region of the state. 66395

Each member shall hold office from the date of the member's 66396  
appointment until the end of the term for which the member was 66397  
appointed. Members may be reappointed. Vacancies shall be filled 66398  
~~in the manner provided for initial appointments by the director of~~ 66399  
commerce, and shall not require the advice and consent of the 66400  
senate. Any member appointed to fill a vacancy occurring prior to 66401  
the expiration date of the term for which the member's predecessor 66402  
was appointed shall hold office as a member for the remainder of 66403  
that term. A member shall continue in office subsequent to the 66404  
expiration date of the member's term until the successor takes 66405  
office or until a period of sixty days has elapsed, whichever 66406  
occurs first. 66407

The members of the board, annually, shall elect, by majority 66408  
vote, a chairperson from among their members. The board shall meet 66409  
at least once annually and at other times at the call of the 66410  
chairperson. Board members shall receive their actual and 66411  
necessary expenses incurred in the discharge of their duties as 66412  
board members. 66413

The superintendent of industrial compliance shall furnish 66414  
office space, staff, and supplies to the board as the 66415  
superintendent determines are necessary for the board to carry out 66416  
its official duties under sections 4104.33 to 4104.37 of the 66417  
Revised Code. 66418

**Sec. 4112.01.** (A) As used in this chapter: 66419

(1) "Person" includes one or more individuals, partnerships, 66420  
associations, organizations, corporations, legal representatives, 66421  
trustees, trustees in bankruptcy, receivers, and other organized 66422  
groups of persons. "Person" also includes, but is not limited to, 66423  
any owner, lessor, assignor, builder, manager, broker, 66424  
salesperson, appraiser, agent, employee, lending institution, and 66425  
the state and all political subdivisions, authorities, agencies, 66426

boards, and commissions of the state. 66427

(2) "Employer" includes the state, any political subdivision 66428  
of the state, any person employing four or more persons within the 66429  
state, and any person acting directly or indirectly in the 66430  
interest of an employer, but shall not include a religious 66431  
corporation, association, educational institution, or society with 66432  
respect to the employment of individuals of a particular religion 66433  
to perform work connected with the carrying on by such 66434  
corporation, association, educational institution, or society. 66435

(3) "Employee" means an individual employed by any employer 66436  
but does not include any individual employed in the domestic 66437  
service of any person. 66438

(4) "Labor organization" includes any organization that 66439  
exists, in whole or in part, for the purpose of collective 66440  
bargaining or of dealing with employers concerning grievances, 66441  
terms or conditions of employment, or other mutual aid or 66442  
protection in relation to employment. 66443

(5) "Employment agency" includes any person regularly 66444  
undertaking, with or without compensation, to procure 66445  
opportunities to work or to procure, recruit, refer, or place 66446  
employees. 66447

(6) "Commission" means the Ohio civil rights commission 66448  
created by section 4112.03 of the Revised Code. 66449

(7) "Discriminate" includes segregate or separate. 66450

(8) "Unlawful discriminatory practice" means any act 66451  
prohibited by section 4112.02, 4112.021, or 4112.022 of the 66452  
Revised Code. 66453

(9) "Place of public accommodation" means any inn, 66454  
restaurant, eating house, barbershop, public conveyance by air, 66455  
land, or water, theater, store, other place for the sale of 66456

merchandise, or any other place of public accommodation or 66457  
amusement of which the accommodations, advantages, facilities, or 66458  
privileges are available to the public. 66459

(10) "Housing accommodations" includes any building or 66460  
structure, or portion of a building or structure, that is used or 66461  
occupied or is intended, arranged, or designed to be used or 66462  
occupied as the home residence, dwelling, dwelling unit, or 66463  
sleeping place of one or more individuals, groups, or families 66464  
whether or not living independently of each other; and any vacant 66465  
land offered for sale or lease. "Housing accommodations" also 66466  
includes any housing accommodations held or offered for sale or 66467  
rent by a real estate broker, salesperson, or agent, by any other 66468  
person pursuant to authorization of the owner, by the owner, or by 66469  
the owner's legal representative. 66470

(11) "Restrictive covenant" means any specification limiting 66471  
the transfer, rental, lease, or other use of any housing 66472  
accommodations because of race, color, religion, sex, military 66473  
status, familial status, national origin, disability, or ancestry, 66474  
or any limitation based upon affiliation with or approval by any 66475  
person, directly or indirectly, employing race, color, religion, 66476  
sex, military status, familial status, national origin, 66477  
disability, or ancestry as a condition of affiliation or approval. 66478

(12) "Burial lot" means any lot for the burial of deceased 66479  
persons within any public burial ground or cemetery, including, 66480  
but not limited to, cemeteries owned and operated by municipal 66481  
corporations, townships, or companies or associations incorporated 66482  
for cemetery purposes. 66483

(13) "Disability" means a physical or mental impairment that 66484  
substantially limits one or more major life activities, including 66485  
the functions of caring for one's self, performing manual tasks, 66486  
walking, seeing, hearing, speaking, breathing, learning, and 66487  
working; a record of a physical or mental impairment; or being 66488

regarded as having a physical or mental impairment. 66489

(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means at least forty years old. 66490  
66491

(15) "Familial status" means either of the following: 66492

(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian; 66493  
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(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age. 66498  
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(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following: 66501  
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(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; 66504  
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(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; 66510  
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(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism. 66513  
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- (b) "Physical or mental impairment" does not include any of the following: 66519  
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- (i) Homosexuality and bisexuality; 66521
- (ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders; 66522  
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- (iii) Compulsive gambling, kleptomania, or pyromania; 66525
- (iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages. 66526  
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- (17) "Dwelling unit" means a single unit of residence for a family of one or more persons. 66529  
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- (18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings. 66531  
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- (19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public. 66537  
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- (20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 66540  
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- (21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability. 66542  
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- (22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code. 66544  
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- (23) "Aggrieved person" includes both of the following: 66547

(a) Any person who claims to have been injured by any 66548  
unlawful discriminatory practice described in division (H) of 66549  
section 4112.02 of the Revised Code; 66550

(b) Any person who believes that the person will be injured 66551  
by, any unlawful discriminatory practice described in division (H) 66552  
of section 4112.02 of the Revised Code that is about to occur. 66553

(B) For the purposes of divisions (A) to (F) of section 66554  
4112.02 of the Revised Code, the terms "because of sex" and "on 66555  
the basis of sex" include, but are not limited to, because of or 66556  
on the basis of pregnancy, any illness arising out of and 66557  
occurring during the course of a pregnancy, childbirth, or related 66558  
medical conditions. Women affected by pregnancy, childbirth, or 66559  
related medical conditions shall be treated the same for all 66560  
employment-related purposes, including receipt of benefits under 66561  
fringe benefit programs, as other persons not so affected but 66562  
similar in their ability or inability to work, and nothing in 66563  
division (B) of section 4111.17 of the Revised Code shall be 66564  
interpreted to permit otherwise. This division shall not be 66565  
construed to require an employer to pay for health insurance 66566  
benefits for abortion, except where the life of the mother would 66567  
be endangered if the fetus were carried to term or except where 66568  
medical complications have arisen from the abortion, provided that 66569  
nothing in this division precludes an employer from providing 66570  
abortion benefits or otherwise affects bargaining agreements in 66571  
regard to abortion. 66572

**Sec. 4112.02.** It shall be an unlawful discriminatory 66573  
practice: 66574

(A) For any employer, because of the race, color, religion, 66575  
sex, military status, national origin, disability, age, or 66576  
ancestry of any person, to discharge without just cause, to refuse 66577  
to hire, or otherwise to discriminate against that person with 66578

respect to hire, tenure, terms, conditions, or privileges of 66579  
employment, or any matter directly or indirectly related to 66580  
employment. 66581

(B) For an employment agency or personnel placement service, 66582  
because of race, color, religion, sex, military status, national 66583  
origin, disability, age, or ancestry, to do any of the following: 66584

(1) Refuse or fail to accept, register, classify properly, or 66585  
refer for employment, or otherwise discriminate against any 66586  
person; 66587

(2) Comply with a request from an employer for referral of 66588  
applicants for employment if the request directly or indirectly 66589  
indicates that the employer fails to comply with the provisions of 66590  
sections 4112.01 to 4112.07 of the Revised Code. 66591

(C) For any labor organization to do any of the following: 66592

(1) Limit or classify its membership on the basis of race, 66593  
color, religion, sex, military status, national origin, 66594  
disability, age, or ancestry; 66595

(2) Discriminate against, limit the employment opportunities 66596  
of, or otherwise adversely affect the employment status, wages, 66597  
hours, or employment conditions of any person as an employee 66598  
because of race, color, religion, sex, military status, national 66599  
origin, disability, age, or ancestry. 66600

(D) For any employer, labor organization, or joint 66601  
labor-management committee controlling apprentice training 66602  
programs to discriminate against any person because of race, 66603  
color, religion, sex, military status, national origin, 66604  
disability, or ancestry in admission to, or employment in, any 66605  
program established to provide apprentice training. 66606

(E) Except where based on a bona fide occupational 66607  
qualification certified in advance by the commission, for any 66608



employer, employment agency, personnel placement service, or labor organization, prior to employment or admission to membership, to do any of the following:

(1) Elicit or attempt to elicit any information concerning the race, color, religion, sex, military status, national origin, disability, age, or ancestry of an applicant for employment or membership;

(2) Make or keep a record of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any applicant for employment or membership;

(3) Use any form of application for employment, or personnel or membership blank, seeking to elicit information regarding race, color, religion, sex, military status, national origin, disability, age, or ancestry; but an employer holding a contract containing a nondiscrimination clause with the government of the United States, or any department or agency of that government, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain that proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes;

(4) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination, based upon race, color, religion, sex, military status, national origin, disability, age, or ancestry;

(5) Announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of that group;

(6) Utilize in the recruitment or hiring of persons any

employment agency, personnel placement service, training school or 66640  
center, labor organization, or any other employee-referring source 66641  
known to discriminate against persons because of their race, 66642  
color, religion, sex, military status, national origin, 66643  
disability, age, or ancestry. 66644

(F) For any person seeking employment to publish or cause to 66645  
be published any advertisement that specifies or in any manner 66646  
indicates that person's race, color, religion, sex, military 66647  
status, national origin, disability, age, or ancestry, or 66648  
expresses a limitation or preference as to the race, color, 66649  
religion, sex, military status, national origin, disability, age, 66650  
or ancestry of any prospective employer. 66651

(G) For any proprietor or any employee, keeper, or manager of 66652  
a place of public accommodation to deny to any person, except for 66653  
reasons applicable alike to all persons regardless of race, color, 66654  
religion, sex, military status, national origin, disability, age, 66655  
or ancestry, the full enjoyment of the accommodations, advantages, 66656  
facilities, or privileges of the place of public accommodation. 66657

(H) For any person to do any of the following: 66658

(1) Refuse to sell, transfer, assign, rent, lease, sublease, 66659  
or finance housing accommodations, refuse to negotiate for the 66660  
sale or rental of housing accommodations, or otherwise deny or 66661  
make unavailable housing accommodations because of race, color, 66662  
religion, sex, military status, familial status, ancestry, 66663  
disability, or national origin; 66664

(2) Represent to any person that housing accommodations are 66665  
not available for inspection, sale, or rental, when in fact they 66666  
are available, because of race, color, religion, sex, military 66667  
status, familial status, ancestry, disability, or national origin; 66668

(3) Discriminate against any person in the making or 66669  
purchasing of loans or the provision of other financial assistance 66670

for the acquisition, construction, rehabilitation, repair, or 66671  
maintenance of housing accommodations, or any person in the making 66672  
or purchasing of loans or the provision of other financial 66673  
assistance that is secured by residential real estate, because of 66674  
race, color, religion, sex, military status, familial status, 66675  
ancestry, disability, or national origin or because of the racial 66676  
composition of the neighborhood in which the housing 66677  
accommodations are located, provided that the person, whether an 66678  
individual, corporation, or association of any type, lends money 66679  
as one of the principal aspects or incident to the person's 66680  
principal business and not only as a part of the purchase price of 66681  
an owner-occupied residence the person is selling nor merely 66682  
casually or occasionally to a relative or friend; 66683

(4) Discriminate against any person in the terms or 66684  
conditions of selling, transferring, assigning, renting, leasing, 66685  
or subleasing any housing accommodations or in furnishing 66686  
facilities, services, or privileges in connection with the 66687  
ownership, occupancy, or use of any housing accommodations, 66688  
including the sale of fire, extended coverage, or homeowners 66689  
insurance, because of race, color, religion, sex, military status, 66690  
familial status, ancestry, disability, or national origin or 66691  
because of the racial composition of the neighborhood in which the 66692  
housing accommodations are located; 66693

(5) Discriminate against any person in the terms or 66694  
conditions of any loan of money, whether or not secured by 66695  
mortgage or otherwise, for the acquisition, construction, 66696  
rehabilitation, repair, or maintenance of housing accommodations 66697  
because of race, color, religion, sex, military status, familial 66698  
status, ancestry, disability, or national origin or because of the 66699  
racial composition of the neighborhood in which the housing 66700  
accommodations are located; 66701

(6) Refuse to consider without prejudice the combined income 66702

of both husband and wife for the purpose of extending mortgage 66703  
credit to a married couple or either member of a married couple; 66704

(7) Print, publish, or circulate any statement or 66705  
advertisement, or make or cause to be made any statement or 66706  
advertisement, relating to the sale, transfer, assignment, rental, 66707  
lease, sublease, or acquisition of any housing accommodations, or 66708  
relating to the loan of money, whether or not secured by mortgage 66709  
or otherwise, for the acquisition, construction, rehabilitation, 66710  
repair, or maintenance of housing accommodations, that indicates 66711  
any preference, limitation, specification, or discrimination based 66712  
upon race, color, religion, sex, military status, familial status, 66713  
ancestry, disability, or national origin, or an intention to make 66714  
any such preference, limitation, specification, or discrimination; 66715

(8) Except as otherwise provided in division (H)(8) or (17) 66716  
of this section, make any inquiry, elicit any information, make or 66717  
keep any record, or use any form of application containing 66718  
questions or entries concerning race, color, religion, sex, 66719  
military status, familial status, ancestry, disability, or 66720  
national origin in connection with the sale or lease of any 66721  
housing accommodations or the loan of any money, whether or not 66722  
secured by mortgage or otherwise, for the acquisition, 66723  
construction, rehabilitation, repair, or maintenance of housing 66724  
accommodations. Any person may make inquiries, and make and keep 66725  
records, concerning race, color, religion, sex, military status, 66726  
familial status, ancestry, disability, or national origin for the 66727  
purpose of monitoring compliance with this chapter. 66728

(9) Include in any transfer, rental, or lease of housing 66729  
accommodations any restrictive covenant, or honor or exercise, or 66730  
attempt to honor or exercise, any restrictive covenant; 66731

(10) Induce or solicit, or attempt to induce or solicit, a 66732  
housing accommodations listing, sale, or transaction by 66733  
representing that a change has occurred or may occur with respect 66734

to the racial, religious, sexual, military status, familial 66735  
status, or ethnic composition of the block, neighborhood, or other 66736  
area in which the housing accommodations are located, or induce or 66737  
solicit, or attempt to induce or solicit, a housing accommodations 66738  
listing, sale, or transaction by representing that the presence or 66739  
anticipated presence of persons of any race, color, religion, sex, 66740  
military status, familial status, ancestry, disability, or 66741  
national origin, in the block, neighborhood, or other area will or 66742  
may have results including, but not limited to, the following: 66743

(a) The lowering of property values; 66744

(b) A change in the racial, religious, sexual, military 66745  
status, familial status, or ethnic composition of the block, 66746  
neighborhood, or other area; 66747

(c) An increase in criminal or antisocial behavior in the 66748  
block, neighborhood, or other area; 66749

(d) A decline in the quality of the schools serving the 66750  
block, neighborhood, or other area. 66751

(11) Deny any person access to or membership or participation 66752  
in any multiple-listing service, real estate brokers' 66753  
organization, or other service, organization, or facility relating 66754  
to the business of selling or renting housing accommodations, or 66755  
discriminate against any person in the terms or conditions of that 66756  
access, membership, or participation, on account of race, color, 66757  
religion, sex, military status, familial status, national origin, 66758  
disability, or ancestry; 66759

(12) Coerce, intimidate, threaten, or interfere with any 66760  
person in the exercise or enjoyment of, or on account of that 66761  
person's having exercised or enjoyed or having aided or encouraged 66762  
any other person in the exercise or enjoyment of, any right 66763  
granted or protected by division (H) of this section; 66764

(13) Discourage or attempt to discourage the purchase by a 66765

prospective purchaser of housing accommodations, by representing 66766  
that any block, neighborhood, or other area has undergone or might 66767  
undergo a change with respect to its religious, racial, sexual, 66768  
military status, familial status, or ethnic composition; 66769

(14) Refuse to sell, transfer, assign, rent, lease, sublease, 66770  
or finance, or otherwise deny or withhold, a burial lot from any 66771  
person because of the race, color, sex, military status, familial 66772  
status, age, ancestry, disability, or national origin of any 66773  
prospective owner or user of the lot; 66774

(15) Discriminate in the sale or rental of, or otherwise make 66775  
unavailable or deny, housing accommodations to any buyer or renter 66776  
because of a disability of any of the following: 66777

(a) The buyer or renter; 66778

(b) A person residing in or intending to reside in the 66779  
housing accommodations after they are sold, rented, or made 66780  
available; 66781

(c) Any individual associated with the person described in 66782  
division (H)(15)(b) of this section. 66783

(16) Discriminate in the terms, conditions, or privileges of 66784  
the sale or rental of housing accommodations to any person or in 66785  
the provision of services or facilities to any person in 66786  
connection with the housing accommodations because of a disability 66787  
of any of the following: 66788

(a) That person; 66789

(b) A person residing in or intending to reside in the 66790  
housing accommodations after they are sold, rented, or made 66791  
available; 66792

(c) Any individual associated with the person described in 66793  
division (H)(16)(b) of this section. 66794

(17) Except as otherwise provided in division (H)(17) of this 66795

section, make an inquiry to determine whether an applicant for the 66796  
sale or rental of housing accommodations, a person residing in or 66797  
intending to reside in the housing accommodations after they are 66798  
sold, rented, or made available, or any individual associated with 66799  
that person has a disability, or make an inquiry to determine the 66800  
nature or severity of a disability of the applicant or such a 66801  
person or individual. The following inquiries may be made of all 66802  
applicants for the sale or rental of housing accommodations, 66803  
regardless of whether they have disabilities: 66804

(a) An inquiry into an applicant's ability to meet the 66805  
requirements of ownership or tenancy; 66806

(b) An inquiry to determine whether an applicant is qualified 66807  
for housing accommodations available only to persons with 66808  
disabilities or persons with a particular type of disability; 66809

(c) An inquiry to determine whether an applicant is qualified 66810  
for a priority available to persons with disabilities or persons 66811  
with a particular type of disability; 66812

(d) An inquiry to determine whether an applicant currently 66813  
uses a controlled substance in violation of section 2925.11 of the 66814  
Revised Code or a substantively comparable municipal ordinance; 66815

(e) An inquiry to determine whether an applicant at any time 66816  
has been convicted of or pleaded guilty to any offense, an element 66817  
of which is the illegal sale, offer to sell, cultivation, 66818  
manufacture, other production, shipment, transportation, delivery, 66819  
or other distribution of a controlled substance. 66820

(18)(a) Refuse to permit, at the expense of a person with a 66821  
disability, reasonable modifications of existing housing 66822  
accommodations that are occupied or to be occupied by the person 66823  
with a disability, if the modifications may be necessary to afford 66824  
the person with a disability full enjoyment of the housing 66825  
accommodations. This division does not preclude a landlord of 66826

housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or more of the following:

(i) Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a workerlike manner and that any required building permits will be obtained prior to the commencement of the proposed modification;

(ii) Agreeing to restore at the end of the tenancy the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if it is reasonable for the landlord to condition permission for the proposed modification upon the agreement;

(iii) Paying into an interest-bearing escrow account that is in the landlord's name, over a reasonable period of time, a reasonable amount of money not to exceed the projected costs at the end of the tenancy of the restoration of the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if the landlord finds the account reasonably necessary to ensure the availability of funds for the restoration work. The interest earned in connection with an escrow account described in this division shall accrue to the benefit of the disabled tenant who makes payments into the account.

(b) A landlord shall not condition permission for a proposed modification upon a disabled tenant's payment of a security deposit that exceeds the customarily required security deposit of all tenants of the particular housing accommodations.

(19) Refuse to make reasonable accommodations in rules,



policies, practices, or services when necessary to afford a person 66858  
with a disability equal opportunity to use and enjoy a dwelling 66859  
unit, including associated public and common use areas; 66860

(20) Fail to comply with the standards and rules adopted 66861  
under division (A) of section 3781.111 of the Revised Code; 66862

(21) Discriminate against any person in the selling, 66863  
brokering, or appraising of real property because of race, color, 66864  
religion, sex, military status, familial status, ancestry, 66865  
disability, or national origin; 66866

(22) Fail to design and construct covered multifamily 66867  
dwellings for first occupancy on or after June 30, 1992, in 66868  
accordance with the following conditions: 66869

(a) The dwellings shall have at least one building entrance 66870  
on an accessible route, unless it is impractical to do so because 66871  
of the terrain or unusual characteristics of the site. 66872

(b) With respect to dwellings that have a building entrance 66873  
on an accessible route, all of the following apply: 66874

(i) The public use areas and common use areas of the 66875  
dwellings shall be readily accessible to and usable by persons 66876  
with a disability. 66877

(ii) All the doors designed to allow passage into and within 66878  
all premises shall be sufficiently wide to allow passage by 66879  
persons with a disability who are in wheelchairs. 66880

(iii) All premises within covered multifamily dwelling units 66881  
shall contain an accessible route into and through the dwelling; 66882  
all light switches, electrical outlets, thermostats, and other 66883  
environmental controls within such units shall be in accessible 66884  
locations; the bathroom walls within such units shall contain 66885  
reinforcements to allow later installation of grab bars; and the 66886  
kitchens and bathrooms within such units shall be designed and 66887

constructed in a manner that enables an individual in a wheelchair 66888  
to maneuver about such rooms. 66889

For purposes of division (H)(22) of this section, "covered 66890  
multifamily dwellings" means buildings consisting of four or more 66891  
units if such buildings have one or more elevators and ground 66892  
floor units in other buildings consisting of four or more units. 66893

(I) For any person to discriminate in any manner against any 66894  
other person because that person has opposed any unlawful 66895  
discriminatory practice defined in this section or because that 66896  
person has made a charge, testified, assisted, or participated in 66897  
any manner in any investigation, proceeding, or hearing under 66898  
sections 4112.01 to 4112.07 of the Revised Code. 66899

(J) For any person to aid, abet, incite, compel, or coerce 66900  
the doing of any act declared by this section to be an unlawful 66901  
discriminatory practice, to obstruct or prevent any person from 66902  
complying with this chapter or any order issued under it, or to 66903  
attempt directly or indirectly to commit any act declared by this 66904  
section to be an unlawful discriminatory practice. 66905

(K)(1) Nothing in division (H) of this section shall bar any 66906  
religious or denominational institution or organization, or any 66907  
nonprofit charitable or educational organization that is operated, 66908  
supervised, or controlled by or in connection with a religious 66909  
organization, from limiting the sale, rental, or occupancy of 66910  
housing accommodations that it owns or operates for other than a 66911  
commercial purpose to persons of the same religion, or from giving 66912  
preference in the sale, rental, or occupancy of such housing 66913  
accommodations to persons of the same religion, unless membership 66914  
in the religion is restricted on account of race, color, or 66915  
national origin. 66916

(2) Nothing in division (H) of this section shall bar any 66917  
bona fide private or fraternal organization that, incidental to 66918

its primary purpose, owns or operates lodgings for other than a 66919  
commercial purpose, from limiting the rental or occupancy of the 66920  
lodgings to its members or from giving preference to its members. 66921

(3) Nothing in division (H) of this section limits the 66922  
applicability of any reasonable local, state, or federal 66923  
restrictions regarding the maximum number of occupants permitted 66924  
to occupy housing accommodations. Nothing in that division 66925  
prohibits the owners or managers of housing accommodations from 66926  
implementing reasonable occupancy standards based on the number 66927  
and size of sleeping areas or bedrooms and the overall size of a 66928  
dwelling unit, provided that the standards are not implemented to 66929  
circumvent the purposes of this chapter and are formulated, 66930  
implemented, and interpreted in a manner consistent with this 66931  
chapter and any applicable local, state, or federal restrictions 66932  
regarding the maximum number of occupants permitted to occupy 66933  
housing accommodations. 66934

(4) Nothing in division (H) of this section requires that 66935  
housing accommodations be made available to an individual whose 66936  
tenancy would constitute a direct threat to the health or safety 66937  
of other individuals or whose tenancy would result in substantial 66938  
physical damage to the property of others. 66939

(5) Nothing in division (H) of this section pertaining to 66940  
discrimination on the basis of familial status shall be construed 66941  
to apply to any of the following: 66942

(a) Housing accommodations provided under any state or 66943  
federal program that have been determined under the "Fair Housing 66944  
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 66945  
amended, to be specifically designed and operated to assist 66946  
elderly persons; 66947

(b) Housing accommodations intended for and solely occupied 66948  
by persons who are sixty-two years of age or older; 66949

(c) Housing accommodations intended and operated for 66950  
occupancy by at least one person who is fifty-five years of age or 66951  
older per unit, as determined under the "Fair Housing Amendments 66952  
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 66953

(L) Nothing in divisions (A) to (E) of this section shall be 66954  
construed to require a person with a disability to be employed or 66955  
trained under circumstances that would significantly increase the 66956  
occupational hazards affecting either the person with a 66957  
disability, other employees, the general public, or the facilities 66958  
in which the work is to be performed, or to require the employment 66959  
or training of a person with a disability in a job that requires 66960  
the person with a disability routinely to undertake any task, the 66961  
performance of which is substantially and inherently impaired by 66962  
the person's disability. 66963

(M) Nothing in divisions (H)(1) to (18) of this section shall 66964  
be construed to require any person selling or renting property to 66965  
modify the property in any way or to exercise a higher degree of 66966  
care for a person with a disability, to relieve any person with a 66967  
disability of any obligation generally imposed on all persons 66968  
regardless of disability in a written lease, rental agreement, or 66969  
contract of purchase or sale, or to forbid distinctions based on 66970  
the inability to fulfill the terms and conditions, including 66971  
financial obligations, of the lease, agreement, or contract. 66972

(N) An aggrieved individual may enforce the individual's 66973  
rights relative to discrimination on the basis of age as provided 66974  
for in this section by instituting a civil action, within one 66975  
hundred eighty days after the alleged unlawful discriminatory 66976  
practice occurred, in any court with jurisdiction for any legal or 66977  
equitable relief that will effectuate the individual's rights. 66978

A person who files a civil action under this division is 66979  
barred, with respect to the practices complained of, from 66980  
instituting a civil action under section 4112.14 of the Revised 66981

Code and from filing a charge with the commission under section 66982  
4112.05 of the Revised Code. 66983

(O) With regard to age, it shall not be an unlawful 66984  
discriminatory practice and it shall not constitute a violation of 66985  
division (A) of section 4112.14 of the Revised Code for any 66986  
employer, employment agency, joint labor-management committee 66987  
controlling apprenticeship training programs, or labor 66988  
organization to do any of the following: 66989

(1) Establish bona fide employment qualifications reasonably 66990  
related to the particular business or occupation that may include 66991  
standards for skill, aptitude, physical capability, intelligence, 66992  
education, maturation, and experience; 66993

(2) Observe the terms of a bona fide seniority system or any 66994  
bona fide employee benefit plan, including, but not limited to, a 66995  
retirement, pension, or insurance plan, that is not a subterfuge 66996  
to evade the purposes of this section. However, no such employee 66997  
benefit plan shall excuse the failure to hire any individual, and 66998  
no such seniority system or employee benefit plan shall require or 66999  
permit the involuntary retirement of any individual, because of 67000  
the individual's age except as provided for in the "Age 67001  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 67002  
29 U.S.C.A. 623, as amended by the "Age Discrimination in 67003  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 67004  
623, as amended. 67005

(3) Retire an employee who has attained sixty-five years of 67006  
age who, for the two-year period immediately before retirement, is 67007  
employed in a bona fide executive or a high policymaking position, 67008  
if the employee is entitled to an immediate nonforfeitable annual 67009  
retirement benefit from a pension, profit-sharing, savings, or 67010  
deferred compensation plan, or any combination of those plans, of 67011  
the employer of the employee, which equals, in the aggregate, at 67012  
least forty-four thousand dollars, in accordance with the 67013

conditions of the "Age Discrimination in Employment Act Amendment 67014  
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 67015  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 67016  
3342, 29 U.S.C.A. 631, as amended; 67017

(4) Observe the terms of any bona fide apprenticeship program 67018  
if the program is registered with the Ohio apprenticeship council 67019  
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 67020  
approved by the federal committee on apprenticeship of the United 67021  
States department of labor. 67022

(P) Nothing in this chapter prohibiting age discrimination 67023  
and nothing in division (A) of section 4112.14 of the Revised Code 67024  
shall be construed to prohibit the following: 67025

(1) The designation of uniform age the attainment of which is 67026  
necessary for public employees to receive pension or other 67027  
retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 67028  
or 5505. of the Revised Code; 67029

(2) The mandatory retirement of uniformed patrol officers of 67030  
the state highway patrol as provided in section 5505.16 of the 67031  
Revised Code; 67032

(3) The maximum age requirements for appointment as a patrol 67033  
officer in the state highway patrol established by section 5503.01 67034  
of the Revised Code; 67035

(4) The maximum age requirements established for original 67036  
appointment to a police department or fire department in sections 67037  
124.41 and 124.42 of the Revised Code; 67038

(5) Any maximum age not in conflict with federal law that may 67039  
be established by a municipal charter, municipal ordinance, or 67040  
resolution of a board of township trustees for original 67041  
appointment as a police officer or firefighter; 67042

(6) Any mandatory retirement provision not in conflict with 67043

federal law of a municipal charter, municipal ordinance, or 67044  
resolution of a board of township trustees pertaining to police 67045  
officers and firefighters; 67046

(7) Until January 1, 1994, the mandatory retirement of any 67047  
employee who has attained seventy years of age and who is serving 67048  
under a contract of unlimited tenure, or similar arrangement 67049  
providing for unlimited tenure, at an institution of higher 67050  
education as defined in the "Education Amendments of 1980," 94 67051  
Stat. 1503, 20 U.S.C.A. 1141(a). 67052

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 67053  
section, for purposes of divisions (A) to (E) of this section, a 67054  
disability does not include any physiological disorder or 67055  
condition, mental or psychological disorder, or disease or 67056  
condition caused by an illegal use of any controlled substance by 67057  
an employee, applicant, or other person, if an employer, 67058  
employment agency, personnel placement service, labor 67059  
organization, or joint labor-management committee acts on the 67060  
basis of that illegal use. 67061

(b) Division (Q)(1)(a) of this section does not apply to an 67062  
employee, applicant, or other person who satisfies any of the 67063  
following: 67064

(i) The employee, applicant, or other person has successfully 67065  
completed a supervised drug rehabilitation program and no longer 67066  
is engaging in the illegal use of any controlled substance, or the 67067  
employee, applicant, or other person otherwise successfully has 67068  
been rehabilitated and no longer is engaging in that illegal use. 67069

(ii) The employee, applicant, or other person is 67070  
participating in a supervised drug rehabilitation program and no 67071  
longer is engaging in the illegal use of any controlled substance. 67072

(iii) The employee, applicant, or other person is erroneously 67073  
regarded as engaging in the illegal use of any controlled 67074

substance, but the employee, applicant, or other person is not 67075  
engaging in that illegal use. 67076

(2) Divisions (A) to (E) of this section do not prohibit an 67077  
employer, employment agency, personnel placement service, labor 67078  
organization, or joint labor-management committee from doing any 67079  
of the following: 67080

(a) Adopting or administering reasonable policies or 67081  
procedures, including, but not limited to, testing for the illegal 67082  
use of any controlled substance, that are designed to ensure that 67083  
an individual described in division (Q)(1)(b)(i) or (ii) of this 67084  
section no longer is engaging in the illegal use of any controlled 67085  
substance; 67086

(b) Prohibiting the illegal use of controlled substances and 67087  
the use of alcohol at the workplace by all employees; 67088

(c) Requiring that employees not be under the influence of 67089  
alcohol or not be engaged in the illegal use of any controlled 67090  
substance at the workplace; 67091

(d) Requiring that employees behave in conformance with the 67092  
requirements established under "The Drug-Free Workplace Act of 67093  
1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 67094

(e) Holding an employee who engages in the illegal use of any 67095  
controlled substance or who is an alcoholic to the same 67096  
qualification standards for employment or job performance, and the 67097  
same behavior, to which the employer, employment agency, personnel 67098  
placement service, labor organization, or joint labor-management 67099  
committee holds other employees, even if any unsatisfactory 67100  
performance or behavior is related to an employee's illegal use of 67101  
a controlled substance or alcoholism; 67102

(f) Exercising other authority recognized in the "Americans 67103  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, 67104  
as amended, including, but not limited to, requiring employees to 67105



comply with any applicable federal standards. 67106

(3) For purposes of this chapter, a test to determine the 67107  
illegal use of any controlled substance does not include a medical 67108  
examination. 67109

(4) Division (Q) of this section does not encourage, 67110  
prohibit, or authorize, and shall not be construed as encouraging, 67111  
prohibiting, or authorizing, the conduct of testing for the 67112  
illegal use of any controlled substance by employees, applicants, 67113  
or other persons, or the making of employment decisions based on 67114  
the results of that type of testing. 67115

The unlawful discriminatory practices defined in this section 67116  
do not make it unlawful for a person or an appointing authority 67117  
administering an examination under section 124.23 of the Revised 67118  
Code to obtain information about an applicant's military status 67119  
for the purpose of determining if the applicant is eligible for 67120  
the additional credit that is available under that section. 67121

**Sec. 4112.12.** (A) There is hereby created the commission on 67122  
African-American males, which shall consist of not more than 67123  
twenty-five members as follows: the directors or their designees 67124  
of the departments of health, development, ~~alcohol and drug~~ 67125  
~~addiction services~~ mental health and addiction services, and job 67126  
and family services; the equal employment opportunity officer of 67127  
the department of administrative services or the equal employment 67128  
opportunity officer's designee; the executive director or the 67129  
executive director's designee of the Ohio civil rights commission; 67130  
the executive director or the executive director's designee of the 67131  
division of criminal justice services in the department of public 67132  
safety; the superintendent of public instruction; the chancellor 67133  
or the chancellor's designee of the Ohio board of regents; two 67134  
members of the house of representatives appointed by the speaker 67135  
of the house of representatives each of whom shall be members of 67136

different political parties; and two members of the senate 67137  
appointed by the president of the senate each of whom shall be 67138  
members of different political parties. The members who are 67139  
members of the general assembly shall be nonvoting members. The 67140  
Ohio state university African American and African studies 67141  
community extension center, in consultation with the governor, 67142  
shall appoint four members from the private corporate sector, at 67143  
least four members from the public sector, and two members from 67144  
the nonprofit sector. 67145

(B) Terms of office shall be for three years, except that 67146  
members of the general assembly appointed to the commission shall 67147  
be members only so long as they are members of the general 67148  
assembly. Each term ends on the same day of the same month as did 67149  
the term that it succeeds. Each member shall hold office from the 67150  
date of appointment until the end of the term for which the member 67151  
was appointed. Members may be reappointed. Vacancies shall be 67152  
filled in the manner provided for original appointments. Any 67153  
member appointed to fill a vacancy occurring prior to the 67154  
expiration date of the term for which the member's predecessor was 67155  
appointed shall hold office as a member for the remainder of that 67156  
term. A member shall continue in office subsequent to the 67157  
expiration date of the member's term until the member's successor 67158  
takes office or until a period of sixty days has elapsed, 67159  
whichever occurs first. 67160

The commission annually shall elect a chairperson from among 67161  
its members. 67162

(C) Members of the commission and members of subcommittees 67163  
appointed under division (B) of section 4112.13 of the Revised 67164  
Code shall not be compensated, but shall be reimbursed for their 67165  
necessary and actual expenses incurred in the performance of their 67166  
official duties. 67167

(D) The Ohio state university African American and African 67168

studies community extension center, in consultation with the 67169  
governor, shall appoint an executive director of the commission on 67170  
African-American males, who shall be in the unclassified civil 67171  
service. The executive director shall supervise the commission's 67172  
activities and report to the commission and to the Ohio state 67173  
university African American and African studies community 67174  
extension center on the progress of those activities. The 67175  
executive director shall do all things necessary for the efficient 67176  
and effective implementation of the duties of the commission. 67177

The responsibilities assigned to the executive director do 67178  
not relieve the members of the commission from final 67179  
responsibility for the proper performance of the requirements of 67180  
this division. 67181

(E) The commission on African-American males shall do all of 67182  
the following: 67183

(1) Employ, promote, supervise, and remove all employees, as 67184  
needed, in connection with the performance of its duties under 67185  
this section; 67186

(2) Maintain its office in Columbus; 67187

(3) Acquire facilities, equipment, and supplies necessary to 67188  
house the commission, its employees, and files and records under 67189  
its control, and to discharge any duty imposed upon it by law. The 67190  
expense of these acquisitions shall be audited and paid for in the 67191  
same manner as other state expenses. 67192

(4) Establish the overall policy and management of the 67193  
commission in accordance with this chapter; 67194

(5) Follow all state procurement requirements; 67195

(6) Implement the policies and plans of the Ohio state 67196  
university African American and African studies community 67197  
extension center as those policies and plans are formulated and 67198

adopted by the Ohio state university African American and African studies community extension center; 67199  
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(7) Report to the Ohio state university African American and African studies community extension center on the progress of the commission on African-American males in implementing the policies and plans of the Ohio state university African American and African studies community extension center. 67201  
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(F) The commission on African-American males may: 67206

(1) Hold sessions at any place within the state, except that the commission on African-American males shall meet at least quarterly; 67207  
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(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission on African-American males as necessary to achieve the most efficient performance of its functions. 67210  
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(G) The Ohio state university African American and African studies community extension center shall establish the overall policy and management of the commission on African-American males and shall direct, manage, and oversee the commission. The Ohio state university African American and African studies community extension center shall develop overall policies and plans, and the commission on African-American males shall implement those policies and plans. The commission on African-American males, through its executive director, shall keep the Ohio state university African American and African studies community extension center informed as to the activities of the commission on African-American males in such manner and at such times as the Ohio state university African American and African studies community extension center shall determine. 67214  
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The Ohio state university African American and African studies community extension center may prescribe duties and 67228  
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responsibilities of the commission on African-American males in 67230  
addition to those prescribed in section 4112.13 of the Revised 67231  
Code. 67232

(H) The Ohio state university African American and African 67233  
studies community extension center annually shall contract for a 67234  
report on the status of African Americans in this state. Issues to 67235  
be evaluated in the report shall include the criminal justice 67236  
system, education, employment, health care, and housing, and such 67237  
other issues as the Ohio state university African American and 67238  
African studies community extension center may specify. The report 67239  
shall include policy recommendations relating to the issues 67240  
covered in the report. 67241

**Sec. 4112.31.** The new African immigrants commission shall do 67242  
all of the following: 67243

(A) Gather and disseminate information and conduct hearings, 67244  
conferences, investigations, and special studies on problems and 67245  
programs concerning sub-Saharan African people; 67246

(B) Secure appropriate recognition of the accomplishments and 67247  
contributions of sub-Saharan African people to this state; 67248

(C) Stimulate public awareness of the problems of sub-Saharan 67249  
African people by conducting a program of public education; 67250

(D) Develop, coordinate, and assist other public and private 67251  
organizations that serve sub-Saharan African people, including the 67252  
conducting of training programs for community leadership and 67253  
service project staff; 67254

(E) Advise the governor, general assembly, and state 67255  
departments and agencies of the nature, magnitude, and priorities 67256  
of the problems of sub-Saharan African people; 67257

(F) Advise the governor, general assembly, and state 67258  
departments and agencies on, and assist in the development and 67259

implementation of, comprehensive and coordinated policies, 67260  
programs, and procedures focusing on the special problems and 67261  
needs of sub-Saharan African people, especially in the fields of 67262  
education, employment, energy, health, housing, welfare, and 67263  
recreation; 67264

(G) Propose new programs concerning sub-Saharan African 67265  
people to public and private agencies and evaluate for such 67266  
agencies existing programs or prospective legislation concerning 67267  
sub-Saharan African people; 67268

(H) Review and approve grants to be made from federal, state, 67269  
or private funds that are administered or subcontracted by the 67270  
commission; 67271

(I) Prepare, review, and approve an annual report; 67272

(J) Serve as a clearinghouse to review and comment on all 67273  
proposals to meet the needs of sub-Saharan African people that are 67274  
submitted to it by public and private agencies; 67275

(K) Apply for and accept grants and gifts from governmental 67276  
and private sources to be administered by the commission or 67277  
subcontracted to local agencies; 67278

(L) Monitor and evaluate all programs subcontracted to local 67279  
agencies by the commission; 67280

(M) Endeavor to assure that sub-Saharan African people have 67281  
access to decision-making bodies in all state and local 67282  
governmental departments and agencies; 67283

(N) Establish advisory committees on special subjects as 67284  
needed to facilitate and maximize community participation in the 67285  
operation of the commission; 67286

(O) Establish with state and local governments and private 67287  
business and industry relationships that promote and assure equal 67288  
opportunity for sub-Saharan African people in government, 67289

education, and employment. 67290

(P) Create an interagency council consisting of the following 67291  
persons or their authorized representatives: one member of the 67292  
senate appointed by the president of the senate; one member of the 67293  
house of representatives appointed by the speaker of the house of 67294  
representatives; the directors of administrative services, 67295  
agriculture, education, development services, health, highway 67296  
safety, job and family services, liquor control, ~~mental health~~ 67297  
mental health and addiction services, ~~mental retardation~~ and 67298  
developmental disabilities, natural resources, rehabilitation and 67299  
correction, youth services, transportation, environmental 67300  
protection, and budget and management; the chairperson of the Ohio 67301  
civil rights commission, the administrators of the bureau of 67302  
workers' compensation and the rehabilitation services commission, 67303  
and an additional member of the governor's cabinet appointed by 67304  
the governor. The new African immigrants commission, by rule, may 67305  
designate other state officers or their representatives to be 67306  
members of the council. The director of the commission shall be 67307  
the chairperson of the council. 67308

The interagency council shall provide and coordinate the 67309  
exchange of information relative to the needs of sub-Saharan 67310  
African people and promote the delivery of state services to such 67311  
people. The council shall meet at the call of the chairperson. 67312

Advisory committees shall be composed of persons representing 67313  
community organizations and charitable institutions, public 67314  
officials, and such other persons as the commission determines. 67315

**Sec. 4115.034.** On January 1, 1996, and the first day of 67316  
January of every even-numbered year thereafter, the director of 67317  
commerce shall adjust the threshold levels for which public 67318  
improvement projects are subject to sections 4115.03 to 4115.16 of 67319  
the Revised Code as set forth in divisions (B)(3) and (4) of 67320

section 4115.03 of the Revised Code. The director shall adjust 67321  
those amounts according to the average increase or decrease for 67322  
each of the two years immediately preceding the adjustment as set 67323  
forth in ~~the United States department of commerce, bureau of the~~ 67324  
~~census implicit price deflator for the~~ construction cost index 67325  
published by the engineering news-record or, should that index 67326  
cease to be published, a similar recognized industry index chosen 67327  
by the director, provided that no increase or decrease for any 67328  
year shall exceed three per cent of the threshold level in 67329  
existence at the time of the adjustment. 67330

**Sec. 4115.32.** (A) Subject to section 4115.36 of the Revised 67331  
Code, there is hereby created the state committee for the purchase 67332  
of products and services provided by persons with severe 67333  
disabilities. The committee shall be composed ex officio of the 67334  
following persons, or their designees: 67335

(1) The directors of administrative services, ~~mental health~~ 67336  
mental health and addiction services, developmental disabilities, 67337  
transportation, natural resources, and commerce; 67338

(2) The administrators of the rehabilitation services 67339  
commission and the bureau of workers' compensation; 67340

(3) The secretary of state; 67341

(4) One representative of a purchasing department of a 67342  
political subdivision who is designated by the governor. 67343

The governor shall appoint two representatives of a qualified 67344  
nonprofit agency for persons with severe disabilities, and a 67345  
person with a severe disability to the committee. 67346

(B) Within thirty days after September 29, 1995, the governor 67347  
shall appoint the representatives of a qualified nonprofit agency 67348  
for persons with severe disabilities to the committee for a term 67349  
ending August 31, 1996. Thereafter, terms for such representatives 67350



are for three years, each term ending on the same day of the same 67351  
month of the year as did the term that it succeeds. Each committee 67352  
member shall serve from the date of the member's appointment until 67353  
the end of the term for which the member was appointed. Vacancies 67354  
shall be filled in the same manner provided for original 67355  
appointments. Any member appointed to fill a vacancy occurring 67356  
prior to the expiration date of the term for which the member's 67357  
predecessor was appointed shall serve as a member for the 67358  
remainder of that term. A member shall serve subsequent to the 67359  
expiration of the member's term and shall continue to serve until 67360  
the member's successor takes office. 67361

(C) Members of the committee shall serve without 67362  
compensation. Except as otherwise provided in divisions (C)(1) and 67363  
(2) of this section, members shall be reimbursed for actual and 67364  
necessary expenses, including travel expenses, incurred while away 67365  
from their homes or regular places of business and incurred while 67366  
performing services for the committee. 67367

(1) The members listed in divisions (A)(1) to (3) of this 67368  
section, or their designees, shall not be reimbursed for any 67369  
expenses. 67370

(2) No member of the committee who is entitled to receive 67371  
reimbursement for the performance of services for the committee 67372  
from another agency or entity shall receive reimbursement from the 67373  
committee. 67374

(D) The committee shall elect from among its members a 67375  
chairperson. The committee may request from any agency of the 67376  
state, political subdivision, or instrumentality of the state any 67377  
information necessary to enable it to carry out the intent of 67378  
sections 4115.31 to 4115.35 of the Revised Code. Upon request of 67379  
the committee, the agency, subdivision, or instrumentality shall 67380  
furnish the information to the chairperson of the committee. 67381

(E) The committee shall not later than one hundred eighty 67382  
days following the close of each fiscal year transmit to the 67383  
governor, the general assembly, and each qualified nonprofit 67384  
agency for persons with severe disabilities a report that includes 67385  
the names of the committee members serving during the preceding 67386  
fiscal year, the dates of committee meetings in that year, and any 67387  
recommendations for changes in sections 4115.31 to 4115.35 of the 67388  
Revised Code that the committee determines are necessary. 67389

(F) The director of administrative services shall designate a 67390  
subordinate to act as executive director of the committee and 67391  
shall furnish other staff and clerical assistance, office space, 67392  
and supplies required by the committee. 67393

**Sec. 4117.06.** (A) The state employment relations board shall 67394  
decide in each case the unit appropriate for the purposes of 67395  
collective bargaining. The determination is final and conclusive 67396  
and not appealable to the court. 67397

(B) The board shall determine the appropriateness of each 67398  
bargaining unit and shall consider among other relevant factors: 67399  
the desires of the employees; the community of interest; wages, 67400  
hours, and other working conditions of the public employees; the 67401  
effect of over-fragmentation; the efficiency of operations of the 67402  
public employer; the administrative structure of the public 67403  
employer; and the history of collective bargaining. 67404

(C) The board may determine a unit to be the appropriate unit 67405  
in a particular case, even though some other unit might also be 67406  
appropriate. 67407

(D) In addition, in determining the appropriate unit, the 67408  
board shall not: 67409

(1) Decide that any unit is appropriate if the unit includes 67410  
both professional and nonprofessional employees, unless a majority 67411

of the professional employees and a majority of the 67412  
nonprofessional employees first vote for inclusion in the unit; 67413

(2) Include guards or correction officers at correctional or 67414  
mental institutions, special police officers appointed in 67415  
accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the 67416  
Revised Code, psychiatric attendants employed at mental health 67417  
forensic facilities, youth leaders employed at juvenile correction 67418  
facilities, or any public employee employed as a guard to enforce 67419  
against other employees rules to protect property of the employer 67420  
or to protect the safety of persons on the employer's premises in 67421  
a unit with other employees; 67422

(3) Include members of a police or fire department or members 67423  
of the state highway patrol in a unit with other classifications 67424  
of public employees of the department; 67425

(4) Designate as appropriate a bargaining unit that contains 67426  
more than one institution of higher education; nor shall it within 67427  
any such institution of higher education designate as appropriate 67428  
a unit where such designation would be inconsistent with the 67429  
accreditation standards or interpretations of such standards, 67430  
governing such institution of higher education or any department, 67431  
school, or college thereof. For the purposes of this division, any 67432  
branch or regional campus of a public institution of higher 67433  
education is part of that institution of higher education. 67434

(5) Designate as appropriate a bargaining unit that contains 67435  
employees within the jurisdiction of more than one elected county 67436  
office holder, unless the county-elected office holder and the 67437  
board of county commissioners agree to such other designation; 67438

(6) With respect to members of a police department, designate 67439  
as appropriate a unit that includes rank and file members of the 67440  
department with members who are of the rank of sergeant or above; 67441

(7) Except as otherwise provided by division (A)(3) of 67442

section 3314.10 or division (B) of section 3326.18 of the Revised Code, designate as appropriate a bargaining unit that contains employees from multiple community schools established under Chapter 3314. or multiple science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. For purposes of this division, more than one unit may be designated within a single community school or science, technology, engineering, and mathematics school.

This section shall not be deemed to prohibit multiunit bargaining.

**Sec. 4117.14.** (A) The procedures contained in this section govern the settlement of disputes between an exclusive representative and a public employer concerning the termination or modification of an existing collective bargaining agreement or negotiation of a successor agreement, or the negotiation of an initial collective bargaining agreement.

(B)(1) In those cases where there exists a collective bargaining agreement, any public employer or exclusive representative desiring to terminate, modify, or negotiate a successor collective bargaining agreement shall:

(a) Serve written notice upon the other party of the proposed termination, modification, or successor agreement. The party must serve the notice not less than sixty days prior to the expiration date of the existing agreement or, in the event the existing collective bargaining agreement does not contain an expiration date, not less than sixty days prior to the time it is proposed to make the termination or modifications or to make effective a successor agreement.

(b) Offer to bargain collectively with the other party for the purpose of modifying or terminating any existing agreement or negotiating a successor agreement;

(c) Notify the state employment relations board of the offer 67474  
by serving upon the board a copy of the written notice to the 67475  
other party and a copy of the existing collective bargaining 67476  
agreement. 67477

(2) In the case of initial negotiations between a public 67478  
employer and an exclusive representative, where a collective 67479  
bargaining agreement has not been in effect between the parties, 67480  
any party may serve notice upon the board and the other party 67481  
setting forth the names and addresses of the parties and offering 67482  
to meet, for a period of ninety days, with the other party for the 67483  
purpose of negotiating a collective bargaining agreement. 67484

If the settlement procedures specified in divisions (B), (C), 67485  
and (D) of this section govern the parties, where those procedures 67486  
refer to the expiration of a collective bargaining agreement, it 67487  
means the expiration of the sixty-day period to negotiate a 67488  
collective bargaining agreement referred to in this subdivision, 67489  
or in the case of initial negotiations, it means the ninety-day 67490  
period referred to in this subdivision. 67491

(3) The parties shall continue in full force and effect all 67492  
the terms and conditions of any existing collective bargaining 67493  
agreement, without resort to strike or lock-out, for a period of 67494  
sixty days after the party gives notice or until the expiration 67495  
date of the collective bargaining agreement, whichever occurs 67496  
later, or for a period of ninety days where applicable. 67497

(4) Upon receipt of the notice, the parties shall enter into 67498  
collective bargaining. 67499

(C) In the event the parties are unable to reach an 67500  
agreement, they may submit, at any time prior to forty-five days 67501  
before the expiration date of the collective bargaining agreement, 67502  
the issues in dispute to any mutually agreed upon dispute 67503  
settlement procedure which supersedes the procedures contained in 67504

this section. 67505

(1) The procedures may include: 67506

(a) Conventional arbitration of all unsettled issues; 67507

(b) Arbitration confined to a choice between the last offer  
of each party to the agreement as a single package; 67508  
67509

(c) Arbitration confined to a choice of the last offer of  
each party to the agreement on each issue submitted; 67510  
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(d) The procedures described in division (C)(1)(a), (b), or  
(c) of this section and including among the choices for the  
arbitrator, the recommendations of the fact finder, if there are  
recommendations, either as a single package or on each issue  
submitted; 67512  
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(e) Settlement by a citizens' conciliation council composed  
of three residents within the jurisdiction of the public employer.  
The public employer shall select one member and the exclusive  
representative shall select one member. The two members selected  
shall select the third member who shall chair the council. If the  
two members cannot agree upon a third member within five days  
after their appointments, the board shall appoint the third  
member. Once appointed, the council shall make a final settlement  
of the issues submitted to it pursuant to division (G) of this  
section. 67517  
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(f) Any other dispute settlement procedure mutually agreed to  
by the parties. 67527  
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(2) If, fifty days before the expiration date of the  
collective bargaining agreement, the parties are unable to reach  
an agreement, any party may request the state employment relations  
board to intervene. The request shall set forth the names and  
addresses of the parties, the issues involved, and, if applicable,  
the expiration date of any agreement. 67529  
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The board shall intervene and investigate the dispute to 67535  
determine whether the parties have engaged in collective 67536  
bargaining. 67537

If an impasse exists or forty-five days before the expiration 67538  
date of the collective bargaining agreement if one exists, the 67539  
board shall appoint a mediator to assist the parties in the 67540  
collective bargaining process. 67541

(3) Any time after the appointment of a mediator, either 67542  
party may request the appointment of a fact-finding panel. Within 67543  
fifteen days after receipt of a request for a fact-finding panel, 67544  
the board shall appoint a fact-finding panel of not more than 67545  
three members who have been selected by the parties in accordance 67546  
with rules established by the board, from a list of qualified 67547  
persons maintained by the board. 67548

(a) The fact-finding panel shall, in accordance with rules 67549  
and procedures established by the board that include the 67550  
regulation of costs and expenses of fact-finding, gather facts and 67551  
make recommendations for the resolution of the matter. The board 67552  
shall by its rules require each party to specify in writing the 67553  
unresolved issues and its position on each issue to the 67554  
fact-finding panel. The fact-finding panel shall make final 67555  
recommendations as to all the unresolved issues. 67556

(b) The board may continue mediation, order the parties to 67557  
engage in collective bargaining until the expiration date of the 67558  
agreement, or both. 67559

(4) The following guidelines apply to fact-finding: 67560

(a) The fact-finding panel may establish times and place of 67561  
hearings which shall be, where feasible, in the jurisdiction of 67562  
the state. 67563

(b) The fact-finding panel shall conduct the hearing pursuant 67564  
to rules established by the board. 67565

(c) Upon request of the fact-finding panel, the board shall 67566  
issue subpoenas for hearings conducted by the panel. 67567

(d) The fact-finding panel may administer oaths. 67568

(e) The board shall prescribe guidelines for the fact-finding 67569  
panel to follow in making findings. In making its recommendations, 67570  
the fact-finding panel shall take into consideration the factors 67571  
listed in divisions (G)(7)(a) to (f) of this section. 67572

(f) The fact-finding panel may attempt mediation at any time 67573  
during the fact-finding process. From the time of appointment 67574  
until the fact-finding panel makes a final recommendation, it 67575  
shall not discuss the recommendations for settlement of the 67576  
dispute with parties other than the direct parties to the dispute. 67577

(5) The fact-finding panel, acting by a majority of its 67578  
members, shall transmit its findings of fact and recommendations 67579  
on the unresolved issues to the public employer and employee 67580  
organization involved and to the board no later than fourteen days 67581  
after the appointment of the fact-finding panel, unless the 67582  
parties mutually agree to an extension. The parties shall share 67583  
the cost of the fact-finding panel in a manner agreed to by the 67584  
parties. 67585

(6)(a) Not later than seven days after the findings and 67586  
recommendations are sent, the legislative body, by a three-fifths 67587  
vote of its total membership, and in the case of the public 67588  
employee organization, the membership, by a three-fifths vote of 67589  
the total membership, may reject the recommendations; if neither 67590  
rejects the recommendations, the recommendations shall be deemed 67591  
agreed upon as the final resolution of the issues submitted and a 67592  
collective bargaining agreement shall be executed between the 67593  
parties, including the fact-finding panel's recommendations, 67594  
except as otherwise modified by the parties by mutual agreement. 67595  
If either the legislative body or the public employee organization 67596



rejects the recommendations, the board shall publicize the 67597  
findings of fact and recommendations of the fact-finding panel. 67598  
The board shall adopt rules governing the procedures and methods 67599  
for public employees to vote on the recommendations of the 67600  
fact-finding panel. 67601

(b) As used in division (C)(6)(a) of this section, 67602  
"legislative body" means the controlling board when the state or 67603  
any of its agencies, authorities, commissions, boards, or other 67604  
branch of public employment is party to the fact-finding process. 67605

(D) If the parties are unable to reach agreement within seven 67606  
days after the publication of findings and recommendations from 67607  
the fact-finding panel or the collective bargaining agreement, if 67608  
one exists, has expired, then the: 67609

(1) Public employees, who are members of a police or fire 67610  
department, members of the state highway patrol, deputy sheriffs, 67611  
dispatchers employed by a police, fire, or sheriff's department or 67612  
the state highway patrol or civilian dispatchers employed by a 67613  
public employer other than a police, fire, or sheriff's department 67614  
to dispatch police, fire, sheriff's department, or emergency 67615  
medical or rescue personnel and units, an exclusive nurse's unit, 67616  
employees of the state school for the deaf or the state school for 67617  
the blind, employees of any public employee retirement system, 67618  
corrections officers, guards at penal or mental institutions, 67619  
special police officers appointed in accordance with sections 67620  
~~5119.14~~ 5119.08 and 5123.13 of the Revised Code, psychiatric 67621  
attendants employed at mental health forensic facilities, youth 67622  
leaders employed at juvenile correctional facilities, or members 67623  
of a law enforcement security force that is established and 67624  
maintained exclusively by a board of county commissioners and 67625  
whose members are employed by that board, shall submit the matter 67626  
to a final offer settlement procedure pursuant to a board order 67627  
issued forthwith to the parties to settle by a conciliator 67628

selected by the parties. The parties shall request from the board 67629  
a list of five qualified conciliators and the parties shall select 67630  
a single conciliator from the list by alternate striking of names. 67631  
If the parties cannot agree upon a conciliator within five days 67632  
after the board order, the board shall on the sixth day after its 67633  
order appoint a conciliator from a list of qualified persons 67634  
maintained by the board or shall request a list of qualified 67635  
conciliators from the American arbitration association and appoint 67636  
therefrom. 67637

(2) Public employees other than those listed in division 67638  
(D)(1) of this section have the right to strike under Chapter 67639  
4117. of the Revised Code provided that the employee organization 67640  
representing the employees has given a ten-day prior written 67641  
notice of an intent to strike to the public employer and to the 67642  
board, and further provided that the strike is for full, 67643  
consecutive work days and the beginning date of the strike is at 67644  
least ten work days after the ending date of the most recent prior 67645  
strike involving the same bargaining unit; however, the board, at 67646  
its discretion, may attempt mediation at any time. 67647

(E) Nothing in this section shall be construed to prohibit 67648  
the parties, at any time, from voluntarily agreeing to submit any 67649  
or all of the issues in dispute to any other alternative dispute 67650  
settlement procedure. An agreement or statutory requirement to 67651  
arbitrate or to settle a dispute pursuant to a final offer 67652  
settlement procedure and the award issued in accordance with the 67653  
agreement or statutory requirement is enforceable in the same 67654  
manner as specified in division (B) of section 4117.09 of the 67655  
Revised Code. 67656

(F) Nothing in this section shall be construed to prohibit a 67657  
party from seeking enforcement of a collective bargaining 67658  
agreement or a conciliator's award as specified in division (B) of 67659  
section 4117.09 of the Revised Code. 67660

(G) The following guidelines apply to final offer settlement proceedings under division (D)(1) of this section: 67661  
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(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties have not reached agreement and other matters mutually agreed to by the public employer and the exclusive representative; except that the conciliator may attempt mediation at any time. 67663  
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(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable. 67669  
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(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not later than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position. 67672  
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(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing. 67680  
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(5) The conciliator may administer oaths. 67682

(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing. The board shall submit for inclusion in the record and for consideration by the conciliator the written report and recommendation of the fact-finders. 67683  
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(7) After hearing, the conciliator shall resolve the dispute between the parties by selecting, on an issue-by-issue basis, from between each of the party's final settlement offers, taking into consideration the following: 67688  
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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (a) Past collectively bargained agreements, if any, between the parties;                                                                                                                                                                                                                                                                                           | 67692<br>67693                                     |
| (b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;                                                                | 67694<br>67695<br>67696<br>67697<br>67698          |
| (c) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service;                                                                                                                                                         | 67699<br>67700<br>67701<br>67702                   |
| (d) The lawful authority of the public employer;                                                                                                                                                                                                                                                                                                                   | 67703                                              |
| (e) The stipulations of the parties;                                                                                                                                                                                                                                                                                                                               | 67704                                              |
| (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment. | 67705<br>67706<br>67707<br>67708<br>67709<br>67710 |
| (8) Final offer settlement awards made under Chapter 4117. of the Revised Code are subject to Chapter 2711. of the Revised Code.                                                                                                                                                                                                                                   | 67711<br>67712                                     |
| (9) If more than one conciliator is used, the determination must be by majority vote.                                                                                                                                                                                                                                                                              | 67713<br>67714                                     |
| (10) The conciliator shall make written findings of fact and promulgate a written opinion and order upon the issues presented to the conciliator, and upon the record made before the conciliator and shall mail or otherwise deliver a true copy thereof to the parties and the board.                                                                            | 67715<br>67716<br>67717<br>67718<br>67719          |
| (11) Increases in rates of compensation and other matters with cost implications awarded by the conciliator may be effective                                                                                                                                                                                                                                       | 67720<br>67721                                     |

only at the start of the fiscal year next commencing after the 67722  
date of the final offer settlement award; provided that if a new 67723  
fiscal year has commenced since the issuance of the board order to 67724  
submit to a final offer settlement procedure, the awarded 67725  
increases may be retroactive to the commencement of the new fiscal 67726  
year. The parties may, at any time, amend or modify a 67727  
conciliator's award or order by mutual agreement. 67728

(12) The parties shall bear equally the cost of the final 67729  
offer settlement procedure. 67730

(13) Conciliators appointed pursuant to this section shall be 67731  
residents of the state. 67732

(H) All final offer settlement awards and orders of the 67733  
conciliator made pursuant to Chapter 4117. of the Revised Code are 67734  
subject to review by the court of common pleas having jurisdiction 67735  
over the public employer as provided in Chapter 2711. of the 67736  
Revised Code. If the public employer is located in more than one 67737  
court of common pleas district, the court of common pleas in which 67738  
the principal office of the chief executive is located has 67739  
jurisdiction. 67740

(I) The issuance of a final offer settlement award 67741  
constitutes a binding mandate to the public employer and the 67742  
exclusive representative to take whatever actions are necessary to 67743  
implement the award. 67744

**Sec. 4117.15.** (A) Whenever a strike by members of a police or 67745  
fire department, members of the state highway patrol, deputy 67746  
sheriffs, dispatchers employed by a police, fire, or sheriff's 67747  
department or the state highway patrol or civilian dispatchers 67748  
employed by a public employer other than a police, fire, or 67749  
sheriff's department to dispatch police, fire, sheriff's 67750  
department, or emergency medical or rescue personnel and units, an 67751  
exclusive nurse's unit, employees of the state school for the deaf 67752

or the state school for the blind, employees of any public 67753  
employee retirement system, correction officers, guards at penal 67754  
or mental institutions, or special police officers appointed in 67755  
accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the 67756  
Revised Code, psychiatric attendants employed at mental health 67757  
forensic facilities, youth leaders employed at juvenile 67758  
correctional facilities, or members of a law enforcement security 67759  
force that is established and maintained exclusively by a board of 67760  
county commissioners and whose members are employed by that board, 67761  
a strike by other public employees during the pendency of the 67762  
settlement procedures set forth in section 4117.14 of the Revised 67763  
Code, or a strike during the term or extended term of a collective 67764  
bargaining agreement occurs, the public employer may seek an 67765  
injunction against the strike in the court of common pleas of the 67766  
county in which the strike is located. 67767

(B) An unfair labor practice by a public employer is not a 67768  
defense to the injunction proceeding noted in division (A) of this 67769  
section. Allegations of unfair labor practices during the 67770  
settlement procedures set forth in section 4117.14 of the Revised 67771  
Code shall receive priority by the state employment relations 67772  
board. 67773

(C) No public employee is entitled to pay or compensation 67774  
from the public employer for the period engaged in any strike. 67775

**Sec. 4121.50.** Not later than July 1, 2012, the administrator 67776  
of workers' compensation shall adopt rules in accordance with 67777  
Chapter 119. of the Revised Code to implement a coordinated 67778  
services program for claimants under this chapter or Chapter 67779  
4123., 4127., or 4131. of the Revised Code who are found to have 67780  
obtained prescription drugs that were reimbursed pursuant to an 67781  
order of the administrator or of the industrial commission or by a 67782  
self-insuring employer but were obtained at a frequency or in an 67783

amount that is not medically necessary. The program shall be 67784  
implemented in a manner that is substantially similar to the 67785  
coordinated services programs established for the medicaid program 67786  
under ~~section 5111.085~~ sections 5164.758 and ~~5111.179~~ 5167.13 of 67787  
the Revised Code. 67788

**Sec. 4123.32.** The administrator of workers' compensation, 67789  
with the advice and consent of the bureau of workers' compensation 67790  
board of directors, shall adopt rules with respect to the 67791  
collection, maintenance, and disbursements of the state insurance 67792  
fund including all of the following: 67793

(A) A rule providing that the premium security deposit 67794  
collected from any employer entitles the employer to the benefits 67795  
of this chapter for the remainder of the six months and also for 67796  
an additional adjustment period of two months, and, thereafter, if 67797  
the employer pays the premium due at the close of any six-month 67798  
period, coverage shall be extended for an additional eight-month 67799  
period beginning from the end of the six-month period for which 67800  
the employer pays the premium due; 67801

(B) A rule providing for ascertaining the correctness of any 67802  
employer's report of estimated or actual expenditure of wages and 67803  
the determination and adjustment of proper premiums and the 67804  
payment of those premiums by the employer for or during any period 67805  
less than eight months and notwithstanding any payment or 67806  
determination of premium made when exceptional conditions or 67807  
circumstances in the judgment of the administrator justify the 67808  
action; 67809

(C) Such special rules as the administrator considers 67810  
necessary to safeguard the fund and that are just in the 67811  
circumstances, covering the rates to be applied where one employer 67812  
takes over the occupation or industry of another or where an 67813  
employer first makes application for state insurance, and the 67814

administrator may require that if any employer transfers a 67815  
business in whole or in part or otherwise reorganizes the 67816  
business, the successor in interest shall assume, in proportion to 67817  
the extent of the transfer, as determined by the administrator, 67818  
the employer's account and shall continue the payment of all 67819  
contributions due under this chapter; 67820

(D) A rule providing that an employer who employs an employee 67821  
covered under the federal "Longshore and Harbor Workers'  
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this 67822  
chapter and Chapter 4121. of the Revised Code shall be assessed a 67823  
premium in accordance with the expenditure of wages, payroll, or 67824  
both attributable to only labor performed and services provided by 67825  
such an employee when the employee performs labor and provides 67826  
services for which the employee is not eligible to receive 67827  
compensation and benefits under that federal act. 67828  
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(E) A rule providing for all of the following: 67830

(1) If, within two months immediately after the expiration of 67831  
the six-month period, an employer fails to file a report of the 67832  
employer's actual payroll expenditures for the period, the premium 67833  
found to be due from the employer for the period shall be 67834  
increased in an amount equal to one per cent of the premium, but 67835  
the increase shall not be less than three nor more than fifteen 67836  
dollars; 67837

(2) The premium determined by the administrator to be due 67838  
from an employer shall be payable on or before the end of the 67839  
coverage period established by the premium security deposit, or 67840  
within the time specified by the administrator if the period for 67841  
which the advance premium has been paid is less than eight months. 67842  
If an employer fails to pay the premium when due, the 67843  
administrator may add a late fee penalty of not more than thirty 67844  
dollars to the premium plus an additional penalty amount as 67845  
follows: 67846



|                                                                                                                                                                                                                                                                                              |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (a) For a premium from sixty-one to ninety days past due, the prime interest rate, multiplied by the premium due;                                                                                                                                                                            | 67847<br>67848                            |
| (b) For a premium from ninety-one to one hundred twenty days past due, the prime interest rate plus two per cent, multiplied by the premium due;                                                                                                                                             | 67849<br>67850<br>67851                   |
| (c) For a premium from one hundred twenty-one to one hundred fifty days past due, the prime interest rate plus four per cent, multiplied by the premium due;                                                                                                                                 | 67852<br>67853<br>67854                   |
| (d) For a premium from one hundred fifty-one to one hundred eighty days past due, the prime interest rate plus six per cent, multiplied by the premium due;                                                                                                                                  | 67855<br>67856<br>67857                   |
| (e) For a premium from one hundred eighty-one to two hundred ten days past due, the prime interest rate plus eight per cent, multiplied by the premium due;                                                                                                                                  | 67858<br>67859<br>67860                   |
| (f) For each additional thirty-day period or portion thereof that a premium remains past due after it has remained past due for more than two hundred ten days, the prime interest rate plus eight per cent, multiplied by the premium due.                                                  | 67861<br>67862<br>67863<br>67864          |
| (3) Notwithstanding the interest rates specified in division (E)(2) of this section, at no time shall the additional penalty amount assessed under division (E)(2) of this section exceed fifteen per cent of the premium due.                                                               | 67865<br>67866<br>67867<br>67868          |
| (4) An employer may appeal a late fee penalty or additional penalty to an adjudicating committee pursuant to section 4123.291 of the Revised Code.                                                                                                                                           | 67869<br>67870<br>67871                   |
| For purposes of division (E) of this section, "prime interest rate" means the average bank prime rate, and the administrator shall determine the prime interest rate in the same manner as a county auditor determines the average bank prime rate under section 929.02 of the Revised Code. | 67872<br>67873<br>67874<br>67875<br>67876 |

(5) If the employer files an appropriate payroll report, 67877  
within the time provided by law or within the time specified by 67878  
the administrator if the period for which the employer paid an 67879  
estimated premium is less than eight months, the employer shall 67880  
not be in default and division (E)(2) of this section shall not 67881  
apply if the employer pays the premiums within fifteen days after 67882  
being first notified by the administrator of the amount due. 67883

(6) Any deficiencies in the amounts of the premium security 67884  
deposit paid by an employer for any period shall be subject to an 67885  
interest charge of six per cent per annum from the date the 67886  
premium obligation is incurred. In determining the interest due on 67887  
deficiencies in premium security deposit payments, a charge in 67888  
each case shall be made against the employer in an amount equal to 67889  
interest at the rate of six per cent per annum on the premium 67890  
security deposit due but remaining unpaid sixty days after notice 67891  
by the administrator. 67892

(7) Any interest charges or penalties provided for in 67893  
divisions (E)(2) and (6) of this section shall be credited to the 67894  
employer's account for rating purposes in the same manner as 67895  
premiums. 67896

(F) A rule providing that each employer, on the occasion of 67897  
instituting coverage under this chapter, shall submit a premium 67898  
security deposit. The deposit shall be calculated equivalent to 67899  
thirty per cent of the semiannual premium obligation of the 67900  
employer based upon the employer's estimated expenditure for wages 67901  
for the ensuing six-month period plus thirty per cent of an 67902  
additional adjustment period of two months but only up to a 67903  
maximum of one thousand dollars and not less than ten dollars. The 67904  
administrator shall review the security deposit of every employer 67905  
who has submitted a deposit which is less than the 67906  
one-thousand-dollar maximum. The administrator may require any 67907  
such employer to submit additional money up to the maximum of one 67908

thousand dollars that, in the administrator's opinion, reflects 67909  
the employer's current payroll expenditure for an eight-month 67910  
period. 67911

(G) A rule providing that each employer, on the occasion of 67912  
instituting coverage under this chapter, shall submit an 67913  
application for coverage that completely provides all of the 67914  
information required for the administrator to establish coverage 67915  
for that employer, and that the employer's failure to provide all 67916  
of the information completely may be grounds for the administrator 67917  
to deny coverage for that employer. 67918

(H) A rule providing that, in addition to any other remedies 67919  
permitted in this chapter, the administrator may discontinue an 67920  
employer's coverage if the employer fails to pay the premium due 67921  
on or before the premium's due date. 67922

(I) A rule providing that if after a final adjudication it is 67923  
determined that an employer has failed to pay an obligation, 67924  
billing, account, or assessment that is greater than one thousand 67925  
dollars on or before its due date, the administrator may 67926  
discontinue the employer's coverage in addition to any other 67927  
remedies permitted in this chapter, and that the administrator 67928  
shall not discontinue an employer's coverage pursuant to this 67929  
division prior to a final adjudication regarding the employer's 67930  
failure to pay such obligation, billing, account, or assessment on 67931  
or before its due date. 67932

(J) As used in divisions (H) and (I) of this section: 67933

(1) "Employer" has the same meaning as in division (B) of 67934  
section 4123.01 of the Revised Code except that "employer" does 67935  
not include the state, a state hospital, or a state university or 67936  
college. 67937

(2) "State university or college" has the same meaning as in 67938  
section 3345.12 of the Revised Code and also includes the Ohio 67939

agricultural research and development center and the Ohio state 67940  
university cooperative OSU extension service. 67941

(3) "State hospital" means the Ohio state university hospital 67942  
and its ancillary facilities and the medical university of Ohio at 67943  
Toledo hospital. 67944

**Sec. 4131.03.** (A) For the relief of persons who are entitled 67945  
to receive benefits by virtue of the federal act, there is hereby 67946  
established a coal-workers pneumoconiosis fund, which shall be 67947  
separate from the funds established and administered pursuant to 67948  
Chapter 4123. of the Revised Code. The fund shall consist of 67949  
premiums and other payments thereto by subscribers who elect to 67950  
subscribe to the fund to insure the payment of benefits required 67951  
by the federal act. 67952

(B)~~(1)~~ The coal-workers pneumoconiosis fund shall be in the 67953  
custody of the treasurer of state. The bureau of workers' 67954  
compensation shall make disbursements from the fund to those 67955  
persons entitled to payment therefrom and in the amounts required 67956  
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 67957  
investment earnings of the fund shall be credited to the fund. 67958

~~(2) Beginning July 1, 2011, and ending June 30, 2013, the 67959  
director of natural resources annually may request the 67960  
administrator of workers' compensation to transfer a portion of 67961  
the investment earnings credited to the coal workers 67962  
pneumoconiosis fund as provided in this division. If the 67963  
administrator receives a request from the director, the 67964  
administrator, on the first day of July, or as soon as possible 67965  
after that date, shall transfer from the investment earnings 67966  
credited to the coal workers pneumoconiosis fund an amount not to 67967  
exceed three million dollars to the mine safety fund created in 67968  
section 1561.24 of the Revised Code for the purposes specified in 67969  
that section and an amount not to exceed one million five hundred 67970~~

~~thousand dollars to the coal mining administration and reclamation 67971  
reserve fund created in section 1513.181 of the Revised Code for 67972  
the purposes specified in that section. The administrator, with 67973  
the advice and consent of the bureau of workers' compensation 67974  
board of directors, shall adopt rules governing the transfer in 67975  
order to ensure the solvency of the coal workers pneumoconiosis 67976  
fund. For that purpose, the rules may establish tests based on 67977  
measures of net assets, liabilities, expenses, interest, dividend 67978  
income, or other factors that the administrator determines 67979  
appropriate that may be applied prior to a transfer. 67980~~

(C) The administrator shall have the same powers to invest 67981  
any of the surplus or reserve belonging to the coal-workers 67982  
pneumoconiosis fund as are delegated to the administrator under 67983  
section 4123.44 of the Revised Code with respect to the state 67984  
insurance fund. 67985

(D) If the administrator determines that reinsurance of the 67986  
risks of the coal-workers pneumoconiosis fund is necessary to 67987  
assure solvency of the fund, the administrator may: 67988

(1) Enter into contracts for the purchase of reinsurance 67989  
coverage of the risks of the fund with any company or agency 67990  
authorized by law to issue contracts of reinsurance; 67991

(2) Pay the cost of reinsurance from the fund; 67992

(3) Include the costs of reinsurance as a liability and 67993  
estimated liability of the fund. 67994

**Sec. 4141.162.** (A) The director of job and family services 67995  
shall establish an income and eligibility verification system that 67996  
complies with section 1137 of the "Social Security Act." The 67997  
programs included in the system are all of the following: 67998

(1) Unemployment compensation pursuant to section 3304 of the 67999  
"Internal Revenue Code of 1954"; 68000

(2) The state programs funded in part under part A of Title 68001  
IV of the "Social Security Act" and administered under Chapters 68002  
5107. and 5108. of the Revised Code; 68003

(3) ~~Medicaid pursuant to Title XIX of the "Social Security~~ 68004  
~~Act"~~ The medicaid program; 68005

(4) The supplemental nutrition assistance program pursuant to 68006  
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.;

(5) Any Ohio program under a plan approved under Title I, X, 68008  
XIV, or XVI of the "Social Security Act." 68009

Wage information provided by employers to the director shall 68010  
be furnished to the income and eligibility verification system. 68011  
Such information shall be used by the director to determine 68012  
eligibility of individuals for unemployment compensation benefits 68013  
and the amount of those benefits and used by the agencies that 68014  
administer the programs identified in divisions (A)(2) to (5) of 68015  
this section to determine or verify eligibility for or the amount 68016  
of benefits under those programs. 68017

The director shall fully implement the use of wage 68018  
information to determine eligibility for and the amount of 68019  
unemployment compensation benefits by September 30, 1988. 68020

Information furnished under the system shall also be made 68021  
available to the appropriate state or local child support 68022  
enforcement agency for the purposes of an approved plan under 68023  
Title IV-D of the "Social Security Act" and to the appropriate 68024  
federal agency for the purposes of Titles II and XVI of the 68025  
"Social Security Act." 68026

(B) The director shall adopt rules as necessary under which 68027  
the department of job and family services and other state agencies 68028  
that the director determines must participate in order to ensure 68029  
compliance with section 1137 of the "Social Security Act" exchange 68030  
information with each other or authorized federal agencies about 68031

individuals who are applicants for or recipients of benefits under 68032  
any of the programs enumerated in division (A) of this section. 68033

The rules shall extend to all of the following: 68034

(1) A requirement for standardized formats and procedures for 68035  
a participating agency to request and receive information about an 68036  
individual, which information shall include the individual's 68037  
social security number; 68038

(2) A requirement that all applicants for and recipients of 68039  
benefits under any program enumerated in division (A) of this 68040  
section be notified at the time of application, and periodically 68041  
thereafter, that information available through the system may be 68042  
shared with agencies that administer other benefit programs and 68043  
utilized in establishing or verifying eligibility or benefit 68044  
amounts under the other programs enumerated in division (A) of 68045  
this section; 68046

(3) A requirement that information is made available only to 68047  
the extent necessary to assist in the valid administrative needs 68048  
of the program receiving the information and is targeted for use 68049  
in ways which are most likely to be productive in identifying and 68050  
preventing ineligibility and incorrect payments; 68051

(4) A requirement that information is adequately protected 68052  
against unauthorized disclosures for purposes other than to 68053  
establish or verify eligibility or benefit amounts under the 68054  
programs enumerated in division (A) of this section; 68055

(5) A requirement that a program providing information is 68056  
reimbursed by the program using the information for the actual 68057  
costs of furnishing the information and that the director be 68058  
reimbursed by the participating programs for any actual costs 68059  
incurred in operating the system; 68060

(6) Requirements for any other matters necessary to ensure 68061  
the effective, efficient, and timely exchange of necessary 68062

information or that the director determines must be addressed in 68063  
order to ensure compliance with the requirements of section 1137 68064  
of the "Social Security Act." 68065

(C) Each participating agency shall furnish to the income and 68066  
eligibility verification system established in division (A) of 68067  
this section that information, which the director, by rule, 68068  
determines is necessary in order to comply with section 1137 of 68069  
the "Social Security Act." 68070

(D) Notwithstanding the information disclosure requirements 68071  
of this section and section 4141.21 and division (A) of section 68072  
4141.284 of the Revised Code, the director shall administer those 68073  
provisions of law so as to comply with section 1137 of the "Social 68074  
Security Act." 68075

(E) Requirements in section 4141.21 of the Revised Code with 68076  
respect to confidentiality of information obtained in the 68077  
administration of Chapter 4141. of the Revised Code and any 68078  
sanctions imposed for improper disclosure of such information 68079  
shall apply to the redisclosure of information disclosed under 68080  
this section. 68081

(F) The director of job and family services shall consult 68082  
with the medicaid director and the director of administrative 68083  
services regarding the implementation of this section. 68084

**Sec. 4143.01. As used in this chapter:** 68085

(A) "Average weekly wage," "employment," "employer," 68086  
"partially unemployed," and "totally unemployed" have the same 68087  
meanings as in section 4141.01 of the Revised Code. 68088

(B) "Duration of unemployment" means the full period of 68089  
unemployment next ensuing after a separation from any base period, 68090  
as defined in rules adopted under section 4143.03 of the Revised 68091  
Code, or subsequent work and until an individual has become 68092



reemployed in employment subject to this chapter, or the 68093  
unemployment compensation act of another state, or of the United 68094  
States, and until such individual has worked six weeks and for 68095  
those weeks has earned or been paid remuneration equal to six 68096  
times an average weekly wage of not less than the amount as 68097  
determined in the rules adopted by the director of job and family 68098  
services under section 4143.03 of the Revised Code. 68099

(C) "Grant year," with respect to an individual, means the 68100  
fifty-two week period beginning with the first day of that week 68101  
with respect to which the individual first files a valid 68102  
application for a grant under this chapter, and thereafter the 68103  
fifty-two week period beginning with the first day of that week 68104  
with respect to which the individual next files a valid 68105  
application after the termination of the individual's last 68106  
preceding grant year, except that the application shall not be 68107  
considered valid unless the individual has had employment in six 68108  
weeks and has, since the beginning of the individual's previous 68109  
grant year, in the employment earned three times the average 68110  
weekly wage determined for the previous grant year. 68111

(D) "Qualifying week" means any calendar week in an 68112  
individual's base period with respect to which the individual 68113  
earns or is paid remuneration in employment. 68114

(E) "Seasonal employment" has the same meaning as in section 68115  
4141.33 of the Revised Code. 68116

(F) "Unemployment compensation" has the same meaning as in 68117  
section 4141.284 of the Revised Code. 68118

**Sec. 4143.02.** There is hereby created the military spouse 68119  
compensation grant program to provide compensation to an 68120  
individual who leaves employment to accompany the individual's 68121  
spouse on a military transfer. The director of job and family 68122  
services shall administer the program in accordance with the 68123

requirements of this chapter. 68124

Sec. 4143.03. (A) With respect to the military spouse 68125  
compensation grant program created in section 4143.02 of the 68126  
Revised Code, the director of job and family services, in 68127  
accordance with Chapter 119. of the Revised Code, shall adopt 68128  
rules that establish all of the following: 68129

(1) Eligibility requirements an individual shall satisfy to 68130  
receive a grant under section 4143.04 of the Revised Code, 68131  
including the definition of an individual's "base period," which 68132  
shall be similar to the requirements an individual must satisfy to 68133  
receive unemployment compensation under Chapter 4141. of the 68134  
Revised Code; 68135

(2) Procedures for an individual to follow to apply for a 68136  
grant and procedures for the awarding and payment of grants in 68137  
accordance with section 4143.04 of the Revised Code, that shall be 68138  
similar to the manner in which claims for unemployment 68139  
compensation are applied for, awarded, and paid pursuant to 68140  
Chapter 4141. of the Revised Code; 68141

(3) Requirements to determine an individual's duration of 68142  
unemployment; 68143

(4) Requirements for the reduction in grant amounts, that 68144  
shall be similar to the requirements specified in sections 4141.31 68145  
and 4141.312 of the Revised Code; 68146

(5) Procedures and requirements addressing child support 68147  
obligations, that shall be similar to the procedures and 68148  
requirements described in section 4141.284 of the Revised Code; 68149

(6) Requirements for eligibility for an individual who has 68150  
seasonal employment, that shall be similar to the requirements 68151  
described in section 4141.33 of the Revised Code; 68152

(7) Procedures to allow an individual to appeal a determination made by the director under this chapter in accordance with Chapter 119. of the Revised Code, including the time limits in which the individual has to file an appeal; 68153  
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(8) Penalties for overpayments, and procedures to collect those overpayments, that shall be similar to penalties and procedures described in section 4141.35 of the Revised Code. 68157  
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(B) The director, in accordance with Chapter 119. of the Revised Code, may adopt any other rules as the director determines necessary to administer and enforce this chapter. Any rules adopted under this division shall be consistent with any similar provision addressed in Chapter 4141. of the Revised Code. 68160  
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(C) The director may apply any agreement the director has entered into pursuant to section 4141.43 of the Revised Code, to the extent permitted under an agreement, in administering this chapter, or the director may enter into similar agreements as the director determines necessary. The director shall cooperate with other agencies as described in division (A) of section 4141.35 of the Revised Code in the administration of this chapter. 68165  
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**Sec. 4143.04.** (A) An individual is eligible to receive a grant under the military spouse compensation grant program created in section 4143.02 of the Revised Code for a week in which the individual satisfies all of the following requirements: 68172  
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(1) The individual's spouse is a member of the armed services of the United States, the spouse is the subject of a military transfer, and the individual left employment to accompany the individual's spouse. 68176  
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(2) The individual is not otherwise eligible for unemployment compensation; 68180  
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(3) The individual satisfies the eligibility requirements 68182

established by the director of job and family services in the 68183  
rules the director adopts under section 4143.03 of the Revised 68184  
Code. 68185

(B) The director may use the information the director obtains 68186  
under section 4141.162 of the Revised Code to determine an 68187  
individual's eligibility for a grant under this section. 68188

(C) All grants shall be paid through public employment 68189  
offices in accordance with the rules as the director adopts under 68190  
section 4143.03 of the Revised Code. The director shall use 68191  
eligible funds to issue grants established in this section, except 68192  
from the unemployment compensation fund established in section 68193  
4141.09 of the Revised Code. 68194

(D) A grant is payable to an eligible and qualified 68195  
individual for each week the individual is totally unemployed at 68196  
the weekly grant amount determined by the following: 68197

(1) Computing the individual's average weekly wage; 68198

(2) Determining the individual's dependency class under 68199  
division (G) of this section; 68200

(3) Computing the individual's weekly grant amount to be 68201  
fifty per cent of the individual's average weekly wage, that shall 68202  
not exceed the following amounts: 68203

(a) For dependency class A, fifty per cent of the statewide 68204  
average weekly wage as calculated under section 4141.30 of the 68205  
Revised Code; 68206

(b) For dependency class B, sixty per cent of the statewide 68207  
average weekly wage; 68208

(c) For dependency class C, sixty-six and two-thirds per cent 68209  
of the statewide average weekly wage. 68210

(E) A grant is payable to each partially unemployed 68211  
individual otherwise eligible on account of each week the 68212

individual is partially unemployed in an amount equal to the 68213  
individual's weekly grant amount determined under division (B) of 68214  
this section less that part of the remuneration payable to the 68215  
individual with respect to that week that is in excess of twenty 68216  
per cent of the individual's weekly grant amount. 68217

(F) The total amount of a grant to which an individual is 68218  
entitled in any grant year, whether for partial or total 68219  
unemployment, or both, shall not exceed the lesser of the 68220  
following two amounts: 68221

(1) An amount equal to twenty-six times the individual's 68222  
weekly grant amount determined in accordance with division (B) of 68223  
this section and this division; 68224

(2) An amount computed by taking the sum of twenty times the 68225  
individual's weekly grant amount for the first twenty base period 68226  
qualifying weeks plus one times the weekly grant amount for each 68227  
additional qualifying week beyond the first twenty qualifying 68228  
weeks in the individual's base period. 68229

(G)(1) As used in this division, "dependent" has the same 68230  
meaning as in section 4141.30 of the Revised Code. 68231

(2) Each eligible and qualified individual shall be assigned 68232  
a dependency class in accordance with the following schedule: 68233

| <u>Class</u> | <u>Description of dependents</u>                                                                                                                                                      |                |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <u>A</u>     | <u>No dependents, or has</u><br><u>insufficient wages to qualify for</u><br><u>more than the maximum weekly</u><br><u>grant amount as provided under</u><br><u>dependency class A</u> | 68234<br>68235 |
| <u>B</u>     | <u>One or two dependents</u>                                                                                                                                                          | 68236          |
| <u>C</u>     | <u>Three or more dependents</u>                                                                                                                                                       | 68237          |

(H) Any weekly grant amount that is not a multiple of one 68238  
dollar shall be rounded to the next lower multiple of one dollar. 68239

Any grant paid under this section shall be calculated against the maximum total unemployment compensation payable to the individual in a benefit year under section 4141.30 of the Revised Code.

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(I) If permitted by the United States secretary of labor, a grant paid under this section shall be considered regular benefits for purposes of section 4141.301 of the Revised Code. If an individual who receives a grant under this section is eligible for extended benefits under section 4141.301 of the Revised Code, notwithstanding section 4141.09 or division (J) or (L) of section 4141.301 of the Revised Code, extended benefits that may become payable to that individual that are chargeable to the account of an employer from whom the individual was separated under division (A) of this section shall not be charged to that account and shall be paid from the funds used to pay grants under this section.

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Sec. 4143.05. The director of job and family services shall reduce the amount of any weekly grant amount paid under section 4143.04 of the Revised Code in accordance with the rules the director adopts under section 4143.03 of the Revised Code. The director shall make any deduction from such a grant for purposes of federal income tax payment in a similar manner as the director makes that deduction under section 4141.321 of the Revised Code with respect to unemployment compensation.

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Sec. 4143.06. An individual may appeal a determination made by the director of job and family services in accordance with the rules the director adopts under section 4143.03 of the Revised Code. The determination made upon completion of that appeals process is a final determination that may be appealed pursuant to section 119.12 of the Revised Code.

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Sec. 4143.07. (A) Except with respect to the rules adopted by the director of job and family services under section 4143.03 of

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|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>the Revised Code concerning child support obligations:</u>             | 68270 |
| <u>(1) No agreement by an individual to waive the individual's</u>        | 68271 |
| <u>right to a grant under this chapter is valid, nor shall a grant be</u> | 68272 |
| <u>assigned, released, or commuted.</u>                                   | 68273 |
| <u>(2) A grant is exempt from all claims of creditors and from</u>        | 68274 |
| <u>levy, execution, garnishment, attachment, and all other process or</u> | 68275 |
| <u>remedy for recovery or collection of a debt, and that exemption</u>    | 68276 |
| <u>may not be waived.</u>                                                 | 68277 |
| <u>(B) No individual claiming a grant under this chapter shall</u>        | 68278 |
| <u>be charged fees of any kind by the director in any proceeding</u>      | 68279 |
| <u>under this chapter. Any individual claiming a grant may represent</u>  | 68280 |
| <u>the individual's self personally or be represented by a person</u>     | 68281 |
| <u>admitted to the practice of law or by a person not admitted to the</u> | 68282 |
| <u>practice of law in any proceeding under this chapter before the</u>    | 68283 |
| <u>director, but no such counsel or agent representing an individual</u>  | 68284 |
| <u>claiming a grant shall either charge or receive for those services</u> | 68285 |
| <u>more than an amount approved by the director. No person shall</u>      | 68286 |
| <u>charge or receive anything of value in violation of this division.</u> | 68287 |
| <u>(C) No employee or other person shall violate this chapter,</u>        | 68288 |
| <u>or do any act prohibited by this chapter, or fail to perform any</u>   | 68289 |
| <u>duty lawfully enjoined, within the time prescribed by the</u>          | 68290 |
| <u>director, for which no penalty has been specifically provided, or</u>  | 68291 |
| <u>fail to obey any lawful order given or made by the director or any</u> | 68292 |
| <u>judgment or decree made by any court in connection with this</u>       | 68293 |
| <u>chapter. Every day during which any person fails to comply with</u>    | 68294 |
| <u>any order of the director or to perform any duty enjoined by this</u>  | 68295 |
| <u>chapter constitutes a separate violation of the order or of this</u>   | 68296 |
| <u>chapter.</u>                                                           | 68297 |
| <u>Sec. 4143.08. The director of job and family services shall</u>        | 68298 |
| <u>enforce this chapter in accordance with the rules the director</u>     | 68299 |

adopts under section 4143.03 of the Revised Code. In administering 68300  
and enforcing this chapter, the director shall give great weight 68301  
and deference to decisions made under Chapter 4141. of the Revised 68302  
Code with respect to unemployment compensation. 68303

The director may administer oaths, certify to official acts, 68304  
take depositions, issue subpoenas, and compel the attendance and 68305  
testimony of witnesses and the production of documents and 68306  
testimony in connection with the administration of this chapter. 68307  
In case of the refusal of a witness to attend or testify, or to 68308  
produce documents, as to any matter regarding which the witness 68309  
might be lawfully interrogated in the administration of this 68310  
chapter, the court of common pleas of the county in which the 68311  
person resides or is found, the court of appeals that has 68312  
jurisdiction over the county in which the person resides or is 68313  
found, or a judge thereof, upon application of the director, shall 68314  
compel obedience by proceedings as for contempt as in case of like 68315  
refusal to obey a similar order of the court. 68316

Sec. 4143.09. This chapter shall be liberally construed. 68317

Sec. 4143.99. (A) Whoever violates division (B) of section 68318  
4143.07 of the Revised Code is guilty of a misdemeanor of the 68319  
first degree. 68320

(B) Whoever violates division (C) of section 4143.07 of the 68321  
Revised Code shall be fined not more than five hundred dollars for 68322  
the first offense, and for each subsequent offense, the person 68323  
shall be fined not less than twenty-five dollars nor more than one 68324  
thousand dollars. 68325

Sec. 4301.10. (A) The division of liquor control shall do all 68326  
of the following: 68327

(1) Control the traffic in beer and intoxicating liquor in 68328



this state, including the manufacture, importation, and sale of 68329  
beer and intoxicating liquor; 68330

(2) Grant or refuse permits for the manufacture, 68331  
distribution, transportation, and sale of beer and intoxicating 68332  
liquor and the sale of alcohol, as authorized or required by this 68333  
chapter and Chapter 4303. of the Revised Code. A certificate, 68334  
signed by the superintendent of liquor control and to which is 68335  
affixed the official seal of the division, stating that it appears 68336  
from the records of the division that no permit has been issued to 68337  
the person specified in the certificate, or that a permit, if 68338  
issued, has been revoked, canceled, or suspended, shall be 68339  
received as prima-facie evidence of the facts recited in the 68340  
certificate in any court or before any officer of this state. 68341

(3) Put into operation, manage, and control a system of state 68342  
liquor stores for the sale of spirituous liquor at retail and to 68343  
holders of permits authorizing the sale of spirituous liquor; 68344  
however, the division shall not establish any drive-in state 68345  
liquor stores; and by means of those types of stores, and any 68346  
manufacturing plants, distributing and bottling plants, 68347  
warehouses, and other facilities that it considers expedient, 68348  
establish and maintain a state monopoly of the distribution of 68349  
spirituous liquor and its sale in packages or containers; and for 68350  
that purpose, manufacture, buy, import, possess, and sell 68351  
spirituous liquors as provided in this chapter and Chapter 4303. 68352  
of the Revised Code, and in the rules promulgated by the 68353  
superintendent of liquor control pursuant to those chapters; lease 68354  
or in any manner acquire the use of any land or building required 68355  
for any of those purposes; purchase any equipment that is 68356  
required; and borrow money to carry on its business, and issue, 68357  
sign, endorse, and accept notes, checks, and bills of exchange; 68358  
but all obligations of the division created under authority of 68359  
this division shall be a charge only upon the moneys received by 68360

the division from the sale of spirituous liquor and its other 68361  
business transactions in connection with the sale of spirituous 68362  
liquor, and shall not be general obligations of the state; 68363

(4) Enforce the administrative provisions of this chapter and 68364  
Chapter 4303. of the Revised Code, and the rules and orders of the 68365  
liquor control commission and the superintendent relating to the 68366  
manufacture, importation, transportation, distribution, and sale 68367  
of beer or intoxicating liquor. The attorney general, any 68368  
prosecuting attorney, and any prosecuting officer of a municipal 68369  
corporation or a municipal court shall, at the request of the 68370  
division of liquor control or the department of public safety, 68371  
prosecute any person charged with the violation of any provision 68372  
in those chapters or of any section of the Revised Code relating 68373  
to the manufacture, importation, transportation, distribution, and 68374  
sale of beer or intoxicating liquor. 68375

(5) Determine the locations of all state liquor stores and 68376  
manufacturing, distributing, and bottling plants required in 68377  
connection with those stores, subject to this chapter and Chapter 68378  
4303. of the Revised Code; 68379

(6) Conduct inspections of liquor permit premises to 68380  
determine compliance with the administrative provisions of this 68381  
chapter and Chapter 4303. of the Revised Code and the rules 68382  
adopted under those provisions by the liquor control commission. 68383

Except as otherwise provided in division (A)(6) of this 68384  
section, those inspections may be conducted only during those 68385  
hours in which the permit holder is open for business and only by 68386  
authorized agents or employees of the division or by any peace 68387  
officer, as defined in section 2935.01 of the Revised Code. 68388  
Inspections may be conducted at other hours only to determine 68389  
compliance with laws or commission rules that regulate the hours 68390  
of sale of beer or intoxicating liquor and only if the 68391  
investigator has reasonable cause to believe that those laws or 68392

rules are being violated. Any inspection conducted pursuant to 68393  
division (A)(6) of this section is subject to all of the following 68394  
requirements: 68395

(a) The only property that may be confiscated is contraband, 68396  
as defined in section 2901.01 of the Revised Code, or property 68397  
that is otherwise necessary for evidentiary purposes. 68398

(b) A complete inventory of all property confiscated from the 68399  
premises shall be given to the permit holder or the permit 68400  
holder's agent or employee by the confiscating agent or officer at 68401  
the conclusion of the inspection. At that time, the inventory 68402  
shall be signed by the confiscating agent or officer, and the 68403  
agent or officer shall give the permit holder or the permit 68404  
holder's agent or employee the opportunity to sign the inventory. 68405

(c) Inspections conducted pursuant to division (A)(6) of this 68406  
section shall be conducted in a reasonable manner. A finding by 68407  
any court of competent jurisdiction that an inspection was not 68408  
conducted in a reasonable manner in accordance with this section 68409  
or any rules adopted by the commission may be considered grounds 68410  
for suppression of evidence. A finding by the commission that an 68411  
inspection was not conducted in a reasonable manner in accordance 68412  
with this section or any rules adopted by it may be considered 68413  
grounds for dismissal of the commission case. 68414

If any court of competent jurisdiction finds that property 68415  
confiscated as the result of an administrative inspection is not 68416  
necessary for evidentiary purposes and is not contraband, as 68417  
defined in section 2901.01 of the Revised Code, the court shall 68418  
order the immediate return of the confiscated property, provided 68419  
that property is not otherwise subject to forfeiture, to the 68420  
permit holder. However, the return of this property is not grounds 68421  
for dismissal of the case. The commission likewise may order the 68422  
return of confiscated property if no criminal prosecution is 68423  
pending or anticipated. 68424

(7) Delegate to any of its agents or employees any power of investigation that the division possesses with respect to the enforcement of any of the administrative laws relating to beer or intoxicating liquor, provided that this division does not authorize the division to designate any agent or employee to serve as an enforcement agent. The employment and designation of enforcement agents shall be within the exclusive authority of the director of public safety pursuant to sections 5502.13 to 5502.19 of the Revised Code.

(8) Collect the following fees:

(a) A biennial fifty-dollar registration fee for each agent, solicitor, trade marketing professional, or salesperson, registered pursuant to section 4303.25 of the Revised Code, of a beer or intoxicating liquor manufacturer, supplier, broker, trade marketing company, or wholesale distributor doing business in this state;

(b) A fifty-dollar product registration fee for each new beer or intoxicating liquor product sold in this state. The product registration fee also applies to products sold in this state by B-2a and S permit holders. The product registration fee shall be accompanied by a copy of the federal label and product approval for the new product.

(c) An annual three-hundred-dollar supplier registration fee from each manufacturer or supplier that produces and ships into this state, or ships into this state, intoxicating liquor or beer, in addition to an initial application fee of one hundred dollars. A manufacturer that produces and ships beer or wine into this state and that holds only an S permit is exempt from the supplier registration fee. A manufacturer that produces and ships wine into this state and that holds a B-2a permit shall pay an annual seventy-six-dollar supplier registration fee. A manufacturer that produces and ships wine into this state and that does not hold

either an S or a B-2a permit, but that produces less than two 68457  
hundred fifty thousand gallons of wine per year and that is 68458  
entitled to a tax credit under 27 C.F.R. 24.278 shall pay an 68459  
annual seventy-six-dollar supplier registration fee. A B-2a or S 68460  
permit holder that does not sell its wine to wholesale 68461  
distributors of wine in this state and an S permit holder that 68462  
does not sell its beer to wholesale distributors of beer in this 68463  
state shall not be required to submit to the division territory 68464  
designation forms. 68465

Each supplier, agent, solicitor, trade marketing 68466  
professional, or salesperson registration issued under this 68467  
division shall authorize the person named to carry on the activity 68468  
specified in the registration. Each agent, solicitor, trade 68469  
marketing professional, or salesperson registration is valid for 68470  
two years or for the unexpired portion of a two-year registration 68471  
period. Each supplier registration is valid for one year or for 68472  
the unexpired portion of a one-year registration period. 68473  
Registrations shall end on their respective uniform expiration 68474  
date, which shall be designated by the division, and are subject 68475  
to suspension, revocation, cancellation, or fine as authorized by 68476  
this chapter and Chapter 4303. of the Revised Code. 68477

As used in this division, "trade marketing company" and 68478  
"trade marketing professional" have the same meanings as in 68479  
section 4301.171 of the Revised Code. 68480

(9) Establish a system of electronic data interchange within 68481  
the division and regulate the electronic transfer of information 68482  
and funds among persons and governmental entities engaged in the 68483  
manufacture, distribution, and retail sale of alcoholic beverages; 68484

(10) Notify all holders of retail permits of the forms of 68485  
permissible identification for purposes of division (A) of section 68486  
4301.639 of the Revised Code; 68487

(11) Exercise all other powers expressly or by necessary  
implication conferred upon the division by this chapter and  
Chapter 4303. of the Revised Code, and all powers necessary for  
the exercise or discharge of any power, duty, or function  
expressly conferred or imposed upon the division by those  
chapters.

(B) The division may do all of the following:

(1) Sue, but may be sued only in connection with the  
execution of leases of real estate and the purchases and contracts  
necessary for the operation of the state liquor stores that are  
made under this chapter and Chapter 4303. of the Revised Code;

(2) Enter into leases and contracts of all descriptions and  
acquire and transfer title to personal property with regard to the  
sale, distribution, and storage of spirituous liquor within the  
state;

(3) Terminate at will any lease entered into pursuant to  
division (B)(2) of this section upon first giving ninety days'  
notice in writing to the lessor of its intention to do so;

(4) Fix the wholesale and retail prices at which the various  
classes, varieties, and brands of spirituous liquor shall be sold  
by the division. Those retail prices shall be the same at all  
state liquor stores, except to the extent that a price  
differential is required to collect a county sales tax levied  
pursuant to section 5739.021 of the Revised Code and for which tax  
the tax commissioner has authorized prepayment pursuant to section  
5739.05 of the Revised Code. In fixing selling prices, the  
division shall compute an anticipated gross profit at least  
sufficient to provide in each calendar year all costs and expenses  
of the division and also an adequate working capital reserve for  
the division. The gross profit shall not exceed forty per cent of  
the retail selling price based on costs of the division, and in

addition the sum required by section 4301.12 of the Revised Code 68519  
to be paid into the state treasury. An amount equal to one and 68520  
one-half per cent of that gross profit shall be paid into the 68521  
statewide treatment and prevention fund created by section 4301.30 68522  
of the Revised Code and be appropriated by the general assembly 68523  
from the fund to the department of ~~alcohol and drug addiction~~ 68524  
~~services~~ mental health and addiction services as provided in 68525  
section 4301.30 of the Revised Code. 68526

On spirituous liquor manufactured in this state from the 68527  
juice of grapes or fruits grown in this state, the division shall 68528  
compute an anticipated gross profit of not to exceed ten per cent. 68529

The wholesale prices fixed under this division shall be at a 68530  
discount of not less than six per cent of the retail selling 68531  
prices as determined by the division in accordance with this 68532  
section. 68533

(C) The division may approve the expansion or diminution of a 68534  
premises to which a liquor permit has been issued and may adopt 68535  
standards governing such an expansion or diminution. 68536

**Sec. 4301.30.** (A) All fees collected by the division of 68537  
liquor control shall be deposited in the state treasury to the 68538  
credit of the undivided liquor permit fund, which is hereby 68539  
created, at the time prescribed under section 4301.12 of the 68540  
Revised Code. Each payment shall be accompanied by a statement 68541  
showing separately the amount collected for each class of permits 68542  
in each municipal corporation and in each township outside the 68543  
limits of any municipal corporation in such township. 68544

(B)(1) An amount equal to forty-five per cent of the fund 68545  
shall be paid from the fund into the state liquor regulatory fund, 68546  
which is hereby created in the state treasury. The state liquor 68547  
regulatory fund shall be used to pay the operating expenses of the 68548  
division of liquor control in administering and enforcing Title 68549

XLIII of the Revised Code and the operating expenses of the liquor control commission. Investment earnings of the fund shall be credited to the fund.

(2) Whenever, in the judgment of the director of budget and management, the amount of money that is in the state liquor regulatory fund is in excess of the amount that is needed to pay the operating expenses of the division in administering and enforcing Title XLIII of the Revised Code and the operating expenses of the commission, the director shall credit the excess amount to the general revenue fund.

(C) Twenty per cent of the undivided liquor permit fund shall be paid into the statewide treatment and prevention fund, which is hereby created in the state treasury. This amount shall be appropriated by the general assembly, together with an amount equal to one and one-half per cent of the gross profit of the division of liquor control derived under division (B)(4) of section 4301.10 of the Revised Code, to the department of ~~alcohol and drug addiction services~~ mental health and addiction services. In planning for the allocation of and in allocating these amounts for the purposes of Chapter ~~3793~~ 5119. of the Revised Code, the department of ~~alcohol and drug addiction services~~ shall comply with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and any rules adopted under that act.

(D) Thirty-five per cent of the undivided liquor permit fund shall be distributed by the superintendent of liquor control at quarterly calendar periods as follows:

(1) To each municipal corporation, the aggregate amount shown by the statements to have been collected from permits in the municipal corporation, for the use of the general fund of the municipal corporation;

(2) To each township, the aggregate amount shown by the



statements to have been collected from permits in its territory, 68581  
outside the limits of any municipal corporation located in the 68582  
township, for the use of the general fund of the township, or for 68583  
fire protection purposes, including buildings and equipment in the 68584  
township or in an established fire district within the township, 68585  
to the extent that the funds are derived from liquor permits 68586  
within the territory comprising such fire district. 68587

(E) For the purpose of the distribution required by this 68588  
section, E, H, and D permits covering boats or vessels are deemed 68589  
to have been issued in the municipal corporation or township 68590  
wherein the owner or operator of the vehicle, boat, vessel, or 68591  
dining car equipment to which the permit relates has the owner's 68592  
or operator's principal office or place of business within the 68593  
state. 68594

(F) If the liquor control commission determines that the 68595  
police or other officers of any municipal corporation or township 68596  
entitled to share in distributions under this section are refusing 68597  
or culpably neglecting to enforce this chapter and Chapter 4303. 68598  
of the Revised Code, or the penal laws of this state relating to 68599  
the manufacture, importation, transportation, distribution, and 68600  
sale of beer and intoxicating liquors, or if the prosecuting 68601  
officer of a municipal corporation or a municipal court fails to 68602  
comply with the request of the commission authorized by division 68603  
(A)(4) of section 4301.10 of the Revised Code, the commission, by 68604  
certified mail, may notify the chief executive officer of the 68605  
municipal corporation or the board of township trustees of the 68606  
township of the failure and require the immediate cooperation of 68607  
the responsible officers of the municipal corporation or township 68608  
with the division of liquor control in the enforcement of those 68609  
chapters and penal laws. Within thirty days after the notice is 68610  
served, the commission shall determine whether the requirement has 68611  
been complied with. If the commission determines that the 68612

requirement has not been complied with, it may issue an order to 68613  
the superintendent to withhold the distributive share of the 68614  
municipal corporation or township until further order of the 68615  
commission. This action of the commission is reviewable within 68616  
thirty days thereafter in the court of common pleas of Franklin 68617  
county. 68618

(G) All fees collected by the division of liquor control from 68619  
the issuance or renewal of B-2a and S permits, and paid by B-2a 68620  
and S permit holders who do not also hold A-2 permits, shall be 68621  
deposited in the state treasury to the credit of the state liquor 68622  
regulatory fund. Once during each fiscal year, an amount equal to 68623  
fifty per cent of the fees collected shall be paid from the state 68624  
liquor regulatory fund into the general revenue fund. 68625

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 68626  
the Revised Code: 68627

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 68628  
fluid ounces. 68629

(2) "Sale" or "sell" includes exchange, barter, gift, 68630  
distribution, and, except with respect to A-4 permit holders, 68631  
offer for sale. 68632

(B) For the purposes of providing revenues for the support of 68633  
the state and encouraging the grape industries in the state, a tax 68634  
is hereby levied on the sale or distribution of wine in Ohio, 68635  
except for known sacramental purposes, at the rate of thirty cents 68636  
per wine gallon for wine containing not less than four per cent of 68637  
alcohol by volume and not more than fourteen per cent of alcohol 68638  
by volume, ninety-eight cents per wine gallon for wine containing 68639  
more than fourteen per cent but not more than twenty-one per cent 68640  
of alcohol by volume, one dollar and eight cents per wine gallon 68641  
for vermouth, and one dollar and forty-eight cents per wine gallon 68642  
for sparkling and carbonated wine and champagne, the tax to be 68643

paid by the holders of A-2 and B-5 permits or by any other person 68644  
selling or distributing wine upon which no tax has been paid. From 68645  
the tax paid under this section on wine, vermouth, and sparkling 68646  
and carbonated wine and champagne, the treasurer of state shall 68647  
credit to the Ohio grape industries fund created under section 68648  
924.54 of the Revised Code a sum equal to one cent per gallon for 68649  
each gallon upon which the tax is paid. 68650

(C) For the purpose of providing revenues for the support of 68651  
the state, there is hereby levied a tax on prepared and bottled 68652  
highballs, cocktails, cordials, and other mixed beverages at the 68653  
rate of one dollar and twenty cents per wine gallon to be paid by 68654  
holders of A-4 permits or by any other person selling or 68655  
distributing those products upon which no tax has been paid. Only 68656  
one sale of the same article shall be used in computing the amount 68657  
of tax due. The tax on mixed beverages to be paid by holders of 68658  
A-4 permits under this section shall not attach until the 68659  
ownership of the mixed beverage is transferred for valuable 68660  
consideration to a wholesaler or retailer, and no payment of the 68661  
tax shall be required prior to that time. 68662

(D) During the period of July 1, ~~2011~~ 2013, through June 30, 68663  
~~2013~~ 2015, from the tax paid under this section on wine, vermouth, 68664  
and sparkling and carbonated wine and champagne, the treasurer of 68665  
state shall credit to the Ohio grape industries fund created under 68666  
section 924.54 of the Revised Code a sum equal to two cents per 68667  
gallon upon which the tax is paid. The amount credited under this 68668  
division is in addition to the amount credited to the Ohio grape 68669  
industries fund under division (B) of this section. 68670

(E) For the purpose of providing revenues for the support of 68671  
the state, there is hereby levied a tax on cider at the rate of 68672  
twenty-four cents per wine gallon to be paid by the holders of A-2 68673  
and B-5 permits or by any other person selling or distributing 68674  
cider upon which no tax has been paid. Only one sale of the same 68675

article shall be used in computing the amount of the tax due. 68676

**Sec. 4305.131.** (A) If any permit holder fails to pay the 68677  
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 of 68678  
the Revised Code in the manner prescribed by section 4303.33 of 68679  
the Revised Code, or by section 4301.421 or 4301.424 of the 68680  
Revised Code in the manner prescribed in section 4301.422 of the 68681  
Revised Code, and by the rules of the tax commissioner, the 68682  
commissioner may make an assessment against the permit holder 68683  
based upon any information in the commissioner's possession. 68684

No assessment shall be made against any permit holder for any 68685  
taxes imposed by section 4301.42, 4301.421, 4301.424, 4301.43, 68686  
4301.432, or 4305.01 of the Revised Code more than three years 68687  
after the last day of the calendar month in which the sale was 68688  
made or more than three years after the return for that period is 68689  
filed, whichever is later. This section does not bar an assessment 68690  
against any permit holder or registrant as provided in section 68691  
4303.331 of the Revised Code who fails to file a return as 68692  
required by section 4301.422 or 4303.33 of the Revised Code, or 68693  
who files a fraudulent return. 68694

A penalty of up to thirty per cent may be added to the amount 68695  
of every assessment made under this section. The commissioner may 68696  
adopt rules providing for the imposition and remission of 68697  
penalties added to assessments made under this section. 68698

The commissioner shall give the party assessed written notice 68699  
of the assessment in the manner provided in section 5703.37 of the 68700  
Revised Code. With the notice, the commissioner shall provide 68701  
instructions on how to petition for reassessment and request a 68702  
hearing on the petition. 68703

(B) Unless the party assessed files with the tax commissioner 68704  
within sixty days after service of the notice of assessment, 68705  
either personally or by certified mail, a written petition for 68706

reassessment, signed by the party assessed or that party's 68707  
authorized agent having knowledge of the facts, the assessment 68708  
becomes final and the amount of the assessment is due and payable 68709  
from the party assessed to the treasurer of state. The petition 68710  
shall indicate the objections of the party assessed, but 68711  
additional objections may be raised in writing if received by the 68712  
commissioner prior to the date shown on the final determination. 68713  
If the petition has been properly filed, the commissioner shall 68714  
proceed under section 5703.60 of the Revised Code. 68715

(C) After an assessment becomes final, if any portion of the 68716  
assessment remains unpaid, including accrued interest, a certified 68717  
copy of the tax commissioner's entry making the assessment final 68718  
may be filed in the office of the clerk of the court of common 68719  
pleas in the county in which the permit holder's place of business 68720  
is located or the county in which the party assessed resides. If 68721  
the party assessed maintains no place of business in this state 68722  
and is not a resident of this state, the certified copy of the 68723  
entry may be filed in the office of the clerk of the court of 68724  
common pleas of Franklin county. 68725

Immediately upon the filing of the entry, the clerk shall 68726  
enter a judgment for the state against the party assessed in the 68727  
amount shown on the entry. The judgment may be filed by the clerk 68728  
in a loose-leaf book entitled "special judgments for state beer 68729  
and liquor sales taxes," and shall have the same effect as other 68730  
judgments. Execution shall issue upon the judgment upon the 68731  
request of the commissioner, and all laws applicable to sales on 68732  
execution shall apply to sales made under the judgment, except as 68733  
otherwise provided in this chapter and Chapters 4301. and 4307. of 68734  
the Revised Code. 68735

~~The portion of~~ If the assessment is not paid in its entirety 68736  
within sixty days after the day the assessment was issued, the 68737  
portion of the assessment consisting of tax due shall bear 68738

interest at the rate per annum prescribed by section 5703.47 of 68739  
the Revised Code from the day the commissioner issues the 68740  
assessment until it is paid or until it is certified to the 68741  
attorney general for collection under section 131.02 of the 68742  
Revised Code, whichever comes first. If the unpaid portion of the 68743  
assessment is certified to the attorney general for collection, 68744  
the entire unpaid portion of the assessment shall bear interest at 68745  
the rate per annum prescribed by section 5703.47 of the Revised 68746  
Code from the date of certification until the date it is paid in 68747  
its entirety. Interest shall be paid in the same manner as the tax 68748  
and may be collected by the issuance of an assessment under this 68749  
section. 68750

(D) All money collected under this section shall be 68751  
considered as revenue arising from the taxes imposed by sections 68752  
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of the 68753  
Revised Code. 68754

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 68755  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 68756  
Revised Code, and in the penal laws, except as otherwise provided: 68757

(A) "Vehicles" means everything on wheels or runners, 68758  
including motorized bicycles, but does not mean electric personal 68759  
assistive mobility devices, vehicles that are operated exclusively 68760  
on rails or tracks or from overhead electric trolley wires, and 68761  
vehicles that belong to any police department, municipal fire 68762  
department, or volunteer fire department, or that are used by such 68763  
a department in the discharge of its functions. 68764

(B) "Motor vehicle" means any vehicle, including mobile homes 68765  
and recreational vehicles, that is propelled or drawn by power 68766  
other than muscular power or power collected from overhead 68767  
electric trolley wires. "Motor vehicle" does not include utility 68768  
vehicles as defined in division (VV) of this section, motorized 68769

bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(C) "Agricultural tractor" and "traction engine" mean any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.

(D) "Commercial tractor," except as defined in division (C) of this section, means any motor vehicle that has motive power and either is designed or used for drawing other motor vehicles, or is designed or used for drawing another motor vehicle while carrying a portion of the other motor vehicle or its load, or both.

(E) "Passenger car" means any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that is designed and used for carrying not more than fifteen persons in a ridesharing arrangement.

(F) "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license

tags issued under section 4503.45 of the Revised Code, or a 68802  
similar type of motor vehicle that displays current, valid license 68803  
tags issued under substantially equivalent provisions in the laws 68804  
of other states. 68805

(G) "Historical motor vehicle" means any motor vehicle that 68806  
is over twenty-five years old and is owned solely as a collector's 68807  
item and for participation in club activities, exhibitions, tours, 68808  
parades, and similar uses, but that in no event is used for 68809  
general transportation. 68810

(H) "Noncommercial motor vehicle" means any motor vehicle, 68811  
including a farm truck as defined in section 4503.04 of the 68812  
Revised Code, that is designed by the manufacturer to carry a load 68813  
of no more than one ton and is used exclusively for purposes other 68814  
than engaging in business for profit. 68815

(I) "Bus" means any motor vehicle that has motor power and is 68816  
designed and used for carrying more than nine passengers, except 68817  
any motor vehicle that is designed and used for carrying not more 68818  
than fifteen passengers in a ridesharing arrangement. 68819

(J) "Commercial car" or "truck" means any motor vehicle that 68820  
has motor power and is designed and used for carrying merchandise 68821  
or freight, or that is used as a commercial tractor. 68822

(K) "Bicycle" means every device, other than a tricycle that 68823  
is designed solely for use as a play vehicle by a child, that is 68824  
propelled solely by human power upon which any person may ride, 68825  
and that has two tandem wheels, or one wheel in front and two 68826  
wheels in the rear, or two wheels in the front and one wheel in 68827  
the rear, any of which is more than fourteen inches in diameter. 68828

(L) "Motorized bicycle" means any vehicle that either has two 68829  
tandem wheels or one wheel in the front and two wheels in the 68830  
rear, that is capable of being pedaled, and that is equipped with 68831  
a helper motor of not more than fifty cubic centimeters piston 68832



displacement that produces no more than one brake horsepower and 68833  
is capable of propelling the vehicle at a speed of no greater than 68834  
twenty miles per hour on a level surface. 68835

(M) "Trailer" means any vehicle without motive power that is 68836  
designed or used for carrying property or persons wholly on its 68837  
own structure and for being drawn by a motor vehicle, and includes 68838  
any such vehicle that is formed by or operated as a combination of 68839  
a semitrailer and a vehicle of the dolly type such as that 68840  
commonly known as a trailer dolly, a vehicle used to transport 68841  
agricultural produce or agricultural production materials between 68842  
a local place of storage or supply and the farm when drawn or 68843  
towed on a public road or highway at a speed greater than 68844  
twenty-five miles per hour, and a vehicle that is designed and 68845  
used exclusively to transport a boat between a place of storage 68846  
and a marina, or in and around a marina, when drawn or towed on a 68847  
public road or highway for a distance of more than ten miles or at 68848  
a speed of more than twenty-five miles per hour. "Trailer" does 68849  
not include a manufactured home or travel trailer. 68850

(N) "Noncommercial trailer" means any trailer, except a 68851  
travel trailer or trailer that is used to transport a boat as 68852  
described in division (B) of this section, but, where applicable, 68853  
includes a vehicle that is used to transport a boat as described 68854  
in division (M) of this section, that has a gross weight of no 68855  
more than ten thousand pounds, and that is used exclusively for 68856  
purposes other than engaging in business for a profit, such as the 68857  
transportation of personal items for personal or recreational 68858  
purposes. 68859

(O) "Mobile home" means a building unit or assembly of closed 68860  
construction that is fabricated in an off-site facility, is more 68861  
than thirty-five body feet in length or, when erected on site, is 68862  
three hundred twenty or more square feet, is built on a permanent 68863  
chassis, is transportable in one or more sections, and does not 68864

qualify as a manufactured home as defined in division (C)(4) of 68865  
section 3781.06 of the Revised Code or as an industrialized unit 68866  
as defined in division (C)(3) of section 3781.06 of the Revised 68867  
Code. 68868

(P) "Semitrailer" means any vehicle of the trailer type that 68869  
does not have motive power and is so designed or used with another 68870  
and separate motor vehicle that in operation a part of its own 68871  
weight or that of its load, or both, rests upon and is carried by 68872  
the other vehicle furnishing the motive power for propelling 68873  
itself and the vehicle referred to in this division, and includes, 68874  
for the purpose only of registration and taxation under those 68875  
chapters, any vehicle of the dolly type, such as a trailer dolly, 68876  
that is designed or used for the conversion of a semitrailer into 68877  
a trailer. 68878

(Q) "Recreational vehicle" means a vehicular portable 68879  
structure that meets all of the following conditions: 68880

(1) It is designed for the sole purpose of recreational 68881  
travel. 68882

(2) It is not used for the purpose of engaging in business 68883  
for profit. 68884

(3) It is not used for the purpose of engaging in intrastate 68885  
commerce. 68886

(4) It is not used for the purpose of commerce as defined in 68887  
49 C.F.R. 383.5, as amended. 68888

(5) It is not regulated by the public utilities commission 68889  
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 68890

(6) It is classed as one of the following: 68891

(a) "Travel trailer" means a nonself-propelled recreational 68892  
vehicle that does not exceed an overall length of thirty-five 68893  
feet, exclusive of bumper and tongue or coupling, and contains 68894

less than three hundred twenty square feet of space when erected 68895  
on site. "Travel trailer" includes a tent-type fold-out camping 68896  
trailer as defined in section 4517.01 of the Revised Code. 68897

(b) "Motor home" means a self-propelled recreational vehicle 68898  
that has no fifth wheel and is constructed with permanently 68899  
installed facilities for cold storage, cooking and consuming of 68900  
food, and for sleeping. 68901

(c) "Truck camper" means a nonself-propelled recreational 68902  
vehicle that does not have wheels for road use and is designed to 68903  
be placed upon and attached to a motor vehicle. "Truck camper" 68904  
does not include truck covers that consist of walls and a roof, 68905  
but do not have floors and facilities enabling them to be used as 68906  
a dwelling. 68907

(d) "Fifth wheel trailer" means a vehicle that is of such 68908  
size and weight as to be movable without a special highway permit, 68909  
that has a gross trailer area of four hundred square feet or less, 68910  
that is constructed with a raised forward section that allows a 68911  
bi-level floor plan, and that is designed to be towed by a vehicle 68912  
equipped with a fifth-wheel hitch ordinarily installed in the bed 68913  
of a truck. 68914

(e) "Park trailer" means a vehicle that is commonly known as 68915  
a park model recreational vehicle, meets the American national 68916  
standard institute standard A119.5 (1988) for park trailers, is 68917  
built on a single chassis, has a gross trailer area of four 68918  
hundred square feet or less when set up, is designed for seasonal 68919  
or temporary living quarters, and may be connected to utilities 68920  
necessary for the operation of installed features and appliances. 68921

(R) "Pneumatic tires" means tires of rubber and fabric or 68922  
tires of similar material, that are inflated with air. 68923

(S) "Solid tires" means tires of rubber or similar elastic 68924  
material that are not dependent upon confined air for support of 68925

the load. 68926

(T) "Solid tire vehicle" means any vehicle that is equipped 68927  
with two or more solid tires. 68928

(U) "Farm machinery" means all machines and tools that are 68929  
used in the production, harvesting, and care of farm products, and 68930  
includes trailers that are used to transport agricultural produce 68931  
or agricultural production materials between a local place of 68932  
storage or supply and the farm, agricultural tractors, threshing 68933  
machinery, hay-baling machinery, corn shellers, hammermills, and 68934  
machinery used in the production of horticultural, agricultural, 68935  
and vegetable products. 68936

(V) "Owner" includes any person or firm, other than a 68937  
manufacturer or dealer, that has title to a motor vehicle, except 68938  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 68939  
includes in addition manufacturers and dealers. 68940

(W) "Manufacturer" and "dealer" include all persons and firms 68941  
that are regularly engaged in the business of manufacturing, 68942  
selling, displaying, offering for sale, or dealing in motor 68943  
vehicles, at an established place of business that is used 68944  
exclusively for the purpose of manufacturing, selling, displaying, 68945  
offering for sale, or dealing in motor vehicles. A place of 68946  
business that is used for manufacturing, selling, displaying, 68947  
offering for sale, or dealing in motor vehicles shall be deemed to 68948  
be used exclusively for those purposes even though snowmobiles or 68949  
all-purpose vehicles are sold or displayed for sale thereat, even 68950  
though farm machinery is sold or displayed for sale thereat, or 68951  
even though repair, accessory, gasoline and oil, storage, parts, 68952  
service, or paint departments are maintained thereat, or, in any 68953  
county having a population of less than seventy-five thousand at 68954  
the last federal census, even though a department in a place of 68955  
business is used to dismantle, salvage, or rebuild motor vehicles 68956  
by means of used parts, if such departments are operated for the 68957

purpose of furthering and assisting in the business of 68958  
manufacturing, selling, displaying, offering for sale, or dealing 68959  
in motor vehicles. Places of business or departments in a place of 68960  
business used to dismantle, salvage, or rebuild motor vehicles by 68961  
means of using used parts are not considered as being maintained 68962  
for the purpose of assisting or furthering the manufacturing, 68963  
selling, displaying, and offering for sale or dealing in motor 68964  
vehicles. 68965

(X) "Operator" includes any person who drives or operates a 68966  
motor vehicle upon the public highways. 68967

(Y) "Chauffeur" means any operator who operates a motor 68968  
vehicle, other than a taxicab, as an employee for hire; or any 68969  
operator whether or not the owner of a motor vehicle, other than a 68970  
taxicab, who operates such vehicle for transporting, for gain, 68971  
compensation, or profit, either persons or property owned by 68972  
another. Any operator of a motor vehicle who is voluntarily 68973  
involved in a ridesharing arrangement is not considered an 68974  
employee for hire or operating such vehicle for gain, 68975  
compensation, or profit. 68976

(Z) "State" includes the territories and federal districts of 68977  
the United States, and the provinces of Canada. 68978

(AA) "Public roads and highways" for vehicles includes all 68979  
public thoroughfares, bridges, and culverts. 68980

(BB) "Manufacturer's number" means the manufacturer's 68981  
original serial number that is affixed to or imprinted upon the 68982  
chassis or other part of the motor vehicle. 68983

(CC) "Motor number" means the manufacturer's original number 68984  
that is affixed to or imprinted upon the engine or motor of the 68985  
vehicle. 68986

(DD) "Distributor" means any person who is authorized by a 68987  
motor vehicle manufacturer to distribute new motor vehicles to 68988

licensed motor vehicle dealers at an established place of business 68989  
that is used exclusively for the purpose of distributing new motor 68990  
vehicles to licensed motor vehicle dealers, except when the 68991  
distributor also is a new motor vehicle dealer, in which case the 68992  
distributor may distribute at the location of the distributor's 68993  
licensed dealership. 68994

(EE) "Ridesharing arrangement" means the transportation of 68995  
persons in a motor vehicle where the transportation is incidental 68996  
to another purpose of a volunteer driver and includes ridesharing 68997  
arrangements known as carpools, vanpools, and buspools. 68998

(FF) "Apportionable vehicle" means any vehicle that is used 68999  
or intended for use in two or more international registration plan 69000  
member jurisdictions that allocate or proportionally register 69001  
vehicles, that is used for the transportation of persons for hire 69002  
or designed, used, or maintained primarily for the transportation 69003  
of property, and that meets any of the following qualifications: 69004

(1) Is a power unit having a gross vehicle weight in excess 69005  
of twenty-six thousand pounds; 69006

(2) Is a power unit having three or more axles, regardless of 69007  
the gross vehicle weight; 69008

(3) Is a combination vehicle with a gross vehicle weight in 69009  
excess of twenty-six thousand pounds. 69010

"Apportionable vehicle" does not include recreational 69011  
vehicles, vehicles displaying restricted plates, city pick-up and 69012  
delivery vehicles, buses used for the transportation of chartered 69013  
parties, or vehicles owned and operated by the United States, this 69014  
state, or any political subdivisions thereof. 69015

(GG) "Chartered party" means a group of persons who contract 69016  
as a group to acquire the exclusive use of a passenger-carrying 69017  
motor vehicle at a fixed charge for the vehicle in accordance with 69018  
the carrier's tariff, lawfully on file with the United States 69019

department of transportation, for the purpose of group travel to a 69020  
specified destination or for a particular itinerary, either agreed 69021  
upon in advance or modified by the chartered group after having 69022  
left the place of origin. 69023

(HH) "International registration plan" means a reciprocal 69024  
agreement of member jurisdictions that is endorsed by the American 69025  
association of motor vehicle administrators, and that promotes and 69026  
encourages the fullest possible use of the highway system by 69027  
authorizing apportioned registration of fleets of vehicles and 69028  
recognizing registration of vehicles apportioned in member 69029  
jurisdictions. 69030

(II) "Restricted plate" means a license plate that has a 69031  
restriction of time, geographic area, mileage, or commodity, and 69032  
includes license plates issued to farm trucks under division (J) 69033  
of section 4503.04 of the Revised Code. 69034

(JJ) "Gross vehicle weight," with regard to any commercial 69035  
car, trailer, semitrailer, or bus that is taxed at the rates 69036  
established under section 4503.042 or 4503.65 of the Revised Code, 69037  
means the unladen weight of the vehicle fully equipped plus the 69038  
maximum weight of the load to be carried on the vehicle. 69039

(KK) "Combined gross vehicle weight" with regard to any 69040  
combination of a commercial car, trailer, and semitrailer, that is 69041  
taxed at the rates established under section 4503.042 or 4503.65 69042  
of the Revised Code, means the total unladen weight of the 69043  
combination of vehicles fully equipped plus the maximum weight of 69044  
the load to be carried on that combination of vehicles. 69045

(LL) "Chauffeured limousine" means a motor vehicle that is 69046  
designed to carry nine or fewer passengers and is operated for 69047  
hire ~~on an hourly basis~~ pursuant to a prearranged contract for the 69048  
transportation of passengers on public roads and highways along a 69049  
route under the control of the person hiring the vehicle and not 69050

over a defined and regular route. "Prearranged contract" means an 69051  
agreement, made in advance of boarding, to provide transportation 69052  
from a specific location in a chauffeured limousine ~~at a fixed~~ 69053  
~~rate per hour or trip~~. "Chauffeured limousine" does not include 69054  
any vehicle that is used exclusively in the business of funeral 69055  
directing. 69056

(MM) "Manufactured home" has the same meaning as in division 69057  
(C)(4) of section 3781.06 of the Revised Code. 69058

(NN) "Acquired situs," with respect to a manufactured home or 69059  
a mobile home, means to become located in this state by the 69060  
placement of the home on real property, but does not include the 69061  
placement of a manufactured home or a mobile home in the inventory 69062  
of a new motor vehicle dealer or the inventory of a manufacturer, 69063  
remanufacturer, or distributor of manufactured or mobile homes. 69064

(OO) "Electronic" includes electrical, digital, magnetic, 69065  
optical, electromagnetic, or any other form of technology that 69066  
entails capabilities similar to these technologies. 69067

(PP) "Electronic record" means a record generated, 69068  
communicated, received, or stored by electronic means for use in 69069  
an information system or for transmission from one information 69070  
system to another. 69071

(QQ) "Electronic signature" means a signature in electronic 69072  
form attached to or logically associated with an electronic 69073  
record. 69074

(RR) "Financial transaction device" has the same meaning as 69075  
in division (A) of section 113.40 of the Revised Code. 69076

(SS) "Electronic motor vehicle dealer" means a motor vehicle 69077  
dealer licensed under Chapter 4517. of the Revised Code whom the 69078  
registrar of motor vehicles determines meets the criteria 69079  
designated in section 4503.035 of the Revised Code for electronic 69080  
motor vehicle dealers and designates as an electronic motor 69081



vehicle dealer under that section. 69082

(TT) "Electric personal assistive mobility device" means a 69083  
self-balancing two non-tandem wheeled device that is designed to 69084  
transport only one person, has an electric propulsion system of an 69085  
average of seven hundred fifty watts, and when ridden on a paved 69086  
level surface by an operator who weighs one hundred seventy pounds 69087  
has a maximum speed of less than twenty miles per hour. 69088

(UU) "Limited driving privileges" means the privilege to 69089  
operate a motor vehicle that a court grants under section 4510.021 69090  
of the Revised Code to a person whose driver's or commercial 69091  
driver's license or permit or nonresident operating privilege has 69092  
been suspended. 69093

(VV) "Utility vehicle" means a self-propelled vehicle 69094  
designed with a bed, principally for the purpose of transporting 69095  
material or cargo in connection with construction, agricultural, 69096  
forestry, grounds maintenance, lawn and garden, materials 69097  
handling, or similar activities. "Utility vehicle" includes a 69098  
vehicle with a maximum attainable speed of twenty miles per hour 69099  
or less that is used exclusively within the boundaries of state 69100  
parks by state park employees or volunteers for the operation or 69101  
maintenance of state park facilities. 69102

**Sec. 4501.21.** (A) There is hereby created in the state 69103  
treasury the license plate contribution fund. The fund shall 69104  
consist of all contributions paid by motor vehicle registrants and 69105  
collected by the registrar of motor vehicles pursuant to sections 69106  
4503.491, 4503.493, 4503.494, 4503.496, 4503.498, 4503.499, 69107  
4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 4503.522, 69108  
4503.523, 4503.524, 4503.531, 4503.545, 4503.55, 4503.551, 69109  
4503.552, 4503.553, 4503.561, 4503.562, 4503.564, 4503.591, 69110  
4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 4503.712, 69111  
4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 4503.751, 69112

4503.85, 4503.89, 4503.92, and 4503.94 of the Revised Code. 69113

(B) The registrar shall pay the contributions the registrar 69114  
collects in the fund as follows: 69115

The registrar shall pay the contributions received pursuant 69116  
to section 4503.491 of the Revised Code to the breast cancer fund 69117  
of Ohio, which shall use that money only to pay for programs that 69118  
provide assistance and education to Ohio breast cancer patients 69119  
and that improve access for such patients to quality health care 69120  
and clinical trials and shall not use any of the money for 69121  
abortion information, counseling, services, or other 69122  
abortion-related activities. 69123

The registrar shall pay the contributions received pursuant 69124  
to section 4503.493 of the Revised Code to the autism society of 69125  
Ohio, which shall use the contributions for programs and autism 69126  
awareness efforts throughout the state. 69127

The registrar shall pay the contributions the registrar 69128  
receives pursuant to section 4503.494 of the Revised Code to the 69129  
national multiple sclerosis society for distribution in equal 69130  
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 69131  
chapters of the national multiple sclerosis society. These 69132  
chapters shall use the money they receive under this section to 69133  
assist in paying the expenses they incur in providing services 69134  
directly to their clients. 69135

The registrar shall pay the contributions the registrar 69136  
receives pursuant to section 4503.496 of the Revised Code to the 69137  
Ohio sickle cell and health association, which shall use the 69138  
contributions to help support educational, clinical, and social 69139  
support services for adults who have sickle cell disease. 69140

The registrar shall pay the contributions the registrar 69141  
receives pursuant to section 4503.498 of the Revised Code to 69142

special olympics Ohio, inc., which shall use the contributions for 69143  
its programs, charitable efforts, and other activities. 69144

The registrar shall pay the contributions the registrar 69145  
receives pursuant to section 4503.499 of the Revised Code to the 69146  
children's glioma cancer foundation, which shall use the 69147  
contributions for its research and other programs. 69148

The registrar shall pay the contributions the registrar 69149  
receives pursuant to section 4503.50 of the Revised Code to the 69150  
future farmers of America foundation, which shall deposit the 69151  
contributions into its general account to be used for educational 69152  
and scholarship purposes of the future farmers of America 69153  
foundation. 69154

The registrar shall pay the contributions the registrar 69155  
receives pursuant to section 4503.501 of the Revised Code to the 69156  
4-H youth development program of the Ohio state university 69157  
extension program, which shall use those contributions to pay the 69158  
expenses it incurs in conducting its educational activities. 69159

The registrar shall pay the contributions received pursuant 69160  
to section 4503.502 of the Revised Code to the Ohio cattlemen's 69161  
foundation, which shall use those contributions for scholarships 69162  
and other educational activities. 69163

The registrar shall pay the contributions received pursuant 69164  
to section 4503.505 of the Revised Code to the organization Ohio 69165  
region phi theta kappa, which shall use those contributions for 69166  
scholarships for students who are members of that organization. 69167

The registrar shall pay each contribution the registrar 69168  
receives pursuant to section 4503.51 of the Revised Code to the 69169  
university or college whose name or marking or design appears on 69170  
collegiate license plates that are issued to a person under that 69171  
section. A university or college that receives contributions from 69172  
the fund shall deposit the contributions into its general 69173

scholarship fund. 69174

The registrar shall pay the contributions the registrar 69175  
receives pursuant to section 4503.522 of the Revised Code to the 69176  
"friends of Perry's victory and international peace memorial, 69177  
incorporated," a nonprofit corporation organized under the laws of 69178  
this state, to assist that organization in paying the expenses it 69179  
incurs in sponsoring or holding charitable, educational, and 69180  
cultural events at the monument. 69181

The registrar shall pay the contributions the registrar 69182  
receives pursuant to section 4503.523 of the Revised Code to the 69183  
fairport lights foundation, which shall use the money to pay for 69184  
the restoration, maintenance, and preservation of the lighthouses 69185  
of fairport harbor. 69186

The registrar shall pay the contributions the registrar 69187  
receives pursuant to section 4503.524 of the Revised Code to the 69188  
Massillon tiger football booster club, which shall use the 69189  
contributions only to promote and support the football team of 69190  
Washington high school of the Massillon city school district. 69191

The registrar shall pay the contributions the registrar 69192  
receives pursuant to section 4503.531 of the Revised Code to the 69193  
thank you foundation, incorporated, a nonprofit corporation 69194  
organized under the laws of this state, to assist that 69195  
organization in paying for the charitable activities and programs 69196  
it sponsors in support of United States military personnel, 69197  
veterans, and their families. 69198

The registrar shall pay the contributions the registrar 69199  
receives pursuant to section 4503.55 of the Revised Code to the 69200  
pro football hall of fame, which shall deposit the contributions 69201  
into a special bank account that it establishes and which shall be 69202  
separate and distinct from any other account the pro football hall 69203  
of fame maintains, to be used exclusively for the purpose of 69204

promoting the pro football hall of fame as a travel destination. 69205

The registrar shall pay the contributions that are paid to 69206  
the registrar pursuant to section 4503.545 of the Revised Code to 69207  
the national rifle association foundation, which shall use the 69208  
money to pay the costs of the educational activities and programs 69209  
the foundation holds or sponsors in this state. 69210

The registrar shall pay to the Ohio pet fund the 69211  
contributions the registrar receives pursuant to section 4503.551 69212  
of the Revised Code and any other money from any other source, 69213  
including donations, gifts, and grants, that is designated by the 69214  
source to be paid to the Ohio pet fund. The Ohio pet fund shall 69215  
use the moneys it receives under this section to support programs 69216  
for the sterilization of dogs and cats and for educational 69217  
programs concerning the proper veterinary care of those animals, 69218  
and for expenses of the Ohio pet fund that are reasonably 69219  
necessary for it to obtain and maintain its tax-exempt status and 69220  
to perform its duties. 69221

The registrar shall pay the contributions the registrar 69222  
receives pursuant to section 4503.552 of the Revised Code to the 69223  
rock and roll hall of fame and museum, incorporated. 69224

The registrar shall pay the contributions the registrar 69225  
receives pursuant to section 4503.553 of the Revised Code to the 69226  
Ohio coalition for animals, incorporated, a nonprofit corporation. 69227  
Except as provided in division (B) of this section, the coalition 69228  
shall distribute the money to its members, and the members shall 69229  
use the money only to pay for educational, charitable, and other 69230  
programs of each coalition member that provide care for unwanted, 69231  
abused, and neglected horses. The Ohio coalition for animals may 69232  
use a portion of the money to pay for reasonable marketing costs 69233  
incurred in the design and promotion of the license plate and for 69234  
administrative costs incurred in the disbursement and management 69235  
of funds received under this section. 69236

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in writing of the name, address, and account to which such payments are to be made.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.562 of the Revised Code to the Mahoning river consortium, which shall use the money to pay the expenses it incurs in restoring and maintaining the Mahoning river watershed.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.564 of the Revised Code to Antioch college for the use of the Glen Helen ecology institute to pay expenses related to the Glen Helen nature preserve.

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The registrar shall pay to a sports commission created pursuant to section 4503.591 of the Revised Code each contribution the registrar receives under that section that an applicant pays to obtain license plates that bear the logo of a professional sports team located in the county of that sports commission and that is participating in the license plate program pursuant to division (E) of that section, irrespective of the county of residence of an applicant.

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The registrar shall pay to a community charity each contribution the registrar receives under section 4503.591 of the Revised Code that an applicant pays to obtain license plates that

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bear the logo of a professional sports team that is participating 69269  
in the license plate program pursuant to division (G) of that 69270  
section. 69271

The registrar shall pay the contributions the registrar 69272  
receives pursuant to section 4503.67 of the Revised Code to the 69273  
Dan Beard council of the boy scouts of America. The council shall 69274  
distribute all contributions in an equitable manner throughout the 69275  
state to regional councils of the boy scouts. 69276

The registrar shall pay the contributions the registrar 69277  
receives pursuant to section 4503.68 of the Revised Code to the 69278  
great river council of the girl scouts of the United States of 69279  
America. The council shall distribute all contributions in an 69280  
equitable manner throughout the state to regional councils of the 69281  
girl scouts. 69282

The registrar shall pay the contributions the registrar 69283  
receives pursuant to section 4503.69 of the Revised Code to the 69284  
Dan Beard council of the boy scouts of America. The council shall 69285  
distribute all contributions in an equitable manner throughout the 69286  
state to regional councils of the boy scouts. 69287

The registrar shall pay the contributions the registrar 69288  
receives pursuant to section 4503.701 of the Revised Code to the 69289  
Prince Hall grand lodge of free and accepted masons of Ohio, which 69290  
shall use the contributions for scholarship purposes. 69291

The registrar shall pay the contributions the registrar 69292  
receives pursuant to section 4503.71 of the Revised Code to the 69293  
fraternal order of police of Ohio, incorporated, which shall 69294  
deposit the fees into its general account to be used for purposes 69295  
of the fraternal order of police of Ohio, incorporated. 69296

The registrar shall pay the contributions the registrar 69297  
receives pursuant to section 4503.711 of the Revised Code to the 69298  
fraternal order of police of Ohio, incorporated, which shall 69299

deposit the contributions into an account that it creates to be 69300  
used for the purpose of advancing and protecting the law 69301  
enforcement profession, promoting improved law enforcement 69302  
methods, and teaching respect for law and order. 69303

The registrar shall pay the contributions received pursuant 69304  
to section 4503.712 of the Revised Code to Ohio concerns of police 69305  
survivors, which shall use those contributions to provide whatever 69306  
assistance may be appropriate to the families of Ohio law 69307  
enforcement officers who are killed in the line of duty. 69308

The registrar shall pay the contributions received pursuant 69309  
to section 4503.713 of the Revised Code to the greater Cleveland 69310  
peace officers memorial society, which shall use those 69311  
contributions to honor law enforcement officers who have died in 69312  
the line of duty and support its charitable purposes. 69313

The registrar shall pay the contributions the registrar 69314  
receives pursuant to section 4503.72 of the Revised Code to the 69315  
organization known on March 31, 2003, as the Ohio CASA/GAL 69316  
association, a private, nonprofit corporation organized under 69317  
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 69318  
shall use these contributions to pay the expenses it incurs in 69319  
administering a program to secure the proper representation in the 69320  
courts of this state of abused, neglected, and dependent children, 69321  
and for the training and supervision of persons participating in 69322  
that program. 69323

The registrar shall pay the contributions the registrar 69324  
receives pursuant to section 4503.73 of the Revised Code to Wright 69325  
B. Flyer, incorporated, which shall deposit the contributions into 69326  
its general account to be used for purposes of Wright B. Flyer, 69327  
incorporated. 69328

The registrar shall pay the contributions the registrar 69329  
receives pursuant to section 4503.732 of the Revised Code to the 69330



Siegel & Shuster society, a nonprofit organization dedicated to 69331  
commemorating and celebrating the creation of Superman in 69332  
Cleveland, Ohio. 69333

The registrar shall pay the contributions the registrar 69334  
receives pursuant to section 4503.74 of the Revised Code to the 69335  
Columbus zoological park association, which shall disburse the 69336  
moneys to Ohio's major metropolitan zoos, as defined in section 69337  
4503.74 of the Revised Code, in accordance with a written 69338  
agreement entered into by the major metropolitan zoos. 69339

The registrar shall pay the contributions the registrar 69340  
receives pursuant to section 4503.75 of the Revised Code to the 69341  
rotary foundation, located on March 31, 2003, in Evanston, 69342  
Illinois, to be placed in a fund known as the permanent fund and 69343  
used to endow educational and humanitarian programs of the rotary 69344  
foundation. 69345

The registrar shall pay the contributions the registrar 69346  
receives pursuant to section 4503.751 of the Revised Code to the 69347  
Ohio association of realtors, which shall deposit the 69348  
contributions into a property disaster relief fund maintained 69349  
under the Ohio realtors charitable and education foundation. 69350

The registrar shall pay the contributions the registrar 69351  
receives pursuant to section 4503.85 of the Revised Code to the 69352  
Ohio sea grant college program to be used for Lake Erie area 69353  
research projects. 69354

The registrar shall pay the contributions the registrar 69355  
receives pursuant to section 4503.89 of the Revised Code to the 69356  
American red cross of greater Columbus on behalf of the Ohio 69357  
chapters of the American red cross, which shall use the 69358  
contributions for disaster readiness, preparedness, and response 69359  
programs on a statewide basis. 69360

The registrar shall pay the contributions received pursuant 69361

to section 4503.92 of the Revised Code to support our troops, 69362  
incorporated, a national nonprofit corporation, which shall use 69363  
those contributions in accordance with its articles of 69364  
incorporation and for the benefit of servicemembers of the armed 69365  
forces of the United States and their families when they are in 69366  
financial need. 69367

The registrar shall pay the contributions the registrar 69368  
receives pursuant to section 4503.94 of the Revised Code to the 69369  
Michelle's leading star foundation, which shall use the money 69370  
solely to fund the rental, lease, or purchase of the simulated 69371  
driving curriculum of the Michelle's leading star foundation by 69372  
boards of education of city, exempted village, local, and joint 69373  
vocational school districts. 69374

(C) All investment earnings of the license plate contribution 69375  
fund shall be credited to the fund. Not later than the first day 69376  
of May of every year, the registrar shall distribute to each 69377  
entity described in division (B) of this section the investment 69378  
income the fund earned the previous calendar year. The amount of 69379  
such a distribution paid to an entity shall be proportionate to 69380  
the amount of money the entity received from the fund during the 69381  
previous calendar year. 69382

Sec. 4503.524. (A) The owner or lessee of any passenger car, 69383  
noncommercial motor vehicle, recreational vehicle, or other 69384  
vehicle of a class approved by the registrar of motor vehicles may 69385  
apply to the registrar for the registration of the vehicle and 69386  
issuance of "Massillon tiger football booster club" license 69387  
plates. The application for "Massillon tiger football booster 69388  
club" license plates may be combined with a request for a special 69389  
reserved license plate under section 4503.40 or 4503.42 of the 69390  
Revised Code. Upon receipt of the completed application and 69391  
compliance with division (B) of this section, the registrar shall 69392

issue to the applicant the appropriate vehicle registration and a 69393  
set of "Massillon tiger football booster club" license plates with 69394  
a validation sticker or a validation sticker alone when required 69395  
by section 4503.191 of the Revised Code. In addition to the 69396  
letters and numbers ordinarily inscribed thereon, "Massillon tiger 69397  
football booster club" license plates shall be inscribed with 69398  
words and markings selected and designed by the Massillon tiger 69399  
football booster club and approved by the registrar. "Massillon 69400  
tiger football booster club" license plates shall bear county 69401  
identification stickers that identify the county of registration 69402  
by name or number. 69403

(B) "Massillon tiger football booster club" license plates 69404  
and validation stickers shall be issued upon payment of the 69405  
regular license tax as prescribed under section 4503.04 of the 69406  
Revised Code, any applicable motor vehicle tax levied under 69407  
Chapter 4504. of the Revised Code, a bureau of motor vehicles 69408  
administrative fee of ten dollars, the contribution specified in 69409  
division (C) of this section, and compliance with all other 69410  
applicable laws relating to the registration of motor vehicles. If 69411  
the application for "Massillon tiger football booster club" 69412  
license plates is combined with a request for a special reserved 69413  
license plate under section 4503.40 or 4503.42 of the Revised 69414  
Code, the license plates and validation sticker shall be issued 69415  
upon payment of the contribution, fees, and taxes contained in 69416  
this division and the additional fee prescribed under section 69417  
4503.40 or 4503.42 of the Revised Code. 69418

(C) For each application for registration and registration 69419  
renewal submitted under this section, the registrar shall collect 69420  
a contribution of twenty-five dollars. The registrar shall 69421  
transmit this contribution to the treasurer of state for deposit 69422  
into the license plate contribution fund created in section 69423  
4501.21 of the Revised Code. 69424

The registrar shall deposit the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for additional services required in issuing "Massillon tiger football booster club" license plates, into the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

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**Sec. 4503.62.** (A) Application for the registration of an apportionable vehicle shall be made to the registrar of motor vehicles in accordance with division (J) of section 4503.10 of the Revised Code.

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(B) Any person applying to register a vehicle or combination vehicle that has a gross vehicle weight of twenty-six thousand pounds or less or two axles, or that is a bus used in charter party service, also may register the vehicle in accordance with division (J) of section 4503.10 of the Revised Code if the vehicle is used or intended for use in two or more international registration plan member jurisdictions.

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(C) No later than December 31, 2011, the registrar shall adopt rules under Chapter 119. of the Revised Code to establish a program to accept applications for vehicle registration transactions of apportionable vehicles electronically over the internet. The program also may provide for vehicle registration transactions of nonapportionable commercial motor vehicles over the internet.

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(D) The internet registration program shall provide an option for the payment of all registration taxes and fees by use of a financial transaction device. In providing for payment by the use of a financial transaction device, the registrar ~~may, but is not required to,~~ shall comply with section 113.40 of the Revised Code. ~~The registrar, with the approval of the director of public safety, may contract with a third party to accept and process payments~~

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~~made by use of a financial transaction device on behalf of the~~ 69456  
~~bureau of motor vehicles.~~ All fees associated with payment by use 69457  
of a financial transaction device shall be borne by the applicants 69458  
seeking the registration of apportionable or other vehicles under 69459  
the program established pursuant to division (C) of this section. 69460  
The bureau shall not pay any costs, and shall not retain any 69461  
additional fees, associated with the use of a financial 69462  
transaction device. 69463

(E) As used in this section, "financial transaction device" 69464  
has the same meaning as in section 113.40 of the Revised Code. 69465

Sec. 4503.732. (A) The owner or lessee of any passenger car, 69466  
noncommercial motor vehicle, recreational vehicle, or other 69467  
vehicle of a class approved by the registrar of motor vehicles may 69468  
apply to the registrar for the registration of the vehicle and 69469  
issuance of "Truth, Justice, and the American Way" license plates. 69470  
The application may be combined with a request for a special 69471  
reserved license plate under section 4503.40 or 4503.42 of the 69472  
Revised Code. Upon receipt of an application for registration of a 69473  
motor vehicle under this section, the registrar shall issue to the 69474  
applicant the appropriate motor vehicle registration and a set of 69475  
"Truth, Justice, and the American Way" license plates and a 69476  
validation sticker, or a validation sticker alone when required by 69477  
section 4503.191 of the Revised Code. 69478

In addition to the letters and numbers ordinarily inscribed 69479  
on the license plates, "Truth, Justice, and the American Way" 69480  
license plates shall be inscribed with the words "Truth, Justice, 69481  
and the American Way" and a design, logo, or marking selected by 69482  
the entity that owns the Superman name. The registrar shall 69483  
approve the final design after entering into a license agreement 69484  
with that entity for appropriate use of the Superman name and 69485  
associated logo or marking, as applicable. The license plates 69486

shall bear county identification stickers that identify the county 69487  
of registration by name or number. 69488

(B) "Truth, Justice, and the American Way" license plates and 69489  
validation stickers shall be issued upon receipt of a contribution 69490  
as provided in division (C)(1) of this section and upon payment of 69491  
the regular license tax as prescribed under section 4503.04 of the 69492  
Revised Code, any applicable motor vehicle license tax levied 69493  
under Chapter 4504. of the Revised Code, and a bureau of motor 69494  
vehicles administrative fee of ten dollars. The applicant shall 69495  
comply with all other applicable laws relating to the registration 69496  
of motor vehicles. If the application for "Truth, Justice, and the 69497  
American Way" license plates is combined with a request for a 69498  
special reserved license plate under section 4503.40 or 4503.42 of 69499  
the Revised Code, the license plates and validation sticker shall 69500  
be issued upon payment of the fees and taxes specified in this 69501  
division and the additional fee prescribed under section 4503.40 69502  
or 4503.42 of the Revised Code. 69503

(C)(1) For each application for registration and registration 69504  
renewal notice the registrar receives under this section, the 69505  
registrar shall collect a contribution of ten dollars. The 69506  
registrar shall pay this contribution into the state treasury to 69507  
the credit of the license plate contribution fund created in 69508  
section 4501.21 of the Revised Code. 69509

(2) The registrar shall pay into the state treasury the 69510  
ten-dollar bureau administrative fee, the purpose of which is to 69511  
compensate the bureau for additional services required in issuing 69512  
"Truth, Justice, and the American Way" license plates, to the 69513  
credit of the state bureau of motor vehicles fund created in 69514  
section 4501.25 of Revised Code. 69515

**Sec. 4505.02.** The registrar of motor vehicles shall issue 69516  
rules as the registrar determines necessary to ensure uniform and 69517

orderly operation of this chapter and to ensure that the 69518  
identification of each applicant for a certificate of title is 69519  
reasonably accurate. The clerks of the courts of common pleas 69520  
shall conform thereto. The clerks shall provide the forms as 69521  
prescribed by the registrar, except the manufacturers' or 69522  
importers' certificates. The clerks shall provide, from moneys in 69523  
the automated title processing fund, certificates of title and 69524  
ribbons, cartridges, or other devices necessary for the operation 69525  
of the certificate of title processing equipment as determined by 69526  
the automated title processing board pursuant to division (C) of 69527  
section 4505.09 of the Revised Code. All other automated title 69528  
processing system supplies shall be provided by the clerks. 69529

If it appears that any certificate of title has been 69530  
improperly issued, the registrar shall cancel the certificate. 69531  
Upon the cancellation of any certificate of title, the registrar 69532  
shall notify the clerk who issued it, and the clerk thereupon 69533  
shall enter the cancellation upon the clerk's records. The 69534  
registrar also shall notify the person to whom such certificate of 69535  
title was issued, as well as any lienholders appearing thereon, of 69536  
the cancellation and shall demand the surrender of the certificate 69537  
of title immediately, but the cancellation shall not affect the 69538  
validity of any lien noted thereon. The holder of such certificate 69539  
of title immediately shall return it to the registrar. If a 69540  
certificate of registration has been issued to the holder of a 69541  
certificate of title so canceled the registrar immediately shall 69542  
cancel it and demand the return of such certificate of 69543  
registration and license plates, and the holder of such 69544  
certificate of registration and license plates shall return the 69545  
same to the registrar forthwith. The clerks shall keep on hand a 69546  
sufficient supply of blank forms, which, except for certificate of 69547  
title and memorandum certificate forms, shall be furnished and 69548  
distributed without charge to registered manufacturers or dealers, 69549  
or other persons residing within the county. 69550

Sec. 4505.09. (A)(1) The clerk of a court of common pleas shall charge and retain fees as follows:

(a) Five dollars for each certificate of title that is not applied for within thirty days after the later of the assignment or delivery of the motor vehicle described in it. The entire fee shall be retained by the clerk.

(b) Fifteen dollars for each certificate of title or duplicate certificate of title including the issuance of a memorandum certificate of title, or authorization to print a non-negotiable evidence of ownership described in division (G) of section 4505.08 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (H) of that section, and notation of any lien on a certificate of title that is applied for at the same time as the certificate of title. The clerk shall retain eleven dollars and fifty cents of that fee for each certificate of title when there is a notation of a lien or security interest on the certificate of title, twelve dollars and twenty-five cents when there is no lien or security interest noted on the certificate of title, and eleven dollars and fifty cents for each duplicate certificate of title.

(c) Four dollars and fifty cents for each certificate of title with no security interest noted that is issued to a licensed motor vehicle dealer for resale purposes and, in addition, a separate fee of fifty cents. The clerk shall retain two dollars and twenty-five cents of that fee.

(d) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

(2) The fees that are not retained by the clerk shall be paid to the registrar of motor vehicles by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the



month next succeeding that in which the certificate is issued or 69582  
that in which the registrar is notified of a lien or cancellation 69583  
of a lien. 69584

(B)(1) The registrar shall pay twenty-five cents of the 69585  
amount received for each certificate of title issued to a motor 69586  
vehicle dealer for resale, one dollar for certificates of title 69587  
issued with a lien or security interest noted on the certificate 69588  
of title, and twenty-five cents for each certificate of title with 69589  
no lien or security interest noted on the certificate of title 69590  
into the state bureau of motor vehicles fund established in 69591  
section 4501.25 of the Revised Code. 69592

(2) Fifty cents of the amount received for each certificate 69593  
of title shall be paid by the registrar as follows: 69594

(a) Four cents shall be paid into the state treasury to the 69595  
credit of the motor vehicle dealers board fund, which is hereby 69596  
created. All investment earnings of the fund shall be credited to 69597  
the fund. The moneys in the motor vehicle dealers board fund shall 69598  
be used by the motor vehicle dealers board created under section 69599  
4517.30 of the Revised Code, together with other moneys 69600  
appropriated to it, in the exercise of its powers and the 69601  
performance of its duties under Chapter 4517. of the Revised Code, 69602  
except that the director of budget and management may transfer 69603  
excess money from the motor vehicle dealers board fund to the 69604  
bureau of motor vehicles fund if the registrar determines that the 69605  
amount of money in the motor vehicle dealers board fund, together 69606  
with other moneys appropriated to the board, exceeds the amount 69607  
required for the exercise of its powers and the performance of its 69608  
duties under Chapter 4517. of the Revised Code and requests the 69609  
director to make the transfer. 69610

(b) Twenty-one cents shall be paid into the highway operating 69611  
fund. 69612

(c) Twenty-five cents shall be paid into the state treasury 69613  
to the credit of the motor vehicle sales audit fund, which is 69614  
hereby created. The moneys in the fund shall be used by the tax 69615  
commissioner together with other funds available to the 69616  
commissioner to conduct a continuing investigation of sales and 69617  
use tax returns filed for motor vehicles in order to determine if 69618  
sales and use tax liability has been satisfied. The commissioner 69619  
shall refer cases of apparent violations of section 2921.13 of the 69620  
Revised Code made in connection with the titling or sale of a 69621  
motor vehicle and cases of any other apparent violations of the 69622  
sales or use tax law to the appropriate county prosecutor whenever 69623  
the commissioner considers it advisable. 69624

(3) Two dollars of the amount received by the registrar under 69625  
divisions (A)(1)(a), (b), and (d) of this section and one dollar 69626  
and fifty cents of the amount received by the registrar under 69627  
division (A)(1)(c) of this section for each certificate of title 69628  
shall be paid into the state treasury to the credit of the 69629  
automated title processing fund, which is hereby created and which 69630  
shall consist of moneys collected under division (B)(3) of this 69631  
section and under sections 1548.10 and 4519.59 of the Revised 69632  
Code. All investment earnings of the fund shall be credited to the 69633  
fund. The moneys in the fund shall be used as follows: 69634

(a) Except for moneys collected under section 1548.10 of the 69635  
Revised Code and as provided in division (B)(3)(c) of this 69636  
section, moneys collected under division (B)(3) of this section 69637  
shall be used to implement and maintain an automated title 69638  
processing system for the issuance of motor vehicle, off-highway 69639  
motorcycle, and all-purpose vehicle certificates of title in the 69640  
offices of the clerks of the courts of common pleas. 69641

(b) Moneys collected under section 1548.10 of the Revised 69642  
Code shall be used to issue marine certificates of title in the 69643  
offices of the clerks of the courts of common pleas as provided in 69644

Chapter 1548. of the Revised Code. 69645

(c) Moneys collected under division (B)(3) of this section 69646  
shall be used in accordance with section 4505.25 of the Revised 69647  
Code to implement Sub. S.B. 59 of the 124th general assembly. 69648

(4) The registrar shall pay the fifty-cent separate fee 69649  
collected from a licensed motor vehicle dealer under division 69650  
(A)(1)(c) of this section into the title defect recision fund 69651  
created by section 1345.52 of the Revised Code. 69652

(C)(1) The automated title processing board is hereby created 69653  
consisting of the registrar or the registrar's representative, a 69654  
person selected by the registrar, the president of the Ohio clerks 69655  
of court association or the president's representative, and two 69656  
clerks of courts of common pleas appointed by the governor. The 69657  
director of budget and management or the director's designee, the 69658  
chief of the division of watercraft in the department of natural 69659  
resources or the chief's designee, and the tax commissioner or the 69660  
commissioner's designee shall be nonvoting members of the board. 69661  
The purpose of the board is to facilitate the operation and 69662  
maintenance of an automated title processing system and approve 69663  
the procurement of automated title processing system equipment and 69664  
ribbons, cartridges, or other devices necessary for the operation 69665  
of that equipment. Voting members of the board, excluding the 69666  
registrar or the registrar's representative, shall serve without 69667  
compensation, but shall be reimbursed for travel and other 69668  
necessary expenses incurred in the conduct of their official 69669  
duties. The registrar or the registrar's representative shall 69670  
receive neither compensation nor reimbursement as a board member. 69671

(2) The automated title processing board shall determine each 69672  
of the following: 69673

(a) The automated title processing equipment and certificates 69674  
of title requirements for each county; 69675

(b) The payment of expenses that may be incurred by the 69676  
counties in implementing an automated title processing system; 69677

(c) The repayment to the counties for existing title 69678  
processing equipment. 69679

(3) The registrar shall purchase, lease, or otherwise acquire 69680  
any automated title processing equipment and certificates of title 69681  
that the board determines are necessary from moneys in the 69682  
automated title processing fund established by division (B)(3) of 69683  
this section. 69684

(D) All counties shall conform to the requirements of the 69685  
registrar regarding the operation of their automated title 69686  
processing system for motor vehicle titles, certificates of title 69687  
for off-highway motorcycles and all-purpose vehicles, and 69688  
certificates of title for watercraft and outboard motors. 69689

**Sec. 4505.101.** (A) The following business owners may obtain a 69690  
certificate of title to an unclaimed vehicle in the manner 69691  
provided in this section: 69692

(1)(a) The owner of any repair garage or place of storage in 69693  
which a motor vehicle with a value of less than ~~two~~ five thousand 69694  
~~five hundred~~ dollars has been left unclaimed for fifteen business 69695  
days ~~or more~~ following completion of the requested repair or the 69696  
agreed term of storage ~~may~~; 69697

(b) The owner of a private tow truck, towing company, or tow 69698  
company place of storage where a motor vehicle with a value of 69699  
less than five thousand dollars has been left unclaimed for 69700  
fifteen business days from the date the motor vehicle was towed 69701  
under division (B) of section 4513.60 of the Revised Code if the 69702  
owner either holds a certificate of public convenience and 69703  
necessity under section 4921.03 of the Revised Code or is 69704  
registered under rules adopted by the public utilities commission 69705

under section 4921.11 of the Revised Code. 69706

(2) The value of the motor vehicle for the purposes of 69707  
divisions (A)(1)(a) and (b) of this section shall be determined in 69708  
accordance with standards fixed by rule in accordance with Chapter 69709  
119. of the Revised Code by the registrar of motor vehicles. 69710

(B) A business owner described in division (A)(1) of this 69711  
section shall send by certified mail, return receipt requested, to 69712  
the last known address of the owner a notice to remove the motor 69713  
vehicle. If the motor vehicle remains unclaimed by the owner for 69714  
fifteen business days after the mailing of the notice, and the 69715  
~~person~~ business owner on whose property the vehicle has been 69716  
abandoned has received the signed receipt from the certified mail 69717  
or has been notified that the delivery was not possible, the 69718  
~~person~~ business owner shall obtain a certificate of title, a 69719  
salvage certificate of title, or a certificate for destruction 69720  
only to the motor vehicle in the ~~person's~~ business owner's name in 69721  
the manner provided in this section. 69722

(C) The business owner of the repair garage or place of 69723  
~~storage that~~ who mailed the notice shall execute an affidavit 69724  
within thirty business days after receiving the signed receipt 69725  
from the certified mail or notification that the delivery was not 69726  
possible that all of the requirements of this section necessary to 69727  
authorize the issuance of a certificate of title or a salvage 69728  
certificate of title for the motor vehicle have been met. The 69729  
affidavit shall set forth the value of the motor vehicle ~~when~~ 69730  
~~unclaimed~~ as determined in accordance with standards fixed by the 69731  
registrar of motor vehicles in rule in accordance with Chapter 69732  
119. of the Revised Code; the length of time that the motor 69733  
vehicle has remained unclaimed; the expenses incurred with the 69734  
motor vehicle; that a notice to remove the vehicle has been mailed 69735  
to the titled owner, if known, by certified mail, return receipt 69736  
requested; and that a search of the records of the bureau of motor 69737

vehicles has been made for outstanding liens on the motor vehicle. 69738

(D) No affidavit or application for a certificate for 69739  
destruction only shall be executed or filed under this section 69740  
until after a search of the records of the bureau of motor 69741  
vehicles has been made. If the research reveals any owner of the 69742  
motor vehicle, the business owner shall comply with division (B) 69743  
of this section. If the research reveals any outstanding lien on 69744  
the motor vehicle, the business owner ~~of the repair garage or~~ 69745  
~~place of storage of the motor vehicle~~ shall notify the mortgagee 69746  
or lienholder by certified mail, return receipt requested, stating 69747  
where the motor vehicle is located and the value of the vehicle. 69748  
Unless the mortgagee or lienholder claims the motor vehicle within 69749  
fifteen business days from the mailing of the notice, the 69750  
mortgagee's mortgage or the lienholder's lien shall be invalid. 69751

(E)(1) Upon presentation by the business owner of the repair 69752  
~~garage or place of storage~~ of the affidavit, showing compliance 69753  
with all requirements of this section to the clerk of courts of 69754  
the county in which the ~~repair garage or place of storage~~ business 69755  
is located, the clerk of courts shall issue a certificate of title 69756  
or salvage certificate of title, free and clear of all liens and 69757  
encumbrances, to the business owner ~~of the place of storage.~~ 69758

(2) The value of the motor vehicle, as determined in 69759  
accordance with standards fixed by the registrar of motor vehicles 69760  
in accordance with Chapter 119. of the Revised Code, less expenses 69761  
incurred by the business owner ~~of such repair garage or place of~~ 69762  
~~storage~~, shall be paid to the clerk of courts for deposit into the 69763  
county general fund upon receipt of the certificate of title. 69764

~~(B)~~(F)(1) Upon presentation by the business owner of the 69765  
application for a certificate for destruction only, showing 69766  
compliance with all requirements of this section to the registrar 69767  
of motor vehicles, the registrar shall issue a certificate for 69768  
destruction only, free and clear of all liens and encumbrances, to 69769

the business owner. 69770

(2) The value of the motor vehicle with a certificate for 69771  
destruction only shall be determined in accordance with standards 69772  
fixed by the registrar of motor vehicles in rule in accordance 69773  
with Chapter 119. of the Revised Code, less expenses incurred by 69774  
the business owner. 69775

(G) Whoever violates this section shall be fined not more 69776  
than two hundred dollars, imprisoned not more than ninety days, or 69777  
both. 69778

**Sec. 4506.07.** (A) Every application for a commercial driver's 69779  
license, restricted commercial driver's license, or a commercial 69780  
driver's temporary instruction permit, or a duplicate of such a 69781  
license, shall be made upon a form approved and furnished by the 69782  
registrar of motor vehicles. Except as provided in section 4506.24 69783  
of the Revised Code in regard to a restricted commercial driver's 69784  
license, the application shall be signed by the applicant and 69785  
shall contain the following information: 69786

(1) The applicant's name, date of birth, social security 69787  
account number, sex, general description including height, weight, 69788  
and color of hair and eyes, current residence, duration of 69789  
residence in this state, country of citizenship, and occupation; 69790

(2) Whether the applicant previously has been licensed to 69791  
operate a commercial motor vehicle or any other type of motor 69792  
vehicle in another state or a foreign jurisdiction and, if so, 69793  
when, by what state, and whether the license or driving privileges 69794  
currently are suspended or revoked in any jurisdiction, or the 69795  
applicant otherwise has been disqualified from operating a 69796  
commercial motor vehicle, or is subject to an out-of-service order 69797  
issued under this chapter or any similar law of another state or a 69798  
foreign jurisdiction and, if so, the date of, locations involved, 69799  
and reason for the suspension, revocation, disqualification, or 69800

out-of-service order; 69801

(3) Whether the applicant is afflicted with or suffering from 69802  
any physical or mental disability or disease that prevents the 69803  
applicant from exercising reasonable and ordinary control over a 69804  
motor vehicle while operating it upon a highway or is or has been 69805  
subject to any condition resulting in episodic impairment of 69806  
consciousness or loss of muscular control and, if so, the nature 69807  
and extent of the disability, disease, or condition, and the names 69808  
and addresses of the physicians attending the applicant; 69809

(4) Whether the applicant has obtained a medical examiner's 69810  
certificate as required by this chapter and, beginning January 30, 69811  
2012, the applicant, prior to or at the time of applying, has 69812  
self-certified to the registrar the applicable status of the 69813  
applicant under division (A)(2) of section 4506.10 of the Revised 69814  
Code; 69815

(5) Whether the applicant has pending a citation for 69816  
violation of any motor vehicle law or ordinance except a parking 69817  
violation and, if so, a description of the citation, the court 69818  
having jurisdiction of the offense, and the date when the offense 69819  
occurred; 69820

(6) ~~Whether~~ If an applicant has not certified the applicant's 69821  
willingness to make an anatomical gift under section 2108.05 of 69822  
the Revised Code, whether the applicant wishes to certify 69823  
willingness to make such an anatomical gift ~~under section 2108.05~~ 69824  
~~of the Revised Code~~, which shall be given no consideration in the 69825  
issuance of a license; 69826

(7) On and after May 1, 1993, whether the applicant has 69827  
executed a valid durable power of attorney for health care 69828  
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 69829  
executed a declaration governing the use or continuation, or the 69830  
withholding or withdrawal, of life-sustaining treatment pursuant 69831



to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the license issued to indicate that the applicant has executed the instrument;

(8) On and after October 7, 2009, whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the license issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license.

(B) Every applicant shall certify, on a form approved and furnished by the registrar, all of the following:

(1) That the motor vehicle in which the applicant intends to take the driving skills test is representative of the type of motor vehicle that the applicant expects to operate as a driver;

(2) That the applicant is not subject to any disqualification or out-of-service order, or license suspension, revocation, or cancellation, under the laws of this state, of another state, or of a foreign jurisdiction and does not have more than one driver's license issued by this or another state or a foreign jurisdiction;

(3) Any additional information, certification, or evidence that the registrar requires by rule in order to ensure that the issuance of a commercial driver's license to the applicant is in compliance with the law of this state and with federal law.

(C) Every applicant shall execute a form, approved and furnished by the registrar, under which the applicant consents to the release by the registrar of information from the applicant's driving record.

(D) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any applicant for a commercial driver's license or for a renewal

or duplicate of such a license under this chapter, if the 69863  
applicant is eligible and wishes to be registered as an elector. 69864  
The decision of an applicant whether to register as an elector 69865  
shall be given no consideration in the decision of whether to 69866  
issue the applicant a license or a renewal or duplicate. 69867

(E) The registrar or a deputy registrar, in accordance with 69868  
section 3503.11 of the Revised Code, shall offer the opportunity 69869  
of completing a notice of change of residence or change of name to 69870  
any applicant for a commercial driver's license or for a renewal 69871  
or duplicate of such a license who is a resident of this state, if 69872  
the applicant is a registered elector who has changed the 69873  
applicant's residence or name and has not filed such a notice. 69874

(F) In considering any application submitted pursuant to this 69875  
section, the bureau of motor vehicles may conduct any inquiries 69876  
necessary to ensure that issuance or renewal of a commercial 69877  
driver's license would not violate any provision of the Revised 69878  
Code or federal law. 69879

(G) In addition to any other information it contains, on and 69880  
after October 7, 2009, the form approved and furnished by the 69881  
registrar of motor vehicles for an application for a commercial 69882  
driver's license, restricted commercial driver's license, or a 69883  
commercial driver's temporary instruction permit or an application 69884  
for a duplicate of such a license shall inform applicants that the 69885  
applicant must present a copy of the applicant's DD-214 or an 69886  
equivalent document in order to qualify to have the license or 69887  
duplicate indicate that the applicant is a veteran, active duty, 69888  
or reservist of the armed forces of the United States based on a 69889  
request made pursuant to division (A)(8) of this section. 69890

Sec. 4507.021. (A) No person shall drive, operate, draw, 69891  
move, or propel an agricultural tractor or implement of husbandry 69892  
upon a street or highway in either of the following circumstances 69893

unless the person has a current, valid driver's or commercial  
driver's license: 69894  
69895

(1) At a speed greater than twenty-five miles per hour; or 69896

(2) While transporting persons in or on a trailer or unit of  
farm machinery. 69897  
69898

(B) Whoever violates division (A) of this section is guilty  
of a misdemeanor of the first degree. 69899  
69900

**Sec. 4507.03.** (A)(1) No person shall be required to obtain a 69901  
driver's or commercial driver's license for the purpose of 69902  
temporarily driving, operating, drawing, moving, or propelling a 69903  
road roller or road machinery upon a street or highway. 69904

(2) ~~No~~ Except as provided in section 4507.021 of the Revised 69905  
Code, no person shall be required to obtain a driver's or 69906  
commercial driver's license for the purpose of temporarily 69907  
driving, operating, drawing, moving, or propelling any 69908  
agricultural tractor or implement of husbandry upon a street or 69909  
highway at a speed of twenty-five miles per hour or less. 69910

(3) ~~No person shall drive, operate, draw, move, or propel any  
agricultural tractor or implement of husbandry upon a street or  
highway at a speed greater than twenty five miles per hour unless  
the person has a current, valid driver's or commercial driver's  
license.~~ 69911  
69912  
69913  
69914  
69915

~~(4)~~ No person having a valid driver's or commercial driver's 69916  
license shall be required to have a motorcycle operator's 69917  
endorsement to operate a motorcycle having three wheels with a 69918  
motor of not more than fifty cubic centimeters piston 69919  
displacement. 69920

(B) Every person on active duty in the armed forces of the 69921  
United States, when furnished with a driver's permit and when 69922  
operating an official motor vehicle in connection with such duty, 69923

is exempt from the license requirements of Chapters 4506. and 69924  
4507. of the Revised Code. 69925

Every person on active duty in the armed forces of the United 69926  
States or in service with the peace corps, volunteers in service 69927  
to America, or the foreign service of the United States is exempt 69928  
from the license requirements of those chapters for the period of 69929  
the person's active duty or service and for six months thereafter, 69930  
provided the person was a licensee under those chapters at the 69931  
time the person commenced the person's active duty or service. The 69932  
spouse or a dependent of any such person on active duty or in 69933  
service also is exempt from the license requirements of those 69934  
chapters for the period of the person's active duty or service and 69935  
for six months thereafter, provided the spouse or dependent was a 69936  
licensee under those chapters at the time the person commenced the 69937  
active duty or service, and provided further that the person's 69938  
active duty or service causes the spouse or dependent to relocate 69939  
outside of this state during the period of the active duty or 69940  
service. 69941

This section does not prevent such a person or the person's 69942  
spouse or dependent from making an application, as provided in 69943  
division (C) of section 4507.10 of the Revised Code, for the 69944  
renewal of a driver's license or motorcycle operator's endorsement 69945  
or as provided in section 4506.14 of the Revised Code for the 69946  
renewal of a commercial driver's license during the period of the 69947  
person's active duty or service. 69948

~~(C) Whoever violates division (A)(3) of this section is 69949  
guilty of a misdemeanor of the first degree. 69950~~

**Sec. 4507.06.** (A)(1) Every application for a driver's license 69951  
or motorcycle operator's license or endorsement, or duplicate of 69952  
any such license or endorsement, shall be made upon the approved 69953  
form furnished by the registrar of motor vehicles and shall be 69954

signed by the applicant. 69955

Every application shall state the following: 69956

(a) The applicant's name, date of birth, social security 69957  
number if such has been assigned, sex, general description, 69958  
including height, weight, color of hair, and eyes, residence 69959  
address, including county of residence, duration of residence in 69960  
this state, and country of citizenship; 69961

(b) Whether the applicant previously has been licensed as an 69962  
operator, chauffeur, driver, commercial driver, or motorcycle 69963  
operator and, if so, when, by what state, and whether such license 69964  
is suspended or canceled at the present time and, if so, the date 69965  
of and reason for the suspension or cancellation; 69966

(c) Whether the applicant is now or ever has been afflicted 69967  
with epilepsy, or whether the applicant now is suffering from any 69968  
physical or mental disability or disease and, if so, the nature 69969  
and extent of the disability or disease, giving the names and 69970  
addresses of physicians then or previously in attendance upon the 69971  
applicant; 69972

(d) Whether an applicant for a duplicate driver's license, or 69973  
duplicate license containing a motorcycle operator endorsement has 69974  
pending a citation for violation of any motor vehicle law or 69975  
ordinance, a description of any such citation pending, and the 69976  
date of the citation; 69977

(e) ~~Whether~~ If an applicant has not certified the applicant's 69978  
willingness to make an anatomical gift under section 2108.05 of 69979  
the Revised Code, whether the applicant wishes to certify 69980  
willingness to make such an anatomical gift ~~under section 2108.05~~ 69981  
~~of the Revised Code~~, which shall be given no consideration in the 69982  
issuance of a license or endorsement; 69983

(f) Whether the applicant has executed a valid durable power 69984

of attorney for health care pursuant to sections 1337.11 to 69985  
1337.17 of the Revised Code or has executed a declaration 69986  
governing the use or continuation, or the withholding or 69987  
withdrawal, of life-sustaining treatment pursuant to sections 69988  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 69989  
executed either type of instrument, whether the applicant wishes 69990  
the applicant's license to indicate that the applicant has 69991  
executed the instrument; 69992

(g) On and after October 7, 2009, whether the applicant is a 69993  
veteran, active duty, or reservist of the armed forces of the 69994  
United States and, if the applicant is such, whether the applicant 69995  
wishes the applicant's license to indicate that the applicant is a 69996  
veteran, active duty, or reservist of the armed forces of the 69997  
United States by a military designation on the license. 69998

(2) Every applicant for a driver's license shall be 69999  
photographed in color at the time the application for the license 70000  
is made. The application shall state any additional information 70001  
that the registrar requires. 70002

(B) The registrar or a deputy registrar, in accordance with 70003  
section 3503.11 of the Revised Code, shall register as an elector 70004  
any person who applies for a driver's license or motorcycle 70005  
operator's license or endorsement under division (A) of this 70006  
section, or for a renewal or duplicate of the license or 70007  
endorsement, if the applicant is eligible and wishes to be 70008  
registered as an elector. The decision of an applicant whether to 70009  
register as an elector shall be given no consideration in the 70010  
decision of whether to issue the applicant a license or 70011  
endorsement, or a renewal or duplicate. 70012

(C) The registrar or a deputy registrar, in accordance with 70013  
section 3503.11 of the Revised Code, shall offer the opportunity 70014  
of completing a notice of change of residence or change of name to 70015  
any applicant for a driver's license or endorsement under division 70016

(A) of this section, or for a renewal or duplicate of the license 70017  
or endorsement, if the applicant is a registered elector who has 70018  
changed the applicant's residence or name and has not filed such a 70019  
notice. 70020

(D) In addition to any other information it contains, on and 70021  
after October 7, 2009, the approved form furnished by the 70022  
registrar of motor vehicles for an application for a driver's 70023  
license or motorcycle operator's license or endorsement or an 70024  
application for a duplicate of any such license or endorsement 70025  
shall inform applicants that the applicant must present a copy of 70026  
the applicant's DD-214 or an equivalent document in order to 70027  
qualify to have the license or duplicate indicate that the 70028  
applicant is a veteran, active duty, or reservist of the armed 70029  
forces of the United States based on a request made pursuant to 70030  
division (A)(1)(g) of this section. 70031

**Sec. 4507.51.** (A)(1) Every application for an identification 70032  
card or duplicate shall be made on a form furnished by the 70033  
registrar of motor vehicles, shall be signed by the applicant, and 70034  
by the applicant's parent or guardian if the applicant is under 70035  
eighteen years of age, and shall contain the following information 70036  
pertaining to the applicant: name, date of birth, sex, general 70037  
description including the applicant's height, weight, hair color, 70038  
and eye color, address, and social security number. The 70039  
application also shall state include, for an applicant who has not 70040  
already certified the applicant's willingness to make an 70041  
anatomical gift under section 2108.05 of the Revised Code, whether 70042  
an the applicant wishes to certify willingness to make such an 70043  
anatomical gift ~~under section 2108.05 of the Revised Code~~ and 70044  
shall include information about the requirements of sections 70045  
2108.01 to 2108.29 of the Revised Code that apply to persons who 70046  
are less than eighteen years of age. The statement regarding 70047  
willingness to make such a donation shall be given no 70048

consideration in the decision of whether to issue an 70049  
identification card. Each applicant shall be photographed in color 70050  
at the time of making application. 70051

(2)(a) The application also shall state whether the applicant 70052  
has executed a valid durable power of attorney for health care 70053  
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 70054  
executed a declaration governing the use or continuation, or the 70055  
withholding or withdrawal, of life-sustaining treatment pursuant 70056  
to sections 2133.01 to 2133.15 of the Revised Code and, if the 70057  
applicant has executed either type of instrument, whether the 70058  
applicant wishes the identification card issued to indicate that 70059  
the applicant has executed the instrument. 70060

(b) On and after October 7, 2009, the application also shall 70061  
state whether the applicant is a veteran, active duty, or 70062  
reservist of the armed forces of the United States and, if the 70063  
applicant is such, whether the applicant wishes the identification 70064  
card issued to indicate that the applicant is a veteran, active 70065  
duty, or reservist of the armed forces of the United States by a 70066  
military designation on the identification card. 70067

(3) The registrar or deputy registrar, in accordance with 70068  
section 3503.11 of the Revised Code, shall register as an elector 70069  
any person who applies for an identification card or duplicate if 70070  
the applicant is eligible and wishes to be registered as an 70071  
elector. The decision of an applicant whether to register as an 70072  
elector shall be given no consideration in the decision of whether 70073  
to issue the applicant an identification card or duplicate. 70074

(B) The application for an identification card or duplicate 70075  
shall be filed in the office of the registrar or deputy registrar. 70076  
Each applicant shall present documentary evidence as required by 70077  
the registrar of the applicant's age and identity, and the 70078  
applicant shall swear that all information given is true. An 70079  
identification card issued by the department of rehabilitation and 70080



correction under section 5120.59 of the Revised Code or an 70081  
identification card issued by the department of youth services 70082  
under section 5139.511 of the Revised Code shall be sufficient 70083  
documentary evidence under this division upon verification of the 70084  
applicant's social security number by the registrar or a deputy 70085  
registrar. Upon issuing an identification card under this section 70086  
for a person who has been issued an identification card under 70087  
section 5120.59 or section 5139.511 of the Revised Code, the 70088  
registrar or deputy registrar shall destroy the identification 70089  
card issued under section 5120.59 or section 5139.511 of the 70090  
Revised Code. 70091

All applications for an identification card or duplicate 70092  
shall be filed in duplicate, and if submitted to a deputy 70093  
registrar, a copy shall be forwarded to the registrar. The 70094  
registrar shall prescribe rules for the manner in which a deputy 70095  
registrar is to file and maintain applications and other records. 70096  
The registrar shall maintain a suitable, indexed record of all 70097  
applications denied and cards issued or canceled. 70098

(C) In addition to any other information it contains, on and 70099  
after the date that is fifteen months after April 7, 2009, the 70100  
form furnished by the registrar of motor vehicles for an 70101  
application for an identification card or duplicate shall inform 70102  
applicants that the applicant must present a copy of the 70103  
applicant's DD-214 or an equivalent document in order to qualify 70104  
to have the card or duplicate indicate that the applicant is an 70105  
honorably discharged veteran of the armed forces of the United 70106  
States based on a request made pursuant to division (A)(2)(b) of 70107  
this section. 70108

**Sec. 4510.038.** (A) Any person whose driver's or commercial 70109  
driver's license or permit is suspended or who is granted limited 70110  
driving privileges under section 4510.037, under division (H) of 70111

section 4511.19, or under section 4510.07 of the Revised Code for 70112  
a violation of a municipal ordinance that is substantially 70113  
equivalent to division (B) of section 4511.19 of the Revised Code 70114  
is not eligible to retain the license, or to have the driving 70115  
privileges reinstated, until each of the following has occurred: 70116

(1) The person successfully completes a course of remedial 70117  
driving instruction approved by the director of public safety. A 70118  
minimum of twenty-five per cent of the number of hours of 70119  
instruction included in the course shall be devoted to instruction 70120  
on driver attitude. 70121

The course also shall devote a number of hours to instruction 70122  
in the area of alcohol and drugs and the operation of vehicles. 70123  
The instruction shall include, but not be limited to, a review of 70124  
the laws governing the operation of a vehicle while under the 70125  
influence of alcohol, drugs, or a combination of them, the dangers 70126  
of operating a vehicle while under the influence of alcohol, 70127  
drugs, or a combination of them, and other information relating to 70128  
the operation of vehicles and the consumption of alcoholic 70129  
beverages and use of drugs. The director, in consultation with the 70130  
director of ~~alcohol and drug addiction services~~ mental health and 70131  
addiction services, shall prescribe the content of the 70132  
instruction. The number of hours devoted to the area of alcohol 70133  
and drugs and the operation of vehicles shall comprise a minimum 70134  
of twenty-five per cent of the number of hours of instruction 70135  
included in the course. 70136

(2) The person is examined in the manner provided for in 70137  
section 4507.20 of the Revised Code, and found by the registrar of 70138  
motor vehicles to be qualified to operate a motor vehicle; 70139

(3) The person gives and maintains proof of financial 70140  
responsibility, in accordance with section 4509.45 of the Revised 70141  
Code. 70142

(B)(1) Except as provided in division (B)(2) of this section, 70143  
any course of remedial driving instruction the director of public 70144  
safety approves under this section shall require its students to 70145  
attend at least fifty per cent of the course in person and the 70146  
director shall not approve any course of remedial driving 70147  
instruction that permits its students to take more than fifty per 70148  
cent of the course in any other manner, including via video 70149  
teleconferencing or the internet. 70150

(2) The director may approve a course of remedial instruction 70151  
that permits students to take the entire course via video 70152  
teleconferencing or the internet. 70153

**Sec. 4510.45.** (A)(1) A manufacturer of ignition interlock 70154  
devices that desires for its devices to be certified under section 70155  
4510.43 of the Revised Code and then to be included on the list of 70156  
certified devices that the department of public safety compiles 70157  
and makes available to courts pursuant to that section first shall 70158  
obtain a license from the department under this section. The 70159  
department, in accordance with Chapter 119. of the Revised Code, 70160  
shall adopt any rules that are necessary to implement this 70161  
licensing requirement. 70162

(2) A manufacturer shall apply to the department for the 70163  
license and shall include all information the department may 70164  
require by rule. Each application, including an application for 70165  
license renewal, shall be accompanied by an application fee of one 70166  
hundred dollars, which the department shall deposit into the state 70167  
treasury to the credit of the indigent drivers alcohol treatment 70168  
fund created by section 4511.191 of the Revised Code. 70169

(3) Upon receipt of a completed application, if the 70170  
department finds that a manufacturer has complied with all 70171  
application requirements, the department shall issue a license to 70172  
the manufacturer. A manufacturer that has been issued a license 70173

under this section is eligible immediately to have the models of 70174  
ignition interlock devices it produces certified under section 70175  
4510.43 of the Revised Code and then included on the list of 70176  
certified devices that the department compiles and makes available 70177  
to courts pursuant to that section. 70178

(4)(a) A license issued under this section shall expire 70179  
annually on a date selected by the department. The department 70180  
shall reject the license application of a manufacturer if any of 70181  
the following apply: 70182

(i) The application is not accompanied by the application 70183  
fee. 70184

(ii) The department finds that the manufacturer has not 70185  
complied with all application requirements. 70186

(iii) The license application is a renewal application and 70187  
the manufacturer failed to file the annual report or failed to pay 70188  
the fee as required by division (B) of this section. 70189

(b) A manufacturer whose license application is rejected by 70190  
the department may appeal the decision to the director of public 70191  
safety. The director or the director's designee shall hold a 70192  
hearing on the matter not more than thirty days from the date of 70193  
the manufacturer's appeal. If the director or the director's 70194  
designee upholds the denial of the manufacturer's application for 70195  
a license, the manufacturer may appeal the decision to the 70196  
Franklin county court of common pleas. If the director or the 70197  
director's designee reverses the denial of the manufacturer's 70198  
application for a license, the director or the director's designee 70199  
shall issue a written order directing that the department issue a 70200  
license to the manufacturer. 70201

(B) Every manufacturer of ignition interlock devices that is 70202  
issued a license under this section shall file an annual report 70203  
with the department on a form the department prescribes on or 70204

before a date the department prescribes. The annual report shall 70205  
state the amount of net profit the manufacturer earned during a 70206  
twelve-month period specified by the department that is 70207  
attributable to the sales of that manufacturer's certified 70208  
ignition interlock devices to purchasers in this state. Each 70209  
manufacturer shall pay a fee equal to five per cent of the amount 70210  
of the net profit described in this division. 70211

The department may permit annual reports to be filed via 70212  
electronic means. 70213

(C) The department shall deposit all fees it receives from 70214  
manufacturers under this section into the state treasury to the 70215  
credit of the indigent drivers alcohol treatment fund created by 70216  
section 4511.191 of the Revised Code. All money so deposited into 70217  
that fund that is paid by the department of ~~alcohol and drug~~ 70218  
~~addiction services~~ mental health and addiction services to county 70219  
indigent drivers alcohol treatment funds, county juvenile indigent 70220  
drivers alcohol treatment funds, and municipal indigent drivers 70221  
alcohol treatment funds shall be used only as described in 70222  
division (H)(3) of section 4511.191 of the Revised Code. 70223

(D)(1) The director may make an assessment, based on any 70224  
information in the director's possession, against any manufacturer 70225  
that fails to file an annual report or pay the fee required by 70226  
division (B) of this section. The director, in accordance with 70227  
Chapter 119. of the Revised Code, shall adopt rules governing 70228  
assessments and assessment procedures and related provisions. In 70229  
adopting these rules, the director shall incorporate the 70230  
provisions of section 5751.09 of the Revised Code to the greatest 70231  
extent possible, except that the director is not required to 70232  
incorporate any provisions of that section that by their nature 70233  
are not applicable, appropriate, or necessary to assessments made 70234  
by the director under this section. 70235

(2) A manufacturer may appeal the final determination of the 70236

director regarding an assessment made by the director under this 70237  
section. The director, in accordance with Chapter 119. of the 70238  
Revised Code, shall adopt rules governing such appeals. In 70239  
adopting these rules, the director shall incorporate the 70240  
provisions of section 5717.02 of the Revised Code to the greatest 70241  
extent possible, except that the director is not required to 70242  
incorporate any provisions of that section that by their nature 70243  
are not applicable, appropriate, or necessary to appeals of 70244  
assessments made by the director under this section. 70245

(E) The director, in accordance with Chapter 119. of the 70246  
Revised Code, shall adopt a penalty schedule setting forth the 70247  
monetary penalties to be imposed upon a manufacturer that is 70248  
issued a license under this section and fails to file an annual 70249  
report or pay the fee required by division (B) of this section in 70250  
a timely manner. The penalty amounts shall not exceed the maximum 70251  
penalty amounts established in section 5751.06 of the Revised Code 70252  
for similar or equivalent facts or circumstances. 70253

(F)(1) No manufacturer of ignition interlock devices that is 70254  
required by division (B) of this section to file an annual report 70255  
with the department or to pay a fee shall fail to do so as 70256  
required by that division. 70257

(2) No manufacturer of ignition interlock devices that is 70258  
required by division (B) of this section to file an annual report 70259  
with the department shall file a report that contains incorrect or 70260  
erroneous information. 70261

(G) Whoever violates division (F)(2) of this section is 70262  
guilty of a misdemeanor of the first degree. The department shall 70263  
remove from the list of certified devices described in division 70264  
(A)(1) of this section the ignition interlock devices manufactured 70265  
by a manufacturer that violates division (F)(1) or (2) of this 70266  
section. 70267

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, 70268  
streetcar, or trackless trolley within this state, if, at the time 70269  
of the operation, any of the following apply: 70270

(a) The person is under the influence of alcohol, a drug of 70271  
abuse, or a combination of them. 70272

(b) The person has a concentration of eight-hundredths of one 70273  
per cent or more but less than seventeen-hundredths of one per 70274  
cent by weight per unit volume of alcohol in the person's whole 70275  
blood. 70276

(c) The person has a concentration of ninety-six-thousandths 70277  
of one per cent or more but less than two hundred four-thousandths 70278  
of one per cent by weight per unit volume of alcohol in the 70279  
person's blood serum or plasma. 70280

(d) The person has a concentration of eight-hundredths of one 70281  
gram or more but less than seventeen-hundredths of one gram by 70282  
weight of alcohol per two hundred ten liters of the person's 70283  
breath. 70284

(e) The person has a concentration of eleven-hundredths of 70285  
one gram or more but less than two hundred 70286  
thirty-eight-thousandths of one gram by weight of alcohol per one 70287  
hundred milliliters of the person's urine. 70288

(f) The person has a concentration of seventeen-hundredths of 70289  
one per cent or more by weight per unit volume of alcohol in the 70290  
person's whole blood. 70291

(g) The person has a concentration of two hundred 70292  
four-thousandths of one per cent or more by weight per unit volume 70293  
of alcohol in the person's blood serum or plasma. 70294

(h) The person has a concentration of seventeen-hundredths of 70295  
one gram or more by weight of alcohol per two hundred ten liters 70296  
of the person's breath. 70297

(i) The person has a concentration of two hundred 70298  
thirty-eight-thousandths of one gram or more by weight of alcohol 70299  
per one hundred milliliters of the person's urine. 70300

(j) Except as provided in division (K) of this section, the 70301  
person has a concentration of any of the following controlled 70302  
substances or metabolites of a controlled substance in the 70303  
person's whole blood, blood serum or plasma, or urine that equals 70304  
or exceeds any of the following: 70305

(i) The person has a concentration of amphetamine in the 70306  
person's urine of at least five hundred nanograms of amphetamine 70307  
per milliliter of the person's urine or has a concentration of 70308  
amphetamine in the person's whole blood or blood serum or plasma 70309  
of at least one hundred nanograms of amphetamine per milliliter of 70310  
the person's whole blood or blood serum or plasma. 70311

(ii) The person has a concentration of cocaine in the 70312  
person's urine of at least one hundred fifty nanograms of cocaine 70313  
per milliliter of the person's urine or has a concentration of 70314  
cocaine in the person's whole blood or blood serum or plasma of at 70315  
least fifty nanograms of cocaine per milliliter of the person's 70316  
whole blood or blood serum or plasma. 70317

(iii) The person has a concentration of cocaine metabolite in 70318  
the person's urine of at least one hundred fifty nanograms of 70319  
cocaine metabolite per milliliter of the person's urine or has a 70320  
concentration of cocaine metabolite in the person's whole blood or 70321  
blood serum or plasma of at least fifty nanograms of cocaine 70322  
metabolite per milliliter of the person's whole blood or blood 70323  
serum or plasma. 70324

(iv) The person has a concentration of heroin in the person's 70325  
urine of at least two thousand nanograms of heroin per milliliter 70326  
of the person's urine or has a concentration of heroin in the 70327  
person's whole blood or blood serum or plasma of at least fifty 70328



nanograms of heroin per milliliter of the person's whole blood or 70329  
blood serum or plasma. 70330

(v) The person has a concentration of heroin metabolite 70331  
(6-monoacetyl morphine) in the person's urine of at least ten 70332  
nanograms of heroin metabolite (6-monoacetyl morphine) per 70333  
milliliter of the person's urine or has a concentration of heroin 70334  
metabolite (6-monoacetyl morphine) in the person's whole blood or 70335  
blood serum or plasma of at least ten nanograms of heroin 70336  
metabolite (6-monoacetyl morphine) per milliliter of the person's 70337  
whole blood or blood serum or plasma. 70338

(vi) The person has a concentration of L.S.D. in the person's 70339  
urine of at least twenty-five nanograms of L.S.D. per milliliter 70340  
of the person's urine or a concentration of L.S.D. in the person's 70341  
whole blood or blood serum or plasma of at least ten nanograms of 70342  
L.S.D. per milliliter of the person's whole blood or blood serum 70343  
or plasma. 70344

(vii) The person has a concentration of marihuana in the 70345  
person's urine of at least ten nanograms of marihuana per 70346  
milliliter of the person's urine or has a concentration of 70347  
marihuana in the person's whole blood or blood serum or plasma of 70348  
at least two nanograms of marihuana per milliliter of the person's 70349  
whole blood or blood serum or plasma. 70350

(viii) Either of the following applies: 70351

(I) The person is under the influence of alcohol, a drug of 70352  
abuse, or a combination of them, and, as measured by gas 70353  
chromatography mass spectrometry, the person has a concentration 70354  
of marihuana metabolite in the person's urine of at least fifteen 70355  
nanograms of marihuana metabolite per milliliter of the person's 70356  
urine or has a concentration of marihuana metabolite in the 70357  
person's whole blood or blood serum or plasma of at least five 70358  
nanograms of marihuana metabolite per milliliter of the person's 70359

whole blood or blood serum or plasma. 70360

(II) As measured by gas chromatography mass spectrometry, the 70361  
person has a concentration of marihuana metabolite in the person's 70362  
urine of at least thirty-five nanograms of marihuana metabolite 70363  
per milliliter of the person's urine or has a concentration of 70364  
marihuana metabolite in the person's whole blood or blood serum or 70365  
plasma of at least fifty nanograms of marihuana metabolite per 70366  
milliliter of the person's whole blood or blood serum or plasma. 70367

(ix) The person has a concentration of methamphetamine in the 70368  
person's urine of at least five hundred nanograms of 70369  
methamphetamine per milliliter of the person's urine or has a 70370  
concentration of methamphetamine in the person's whole blood or 70371  
blood serum or plasma of at least one hundred nanograms of 70372  
methamphetamine per milliliter of the person's whole blood or 70373  
blood serum or plasma. 70374

(x) The person has a concentration of phencyclidine in the 70375  
person's urine of at least twenty-five nanograms of phencyclidine 70376  
per milliliter of the person's urine or has a concentration of 70377  
phencyclidine in the person's whole blood or blood serum or plasma 70378  
of at least ten nanograms of phencyclidine per milliliter of the 70379  
person's whole blood or blood serum or plasma. 70380

(xi) The state board of pharmacy has adopted a rule pursuant 70381  
to section 4729.041 of the Revised Code that specifies the amount 70382  
of salvia divinorum and the amount of salvinorin A that constitute 70383  
concentrations of salvia divinorum and salvinorin A in a person's 70384  
urine, in a person's whole blood, or in a person's blood serum or 70385  
plasma at or above which the person is impaired for purposes of 70386  
operating any vehicle, streetcar, or trackless trolley within this 70387  
state, the rule is in effect, and the person has a concentration 70388  
of salvia divinorum or salvinorin A of at least that amount so 70389  
specified by rule in the person's urine, in the person's whole 70390  
blood, or in the person's blood serum or plasma. 70391

(2) No person who, within twenty years of the conduct described in division (A)(2)(a) of this section, previously has been convicted of or pleaded guilty to a violation of this division, a violation of division (A)(1) or (B) of this section, or any other equivalent offense shall do both of the following:

(a) Operate any vehicle, streetcar, or trackless trolley within this state while under the influence of alcohol, a drug of abuse, or a combination of them;

(b) Subsequent to being arrested for operating the vehicle, streetcar, or trackless trolley as described in division (A)(2)(a) of this section, being asked by a law enforcement officer to submit to a chemical test or tests under section 4511.191 of the Revised Code, and being advised by the officer in accordance with section 4511.192 of the Revised Code of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(B) No person under twenty-one years of age shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one

gram by weight of alcohol per one hundred milliliters of the 70423  
person's urine. 70424

(C) In any proceeding arising out of one incident, a person 70425  
may be charged with a violation of division (A)(1)(a) or (A)(2) 70426  
and a violation of division (B)(1), (2), or (3) of this section, 70427  
but the person may not be convicted of more than one violation of 70428  
these divisions. 70429

(D)(1)(a) In any criminal prosecution or juvenile court 70430  
proceeding for a violation of division (A)(1)(a) of this section 70431  
or for an equivalent offense that is vehicle-related, the result 70432  
of any test of any blood or urine withdrawn and analyzed at any 70433  
health care provider, as defined in section 2317.02 of the Revised 70434  
Code, may be admitted with expert testimony to be considered with 70435  
any other relevant and competent evidence in determining the guilt 70436  
or innocence of the defendant. 70437

(b) In any criminal prosecution or juvenile court proceeding 70438  
for a violation of division (A) or (B) of this section or for an 70439  
equivalent offense that is vehicle-related, the court may admit 70440  
evidence on the concentration of alcohol, drugs of abuse, 70441  
controlled substances, metabolites of a controlled substance, or a 70442  
combination of them in the defendant's whole blood, blood serum or 70443  
plasma, breath, urine, or other bodily substance at the time of 70444  
the alleged violation as shown by chemical analysis of the 70445  
substance withdrawn within three hours of the time of the alleged 70446  
violation. The three-hour time limit specified in this division 70447  
regarding the admission of evidence does not extend or affect the 70448  
two-hour time limit specified in division (A) of section 4511.192 70449  
of the Revised Code as the maximum period of time during which a 70450  
person may consent to a chemical test or tests as described in 70451  
that section. The court may admit evidence on the concentration of 70452  
alcohol, drugs of abuse, or a combination of them as described in 70453  
this division when a person submits to a blood, breath, urine, or 70454

other bodily substance test at the request of a law enforcement 70455  
officer under section 4511.191 of the Revised Code or a blood or 70456  
urine sample is obtained pursuant to a search warrant. Only a 70457  
physician, a registered nurse, an emergency medical 70458  
technician-intermediate, an emergency medical 70459  
technician-paramedic, or a qualified technician, chemist, or 70460  
phlebotomist shall withdraw a blood sample for the purpose of 70461  
determining the alcohol, drug, controlled substance, metabolite of 70462  
a controlled substance, or combination content of the whole blood, 70463  
blood serum, or blood plasma. This limitation does not apply to 70464  
the taking of breath or urine specimens. A person authorized to 70465  
withdraw blood under this division may refuse to withdraw blood 70466  
under this division, if in that person's opinion, the physical 70467  
welfare of the person would be endangered by the withdrawing of 70468  
blood. 70469

The bodily substance withdrawn under division (D)(1)(b) of 70470  
this section shall be analyzed in accordance with methods approved 70471  
by the director of health by an individual possessing a valid 70472  
permit issued by the director pursuant to section 3701.143 of the 70473  
Revised Code. 70474

(c) As used in division (D)(1)(b) of this section, "emergency 70475  
medical technician-intermediate" and "emergency medical 70476  
technician-paramedic" have the same meanings as in section 4765.01 70477  
of the Revised Code. 70478

(2) In a criminal prosecution or juvenile court proceeding 70479  
for a violation of division (A) of this section or for an 70480  
equivalent offense that is vehicle-related, if there was at the 70481  
time the bodily substance was withdrawn a concentration of less 70482  
than the applicable concentration of alcohol specified in 70483  
divisions (A)(1)(b), (c), (d), and (e) of this section or less 70484  
than the applicable concentration of a listed controlled substance 70485  
or a listed metabolite of a controlled substance specified for a 70486

violation of division (A)(1)(j) of this section, that fact may be 70487  
considered with other competent evidence in determining the guilt 70488  
or innocence of the defendant. This division does not limit or 70489  
affect a criminal prosecution or juvenile court proceeding for a 70490  
violation of division (B) of this section or for an equivalent 70491  
offense that is substantially equivalent to that division. 70492

(3) Upon the request of the person who was tested, the 70493  
results of the chemical test shall be made available to the person 70494  
or the person's attorney, immediately upon the completion of the 70495  
chemical test analysis. 70496

If the chemical test was obtained pursuant to division 70497  
(D)(1)(b) of this section, the person tested may have a physician, 70498  
a registered nurse, or a qualified technician, chemist, or 70499  
phlebotomist of the person's own choosing administer a chemical 70500  
test or tests, at the person's expense, in addition to any 70501  
administered at the request of a law enforcement officer. If the 70502  
person was under arrest as described in division (A)(5) of section 70503  
4511.191 of the Revised Code, the arresting officer shall advise 70504  
the person at the time of the arrest that the person may have an 70505  
independent chemical test taken at the person's own expense. If 70506  
the person was under arrest other than described in division 70507  
(A)(5) of section 4511.191 of the Revised Code, the form to be 70508  
read to the person to be tested, as required under section 70509  
4511.192 of the Revised Code, shall state that the person may have 70510  
an independent test performed at the person's expense. The failure 70511  
or inability to obtain an additional chemical test by a person 70512  
shall not preclude the admission of evidence relating to the 70513  
chemical test or tests taken at the request of a law enforcement 70514  
officer. 70515

(4)(a) As used in divisions (D)(4)(b) and (c) of this 70516  
section, "national highway traffic safety administration" means 70517  
the national highway traffic safety administration established as 70518

an administration of the United States department of 70519  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 70520

(b) In any criminal prosecution or juvenile court proceeding 70521  
for a violation of division (A) or (B) of this section, of a 70522  
municipal ordinance relating to operating a vehicle while under 70523  
the influence of alcohol, a drug of abuse, or alcohol and a drug 70524  
of abuse, or of a municipal ordinance relating to operating a 70525  
vehicle with a prohibited concentration of alcohol, a controlled 70526  
substance, or a metabolite of a controlled substance in the whole 70527  
blood, blood serum or plasma, breath, or urine, if a law 70528  
enforcement officer has administered a field sobriety test to the 70529  
operator of the vehicle involved in the violation and if it is 70530  
shown by clear and convincing evidence that the officer 70531  
administered the test in substantial compliance with the testing 70532  
standards for any reliable, credible, and generally accepted field 70533  
sobriety tests that were in effect at the time the tests were 70534  
administered, including, but not limited to, any testing standards 70535  
then in effect that were set by the national highway traffic 70536  
safety administration, all of the following apply: 70537

(i) The officer may testify concerning the results of the 70538  
field sobriety test so administered. 70539

(ii) The prosecution may introduce the results of the field 70540  
sobriety test so administered as evidence in any proceedings in 70541  
the criminal prosecution or juvenile court proceeding. 70542

(iii) If testimony is presented or evidence is introduced 70543  
under division (D)(4)(b)(i) or (ii) of this section and if the 70544  
testimony or evidence is admissible under the Rules of Evidence, 70545  
the court shall admit the testimony or evidence and the trier of 70546  
fact shall give it whatever weight the trier of fact considers to 70547  
be appropriate. 70548

(c) Division (D)(4)(b) of this section does not limit or 70549

preclude a court, in its determination of whether the arrest of a 70550  
person was supported by probable cause or its determination of any 70551  
other matter in a criminal prosecution or juvenile court 70552  
proceeding of a type described in that division, from considering 70553  
evidence or testimony that is not otherwise disallowed by division 70554  
(D)(4)(b) of this section. 70555

(E)(1) Subject to division (E)(3) of this section, in any 70556  
criminal prosecution or juvenile court proceeding for a violation 70557  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 70558  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 70559  
offense that is substantially equivalent to any of those 70560  
divisions, a laboratory report from any laboratory personnel 70561  
issued a permit by the department of health authorizing an 70562  
analysis as described in this division that contains an analysis 70563  
of the whole blood, blood serum or plasma, breath, urine, or other 70564  
bodily substance tested and that contains all of the information 70565  
specified in this division shall be admitted as prima-facie 70566  
evidence of the information and statements that the report 70567  
contains. The laboratory report shall contain all of the 70568  
following: 70569

(a) The signature, under oath, of any person who performed 70570  
the analysis; 70571

(b) Any findings as to the identity and quantity of alcohol, 70572  
a drug of abuse, a controlled substance, a metabolite of a 70573  
controlled substance, or a combination of them that was found; 70574

(c) A copy of a notarized statement by the laboratory 70575  
director or a designee of the director that contains the name of 70576  
each certified analyst or test performer involved with the report, 70577  
the analyst's or test performer's employment relationship with the 70578  
laboratory that issued the report, and a notation that performing 70579  
an analysis of the type involved is part of the analyst's or test 70580  
performer's regular duties; 70581



(d) An outline of the analyst's or test performer's 70582  
education, training, and experience in performing the type of 70583  
analysis involved and a certification that the laboratory 70584  
satisfies appropriate quality control standards in general and, in 70585  
this particular analysis, under rules of the department of health. 70586

(2) Notwithstanding any other provision of law regarding the 70587  
admission of evidence, a report of the type described in division 70588  
(E)(1) of this section is not admissible against the defendant to 70589  
whom it pertains in any proceeding, other than a preliminary 70590  
hearing or a grand jury proceeding, unless the prosecutor has 70591  
served a copy of the report on the defendant's attorney or, if the 70592  
defendant has no attorney, on the defendant. 70593

(3) A report of the type described in division (E)(1) of this 70594  
section shall not be prima-facie evidence of the contents, 70595  
identity, or amount of any substance if, within seven days after 70596  
the defendant to whom the report pertains or the defendant's 70597  
attorney receives a copy of the report, the defendant or the 70598  
defendant's attorney demands the testimony of the person who 70599  
signed the report. The judge in the case may extend the seven-day 70600  
time limit in the interest of justice. 70601

(F) Except as otherwise provided in this division, any 70602  
physician, registered nurse, emergency medical 70603  
technician-intermediate, emergency medical technician-paramedic, 70604  
or qualified technician, chemist, or phlebotomist who withdraws 70605  
blood from a person pursuant to this section or section 4511.191 70606  
or 4511.192 of the Revised Code, and any hospital, first-aid 70607  
station, or clinic at which blood is withdrawn from a person 70608  
pursuant to this section or section 4511.191 or 4511.192 of the 70609  
Revised Code, is immune from criminal liability and civil 70610  
liability based upon a claim of assault and battery or any other 70611  
claim that is not a claim of malpractice, for any act performed in 70612  
withdrawing blood from the person. The immunity provided in this 70613

division also extends to an emergency medical service organization 70614  
that employs an emergency medical technician-intermediate or 70615  
emergency medical technician-paramedic who withdraws blood under 70616  
this section. The immunity provided in this division is not 70617  
available to a person who withdraws blood if the person engages in 70618  
willful or wanton misconduct. 70619

As used in this division, "emergency medical 70620  
technician-intermediate" and "emergency medical 70621  
technician-paramedic" have the same meanings as in section 4765.01 70622  
of the Revised Code. 70623

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 70624  
to (i) or (A)(2) of this section is guilty of operating a vehicle 70625  
under the influence of alcohol, a drug of abuse, or a combination 70626  
of them. Whoever violates division (A)(1)(j) of this section is 70627  
guilty of operating a vehicle while under the influence of a 70628  
listed controlled substance or a listed metabolite of a controlled 70629  
substance. The court shall sentence the offender for either 70630  
offense under Chapter 2929. of the Revised Code, except as 70631  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 70632  
this section: 70633

(a) Except as otherwise provided in division (G)(1)(b), (c), 70634  
(d), or (e) of this section, the offender is guilty of a 70635  
misdemeanor of the first degree, and the court shall sentence the 70636  
offender to all of the following: 70637

(i) If the sentence is being imposed for a violation of 70638  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 70639  
mandatory jail term of three consecutive days. As used in this 70640  
division, three consecutive days means seventy-two consecutive 70641  
hours. The court may sentence an offender to both an intervention 70642  
program and a jail term. The court may impose a jail term in 70643  
addition to the three-day mandatory jail term or intervention 70644  
program. However, in no case shall the cumulative jail term 70645

imposed for the offense exceed six months. 70646

The court may suspend the execution of the three-day jail 70647  
term under this division if the court, in lieu of that suspended 70648  
term, places the offender under a community control sanction 70649  
pursuant to section 2929.25 of the Revised Code and requires the 70650  
offender to attend, for three consecutive days, a drivers' 70651  
intervention program certified under section ~~3793.10~~ 5119.38 of 70652  
the Revised Code. The court also may suspend the execution of any 70653  
part of the three-day jail term under this division if it places 70654  
the offender under a community control sanction pursuant to 70655  
section 2929.25 of the Revised Code for part of the three days, 70656  
requires the offender to attend for the suspended part of the term 70657  
a drivers' intervention program so certified, and sentences the 70658  
offender to a jail term equal to the remainder of the three 70659  
consecutive days that the offender does not spend attending the 70660  
program. The court may require the offender, as a condition of 70661  
community control and in addition to the required attendance at a 70662  
drivers' intervention program, to attend and satisfactorily 70663  
complete any treatment or education programs that comply with the 70664  
minimum standards adopted pursuant to Chapter ~~3793.~~ 5119. of the 70665  
Revised Code by the director of ~~alcohol and drug addiction~~ 70666  
~~services~~ mental health and addiction services that the operators 70667  
of the drivers' intervention program determine that the offender 70668  
should attend and to report periodically to the court on the 70669  
offender's progress in the programs. The court also may impose on 70670  
the offender any other conditions of community control that it 70671  
considers necessary. 70672

(ii) If the sentence is being imposed for a violation of 70673  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 70674  
section, except as otherwise provided in this division, a 70675  
mandatory jail term of at least three consecutive days and a 70676  
requirement that the offender attend, for three consecutive days, 70677

a drivers' intervention program that is certified pursuant to 70678  
section ~~3793.10~~ 5119.38 of the Revised Code. As used in this 70679  
division, three consecutive days means seventy-two consecutive 70680  
hours. If the court determines that the offender is not conducive 70681  
to treatment in a drivers' intervention program, if the offender 70682  
refuses to attend a drivers' intervention program, or if the jail 70683  
at which the offender is to serve the jail term imposed can 70684  
provide a driver's intervention program, the court shall sentence 70685  
the offender to a mandatory jail term of at least six consecutive 70686  
days. 70687

The court may require the offender, under a community control 70688  
sanction imposed under section 2929.25 of the Revised Code, to 70689  
attend and satisfactorily complete any treatment or education 70690  
programs that comply with the minimum standards adopted pursuant 70691  
to Chapter ~~3793.~~ 5119. of the Revised Code by the director of 70692  
~~alcohol and drug addiction services~~ mental health and addiction  
services, in addition to the required attendance at drivers' 70693  
intervention program, that the operators of the drivers' 70694  
intervention program determine that the offender should attend and 70695  
to report periodically to the court on the offender's progress in 70696  
the programs. The court also may impose any other conditions of 70697  
community control on the offender that it considers necessary. 70698  
70699

(iii) In all cases, a fine of not less than three hundred 70700  
seventy-five and not more than one thousand seventy-five dollars; 70701

(iv) In all cases, a class five license suspension of the 70702  
offender's driver's or commercial driver's license or permit or 70703  
nonresident operating privilege from the range specified in 70704  
division (A)(5) of section 4510.02 of the Revised Code. The court 70705  
may grant limited driving privileges relative to the suspension 70706  
under sections 4510.021 and 4510.13 of the Revised Code. 70707

(b) Except as otherwise provided in division (G)(1)(e) of 70708  
this section, an offender who, within six years of the offense, 70709

previously has been convicted of or pleaded guilty to one 70710  
violation of division (A) or (B) of this section or one other 70711  
equivalent offense is guilty of a misdemeanor of the first degree. 70712  
The court shall sentence the offender to all of the following: 70713

(i) If the sentence is being imposed for a violation of 70714  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 70715  
mandatory jail term of ten consecutive days. The court shall 70716  
impose the ten-day mandatory jail term under this division unless, 70717  
subject to division (G)(3) of this section, it instead imposes a 70718  
sentence under that division consisting of both a jail term and a 70719  
term of house arrest with electronic monitoring, with continuous 70720  
alcohol monitoring, or with both electronic monitoring and 70721  
continuous alcohol monitoring. The court may impose a jail term in 70722  
addition to the ten-day mandatory jail term. The cumulative jail 70723  
term imposed for the offense shall not exceed six months. 70724

In addition to the jail term or the term of house arrest with 70725  
electronic monitoring or continuous alcohol monitoring or both 70726  
types of monitoring and jail term, the court shall require the 70727  
offender to be assessed by ~~an alcohol and drug treatment program a~~ 70728  
community addiction services provider that is authorized by 70729  
section ~~3793.02~~ 5119.21 of the Revised Code, subject to division 70730  
(I) of this section, and shall order the offender to follow the 70731  
treatment recommendations of the ~~program~~ services provider. The 70732  
purpose of the assessment is to determine the degree of the 70733  
offender's alcohol usage and to determine whether or not treatment 70734  
is warranted. Upon the request of the court, the ~~program~~ services 70735  
provider shall submit the results of the assessment to the court, 70736  
including all treatment recommendations and clinical diagnoses 70737  
related to alcohol use. 70738

(ii) If the sentence is being imposed for a violation of 70739  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 70740  
section, except as otherwise provided in this division, a 70741

mandatory jail term of twenty consecutive days. The court shall 70742  
impose the twenty-day mandatory jail term under this division 70743  
unless, subject to division (G)(3) of this section, it instead 70744  
imposes a sentence under that division consisting of both a jail 70745  
term and a term of house arrest with electronic monitoring, with 70746  
continuous alcohol monitoring, or with both electronic monitoring 70747  
and continuous alcohol monitoring. The court may impose a jail 70748  
term in addition to the twenty-day mandatory jail term. The 70749  
cumulative jail term imposed for the offense shall not exceed six 70750  
months. 70751

In addition to the jail term or the term of house arrest with 70752  
electronic monitoring or continuous alcohol monitoring or both 70753  
types of monitoring and jail term, the court shall require the 70754  
offender to be assessed by ~~an alcohol and drug treatment program a~~ 70755  
community addiction service provider that is authorized by section 70756  
~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of 70757  
this section, and shall order the offender to follow the treatment 70758  
recommendations of the ~~program~~ services provider. The purpose of 70759  
the assessment is to determine the degree of the offender's 70760  
alcohol usage and to determine whether or not treatment is 70761  
warranted. Upon the request of the court, the ~~program~~ services 70762  
provider shall submit the results of the assessment to the court, 70763  
including all treatment recommendations and clinical diagnoses 70764  
related to alcohol use. 70765

(iii) In all cases, notwithstanding the fines set forth in 70766  
Chapter 2929. of the Revised Code, a fine of not less than five 70767  
hundred twenty-five and not more than one thousand six hundred 70768  
twenty-five dollars; 70769

(iv) In all cases, a class four license suspension of the 70770  
offender's driver's license, commercial driver's license, 70771  
temporary instruction permit, probationary license, or nonresident 70772  
operating privilege from the range specified in division (A)(4) of 70773

section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with section 4503.233 of the Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this

division unless, subject to division (G)(3) of this section, it 70806  
instead imposes a sentence under that division consisting of both 70807  
a jail term and a term of house arrest with electronic monitoring, 70808  
with continuous alcohol monitoring, or with both electronic 70809  
monitoring and continuous alcohol monitoring. The court may impose 70810  
a jail term in addition to the sixty-day mandatory jail term. 70811  
Notwithstanding the jail terms set forth in sections 2929.21 to 70812  
2929.28 of the Revised Code, the additional jail term shall not 70813  
exceed one year, and the cumulative jail term imposed for the 70814  
offense shall not exceed one year. 70815

(iii) In all cases, notwithstanding the fines set forth in 70816  
Chapter 2929. of the Revised Code, a fine of not less than eight 70817  
hundred fifty and not more than two thousand seven hundred fifty 70818  
dollars; 70819

(iv) In all cases, a class three license suspension of the 70820  
offender's driver's license, commercial driver's license, 70821  
temporary instruction permit, probationary license, or nonresident 70822  
operating privilege from the range specified in division (A)(3) of 70823  
section 4510.02 of the Revised Code. The court may grant limited 70824  
driving privileges relative to the suspension under sections 70825  
4510.021 and 4510.13 of the Revised Code. 70826

(v) In all cases, if the vehicle is registered in the 70827  
offender's name, criminal forfeiture of the vehicle involved in 70828  
the offense in accordance with section 4503.234 of the Revised 70829  
Code. Division (G)(6) of this section applies regarding any 70830  
vehicle that is subject to an order of criminal forfeiture under 70831  
this division. 70832

(vi) In all cases, the court shall order the offender to 70833  
participate ~~in an alcohol and drug~~ with a community addiction 70834  
~~program~~ services provider authorized by section ~~3793.02~~ 5119.21 of 70835  
the Revised Code, subject to division (I) of this section, and 70836  
shall order the offender to follow the treatment recommendations 70837



of the ~~program~~ services provider. The operator of the ~~program~~ 70838  
services provider shall determine and assess the degree of the 70839  
offender's alcohol dependency and shall make recommendations for 70840  
treatment. Upon the request of the court, the ~~program~~ services 70841  
provider shall submit the results of the assessment to the court, 70842  
including all treatment recommendations and clinical diagnoses 70843  
related to alcohol use. 70844

(d) Except as otherwise provided in division (G)(1)(e) of 70845  
this section, an offender who, within six years of the offense, 70846  
previously has been convicted of or pleaded guilty to three or 70847  
four violations of division (A) or (B) of this section or other 70848  
equivalent offenses or an offender who, within twenty years of the 70849  
offense, previously has been convicted of or pleaded guilty to 70850  
five or more violations of that nature is guilty of a felony of 70851  
the fourth degree. The court shall sentence the offender to all of 70852  
the following: 70853

(i) If the sentence is being imposed for a violation of 70854  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 70855  
mandatory prison term of one, two, three, four, or five years as 70856  
required by and in accordance with division (G)(2) of section 70857  
2929.13 of the Revised Code if the offender also is convicted of 70858  
or also pleads guilty to a specification of the type described in 70859  
section 2941.1413 of the Revised Code or, in the discretion of the 70860  
court, either a mandatory term of local incarceration of sixty 70861  
consecutive days in accordance with division (G)(1) of section 70862  
2929.13 of the Revised Code or a mandatory prison term of sixty 70863  
consecutive days in accordance with division (G)(2) of that 70864  
section if the offender is not convicted of and does not plead 70865  
guilty to a specification of that type. If the court imposes a 70866  
mandatory term of local incarceration, it may impose a jail term 70867  
in addition to the sixty-day mandatory term, the cumulative total 70868  
of the mandatory term and the jail term for the offense shall not 70869

exceed one year, and, except as provided in division (A)(1) of 70870  
section 2929.13 of the Revised Code, no prison term is authorized 70871  
for the offense. If the court imposes a mandatory prison term, 70872  
notwithstanding division (A)(4) of section 2929.14 of the Revised 70873  
Code, it also may sentence the offender to a definite prison term 70874  
that shall be not less than six months and not more than thirty 70875  
months and the prison terms shall be imposed as described in 70876  
division (G)(2) of section 2929.13 of the Revised Code. If the 70877  
court imposes a mandatory prison term or mandatory prison term and 70878  
additional prison term, in addition to the term or terms so 70879  
imposed, the court also may sentence the offender to a community 70880  
control sanction for the offense, but the offender shall serve all 70881  
of the prison terms so imposed prior to serving the community 70882  
control sanction. 70883

(ii) If the sentence is being imposed for a violation of 70884  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 70885  
section, a mandatory prison term of one, two, three, four, or five 70886  
years as required by and in accordance with division (G)(2) of 70887  
section 2929.13 of the Revised Code if the offender also is 70888  
convicted of or also pleads guilty to a specification of the type 70889  
described in section 2941.1413 of the Revised Code or, in the 70890  
discretion of the court, either a mandatory term of local 70891  
incarceration of one hundred twenty consecutive days in accordance 70892  
with division (G)(1) of section 2929.13 of the Revised Code or a 70893  
mandatory prison term of one hundred twenty consecutive days in 70894  
accordance with division (G)(2) of that section if the offender is 70895  
not convicted of and does not plead guilty to a specification of 70896  
that type. If the court imposes a mandatory term of local 70897  
incarceration, it may impose a jail term in addition to the one 70898  
hundred twenty-day mandatory term, the cumulative total of the 70899  
mandatory term and the jail term for the offense shall not exceed 70900  
one year, and, except as provided in division (A)(1) of section 70901  
2929.13 of the Revised Code, no prison term is authorized for the 70902

offense. If the court imposes a mandatory prison term, 70903  
notwithstanding division (A)(4) of section 2929.14 of the Revised 70904  
Code, it also may sentence the offender to a definite prison term 70905  
that shall be not less than six months and not more than thirty 70906  
months and the prison terms shall be imposed as described in 70907  
division (G)(2) of section 2929.13 of the Revised Code. If the 70908  
court imposes a mandatory prison term or mandatory prison term and 70909  
additional prison term, in addition to the term or terms so 70910  
imposed, the court also may sentence the offender to a community 70911  
control sanction for the offense, but the offender shall serve all 70912  
of the prison terms so imposed prior to serving the community 70913  
control sanction. 70914

(iii) In all cases, notwithstanding section 2929.18 of the 70915  
Revised Code, a fine of not less than one thousand three hundred 70916  
fifty nor more than ten thousand five hundred dollars; 70917

(iv) In all cases, a class two license suspension of the 70918  
offender's driver's license, commercial driver's license, 70919  
temporary instruction permit, probationary license, or nonresident 70920  
operating privilege from the range specified in division (A)(2) of 70921  
section 4510.02 of the Revised Code. The court may grant limited 70922  
driving privileges relative to the suspension under sections 70923  
4510.021 and 4510.13 of the Revised Code. 70924

(v) In all cases, if the vehicle is registered in the 70925  
offender's name, criminal forfeiture of the vehicle involved in 70926  
the offense in accordance with section 4503.234 of the Revised 70927  
Code. Division (G)(6) of this section applies regarding any 70928  
vehicle that is subject to an order of criminal forfeiture under 70929  
this division. 70930

(vi) In all cases, the court shall order the offender to 70931  
participate ~~in an alcohol and drug~~ with a community addiction 70932  
~~program~~ services provider authorized by section ~~3793.02~~ 5119.21 of 70933  
the Revised Code, subject to division (I) of this section, and 70934

shall order the offender to follow the treatment recommendations 70935  
of the ~~program services provider~~. The operator of the ~~program~~ 70936  
services provider shall determine and assess the degree of the 70937  
offender's alcohol dependency and shall make recommendations for 70938  
treatment. Upon the request of the court, the ~~program services~~ 70939  
provider shall submit the results of the assessment to the court, 70940  
including all treatment recommendations and clinical diagnoses 70941  
related to alcohol use. 70942

(vii) In all cases, if the court sentences the offender to a 70943  
mandatory term of local incarceration, in addition to the 70944  
mandatory term, the court, pursuant to section 2929.17 of the 70945  
Revised Code, may impose a term of house arrest with electronic 70946  
monitoring. The term shall not commence until after the offender 70947  
has served the mandatory term of local incarceration. 70948

(e) An offender who previously has been convicted of or 70949  
pleaded guilty to a violation of division (A) of this section that 70950  
was a felony, regardless of when the violation and the conviction 70951  
or guilty plea occurred, is guilty of a felony of the third 70952  
degree. The court shall sentence the offender to all of the 70953  
following: 70954

(i) If the offender is being sentenced for a violation of 70955  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 70956  
mandatory prison term of one, two, three, four, or five years as 70957  
required by and in accordance with division (G)(2) of section 70958  
2929.13 of the Revised Code if the offender also is convicted of 70959  
or also pleads guilty to a specification of the type described in 70960  
section 2941.1413 of the Revised Code or a mandatory prison term 70961  
of sixty consecutive days in accordance with division (G)(2) of 70962  
section 2929.13 of the Revised Code if the offender is not 70963  
convicted of and does not plead guilty to a specification of that 70964  
type. The court may impose a prison term in addition to the 70965  
mandatory prison term. The cumulative total of a sixty-day 70966

mandatory prison term and the additional prison term for the 70967  
offense shall not exceed five years. In addition to the mandatory 70968  
prison term or mandatory prison term and additional prison term 70969  
the court imposes, the court also may sentence the offender to a 70970  
community control sanction for the offense, but the offender shall 70971  
serve all of the prison terms so imposed prior to serving the 70972  
community control sanction. 70973

(ii) If the sentence is being imposed for a violation of 70974  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 70975  
section, a mandatory prison term of one, two, three, four, or five 70976  
years as required by and in accordance with division (G)(2) of 70977  
section 2929.13 of the Revised Code if the offender also is 70978  
convicted of or also pleads guilty to a specification of the type 70979  
described in section 2941.1413 of the Revised Code or a mandatory 70980  
prison term of one hundred twenty consecutive days in accordance 70981  
with division (G)(2) of section 2929.13 of the Revised Code if the 70982  
offender is not convicted of and does not plead guilty to a 70983  
specification of that type. The court may impose a prison term in 70984  
addition to the mandatory prison term. The cumulative total of a 70985  
one hundred twenty-day mandatory prison term and the additional 70986  
prison term for the offense shall not exceed five years. In 70987  
addition to the mandatory prison term or mandatory prison term and 70988  
additional prison term the court imposes, the court also may 70989  
sentence the offender to a community control sanction for the 70990  
offense, but the offender shall serve all of the prison terms so 70991  
imposed prior to serving the community control sanction. 70992

(iii) In all cases, notwithstanding section 2929.18 of the 70993  
Revised Code, a fine of not less than one thousand three hundred 70994  
fifty nor more than ten thousand five hundred dollars; 70995

(iv) In all cases, a class two license suspension of the 70996  
offender's driver's license, commercial driver's license, 70997  
temporary instruction permit, probationary license, or nonresident 70998

operating privilege from the range specified in division (A)(2) of 70999  
section 4510.02 of the Revised Code. The court may grant limited 71000  
driving privileges relative to the suspension under sections 71001  
4510.021 and 4510.13 of the Revised Code. 71002

(v) In all cases, if the vehicle is registered in the 71003  
offender's name, criminal forfeiture of the vehicle involved in 71004  
the offense in accordance with section 4503.234 of the Revised 71005  
Code. Division (G)(6) of this section applies regarding any 71006  
vehicle that is subject to an order of criminal forfeiture under 71007  
this division. 71008

(vi) In all cases, the court shall order the offender to 71009  
participate ~~in an alcohol and drug~~ with a community addiction 71010  
~~program services provider~~ authorized by section ~~3793.02~~ 5119.21 of 71011  
the Revised Code, subject to division (I) of this section, and 71012  
shall order the offender to follow the treatment recommendations 71013  
of the ~~program services provider~~. The operator of the ~~program~~ 71014  
services provider shall determine and assess the degree of the 71015  
offender's alcohol dependency and shall make recommendations for 71016  
treatment. Upon the request of the court, the ~~program services~~ 71017  
provider shall submit the results of the assessment to the court, 71018  
including all treatment recommendations and clinical diagnoses 71019  
related to alcohol use. 71020

(2) An offender who is convicted of or pleads guilty to a 71021  
violation of division (A) of this section and who subsequently 71022  
seeks reinstatement of the driver's or occupational driver's 71023  
license or permit or nonresident operating privilege suspended 71024  
under this section as a result of the conviction or guilty plea 71025  
shall pay a reinstatement fee as provided in division (F)(2) of 71026  
section 4511.191 of the Revised Code. 71027

(3) If an offender is sentenced to a jail term under division 71028  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 71029  
if, within sixty days of sentencing of the offender, the court 71030

issues a written finding on the record that, due to the 71031  
unavailability of space at the jail where the offender is required 71032  
to serve the term, the offender will not be able to begin serving 71033  
that term within the sixty-day period following the date of 71034  
sentencing, the court may impose an alternative sentence under 71035  
this division that includes a term of house arrest with electronic 71036  
monitoring, with continuous alcohol monitoring, or with both 71037  
electronic monitoring and continuous alcohol monitoring. 71038

As an alternative to a mandatory jail term of ten consecutive 71039  
days required by division (G)(1)(b)(i) of this section, the court, 71040  
under this division, may sentence the offender to five consecutive 71041  
days in jail and not less than eighteen consecutive days of house 71042  
arrest with electronic monitoring, with continuous alcohol 71043  
monitoring, or with both electronic monitoring and continuous 71044  
alcohol monitoring. The cumulative total of the five consecutive 71045  
days in jail and the period of house arrest with electronic 71046  
monitoring, continuous alcohol monitoring, or both types of 71047  
monitoring shall not exceed six months. The five consecutive days 71048  
in jail do not have to be served prior to or consecutively to the 71049  
period of house arrest. 71050

As an alternative to the mandatory jail term of twenty 71051  
consecutive days required by division (G)(1)(b)(ii) of this 71052  
section, the court, under this division, may sentence the offender 71053  
to ten consecutive days in jail and not less than thirty-six 71054  
consecutive days of house arrest with electronic monitoring, with 71055  
continuous alcohol monitoring, or with both electronic monitoring 71056  
and continuous alcohol monitoring. The cumulative total of the ten 71057  
consecutive days in jail and the period of house arrest with 71058  
electronic monitoring, continuous alcohol monitoring, or both 71059  
types of monitoring shall not exceed six months. The ten 71060  
consecutive days in jail do not have to be served prior to or 71061  
consecutively to the period of house arrest. 71062

As an alternative to a mandatory jail term of thirty consecutive days required by division (G)(1)(c)(i) of this section, the court, under this division, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the fifteen consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of sixty consecutive days required by division (G)(1)(c)(ii) of this section, the court, under this division, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the thirty consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (G) of this section and if section 4510.13 of the Revised Code permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven



subject to the privileges restricted license plates that are 71095  
issued under section 4503.231 of the Revised Code, except as 71096  
provided in division (B) of that section, the court shall impose 71097  
that condition as one of the conditions of the limited driving 71098  
privileges granted to the offender, except as provided in division 71099  
(B) of section 4503.231 of the Revised Code. 71100

(5) Fines imposed under this section for a violation of 71101  
division (A) of this section shall be distributed as follows: 71102

(a) Twenty-five dollars of the fine imposed under division 71103  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 71104  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 71105  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 71106  
dollars of the fine imposed under division (G)(1)(d)(iii) or 71107  
(e)(iii) of this section shall be paid to an enforcement and 71108  
education fund established by the legislative authority of the law 71109  
enforcement agency in this state that primarily was responsible 71110  
for the arrest of the offender, as determined by the court that 71111  
imposes the fine. The agency shall use this share to pay only 71112  
those costs it incurs in enforcing this section or a municipal OVI 71113  
ordinance and in informing the public of the laws governing the 71114  
operation of a vehicle while under the influence of alcohol, the 71115  
dangers of the operation of a vehicle under the influence of 71116  
alcohol, and other information relating to the operation of a 71117  
vehicle under the influence of alcohol and the consumption of 71118  
alcoholic beverages. 71119

(b) Fifty dollars of the fine imposed under division 71120  
(G)(1)(a)(iii) of this section shall be paid to the political 71121  
subdivision that pays the cost of housing the offender during the 71122  
offender's term of incarceration. If the offender is being 71123  
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 71124  
(e), or (j) of this section and was confined as a result of the 71125  
offense prior to being sentenced for the offense but is not 71126

sentenced to a term of incarceration, the fifty dollars shall be 71127  
paid to the political subdivision that paid the cost of housing 71128  
the offender during that period of confinement. The political 71129  
subdivision shall use the share under this division to pay or 71130  
reimburse incarceration or treatment costs it incurs in housing or 71131  
providing drug and alcohol treatment to persons who violate this 71132  
section or a municipal OVI ordinance, costs of any immobilizing or 71133  
disabling device used on the offender's vehicle, and costs of 71134  
electronic house arrest equipment needed for persons who violate 71135  
this section. 71136

(c) Twenty-five dollars of the fine imposed under division 71137  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 71138  
division (G)(1)(b)(iii) of this section shall be deposited into 71139  
the county or municipal indigent drivers' alcohol treatment fund 71140  
under the control of that court, as created by the county or 71141  
municipal corporation under division (F) of section 4511.191 of 71142  
the Revised Code. 71143

(d) One hundred fifteen dollars of the fine imposed under 71144  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 71145  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 71146  
dollars of the fine imposed under division (G)(1)(d)(iii) or 71147  
(e)(iii) of this section shall be paid to the political 71148  
subdivision that pays the cost of housing the offender during the 71149  
offender's term of incarceration. The political subdivision shall 71150  
use this share to pay or reimburse incarceration or treatment 71151  
costs it incurs in housing or providing drug and alcohol treatment 71152  
to persons who violate this section or a municipal OVI ordinance, 71153  
costs for any immobilizing or disabling device used on the 71154  
offender's vehicle, and costs of electronic house arrest equipment 71155  
needed for persons who violate this section. 71156

(e) Fifty dollars of the fine imposed under divisions 71157  
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 71158

and (G)(1)(e)(iii) of this section shall be deposited into the 71159  
special projects fund of the court in which the offender was 71160  
convicted and that is established under division (E)(1) of section 71161  
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 71162  
of section 1907.24 of the Revised Code, to be used exclusively to 71163  
cover the cost of immobilizing or disabling devices, including 71164  
certified ignition interlock devices, and remote alcohol 71165  
monitoring devices for indigent offenders who are required by a 71166  
judge to use either of these devices. If the court in which the 71167  
offender was convicted does not have a special projects fund that 71168  
is established under division (E)(1) of section 2303.201, division 71169  
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 71170  
of the Revised Code, the fifty dollars shall be deposited into the 71171  
indigent drivers interlock and alcohol monitoring fund under 71172  
division (I) of section 4511.191 of the Revised Code. 71173

(f) Seventy-five dollars of the fine imposed under division 71174  
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 71175  
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 71176  
of the fine imposed under division (G)(1)(c)(iii), and five 71177  
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 71178  
or (e)(iii) of this section shall be transmitted to the treasurer 71179  
of state for deposit into the indigent defense support fund 71180  
established under section 120.08 of the Revised Code. 71181

(g) The balance of the fine imposed under division 71182  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 71183  
section shall be disbursed as otherwise provided by law. 71184

(6) If title to a motor vehicle that is subject to an order 71185  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 71186  
this section is assigned or transferred and division (B)(2) or (3) 71187  
of section 4503.234 of the Revised Code applies, in addition to or 71188  
independent of any other penalty established by law, the court may 71189  
fine the offender the value of the vehicle as determined by 71190

publications of the national automobile dealers association. The 71191  
proceeds of any fine so imposed shall be distributed in accordance 71192  
with division (C)(2) of that section. 71193

(7) In all cases in which an offender is sentenced under 71194  
division (G) of this section, the offender shall provide the court 71195  
with proof of financial responsibility as defined in section 71196  
4509.01 of the Revised Code. If the offender fails to provide that 71197  
proof of financial responsibility, the court, in addition to any 71198  
other penalties provided by law, may order restitution pursuant to 71199  
section 2929.18 or 2929.28 of the Revised Code in an amount not 71200  
exceeding five thousand dollars for any economic loss arising from 71201  
an accident or collision that was the direct and proximate result 71202  
of the offender's operation of the vehicle before, during, or 71203  
after committing the offense for which the offender is sentenced 71204  
under division (G) of this section. 71205

(8) As used in division (G) of this section, "electronic 71206  
monitoring," "mandatory prison term," and "mandatory term of local 71207  
incarceration" have the same meanings as in section 2929.01 of the 71208  
Revised Code. 71209

(H) Whoever violates division (B) of this section is guilty 71210  
of operating a vehicle after underage alcohol consumption and 71211  
shall be punished as follows: 71212

(1) Except as otherwise provided in division (H)(2) of this 71213  
section, the offender is guilty of a misdemeanor of the fourth 71214  
degree. In addition to any other sanction imposed for the offense, 71215  
the court shall impose a class six suspension of the offender's 71216  
driver's license, commercial driver's license, temporary 71217  
instruction permit, probationary license, or nonresident operating 71218  
privilege from the range specified in division (A)(6) of section 71219  
4510.02 of the Revised Code. 71220

(2) If, within one year of the offense, the offender 71221

previously has been convicted of or pleaded guilty to one or more 71222  
violations of division (A) or (B) of this section or other 71223  
equivalent offenses, the offender is guilty of a misdemeanor of 71224  
the third degree. In addition to any other sanction imposed for 71225  
the offense, the court shall impose a class four suspension of the 71226  
offender's driver's license, commercial driver's license, 71227  
temporary instruction permit, probationary license, or nonresident 71228  
operating privilege from the range specified in division (A)(4) of 71229  
section 4510.02 of the Revised Code. 71230

(3) If the offender also is convicted of or also pleads 71231  
guilty to a specification of the type described in section 71232  
2941.1416 of the Revised Code and if the court imposes a jail term 71233  
for the violation of division (B) of this section, the court shall 71234  
impose upon the offender an additional definite jail term pursuant 71235  
to division (E) of section 2929.24 of the Revised Code. 71236

(4) The offender shall provide the court with proof of 71237  
financial responsibility as defined in section 4509.01 of the 71238  
Revised Code. If the offender fails to provide that proof of 71239  
financial responsibility, then, in addition to any other penalties 71240  
provided by law, the court may order restitution pursuant to 71241  
section 2929.28 of the Revised Code in an amount not exceeding 71242  
five thousand dollars for any economic loss arising from an 71243  
accident or collision that was the direct and proximate result of 71244  
the offender's operation of the vehicle before, during, or after 71245  
committing the violation of division (B) of this section. 71246

(I)(1) No court shall sentence an offender to an alcohol 71247  
treatment program under this section unless the treatment program 71248  
complies with the minimum standards for alcohol treatment programs 71249  
adopted under Chapter ~~3793~~. 5119. of the Revised Code by the 71250  
director of ~~alcohol and drug addiction services~~ mental health and 71251  
addiction services. 71252

(2) An offender who stays in a drivers' intervention program 71253

or in an alcohol treatment program under an order issued under 71254  
this section shall pay the cost of the stay in the program. 71255  
However, if the court determines that an offender who stays in an 71256  
alcohol treatment program under an order issued under this section 71257  
is unable to pay the cost of the stay in the program, the court 71258  
may order that the cost be paid from the court's indigent drivers' 71259  
alcohol treatment fund. 71260

(J) If a person whose driver's or commercial driver's license 71261  
or permit or nonresident operating privilege is suspended under 71262  
this section files an appeal regarding any aspect of the person's 71263  
trial or sentence, the appeal itself does not stay the operation 71264  
of the suspension. 71265

(K) Division (A)(1)(j) of this section does not apply to a 71266  
person who operates a vehicle, streetcar, or trackless trolley 71267  
while the person has a concentration of a listed controlled 71268  
substance or a listed metabolite of a controlled substance in the 71269  
person's whole blood, blood serum or plasma, or urine that equals 71270  
or exceeds the amount specified in that division, if both of the 71271  
following apply: 71272

(1) The person obtained the controlled substance pursuant to 71273  
a prescription issued by a licensed health professional authorized 71274  
to prescribe drugs. 71275

(2) The person injected, ingested, or inhaled the controlled 71276  
substance in accordance with the health professional's directions. 71277

(L) The prohibited concentrations of a controlled substance 71278  
or a metabolite of a controlled substance listed in division 71279  
(A)(1)(j) of this section also apply in a prosecution of a 71280  
violation of division (D) of section 2923.16 of the Revised Code 71281  
in the same manner as if the offender is being prosecuted for a 71282  
prohibited concentration of alcohol. 71283

(M) All terms defined in section 4510.01 of the Revised Code 71284

apply to this section. If the meaning of a term defined in section 71285  
4510.01 of the Revised Code conflicts with the meaning of the same 71286  
term as defined in section 4501.01 or 4511.01 of the Revised Code, 71287  
the term as defined in section 4510.01 of the Revised Code applies 71288  
to this section. 71289

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 71290  
as adopted by the supreme court under authority of section 2937.46 71291  
of the Revised Code, do not apply to felony violations of this 71292  
section. Subject to division (N)(2) of this section, the Rules of 71293  
Criminal Procedure apply to felony violations of this section. 71294

(2) If, on or after January 1, 2004, the supreme court 71295  
modifies the Ohio Traffic Rules to provide procedures to govern 71296  
felony violations of this section, the modified rules shall apply 71297  
to felony violations of this section. 71298

**Sec. 4511.191.** (A)(1) As used in this section: 71299

(a) "Physical control" has the same meaning as in section 71300  
4511.194 of the Revised Code. 71301

(b) "Alcohol monitoring device" means any device that 71302  
provides for continuous alcohol monitoring, any ignition interlock 71303  
device, any immobilizing or disabling device other than an 71304  
ignition interlock device that is constantly available to monitor 71305  
the concentration of alcohol in a person's system, or any other 71306  
device that provides for the automatic testing and periodic 71307  
reporting of alcohol consumption by a person and that a court 71308  
orders a person to use as a sanction imposed as a result of the 71309  
person's conviction of or plea of guilty to an offense. 71310

(2) Any person who operates a vehicle, streetcar, or 71311  
trackless trolley upon a highway or any public or private property 71312  
used by the public for vehicular travel or parking within this 71313  
state or who is in physical control of a vehicle, streetcar, or 71314

trackless trolley shall be deemed to have given consent to a 71315  
chemical test or tests of the person's whole blood, blood serum or 71316  
plasma, breath, or urine to determine the alcohol, drug of abuse, 71317  
controlled substance, metabolite of a controlled substance, or 71318  
combination content of the person's whole blood, blood serum or 71319  
plasma, breath, or urine if arrested for a violation of division 71320  
(A) or (B) of section 4511.19 of the Revised Code, section 71321  
4511.194 of the Revised Code or a substantially equivalent 71322  
municipal ordinance, or a municipal OVI ordinance. 71323

(3) The chemical test or tests under division (A)(2) of this 71324  
section shall be administered at the request of a law enforcement 71325  
officer having reasonable grounds to believe the person was 71326  
operating or in physical control of a vehicle, streetcar, or 71327  
trackless trolley in violation of a division, section, or 71328  
ordinance identified in division (A)(2) of this section. The law 71329  
enforcement agency by which the officer is employed shall 71330  
designate which of the tests shall be administered. 71331

(4) Any person who is dead or unconscious, or who otherwise 71332  
is in a condition rendering the person incapable of refusal, shall 71333  
be deemed to have consented as provided in division (A)(2) of this 71334  
section, and the test or tests may be administered, subject to 71335  
sections 313.12 to 313.16 of the Revised Code. 71336

(5)(a) If a law enforcement officer arrests a person for a 71337  
violation of division (A) or (B) of section 4511.19 of the Revised 71338  
Code, section 4511.194 of the Revised Code or a substantially 71339  
equivalent municipal ordinance, or a municipal OVI ordinance and 71340  
if the person if convicted would be required to be sentenced under 71341  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 71342  
Code, the law enforcement officer shall request the person to 71343  
submit, and the person shall submit, to a chemical test or tests 71344  
of the person's whole blood, blood serum or plasma, breath, or 71345  
urine for the purpose of determining the alcohol, drug of abuse, 71346



controlled substance, metabolite of a controlled substance, or 71347  
combination content of the person's whole blood, blood serum or 71348  
plasma, breath, or urine. A law enforcement officer who makes a 71349  
request pursuant to this division that a person submit to a 71350  
chemical test or tests is not required to advise the person of the 71351  
consequences of submitting to, or refusing to submit to, the test 71352  
or tests and is not required to give the person the form described 71353  
in division (B) of section 4511.192 of the Revised Code, but the 71354  
officer shall advise the person at the time of the arrest that if 71355  
the person refuses to take a chemical test the officer may employ 71356  
whatever reasonable means are necessary to ensure that the person 71357  
submits to a chemical test of the person's whole blood or blood 71358  
serum or plasma. The officer shall also advise the person at the 71359  
time of the arrest that the person may have an independent 71360  
chemical test taken at the person's own expense. Divisions (A)(3) 71361  
and (4) of this section apply to the administration of a chemical 71362  
test or tests pursuant to this division. 71363

(b) If a person refuses to submit to a chemical test upon a 71364  
request made pursuant to division (A)(5)(a) of this section, the 71365  
law enforcement officer who made the request may employ whatever 71366  
reasonable means are necessary to ensure that the person submits 71367  
to a chemical test of the person's whole blood or blood serum or 71368  
plasma. A law enforcement officer who acts pursuant to this 71369  
division to ensure that a person submits to a chemical test of the 71370  
person's whole blood or blood serum or plasma is immune from 71371  
criminal and civil liability based upon a claim for assault and 71372  
battery or any other claim for the acts, unless the officer so 71373  
acted with malicious purpose, in bad faith, or in a wanton or 71374  
reckless manner. 71375

(B)(1) Upon receipt of the sworn report of a law enforcement 71376  
officer who arrested a person for a violation of division (A) or 71377  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 71378

the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test, had been convicted of or pleaded guilty to two violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused one previous request to

consent to a chemical test and also had been convicted of or 71411  
pleaded guilty to one violation of division (A) or (B) of section 71412  
4511.19 of the Revised Code or other equivalent offenses, which 71413  
violation or offense arose from an incident other than the 71414  
incident that led to the refusal, the suspension shall be a class 71415  
A suspension imposed for the period of time specified in division 71416  
(B)(1) of section 4510.02 of the Revised Code. 71417

(d) If the arrested person, within six years of the date on 71418  
which the person refused the request to consent to the chemical 71419  
test, had refused three or more previous requests to consent to a 71420  
chemical test, had been convicted of or pleaded guilty to three or 71421  
more violations of division (A) or (B) of section 4511.19 of the 71422  
Revised Code or other equivalent offenses, or had refused a number 71423  
of previous requests to consent to a chemical test and also had 71424  
been convicted of or pleaded guilty to a number of violations of 71425  
division (A) or (B) of section 4511.19 of the Revised Code or 71426  
other equivalent offenses that cumulatively total three or more 71427  
such refusals, convictions, and guilty pleas, the suspension shall 71428  
be for five years. 71429

(2) The registrar shall terminate a suspension of the 71430  
driver's or commercial driver's license or permit of a resident or 71431  
of the operating privilege of a nonresident, or a denial of a 71432  
driver's or commercial driver's license or permit, imposed 71433  
pursuant to division (B)(1) of this section upon receipt of notice 71434  
that the person has entered a plea of guilty to, or that the 71435  
person has been convicted after entering a plea of no contest to, 71436  
operating a vehicle in violation of section 4511.19 of the Revised 71437  
Code or in violation of a municipal OVI ordinance, if the offense 71438  
for which the conviction is had or the plea is entered arose from 71439  
the same incident that led to the suspension or denial. 71440

The registrar shall credit against any judicial suspension of 71441  
a person's driver's or commercial driver's license or permit or 71442

nonresident operating privilege imposed pursuant to section 71443  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 71444  
Revised Code for a violation of a municipal OVI ordinance, any 71445  
time during which the person serves a related suspension imposed 71446  
pursuant to division (B)(1) of this section. 71447

(C)(1) Upon receipt of the sworn report of the law 71448  
enforcement officer who arrested a person for a violation of 71449  
division (A) or (B) of section 4511.19 of the Revised Code or a 71450  
municipal OVI ordinance that was completed and sent to the 71451  
registrar and a court pursuant to section 4511.192 of the Revised 71452  
Code in regard to a person whose test results indicate that the 71453  
person's whole blood, blood serum or plasma, breath, or urine 71454  
contained at least the concentration of alcohol specified in 71455  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 71456  
Revised Code or at least the concentration of a listed controlled 71457  
substance or a listed metabolite of a controlled substance 71458  
specified in division (A)(1)(j) of section 4511.19 of the Revised 71459  
Code, the registrar shall enter into the registrar's records the 71460  
fact that the person's driver's or commercial driver's license or 71461  
permit or nonresident operating privilege was suspended by the 71462  
arresting officer under this division and section 4511.192 of the 71463  
Revised Code and the period of the suspension, as determined under 71464  
divisions (C)(1)(a) to (d) of this section. The suspension shall 71465  
be subject to appeal as provided in section 4511.197 of the 71466  
Revised Code. The suspension described in this division does not 71467  
apply to, and shall not be imposed upon, a person arrested for a 71468  
violation of section 4511.194 of the Revised Code or a 71469  
substantially equivalent municipal ordinance who submits to a 71470  
designated chemical test. The suspension shall be for whichever of 71471  
the following periods applies: 71472

(a) Except when division (C)(1)(b), (c), or (d) of this 71473  
section applies and specifies a different period, the suspension 71474

shall be a class E suspension imposed for the period of time 71475  
specified in division (B)(5) of section 4510.02 of the Revised 71476  
Code. 71477

(b) The suspension shall be a class C suspension for the 71478  
period of time specified in division (B)(3) of section 4510.02 of 71479  
the Revised Code if the person has been convicted of or pleaded 71480  
guilty to, within six years of the date the test was conducted, 71481  
one violation of division (A) or (B) of section 4511.19 of the 71482  
Revised Code or one other equivalent offense. 71483

(c) If, within six years of the date the test was conducted, 71484  
the person has been convicted of or pleaded guilty to two 71485  
violations of a statute or ordinance described in division 71486  
(C)(1)(b) of this section, the suspension shall be a class B 71487  
suspension imposed for the period of time specified in division 71488  
(B)(2) of section 4510.02 of the Revised Code. 71489

(d) If, within six years of the date the test was conducted, 71490  
the person has been convicted of or pleaded guilty to more than 71491  
two violations of a statute or ordinance described in division 71492  
(C)(1)(b) of this section, the suspension shall be a class A 71493  
suspension imposed for the period of time specified in division 71494  
(B)(1) of section 4510.02 of the Revised Code. 71495

(2) The registrar shall terminate a suspension of the 71496  
driver's or commercial driver's license or permit of a resident or 71497  
of the operating privilege of a nonresident, or a denial of a 71498  
driver's or commercial driver's license or permit, imposed 71499  
pursuant to division (C)(1) of this section upon receipt of notice 71500  
that the person has entered a plea of guilty to, or that the 71501  
person has been convicted after entering a plea of no contest to, 71502  
operating a vehicle in violation of section 4511.19 of the Revised 71503  
Code or in violation of a municipal OVI ordinance, if the offense 71504  
for which the conviction is had or the plea is entered arose from 71505  
the same incident that led to the suspension or denial. 71506

The registrar shall credit against any judicial suspension of 71507  
a person's driver's or commercial driver's license or permit or 71508  
nonresident operating privilege imposed pursuant to section 71509  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 71510  
Revised Code for a violation of a municipal OVI ordinance, any 71511  
time during which the person serves a related suspension imposed 71512  
pursuant to division (C)(1) of this section. 71513

(D)(1) A suspension of a person's driver's or commercial 71514  
driver's license or permit or nonresident operating privilege 71515  
under this section for the time described in division (B) or (C) 71516  
of this section is effective immediately from the time at which 71517  
the arresting officer serves the notice of suspension upon the 71518  
arrested person. Any subsequent finding that the person is not 71519  
guilty of the charge that resulted in the person being requested 71520  
to take the chemical test or tests under division (A) of this 71521  
section does not affect the suspension. 71522

(2) If a person is arrested for operating a vehicle, 71523  
streetcar, or trackless trolley in violation of division (A) or 71524  
(B) of section 4511.19 of the Revised Code or a municipal OVI 71525  
ordinance, or for being in physical control of a vehicle, 71526  
streetcar, or trackless trolley in violation of section 4511.194 71527  
of the Revised Code or a substantially equivalent municipal 71528  
ordinance, regardless of whether the person's driver's or 71529  
commercial driver's license or permit or nonresident operating 71530  
privilege is or is not suspended under division (B) or (C) of this 71531  
section or Chapter 4510. of the Revised Code, the person's initial 71532  
appearance on the charge resulting from the arrest shall be held 71533  
within five days of the person's arrest or the issuance of the 71534  
citation to the person, subject to any continuance granted by the 71535  
court pursuant to section 4511.197 of the Revised Code regarding 71536  
the issues specified in that division. 71537

(E) When it finally has been determined under the procedures 71538

of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section, under section 4511.194, section 4511.196, or division (G) of section 4511.19 of the Revised Code, or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance and upon the request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, cancellation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the conditions specified in divisions (F)(1) and (2) of this section:

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the registrar or an eligible deputy registrar of a license reinstatement fee of four hundred seventy-five dollars, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. Money credited to the fund under this section shall be used for purposes identified ~~in the~~

~~comprehensive statewide alcohol and drug addiction services plan~~ 71571  
~~developed under section 3793.04 5119.22 of the Revised Code.~~ 71572

(b) Seventy-five dollars shall be credited to the reparations 71573  
fund created by section 2743.191 of the Revised Code. 71574

(c) Thirty-seven dollars and fifty cents shall be credited to 71575  
the indigent drivers alcohol treatment fund, which is hereby 71576  
established in the state treasury. Except as otherwise provided in 71577  
division (F)(2)(c) of this section, moneys in the fund shall be 71578  
distributed by the department of ~~alcohol and drug addiction~~ 71579  
~~services~~ mental health and addiction services to the county 71580  
indigent drivers alcohol treatment funds, the county juvenile 71581  
indigent drivers alcohol treatment funds, and the municipal 71582  
indigent drivers alcohol treatment funds that are required to be 71583  
established by counties and municipal corporations pursuant to 71584  
division (H) of this section, and shall be used only to pay the 71585  
cost of an alcohol and drug addiction treatment program attended 71586  
by an offender or juvenile traffic offender who is ordered to 71587  
attend an alcohol and drug addiction treatment program by a 71588  
county, juvenile, or municipal court judge and who is determined 71589  
by the county, juvenile, or municipal court judge not to have the 71590  
means to pay for the person's attendance at the program or to pay 71591  
the costs specified in division (H)(4) of this section in 71592  
accordance with that division. In addition, a county, juvenile, or 71593  
municipal court judge may use moneys in the county indigent 71594  
drivers alcohol treatment fund, county juvenile indigent drivers 71595  
alcohol treatment fund, or municipal indigent drivers alcohol 71596  
treatment fund to pay for the cost of the continued use of an 71597  
alcohol monitoring device as described in divisions (H)(3) and (4) 71598  
of this section. Moneys in the fund that are not distributed to a 71599  
county indigent drivers alcohol treatment fund, a county juvenile 71600  
indigent drivers alcohol treatment fund, or a municipal indigent 71601  
drivers alcohol treatment fund under division (H) of this section 71602



because the director of ~~alcohol and drug addiction services~~ mental health and addiction services does not have the information necessary to identify the county or municipal corporation where the offender or juvenile offender was arrested may be transferred by the director of budget and management to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code, upon certification of the amount by the director of ~~alcohol and drug addiction services~~ mental health and addiction services.

(d) Seventy-five dollars shall be credited to the ~~Ohio~~ rehabilitation services commission established by section 3304.12 of the Revised Code, to the services for rehabilitation fund, which is hereby established. The fund shall be used to match available federal matching funds where appropriate, and for any other purpose or program of the commission to rehabilitate people with disabilities to help them become employed and independent.

(e) Seventy-five dollars shall be deposited into the state treasury and credited to the drug abuse resistance education programs fund, which is hereby established, to be used by the attorney general for the purposes specified in division (F)(4) of this section.

(f) Thirty dollars shall be credited to the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code.

(g) Twenty dollars shall be credited to the trauma and emergency medical services fund created by section 4513.263 of the Revised Code.

(h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Moneys in the fund shall be distributed by the department of public safety to the county indigent drivers

interlock and alcohol monitoring funds, the county juvenile 71634  
indigent drivers interlock and alcohol monitoring funds, and the 71635  
municipal indigent drivers interlock and alcohol monitoring funds 71636  
that are required to be established by counties and municipal 71637  
corporations pursuant to this section, and shall be used only to 71638  
pay the cost of an immobilizing or disabling device, including a 71639  
certified ignition interlock device, or an alcohol monitoring 71640  
device used by an offender or juvenile offender who is ordered to 71641  
use the device by a county, juvenile, or municipal court judge and 71642  
who is determined by the county, juvenile, or municipal court 71643  
judge not to have the means to pay for the person's use of the 71644  
device. 71645

(3) If a person's driver's or commercial driver's license or 71646  
permit is suspended under this section, under section 4511.196 or 71647  
division (G) of section 4511.19 of the Revised Code, under section 71648  
4510.07 of the Revised Code for a violation of a municipal OVI 71649  
ordinance or under any combination of the suspensions described in 71650  
division (F)(3) of this section, and if the suspensions arise from 71651  
a single incident or a single set of facts and circumstances, the 71652  
person is liable for payment of, and shall be required to pay to 71653  
the registrar or an eligible deputy registrar, only one 71654  
reinstatement fee of four hundred seventy-five dollars. The 71655  
reinstatement fee shall be distributed by the bureau in accordance 71656  
with division (F)(2) of this section. 71657

(4) The attorney general shall use amounts in the drug abuse 71658  
resistance education programs fund to award grants to law 71659  
enforcement agencies to establish and implement drug abuse 71660  
resistance education programs in public schools. Grants awarded to 71661  
a law enforcement agency under this section shall be used by the 71662  
agency to pay for not more than fifty per cent of the amount of 71663  
the salaries of law enforcement officers who conduct drug abuse 71664  
resistance education programs in public schools. The attorney 71665

general shall not use more than six per cent of the amounts the attorney general's office receives under division (F)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (F)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(5) In addition to the reinstatement fee under this section, if the person pays the reinstatement fee to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, plus two dollars of the service fee, to the registrar in the manner the registrar shall determine.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund, each county shall establish a juvenile indigent drivers alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (F) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of additional costs imposed under section 2949.094 of the Revised Code that are specified for deposit into a county, county juvenile, or municipal indigent drivers alcohol treatment fund by that section, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund. The portions of the fees paid under division (F) of this section that are to be so deposited shall be determined in accordance with division (H)(2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or of any prohibition contained in Chapter 4510. of the Revised Code, and that are required under section 4511.19 or any provision of Chapter 4510. of the Revised Code to be deposited into a county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund shall be deposited into the

appropriate fund in accordance with the applicable division of the 71731  
section or provision. 71732

(2) That portion of the license reinstatement fee that is 71733  
paid under division (F) of this section and that is credited under 71734  
that division to the indigent drivers alcohol treatment fund shall 71735  
be deposited into a county indigent drivers alcohol treatment 71736  
fund, a county juvenile indigent drivers alcohol treatment fund, 71737  
or a municipal indigent drivers alcohol treatment fund as follows: 71738

(a) Regarding a suspension imposed under this section, that 71739  
portion of the fee shall be deposited as follows: 71740

(i) If the fee is paid by a person who was charged in a 71741  
county court with the violation that resulted in the suspension or 71742  
in the imposition of the court costs, the portion shall be 71743  
deposited into the county indigent drivers alcohol treatment fund 71744  
under the control of that court; 71745

(ii) If the fee is paid by a person who was charged in a 71746  
juvenile court with the violation that resulted in the suspension 71747  
or in the imposition of the court costs, the portion shall be 71748  
deposited into the county juvenile indigent drivers alcohol 71749  
treatment fund established in the county served by the court; 71750

(iii) If the fee is paid by a person who was charged in a 71751  
municipal court with the violation that resulted in the suspension 71752  
or in the imposition of the court costs, the portion shall be 71753  
deposited into the municipal indigent drivers alcohol treatment 71754  
fund under the control of that court. 71755

(b) Regarding a suspension imposed under section 4511.19 of 71756  
the Revised Code or under section 4510.07 of the Revised Code for 71757  
a violation of a municipal OVI ordinance, that portion of the fee 71758  
shall be deposited as follows: 71759

(i) If the fee is paid by a person whose license or permit 71760  
was suspended by a county court, the portion shall be deposited 71761

into the county indigent drivers alcohol treatment fund under the 71762  
control of that court; 71763

(ii) If the fee is paid by a person whose license or permit 71764  
was suspended by a municipal court, the portion shall be deposited 71765  
into the municipal indigent drivers alcohol treatment fund under 71766  
the control of that court. 71767

(3) Expenditures from a county indigent drivers alcohol 71768  
treatment fund, a county juvenile indigent drivers alcohol 71769  
treatment fund, or a municipal indigent drivers alcohol treatment 71770  
fund shall be made only upon the order of a county, juvenile, or 71771  
municipal court judge and only for payment of the cost of an 71772  
assessment or the cost of the attendance at an alcohol and drug 71773  
addiction treatment program of a person who is convicted of, or 71774  
found to be a juvenile traffic offender by reason of, a violation 71775  
of division (A) of section 4511.19 of the Revised Code or a 71776  
substantially similar municipal ordinance, who is ordered by the 71777  
court to attend the alcohol and drug addiction treatment program, 71778  
and who is determined by the court to be unable to pay the cost of 71779  
the assessment or the cost of attendance at the treatment program 71780  
or for payment of the costs specified in division (H)(4) of this 71781  
section in accordance with that division. The alcohol and drug 71782  
addiction services board or the board of alcohol, drug addiction, 71783  
and mental health services established pursuant to section 340.02 71784  
or 340.021 of the Revised Code and serving the alcohol, drug 71785  
addiction, and mental health service district in which the court 71786  
is located shall administer the indigent drivers alcohol treatment 71787  
program of the court. When a court orders an offender or juvenile 71788  
traffic offender to obtain an assessment or attend an alcohol and 71789  
drug addiction treatment program, the board shall determine which 71790  
program is suitable to meet the needs of the offender or juvenile 71791  
traffic offender, and when a suitable program is located and space 71792  
is available at the program, the offender or juvenile traffic 71793

offender shall attend the program designated by the board. A 71794  
reasonable amount not to exceed five per cent of the amounts 71795  
credited to and deposited into the county indigent drivers alcohol 71796  
treatment fund, the county juvenile indigent drivers alcohol 71797  
treatment fund, or the municipal indigent drivers alcohol 71798  
treatment fund serving every court whose program is administered 71799  
by that board shall be paid to the board to cover the costs it 71800  
incurs in administering those indigent drivers alcohol treatment 71801  
programs. 71802

In addition, upon exhaustion of moneys in the indigent 71803  
drivers interlock and alcohol monitoring fund for the use of an 71804  
alcohol monitoring device, a county, juvenile, or municipal court 71805  
judge may use moneys in the county indigent drivers alcohol 71806  
treatment fund, county juvenile indigent drivers alcohol treatment 71807  
fund, or municipal indigent drivers alcohol treatment fund in the 71808  
following manners: 71809

(a) If the source of the moneys was an appropriation of the 71810  
general assembly, a portion of a fee that was paid under division 71811  
(F) of this section, a portion of a fine that was specified for 71812  
deposit into the fund by section 4511.193 of the Revised Code, or 71813  
a portion of a fine that was paid for a violation of section 71814  
4511.19 of the Revised Code or of a provision contained in Chapter 71815  
4510. of the Revised Code that was required to be deposited into 71816  
the fund, to pay for the continued use of an alcohol monitoring 71817  
device by an offender or juvenile traffic offender, in conjunction 71818  
with a treatment program approved by the department of ~~alcohol and~~ 71819  
~~drug addiction services~~ mental health and addiction services, when 71820  
such use is determined clinically necessary by the treatment 71821  
program and when the court determines that the offender or 71822  
juvenile traffic offender is unable to pay all or part of the 71823  
daily monitoring or cost of the device; 71824

(b) If the source of the moneys was a portion of an 71825

additional court cost imposed under section 2949.094 of the Revised Code, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring or cost of the device. The moneys may be used for a device as described in this division if the use of the device is in conjunction with a treatment program approved by the department of ~~alcohol and drug addiction services~~ mental health and addiction services, when the use of the device is determined clinically necessary by the treatment program, but the use of a device is not required to be in conjunction with a treatment program approved by the department in order for the moneys to be used for the device as described in this division.

(4) If a county, juvenile, or municipal court determines, in consultation with the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health district in which the court is located, that the funds in the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of the court are more than sufficient to satisfy the purpose for which the fund was established, as specified in divisions (H)(1) to (3) of this section, the court may declare a surplus in the fund. If the court declares a surplus in the fund, the court may expend the amount of the surplus in the fund for:

(a) Alcohol and drug abuse assessment and treatment of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply:



(i) The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged.

(ii) The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.

(b) All or part of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.

(5) For the purpose of determining as described in division (F)(2)(c) of this section whether an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program or whether an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination.

(6) The court shall identify and refer any ~~alcohol and drug~~ community addiction program services provider that is not certified under section ~~3793.06~~ 5119.36 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of ~~alcohol and drug addiction services~~ mental health and addiction services in order for the ~~program services provider~~ to become a certified ~~alcohol and drug~~ community addiction program services provider. The department shall keep a record of applicant referrals received pursuant to this division and shall submit a report on the referrals each year to the general assembly. If a ~~program services provider~~ interested in becoming certified makes an application to become certified pursuant to section ~~3793.06~~

5119.36 of the Revised Code, the ~~program~~ services provider is 71890  
eligible to receive surplus funds as long as the application is 71891  
pending with the department. The department of ~~alcohol and drug~~ 71892  
~~addiction services~~ mental health and addiction services must offer 71893  
technical assistance to the applicant. If the interested ~~program~~ 71894  
services provider withdraws the certification application, the 71895  
department must notify the court, and the court shall not provide 71896  
the interested ~~program~~ services provider with any further surplus 71897  
funds. 71898

(7)(a) Each alcohol and drug addiction services board and 71899  
board of alcohol, drug addiction, and mental health services 71900  
established pursuant to section 340.02 or 340.021 of the Revised 71901  
Code shall submit to the department of ~~alcohol and drug addiction~~ 71902  
~~services~~ mental health and addiction services an annual report for 71903  
each indigent drivers alcohol treatment fund in that board's area. 71904

(b) The report, which shall be submitted not later than sixty 71905  
days after the end of the state fiscal year, shall provide the 71906  
total payment that was made from the fund, including the number of 71907  
indigent consumers that received treatment services and the number 71908  
of indigent consumers that received an alcohol monitoring device. 71909  
The report shall identify the treatment program and expenditure 71910  
for an alcohol monitoring device for which that payment was made. 71911  
The report shall include the fiscal year balance of each indigent 71912  
drivers alcohol treatment fund located in that board's area. In 71913  
the event that a surplus is declared in the fund pursuant to 71914  
division (H)(4) of this section, the report also shall provide the 71915  
total payment that was made from the surplus moneys and identify 71916  
the treatment program and expenditure for an alcohol monitoring 71917  
device for which that payment was made. ~~The department may require~~ 71918  
~~additional information necessary to complete the comprehensive~~ 71919  
~~statewide alcohol and drug addiction services plan as required by~~ 71920  
~~section 3793.04 of the Revised Code.~~ 71921

(c) If a board is unable to obtain adequate information to 71922  
develop the report to submit to the department for a particular 71923  
indigent drivers alcohol treatment fund, the board shall submit a 71924  
report detailing the effort made in obtaining the information. 71925

(I)(1) Each county shall establish an indigent drivers 71926  
interlock and alcohol monitoring fund and a juvenile indigent 71927  
drivers interlock and alcohol treatment fund, and each municipal 71928  
corporation in which there is a municipal court shall establish an 71929  
indigent drivers interlock and alcohol monitoring fund. All 71930  
revenue that the general assembly appropriates to the indigent 71931  
drivers interlock and alcohol monitoring fund for transfer to a 71932  
county indigent drivers interlock and alcohol monitoring fund, a 71933  
county juvenile indigent drivers interlock and alcohol monitoring 71934  
fund, or a municipal indigent drivers interlock and alcohol 71935  
monitoring fund, all portions of license reinstatement fees that 71936  
are paid under division (F)(2) of this section and that are 71937  
credited under that division to the indigent drivers interlock and 71938  
alcohol monitoring fund in the state treasury, and all portions of 71939  
fines that are paid under division (G) of section 4511.19 of the 71940  
Revised Code and that are credited by division (G)(5)(e) of that 71941  
section to the indigent drivers interlock and alcohol monitoring 71942  
fund in the state treasury shall be deposited in the appropriate 71943  
fund in accordance with division (I)(2) of this section. 71944

(2) That portion of the license reinstatement fee that is 71945  
paid under division (F) of this section and that portion of the 71946  
fine paid under division (G) of section 4511.19 of the Revised 71947  
Code and that is credited under either division to the indigent 71948  
drivers interlock and alcohol monitoring fund shall be deposited 71949  
into a county indigent drivers interlock and alcohol monitoring 71950  
fund, a county juvenile indigent drivers interlock and alcohol 71951  
monitoring fund, or a municipal indigent drivers interlock and 71952  
alcohol monitoring fund as follows: 71953

(a) If the fee or fine is paid by a person who was charged in a county court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county indigent drivers interlock and alcohol monitoring fund under the control of that court.

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

**Sec. 4511.69.** (A) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than twelve inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within a municipal corporation unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C)(1)(a) Except as provided in division (C)(2)(1)(b) of this

section, no vehicle or trackless trolley shall be stopped or 71985  
parked on a road or highway with the vehicle or trackless trolley 71986  
facing in a direction other than the direction of travel on that 71987  
side of the road or highway. 71988

~~(2)~~(b) The operator of a motorcycle may back the motorcycle 71989  
into an angled parking space so that when the motorcycle is parked 71990  
it is facing in a direction other than the direction of travel on 71991  
the side of the road or highway. 71992

(2)(a) The operators of not more than two motorcycles may 71993  
back their motorcycles into a parking space that is located on the 71994  
side of, and parallel to, a road or highway, and is not metered. 71995  
The motorcycles may face any direction when so parked. 71996

(b) The operator of a motorcycle may back the motorcycle into 71997  
a parking space that is located on the side of, and parallel to, a 71998  
road or highway, and is metered. The motorcycle may face any 71999  
direction when so parked. Only one motorcycle at a time shall be 72000  
parked in a parking space as described in division (C)(2)(b) of 72001  
this section. 72002

(D) Notwithstanding any statute or any rule, resolution, or 72003  
ordinance adopted by any local authority, air compressors, 72004  
tractors, trucks, and other equipment, while being used in the 72005  
construction, reconstruction, installation, repair, or removal of 72006  
facilities near, on, over, or under a street or highway, may stop, 72007  
stand, or park where necessary in order to perform such work, 72008  
provided a flagperson is on duty or warning signs or lights are 72009  
displayed as may be prescribed by the director of transportation. 72010

(E) Special parking locations and privileges for persons with 72011  
disabilities that limit or impair the ability to walk, also known 72012  
as handicapped parking spaces or disability parking spaces, shall 72013  
be provided and designated by all political subdivisions and by 72014  
the state and all agencies and instrumentalities thereof at all 72015

offices and facilities, where parking is provided, whether owned, 72016  
rented, or leased, and at all publicly owned parking garages. The 72017  
locations shall be designated through the posting of an elevated 72018  
sign, whether permanently affixed or movable, imprinted with the 72019  
international symbol of access and shall be reasonably close to 72020  
exits, entrances, elevators, and ramps. All elevated signs posted 72021  
in accordance with this division and division (C) of section 72022  
3781.111 of the Revised Code shall be mounted on a fixed or 72023  
movable post, and the distance from the ground to the bottom edge 72024  
of the sign shall measure not less than five feet. If a new sign 72025  
or a replacement sign designating a special parking location is 72026  
posted on or after October 14, 1999, there also shall be affixed 72027  
upon the surface of that sign or affixed next to the designating 72028  
sign a notice that states the fine applicable for the offense of 72029  
parking a motor vehicle in the special designated parking location 72030  
if the motor vehicle is not legally entitled to be parked in that 72031  
location. 72032

(F)(1) No person shall stop, stand, or park any motor vehicle 72033  
at special parking locations provided under division (E) of this 72034  
section or at special clearly marked parking locations provided in 72035  
or on privately owned parking lots, parking garages, or other 72036  
parking areas and designated in accordance with that division, 72037  
unless one of the following applies: 72038

(a) The motor vehicle is being operated by or for the 72039  
transport of a person with a disability that limits or impairs the 72040  
ability to walk and is displaying a valid removable windshield 72041  
placard or special license plates; 72042

(b) The motor vehicle is being operated by or for the 72043  
transport of a handicapped person and is displaying a parking card 72044  
or special handicapped license plates. 72045

(2) Any motor vehicle that is parked in a special marked 72046  
parking location in violation of division (F)(1)(a) or (b) of this 72047

section may be towed or otherwise removed from the parking 72048  
location by the law enforcement agency of the political 72049  
subdivision in which the parking location is located. A motor 72050  
vehicle that is so towed or removed shall not be released to its 72051  
owner until the owner presents proof of ownership of the motor 72052  
vehicle and pays all towing and storage fees normally imposed by 72053  
that political subdivision for towing and storing motor vehicles. 72054  
If the motor vehicle is a leased vehicle, it shall not be released 72055  
to the lessee until the lessee presents proof that that person is 72056  
the lessee of the motor vehicle and pays all towing and storage 72057  
fees normally imposed by that political subdivision for towing and 72058  
storing motor vehicles. 72059

(3) If a person is charged with a violation of division 72060  
(F)(1)(a) or (b) of this section, it is an affirmative defense to 72061  
the charge that the person suffered an injury not more than 72062  
seventy-two hours prior to the time the person was issued the 72063  
ticket or citation and that, because of the injury, the person 72064  
meets at least one of the criteria contained in division (A)(1) of 72065  
section 4503.44 of the Revised Code. 72066

(G) When a motor vehicle is being operated by or for the 72067  
transport of a person with a disability that limits or impairs the 72068  
ability to walk and is displaying a removable windshield placard 72069  
or a temporary removable windshield placard or special license 72070  
plates, or when a motor vehicle is being operated by or for the 72071  
transport of a handicapped person and is displaying a parking card 72072  
or special handicapped license plates, the motor vehicle is 72073  
permitted to park for a period of two hours in excess of the legal 72074  
parking period permitted by local authorities, except where local 72075  
ordinances or police rules provide otherwise or where the vehicle 72076  
is parked in such a manner as to be clearly a traffic hazard. 72077

(H) No owner of an office, facility, or parking garage where 72078  
special parking locations are required to be designated in 72079

accordance with division (E) of this section shall fail to 72080  
properly mark the special parking locations in accordance with 72081  
that division or fail to maintain the markings of the special 72082  
locations, including the erection and maintenance of the fixed or 72083  
movable signs. 72084

(I) Nothing in this section shall be construed to require a 72085  
person or organization to apply for a removable windshield placard 72086  
or special license plates if the parking card or special license 72087  
plates issued to the person or organization under prior law have 72088  
not expired or been surrendered or revoked. 72089

(J)(1) Whoever violates division (A) or (C) of this section 72090  
is guilty of a minor misdemeanor. 72091

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 72092  
section is guilty of a misdemeanor and shall be punished as 72093  
provided in division (J)(2)(a) and (b) of this section. Except as 72094  
otherwise provided in division (J)(2)(a) of this section, an 72095  
offender who violates division (F)(1)(a) or (b) of this section 72096  
shall be fined not less than two hundred fifty nor more than five 72097  
hundred dollars. An offender who violates division (F)(1)(a) or 72098  
(b) of this section shall be fined not more than one hundred 72099  
dollars if the offender, prior to sentencing, proves either of the 72100  
following to the satisfaction of the court: 72101

(i) At the time of the violation of division (F)(1)(a) of 72102  
this section, the offender or the person for whose transport the 72103  
motor vehicle was being operated had been issued a removable 72104  
windshield placard that then was valid or special license plates 72105  
that then were valid but the offender or the person neglected to 72106  
display the placard or license plates as described in division 72107  
(F)(1)(a) of this section. 72108

(ii) At the time of the violation of division (F)(1)(b) of 72109  
this section, the offender or the person for whose transport the 72110



motor vehicle was being operated had been issued a parking card 72111  
that then was valid or special handicapped license plates that 72112  
then were valid but the offender or the person neglected to 72113  
display the card or license plates as described in division 72114  
(F)(1)(b) of this section. 72115

(b) In no case shall an offender who violates division 72116  
(F)(1)(a) or (b) of this section be sentenced to any term of 72117  
imprisonment. 72118

An arrest or conviction for a violation of division (F)(1)(a) 72119  
or (b) of this section does not constitute a criminal record and 72120  
need not be reported by the person so arrested or convicted in 72121  
response to any inquiries contained in any application for 72122  
employment, license, or other right or privilege, or made in 72123  
connection with the person's appearance as a witness. 72124

The clerk of the court shall pay every fine collected under 72125  
division (J)(2) of this section to the political subdivision in 72126  
which the violation occurred. Except as provided in division 72127  
(J)(2) of this section, the political subdivision shall use the 72128  
fine moneys it receives under division (J)(2) of this section to 72129  
pay the expenses it incurs in complying with the signage and 72130  
notice requirements contained in division (E) of this section. The 72131  
political subdivision may use up to fifty per cent of each fine it 72132  
receives under division (J)(2) of this section to pay the costs of 72133  
educational, advocacy, support, and assistive technology programs 72134  
for persons with disabilities, and for public improvements within 72135  
the political subdivision that benefit or assist persons with 72136  
disabilities, if governmental agencies or nonprofit organizations 72137  
offer the programs. 72138

(3) Whoever violates division (H) of this section shall be 72139  
punished as follows: 72140

(a) Except as otherwise provided in division (J)(3) of this 72141

section, the offender shall be issued a warning. 72142

(b) If the offender previously has been convicted of or 72143  
pleaded guilty to a violation of division (H) of this section or 72144  
of a municipal ordinance that is substantially similar to that 72145  
division, the offender shall not be issued a warning but shall be 72146  
fined not more than twenty-five dollars for each parking location 72147  
that is not properly marked or whose markings are not properly 72148  
maintained. 72149

(K) As used in this section: 72150

(1) "Handicapped person" means any person who has lost the 72151  
use of one or both legs or one or both arms, who is blind, deaf, 72152  
or so severely handicapped as to be unable to move without the aid 72153  
of crutches or a wheelchair, or whose mobility is restricted by a 72154  
permanent cardiovascular, pulmonary, or other handicapping 72155  
condition. 72156

(2) "Person with a disability that limits or impairs the 72157  
ability to walk" has the same meaning as in section 4503.44 of the 72158  
Revised Code. 72159

(3) "Special license plates" and "removable windshield 72160  
placard" mean any license plates or removable windshield placard 72161  
or temporary removable windshield placard issued under section 72162  
4503.41 or 4503.44 of the Revised Code, and also mean any 72163  
substantially similar license plates or removable windshield 72164  
placard or temporary removable windshield placard issued by a 72165  
state, district, country, or sovereignty. 72166

**Sec. 4513.60.** (A)(1) The sheriff of a county or chief of 72167  
police of a municipal corporation, township, or township or joint 72168  
police district, within the sheriff's or chief's respective 72169  
territorial jurisdiction, upon complaint of any person adversely 72170  
affected, may order into storage any motor vehicle, other than an 72171

abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The sheriff or chief of police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the sheriff or chief of police. When ordering a motor vehicle into storage pursuant to this division, a sheriff or chief of police, whenever possible, shall arrange for the removal of the motor vehicle by a private tow truck operator or towing company. Subject to division (C) of this section, the owner of a motor vehicle that has been removed pursuant to this division may recover the vehicle only in accordance with division (E) of this section.

(2) Divisions (A)(1) to (3) of this section do not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with division (B) of this section.

(3) As used in divisions (A)(1) and (2) of this section, "private residential property" means private property on which is located one or more structures that are used as a home, residence, or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence, or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(B)(1) The owner of private property may establish a private

tow-away zone only if all of the following conditions are 72204  
satisfied: 72205

(a) The owner posts on the owner's property a sign, that is 72206  
at least eighteen inches by twenty-four inches in size, that is 72207  
visible from all entrances to the property, and that contains at 72208  
least all of the following information: 72209

(i) A notice that the property is a private tow-away zone 72210  
and, that vehicles not authorized to park on the property will be 72211  
towed away, and that abandoned unclaimed motor vehicles may result 72212  
in ownership interest for the tower under section 4505.101 of the 72213  
Revised Code; 72214

(ii) The telephone number of the person from whom a 72215  
towed-away vehicle can be recovered, and the address of the place 72216  
to which the vehicle will be taken and the place from which it may 72217  
be recovered; 72218

(iii) A statement that the vehicle may be recovered at any 72219  
time during the day or night upon the submission of proof of 72220  
ownership and the payment of a towing charge, in an amount not to 72221  
exceed ninety dollars, and a storage charge, in an amount not to 72222  
exceed twelve dollars per twenty-four-hour period; except that the 72223  
charge for towing shall not exceed one hundred fifty dollars, and 72224  
the storage charge shall not exceed twenty dollars per 72225  
twenty-four-hour period, if the vehicle has a manufacturer's gross 72226  
vehicle weight rating in excess of ten thousand pounds and is a 72227  
truck, bus, or a combination of a commercial tractor and trailer 72228  
or semitrailer. 72229

(b) The place to which the towed vehicle is taken and from 72230  
which it may be recovered is conveniently located, is well 72231  
lighted, and is on or within a reasonable distance of a regularly 72232  
scheduled route of one or more modes of public transportation, if 72233  
any public transportation is available in the municipal 72234

corporation or township in which the private tow-away zone is 72235  
located. 72236

(2) If a vehicle is parked on private property that is 72237  
established as a private tow-away zone in accordance with division 72238  
(B)(1) of this section, without the consent of the owner of the 72239  
property or in violation of any posted parking condition or 72240  
regulation, the owner or the owner's agent may remove, or cause 72241  
the removal of, the vehicle, the owner and the operator of the 72242  
vehicle shall be deemed to have consented to the removal and 72243  
storage of the vehicle, to the possible ownership interest for the 72244  
tower as specified in division (B)(1)(a)(i) of this section, and 72245  
to the payment of the towing and storage charges specified in 72246  
division (B)(1)(a)(iii) of this section, and the owner, subject to 72247  
division (C) of this section, may recover a vehicle that has been 72248  
so removed only in accordance with division (E) of this section. 72249

(3) If a municipal corporation requires tow trucks and tow 72250  
truck operators to be licensed, no owner of private property 72251  
located within the municipal corporation shall remove, or shall 72252  
cause the removal and storage of, any vehicle pursuant to division 72253  
(B)(2) of this section by an unlicensed tow truck or unlicensed 72254  
tow truck operator. 72255

(4) Divisions (B)(1) to (3) of this section do not affect or 72256  
limit the operation of division (A) of this section or sections 72257  
4513.61 to 4513.65 of the Revised Code as they relate to property 72258  
other than private property that is established as a private 72259  
tow-away zone under division (B)(1) of this section. 72260

(C) If the owner or operator of a motor vehicle that has been 72261  
ordered into storage pursuant to division (A)(1) of this section 72262  
or of a vehicle that is being removed under authority of division 72263  
(B)(2) of this section arrives after the motor vehicle or vehicle 72264  
has been prepared for removal, but prior to its actual removal 72265  
from the property, the owner or operator shall be given the 72266

opportunity to pay a fee of not more than one-half of the charge 72267  
for the removal of motor vehicles under division (A)(1) of this 72268  
section or of vehicles under division (B)(2) of this section, 72269  
whichever is applicable, that normally is assessed by the person 72270  
who has prepared the motor vehicle or vehicle for removal, in 72271  
order to obtain release of the motor vehicle or vehicle. Upon 72272  
payment of that fee, the motor vehicle or vehicle shall be 72273  
released to the owner or operator, and upon its release, the owner 72274  
or operator immediately shall move it so that: 72275

(1) If the motor vehicle was ordered into storage pursuant to 72276  
division (A)(1) of this section, it is not on the private 72277  
residential or private agricultural property without the 72278  
permission of the person having the right to possession of the 72279  
property, or is not at the garage or place of storage without the 72280  
permission of the owner, whichever is applicable. 72281

(2) If the vehicle was being removed under authority of 72282  
division (B)(2) of this section, it is not parked on the private 72283  
property established as a private tow-away zone without the 72284  
consent of the owner or in violation of any posted parking 72285  
condition or regulation. 72286

(D)(1) If an owner of private property that is established as 72287  
a private tow-away zone in accordance with division (B)(1) of this 72288  
section or the authorized agent of such an owner removes or causes 72289  
the removal of a vehicle from that property under authority of 72290  
division (B)(2) of this section, the owner or agent promptly shall 72291  
notify the police department of the municipal corporation, 72292  
township, or township or joint police district in which the 72293  
property is located, of the removal, the vehicle's license number, 72294  
make, model, and color, the location from which it was removed, 72295  
the date and time of its removal, the telephone number of the 72296  
person from whom it may be recovered, and the address of the place 72297  
to which it has been taken and from which it may be recovered. 72298

(2) Each county sheriff and each chief of police of a municipal corporation, township, or township or joint police district shall maintain a record of motor vehicles that the sheriff or chief orders into storage pursuant to division (A)(1) of this section and of vehicles removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under division (D)(1) of this section. The record shall include an entry for each such motor vehicle or vehicle that identifies the motor vehicle's or vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular motor vehicle or vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle or vehicle and requests information pertaining to its location.

(3) Any person who registers a complaint that is the basis of a sheriff's or police chief's order for the removal and storage of a motor vehicle under division (A)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(E) The owner of a motor vehicle that is ordered into storage pursuant to division (A)(1) of this section or of a vehicle that is removed under authority of division (B)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed ninety dollars, and storage, in an amount not to exceed twelve dollars per twenty-four-hour

period; except that the charge for towing shall not exceed one 72331  
hundred fifty dollars, and the storage charge shall not exceed 72332  
twenty dollars per twenty-four-hour period, if the vehicle has a 72333  
manufacturer's gross vehicle weight rating in excess of ten 72334  
thousand pounds and is a truck, bus, or a combination of a 72335  
commercial tractor and trailer or semitrailer. Presentation of 72336  
proof of ownership, which may be evidenced by a certificate of 72337  
title to the motor vehicle or vehicle also shall be required for 72338  
reclamation of the vehicle. If a motor vehicle that is ordered 72339  
into storage pursuant to division (A)(1) of this section remains 72340  
unclaimed by the owner for thirty days, the procedures established 72341  
by sections 4513.61 and 4513.62 of the Revised Code shall apply. 72342

(F) No person shall remove, or cause the removal of, any 72343  
vehicle from private property that is established as a private 72344  
tow-away zone under division (B)(1) of this section other than in 72345  
accordance with division (B)(2) of this section, and no person 72346  
shall remove, or cause the removal of, any motor vehicle from any 72347  
other private property other than in accordance with division 72348  
(A)(1) of this section or sections 4513.61 to 4513.65 of the 72349  
Revised Code. 72350

(G) Whoever violates division (B)(3) or (F) of this section 72351  
is guilty of a minor misdemeanor. 72352

**Sec. 4513.61.** The sheriff of a county or chief of police of a 72353  
municipal corporation, township, or township or joint police 72354  
district, within the sheriff's or chief's respective territorial 72355  
jurisdiction, ~~or a~~ the superintendent of the state highway patrol 72356  
~~trooper or their designee~~, upon notification to the sheriff or 72357  
chief of police of such action and of the location of the place of 72358  
storage, may order into storage any motor vehicle, including an 72359  
abandoned junk motor vehicle as defined in section 4513.63 of the 72360  
Revised Code, that has come into the possession of the sheriff, 72361



chief of police, or ~~state highway patrol trooper~~ the 72362  
superintendent as a result of the performance of the sheriff's, 72363  
chief's, or ~~trooper's~~ state highway patrol's duties or that has 72364  
been left on a public street or other property open to the public 72365  
for purposes of vehicular travel, or upon or within the 72366  
right-of-way of any road or highway, for forty-eight hours or 72367  
longer without notification to the sheriff ~~or~~, chief of police, or 72368  
the superintendent of the reasons for leaving the motor vehicle in 72369  
such place, except that when such a motor vehicle constitutes an 72370  
obstruction to traffic it may be ordered into storage immediately. 72371  
The sheriff ~~or~~, chief of police, superintendent, or their designee 72372  
shall designate the place of storage of any motor vehicle so 72373  
ordered removed. 72374

The sheriff ~~or~~, chief of police, superintendent, or their 72375  
designee immediately shall cause a search to be made of the 72376  
records of the bureau of motor vehicles to ascertain the owner and 72377  
any lienholder of a motor vehicle ordered into storage by the 72378  
sheriff ~~or~~, chief of police, ~~or by a state highway patrol trooper~~ 72379  
superintendent, or their designee, and, if known, shall send or 72380  
cause to be sent notice to the owner or lienholder at the owner's 72381  
or lienholder's last known address by certified mail with return 72382  
receipt requested, that the motor vehicle will be declared a 72383  
nuisance and disposed of if not claimed within ten days of the 72384  
date of mailing of the notice. The owner or lienholder of the 72385  
motor vehicle may reclaim it upon payment of any expenses or 72386  
charges incurred in its removal and storage, and presentation of 72387  
proof of ownership, which may be evidenced by a certificate of 72388  
title or memorandum certificate of title to the motor vehicle. If 72389  
the owner or lienholder of the motor vehicle reclaims it after 72390  
search of the records of the bureau has been conducted and after 72391  
notice has been sent to the owner or lienholder as described in 72392  
this section, and the search was conducted by the owner of the 72393  
place of storage or the owner's employee, and the notice was sent 72394

to the motor vehicle owner by the owner of the place of storage or 72395  
the owner's employee, the owner or lienholder shall pay to the 72396  
place of storage a processing fee of twenty-five dollars, in 72397  
addition to any expenses or charges incurred in the removal and 72398  
storage of the vehicle. 72399

If the owner or lienholder makes no claim to the motor 72400  
vehicle within ten days of the date of mailing of the notice, and 72401  
if the vehicle is to be disposed of at public auction as provided 72402  
in section 4513.62 of the Revised Code, the sheriff ~~or~~, chief of 72403  
police, superintendent, or their designee, without charge to any 72404  
party, shall file with the clerk of courts of the county in which 72405  
the place of storage is located an affidavit showing compliance 72406  
with the requirements of this section. Upon presentation of the 72407  
affidavit, the clerk, without charge, shall issue a salvage 72408  
certificate of title, free and clear of all liens and 72409  
encumbrances, to the sheriff ~~or~~, chief of police, superintendent, 72410  
or their designee. If the vehicle is to be disposed of to a motor 72411  
vehicle salvage dealer or other facility as provided in section 72412  
4513.62 of the Revised Code, the sheriff, chief of police, 72413  
superintendent, or their designee shall execute in triplicate an 72414  
affidavit, as prescribed by the registrar of motor vehicles, 72415  
describing the motor vehicle and the manner in which it was 72416  
disposed of, and that all requirements of this section have been 72417  
complied with. The sheriff ~~or~~, chief of police, the 72418  
superintendent, or their designee shall retain the original of the 72419  
affidavit for the sheriff's ~~or~~, chief's, or superintendent's 72420  
records, and shall furnish two copies to the motor vehicle salvage 72421  
dealer or other facility. Upon presentation of a copy of the 72422  
affidavit by the motor vehicle salvage dealer, the clerk of 72423  
courts, within thirty days of the presentation, shall issue to 72424  
such owner a salvage certificate of title, free and clear of all 72425  
liens and encumbrances. 72426

Whenever a motor vehicle salvage dealer or other facility 72427  
receives an affidavit for the disposal of a motor vehicle as 72428  
provided in this section, the dealer or facility shall not be 72429  
required to obtain an Ohio certificate of title to the motor 72430  
vehicle in the dealer's or facility's own name if the vehicle is 72431  
dismantled or destroyed and both copies of the affidavit are 72432  
delivered to the clerk of courts. 72433

**Sec. 4513.62.** Unclaimed motor vehicles ordered into storage 72434  
pursuant to division (A)(1) of section 4513.60 or section 4513.61 72435  
of the Revised Code shall be disposed of at the order of the 72436  
sheriff of the county ~~or~~, the chief of police of the municipal 72437  
corporation, township, or township or joint police district, the 72438  
superintendent of the state highway patrol, or their designee to a 72439  
motor vehicle salvage dealer or scrap metal processing facility as 72440  
defined in section 4737.05 of the Revised Code, or to any other 72441  
facility owned by or under contract with the county, municipal 72442  
corporation, or township, for the disposal of such motor vehicles, 72443  
or shall be sold by the sheriff, chief of police, superintendent, 72444  
their designee, or licensed auctioneer at public auction, after 72445  
giving notice thereof by advertisement, published once a week for 72446  
two successive weeks in a newspaper of general circulation in the 72447  
county or as provided in section 7.16 of the Revised Code. Any 72448  
moneys accruing from the disposition of an unclaimed motor vehicle 72449  
that are in excess of the expenses resulting from the removal and 72450  
storage of the vehicle shall be credited to the general fund of 72451  
the county, municipal corporation, township, ~~or~~ joint police 72452  
district, or state as the case may be. 72453

**Sec. 4701.03.** (A) The accountancy board annually shall elect 72454  
a president, secretary, and treasurer from its members. The board 72455  
may adopt and amend rules for the orderly conduct of its affairs 72456  
and for the administration of this chapter. The board may adopt 72457

and amend rules defining the practice of public accounting, rules 72458  
of professional conduct appropriate to establish and maintain a 72459  
high standard of integrity and dignity in registrants and 72460  
certificate holders under this chapter, and rules regulating the 72461  
sole proprietorship, partnership, limited liability company, 72462  
professional association, corporation-for-profit, or other legal 72463  
entity practice of public accounting. A majority of the board 72464  
shall constitute a quorum for the transaction of business. 72465

(B) The board shall keep and hold open for public inspection 72466  
all records of its proceedings. 72467

(C) The board may employ any clerks that are necessary to 72468  
assist it in the performance of its duties and the keeping of its 72469  
records. If the board employs an executive director, the board 72470  
shall pay the executive director ~~shall be paid~~ in accordance with 72471  
~~pay range 18 of schedule E 1 of section 124.152 of the Revised~~ 72472  
~~Code, or, if the director was employed and being paid on June 28,~~ 72473  
~~2003, in accordance with step 7 in pay range 18 of schedule E 1 of~~ 72474  
~~former section 124.152 of the Revised Code and continued to be so~~ 72475  
~~paid on June 29, 2003, the executive director shall be paid in~~ 72476  
~~accordance with pay range 18 of salary schedule E 1 for step seven~~ 72477  
~~only of section 124.152 of the Revised Code.~~ 72478

**Sec. 4707.02.** (A) No person shall act as an auction firm, 72479  
auctioneer, apprentice auctioneer, or special auctioneer within 72480  
this state without a license issued by the department of 72481  
agriculture. No auction shall be conducted in this state except by 72482  
an auctioneer licensed by the department. 72483

The department shall not issue or renew a license if the 72484  
applicant or licensee has been convicted of a felony or crime 72485  
involving fraud or theft in this or another state at any time 72486  
during the ten years immediately preceding application or renewal. 72487

(B) Division (A) of this section does not apply to any of the 72488

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 72489                                                                                  |
| (1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or decree, or are conducted by or under the direction of a public authority;                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 72490<br>72491<br>72492                                                                |
| (2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 72493<br>72494<br>72495                                                                |
| (3) An auction mediation company;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 72496                                                                                  |
| (4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section 4707.03 of the Revised Code for purposes of student training and is supervised by a licensed auctioneer;                                                                                                                                                                                                                                                                                                                                                                                                         | 72497<br>72498<br>72499<br>72500                                                       |
| (5)(a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction; or                                                                                             | 72501<br>72502<br>72503<br>72504<br>72505<br>72506<br>72507<br>72508<br>72509          |
| (b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B)(5)(b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit. | 72510<br>72511<br>72512<br>72513<br>72514<br>72515<br>72516<br>72517<br>72518<br>72519 |

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction; 72520  
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72522  
72523

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction; 72524  
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(8) A person who sells real or personal property by means of the internet; 72529  
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(9) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state, provided that no compensation is paid to the sponsor of or participants in the contest other than a prize or award for winning the contest; 72531  
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72533  
72534  
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(10) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply: 72536  
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(a) The champion is not paid a commission. 72539

(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it. 72540  
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(C)(1) No person shall advertise or hold oneself out as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer without a license issued by the department of agriculture. 72544  
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(2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an 72548  
72549

auction conducted under division (B)(5)(b) of this section. 72550

**Sec. 4707.073.** (A) No corporation, limited liability company, 72551  
general or limited partnership, or unincorporated association 72552  
shall act or hold itself out as an auctioneer without a valid 72553  
auctioneer's license issued under this section. This section does 72554  
not apply to a person who is issued a license under section 72555  
4707.071 of the Revised Code. 72556

(B) The department of agriculture may grant an auctioneer's 72557  
license to a corporation, limited liability company, general or 72558  
limited partnership, or unincorporated association that is 72559  
determined to be qualified by the department. Every applicant for 72560  
a license under this section shall furnish to the department, on 72561  
forms provided by the department, satisfactory proof that the 72562  
applicant: 72563

(1) Is in good standing with the secretary of state if the 72564  
applicant is a corporation; 72565

(2) Is of trustworthy character; 72566

(3) Has provided proof of financial responsibility as 72567  
required in section 4707.11 of the Revised Code; 72568

(4) Is registered with the secretary of state or a local 72569  
authority, as applicable, to do business in this state; 72570

(5) Has complied with any other requirement that the director 72571  
establishes in rules adopted under section 4707.19 of the Revised 72572  
Code. 72573

(C) An application submitted under this section shall list 72574  
the names of all of the owners, directors, partners, or members of 72575  
the applicant, as applicable, and shall indicate those that have 72576  
an auctioneer's license issued under section 4707.07 of the 72577  
Revised Code. 72578

(D)~~(1)~~ The department shall not issue a license under this 72579

section unless one of the following applies, as applicable: 72580

~~(a)(1)~~ If the applicant is a limited liability company or a 72581  
general or limited partnership, not less than fifty per cent of 72582  
the members or general partners have a current license issued 72583  
under section 4707.07 of the Revised Code. 72584

~~(b)(2)~~ If the applicant is a corporation, not less than fifty 72585  
per cent of the directors and the president or chief executive 72586  
have a current license issued under section 4707.07 of the Revised 72587  
Code. 72588

~~(c)(3)~~ If the applicant is an unincorporated association, not 72589  
less than fifty per cent of the members have a current license 72590  
issued under section 4707.07 of the Revised Code. 72591

Failure of a corporation, limited liability company, 72592  
partnership, or unincorporated association to maintain the 72593  
applicable requirements of this division after the issuance of a 72594  
license under this section may be sufficient cause for the 72595  
revocation of the license under section 4707.15 of the Revised 72596  
Code. 72597

~~(2) Not later than two years after the effective date of this 72598  
section, a corporation, partnership, or unincorporated association 72599  
that was issued a license under section 4707.07 of the Revised 72600  
Code on or before the effective date of this section shall comply 72601  
with the requirements established in division (D)(1) of this 72602  
section. If such a corporation, partnership, or unincorporated 72603  
association fails to comply with those requirements, the license 72604  
of the corporation, partnership, or unincorporated association 72605  
immediately shall terminate. 72606~~

(E) Upon the issuance of a license under this section, a 72607  
corporation, limited liability company, partnership, or 72608  
unincorporated association shall designate an individual from 72609  
among its directors, partners, or members who is licensed under 72610



section 4707.07 of the Revised Code as its agent for purposes of 72611  
communication with the department. If that individual ceases to be 72612  
the agent, the corporation, limited liability company, 72613  
partnership, or unincorporated association shall notify the 72614  
department not later than ten days after the day on which the 72615  
individual ceases to be the agent. Upon notification to the 72616  
department, the license of the corporation, limited liability 72617  
company, partnership, or unincorporated association, as 72618  
applicable, immediately shall terminate. If the corporation, 72619  
limited liability company, partnership, or unincorporated 72620  
association notifies the department of the designation of a new 72621  
agent in accordance with the requirements of this division and 72622  
pays a fee in the amount of ten dollars, the department shall 72623  
issue the corporation, limited liability company, partnership, or 72624  
unincorporated association a new license. 72625

(F) This section does not preclude a corporation, limited 72626  
liability company, partnership, or unincorporated association from 72627  
selling real property at auction, provided that the requirements 72628  
of this section and section 4707.021 and Chapter 4735. of the 72629  
Revised Code are satisfied. 72630

(G) A person licensed as a real estate broker under Chapter 72631  
4735. of the Revised Code shall not be required to obtain a 72632  
license under this section if the person complies with sections 72633  
4707.021 and 4707.22 of the Revised Code. 72634

**Sec. 4707.10.** (A) The fee for each apprentice auctioneer's or 72635  
auction firm license issued by the department of agriculture is 72636  
one hundred dollars, and the annual renewal fee for any such 72637  
license is one hundred dollars. All licenses expire annually on 72638  
the last day of June of each year and shall be renewed according 72639  
to the standard renewal procedures of Chapter 4745. of the Revised 72640  
Code, or the procedures of this section. Any licensee under this 72641

chapter who wishes to renew the licensee's license, but fails to 72642  
do so before the first day of July shall reapply for licensure in 72643  
the same manner and pursuant to the same requirements as for 72644  
initial licensure, unless before the first day of September of the 72645  
year of expiration, the former licensee pays to the department, in 72646  
addition to the regular renewal fee, a late renewal penalty of one 72647  
hundred dollars. 72648

(B)(1) Each person to whom the department issues an 72649  
auctioneer's license or special auctioneer's license shall pay a 72650  
licensure fee. Those licenses are biennial and expire in 72651  
accordance with the schedule established in division (B)(2) of 72652  
this section. If such a license is issued during the first year of 72653  
a biennium, the licensee shall pay a fee in the amount of two 72654  
hundred dollars. If the license is issued during the second year 72655  
of a biennium, the licensee shall pay a fee in the amount of one 72656  
hundred dollars. With respect to an auctioneer's license, the fees 72657  
apply regardless of whether the license is issued to an individual 72658  
under section 4707.07 of the Revised Code or to a corporation, 72659  
limited liability company, partnership, or association under 72660  
section 4707.073 of the Revised Code. 72661

All auctioneer's licenses and special auctioneer's licenses 72662  
expire on the last day of June of the biennium. The licenses shall 72663  
be renewed in accordance with the standard renewal procedures of 72664  
Chapter 4745. of the Revised Code or the procedures in this 72665  
section and upon the licensee's payment to the department of a 72666  
renewal fee of two hundred dollars. A licensee who wishes to renew 72667  
the licensee's license, but who fails to do so before the first 72668  
day of July following the license's expiration, shall reapply for 72669  
licensure in the same manner and pursuant to the same requirements 72670  
as for the initial licensure unless before the first day of 72671  
September following the expiration, the former licensee pays to 72672  
the department, in addition to the regular renewal fee, a late 72673

renewal penalty of one hundred dollars. 72674

(2) The biennial expiration of an auctioneer's license or 72675  
special auctioneer's license shall occur in accordance with the 72676  
following schedule: 72677

(a) The license shall expire in odd-numbered years if the 72678  
business name or last name, as applicable, of the licensee begins 72679  
with the letters "A" through "J" or with the letters "X" through 72680  
"Z." 72681

(b) The license shall expire in even-numbered years if the 72682  
business name or last name, as applicable, of the licensee begins 72683  
with the letters "K" through "W." 72684

(C) Any person who fails to renew the person's license before 72685  
the first day of July is prohibited from engaging in any activity 72686  
specified or comprehended in section 4707.01 of the Revised Code 72687  
until such time as the person's license is renewed or a new 72688  
license is issued. Renewal of a license between the first day of 72689  
July and the first day of September does not relieve any person 72690  
from complying with this division. The department may refuse to 72691  
renew the license of or issue a new license to any person who 72692  
violates this division. 72693

(D) The department shall prepare and deliver to each licensee 72694  
a permanent license certificate and an identification card, the 72695  
appropriate portion of which shall be carried on the person of the 72696  
licensee at all times when engaged in any type of auction 72697  
activity, and part of which shall be posted with the permanent 72698  
certificate in a conspicuous location at the licensee's place of 72699  
business. 72700

(E) Notice in writing shall be given to the department by 72701  
each auctioneer or apprentice auctioneer licensee of any change of 72702  
principal business location or any change or addition to the name 72703  
or names under which business is conducted, whereupon the 72704

department shall issue a new license for the unexpired period. Any 72705  
change of business location or change or addition of names without 72706  
notification to the department shall automatically cancel any 72707  
license previously issued. For each new ~~auctioneer~~ auctioneer's or 72708  
apprentice ~~auctioneer~~ auctioneer's license issued upon the 72709  
occasion of a change in business location or a change in or an 72710  
addition of names under which business is conducted, the 72711  
department may collect a fee of ten dollars for each change in 72712  
location, or name or each added name unless the notification of 72713  
the change occurs concurrently with the renewal application or 72714  
unless otherwise provided in section 4707.07 of the Revised Code. 72715

**Sec. 4709.11.** Every license issued pursuant to this chapter 72716  
expires on the thirty-first day of August of each even-numbered 72717  
year. Each licensee desiring to do so shall, on or before the 72718  
first day of September of each even-numbered year, renew ~~his~~ the 72719  
licensee's license pursuant to the standard renewal procedure of 72720  
Chapter 4745. of the Revised Code. Any holder of an expired 72721  
license shall restore ~~his~~ the holder's license before continuing 72722  
the practice of barbering or the activity for which ~~he~~ the holder 72723  
is licensed under this chapter and pay the appropriate restoration 72724  
fee. If the person fails to restore ~~his~~ the person's license 72725  
within ~~three~~ six years, ~~he~~ the person shall pay any required 72726  
restoration fee and take any examination required for the license 72727  
under this chapter. 72728

**Sec. 4715.36.** As used in this section and sections 4715.361 72729  
to 4715.374 of the Revised Code: 72730

(A) "Accredited dental hygiene school" means a dental hygiene 72731  
school accredited by the American dental association commission on 72732  
dental accreditation or a dental hygiene school whose educational 72733  
standards are recognized by the American dental association 72734  
commission on dental accreditation and approved by the state 72735

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                      |
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| dental board.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 72736                                                                |
| (B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.                                                                                                                                                                                                                                                                                                                                           | 72737<br>72738<br>72739                                              |
| (C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.                                                                                                                                                                                                                                                                                                                                                                                    | 72740<br>72741                                                       |
| (D) "Dentist" means an individual licensed under this chapter to practice dentistry.                                                                                                                                                                                                                                                                                                                                                                                                                 | 72742<br>72743                                                       |
| (E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.                                                                                                                                                                                                                                                                                                                                                                                            | 72744<br>72745                                                       |
| (F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(4) of section 4715.22 of the Revised Code. | 72746<br>72747<br>72748<br>72749<br>72750<br>72751<br>72752<br>72753 |
| (G) "Facility" means any of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 72754                                                                |
| (1) A health care facility, as defined in section 4715.22 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                       | 72755<br>72756                                                       |
| (2) A state correctional institution, as defined in section 2967.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                             | 72757<br>72758                                                       |
| (3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center;                                                                                                                                                                                                                                                                                               | 72759<br>72760<br>72761<br>72762                                     |
| (4) A residential facility licensed under section 5123.19 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                       | 72763<br>72764                                                       |
| (5) A public school, as defined in section 3701.93 of the                                                                                                                                                                                                                                                                                                                                                                                                                                            | 72765                                                                |

|                                                                                                                                                                                                                               |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;                                                                                        | 72766<br>72767<br>72768          |
| (6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;                           | 72769<br>72770<br>72771<br>72772 |
| (7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;                                                                                  | 72773<br>72774<br>72775          |
| (8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;                                                                                                                            | 72776<br>72777                   |
| (9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;                                                                                                                          | 72778<br>72779                   |
| <del>(10) A shelter for runaways, as defined in section 5119.64 of the Revised Code;</del>                                                                                                                                    | 72780<br>72781                   |
| <del>(11)</del> A foster home, as defined in section 5103.02 of the Revised Code;                                                                                                                                             | 72782<br>72783                   |
| <del>(12)</del> <u>(11)</u> A nonprofit clinic, as defined in section 3715.87 of the Revised Code;                                                                                                                            | 72784<br>72785                   |
| <del>(13)</del> <u>(12)</u> The residence of one or more individuals receiving services provided by a home health agency, as defined in section 5101.61 of the Revised Code;                                                  | 72786<br>72787<br>72788          |
| <del>(14)</del> <u>(13)</u> A dispensary;                                                                                                                                                                                     | 72789                            |
| <del>(15)</del> <u>(14)</u> A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;                                                                                        | 72790<br>72791                   |
| <del>(16)</del> <u>(15)</u> The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section <del>5111.851</del> <u>5166.01</u> of the Revised Code; | 72792<br>72793<br>72794          |

~~(17)~~(16) A facility operated by the board of health of a city 72795  
or general health district or the authority having the duties of a 72796  
board of health under section 3709.05 of the Revised Code; 72797

~~(18)~~(17) A women, infants, and children clinic; 72798

~~(19)~~(18) A mobile dental unit located at any location listed 72799  
in divisions (G)(1) to ~~(18)~~(17) of this section; 72800

~~(20)~~(19) Any other location, as specified by the state dental 72801  
board in rules adopted under section 4715.372 of the Revised Code, 72802  
that is in an area designated as a dental health resource shortage 72803  
area pursuant to section 3702.87 of the Revised Code and provides 72804  
health care services to individuals who are medicaid recipients ~~of~~ 72805  
~~medical assistance under the medicaid program established pursuant~~ 72806  
~~to Chapter 5111. of the Revised Code~~ and to indigent and uninsured 72807  
persons, as defined in section 2305.234 of the Revised Code. 72808

**Sec. 4715.372.** (A) The state dental board shall adopt rules 72809  
in accordance with Chapter 119. of the Revised Code as necessary 72810  
to implement the oral health access supervision program, including 72811  
rules that do all of the following: 72812

(1) For the purpose of division (G)~~(20)~~(19) of section 72813  
4715.36 of the Revised Code, designate additional facilities at 72814  
which a dental hygienist may be authorized to perform dental 72815  
hygiene services under the oral health access supervision program; 72816

(2) For the purpose of section 4715.362 of the Revised Code, 72817  
prescribe the application form and requirements for obtaining an 72818  
oral health access supervision permit; 72819

(3) For the purpose of section 4715.363 of the Revised Code, 72820  
prescribe the application form for a permit to practice as a 72821  
dental hygienist under the oral health access supervision of a 72822  
dentist; 72823

(4) For the purpose of division (B)(3) of section 4715.363 of 72824

the Revised Code and subject to division (B) of this section, 72825  
establish standards for the course in the practice of dental 72826  
hygiene under oral health access supervision; 72827

(5) For the purpose of section 4715.369 of the Revised Code, 72828  
prescribe the form for renewal of an oral health access 72829  
supervision permit; 72830

(6) For the purpose of section 4715.37 of the Revised Code, 72831  
prescribe the form for renewal of a permit to practice as a dental 72832  
hygienist under the oral health access supervision of a dentist. 72833

(B) The course in the practice of dental hygiene under oral 72834  
health access supervision for which the board establishes 72835  
standards under division (A)(4) of this section shall meet all of 72836  
the following requirements: 72837

(1) Be eight hours in length; 72838

(2) Include, at a minimum, instruction in both of the 72839  
following: 72840

(a) The treatment of geriatric patients, medically 72841  
compromised patients, developmentally disabled patients, and 72842  
pediatric patients; 72843

(b) Recordkeeping practices. 72844

(3) Be developed and offered by an institution accredited by 72845  
the American dental association commission on dental accreditation 72846  
or a program provided by a sponsor of continuing education 72847  
approved by the board; 72848

(4) Include content that is separate and independent from the 72849  
course content required for the completion of dental hygiene 72850  
education from an accredited dental hygiene school. 72851

**Sec. 4717.03.** (A) Members of the board of embalmers and 72852  
funeral directors shall annually in July, or within thirty days 72853



after the senate's confirmation of the new members appointed in 72854  
that year, meet and organize by selecting from among its members a 72855  
president, vice-president, and secretary-treasurer. The board may 72856  
hold other meetings as it determines necessary. A quorum of the 72857  
board consists of four members, of whom at least three shall be 72858  
members who are embalmers and funeral directors. The concurrence 72859  
of at least four members is necessary for the board to take any 72860  
action. The president and secretary-treasurer shall sign all 72861  
licenses issued under this chapter and affix the board's seal to 72862  
each license. 72863

(B) The board may appoint an individual who is not a member 72864  
of the board to serve as executive director of the board. The 72865  
executive director serves at the pleasure of the board and shall 72866  
do all of the following: 72867

(1) Serve as the board's chief administrative officer; 72868

(2) Act as custodian of the board's records; 72869

(3) Execute all of the board's orders; 72870

(4) Employ staff who are not members of the board and who 72871  
serve at the pleasure of the executive director to provide any 72872  
assistance that the board considers necessary. 72873

(C) In executing the board's orders as required by division 72874  
(B)(3) of this section, the executive director may enter the 72875  
premises, establishment, office, or place of business of any 72876  
embalmer, funeral director, or operator of a crematory facility in 72877  
this state. The executive director may serve and execute any 72878  
process issued by any court under this chapter.. 72879

~~(C) The board may employ clerical or technical staff who are~~ 72880  
~~not members of the board and who serve at the pleasure of the~~ 72881  
~~board to provide any clerical or technical assistance the board~~ 72882  
~~considers necessary. (D) The board executive director may employ~~ 72883  
necessary inspectors, who shall be licensed embalmers and funeral 72884

directors. ~~Any~~ An inspector employed by the ~~board~~ executive 72885  
director may enter the premises, establishment, office, or place 72886  
of business of any embalmer, funeral director, or operator of a 72887  
crematory facility in this state, for the purposes of inspecting 72888  
the facility and premises; the license and registration of 72889  
embalmers and funeral directors operating in the facility; and the 72890  
license of the funeral home, embalming facility, or crematory. ~~The~~ 72891  
~~inspector shall serve and execute any process issued by any court~~ 72892  
~~under this chapter, serve and execute any papers or process issued~~ 72893  
~~by the board or any officer or member of the board,~~ facility and 72894  
perform any other duties delegated to the inspector by the board 72895  
or assigned to the inspector by the executive director. The 72896  
executive director may enter the facility or premises of a funeral 72897  
home, embalming facility, or crematory for the purpose of an 72898  
inspection if accompanied by an inspector or, if an inspector is 72899  
not available, when a situation presents a danger of immediate and 72900  
serious harm to the public. 72901

~~(D)~~ (E) The president of the board shall designate three of 72902  
~~its~~ the board's members to serve on the crematory review board, 72903  
which is hereby created, for such time as the president finds 72904  
appropriate to carry out the provisions of this chapter. Those 72905  
members of the crematory review board designated by the president 72906  
to serve and three members designated by the cemetery dispute 72907  
resolution commission shall designate, by a majority vote, one 72908  
person who is experienced in the operation of a crematory facility 72909  
and who is not affiliated with a cemetery or a funeral home to 72910  
serve on the crematory review board for such time as the crematory 72911  
review board finds appropriate. Members serving on the crematory 72912  
review board shall not receive any additional compensation for 72913  
serving on the board, but may be reimbursed for their actual and 72914  
necessary expenses incurred in the performance of official duties 72915  
as members of the board. Members of the crematory review board 72916  
shall designate one from among its members to serve as a 72917

chairperson for such time as the board finds appropriate. Costs 72918  
associated with conducting an adjudicatory hearing in accordance 72919  
with division ~~(E)~~(F) of this section shall be paid from funds 72920  
available to the board of embalmers and funeral directors. 72921

~~(E)~~(F) Upon receiving written notice from the board of 72922  
embalmers and funeral directors of any of the following, the 72923  
crematory review board shall conduct an adjudicatory hearing on 72924  
the matter in accordance with Chapter 119. of the Revised Code, 72925  
except as otherwise provided in this section or division (C) of 72926  
section 4717.14 of the Revised Code: 72927

(1) Notice provided under division ~~(H)~~(I) of this section of 72928  
an alleged violation of any provision of this chapter or any rules 72929  
adopted under this chapter governing or in connection with 72930  
crematory facilities or cremation; 72931

(2) Notice provided under division (B) of section 4717.14 of 72932  
the Revised Code that the board of embalmers and funeral directors 72933  
proposes to refuse to grant or renew, or to suspend or revoke, a 72934  
license to operate a crematory facility; 72935

(3) Notice provided under division (C) of section 4717.14 of 72936  
the Revised Code that the board of embalmers and funeral directors 72937  
has issued an order summarily suspending a license to operate a 72938  
crematory facility; 72939

(4) Notice provided under division (B) of section 4717.15 of 72940  
the Revised Code that the board of embalmers and funeral directors 72941  
proposes to issue a notice of violation and order requiring 72942  
payment of a forfeiture for any violation described in divisions 72943  
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 72944  
connection with a crematory facility or cremation. 72945

Nothing in division ~~(E)~~(F) of this section precludes the 72946  
crematory review board from appointing an independent examiner in 72947  
accordance with section 119.09 of the Revised Code to conduct any 72948

adjudication hearing required under division ~~(E)~~(F) of this 72949  
section. 72950

The crematory review board shall submit a written report of 72951  
findings and advisory recommendations, and a written transcript of 72952  
its proceedings, to the board of embalmers and funeral directors. 72953  
The board of embalmers and funeral directors shall serve a copy of 72954  
the written report of the crematory review board's findings and 72955  
advisory recommendations on the party to the adjudication or the 72956  
party's attorney, by certified mail, within five days after 72957  
receiving the report and advisory recommendations. A party may 72958  
file objections to the written report with the board of embalmers 72959  
and funeral directors within ten days after receiving the report. 72960  
No written report is final or appealable until it is issued as a 72961  
final order by the board of embalmers and funeral directors and 72962  
entered on the record of the proceedings. The board of embalmers 72963  
and funeral directors shall consider objections filed by the party 72964  
prior to issuing a final order. After reviewing the findings and 72965  
advisory recommendations of the crematory review board, the 72966  
written transcript of the crematory review board's proceedings, 72967  
and any objections filed by a party, the board of embalmers and 72968  
funeral directors shall issue a final order in the matter. Any 72969  
party may appeal the final order issued by the board of embalmers 72970  
and funeral directors in a matter described in divisions ~~(E)~~(F)(1) 72971  
to (4) of this section in accordance with section 119.12 of the 72972  
Revised Code, except that the appeal may be made to the court of 72973  
common pleas in the county in which is located the crematory 72974  
facility to which the final order pertains, or in the county in 72975  
which the party resides. 72976

~~(F)~~(G) On its own initiative or on receiving a written 72977  
complaint from any person whose identity is made known to the 72978  
board of embalmers and funeral directors, the board shall 72979  
investigate the acts or practices of any person holding or 72980

claiming to hold a license or registration under this chapter 72981  
that, if proven to have occurred, would violate this chapter or 72982  
any rules adopted under it. The board may compel witnesses by 72983  
subpoena to appear and testify in relation to investigations 72984  
conducted under this chapter and may require by subpoena duces 72985  
tecum the production of any book, paper, or document pertaining to 72986  
an investigation. If a person does not comply with a subpoena or 72987  
subpoena duces tecum, the board may apply to the court of common 72988  
pleas of any county in this state for an order compelling the 72989  
person to comply with the subpoena or subpoena duces tecum, or for 72990  
failure to do so, to be held in contempt of court. 72991

~~(G)~~(H) If, as a result of its investigation conducted under 72992  
division ~~(F)~~(G) of this section, the board of embalmers and 72993  
funeral directors has reasonable cause to believe that the person 72994  
investigated is violating any provision of this chapter or any 72995  
rules adopted under this chapter governing or in connection with 72996  
embalming, funeral directing, funeral homes, embalming facilities, 72997  
or the operation of funeral homes or embalming facilities, it may, 72998  
after providing the opportunity for an adjudicatory hearing, issue 72999  
an order directing the person to cease the acts or practices that 73000  
constitute the violation. The board shall conduct the adjudicatory 73001  
hearing in accordance with Chapter 119. of the Revised Code except 73002  
that, notwithstanding the provisions of that chapter, the 73003  
following shall apply: 73004

(1) The board shall send the notice informing the person of 73005  
the person's right to a hearing by certified mail. 73006

(2) The person is entitled to a hearing only if the person 73007  
requests a hearing and if the board receives the request within 73008  
thirty days after the mailing of the notice described in division 73009  
~~(G)~~(H)(1) of this section. 73010

(3) A stenographic record shall be taken, in the manner 73011  
prescribed in section 119.09 of the Revised Code, at every 73012

adjudicatory hearing held under this section, regardless of 73013  
whether the record may be the basis of an appeal to a court. 73014

~~(H)~~(I) If, as a result of its investigation conducted under 73015  
division ~~(F)~~(G) of this section, the board of embalmers and 73016  
funeral directors has reasonable cause to believe that the person 73017  
investigated is violating any provision of this chapter or any 73018  
rules adopted under this chapter governing or in connection with 73019  
crematory facilities or cremation, the board shall send written 73020  
notice of the alleged violation to the crematory review board. If, 73021  
after the conclusion of the adjudicatory hearing in the matter 73022  
conducted under division ~~(E)~~(F) of this section, the board of 73023  
embalmers and funeral directors finds that a person is in 73024  
violation of any provision of this chapter or any rules adopted 73025  
under this chapter governing or in connection with crematory 73026  
facilities or cremation, the board may issue a final order under 73027  
that division directing the person to cease the acts or practices 73028  
that constitute the violation. 73029

~~(I)~~(J) The board of embalmers and funeral directors may bring 73030  
a civil action to enjoin any violation or threatened violation of 73031  
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 73032  
under any of those sections; division (A) or (B) of section 73033  
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 73034  
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 73035  
division (D)(1) of section 4717.27; divisions (A) to (C) of 73036  
section 4717.28, or division (D) or (E) of section 4717.31 of the 73037  
Revised Code. The action shall be brought in the county where the 73038  
violation occurred or the threatened violation is expected to 73039  
occur. At the request of the board, the attorney general shall 73040  
represent the board in any matter arising under this chapter. 73041

~~(J)~~(K) The board of embalmers and funeral directors and the 73042  
crematory review board may issue subpoenas for funeral directors 73043  
and embalmers or persons holding themselves out as such, for 73044

operators of crematory facilities or persons holding themselves 73045  
out as such, or for any other person whose testimony, in the 73046  
opinion of either board, is necessary. The subpoena shall require 73047  
the person to appear before the appropriate board or any 73048  
designated member of either board, upon any hearing conducted 73049  
under this chapter. The penalty for disobedience to the command of 73050  
such a subpoena is the same as for refusal to answer such a 73051  
process issued under authority of the court of common pleas. 73052

~~(K)~~(L) All moneys received by the board of embalmers and 73053  
funeral directors from any source shall be deposited in the state 73054  
treasury to the credit of the occupational licensing and 73055  
regulatory fund created in section 4743.05 of the Revised Code. 73056

~~(I)~~(M) The board of embalmers and funeral directors shall 73057  
submit a written report to the governor on or before the first 73058  
Monday of July of each year. This report shall contain a detailed 73059  
statement of the nature and amount of the board's receipts and the 73060  
amount and manner of its expenditures. 73061

**Sec. 4717.06.** (A)(1) Any person who desires to obtain a 73062  
license to operate a funeral home, embalming facility, or 73063  
crematory facility shall apply to the board of embalmers and 73064  
funeral directors on a form provided by the board. The application 73065  
shall include the initial license fee set forth in section 4717.07 73066  
of the Revised Code and proof satisfactory to the board that the 73067  
funeral home, embalming facility, or crematory facility is in 73068  
compliance with rules adopted by the board under section 4717.04 73069  
of the Revised Code, rules adopted by the board of building 73070  
standards under Chapter 3781. of the Revised Code, and all other 73071  
federal, state, and local requirements relating to the safety of 73072  
the premises. 73073

(2) If the funeral home, embalming facility, or crematory 73074  
facility to which the license application pertains is owned by a 73075

corporation or limited liability company, the application shall 73076  
include the name and address of the corporation's or limited 73077  
liability company's statutory agent appointed under section 73078  
1701.07 or 1705.06 of the Revised Code or, in the case of a 73079  
foreign corporation, the corporation's designated agent appointed 73080  
under section 1703.041 of the Revised Code. If the funeral home, 73081  
embalming facility, or crematory facility to which the application 73082  
pertains is owned by a partnership, the application shall include 73083  
the name and address of each of the partners. If, at any time 73084  
after the submission of a license application or issuance of a 73085  
license, the statutory or designated agent of a corporation or 73086  
limited liability company owning a funeral home, embalming 73087  
facility, or crematory facility or the address of the statutory or 73088  
designated agent changes or, in the case of a partnership, any of 73089  
the partners of the funeral home, embalming facility, or crematory 73090  
facility or the address of any of the partners changes, the 73091  
applicant for or holder of the license to operate the funeral 73092  
home, embalming facility, or crematory facility shall submit 73093  
written notice to the board, within thirty days after the change, 73094  
informing the board of the change and of any name or address of a 73095  
statutory or designated agent or partner that has changed from 73096  
that contained in the application for the license or the most 73097  
recent notice submitted under division (A)(2) of this section. 73098

(B)(1) The board shall issue a license to operate a funeral 73099  
home only for the address at which the funeral home is operated. 73100  
The funeral home license and licenses of the embalmers and funeral 73101  
directors employed by the funeral home shall be displayed in a 73102  
conspicuous place within the funeral home. 73103

(2) The funeral home shall have on the premises one of the 73104  
following: 73105

(a) If embalming will take place at the funeral home, an 73106  
embalming room that is adequately equipped and maintained. The 73107



embalming room shall be kept in a clean and sanitary manner and 73108  
used only for the embalming, preparation, or holding of dead human 73109  
bodies. The embalming room shall contain only the articles, 73110  
facilities, and instruments necessary for those purposes. 73111

(b) If embalming will not take place at the funeral home, a 73112  
holding room that is adequately equipped and maintained. The 73113  
holding room shall be kept in a clean and sanitary manner and used 73114  
only for the preparation, other than embalming, and holding of 73115  
dead human bodies. The holding room shall contain only the 73116  
articles and facilities necessary for those purposes. 73117

(3) Except as provided in division (B) of section 4717.11 of 73118  
the Revised Code, a funeral home shall be established and operated 73119  
only under the name of a holder of a funeral director's license 73120  
issued by the board who is actually in charge of and ultimately 73121  
responsible for the funeral home, and a funeral home license shall 73122  
not include directional or geographical references in the name of 73123  
the funeral home. The holder of the funeral home license shall be 73124  
a funeral director licensed under this chapter who is actually in 73125  
charge of and ultimately responsible for the funeral home. Nothing 73126  
in division (B)(3) of this section prohibits the holder of a 73127  
funeral home license from including directional or geographical 73128  
references in promotional or advertising materials identifying the 73129  
location of the funeral home. 73130

(4) Each funeral home shall be directly supervised by a 73131  
funeral director licensed under this chapter, who ~~shall~~ may 73132  
supervise ~~only~~ more than one funeral home. 73133

(C)(1) The board shall issue a license to operate an 73134  
embalming facility only for the address at which the embalming 73135  
facility is operated. The license shall be displayed in a 73136  
conspicuous place within the facility. 73137

(2) The embalming facility shall be adequately equipped and 73138

maintained in a sanitary manner. The embalming room at such a 73139  
facility shall contain only the articles, facilities, and 73140  
instruments necessary for its stated purpose. The embalming room 73141  
shall be kept in a clean and sanitary condition and used only for 73142  
the care and preparation of dead human bodies. 73143

(3) An embalming facility license shall be issued only to an 73144  
embalmer licensed under division (B) of section 4717.05 of the 73145  
Revised Code, who is actually in charge of the facility. 73146

(D)(1) The board shall issue a license to operate a crematory 73147  
facility only for the address at which the crematory facility is 73148  
located and operated. The license shall be displayed in a 73149  
conspicuous place within the crematory facility. 73150

(2) The crematory facility shall be adequately equipped and 73151  
maintained in a clean and sanitary manner. The crematory facility 73152  
may be located in a funeral home, embalming facility, cemetery 73153  
building, or other building in which the crematory facility may 73154  
lawfully operate. If a crematory facility engages in the cremation 73155  
of animals, the crematory facility shall cremate animals in a 73156  
cremation chamber that also is not used to cremate dead human 73157  
bodies or human body parts and shall not cremate animals in a 73158  
cremation chamber used for the cremation of dead human bodies and 73159  
human body parts. Cremation chambers that are used for the 73160  
cremation of dead human bodies or human body parts and cremation 73161  
chambers used for the cremation of animals may be located in the 73162  
same area. 73163

(3) A license to operate a crematory facility shall be issued 73164  
to the person actually in charge of the crematory facility. This 73165  
section does not require the individual who is actually in charge 73166  
of the crematory facility to be an embalmer or funeral director 73167  
licensed under this chapter. 73168

(4) Nothing in this section or rules adopted under section 73169

4717.04 of the Revised Code precludes the establishment and 73170  
operation of a crematory facility on or adjacent to the property 73171  
on which a cemetery, funeral home, or embalming facility is 73172  
located. 73173

**Sec. 4717.07.** (A) The board of embalmers and funeral 73174  
directors shall charge and collect the following fees: 73175

(1) For the initial issuance or biennial renewal of an 73176  
embalmer's or funeral director's license, one hundred ~~forty~~ fifty 73177  
dollars; 73178

(2) For the issuance of an embalmer or funeral director 73179  
registration, twenty-five dollars; 73180

(3) For filing an embalmer or funeral director certificate of 73181  
apprenticeship, ten dollars; 73182

(4) For the application to take the examination for a license 73183  
to practice as an embalmer or funeral director, or to retake a 73184  
section of the examination, thirty-five dollars; 73185

(5) For the initial issuance of a license to operate a 73186  
funeral home, ~~two~~ three hundred fifty dollars and biennial renewal 73187  
of a license to operate a funeral home, ~~two~~ three hundred fifty 73188  
dollars; 73189

(6) For the reinstatement of a lapsed embalmer's or funeral 73190  
director's license, the renewal fee prescribed in division (A)(1) 73191  
of this section plus fifty dollars for each month or portion of a 73192  
month the license is lapsed ~~until reinstatement, but not more than~~ 73193  
one thousand dollars; 73194

(7) For the reinstatement of a lapsed license to operate a 73195  
funeral home, the renewal fee prescribed in division (A)(5) of 73196  
this section plus fifty dollars for each month or portion of a 73197  
month the license is lapsed until reinstatement; 73198

(8) For the initial issuance of a license to operate an 73199

embalming facility, ~~two~~ three hundred fifty dollars and biennial 73200  
renewal of a license to operate an embalming facility, ~~two~~ three 73201  
hundred fifty dollars; 73202

(9) For the reinstatement of a lapsed license to operate an 73203  
embalming facility, the renewal fee prescribed in division (A)(8) 73204  
of this section plus fifty dollars for each month or portion of a 73205  
month the license is lapsed until reinstatement; 73206

(10) For the initial issuance of a license to operate a 73207  
crematory facility, ~~two~~ three hundred fifty dollars and biennial 73208  
renewal of a license to operate a crematory facility, ~~two~~ three 73209  
hundred fifty dollars; 73210

(11) For the reinstatement of a lapsed license to operate a 73211  
crematory facility, the renewal fee prescribed in division (A)(10) 73212  
of this section plus fifty dollars for each month or portion of a 73213  
month the license is lapsed until reinstatement; 73214

(12) For the issuance of a duplicate of a license issued 73215  
under this chapter, ~~four~~ ten dollars. 73216

(B) In addition to the fees set forth in division (A) of this 73217  
section, an applicant shall pay the examination fee assessed by 73218  
any examining agency the board uses for any section of an 73219  
examination required under this chapter. 73220

(C) Subject to the approval of the controlling board, the 73221  
board of embalmers and funeral directors may establish fees in 73222  
excess of the amounts set forth in this section, provided that 73223  
these fees do not exceed the amounts set forth in this section by 73224  
more than fifty per cent. 73225

**Sec. 4717.10.** (A) The board of embalmers and funeral 73226  
directors may recognize licenses issued to embalmers and funeral 73227  
directors by other states, and upon presentation of such licenses, 73228  
may issue to the holder an embalmer's or funeral director's 73229

license under this chapter. The board shall charge the same fee as 73230  
prescribed in section 4717.07 of the Revised Code to issue or 73231  
renew such an embalmer's or funeral director's license. Such 73232  
licenses shall be renewed ~~annually~~ biennially as provided in 73233  
section 4717.08 of the Revised Code. The board shall not issue a 73234  
license to any person under this section unless the applicant 73235  
proves that the applicant, in the state in which the applicant is 73236  
licensed, has complied with requirements substantially equal to 73237  
those established in section 4717.05 of the Revised Code. 73238

(B) The board of embalmers and funeral directors may issue 73239  
courtesy cards. A courtesy cardholder shall be authorized to 73240  
undertake both the following acts in this state: 73241

(1) Prepare and complete those sections of a death 73242  
certificate and other permits needed for disposition of deceased 73243  
human remains in this state and sign and file such death 73244  
certificates and permits; 73245

(2) Supervise and conduct funeral ceremonies and interments 73246  
in this state. 73247

(C) The board of embalmers and funeral directors may 73248  
determine under what conditions a courtesy card may be issued to 73249  
funeral directors in bordering states after taking into account 73250  
whether and under what conditions and fees such border states 73251  
issue similar courtesy cards to funeral directors licensed in this 73252  
state. Applicants for courtesy cards shall apply on forms 73253  
prescribed by the board, pay ~~an annual~~ a biennial fee set by the 73254  
board for initial applications and renewals, and adhere to such 73255  
other requirements imposed by the board on courtesy cardholders. 73256

(D) No courtesy cardholder shall be authorized to undertake 73257  
any of the following activities in this state: 73258

(1) Arranging funerals or disposition services with members 73259  
of the public in this state; 73260

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (2) Be employed by or under contract to a funeral home licensed in this state to perform funeral services in this state;                                                                                                                                                                                                                                                                                                                                                                                                         | 73261<br>73262                                                       |
| (3) Advertise funeral or disposition services in this state;                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 73263                                                                |
| (4) Enter into or execute funeral or disposition contracts in this state;                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 73264<br>73265                                                       |
| (5) Prepare or embalm deceased human remains in this state;                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 73266                                                                |
| (6) Arrange for or carry out the disinterment of human remains in this state.                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 73267<br>73268                                                       |
| (E) As used in this section, "courtesy card" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.                                                                                                                                                                                                                                                                                                  | 73269<br>73270<br>73271<br>73272                                     |
| <b>Sec. 4717.14.</b> (A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter or may require the holder of a license to take corrective action courses for any of the following reasons:                                                                                                                                                                                                                                                   | 73273<br>73274<br>73275<br>73276<br>73277                            |
| (1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination.                                                                                                                                                                                                                                                                                                                                                                                                              | 73278<br>73279                                                       |
| (2) The applicant or licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.                                                                                                                                                                                                                                                                                                                                                                                                 | 73280<br>73281<br>73282                                              |
| (3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of | 73283<br>73284<br>73285<br>73286<br>73287<br>73288<br>73289<br>73290 |

dead human bodies; or any other rule or order applicable to the applicant or licensee. 73291  
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(4) The applicant or licensee has committed immoral or unprofessional conduct. 73293  
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(5) The applicant or licensee knowingly permitted an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision. 73295  
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(6) The applicant or licensee has been habitually intoxicated, or is addicted to the use of morphine, cocaine, or other habit-forming or illegal drugs. 73299  
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(7) The applicant or licensee has refused to promptly submit the custody of a dead human body upon the express order of the person legally entitled to the body. 73302  
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(8) The licensee loaned the licensee's own license, or the applicant or licensee borrowed or used the license of another person, or knowingly aided or abetted the granting of an improper license. 73305  
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(9) The applicant or licensee transferred a license to operate a funeral home, embalming facility, or crematory from one owner or operator to another, or from one location to another, without notifying the board. 73309  
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(10) The applicant or licensee misled the public by using false or deceptive advertising. 73313  
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(B)(1) The board of embalmers and funeral directors shall refuse to grant or renew, or shall suspend or revoke, an embalmer's, funeral director's, funeral home, or embalming facility license only in accordance with Chapter 119. of the Revised Code. 73315  
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(2) The board shall send to the crematory review board 73320

written notice that it proposes to refuse to issue or renew, or 73321  
proposes to suspend or revoke, a license to operate a crematory 73322  
facility. If, after the conclusion of the adjudicatory hearing on 73323  
the matter conducted under division ~~(E)~~(F) of section 4717.03 of 73324  
the Revised Code, the board of embalmers and funeral directors 73325  
finds that any of the circumstances described in divisions (A)(1) 73326  
to (10) of this section apply to the person named in its proposed 73327  
action, the board may issue a final order under division ~~(E)~~(F) of 73328  
section 4717.03 of the Revised Code refusing to issue or renew, or 73329  
suspending or revoking, the person's license to operate a 73330  
crematory facility. 73331

(C) If the board of embalmers and funeral directors 73332  
determines that there is clear and convincing evidence that any of 73333  
the circumstances described in divisions (A)(1) to (10) of this 73334  
section apply to the holder of a license issued under this chapter 73335  
and that the licensee's continued practice presents a danger of 73336  
immediate and serious harm to the public, the board may suspend 73337  
the licensee's license without a prior adjudicatory hearing. The 73338  
executive director of the board shall prepare written allegations 73339  
for consideration by the board. 73340

The board, after reviewing the written allegations, may 73341  
suspend a license without a prior hearing. 73342

The board shall issue a written order of suspension by a 73343  
delivery system or in person in accordance with section 119.07 of 73344  
the Revised Code. Such an order is not subject to suspension by 73345  
the court during the pendency of any appeal filed under section 73346  
119.12 of the Revised Code. If the holder of an embalmer's, 73347  
funeral director's, funeral home, or embalming facility license 73348  
requests an adjudicatory hearing by the board, the date set for 73349  
the hearing shall be within fifteen days, but not earlier than 73350  
seven days, after the licensee has requested a hearing, unless the 73351  
board and the licensee agree to a different time for holding the 73352



hearing. 73353

Upon issuing a written order of suspension to the holder of a 73354  
license to operate a crematory facility, the board of embalmers 73355  
and funeral directors shall send written notice of the issuance of 73356  
the order to the crematory review board. The crematory review 73357  
board shall hold an adjudicatory hearing on the order under 73358  
division ~~(E)~~(F) of section 4717.03 of the Revised Code within 73359  
fifteen days, but not earlier than seven days, after the issuance 73360  
of the order, unless the crematory review board and the licensee 73361  
agree to a different time for holding the adjudicatory hearing. 73362

Any summary suspension imposed under this division shall 73363  
remain in effect, unless reversed on appeal, until a final 73364  
adjudicatory order issued by the board of embalmers and funeral 73365  
directors pursuant to this division and Chapter 119. of the 73366  
Revised Code, or division ~~(E)~~(F) of section 4717.03 of the Revised 73367  
Code, as applicable, becomes effective. The board of embalmers and 73368  
funeral directors shall issue its final adjudicatory order within 73369  
sixty days after the completion of its hearing or, in the case of 73370  
the summary suspension of a license to operate a crematory 73371  
facility, within sixty days after completion of the adjudicatory 73372  
hearing by the crematory review board. A failure to issue the 73373  
order within that time results in the dissolution of the summary 73374  
suspension order, but does not invalidate any subsequent final 73375  
adjudicatory order. 73376

(D) If the board of embalmers and funeral directors suspends 73377  
or revokes a license held by a funeral director or a funeral home 73378  
for any reason identified in division (A) of this section, the 73379  
board may file a complaint with the court of common pleas in the 73380  
county where the violation occurred requesting appointment of a 73381  
receiver and the sequestration of the assets of the funeral home 73382  
that held the suspended or revoked license or the licensed funeral 73383  
home that employs the funeral director that held the suspended or 73384

revoked license. If the court of common pleas is satisfied with 73385  
the application for a receivership, the court may appoint a 73386  
receiver. 73387

The board or a receiver may employ and procure whatever 73388  
assistance or advice is necessary in the receivership or 73389  
liquidation and distribution of the assets of the funeral home, 73390  
and, for that purpose, may retain officers or employees of the 73391  
funeral home as needed. All expenses of the receivership or 73392  
liquidation shall be paid from the assets of the funeral home and 73393  
shall be a lien on those assets, and that lien shall be a priority 73394  
to any other lien. 73395

(E) Any holder of a license issued under this chapter who has 73396  
pleaded guilty to, has been found by a judge or jury to be guilty 73397  
of, or has had a judicial finding of eligibility for treatment in 73398  
lieu of conviction entered against the individual in this state 73399  
for aggravated murder, murder, voluntary manslaughter, felonious 73400  
assault, kidnapping, rape, sexual battery, gross sexual 73401  
imposition, aggravated arson, aggravated robbery, or aggravated 73402  
burglary, or who has pleaded guilty to, has been found by a judge 73403  
or jury to be guilty of, or has had a judicial finding of 73404  
eligibility for treatment in lieu of conviction entered against 73405  
the individual in another jurisdiction for any substantially 73406  
equivalent criminal offense, is hereby suspended from practice 73407  
under this chapter by operation of law, and any license issued to 73408  
the individual under this chapter is hereby suspended by operation 73409  
of law as of the date of the guilty plea, verdict or finding of 73410  
guilt, or judicial finding of eligibility for treatment in lieu of 73411  
conviction, regardless of whether the proceedings are brought in 73412  
this state or another jurisdiction. The board shall notify the 73413  
suspended individual of the suspension of the individual's license 73414  
by the operation of this division by a delivery system or in 73415  
person in accordance with section 119.07 of the Revised Code. If 73416

an individual whose license is suspended under this division fails 73417  
to make a timely request for an adjudicatory hearing, the board 73418  
shall enter a final order revoking the license. 73419

(F) No person whose license has been suspended or revoked 73420  
under or by the operation of this section shall practice embalming 73421  
or funeral directing or operate a funeral home, embalming 73422  
facility, or crematory facility until the board has reinstated the 73423  
person's license. 73424

**Sec. 4717.15.** (A) The board of embalmers and funeral 73425  
directors, without the necessity for conducting a prior 73426  
adjudication hearing, may issue a notice of violation to the 73427  
holder of an embalmer's, funeral director's, funeral home, or 73428  
embalming facility license issued under this chapter who the board 73429  
finds has committed any of the violations described in divisions 73430  
(A)(9)(a) to (g) of section 4717.04 of the Revised Code. The 73431  
notice shall set forth the specific violation committed by the 73432  
licensee and shall be sent by certified mail. The notice shall be 73433  
accompanied by an order requiring the payment of the appropriate 73434  
forfeiture prescribed in rules adopted under division (A)(9) of 73435  
section 4717.04 of the Revised Code and by a notice informing the 73436  
licensee that the licensee is entitled to an adjudicatory hearing 73437  
on the notice of violation and order if the licensee requests a 73438  
hearing and if the board receives the request within thirty days 73439  
after the mailing of the notice of violation and order. The board 73440  
shall conduct any such adjudicatory hearing in accordance with 73441  
Chapter 119. of the Revised Code, except as otherwise provided in 73442  
this division. 73443

A licensee who receives a notice of violation and order under 73444  
this division shall pay to the executive director of the board the 73445  
full amount of the forfeiture by certified check within thirty 73446  
days after the notice of violation and order were mailed to the 73447

licensee unless, within that time, the licensee submits a request 73448  
for an adjudicatory hearing on the notice of violation and order. 73449  
If such a request for an adjudicatory hearing is timely filed, the 73450  
licensee need not pay the forfeiture to the executive director 73451  
until after a final, nonappealable administrative or judicial 73452  
decision is rendered on the order requiring payment of the 73453  
forfeiture. If a final nonappealable administrative or judicial 73454  
decision is rendered affirming the board's order, the licensee 73455  
shall pay to the executive director of the board the full amount 73456  
of the forfeiture by certified check within thirty days after 73457  
notice of the decision was sent to the licensee. A forfeiture is 73458  
considered to be paid when the licensee's certified check is 73459  
received by the executive director in Columbus. If the licensee 73460  
fails to so pay the full amount of the forfeiture to the executive 73461  
director within that time, the board shall issue an order 73462  
suspending or revoking the individual's license, as the board 73463  
considers appropriate. 73464

(B) The board shall send to the crematory review board 73465  
written notice that it proposes to issue to the holder of a 73466  
license to operate a crematory facility issued under this chapter 73467  
a notice of violation and order requiring payment of a forfeiture 73468  
specified in rules adopted under division (A)(9) of section 73469  
4717.04 of the Revised Code. If, after the conclusion of the 73470  
adjudicatory hearing on the matter conducted under division ~~(E)~~(F) 73471  
of section 4717.03 of the Revised Code, the board of embalmers and 73472  
funeral directors finds that the licensee has committed any of the 73473  
violations described in divisions (A)(9)(a) to (g) of section 73474  
4717.04 of the Revised Code in connection with the operation of a 73475  
crematory facility or cremation, the board of embalmers and 73476  
funeral directors may issue a final order under division ~~(E)~~(F) of 73477  
section 4717.03 of the Revised Code requiring payment of the 73478  
appropriate forfeiture specified in rules adopted under division 73479  
(A)(9) of section 4717.04 of the Revised Code. A licensee who 73480

receives such an order shall pay the full amount of the forfeiture 73481  
to the executive director by certified check within thirty days 73482  
after the order was sent to the licensee unless, within that time, 73483  
the licensee files a notice of appeal in accordance with division 73484  
(~~E~~)(F) of section 4717.03 and section 119.12 of the Revised Code. 73485  
If such a notice of appeal is timely filed, the licensee need not 73486  
pay the forfeiture to the executive director until after a final, 73487  
nonappealable judicial decision is rendered in the appeal. If a 73488  
final, nonappealable judicial decision is rendered affirming the 73489  
board's order, the licensee shall pay to the executive director 73490  
the full amount of the forfeiture by certified check within thirty 73491  
days after notice of the decision was sent to the licensee. A 73492  
forfeiture is considered paid when the licensee's certified check 73493  
is received by the executive director in Columbus. If the licensee 73494  
fails to so pay the full amount of the forfeiture to the executive 73495  
director within that time, the board shall issue an order 73496  
suspending or revoking the individual's license, as the board 73497  
considers appropriate. 73498

**Sec. 4719.01.** (A) As used in sections 4719.01 to 4719.18 of 73499  
the Revised Code: 73500

(1) "Affiliate" means a business entity that is owned by, 73501  
operated by, controlled by, or under common control with another 73502  
business entity. 73503

(2) "Communication" means a written or oral notification or 73504  
advertisement that meets both of the following criteria, as 73505  
applicable: 73506

(a) The notification or advertisement is transmitted by or on 73507  
behalf of the seller of goods or services and by or through any 73508  
printed, audio, video, cinematic, telephonic, or electronic means. 73509

(b) In the case of a notification or advertisement other than 73510  
by telephone, either of the following conditions is met: 73511

(i) The notification or advertisement is followed by a 73512  
telephone call from a telephone solicitor or salesperson. 73513

(ii) The notification or advertisement invites a response by 73514  
telephone, and, during the course of that response, a telephone 73515  
solicitor or salesperson attempts to make or makes a sale of goods 73516  
or services. As used in division (A)(2)(b)(ii) of this section, 73517  
"invites a response by telephone" excludes the mere listing or 73518  
inclusion of a telephone number in a notification or 73519  
advertisement. 73520

(3) "Gift, award, or prize" means anything of value that is 73521  
offered or purportedly offered, or given or purportedly given by 73522  
chance, at no cost to the receiver and with no obligation to 73523  
purchase goods or services. As used in this division, "chance" 73524  
includes a situation in which a person is guaranteed to receive an 73525  
item and, at the time of the offer or purported offer, the 73526  
telephone solicitor does not identify the specific item that the 73527  
person will receive. 73528

(4) "Goods or services" means any real property or any 73529  
tangible or intangible personal property, or services of any kind 73530  
provided or offered to a person. "Goods or services" includes, but 73531  
is not limited to, advertising; labor performed for the benefit of 73532  
a person; personal property intended to be attached to or 73533  
installed in any real property, regardless of whether it is so 73534  
attached or installed; timeshare estates or licenses; and extended 73535  
service contracts. 73536

(5) "Purchaser" means a person that is solicited to become or 73537  
does become financially obligated as a result of a telephone 73538  
solicitation. 73539

(6) "Salesperson" means an individual who is employed, 73540  
appointed, or authorized by a telephone solicitor to make 73541  
telephone solicitations but does not mean any of the following: 73542

(a) An individual who comes within one of the exemptions in 73543  
division (B) of this section; 73544

(b) An individual employed, appointed, or authorized by a 73545  
person who comes within one of the exemptions in division (B) of 73546  
this section; 73547

(c) An individual under a written contract with a person who 73548  
comes within one of the exemptions in division (B) of this 73549  
section, if liability for all transactions with purchasers is 73550  
assumed by the person so exempted. 73551

(7) "Telephone solicitation" means a communication to a 73552  
person that meets both of the following criteria: 73553

(a) The communication is initiated by or on behalf of a 73554  
telephone solicitor or by a salesperson. 73555

(b) The communication either represents a price or the 73556  
quality or availability of goods or services or is used to induce 73557  
the person to purchase goods or services, including, but not 73558  
limited to, inducement through the offering of a gift, award, or 73559  
prize. 73560

(8) "Telephone solicitor" means a person that engages in 73561  
telephone solicitation directly or through one or more 73562  
salespersons either from a location in this state, or from a 73563  
location outside this state to persons in this state. "Telephone 73564  
solicitor" includes, but is not limited to, any such person that 73565  
is an owner, operator, officer, or director of, partner in, or 73566  
other individual engaged in the management activities of, a 73567  
business. 73568

(B) A telephone solicitor is exempt from the provisions of 73569  
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 73570  
Code if the telephone solicitor is any one of the following: 73571

(1) A person engaging in a telephone solicitation that is a 73572

one-time or infrequent transaction not done in the course of a 73573  
pattern of repeated transactions of a like nature; 73574

(2) A person engaged in telephone solicitation solely for 73575  
religious or political purposes; a charitable organization, 73576  
fund-raising counsel, or professional solicitor in compliance with 73577  
the registration and reporting requirements of Chapter 1716. of 73578  
the Revised Code; or any person or other entity exempt under 73579  
section 1716.03 of the Revised Code from filing a registration 73580  
statement under section 1716.02 of the Revised Code; 73581

(3) A person, making a telephone solicitation involving a 73582  
home solicitation sale as defined in section 1345.21 of the 73583  
Revised Code, that makes the sales presentation and completes the 73584  
sale at a later, face-to-face meeting between the seller and the 73585  
purchaser rather than during the telephone solicitation. However, 73586  
if the person, following the telephone solicitation, causes 73587  
another person to collect the payment of any money, this exemption 73588  
does not apply. 73589

(4) A licensed securities, commodities, or investment broker, 73590  
dealer, investment advisor, or associated person when making a 73591  
telephone solicitation within the scope of the person's license. 73592  
As used in division (B)(4) of this section, "licensed securities, 73593  
commodities, or investment broker, dealer, investment advisor, or 73594  
associated person" means a person subject to licensure or 73595  
registration as such by the securities and exchange commission; 73596  
the National Association of Securities Dealers or other 73597  
self-regulatory organization, as defined by 15 U.S.C.A. 78c; by 73598  
the division of securities under Chapter 1707. of the Revised 73599  
Code; or by an official or agency of any other state of the United 73600  
States. 73601

(5)(a) A person primarily engaged in soliciting the sale of a 73602  
newspaper of general circulation; 73603



(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following:

(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code;

(ii) A newspaper or publication that has at least twenty-five per cent editorial, non-advertising content, exclusive of inserts, measured relative to total publication space, and an audited circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the audit.

(6)(a) An issuer, or its subsidiary, that has a class of securities to which all of the following apply:

(i) The class of securities is subject to section 12 of the "Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is registered or is exempt from registration under 15 U.S.C.A. 781(g)(2)(A), (B), (C), (E), (F), (G), or (H);

(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system;

(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a)(4).

(b) An issuer, or its subsidiary, that formerly had a class of securities that met the criteria set forth in division (B)(6)(a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C. form 10-K, and has continued in substantially the same business since it had a class of securities that met the criteria in division (B)(6)(a) of this section. As used in division (B)(6)(b) of this section, "issuer" and "subsidiary" include the successor

to an issuer or subsidiary. 73635

(7) A person soliciting a transaction regulated by the 73636  
commodity futures trading commission, if the person is registered 73637  
or temporarily registered for that activity with the commission 73638  
under 7 U.S.C.A. 1 et. seq. and the registration or temporary 73639  
registration has not expired or been suspended or revoked; 73640

(8) A person soliciting the sale of any book, record, audio 73641  
tape, compact disc, or video, if the person allows the purchaser 73642  
to review the merchandise for at least seven days and provides a 73643  
full refund within thirty days to a purchaser who returns the 73644  
merchandise or if the person solicits the sale on behalf of a 73645  
membership club operating in compliance with regulations adopted 73646  
by the federal trade commission in 16 C.F.R. 425; 73647

(9) A supervised financial institution or its subsidiary. As 73648  
used in division (B)(9) of this section, "supervised financial 73649  
institution" means a bank, trust company, savings and loan 73650  
association, savings bank, credit union, industrial loan company, 73651  
consumer finance lender, commercial finance lender, or institution 73652  
described in section 2(c)(2)(F) of the "Bank Holding Company Act 73653  
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 73654  
official or agency of the United States, this state, or any other 73655  
state of the United States; or a licensee or registrant under 73656  
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 73657  
1321.83 of the Revised Code. 73658

(10)(a) An insurance company, association, or other 73659  
organization that is licensed or authorized to conduct business in 73660  
this state by the superintendent of insurance pursuant to Title 73661  
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 73662  
when soliciting within the scope of its license or authorization. 73663

(b) A licensed insurance broker, agent, or solicitor when 73664  
soliciting within the scope of the person's license. As used in 73665

division (B)(10)(b) of this section, "licensed insurance broker, 73666  
agent, or solicitor" means any person licensed as an insurance 73667  
broker, agent, or solicitor by the superintendent of insurance 73668  
pursuant to Title XXXIX of the Revised Code. 73669

(11) A person soliciting the sale of services provided by a 73670  
cable television system operating under authority of a 73671  
governmental franchise or permit; 73672

(12) A person soliciting a business-to-business sale under 73673  
which any of the following conditions are met: 73674

(a) The telephone solicitor has been operating continuously 73675  
for at least three years under the same business name under which 73676  
it solicits purchasers, and at least fifty-one per cent of its 73677  
gross dollar volume of sales consists of repeat sales to existing 73678  
customers to whom it has made sales under the same business name. 73679

(b) The purchaser business intends to resell the goods 73680  
purchased. 73681

(c) The purchaser business intends to use the goods or 73682  
services purchased in a recycling, reuse, manufacturing, or 73683  
remanufacturing process. 73684

(d) The telephone solicitor is a publisher of a periodical or 73685  
of magazines distributed as controlled circulation publications as 73686  
defined in division (CC) of section 5739.01 of the Revised Code 73687  
and is soliciting sales of advertising, subscriptions, reprints, 73688  
lists, information databases, conference participation or 73689  
sponsorships, trade shows or media products related to the 73690  
periodical or magazine, or other publishing services provided by 73691  
the controlled circulation publication. 73692

(13) A person that, not less often than once each year, 73693  
publishes and delivers to potential purchasers a catalog that 73694  
complies with both of the following: 73695

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| (a) It includes all of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 73696                                                                                           |
| (i) The business address of the seller;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 73697                                                                                           |
| (ii) A written description or illustration of each good or service offered for sale;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 73698<br>73699                                                                                  |
| (iii) A clear and conspicuous disclosure of the sale price of each good or service; shipping, handling, and other charges; and return policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 73700<br>73701<br>73702                                                                         |
| (b) One of the following applies:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 73703                                                                                           |
| (i) The catalog includes at least twenty-four pages of written material and illustrations, is distributed in more than one state, and has an annual postage-paid mail circulation of not less than two hundred fifty thousand households;                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 73704<br>73705<br>73706<br>73707                                                                |
| (ii) The catalog includes at least ten pages of written material or an equivalent amount of material in electronic form on the internet or an on-line computer service, the person does not solicit customers by telephone but solely receives telephone calls made in response to the catalog, and during the calls the person takes orders but does not engage in further solicitation of the purchaser. As used in division (B)(13)(b)(ii) of this section, "further solicitation" does not include providing the purchaser with information about, or attempting to sell, any other item in the catalog that prompted the purchaser's call or in a substantially similar catalog issued by the seller. | 73708<br>73709<br>73710<br>73711<br>73712<br>73713<br>73714<br>73715<br>73716<br>73717<br>73718 |
| (14) A political subdivision or instrumentality of the United States, this state, or any state of the United States;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 73719<br>73720                                                                                  |
| (15) A college or university or any other public or private institution of higher education in this state;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 73721<br>73722                                                                                  |
| (16) A public utility as defined in section 4905.02 of the Revised Code or a retail natural gas supplier as defined in section 4929.01 of the Revised Code, if the utility or supplier is                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 73723<br>73724<br>73725                                                                         |

subject to regulation by the public utilities commission, or the affiliate of the utility or supplier;

(17) A person that solicits sales through a television program or advertisement that is presented in the same market area no fewer than twenty days per month or offers for sale no fewer than ten distinct items of goods or services; and offers to the purchaser an unconditional right to return any good or service purchased within a period of at least seven days and to receive a full refund within thirty days after the purchaser returns the good or cancels the service;

(18)(a) A person that, for at least one year, has been operating a retail business under the same name as that used in connection with telephone solicitation and both of the following occur on a continuing basis:

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises.

(ii) At least fifty-one per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises.

(b) An affiliate of a person that meets the requirements in division (B)(18)(a) of this section if the affiliate meets all of the following requirements:

(i) The affiliate has operated a retail business for a period of less than one year;

(ii) The affiliate either displays goods and offers them for retail sale at the affiliate's business premises or offers services for sale and provides them at the affiliate's business premises;

(iii) At least fifty-one per cent of the affiliate's gross

dollar volume of retail sales involves purchases of goods or services at the affiliate's business premises. 73756  
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(c) A person that, for a period of less than one year, has been operating a retail business in this state under the same name as that used in connection with telephone solicitation, as long as all of the following requirements are met: 73758  
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(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises; 73762  
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(ii) The goods or services that are the subject of telephone solicitation are sold at the person's business premises, and at least sixty-five per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises; 73765  
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(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rule adopted by the federal trade commission in 16 C.F.R. part 310. 73770  
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(19) A person who performs telephone solicitation sales services on behalf of other persons and to whom one of the following applies: 73774  
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(a) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least seventy-five per cent of its gross revenues from written telephone solicitation contracts with persons who come within one of the exemptions in division (B) of this section. 73777  
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(b) The person is an affiliate of one or more exempt persons and makes telephone solicitations on behalf of only the exempt persons of which it is an affiliate. 73782  
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(c) The person makes telephone solicitations on behalf of 73785

only exempt persons, the person and each exempt person on whose behalf telephone solicitations are made have entered into a written contract that specifies the manner in which the telephone solicitations are to be conducted and that at a minimum requires compliance with the telemarketing sales rule adopted by the federal trade commission in 16 C.F.R. part 310, and the person conducts the telephone solicitations in the manner specified in the written contract.

(d) The person performs telephone solicitation for religious or political purposes, a charitable organization, a fund-raising council, or a professional solicitor in compliance with the registration and reporting requirements of Chapter 1716. of the Revised Code; and meets all of the following requirements:

(i) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least fifty-one per cent of its gross revenues from written telephone solicitation contracts with persons who come within the exemption in division (B)(2) of this section;

(ii) The person does not conduct a prize promotion or offer the sale of an investment opportunity;

(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310.

(20) A person that is a licensed real estate salesperson or broker under Chapter 4735. of the Revised Code when soliciting within the scope of the person's license;

(21)(a) Either of the following:

(i) A publisher that solicits the sale of the publisher's periodical or magazine of general, paid circulation, or a person that solicits a sale of that nature on behalf of a publisher under

a written agreement directly between the publisher and the person. 73817

(ii) A publisher that solicits the sale of the publisher's 73818  
periodical or magazine of general, paid circulation, or a person 73819  
that solicits a sale of that nature as authorized by a publisher 73820  
under a written agreement directly with a publisher's 73821  
clearinghouse provided the person is a resident of Ohio for more 73822  
than three years and initiates all telephone solicitations from 73823  
Ohio and the person conducts the solicitation and sale in 73824  
compliance with 16 C.F.R. part 310, as adopted by the federal 73825  
trade commission. 73826

(b) As used in division (B)(21) of this section, "periodical 73827  
or magazine of general, paid circulation" excludes a periodical or 73828  
magazine circulated only as part of a membership package or given 73829  
as a free gift or prize from the publisher or person. 73830

(22) A person that solicits the sale of food, as defined in 73831  
section 3715.01 of the Revised Code, or the sale of products of 73832  
horticulture, as defined in section 5739.01 of the Revised Code, 73833  
if the person does not intend the solicitation to result in, or 73834  
the solicitation actually does not result in, a sale that costs 73835  
the purchaser an amount greater than five hundred dollars. 73836

(23) A funeral director licensed pursuant to Chapter 4717. of 73837  
the Revised Code when soliciting within the scope of that license, 73838  
if both of the following apply: 73839

(a) The solicitation and sale are conducted in compliance 73840  
with 16 C.F.R. part 453, as adopted by the federal trade 73841  
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 73842  
the Revised Code; 73843

(b) The person provides to the purchaser of any preneed 73844  
funeral contract a notice that clearly and conspicuously sets 73845  
forth the cancellation rights specified in division (G) of section 73846  
1107.33 of the Revised Code, and retains a copy of the notice 73847



signed by the purchaser. 73848

(24) A person, or affiliate thereof, licensed to sell or 73849  
issue Ohio instruments designated as travelers checks pursuant to 73850  
sections 1315.01 to 1315.18 of the Revised Code. 73851

(25) A person that solicits sales from its previous 73852  
purchasers and meets all of the following requirements: 73853

(a) The solicitation is made under the same business name 73854  
that was previously used to sell goods or services to the 73855  
purchaser; 73856

(b) The person has, for a period of not less than three 73857  
years, operated a business under the same business name as that 73858  
used in connection with telephone solicitation; 73859

(c) The person does not conduct a prize promotion or offer 73860  
the sale of an investment opportunity; 73861

(d) The person conducts all telephone solicitation activities 73862  
according to sections 310.3, 310.4, and 310.5 of the telemarketing 73863  
sales rules adopted by the federal trade commission in 16 C.F.R. 73864  
part 310; 73865

(e) Neither the person nor any of its principals has been 73866  
convicted of, pleaded guilty to, or has entered a plea of no 73867  
contest for a felony or a theft offense as defined in sections 73868  
2901.02 and 2913.01 of the Revised Code or similar law of another 73869  
state or of the United States; 73870

(f) Neither the person nor any of its principals has had 73871  
entered against them an injunction or a final judgment or order, 73872  
including an agreed judgment or order, an assurance of voluntary 73873  
compliance, or any similar instrument, in any civil or 73874  
administrative action involving engaging in a pattern of corrupt 73875  
practices, fraud, theft, embezzlement, fraudulent conversion, or 73876  
misappropriation of property; the use of any untrue, deceptive, or 73877

misleading representation; or the use of any unfair, unlawful, 73878  
deceptive, or unconscionable trade act or practice. 73879

(26) An institution defined as a home health agency in 73880  
section 3701.881 of the Revised Code, that conducts all telephone 73881  
solicitation activities according to sections 310.3, 310.4, and 73882  
310.5 of the telemarketing sales rules adopted by the federal 73883  
trade commission in 16 C.F.R. part 310, and engages in telephone 73884  
solicitation only within the scope of the institution's 73885  
certification, accreditation, contract with the department of 73886  
aging, or status as a home health agency; and that meets one of 73887  
the following requirements: 73888

(a) The institution is certified as a provider of home health 73889  
services under Title XVIII of the Social Security Act, 49 Stat. 73890  
620, 42 U.S.C. 301, as amended; 73891

(b) The institution is accredited by either the joint 73892  
commission on accreditation of health care organizations or the 73893  
community health accreditation program; 73894

(c) The institution is providing ~~passport~~ PASSPORT services 73895  
under the direction of the ~~Ohio~~ department of aging under ~~section~~ 73896  
~~173.40~~ sections 173.52 to 173.523 of the Revised Code; 73897

(d) An affiliate of an institution that meets the 73898  
requirements of division (B)(26)(a), (b), or (c) of this section 73899  
when offering for sale substantially the same goods and services 73900  
as those that are offered by the institution that meets the 73901  
requirements of division (B)(26)(a), (b), or (c) of this section. 73902

(27) A person licensed by the department of health pursuant 73903  
to section 3712.04 or 3712.041 of the Revised Code to provide a 73904  
hospice care program or pediatric respite care program when 73905  
conducting telephone solicitations within the scope of the 73906  
person's license and according to sections 310.3, 310.4, and 310.5 73907  
of the telemarketing sales rules adopted by the federal trade 73908

commission in 16 C.F.R. part 310. 73909

**Sec. 4723.18.** (A) The board of nursing shall authorize a 73910  
licensed practical nurse to administer to an adult intravenous 73911  
therapy if the nurse supplies evidence satisfactory to the board 73912  
that all of the following are the case: 73913

(1) The nurse holds a current, valid license issued under 73914  
this chapter to practice nursing as a licensed practical nurse. 73915

(2) The nurse has been authorized under section 4723.18 of 73916  
the Revised Code to administer medications. 73917

(3) The nurse successfully completed a course of study in the 73918  
safe performance of intravenous therapy approved by the board 73919  
pursuant to section 4723.19 of the Revised Code or by an agency in 73920  
another jurisdiction that regulates the practice of nursing and 73921  
has requirements for intravenous therapy course approval that are 73922  
substantially similar to the requirements in division (B) of 73923  
section 4723.19 of the Revised Code, as determined by the board. 73924

(4) The nurse has successfully completed a minimum of forty 73925  
hours of training that includes all of the following: 73926

(a) The curriculum established by rules adopted by the board; 73927

(b) Training in the anatomy and physiology of the 73928  
cardiovascular system, signs and symptoms of local and systemic 73929  
complications in the administration of fluids and antibiotic 73930  
additives, and guidelines for management of these complications; 73931

(c) Any other training or instruction the board considers 73932  
appropriate; 73933

(d) A testing component that requires the nurse to perform a 73934  
successful demonstration of the intravenous procedures, including 73935  
all skills needed to perform them safely. 73936

(B) Except as provided in section 4723.181 of the Revised 73937

Code and subject to the restrictions in division (D) of this 73938  
section, a licensed practical nurse may perform intravenous 73939  
therapy on an adult patient only if authorized by the board 73940  
pursuant to division (A) of this section and only at the direction 73941  
of one of the following: 73942

(1) A licensed physician, dentist, optometrist, or podiatrist 73943  
who, except as provided in division (C)(2) of this section, is 73944  
present and readily available at the facility where the 73945  
intravenous therapy procedure is performed; 73946

(2) A registered nurse in accordance with division (C) of 73947  
this section. 73948

(C)(1) Except as provided in division (C)(2) of this section 73949  
and section 4723.181 of the Revised Code, when a licensed 73950  
practical nurse authorized by the board to perform intravenous 73951  
therapy performs an intravenous therapy procedure at the direction 73952  
of a registered nurse, the registered nurse or another registered 73953  
nurse shall be readily available at the site where the intravenous 73954  
therapy is performed, and before the licensed practical nurse 73955  
initiates the intravenous therapy, the registered nurse shall 73956  
personally perform an on-site assessment of the adult patient who 73957  
is to receive the intravenous therapy. 73958

(2) When a licensed practical nurse authorized by the board 73959  
to perform intravenous therapy performs an intravenous therapy 73960  
procedure in a home as defined in section 3721.10 of the Revised 73961  
Code, or in an intermediate care facility for the mentally 73962  
retarded as defined in section ~~5111.20~~ 5124.01 of the Revised 73963  
Code, at the direction of a registered nurse or licensed 73964  
physician, dentist, optometrist, or podiatrist, a registered nurse 73965  
shall be on the premises of the home or facility or accessible by 73966  
some form of telecommunication. 73967

(D) No licensed practical nurse shall perform any of the 73968

|                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| following intravenous therapy procedures:                                                                                                                                                                                                                                                                                                                                                                                 | 73969                                                       |
| (1) Initiating or maintaining any of the following:                                                                                                                                                                                                                                                                                                                                                                       | 73970                                                       |
| (a) Blood or blood components;                                                                                                                                                                                                                                                                                                                                                                                            | 73971                                                       |
| (b) Solutions for total parenteral nutrition;                                                                                                                                                                                                                                                                                                                                                                             | 73972                                                       |
| (c) Any cancer therapeutic medication including, but not limited to, cancer chemotherapy or an anti-neoplastic agent;                                                                                                                                                                                                                                                                                                     | 73973<br>73974                                              |
| (d) Solutions administered through any central venous line or arterial line or any other line that does not terminate in a peripheral vein, except that a licensed practical nurse authorized by the board to perform intravenous therapy may maintain the solutions specified in division (D)(6)(a) of this section that are being administered through a central venous line or peripherally inserted central catheter; | 73975<br>73976<br>73977<br>73978<br>73979<br>73980<br>73981 |
| (e) Any investigational or experimental medication.                                                                                                                                                                                                                                                                                                                                                                       | 73982                                                       |
| (2) Initiating intravenous therapy in any vein, except that a licensed practical nurse authorized by the board to perform intravenous therapy may initiate intravenous therapy in accordance with this section in a vein of the hand, forearm, or antecubital fossa;                                                                                                                                                      | 73983<br>73984<br>73985<br>73986<br>73987                   |
| (3) Discontinuing a central venous, arterial, or any other line that does not terminate in a peripheral vein;                                                                                                                                                                                                                                                                                                             | 73988<br>73989                                              |
| (4) Initiating or discontinuing a peripherally inserted central catheter;                                                                                                                                                                                                                                                                                                                                                 | 73990<br>73991                                              |
| (5) Mixing, preparing, or reconstituting any medication for intravenous therapy, except that a licensed practical nurse authorized by the board to perform intravenous therapy may prepare or reconstitute an antibiotic additive;                                                                                                                                                                                        | 73992<br>73993<br>73994<br>73995                            |
| (6) Administering medication via the intravenous route, including all of the following activities:                                                                                                                                                                                                                                                                                                                        | 73996<br>73997                                              |

(a) Adding medication to an intravenous solution or to an existing infusion, except that a licensed practical nurse authorized by the board to perform intravenous therapy may do any of the following:

(i) Initiate an intravenous infusion containing one or more of the following elements: dextrose 5%, normal saline, lactated ringers, sodium chloride .45%, sodium chloride 0.2%, sterile water;

(ii) Hang subsequent containers of the intravenous solutions specified in division (D)(6)(a)(i) of this section that contain vitamins or electrolytes, if a registered nurse initiated the infusion of that same intravenous solution;

(iii) Initiate or maintain an intravenous infusion containing an antibiotic additive.

(b) Injecting medication via a direct intravenous route, except that a licensed practical nurse authorized by the board to perform intravenous therapy may inject heparin or normal saline to flush an intermittent infusion device or heparin lock including, but not limited to, bolus or push.

(7) Changing tubing on any line including, but not limited to, an arterial line or a central venous line, except that a licensed practical nurse authorized by the board to perform intravenous therapy may change tubing on an intravenous line that terminates in a peripheral vein;

(8) Programming or setting any function of a patient controlled infusion pump.

(E) Notwithstanding divisions (A) and (D) of this section, at the direction of a physician or a registered nurse, a licensed practical nurse authorized by the board to perform intravenous therapy may perform the following activities for the purpose of performing dialysis:

|                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (1) The routine administration and regulation of saline solution for the purpose of maintaining an established fluid plan;                                                                                                                                                                                                                                                                                                      | 74029<br>74030                                              |
| (2) The administration of a heparin dose intravenously;                                                                                                                                                                                                                                                                                                                                                                         | 74031                                                       |
| (3) The administration of a heparin dose peripherally via a fistula needle;                                                                                                                                                                                                                                                                                                                                                     | 74032<br>74033                                              |
| (4) The loading and activation of a constant infusion pump;                                                                                                                                                                                                                                                                                                                                                                     | 74034                                                       |
| (5) The intermittent injection of a dose of medication that is administered via the hemodialysis blood circuit and through the patient's venous access.                                                                                                                                                                                                                                                                         | 74035<br>74036<br>74037                                     |
| (F) No person shall employ or direct a licensed practical nurse to perform an intravenous therapy procedure without first verifying that the licensed practical nurse is authorized by the board to perform intravenous therapy.                                                                                                                                                                                                | 74038<br>74039<br>74040<br>74041                            |
| <b>Sec. 4723.35.</b> (A) As used in this section, "chemical dependency" means either of the following:                                                                                                                                                                                                                                                                                                                          | 74042<br>74043                                              |
| (1) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others;                                                                                                                                                                                                                              | 74044<br>74045<br>74046<br>74047                            |
| (2) The use of a controlled substance as defined in section 3719.01 of the Revised Code, a harmful intoxicant as defined in section 2925.01 of the Revised Code, or a dangerous drug as defined in section 4729.01 of the Revised Code, to the extent that the user becomes physically or psychologically dependent on the substance, intoxicant, or drug or endangers the user's health, safety, or welfare or that of others. | 74048<br>74049<br>74050<br>74051<br>74052<br>74053<br>74054 |
| (B) The board of nursing may abstain from taking disciplinary action under section 4723.28 or 4723.86 of the Revised Code against an individual with a chemical dependency if it finds that the individual can be treated effectively and there is no                                                                                                                                                                           | 74055<br>74056<br>74057<br>74058                            |

impairment of the individual's ability to practice according to 74059  
acceptable and prevailing standards of safe care. The board shall 74060  
establish a chemical dependency monitoring program to monitor the 74061  
registered nurses, licensed practical nurses, dialysis 74062  
technicians, and certified community health workers against whom 74063  
the board has abstained from taking action. The board shall 74064  
develop the program, select the program's name, and designate a 74065  
coordinator to administer the program. 74066

(C) Determinations regarding an individual's eligibility for 74067  
admission to, continued participation in, and successful 74068  
completion of the monitoring program shall be made by the board's 74069  
supervising member for disciplinary matters in accordance with 74070  
rules adopted under division (D) of this section. 74071

(D) The board shall adopt rules in accordance with Chapter 74072  
119. of the Revised Code that establish the following: 74073

(1) Eligibility requirements for admission to and continued 74074  
participation in the monitoring program; 74075

(2) Terms and conditions that must be met to participate in 74076  
and successfully complete the program; 74077

(3) Procedures for keeping confidential records regarding 74078  
participants; 74079

(4) Any other requirements or procedures necessary to 74080  
establish and administer the program. 74081

(E)(1) As a condition of being admitted to the monitoring 74082  
program, an individual shall surrender to the program coordinator 74083  
the license or certificate that the individual holds. While the 74084  
surrender is in effect, the individual is prohibited from engaging 74085  
in the practice of nursing, engaging in the provision of dialysis 74086  
care, or engaging in the provision of services that were being 74087  
provided as a certified community health worker. 74088



If the board's supervising member for disciplinary matters 74089  
determines that a participant is capable of resuming practice 74090  
according to acceptable and prevailing standards of safe care, the 74091  
program coordinator shall return the participant's license or 74092  
certificate. If the participant violates the terms and conditions 74093  
of resumed practice, the coordinator shall require the participant 74094  
to surrender the license or certificate as a condition of 74095  
continued participation in the program. The coordinator may 74096  
require the surrender only on the approval of the board's 74097  
supervising member for disciplinary matters. 74098

The surrender of a license or certificate on admission to the 74099  
monitoring program or while participating in the program does not 74100  
constitute an action by the board under section 4723.28 or 4723.86 74101  
of the Revised Code. The participant may rescind the surrender at 74102  
any time and the board may proceed by taking action under section 74103  
4723.28 or 4723.86 of the Revised Code. 74104

(2) If the program coordinator determines that a participant 74105  
is significantly out of compliance with the terms and conditions 74106  
for participation, the coordinator shall notify the board's 74107  
supervising member for disciplinary matters and the supervising 74108  
member shall determine whether to temporarily suspend the 74109  
participant's license or certificate. The board shall notify the 74110  
participant of the suspension by certified mail sent to the 74111  
participant's last known address and shall refer the matter to the 74112  
board for formal action under section 4723.28 or 4723.86 of the 74113  
Revised Code. 74114

(F) All of the following apply with respect to the receipt, 74115  
release, and maintenance of records and information by the 74116  
monitoring program: 74117

(1) The program coordinator shall maintain all program 74118  
records in the board's office, and for each participant, shall 74119  
retain the records for a period of two years following the 74120

participant's date of successful completion of the program. 74121

(2) When applying to participate in the monitoring program, 74122  
the applicant shall sign a waiver permitting the board to receive 74123  
and release information necessary to determine whether the 74124  
individual is eligible for admission. After being admitted, the 74125  
participant shall sign a waiver permitting the board to receive 74126  
and release information necessary to determine whether the 74127  
individual is eligible for continued participation in the program. 74128  
Information that may be necessary for the board's supervising 74129  
member for disciplinary matters to determine eligibility for 74130  
admission or continued participation in the monitoring program 74131  
includes, but is not limited to, information provided to and by 74132  
employers, probation officers, law enforcement agencies, peer 74133  
assistance programs, health professionals, and treatment 74134  
providers. No entity with knowledge that the information has been 74135  
provided to the monitoring program shall divulge that knowledge to 74136  
any other person. 74137

(3) Except as provided in division (F)(4) of this section, 74138  
all records pertaining to an individual's application for or 74139  
participation in the monitoring program, including medical 74140  
records, treatment records, and mental health records, shall be 74141  
confidential. The records are not public records for the purposes 74142  
of section 149.43 of the Revised Code and are not subject to 74143  
discovery by subpoena or admissible as evidence in any judicial 74144  
proceeding. 74145

(4) The board may disclose information regarding a 74146  
participant's progress in the program to any person or government 74147  
entity that the participant authorizes in writing to be given the 74148  
information. In disclosing information under this division, the 74149  
board shall not include any information that is protected under 74150  
section ~~3793.13~~ 5119.27 of the Revised Code or any federal statute 74151  
or regulation that provides for the confidentiality of medical, 74152

mental health, or substance abuse records. 74153

(G) In the absence of fraud or bad faith, the board as a 74154  
whole, its individual members, and its employees and 74155  
representatives are not liable for damages in any civil action as 74156  
a result of disclosing information in accordance with division 74157  
(F)(4) of this section. In the absence of fraud or bad faith, any 74158  
person reporting to the program with regard to an individual's 74159  
chemical dependence, or the progress or lack of progress of that 74160  
individual with regard to treatment, is not liable for damages in 74161  
any civil action as a result of the report. 74162

**Sec. 4723.481.** This section establishes standards and 74163  
conditions regarding the authority of a clinical nurse specialist, 74164  
certified nurse-midwife, or certified nurse practitioner to 74165  
prescribe drugs and therapeutic devices under a certificate to 74166  
prescribe issued under section ~~4723.481~~ 4723.48 of the Revised 74167  
Code. 74168

(A) A clinical nurse specialist, certified nurse-midwife, or 74169  
certified nurse practitioner shall not prescribe any drug or 74170  
therapeutic device that is not included in the types of drugs and 74171  
devices listed on the formulary established in rules adopted under 74172  
section 4723.50 of the Revised Code. 74173

(B) The prescriptive authority of a clinical nurse 74174  
specialist, certified nurse-midwife, or certified nurse 74175  
practitioner shall not exceed the prescriptive authority of the 74176  
collaborating physician or podiatrist, including the collaborating 74177  
physician's authority to treat chronic pain with controlled 74178  
substances and products containing tramadol as described in 74179  
section 4731.052 of the Revised Code. 74180

(C)(1) Except as provided in division (C)(2) or (3) of this 74181  
section, a clinical nurse specialist, certified nurse-midwife, or 74182  
certified nurse practitioner may prescribe to a patient a schedule 74183

II controlled substance only if all of the following are the case: 74184

(a) The patient has a terminal condition, as defined in 74185  
section 2133.01 of the Revised Code. 74186

(b) The collaborating physician of the clinical nurse 74187  
specialist, certified nurse-midwife, or certified nurse 74188  
practitioner initially prescribed the substance for the patient. 74189

(c) The prescription is for an amount that does not exceed 74190  
the amount necessary for the patient's use in a single, 74191  
twenty-four-hour period. 74192

(2) The restrictions on prescriptive authority in division 74193  
(C)(1) of this section do not apply if a clinical nurse 74194  
specialist, certified nurse-midwife, or certified nurse 74195  
practitioner issues the prescription to the patient from any of 74196  
the following locations: 74197

(a) A hospital registered under section 3701.07 of the 74198  
Revised Code; 74199

(b) An entity owned or controlled, in whole or in part, by a 74200  
hospital or by an entity that owns or controls, in whole or in 74201  
part, one or more hospitals; 74202

(c) A health care facility operated by the department of 74203  
~~mental health~~ mental health and addiction services or the 74204  
department of developmental disabilities; 74205

(d) A nursing home or residential care facility licensed 74206  
under section 3721.02 of the Revised Code or by a political 74207  
subdivision certified under section 3721.09 of the Revised Code; 74208

(e) A county home or district home operated under Chapter 74209  
5155. of the Revised Code that is certified under the medicare or 74210  
medicaid program; 74211

(f) A hospice care program, as defined in section 3712.01 of 74212  
the Revised Code; 74213

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (g) A community mental health <del>agency</del> <u>services provider</u> , as defined in section 5122.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                               | 74214<br>74215                                                       |
| (h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                     | 74216<br>74217                                                       |
| (i) A freestanding birthing center, as defined in section <del>3702.51</del> <u>3702.141</u> of the Revised Code;                                                                                                                                                                                                                                                                                                                                                           | 74218<br>74219                                                       |
| (j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                | 74220<br>74221                                                       |
| (k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                     | 74222<br>74223                                                       |
| (l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;                                                                                                                                                                                                                                                                | 74224<br>74225<br>74226<br>74227                                     |
| (m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site. | 74228<br>74229<br>74230<br>74231<br>74232<br>74233<br>74234<br>74235 |
| (3) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the clinic is owned or operated by an entity specified in division (C)(2) of this section.                                                                                                                                                              | 74236<br>74237<br>74238<br>74239<br>74240                            |
| (D) A pharmacist who acts in good faith reliance on a prescription issued by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner under division                                                                                                                                                                                                                                                                                           | 74241<br>74242<br>74243                                              |

(C)(2) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.

(E) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may personally furnish to a patient a sample of any drug or therapeutic device included in the types of drugs and devices listed on the formulary, except that all of the following conditions apply:

(1) The amount of the sample furnished shall not exceed a seventy-two-hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two-hour supply, in which case the packaged amount may be furnished.

(2) No charge may be imposed for the sample or for furnishing it.

(3) Samples of controlled substances may not be personally furnished.

(F) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may personally furnish to a patient a complete or partial supply of a drug or therapeutic device included in the types of drugs and devices listed on the formulary, except that all of the following conditions apply:

(1) The clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall personally furnish only antibiotics, antifungals, scabicides, contraceptives, prenatal vitamins, antihypertensives, drugs and devices used in the treatment of diabetes, drugs and devices used in the treatment of asthma, and drugs used in the treatment of dyslipidemia.

(2) The clinical nurse specialist, certified nurse-midwife,

or certified nurse practitioner shall not furnish the drugs and 74275  
devices in locations other than a health department operated by 74276  
the board of health of a city or general health district or the 74277  
authority having the duties of a board of health under section 74278  
3709.05 of the Revised Code, a federally funded comprehensive 74279  
primary care clinic, or a nonprofit health care clinic or program. 74280

(3) The clinical nurse specialist, certified nurse-midwife, 74281  
or certified nurse practitioner shall comply with all safety 74282  
standards for personally furnishing supplies of drugs and devices, 74283  
as established in rules adopted under section 4723.50 of the 74284  
Revised Code. 74285

**Sec. 4725.03.** The governor, with the advice and consent of 74286  
the senate, shall appoint a state board of optometry consisting of 74287  
six nonmedical residents of this state, five of whom shall be 74288  
persons actually engaged in the practice of optometry for five 74289  
years preceding appointment and one of whom shall be a member of 74290  
the public at least ~~sixty~~ fifty years of age. Terms of office 74291  
shall be five years, commencing on the twenty-sixth day of 74292  
September and ending on the twenty-fifth day of September. Each 74293  
member shall hold office from the date of appointment until the 74294  
end of the term for which appointed. Any member appointed to fill 74295  
a vacancy occurring prior to the expiration of the term for which 74296  
the member's predecessor was appointed shall hold office for the 74297  
remainder of the term. A member shall continue in office 74298  
subsequent to the expiration date of the member's term until the 74299  
member's successor takes office, or until a period of sixty days 74300  
has elapsed, whichever occurs first. No person shall serve as a 74301  
member for more than two terms. 74302

**Sec. 4725.16.** (A) Each certificate of licensure, topical 74303  
ocular pharmaceutical agents certificate, and therapeutic 74304  
pharmaceutical agents certificate issued by the state board of 74305

optometry shall expire annually on the last day of December, and 74306  
may be renewed in accordance with this section and the standard 74307  
renewal procedure established under Chapter 4745. of the Revised 74308  
Code. 74309

An optometrist seeking to continue to practice optometry 74310  
shall file with the board an application for license renewal. The 74311  
application shall be in such form and require such pertinent 74312  
professional biographical data as the board may require. 74313

(B) All licensed optometrists shall annually complete 74314  
continuing education in subjects relating to the practice of 74315  
optometry, to the end that the utilization and application of new 74316  
techniques, scientific and clinical advances, and the achievements 74317  
of research will assure comprehensive care to the public. The 74318  
board shall prescribe by rule the continuing optometric education 74319  
that licensed optometrists must complete. The length of study 74320  
shall be twenty-five clock hours each year, including ten clock 74321  
hours of instruction in pharmacology to be completed by all 74322  
licensed optometrists. 74323

Unless the continuing education required under this division 74324  
is waived or deferred under division (D) of this section, the 74325  
continuing education must be completed during the twelve-month 74326  
period beginning on the first day of October and ending on the 74327  
last day of September. If the board receives notice from a 74328  
continuing education program indicating that an optometrist 74329  
completed the program after the last day of September, and the 74330  
optometrist wants to use the continuing education completed after 74331  
that day to renew the license that expires on the last day of 74332  
December of that year, the optometrist shall pay the penalty 74333  
specified under section 4725.34 of the Revised Code for late 74334  
completion of continuing education. 74335

At least once annually, the board shall post on its web site 74336  
and shall mail, or send by electronic mail, to each licensed 74337



optometrist a list of courses approved in accordance with 74338  
standards prescribed by board rule. Upon the request of a licensed 74339  
optometrist, the executive director of the board shall supply a 74340  
list of additional courses that the board has approved subsequent 74341  
to the most recent web site posting, electronic mail transmission, 74342  
or mailing of the list of approved courses. 74343

(C)(1) Annually, not later than the first day of November, 74344  
the board shall mail or send by electronic mail a notice regarding 74345  
license renewal to each licensed optometrist who may be eligible 74346  
for renewal. The notice shall be sent to the optometrist's ~~last~~ 74347  
most recent electronic mail or mailing address shown in the 74348  
board's records. If the board knows that the optometrist has 74349  
completed the required continuing optometric education for the 74350  
year, the board may include with the notice an application for 74351  
license renewal. 74352

(2) Filing a license renewal application with the board shall 74353  
serve as notice by the optometrist that the continuing optometric 74354  
education requirement has been successfully completed. If the 74355  
board finds that an optometrist has not completed the required 74356  
continuing optometric education, the board shall disapprove the 74357  
optometrist's application. The board's disapproval of renewal is 74358  
effective without a hearing, unless a hearing is requested 74359  
pursuant to Chapter 119. of the Revised Code. 74360

(3) The board shall refuse to accept an application for 74361  
renewal from any applicant whose license is not in good standing 74362  
or who is under disciplinary review pursuant to section 4725.19 of 74363  
the Revised Code. 74364

(4) Notice of an applicant's failure to qualify for renewal 74365  
shall be served upon the applicant by mail. The notice shall be 74366  
sent not later than the fifteenth day of November to the 74367  
applicant's last address shown in the board's records. 74368

(D) In cases of certified illness or undue hardship, the board may waive or defer for up to twelve months the requirement of continuing optometric education, except that in such cases the board may not waive or defer the continuing education in pharmacology required to be completed by optometrists who hold topical ocular pharmaceutical agents certificates or therapeutic pharmaceutical agents certificates. The board shall waive the requirement of continuing optometric education for any optometrist who is serving in the armed forces of the United States or who has received an initial certificate of licensure during the nine-month period which ended on the last day of September.

(E) An optometrist whose renewal application has been approved may renew each certificate held by paying to the treasurer of state the fees for renewal specified under section 4725.34 of the Revised Code. On payment of all applicable fees, the board shall issue a renewal of the optometrist's certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate, as appropriate.

(F) Not later than the fifteenth day of December, the board shall email or mail a second notice regarding license renewal to each licensed optometrist who may be eligible for renewal but did not respond to the notice sent under division (C)(1) of this section. The notice shall be sent to the optometrist's ~~last~~ most recent email or mailing address shown in the board's records. If an optometrist fails to file a renewal application after the second notice is sent, the board shall send a third notice regarding license renewal prior to any action under division (I) of this section to classify the optometrist's certificates as delinquent.

(G) The failure of an optometrist to apply for license renewal or the failure to pay the applicable annual renewal fees on or before the date of expiration, shall automatically work a

forfeiture of the optometrist's authority to practice optometry in 74401  
this state. 74402

(H) The board shall accept renewal applications and renewal 74403  
fees that are submitted from the first day of January to the last 74404  
day of April of the year next succeeding the date of expiration. 74405  
An individual who submits such a late renewal application or fee 74406  
shall pay the late renewal fee specified in section 4725.34 of the 74407  
Revised Code. 74408

(I)(1) If the certificates issued by the board to an 74409  
individual have expired and the individual has not filed a 74410  
complete application during the late renewal period, the 74411  
individual's certificates shall be classified in the board's 74412  
records as delinquent. 74413

(2) Any optometrist subject to delinquent classification may 74414  
submit a written application to the board for reinstatement. For 74415  
reinstatement to occur, the applicant must meet all of the 74416  
following conditions: 74417

(a) Submit to the board evidence of compliance with board 74418  
rules requiring continuing optometric education in a sufficient 74419  
number of hours to make up for any delinquent compliance; 74420

(b) Pay the renewal fees for the year in which application 74421  
for reinstatement is made and the reinstatement fee specified 74422  
under division (A)(8) of section 4725.34 of the Revised Code; 74423

(c) Pass all or part of the licensing examination accepted by 74424  
the board under section 4725.11 of the Revised Code as the board 74425  
considers appropriate to determine whether the application for 74426  
reinstatement should be approved; 74427

(d) If the applicant has been practicing optometry in another 74428  
state or country, submit evidence that the applicant's license to 74429  
practice optometry in the other state or country is in good 74430  
standing. 74431

(3) The board shall approve an application for reinstatement 74432  
if the conditions specified in division (I)(2) of this section are 74433  
met. An optometrist who receives reinstatement is subject to the 74434  
continuing education requirements specified under division (B) of 74435  
this section for the year in which reinstatement occurs. 74436

**Sec. 4729.51.** (A) No person other than a registered wholesale 74437  
distributor of dangerous drugs shall possess for sale, sell, 74438  
distribute, or deliver, at wholesale, dangerous drugs, except as 74439  
follows: 74440

(1) A pharmacist who is a licensed terminal distributor of 74441  
dangerous drugs or who is employed by a licensed terminal 74442  
distributor of dangerous drugs may make occasional sales of 74443  
dangerous drugs at wholesale; 74444

(2) A licensed terminal distributor of dangerous drugs having 74445  
more than one establishment or place may transfer or deliver 74446  
dangerous drugs from one establishment or place for which a 74447  
license has been issued to the terminal distributor to another 74448  
establishment or place for which a license has been issued to the 74449  
terminal distributor if the license issued for each establishment 74450  
or place is in effect at the time of the transfer or delivery. 74451

(B)(1) No registered wholesale distributor of dangerous drugs 74452  
shall possess for sale, or sell, at wholesale, dangerous drugs to 74453  
any person other than the following: 74454

(a) Except as provided in division (B)(2)(a) of this section, 74455  
a licensed health professional authorized to prescribe drugs; 74456

(b) An optometrist licensed under Chapter 4725. of the 74457  
Revised Code who holds a topical ocular pharmaceutical agents 74458  
certificate; 74459

(c) A registered wholesale distributor of dangerous drugs; 74460

(d) A manufacturer of dangerous drugs; 74461

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (e) Subject to division (B)(3) of this section, a licensed terminal distributor of dangerous drugs;                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 74462<br>74463                                                                |
| (f) Carriers or warehouses for the purpose of carriage or storage;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 74464<br>74465                                                                |
| (g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;                                                                                                                                                                                                                                                                                                                                                                                                                                  | 74466<br>74467                                                                |
| (h) An individual who holds a current license, certificate, or registration issued under Title 47 <u>XLVII</u> of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession; | 74468<br>74469<br>74470<br>74471<br>74472<br>74473<br>74474<br>74475<br>74476 |
| (i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency;                                                                                                                                                                                                                                        | 74477<br>74478<br>74479<br>74480<br>74481                                     |
| (j) Except as provided in division (B)(2)(b) of this section, a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a licensed health professional authorized to prescribe drugs and is authorized to provide the professional services being offered by the entity;                                    | 74482<br>74483<br>74484<br>74485<br>74486<br>74487<br>74488<br>74489          |
| (k) Except as provided in division (B)(2)(c) of this section, a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability                                                                                                                                                                                                                                                                                                                                                                      | 74490<br>74491<br>74492                                                       |

company formed under Chapter 1705. of the Revised Code, a 74493  
partnership or a limited liability partnership formed under 74494  
Chapter 1775. of the Revised Code, or a professional association 74495  
formed under Chapter 1785. of the Revised Code, if, to be a 74496  
shareholder, member, or partner, an individual is required to be 74497  
licensed, certified, or otherwise legally authorized under Title 74498  
XLVII of the Revised Code to perform the professional service 74499  
provided by the entity and each such individual is a licensed 74500  
health professional authorized to prescribe drugs. 74501

(2) No registered wholesale distributor of dangerous drugs 74502  
shall possess for sale, or sell, at wholesale, dangerous drugs to 74503  
any of the following: 74504

(a) A prescriber who is employed by a pain management clinic 74505  
that is not licensed as a terminal distributor of dangerous drugs 74506  
with a pain management clinic classification issued under section 74507  
4729.552 of the Revised Code; 74508

(b) A business entity described in division (B)(1)(j) of this 74509  
section that is, or is operating, a pain management clinic without 74510  
a license as a terminal distributor of dangerous drugs with a pain 74511  
management clinic classification issued under section 4729.552 of 74512  
the Revised Code; 74513

(c) A business entity described in division (B)(1)(k) of this 74514  
section that is, or is operating, a pain management clinic without 74515  
a license as a terminal distributor of dangerous drugs with a pain 74516  
management clinic classification issued under section 4729.552 of 74517  
the Revised Code. 74518

(3) No registered wholesale distributor of dangerous drugs 74519  
shall possess dangerous drugs for sale at wholesale, or sell such 74520  
drugs at wholesale, to a licensed terminal distributor of 74521  
dangerous drugs, except as follows: 74522

(a) In the case of a terminal distributor with a category I 74523

license, only dangerous drugs described in category I, as defined 74524  
in division (A)(1) of section 4729.54 of the Revised Code; 74525

(b) In the case of a terminal distributor with a category II 74526  
license, only dangerous drugs described in category I and category 74527  
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 74528  
the Revised Code; 74529

(c) In the case of a terminal distributor with a category III 74530  
license, dangerous drugs described in category I, category II, and 74531  
category III, as defined in divisions (A)(1), (2), and (3) of 74532  
section 4729.54 of the Revised Code; 74533

(d) In the case of a terminal distributor with a limited 74534  
category I, II, or III license, only the dangerous drugs specified 74535  
in the certificate furnished by the terminal distributor in 74536  
accordance with section 4729.60 of the Revised Code. 74537

(C)(1) Except as provided in division (C)(4) of this section, 74538  
no person shall sell, at retail, dangerous drugs. 74539

(2) Except as provided in division (C)(4) of this section, no 74540  
person shall possess for sale, at retail, dangerous drugs. 74541

(3) Except as provided in division (C)(4) of this section, no 74542  
person shall possess dangerous drugs. 74543

(4) Divisions (C)(1), (2), and (3) of this section do not 74544  
apply to a registered wholesale distributor of dangerous drugs, a 74545  
licensed terminal distributor of dangerous drugs, or a person who 74546  
possesses, or possesses for sale or sells, at retail, a dangerous 74547  
drug in accordance with Chapters 3719., 4715., 4723., 4725., 74548  
4729., 4730., 4731., and 4741. of the Revised Code. 74549

Divisions (C)(1), (2), and (3) of this section do not apply 74550  
to an individual who holds a current license, certificate, or 74551  
registration issued under Title XLVII of the Revised Code and has 74552  
been certified to conduct diabetes education by a national 74553

certifying body specified in rules adopted by the state board of 74554  
pharmacy under section 4729.68 of the Revised Code, but only to 74555  
the extent that the individual possesses insulin or personally 74556  
supplies insulin solely for the purpose of diabetes education and 74557  
only if diabetes education is within the individual's scope of 74558  
practice under statutes and rules regulating the individual's 74559  
profession. 74560

Divisions (C)(1), (2), and (3) of this section do not apply 74561  
to an individual who holds a valid certificate issued by a 74562  
nationally recognized S.C.U.B.A. diving certifying organization 74563  
approved by the state board of pharmacy in rule, but only to the 74564  
extent that the individual possesses medical oxygen or personally 74565  
supplies medical oxygen for the purpose of emergency care or 74566  
treatment at the scene of a diving emergency. 74567

(D) No licensed terminal distributor of dangerous drugs shall 74568  
purchase for the purpose of resale dangerous drugs from any person 74569  
other than a registered wholesale distributor of dangerous drugs, 74570  
except as follows: 74571

(1) A licensed terminal distributor of dangerous drugs may 74572  
make occasional purchases of dangerous drugs for resale from a 74573  
pharmacist who is a licensed terminal distributor of dangerous 74574  
drugs or who is employed by a licensed terminal distributor of 74575  
dangerous drugs; 74576

(2) A licensed terminal distributor of dangerous drugs having 74577  
more than one establishment or place may transfer or receive 74578  
dangerous drugs from one establishment or place for which a 74579  
license has been issued to the terminal distributor to another 74580  
establishment or place for which a license has been issued to the 74581  
terminal distributor if the license issued for each establishment 74582  
or place is in effect at the time of the transfer or receipt. 74583

(E) A pharmacy that is a licensed terminal distributor of 74584



dangerous drugs may operate a remote dispensing system in 74585  
accordance with section 4729.542 of the Revised Code. 74586

(F) No licensed terminal distributor of dangerous drugs shall 74587  
engage in the sale or other distribution of dangerous drugs at 74588  
retail or maintain possession, custody, or control of dangerous 74589  
drugs for any purpose other than the distributor's personal use or 74590  
consumption, at any establishment or place other than that or 74591  
those described in the license issued by the state board of 74592  
pharmacy to such terminal distributor. 74593

~~(F)~~(G) Nothing in this section shall be construed to 74594  
interfere with the performance of official duties by any law 74595  
enforcement official authorized by municipal, county, state, or 74596  
federal law to collect samples of any drug, regardless of its 74597  
nature or in whose possession it may be. 74598

**Sec. 4729.54.** (A) As used in this section and section 74599  
4729.541 of the Revised Code: 74600

(1) "Category I" means single-dose injections of intravenous 74601  
fluids, including saline, Ringer's lactate, five per cent dextrose 74602  
and distilled water, and other intravenous fluids or parenteral 74603  
solutions included in this category by rule of the state board of 74604  
pharmacy, that have a volume of one hundred milliliters or more 74605  
and that contain no added substances, or single-dose injections of 74606  
epinephrine to be administered pursuant to sections 4765.38 and 74607  
4765.39 of the Revised Code. 74608

(2) "Category II" means any dangerous drug that is not 74609  
included in category I or III. 74610

(3) "Category III" means any controlled substance that is 74611  
contained in schedule I, II, III, IV, or V. 74612

(4) "Emergency medical service organization" has the same 74613  
meaning as in section 4765.01 of the Revised Code. 74614

(5) "Person" includes an emergency medical service organization. 74615  
74616

(6) "Schedule I, schedule II, schedule III, schedule IV, and schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, as established pursuant to section 3719.41 of the Revised Code and as amended. 74617  
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74619  
74620

(B)(1) A person who desires to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the state board of pharmacy a verified application. After it is filed, the application may not be withdrawn without approval of the board. 74621  
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74623  
74624  
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(2) An application shall contain all the following that apply in the applicant's case: 74626  
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(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code; 74628  
74629  
74630

(b) A statement that the person wishes to be licensed as a category I, category II, category III, limited category I, limited category II, or limited category III terminal distributor of dangerous drugs; 74631  
74632  
74633  
74634

(c) If the person wishes to be licensed as a limited category I, limited category II, or limited category III terminal distributor of dangerous drugs, a notarized list of the dangerous drugs that the person wishes to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source; 74635  
74636  
74637  
74638  
74639  
74640

(d) If the person is an emergency medical service organization, the information that is specified in division (C)(1) of this section; 74641  
74642  
74643

(e) Except for an emergency medical service organization, the 74644

identity of the one establishment or place at which the person 74645  
intends to engage in the sale or other distribution of dangerous 74646  
drugs at retail, and maintain possession, custody, or control of 74647  
dangerous drugs for purposes other than the person's own use or 74648  
consumption and any place at which the person intends to operate a 74649  
remote dispensing system in accordance with section 4729.542 of 74650  
the Revised Code; 74651

(f) If the application pertains to a pain management clinic, 74652  
information that demonstrates, to the satisfaction of the board, 74653  
compliance with division (A) of section 4729.552 of the Revised 74654  
Code. 74655

(C)(1) An emergency medical service organization that wishes 74656  
to be licensed as a terminal distributor of dangerous drugs shall 74657  
list in its application for licensure the following additional 74658  
information: 74659

(a) The units under its control that the organization 74660  
determines will possess dangerous drugs for the purpose of 74661  
administering emergency medical services in accordance with 74662  
Chapter 4765. of the Revised Code; 74663

(b) With respect to each such unit, whether the dangerous 74664  
drugs that the organization determines the unit will possess are 74665  
in category I, II, or III. 74666

(2) An emergency medical service organization that is 74667  
licensed as a terminal distributor of dangerous drugs shall file a 74668  
new application for such licensure if there is any change in the 74669  
number, or location of, any of its units or any change in the 74670  
category of the dangerous drugs that any unit will possess. 74671

(3) A unit listed in an application for licensure pursuant to 74672  
division (C)(1) of this section may obtain the dangerous drugs it 74673  
is authorized to possess from its emergency medical service 74674  
organization or, on a replacement basis, from a hospital pharmacy. 74675

If units will obtain dangerous drugs from a hospital pharmacy, the organization shall file, and maintain in current form, the following items with the pharmacist who is responsible for the hospital's terminal distributor of dangerous drugs license:

(a) A copy of its standing orders or protocol;

(b) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code, who are authorized to possess the drugs, which list also shall indicate the personnel who are authorized to administer the drugs.

(D) Each emergency medical service organization that applies for a terminal distributor of dangerous drugs license shall submit with its application the following:

(1) A notarized copy of its standing orders or protocol, which orders or protocol shall be signed by a physician and specify the dangerous drugs that its units may carry, expressed in standard dose units;

(2) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code.

An emergency medical service organization that is licensed as a terminal distributor shall notify the board immediately of any changes in its standing orders or protocol.

(E) There shall be six categories of terminal distributor of dangerous drugs licenses, which categories shall be as follows:

(1) Category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I.

(2) Limited category I license. A person who obtains this license may possess, have custody or control of, and distribute

only the dangerous drugs described in category I that were listed 74706  
in the application for licensure. 74707

(3) Category II license. A person who obtains this license 74708  
may possess, have custody or control of, and distribute only the 74709  
dangerous drugs described in category I and category II. 74710

(4) Limited category II license. A person who obtains this 74711  
license may possess, have custody or control of, and distribute 74712  
only the dangerous drugs described in category I or category II 74713  
that were listed in the application for licensure. 74714

(5) Category III license, which may include a pain management 74715  
clinic classification issued under section 4729.552 of the Revised 74716  
Code. A person who obtains this license may possess, have custody 74717  
or control of, and distribute the dangerous drugs described in 74718  
category I, category II, and category III. If the license includes 74719  
a pain management clinic classification, the person may operate a 74720  
pain management clinic. 74721

(6) Limited category III license. A person who obtains this 74722  
license may possess, have custody or control of, and distribute 74723  
only the dangerous drugs described in category I, category II, or 74724  
category III that were listed in the application for licensure. 74725

(F) Except for an application made on behalf of an animal 74726  
shelter, if an applicant for licensure as a limited category I, 74727  
II, or III terminal distributor of dangerous drugs intends to 74728  
administer dangerous drugs to a person or animal, the applicant 74729  
shall submit, with the application, a notarized copy of its 74730  
protocol or standing orders, which protocol or orders shall be 74731  
signed by a licensed health professional authorized to prescribe 74732  
drugs, specify the dangerous drugs to be administered, and list 74733  
personnel who are authorized to administer the dangerous drugs in 74734  
accordance with federal law or the law of this state. An 74735  
application made on behalf of an animal shelter shall include a 74736

notarized list of the dangerous drugs to be administered to 74737  
animals and the personnel who are authorized to administer the 74738  
drugs to animals in accordance with section 4729.532 of the 74739  
Revised Code. After obtaining a terminal distributor license, a 74740  
licensee shall notify the board immediately of any changes in its 74741  
protocol or standing orders, or in such personnel. 74742

(G)(1) Except as provided in division (G)(2) of this section, 74743  
each applicant for licensure as a terminal distributor of 74744  
dangerous drugs shall submit, with the application, a license fee 74745  
determined as follows: 74746

(a) For a category I or limited category I license, 74747  
forty-five dollars; 74748

(b) For a category II or limited category II license, one 74749  
hundred twelve dollars and fifty cents; 74750

(c) For a category III license, including a license with a 74751  
pain management clinic classification issued under section 74752  
4729.552 of the Revised Code, or a limited category III license, 74753  
one hundred fifty dollars. 74754

(2) For a professional association, corporation, partnership, 74755  
or limited liability company organized for the purpose of 74756  
practicing veterinary medicine, the fee shall be forty dollars. 74757

(3) Fees assessed under divisions (G)(1) and (2) of this 74758  
section shall not be returned if the applicant fails to qualify 74759  
for registration. 74760

(H)(1) The board shall issue a terminal distributor of 74761  
dangerous drugs license to each person who submits an application 74762  
for such licensure in accordance with this section, pays the 74763  
required license fee, is determined by the board to meet the 74764  
requirements set forth in section 4729.55 of the Revised Code, and 74765  
satisfies any other applicable requirements of this section. 74766

(2) The license of a person other than an emergency medical service organization shall describe the one establishment or place at which the licensee may engage in the sale or other distribution of dangerous drugs at retail and maintain possession, custody, or control of dangerous drugs for purposes other than the licensee's own use or consumption and any place at which the person intends to operate a remote dispensing system in accordance with section 4729.542 of the Revised Code. The one establishment or place and any place at which the person intends to operate a remote dispensing system shall be ~~that which is~~ those described in the application for licensure.

No such license shall authorize or permit the terminal distributor of dangerous drugs named in it to engage in the sale or other distribution of dangerous drugs at retail or to maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's own use or consumption, at any establishment or place other than ~~that~~ those described in the license, except that an agent or employee of an animal shelter may possess and use dangerous drugs in the course of business as provided in division (D) of section 4729.532 of the Revised Code.

(3) The license of an emergency medical service organization shall cover and describe all the units of the organization listed in its application for licensure.

(4) The license of every terminal distributor of dangerous drugs shall indicate, on its face, the category of licensure. If the license is a limited category I, II, or III license, it shall specify, and shall authorize the licensee to possess, have custody or control of, and distribute only, the dangerous drugs that were listed in the application for licensure.

(I) All licenses issued pursuant to this section shall be effective for a period of twelve months from the first day of January of each year. A license shall be renewed by the board for

a like period, annually, according to the provisions of this 74799  
section, and the standard renewal procedure of Chapter 4745. of 74800  
the Revised Code. A person who desires to renew a license shall 74801  
submit an application for renewal and pay the required fee on or 74802  
before the thirty-first day of December each year. The fee 74803  
required for the renewal of a license shall be the same as the fee 74804  
paid for the license being renewed, and shall accompany the 74805  
application for renewal. 74806

A license that has not been renewed during December in any 74807  
year and by the first day of February of the following year may be 74808  
reinstated only upon payment of the required renewal fee and a 74809  
penalty fee of fifty-five dollars. 74810

(J)(1) No emergency medical service organization that is 74811  
licensed as a terminal distributor of dangerous drugs shall fail 74812  
to comply with division (C)(2) or (3) of this section. 74813

(2) No emergency medical service organization that is 74814  
licensed as a terminal distributor of dangerous drugs shall fail 74815  
to comply with division (D) of this section. 74816

(3) No licensed terminal distributor of dangerous drugs shall 74817  
possess, have custody or control of, or distribute dangerous drugs 74818  
that the terminal distributor is not entitled to possess, have 74819  
custody or control of, or distribute by virtue of its category of 74820  
licensure. 74821

(4) No licensee that is required by division (F) of this 74822  
section to notify the board of changes in its protocol or standing 74823  
orders, or in personnel, shall fail to comply with that division. 74824

**Sec. 4729.542.** (A) As used in this section, "remote 74825  
dispensing system" means a mechanical system for dispensing drugs 74826  
that is installed in a facility and communicates electronically 74827  
with a pharmacy. 74828



(B) A pharmacy licensed under this chapter as a terminal distributor of dangerous drugs may use a remote dispensing system to assist in the distribution of dangerous drugs at a nursing home or residential care facility licensed under Chapter 3721. of the Revised Code if all of the following requirements are met: 74829  
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(1) The system has a documented and ongoing quality assurance program that monitors total system performance and requires one hundred per cent accuracy in drugs dispensed and their strength. 74834  
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(2) The system has security adequate to prevent unauthorized access to dangerous drugs. 74837  
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(3) Records kept by the system comply with requirements of the state board of pharmacy. 74839  
74840

(C) A pharmacist licensed under this chapter is not required to maintain supervision and control of a remote dispensing system or be physically present at the facility where the system is used to dispense drugs. 74841  
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(D) As part of the quality assurance program required by division (B)(1) of this section, the facility where the remote dispensing system is located shall complete periodic audits of controlled substances dispensed through the system. 74845  
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**Sec. 4729.69.** (A) The state board of pharmacy, in collaboration with the director of ~~alcohol and drug addiction services~~ mental health and addiction services and attorney general, shall establish and administer a drug take-back program under which drugs are collected from the community for the purpose of destruction or disposal of the drugs. 74849  
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(B) The program shall be established and administered in such a manner that it does both of the following: 74855  
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(1) Complies with any state or federal laws regarding the collection, destruction, or disposal of drugs; 74857  
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(2) Maintains the confidentiality of individuals who submit or otherwise provide drugs under the program. 74859  
74860

(C) In consultation with the director of ~~alcohol and drug addiction services~~ mental health and addiction services and attorney general, the board shall adopt rules governing the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. In adopting the rules, the board shall specify all of the following: 74861  
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(1) The entities that may participate; 74867

(2) Guidelines and responsibilities for accepting drugs by participating entities; 74868  
74869

(3) Drugs that may be collected; 74870

(4) Record-keeping requirements; 74871

(5) Proper methods to destroy unused drugs; 74872

(6) Privacy protocols and security standards; 74873

(7) Drug transportation procedures; 74874

(8) The schedule, duration, and frequency of the collections of drugs, except that the first collection shall occur not later than one year after ~~the effective date of this section~~ May 20, 2011; 74875  
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(9) Any other standards and procedures the board considers necessary for purposes of governing the program. 74879  
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(D) In accordance with state and federal law, the board may adopt rules to allow an entity participating in the program to return any unused drugs to the pharmacy that originally dispensed the drug. The rules shall include procedures to be followed to maintain the confidentiality of the person for whom the drug was dispensed. 74881  
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(E) Rules adopted under this section may not do any of the 74887

|                                                                                                                                                                                                                                                                                                                                                                         |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| following:                                                                                                                                                                                                                                                                                                                                                              | 74888                                              |
| (1) Require any entity to establish, fund, or operate a drug take-back program;                                                                                                                                                                                                                                                                                         | 74889<br>74890                                     |
| (2) Establish any new licensing requirement or fee to participate in the program;                                                                                                                                                                                                                                                                                       | 74891<br>74892                                     |
| (3) Require any entity to compile data on drugs collected.                                                                                                                                                                                                                                                                                                              | 74893                                              |
| (F) The board may compile data on the amount and type of drugs collected under the program. For purposes of this division, the board may cooperate with a public or private entity in obtaining assistance in the compilation of data. An entity providing the assistance shall not be reimbursed under the program for any costs incurred in providing the assistance. | 74894<br>74895<br>74896<br>74897<br>74898<br>74899 |
| (G) If the board compiles data under division (F) of this section, the board shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report, to the extent possible, shall include the following information:                                                                                       | 74900<br>74901<br>74902<br>74903<br>74904          |
| (1) Total weight of drugs collected, both with and without packaging;                                                                                                                                                                                                                                                                                                   | 74905<br>74906                                     |
| (2) The weight of controlled substances;                                                                                                                                                                                                                                                                                                                                | 74907                                              |
| (3) The amount of all of the following as a per cent of total drugs collected:                                                                                                                                                                                                                                                                                          | 74908<br>74909                                     |
| (a) Controlled substances;                                                                                                                                                                                                                                                                                                                                              | 74910                                              |
| (b) Brand name drugs;                                                                                                                                                                                                                                                                                                                                                   | 74911                                              |
| (c) Generic drugs;                                                                                                                                                                                                                                                                                                                                                      | 74912                                              |
| (d) Prescription drugs;                                                                                                                                                                                                                                                                                                                                                 | 74913                                              |
| (e) Non-prescription drugs.                                                                                                                                                                                                                                                                                                                                             | 74914                                              |
| (4) The amount of vitamins, herbal supplements, and personal care products collected;                                                                                                                                                                                                                                                                                   | 74915<br>74916                                     |

(5) If provided by the person who submitted or otherwise  
donated drugs to the program, the reasons why the drugs were  
returned or unused.

(H) No entity is required to participate in a drug take-back  
program established under this section, and no entity shall be  
subject to civil liability or professional disciplinary action for  
declining to participate.

(I) The board may accept grants, gifts, or donations for  
purposes of the program. Money received under this division shall  
be deposited into the drug take-back program fund established  
under section 109.90 of the Revised Code.

**Sec. 4729.80.** (A) If the state board of pharmacy establishes  
and maintains a drug database pursuant to section 4729.75 of the  
Revised Code, the board is authorized or required to provide  
information from the database in accordance with the following:

(1) On receipt of a request from a designated representative  
of a government entity responsible for the licensure, regulation,  
or discipline of health care professionals with authority to  
prescribe, administer, or dispense drugs, the board may provide to  
the representative information from the database relating to the  
professional who is the subject of an active investigation being  
conducted by the government entity.

(2) On receipt of a request from a federal officer, or a  
state or local officer of this or any other state, whose duties  
include enforcing laws relating to drugs, the board shall provide  
to the officer information from the database relating to the  
person who is the subject of an active investigation of a drug  
abuse offense, as defined in section 2925.01 of the Revised Code,  
being conducted by the officer's employing government entity.

(3) Pursuant to a subpoena issued by a grand jury, the board

shall provide to the grand jury information from the database 74947  
relating to the person who is the subject of an investigation 74948  
being conducted by the grand jury. 74949

(4) Pursuant to a subpoena, search warrant, or court order in 74950  
connection with the investigation or prosecution of a possible or 74951  
alleged criminal offense, the board shall provide information from 74952  
the database as necessary to comply with the subpoena, search 74953  
warrant, or court order. 74954

(5) On receipt of a request from a prescriber or the 74955  
prescriber's delegate approved by the board, the board may provide 74956  
to the prescriber information from the database relating to a 74957  
patient who is either of the following, if the prescriber 74958  
certifies in a form specified by the board that it is for the 74959  
purpose of providing medical treatment to the patient who is the 74960  
subject of the request; 74961

(a) A current patient of the prescriber; 74962

(b) A potential patient of the prescriber based on a referral 74963  
of the patient to the prescriber. 74964

(6) On receipt of a request from a pharmacist or the 74965  
pharmacist's delegate approved by the board, the board may provide 74966  
to the pharmacist information from the database relating to a 74967  
current patient of the pharmacist, if the pharmacist certifies in 74968  
a form specified by the board that it is for the purpose of the 74969  
pharmacist's practice of pharmacy involving the patient who is the 74970  
subject of the request. 74971

(7) On receipt of a request from an individual seeking the 74972  
individual's own database information in accordance with the 74973  
procedure established in rules adopted under section 4729.84 of 74974  
the Revised Code, the board may provide to the individual the 74975  
individual's own database information. 74976

(8) On receipt of a request from the medical director of a 74977

managed care organization that has entered into a data security 74978  
agreement with the board required by section ~~5111.1710~~ 5167.14 of 74979  
the Revised Code, the board ~~may~~ shall provide to the medical 74980  
director information from the database relating to a medicaid 74981  
recipient enrolled in the managed care organization, including 74982  
information in the database related to prescriptions for the 74983  
recipient that were not covered or reimbursed under a program 74984  
administered by the department of medicaid. 74985

(9) On receipt of a request from the medicaid director ~~of job~~ 74986  
~~and family services~~, the board ~~may~~ shall provide to the director 74987  
information from the database relating to a recipient of a program 74988  
administered by the department of ~~job and family services~~ 74989  
medicaid, including information in the database related to 74990  
prescriptions for the recipient that were not covered or paid by a 74991  
program administered by the department. 74992

(10) On receipt of a request from the administrator of 74993  
workers' compensation, the board may provide to the administrator 74994  
information from the database relating to a claimant under Chapter 74995  
4121., 4123., 4127., or 4131. of the Revised Code. 74996

(11) On receipt of a request from a requestor described in 74997  
division (A)(1), (2), (5), or (6) of this section who is from or 74998  
participating with another state's prescription monitoring 74999  
program, the board may provide to the requestor information from 75000  
the database, but only if there is a written agreement under which 75001  
the information is to be used and disseminated according to the 75002  
laws of this state. 75003

(B) The state board of pharmacy shall maintain a record of 75004  
each individual or entity that requests information from the 75005  
database pursuant to this section. In accordance with rules 75006  
adopted under section 4729.84 of the Revised Code, the board may 75007  
use the records to document and report statistics and law 75008  
enforcement outcomes. 75009

The board may provide records of an individual's requests for database information to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is not a public record. Information contained in the records of requests for information from the database is not a public record. Information that does not identify a person may be released in summary, statistical, or aggregate form.

(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

**Sec. 4729.81.** If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board shall review the information in the drug database. If the board determines from the review that a violation of law may have occurred, it shall notify the appropriate law enforcement agency or a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs and supply information

required by the agency or entity for an investigation of the 75041  
violation of law that may have occurred. The board also shall 75042  
notify the medicaid director if the board determines that the 75043  
violation may have been committed by a provider of services under 75044  
a program administered by the department of medicaid. 75045

**Sec. 4729.99.** (A) Whoever violates section 4729.16, division 75046  
(A) or (B) of section 4729.38, or section 4729.57 of the Revised 75047  
Code is guilty of a minor misdemeanor. Each day's violation 75048  
constitutes a separate offense. 75049

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of 75050  
the Revised Code is guilty of a misdemeanor of the third degree. 75051  
Each day's violation constitutes a separate offense. If the 75052  
offender previously has been convicted of or pleaded guilty to a 75053  
violation of this chapter, that person is guilty of a misdemeanor 75054  
of the second degree. 75055

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of 75056  
the Revised Code is guilty of a misdemeanor. 75057

(D) Whoever violates division (A), (B), (D), or ~~(E)~~(F) of 75058  
section 4729.51 of the Revised Code is guilty of a misdemeanor of 75059  
the first degree. 75060

(E)(1) Whoever violates section 4729.37, division (C)(2) of 75061  
section 4729.51, division (J) of section 4729.54, or section 75062  
4729.61 of the Revised Code is guilty of a felony of the fifth 75063  
degree. If the offender previously has been convicted of or 75064  
pleaded guilty to a violation of this chapter or a violation of 75065  
Chapter 2925. or 3719. of the Revised Code, that person is guilty 75066  
of a felony of the fourth degree. 75067

(2) If an offender is convicted of or pleads guilty to a 75068  
violation of section 4729.37, division (C) of section 4729.51, 75069  
division (J) of section 4729.54, or section 4729.61 of the Revised 75070



Code, if the violation involves the sale, offer to sell, or 75071  
possession of a schedule I or II controlled substance, with the 75072  
exception of marihuana, and if the court imposing sentence upon 75073  
the offender finds that the offender as a result of the violation 75074  
is a major drug offender, as defined in section 2929.01 of the 75075  
Revised Code, and is guilty of a specification of the type 75076  
described in section 2941.1410 of the Revised Code, the court, in 75077  
lieu of the prison term authorized or required by division (E)(1) 75078  
of this section and sections 2929.13 and 2929.14 of the Revised 75079  
Code and in addition to any other sanction imposed for the offense 75080  
under sections 2929.11 to 2929.18 of the Revised Code, shall 75081  
impose upon the offender, in accordance with division (B)(3) of 75082  
section 2929.14 of the Revised Code, the mandatory prison term 75083  
specified in that division. 75084

(3) Notwithstanding any contrary provision of section 3719.21 75085  
of the Revised Code, the clerk of court shall pay any fine imposed 75086  
for a violation of section 4729.37, division (C) of section 75087  
4729.51, division (J) of section 4729.54, or section 4729.61 of 75088  
the Revised Code pursuant to division (A) of section 2929.18 of 75089  
the Revised Code in accordance with and subject to the 75090  
requirements of division (F) of section 2925.03 of the Revised 75091  
Code. The agency that receives the fine shall use the fine as 75092  
specified in division (F) of section 2925.03 of the Revised Code. 75093

(F) Whoever violates section 4729.531 of the Revised Code or 75094  
any rule adopted thereunder or section 4729.532 of the Revised 75095  
Code is guilty of a misdemeanor of the first degree. 75096

(G) Whoever violates division (C)(1) of section 4729.51 of 75097  
the Revised Code is guilty of a felony of the fourth degree. If 75098  
the offender has previously been convicted of or pleaded guilty to 75099  
a violation of this chapter, or of a violation of Chapter 2925. or 75100  
3719. of the Revised Code, that person is guilty of a felony of 75101  
the third degree. 75102

(H) Whoever violates division (C)(3) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fifth degree.

(I)(1) Whoever violates division (B) of section 4729.42 of the Revised Code is guilty of unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (B), (C), (D), or (E) of that section, unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(2) Whoever violates division (C) or (D) of section 4729.42 of the Revised Code is guilty of permitting unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (B), (C), (D), or (E) of that section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(3) Whoever violates division (E) of section 4729.42 of the Revised Code is guilty of the offense of falsification under section 2921.13 of the Revised Code. In addition to any other sanction imposed for the violation, the offender is forever disqualified from engaging in any activity specified in division (B)(1), (2), or (3) of section 4729.42 of the Revised Code and from performing any function as a health care professional or

health care worker. As used in this division, "health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code. 75135  
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(4) Notwithstanding any contrary provision of section 3719.21 of the Revised Code or any other provision of law that governs the distribution of fines, the clerk of the court shall pay any fine imposed pursuant to division (I)(1), (2), or (3) of this section to the state board of pharmacy if the board has adopted a written internal control policy under division (F)(2) of section 2925.03 of the Revised Code that addresses fine moneys that it receives under Chapter 2925. of the Revised Code and if the policy also addresses fine moneys paid under this division. The state board of pharmacy shall use the fines so paid in accordance with the written internal control policy to subsidize the board's law enforcement efforts that pertain to drug offenses. 75138  
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(J)(1) Whoever violates division (A)(1) of section 4729.86 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender has previously been convicted of or pleaded guilty to a violation of division (A)(1), (2), or (3) of section 4729.86 of the Revised Code, that person is guilty of a misdemeanor of the first degree. 75150  
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(2) Whoever violates division (A)(2) of section 4729.86 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of division (A)(1), (2), or (3) of section 4729.86 of the Revised Code, that person is guilty of a felony of the fifth degree. 75156  
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(3) Whoever violates division (A)(3) of section 4729.86 of the Revised Code is guilty of a felony of the fifth degree. If the offender has previously been convicted of or pleaded guilty to a violation of division (A)(1), (2), or (3) of section 4729.86 of the Revised Code, that person is guilty of a felony of the fourth 75162  
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degree. 75167

(K) A person who violates division (C) of section 4729.552 of 75168  
the Revised Code is guilty of a misdemeanor of the first degree. 75169  
If the person previously has been convicted of or pleaded guilty 75170  
to a violation of division (C) of section 4729.552 of the Revised 75171  
Code, that person is guilty of a felony of the fifth degree. 75172

**Sec. 4730.411.** (A) Except as provided in division (B) or (C) 75173  
of this section, a physician assistant may prescribe to a patient 75174  
a schedule II controlled substance only if all of the following 75175  
are the case: 75176

(1) The patient is in a terminal condition, as defined in 75177  
section 2133.01 of the Revised Code. 75178

(2) The physician assistant's supervising physician initially 75179  
prescribed the substance for the patient. 75180

(3) The prescription is for an amount that does not exceed 75181  
the amount necessary for the patient's use in a single, 75182  
twenty-four-hour period. 75183

(B) The restrictions on prescriptive authority in division 75184  
(A) of this section do not apply if a physician assistant issues 75185  
the prescription to the patient from any of the following 75186  
locations: 75187

(1) A hospital registered under section 3701.07 of the 75188  
Revised Code; 75189

(2) An entity owned or controlled, in whole or in part, by a 75190  
hospital or by an entity that owns or controls, in whole or in 75191  
part, one or more hospitals; 75192

(3) A health care facility operated by the department of 75193  
mental health or the department of developmental disabilities; 75194

(4) A nursing home or residential care facility licensed 75195

|                                                                               |       |
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| under section 3721.02 of the Revised Code or by a political                   | 75196 |
| subdivision certified under section 3721.09 of the Revised Code;              | 75197 |
| (5) A county home or district home operated under Chapter                     | 75198 |
| 5155. of the Revised Code that is certified under the medicare or             | 75199 |
| medicaid program;                                                             | 75200 |
| (6) A hospice care program, as defined in section 3712.01 of                  | 75201 |
| the Revised Code;                                                             | 75202 |
| (7) A community mental health <del>agency</del> <u>services provider</u> , as | 75203 |
| defined in section 5122.01 of the Revised Code;                               | 75204 |
| (8) An ambulatory surgical facility, as defined in section                    | 75205 |
| 3702.30 of the Revised Code;                                                  | 75206 |
| (9) A freestanding birthing center, as defined in section                     | 75207 |
| 3702.51 of the Revised Code;                                                  | 75208 |
| (10) A federally qualified health center, as defined in                       | 75209 |
| section 3701.047 of the Revised Code;                                         | 75210 |
| (11) A federally qualified health center look-alike, as                       | 75211 |
| defined in section 3701.047 of the Revised Code;                              | 75212 |
| (12) A health care office or facility operated by the board                   | 75213 |
| of health of a city or general health district or the authority               | 75214 |
| having the duties of a board of health under section 3709.05 of               | 75215 |
| the Revised Code;                                                             | 75216 |
| (13) A site where a medical practice is operated, but only if                 | 75217 |
| the practice is comprised of one or more physicians who also are              | 75218 |
| owners of the practice; the practice is organized to provide                  | 75219 |
| direct patient care; and the physician assistant has entered into             | 75220 |
| a supervisory agreement with at least one of the physician owners             | 75221 |
| who practices primarily at that site.                                         | 75222 |
| (C) A physician assistant shall not issue to a patient a                      | 75223 |
| prescription for a schedule II controlled substance from a                    | 75224 |
| convenience care clinic even if the convenience care clinic is                | 75225 |

owned or operated by an entity specified in division (B) of this section. 75226  
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(D) A pharmacist who acts in good faith reliance on a prescription issued by a physician assistant under division (B) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code. 75228  
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**Sec. 4731.151.** (A) Naprapaths who received a certificate to practice from the board prior to March 2, 1992, may continue to practice naprapathy, as defined in rules adopted by the board. Such naprapaths shall practice in accordance with rules adopted by the board. 75235  
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(B)(1) As used in this division: 75240

(a) "Mechanotherapy" means all of the following: 75241

(i) Examining patients by verbal inquiry; 75242

(ii) Examination of the musculoskeletal system by hand; 75243

(iii) Visual inspection and observation; 75244

(iv) Diagnosing a patient's condition only as to whether the patient has a disorder of the musculoskeletal system; 75245  
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(v) In the treatment of patients, employing the techniques of advised or supervised exercise; electrical neuromuscular stimulation; massage or manipulation; or air, water, heat, cold, sound, or infrared ray therapy only to those disorders of the musculoskeletal system that are amenable to treatment by such techniques and that are identifiable by examination performed in accordance with division (B)(1)(a)(i) of this section and diagnosable in accordance with division (B)(1)(a)(ii) of this section. 75247  
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(b) "Educational requirements" means the completion of a course of study appropriate for certification to practice mechanotherapy on or before November 3, 1985, as determined by rules adopted under this chapter.

(2) Mechanotherapists who received a certificate to practice from the board prior to March 2, 1992, may continue to practice mechanotherapy, as defined in rules adopted by the board. Such mechanotherapists shall practice in accordance with rules adopted by the board.

A person authorized by this division to practice as a mechanotherapist may examine, diagnose, and assume responsibility for the care of patients with due regard for first aid and the hygienic and nutritional care of the patients. Roentgen rays shall be used by a mechanotherapist only for diagnostic purposes.

(3) A person who holds a certificate to practice mechanotherapy and completed educational requirements in mechanotherapy on or before November 3, 1985, is entitled to use the title "doctor of mechanotherapy" and is a "physician" who performs "medical services" for the purposes of Chapters 4121. and 4123. of the Revised Code and the medicaid program established ~~under section 5111.01 of the Revised Code~~, and shall receive payment or reimbursement as provided under those chapters and that section program.

**Sec. 4731.23.** (A)(1)(a) The state medical board shall designate one or more attorneys at law who have been admitted to the practice of law, and who are classified as either administrative law attorney examiners or as administrative law attorney examiner administrators under the state job classification plan adopted under section 124.14 of the Revised Code, as hearing examiners, subject to Chapter 119. of the Revised Code, to conduct any hearing which the medical board is empowered

to hold or undertake pursuant to Chapter 119. of the Revised Code. 75287

(b) Notwithstanding the requirement of division (A)(1)(a) of 75288  
this section that the board designate as a hearing examiner an 75289  
attorney who is classified as either an administrative law 75290  
attorney examiner or an administrative law attorney examiner 75291  
administrator, the board may, subject to ~~controlling board~~ 75292  
~~approval~~ section 127.16 of the Revised Code, enter into a personal 75293  
service contract with an attorney admitted to the practice of law 75294  
in this state to serve on a temporary basis as a hearing examiner. 75295

(2) The hearing examiner shall hear and consider the oral and 75296  
documented evidence introduced by the parties and issue in writing 75297  
proposed findings of fact and conclusions of law to the board for 75298  
their consideration within thirty days following the close of the 75299  
hearing. 75300

(B) The board shall be given copies of the transcript of the 75301  
record hearing and all exhibits and documents presented by the 75302  
parties at the hearing. 75303

(C) The board shall, upon the favorable vote of three 75304  
members, allow the parties or their counsel the opportunity to 75305  
present oral arguments on the proposed findings of fact and 75306  
conclusions of law of the hearing examiner prior to the board's 75307  
final action. 75308

(D) The board shall render a decision and take action within 75309  
sixty days following the receipt of the hearing examiner's 75310  
proposed findings of fact and conclusions of law or within any 75311  
longer period mutually agreed upon by the board and the 75312  
certificate holder. 75313

(E) The final decision of the board in any hearing which the 75314  
board is empowered to undertake shall be in writing and contain 75315  
findings of fact and conclusions of law. Copies of the decision 75316  
shall be delivered to the parties personally or by certified mail. 75317



The decision shall be final upon delivery or mailing, except that 75318  
the certificate holder may appeal in the manner provided by 75319  
Chapter 119. of the Revised Code. 75320

**Sec. 4731.65.** As used in sections 4731.65 to 4731.71 of the 75321  
Revised Code: 75322

(A)(1) "Clinical laboratory services" means either of the 75323  
following: 75324

(a) Any examination of materials derived from the human body 75325  
for the purpose of providing information for the diagnosis, 75326  
prevention, or treatment of any disease or impairment or for the 75327  
assessment of health; 75328

(b) Procedures to determine, measure, or otherwise describe 75329  
the presence or absence of various substances or organisms in the 75330  
body. 75331

(2) "Clinical laboratory services" does not include the mere 75332  
collection or preparation of specimens. 75333

(B) "Designated health services" means any of the following: 75334

(1) Clinical laboratory services; 75335

(2) Home health care services; 75336

(3) Outpatient prescription drugs. 75337

(C) "Fair market value" means the value in arms-length 75338  
transactions, consistent with general market value and: 75339

(1) With respect to rentals or leases, the value of rental 75340  
property for general commercial purposes, not taking into account 75341  
its intended use; 75342

(2) With respect to a lease of space, not adjusted to reflect 75343  
the additional value the prospective lessee or lessor would 75344  
attribute to the proximity or convenience to the lessor if the 75345  
lessor is a potential source of referrals to the lessee. 75346

(D) "Governmental health care program" means any program 75347  
providing health care benefits that is administered by the federal 75348  
government, this state, or a political subdivision of this state, 75349  
including the medicare program ~~established under Title XVIII of~~ 75350  
~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301,~~ 75351  
~~as amended,~~ health care coverage for public employees, health care 75352  
benefits administered by the bureau of workers' compensation, and 75353  
the medicaid program ~~established under Chapter 5111. of the~~ 75354  
~~Revised Code.~~ 75355

(E)(1) "Group practice" means a group of two or more holders 75356  
of certificates under this chapter legally organized as a 75357  
partnership, professional corporation or association, limited 75358  
liability company, foundation, nonprofit corporation, faculty 75359  
practice plan, or similar group practice entity, including an 75360  
organization comprised of a nonprofit medical clinic that 75361  
contracts with a professional corporation or association of 75362  
physicians to provide medical services exclusively to patients of 75363  
the clinic in order to comply with section 1701.03 of the Revised 75364  
Code and including a corporation, limited liability company, 75365  
partnership, or professional association described in division (B) 75366  
of section 4731.226 of the Revised Code formed for the purpose of 75367  
providing a combination of the professional services of 75368  
optometrists who are licensed, certificated, or otherwise legally 75369  
authorized to practice optometry under Chapter 4725. of the 75370  
Revised Code, chiropractors who are licensed, certificated, or 75371  
otherwise legally authorized to practice chiropractic or 75372  
acupuncture under Chapter 4734. of the Revised Code, psychologists 75373  
who are licensed, certificated, or otherwise legally authorized to 75374  
practice psychology under Chapter 4732. of the Revised Code, 75375  
registered or licensed practical nurses who are licensed, 75376  
certificated, or otherwise legally authorized to practice nursing 75377  
under Chapter 4723. of the Revised Code, pharmacists who are 75378  
licensed, certificated, or otherwise legally authorized to 75379

practice pharmacy under Chapter 4729. of the Revised Code, 75380  
physical therapists who are licensed, certificated, or otherwise 75381  
legally authorized to practice physical therapy under sections 75382  
4755.40 to 4755.56 of the Revised Code, occupational therapists 75383  
who are licensed, certificated, or otherwise legally authorized to 75384  
practice occupational therapy under sections 4755.04 to 4755.13 of 75385  
the Revised Code, mechanotherapists who are licensed, 75386  
certificated, or otherwise legally authorized to practice 75387  
mechanotherapy under section 4731.151 of the Revised Code, and 75388  
doctors of medicine and surgery, osteopathic medicine and surgery, 75389  
or podiatric medicine and surgery who are licensed, certificated, 75390  
or otherwise legally authorized for their respective practices 75391  
under this chapter, to which all of the following apply: 75392

(a) Each physician who is a member of the group practice 75393  
provides substantially the full range of services that the 75394  
physician routinely provides, including medical care, 75395  
consultation, diagnosis, or treatment, through the joint use of 75396  
shared office space, facilities, equipment, and personnel. 75397

(b) Substantially all of the services of the members of the 75398  
group are provided through the group and are billed in the name of 75399  
the group and amounts so received are treated as receipts of the 75400  
group. 75401

(c) The overhead expenses of and the income from the practice 75402  
are distributed in accordance with methods previously determined 75403  
by members of the group. 75404

(d) The group practice meets any other requirements that the 75405  
state medical board applies in rules adopted under section 4731.70 75406  
of the Revised Code. 75407

(2) In the case of a faculty practice plan associated with a 75408  
hospital with a medical residency training program in which 75409  
physician members may provide a variety of specialty services and 75410

provide professional services both within and outside the group, 75411  
as well as perform other tasks such as research, the criteria in 75412  
division (E)(1) of this section apply only with respect to 75413  
services rendered within the faculty practice plan. 75414

(F) "Home health care services" and "immediate family" have 75415  
the same meanings as in the rules adopted under section 4731.70 of 75416  
the Revised Code. 75417

(G) "Hospital" has the same meaning as in section 3727.01 of 75418  
the Revised Code. 75419

(H) A "referral" includes both of the following: 75420

(1) A request by a holder of a certificate under this chapter 75421  
for an item or service, including a request for a consultation 75422  
with another physician and any test or procedure ordered by or to 75423  
be performed by or under the supervision of the other physician; 75424

(2) A request for or establishment of a plan of care by a 75425  
certificate holder that includes the provision of designated 75426  
health services. 75427

(I) "Third-party payer" has the same meaning as in section 75428  
3901.38 of the Revised Code. 75429

**Sec. 4731.71.** The auditor of state may implement procedures 75430  
to detect violations of section 4731.66 or 4731.69 of the Revised 75431  
Code within governmental health care programs administered by the 75432  
state. The auditor of state shall report any violation of either 75433  
section to the state medical board and shall certify to the 75434  
attorney general in accordance with section 131.02 of the Revised 75435  
Code the amount of any refund owed to a state-administered 75436  
governmental health care program under section 4731.69 of the 75437  
Revised Code as a result of a violation. If a refund is owed to 75438  
the medicaid program ~~established under Chapter 5111. of the~~ 75439  
~~Revised Code~~, the auditor of state also shall report the amount to 75440

the department of ~~job and family services~~ medicaid. 75441

The state medical board also may implement procedures to 75442  
detect violations of section 4731.66 or 4731.69 of the Revised 75443  
Code. 75444

**Sec. 4734.41.** (A) As used in this section: 75445

(1) "Chemical dependency" means either of the following: 75446

(a) The chronic and habitual use of alcoholic beverages to 75447  
the extent that the user no longer can control the use of alcohol 75448  
or endangers the user's health, safety, or welfare or that of 75449  
others; 75450

(b) The use of a controlled substance as defined in section 75451  
3719.01 of the Revised Code, a harmful intoxicant as defined in 75452  
section 2925.01 of the Revised Code, or a dangerous drug as 75453  
defined in section 4729.01 of the Revised Code, to the extent that 75454  
the user becomes physically or psychologically dependent on the 75455  
substance, intoxicant, or drug or endangers the user's health, 75456  
safety, or welfare or that of others. 75457

(2) "Mental illness" means a recognized psychiatric or 75458  
psychological condition, disorder, or syndrome that has been 75459  
diagnosed by a psychiatrist, psychologist, professional clinical 75460  
counselor, or independent social worker as a condition, disorder, 75461  
or syndrome that may pose a danger to the person diagnosed or 75462  
others or may prevent the person from practicing the person's 75463  
profession according to acceptable and prevailing standards of 75464  
care. 75465

(B) The state chiropractic board shall establish a chemical 75466  
dependency and mental illness monitoring program. The program 75467  
shall be made available to any individual under the board's 75468  
jurisdiction who has a chemical dependency or mental illness and 75469  
meets the board's eligibility requirements for admission to and 75470

continued participation in the program. The board shall develop 75471  
the program and may designate a coordinator to administer it or 75472  
enter into a contract for the program to be administered by 75473  
another entity through a coordinator. The board shall adopt rules 75474  
in accordance with Chapter 119. of the Revised Code that establish 75475  
standards and procedure for operating the program. 75476

(C) Except as provided in division (D) of this section, all 75477  
records of an individual's participation in the monitoring 75478  
program, including medical records, chemical dependency records, 75479  
and mental health records, shall be confidential, are not public 75480  
records for the purposes of section 149.43 of the Revised Code, 75481  
and are not subject to discovery by subpoena or ~~admissible~~ 75482  
admissible as evidence in any judicial proceeding. The program 75483  
coordinator shall maintain all records as directed by the board. 75484

(D) The monitoring program's coordinator may disclose records 75485  
or information regarding an individual's progress and status of 75486  
participation in the program to the disciplinary section of the 75487  
board and to any person or government entity that the program 75488  
participant authorizes in writing to be given the records or 75489  
information. 75490

In disclosing records or information under this division, the 75491  
coordinator shall not include any record or information that is 75492  
protected under section ~~3793.13~~ 5119.27 of the Revised Code or any 75493  
federal statute or regulation that provides for the 75494  
confidentiality of mental health or substance abuse records. 75495

(E) In the absence of fraud or bad faith, the monitoring 75496  
program's coordinator, the board and the board's employees and 75497  
representatives are not liable for damages in any civil action as 75498  
a result of disclosing records or information in accordance with 75499  
division (D) of this section. In the absence of fraud or bad 75500  
faith, any person reporting to the program an individual's 75501  
chemical dependency or mental illness, or the progress or lack of 75502

progress of that individual with regard to treatment, is not 75503  
liable for damages in any civil action as a result of the report. 75504

(F) The board may abstain from taking formal disciplinary 75505  
action under section 4734.31 of the Revised Code against an 75506  
individual because of the individual's chemical dependency or 75507  
mental illness, if the individual meets the eligibility 75508  
requirements for admission into the monitoring program and all of 75509  
the following occur: 75510

(1) The individual enters into a monitoring agreement with 75511  
the coordinator of the program; 75512

(2) The individual complies with the terms and conditions for 75513  
continued participation in the program, as specified in the 75514  
monitoring agreement; 75515

(3) The individual successfully completes the terms and 75516  
conditions of the monitoring agreement, including the condition 75517  
that the individual attain the ability to practice in accordance 75518  
with acceptable and prevailing standards of care applicable to the 75519  
practice of chiropractic. 75520

**Sec. 4745.01.** (A) "Standard renewal procedure," as used in 75521  
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 75522  
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 75523  
3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~ 4169., 4561., 75524  
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 75525  
4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 4747., 75526  
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 75527  
4773., and 4775. of the Revised Code, means the license renewal 75528  
procedures specified in this chapter. 75529

(B) "Licensing agency," as used in this chapter, means any 75530  
department, division, board, section of a board, or other state 75531  
governmental unit subject to the standard renewal procedure, as 75532

defined in this section, and authorized by the Revised Code to 75533  
issue a license to engage in a specific profession, occupation, or 75534  
occupational activity, or to have charge of and operate certain 75535  
specified equipment, machinery, or premises. 75536

(C) "License," as used in this chapter, means a license, 75537  
certificate, permit, card, or other authority issued or conferred 75538  
by a licensing agency by authority of which the licensee has or 75539  
claims the privilege to engage in the profession, occupation, or 75540  
occupational activity, or to have control of and operate certain 75541  
specific equipment, machinery, or premises, over which the 75542  
licensing agency has jurisdiction. 75543

(D) "Licensee," as used in this chapter, means either the 75544  
person to whom the license is issued or renewed by a licensing 75545  
agency, or the person, partnership, or corporation at whose 75546  
request the license is issued or renewed. 75547

(E) "Renewal" and "renewed," as used in this chapter and in 75548  
the chapters of the Revised Code specified in division (A) of this 75549  
section, includes the continuing licensing procedure provided in 75550  
Chapter 3748. of the Revised Code and rules adopted under it and 75551  
in sections 1321.05 and 3921.33 of the Revised Code, and as 75552  
applied to those continuing licenses any reference in this chapter 75553  
to the date of expiration of any license shall be construed to 75554  
mean the due date of the annual or other fee for the continuing 75555  
license. 75556

**Sec. 4751.01.** As used in sections 4751.01 to ~~4751.11~~ 4751.13 75557  
of the Revised Code: 75558

(A) "Long-term services and supports settings" means any 75559  
institutional or community-based setting in which medical, health, 75560  
psycho-social, habilitative, rehabilitative, or personal care 75561  
services are provided to individuals on a post-acute care basis. 75562



(B) "Nursing home administrator" means any individual responsible for planning, organizing, directing, and managing the operation of a nursing home, or who in fact performs such function, whether or not such functions and duties are shared by one or more other persons.

~~(B)~~(C) "Nursing home" means a nursing home as defined by or under the authority of section 3721.01 of the Revised Code, or a nursing home operated by a governmental agency.

~~(C)~~(D) "Temporary license" means a license for a period not to exceed one hundred eighty days issued pursuant to division (B) of section 4751.06 of the Revised Code.

~~(D)~~(E) "Valid license" means a license which is current and in good standing.

**Sec. 4751.02.** (A) No person shall operate a nursing home unless it is under the supervision of an administrator whose principal occupation is nursing home administration or hospital administration and who holds a valid nursing home administrator's license and registration, or a temporary license, issued pursuant to Chapter 4751. of the Revised Code.

(B) No person other than a licensed and registered nursing home administrator or person holding a temporary license as required by Chapter 4751. of the Revised Code shall practice or offer to practice nursing home administration in this state. All nursing home administrators and temporary licensees shall comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder.

(C) Every operator of a nursing home shall report to the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports the name and license number of each nursing home administrator for said home within ten days

after the operator engages a nursing home administrator, and 75593  
within ten days after a nursing home administrator is no longer 75594  
engaged as such by such operator for said home. 75595

(D) Each individual who holds a nursing home administrator 75596  
license or temporary license shall report ~~his~~ the individual's 75597  
residence mailing address and the name and address of each place 75598  
of employment to the board within ten days after any change. 75599

**Sec. 4751.03.** (A) There is hereby established in the 75600  
department of health ~~aging~~ a board of ~~examiners~~ executives of 75601  
~~nursing home administrators~~ long-term services and supports, which 75602  
board shall be composed of ~~nine~~ the following eleven members, 75603  
~~eight of whom shall be representative of the professions and~~ 75604  
~~institutions concerned with care and treatment of chronically ill~~ 75605  
~~or infirm aged patients, and one of whom shall be a public member~~ 75606  
~~at least sixty years of age, provided that less than a majority of~~ 75607  
~~the board members shall be representative of a single profession~~ 75608  
~~or institutional category, and provided further that a person~~ 75609  
~~appointed as a noninstitutional member shall neither have nor~~ 75610  
~~acquire any direct financial interest in a nursing home. For~~ 75611  
~~purposes of this section, nursing home administrators are~~ 75612  
~~considered representatives of institutions.~~ 75613

~~Four members shall be nursing home administrators, owners of~~ 75614  
~~nursing homes or an officer of a corporation owning a nursing~~ 75615  
~~home. The director of health or his designated representative~~ 75616  
~~shall be a member. All:~~ 75617

(1) Four members who are nursing home administrators, owners 75618  
of nursing homes, or officers of corporations owning nursing 75619  
homes, and who shall have an understanding of person-centered 75620  
care, and experience with a range of long-term services and 75621  
supports settings; 75622

(2)(a) Three members who work in long-term services and 75623

supports settings that are not nursing homes, and who shall have 75624  
an understanding of person-centered care, and experience with a 75625  
range of long-term services and supports settings; 75626

(b) At least one of the members described in division 75627  
(A)(2)(a) of this section shall be a home health administrator, an 75628  
owner of a home health agency, or an officer of a home health 75629  
agency. 75630

(3) One member who is a member of the academic community; 75631

(4) One member who is a consumer of services offered in a 75632  
long-term services and supports setting; 75633

(5) One member who is a representative of the department of 75634  
health, designated by the director of health, who is involved in 75635  
the nursing home survey and certification process; 75636

(6) One member who is a representative of the office of the 75637  
state long-term care, designated by the state long-term care 75638  
ombudsman. 75639

All members of the board shall be citizens of the United 75640  
States and residents of this state. No member of the board who is 75641  
appointed under divisions (A)(3) to (6) of this section may have 75642  
or acquire any direct financial interest in a nursing home or 75643  
long-term services and supports settings. 75644

(B) The term of office for each appointed member of the board 75645  
shall be for three years, commencing on the twenty-eighth day of 75646  
May and ending on the twenty-seventh day of May. Each member shall 75647  
serve from the date of ~~his~~ appointment until the end of the term 75648  
for which ~~he was~~ appointed. No member shall serve more than two 75649  
consecutive full terms. 75650

(C) Appointments to the board shall be made by the governor. 75651  
Any member appointed to fill a vacancy occurring prior to the 75652  
expiration of the term for which ~~his~~ the member's predecessor was 75653

appointed shall hold office for the remainder of such term. Any 75654  
appointed member shall continue in office subsequent to the 75655  
expiration date of ~~his~~ the member's term until ~~his~~ the member's 75656  
successor takes office, or until a period of sixty days has 75657  
elapsed, whichever occurs first. 75658

(D) The governor may remove any member of the board for 75659  
misconduct, incapacity, incompetence, or neglect of duty after the 75660  
member so charged has been served with a written statement of 75661  
charges and has been given an opportunity to be heard. 75662

(E) Each member of the board, except the member designated by 75663  
the director of health ~~or his~~ and the member designated 75664  
~~representative by the ombudsman~~, shall be paid in accordance with 75665  
section 124.15 of the Revised Code and each member shall be 75666  
reimbursed for ~~his~~ the member's actual and necessary expenses 75667  
incurred in the discharge of such duties. 75668

(F) The board shall elect annually from its membership a 75669  
~~chairman~~ chairperson and a ~~vice-chairman~~ vice-chairperson. 75670

(G) The board shall hold and conduct meetings quarterly and 75671  
at such other times as its business requires. A majority of the 75672  
board shall constitute a quorum. The affirmative vote of a 75673  
majority of the members of the board is necessary for the board to 75674  
act. 75675

(H) The board shall appoint a secretary who has no financial 75676  
interest in a ~~nursing home~~ long-term services and supports 75677  
setting, and may employ and prescribe the powers and duties of 75678  
such employees and consultants as are necessary to carry out this 75679  
chapter and the rules adopted under it. ~~Administrative, technical,~~ 75680  
~~or other services shall be performed, insofar as practicable, by~~ 75681  
~~personnel of the department of health.~~ 75682

**Sec. 4751.04.** (A) The board of ~~examiners~~ executives of 75683

~~nursing home administrators~~ long-term services and supports shall: 75684

(1) Develop, adopt, impose, and enforce regulations 75685  
prescribing standards which must be met by individuals in order to 75686  
receive a license as a nursing home administrator, which standards 75687  
shall be designed to ensure that nursing home administrators are 75688  
of good character and are otherwise suitable, and who, by training 75689  
and experience, are qualified to serve as nursing home 75690  
administrators; 75691

(2) Develop and apply appropriate techniques, including 75692  
examinations and investigations, for determining whether an 75693  
individual meets such standards; 75694

(3) Issue licenses and registrations to individuals 75695  
determined, after application of such techniques, to meet such 75696  
standards, and revoke or suspend licenses or registrations 75697  
previously issued by the board in any case where the individual 75698  
holding such license or registration is determined to have failed 75699  
substantially to conform to the requirements of such standards; 75700

(4) Develop, adopt, impose, and enforce regulations and 75701  
procedures designed to ensure that individuals holding a temporary 75702  
license, or licensed as nursing home administrators will, during 75703  
any period that they serve as such, comply with Chapter 4751. of 75704  
the Revised Code and the regulations adopted thereunder; 75705

(5) Receive, investigate, and take appropriate action with 75706  
respect to any charge or complaint filed with the board to the 75707  
effect that any individual licensed as a nursing home 75708  
administrator has failed to comply with Chapter 4751. of the 75709  
Revised Code and the regulations adopted thereunder; 75710

(6) Take such other actions as may be necessary to enable the 75711  
state to meet the requirements set forth in the "Social Security 75712  
Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g; 75713

(7) Pay all license and registration fees collected under 75714

Chapter 4751. of the Revised Code into the ~~general operations~~ 75715  
board of executives of long-term services and support fund created 75716  
by section ~~3701.83~~ 4751.14 of the Revised Code to be used in 75717  
administering and enforcing this chapter and the rules adopted 75718  
under it; 75719

(8) Administer, or contract with a government or private 75720  
entity to administer, examinations for licensure as a nursing home 75721  
administrator. If the board contracts with a government or private 75722  
entity to administer the examinations, the contract may authorize 75723  
the entity to collect and keep, as all or part of the entity's 75724  
compensation under the contract, any fee an applicant for 75725  
licensure pays to take an examination. The entity is not required 75726  
to deposit the fee into the state treasury; 75727

(9) Enter into a contract with the department of aging as 75728  
required under section 4751.042 of the Revised Code; 75729

(10) Create opportunities for the education, training, and 75730  
credentialing of nursing home administrators and others in 75731  
leadership positions who practice in long-term services and 75732  
supports settings or who direct the practices of others in those 75733  
settings. In carrying out this function, the board shall do the 75734  
following: 75735

(a) Identify core competencies and areas of knowledge that 75736  
are appropriate for nursing home administrators and others working 75737  
within the long-term services and supports settings system, with 75738  
an emphasis on all of the following: 75739

(i) Leadership; 75740

(ii) Person-centered care; 75741

(iii) Principles of management within both the business and 75742  
regulatory environments; 75743

(iv) An understanding of all post-acute settings, including 75744

transitions from acute settings and between post-acute settings. 75745

(b) Assist in the development of a strong, competitive market 75746  
in Ohio for training, continuing education, and degree programs in 75747  
long-term services and supports settings administration. 75748

(B) In the administration and enforcement of Chapter 4751. of 75749  
the Revised Code, and the regulations adopted thereunder, the 75750  
board is subject to Chapter 119. of the Revised Code and sections 75751  
4743.01 and 4743.02 of the Revised Code except that a notice of 75752  
appeal of an order of the board adopting, amending, or rescinding 75753  
a rule or regulation does not operate as a stay of the effective 75754  
date of such order as provided in section 119.11 of the Revised 75755  
Code. The court, at its discretion, may grant a stay of any 75756  
regulation in its application against the person filing the notice 75757  
of appeal. 75758

**Sec. 4751.041.** Except when the board of ~~examiners~~ executives 75759  
of ~~nursing home administrators~~ long-term services and supports 75760  
considers it necessary, the board shall not disclose test 75761  
materials, examinations, or evaluation tools used in an 75762  
examination for licensure as a nursing home administrator that the 75763  
board administers under section 4751.04 of the Revised Code or 75764  
contracts under that section with a private or government entity 75765  
to administer. 75766

**Sec. 4751.042.** (A) The board of executives of long-term 75767  
services and supports shall enter into a written agreement with 75768  
the department of aging for the department to serve as the board's 75769  
fiscal agent. The fiscal agent shall be responsible for all the 75770  
board's fiscal matters and financial transactions, as specified in 75771  
the agreement. The written agreement shall specify the fees that 75772  
the board shall pay to the fiscal agent for services performed 75773  
under the agreement, and such fees shall be in proportion to the 75774

|                                                                                                                                                              |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>services performed for the board.</u>                                                                                                                     | 75775 |
| <u>(1) The agreement shall require the fiscal agent to provide the following services:</u>                                                                   | 75776 |
| <u>(a) Preparation and processing of payroll and other personnel documents that the board approves;</u>                                                      | 75777 |
| <u>(a) Preparation and processing of payroll and other personnel documents that the board approves;</u>                                                      | 75778 |
| <u>(a) Preparation and processing of payroll and other personnel documents that the board approves;</u>                                                      | 75779 |
| <u>(b) Maintenance of ledgers of accounts and reports of account balances, and monitoring of budgets and allotment plans in consultation with the board;</u> | 75780 |
| <u>(b) Maintenance of ledgers of accounts and reports of account balances, and monitoring of budgets and allotment plans in consultation with the board;</u> | 75781 |
| <u>(b) Maintenance of ledgers of accounts and reports of account balances, and monitoring of budgets and allotment plans in consultation with the board;</u> | 75782 |
| <u>(c) Performance of other routine support services, specified in the agreement, that the fiscal agent considers appropriate to achieve efficiency.</u>     | 75783 |
| <u>(c) Performance of other routine support services, specified in the agreement, that the fiscal agent considers appropriate to achieve efficiency.</u>     | 75784 |
| <u>(c) Performance of other routine support services, specified in the agreement, that the fiscal agent considers appropriate to achieve efficiency.</u>     | 75785 |
| <u>(2) The agreement may require the fiscal agent to provide the following services:</u>                                                                     | 75786 |
| <u>(2) The agreement may require the fiscal agent to provide the following services:</u>                                                                     | 75787 |
| <u>(a) Any shared services between the board and the fiscal agent;</u>                                                                                       | 75788 |
| <u>(a) Any shared services between the board and the fiscal agent;</u>                                                                                       | 75789 |
| <u>(b) Any other services agreed to by the board and the department, including administrative or technical services.</u>                                     | 75790 |
| <u>(b) Any other services agreed to by the board and the department, including administrative or technical services.</u>                                     | 75791 |
| <u>(B) The board, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:</u>      | 75792 |
| <u>(B) The board, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:</u>      | 75793 |
| <u>(B) The board, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:</u>      | 75794 |
| <u>(1) Sole authority to expend funds from the board's accounts for programs and any other necessary expenses the board may incur;</u>                       | 75795 |
| <u>(1) Sole authority to expend funds from the board's accounts for programs and any other necessary expenses the board may incur;</u>                       | 75796 |
| <u>(2) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.</u>                                                 | 75797 |
| <u>(2) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.</u>                                                 | 75798 |
| <u>(C) The board shall follow all state procurement, fiscal, human resources, information technology, statutory, and administrative rule requirements.</u>   | 75799 |
| <u>(C) The board shall follow all state procurement, fiscal, human resources, information technology, statutory, and administrative rule requirements.</u>   | 75800 |
| <u>(C) The board shall follow all state procurement, fiscal, human resources, information technology, statutory, and administrative rule requirements.</u>   | 75801 |
| <u>(D) In its role as fiscal agent for the board, the department shall serve as a contractor of the board, and does not assume</u>                           | 75802 |
| <u>(D) In its role as fiscal agent for the board, the department shall serve as a contractor of the board, and does not assume</u>                           | 75803 |



responsibility for the debts or fiscal obligations of the board. 75804

**Sec. 4751.05.** (A) The board of ~~examiners~~ executives of 75805  
~~nursing home administrators~~ long-term services and supports, or a 75806  
government or private entity under contract with the board to 75807  
administer examinations for licensure as a nursing home 75808  
administrator, shall admit to an examination any candidate who: 75809

(1) Pays the application fee of fifty dollars; 75810

(2) Submits evidence of good moral character and suitability; 75811

(3) Is at least eighteen years of age; 75812

(4) Has completed educational requirements and work 75813  
experience satisfactory to the board; 75814

(5) Submits an application on forms prescribed by the board; 75815

(6) Pays the examination fee charged by the board or 75816  
government or private entity. 75817

(B) Nothing in Chapter 4751. of the Revised Code or the rules 75818  
adopted thereunder shall be construed to require an applicant for 75819  
licensure or a temporary license, who is employed by an 75820  
institution for the care and treatment of the sick to demonstrate 75821  
proficiency in any medical techniques or to meet any medical 75822  
educational qualifications or medical standards not in accord with 75823  
the remedial care and treatment provided by the institution if the 75824  
institution is all of the following: 75825

(1) Operated exclusively for patients who use spiritual means 75826  
for healing and for whom the acceptance of medical care is 75827  
inconsistent with their religious beliefs; 75828

(2) Accredited by a national accrediting organization; 75829

(3) Exempt from federal income taxation under section 501 of 75830  
the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, 75831  
as amended; 75832

(4) Providing twenty-four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code. 75833  
75834  
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(C) If a person fails three times to attain a passing grade on the examination, said person, before the person may again be admitted to examination, shall meet such additional education or experience requirements, or both, as may be prescribed by the board. 75837  
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**Sec. 4751.06.** (A) An applicant for licensure as a nursing home administrator who has successfully completed the requirements of section 4751.05 of the Revised Code, passed the examination administered by the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports or a government or private entity under contract with the board, and paid to the board an original license fee of two hundred fifty dollars shall be issued a license on a form provided by the board. Such license shall certify that the applicant has met the licensure requirements of Chapter 4751. of the Revised Code and is entitled to practice as a licensed nursing home administrator. 75842  
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(B) A temporary license for a period not to exceed one hundred eighty days may be issued to an individual temporarily filling the position of a nursing home administrator vacated by reason of death, illness, or other unexpected cause, pursuant to regulations adopted by the board. 75853  
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(C) The fee for a temporary license is one hundred dollars. Said fee must accompany the application for the temporary license. 75858  
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(D) Any license or temporary license issued by the board pursuant to this section shall be under the hand of the chairperson and the secretary of the board. 75860  
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(E) A duplicate of the original certificate of registration 75863  
or license may be secured to replace one that has been lost or 75864  
destroyed by submitting to the board a notarized statement 75865  
explaining the conditions of the loss, mutilation, or destruction 75866  
of the certificate or license and by paying a fee of twenty-five 75867  
dollars. 75868

(F) A duplicate certificate of registration and license may 75869  
be issued in the event of a legal change of name by submitting to 75870  
the board a certified copy of the court order or marriage license 75871  
establishing the change of name, by returning at the same time the 75872  
original license and certificate of registration, and by paying a 75873  
fee of twenty-five dollars. 75874

**Sec. 4751.07.** (A) Every individual who holds a valid license 75875  
as a nursing home administrator issued under division (A) of 75876  
section 4751.06 of the Revised Code, shall immediately upon 75877  
issuance thereof be registered with the board of ~~examiners~~ 75878  
executives of nursing home administrators long-term services and 75879  
supports and be issued a certificate of registration. Such 75880  
individual shall annually apply to the board for a new certificate 75881  
of registration on forms provided for such purpose prior to the 75882  
expiration of the certificate of registration and shall at the 75883  
same time submit satisfactory evidence to the board of having 75884  
attended such continuing education programs or courses of study as 75885  
may be prescribed in rules adopted by the board. 75886

(B) Upon making an application for a new certificate of 75887  
registration such individual shall pay the annual registration fee 75888  
of three hundred dollars. 75889

(C) Upon receipt of such application for registration and the 75890  
registration fee required by divisions (A) and (B) of this 75891  
section, the board shall issue a certificate of registration to 75892  
such nursing home administrator. 75893

(D) The license of a nursing home administrator who fails to 75894  
comply with this section shall automatically lapse. 75895

(E) A nursing home administrator who has been licensed and 75896  
registered in this state who determines to temporarily abandon the 75897  
practice of nursing home administration shall notify the board in 75898  
writing immediately; provided, that such individual may thereafter 75899  
register to resume the practice of nursing home administration 75900  
within the state upon complying with the requirements of this 75901  
section regarding annual registration. 75902

(F) Only an individual who has qualified as a licensed and 75903  
registered nursing home administrator under Chapter 4751. of the 75904  
Revised Code and the rules adopted thereunder, and who holds a 75905  
valid current registration certificate pursuant to this section, 75906  
may use the title "nursing home administrator," or the 75907  
abbreviation "N.H.A." after the individual's name. No other person 75908  
shall use such title or such abbreviation or any other words, 75909  
letters, sign, card, or device tending to indicate or to imply 75910  
that the person is a licensed and registered nursing home 75911  
administrator. 75912

(G) Every person holding a valid license entitling the person 75913  
to practice nursing home administration in this state shall 75914  
display said license in the nursing home which is the person's 75915  
principal place of employment, and while engaged in the practice 75916  
of nursing home administration shall have at hand the current 75917  
registration certificate. 75918

(H) Every person holding a valid temporary license shall have 75919  
such license at hand while engaged in the practice of nursing home 75920  
administration. 75921

**Sec. 4751.08.** The board of ~~examiners~~ executives of ~~nursing~~ 75922  
~~home administrators~~ long-term services and supports, in its 75923  
discretion, and otherwise subject to Chapter 4751. of the Revised 75924

Code and the rules adopted by the board thereunder prescribing the 75925  
qualifications for a nursing home administrator license, may 75926  
license a nursing home administrator without examination if ~~he~~ the 75927  
nursing home administrator has a valid license issued by the 75928  
proper authorities of any other state, upon payment of a fee of 75929  
one hundred fifty dollars, and upon submission of evidence 75930  
satisfactory to the board both: 75931

(A) That such other state maintained a system and standard of 75932  
qualifications and examinations for a nursing home administrator 75933  
license which were substantially equivalent to those required in 75934  
this state at the time such other license was issued by such other 75935  
state; 75936

(B) That such other state gives similar recognition to 75937  
nursing home administrators licensed in this state. 75938

**Sec. 4751.10.** The license or registration, or both, or the 75939  
temporary license of any person practicing or offering to practice 75940  
nursing home administration, shall be revoked or suspended by the 75941  
board of ~~examiners executives of nursing home administrators~~ 75942  
long-term services and supports if such licensee or temporary 75943  
licensee: 75944

(A) Is unfit or incompetent by reason of negligence, habits, 75945  
or other causes; 75946

(B) Has willfully or repeatedly violated any of the 75947  
provisions of Chapter 4751. of the Revised Code or the regulations 75948  
adopted thereunder; or willfully or repeatedly acted in a manner 75949  
inconsistent with the health and safety of the patients of the 75950  
nursing home in which ~~he~~ the licensee or temporary licensee is the 75951  
administrator; 75952

(C) Is guilty of fraud or deceit in the practice of nursing 75953  
home administration or in ~~his~~ the licensee's or temporary 75954

licensee's admission to such practice; 75955

(D) Has been convicted in a court of competent jurisdiction, 75956  
either within or without this state, of a felony. 75957

Proceedings under this section shall be instituted by the 75958  
board or shall be begun by filing with the board charges in 75959  
writing and under oath. 75960

**Sec. 4751.11.** (A) The board of ~~examiners~~ executives of 75961  
~~nursing home administrators~~ long-term services and supports may, 75962  
in its discretion, reissue a license or registration, or both, to 75963  
any person whose license or registration, or both, has been 75964  
revoked. 75965

(B) Application for the reissuance of a license or 75966  
registration, or both, shall not be made prior to one year after 75967  
revocation and shall be made in such manner as the board may 75968  
direct. 75969

(C) If a person convicted of a felony is subsequently 75970  
pardoned by the governor of the state where such conviction was 75971  
had or by the president of the United States, or receives a final 75972  
release granted by the adult parole authority of this state or its 75973  
equivalent agency of another state, the board may, in its 75974  
discretion, on application of such person and on the submission of 75975  
evidence satisfactory to the board restore to such person the 75976  
nursing home administrator's license or registration, or both. 75977

**Sec. 4751.12.** On receipt of a notice pursuant to section 75978  
3123.43 of the Revised Code, the board of ~~examiners~~ executives of 75979  
~~nursing home administrators~~ long-term services and supports shall 75980  
comply with sections 3123.41 to 3123.50 of the Revised Code and 75981  
any applicable rules adopted under section 3123.63 of the Revised 75982  
Code with respect to a license issued pursuant to this chapter. 75983

**Sec. 4751.13.** The board of ~~examiners~~ executives of ~~nursing~~ 75984  
~~home administrators~~ long-term services and supports shall comply 75985  
with section 4776.20 of the Revised Code. 75986

**Sec. 4751.14.** There is hereby created in the state treasury 75987  
the board of executives of long-term services and supports fund. 75988  
The fund shall consist of license and registration fees collected 75989  
under this chapter. Money in the fund shall be used by the board 75990  
of executives of long-term services and supports to administer and 75991  
enforce this chapter and the rules adopted under it. Investment 75992  
earnings of the fund shall be credited to the fund. 75993

**Sec. 4753.071.** A person who is required to meet the 75994  
supervised professional experience requirement of division (F) of 75995  
section 4753.06 of the Revised Code shall submit to the board of 75996  
speech-language pathology and audiology an application for a 75997  
conditional license. The application shall include a plan for the 75998  
content of the supervised professional experience on a form the 75999  
board shall prescribe. The board shall issue the conditional 76000  
license to the applicant if the applicant meets the requirements 76001  
of section 4753.06 of the Revised Code, other than the requirement 76002  
to have obtained the supervised professional experience, and pays 76003  
to the board the appropriate fee for a conditional license. An 76004  
applicant may not begin employment until the conditional license 76005  
has been issued. 76006

A conditional license authorizes an individual to practice 76007  
speech-language pathology or audiology while completing the 76008  
supervised professional experience as required by division (F) of 76009  
section 4753.06 of the Revised Code. A person holding a 76010  
conditional license may practice speech-language pathology or 76011  
audiology while working under the supervision of a person fully 76012  
licensed in accordance with this chapter. A conditional license is 76013

valid for eighteen months unless suspended or revoked pursuant to 76014  
section 3123.47 or 4753.10 of the Revised Code. 76015

A person holding a conditional license may perform services 76016  
for which ~~reimbursement~~ payment will be sought under the medicare 76017  
program ~~established under Title XVIII of the "Social Security~~ 76018  
~~Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended,~~ or the 76019  
medicaid program ~~established under Chapter 5111. of the Revised~~ 76020  
~~Code~~ but all requests for ~~reimbursement~~ payment for such services 76021  
shall be made by the person who supervises the person performing 76022  
the services. 76023

**Sec. 4755.481.** (A) If a physical therapist evaluates and 76024  
treats a patient without the prescription of, or the referral of 76025  
the patient by, a person described in division (G)(1) of section 76026  
4755.48 of the Revised Code, all of the following apply: 76027

(1) The physical therapist shall, upon consent of the 76028  
patient, inform the relevant person described in division (G)(1) 76029  
of section 4755.48 of the Revised Code of the evaluation not later 76030  
than five business days after the evaluation is made. 76031

(2) If the physical therapist determines, based on reasonable 76032  
evidence, that no substantial progress has been made with respect 76033  
to that patient during the thirty-day period immediately following 76034  
the date of the patient's initial visit with the physical 76035  
therapist, the physical therapist shall consult with or refer the 76036  
patient to a person described in division (G)(1) of section 76037  
4755.48 of the Revised Code, unless either of the following 76038  
applies: 76039

(a) The evaluation, treatment, or services are being provided 76040  
for fitness, wellness, or prevention purposes. 76041

(b) The patient previously was diagnosed with chronic, 76042  
neuromuscular, or developmental conditions and the evaluation, 76043



treatment, or services are being provided for problems or symptoms 76044  
associated with one or more of those previously diagnosed 76045  
conditions. 76046

(3) If the physical therapist determines that orthotic 76047  
devices are necessary to treat the patient, the physical therapist 76048  
shall be limited to the application of the following orthotic 76049  
devices: 76050

(a) Upper extremity adaptive equipment used to facilitate the 76051  
activities of daily living; 76052

(b) Finger splints; 76053

(c) Wrist splints; 76054

(d) Prefabricated elastic or fabric abdominal supports with 76055  
or without metal or plastic reinforcing stays and other 76056  
prefabricated soft goods requiring minimal fitting; 76057

(e) Nontherapeutic accommodative inlays; 76058

(f) Shoes that are not manufactured or modified for a 76059  
particular individual; 76060

(g) Prefabricated foot care products; 76061

(h) Custom foot orthotics; 76062

(i) Durable medical equipment. 76063

(4) If, at any time, the physical therapist has reason to 76064  
believe that the patient has symptoms or conditions that require 76065  
treatment or services beyond the scope of practice of a physical 76066  
therapist, the physical therapist shall refer the patient to a 76067  
licensed health care practitioner acting within the practitioner's 76068  
scope of practice. 76069

(B) Nothing in sections 4755.40 to 4755.56 of the Revised 76070  
Code shall be construed to require reimbursement under any health 76071  
insuring corporation policy, contract, or agreement, any sickness 76072

and accident insurance policy, the ~~medical assistance~~ medicaid 76073  
program ~~as defined in section 5111.01 of the Revised Code~~, or the 76074  
health partnership program or qualified health plans established 76075  
pursuant to sections 4121.44 to 4121.442 of the Revised Code, for 76076  
any physical therapy service rendered without the prescription of, 76077  
or the referral of the patient by, a person described in division 76078  
(G)(1) of section 4755.48 of the Revised Code. 76079

(C) For purposes of this section, "business day" means any 76080  
calendar day that is not a Saturday, Sunday, or legal holiday. 76081  
"Legal holiday" has the same meaning as in section 1.14 of the 76082  
Revised Code. 76083

**Sec. 4758.10.** (A) There is hereby created the chemical 76084  
dependency professionals board. 76085

(B) The governor shall appoint all of the following voting 76086  
members of the board with the advice and consent of the senate: 76087

(1) Four individuals who hold a valid independent chemical 76088  
dependency counselor-clinical supervisor license or independent 76089  
chemical dependency counselor license issued under this chapter, 76090  
including at least two of whom have received at least a master's 76091  
degree in a field related to chemical dependency counseling from 76092  
an accredited educational institution; 76093

(2) Two individuals who hold a valid chemical dependency 76094  
counselor III license issued under this chapter; 76095

(3) One individual who holds a valid chemical dependency 76096  
counselor II license issued under this chapter; 76097

(4) Two individuals who hold a valid prevention specialist II 76098  
certificate or prevention specialist I certificate issued under 76099  
this chapter; 76100

(5) One individual who is authorized under Chapter 4731. of 76101  
the Revised Code to practice medicine and surgery or osteopathic 76102

medicine and surgery and has experience practicing in a field 76103  
related to chemical dependency counseling; 76104

(6) Two individuals who represent the public and have not 76105  
practiced chemical dependency counseling or alcohol and other drug 76106  
prevention services and have not been involved in the delivery of 76107  
chemical dependency counseling services or alcohol and other drug 76108  
prevention services. At least one of these individuals shall be at 76109  
least ~~sixty~~ fifty years of age. During their terms, the public 76110  
members shall not practice chemical dependency counseling or 76111  
alcohol and other drug prevention services or be involved in the 76112  
delivery of chemical dependency counseling services or alcohol and 76113  
other drug prevention services. 76114

(C) Not later than ninety days after December 23, 2002, the 76115  
director of ~~alcohol and drug addiction services~~ mental health and 76116  
addiction services shall appoint an individual who represents the 76117  
department of ~~alcohol and drug addiction services~~ mental health 76118  
and addiction services to serve as an ex officio member of the 76119  
chemical dependency professionals board. 76120

(D) Not more than one-half of the voting members of the board 76121  
may be of the same gender or members of the same political party. 76122  
At least two voting members of the board shall be of African, 76123  
Native American, Hispanic, or Asian descent. 76124

**Sec. 4758.11.** Of the initial appointees to the chemical 76125  
dependency professionals board appointed by the governor under 76126  
division (B) of section 4758.10 of the Revised Code, four shall be 76127  
appointed for terms ending one year after ~~the effective date of~~ 76128  
~~this section~~ December 23, 2002, four shall be appointed for terms 76129  
ending two years after ~~the effective date of this section~~ December 76130  
23, 2002, and four shall be appointed for terms ending three years 76131  
after ~~the effective date of this section~~ December 23, 2002. After 76132  
the initial appointments, terms of office shall be three years, 76133

each term ending on the same day of the same month of the year as 76134  
the term it succeeds. 76135

A voting member of the board shall hold office from the date 76136  
of appointment until the end of the term for which the member was 76137  
appointed. A voting member appointed to fill a vacancy occurring 76138  
prior to the expiration of the term for which the member's 76139  
predecessor was appointed shall hold office for the remainder of 76140  
that term. A voting member shall continue in office after the 76141  
expiration date of the member's term until the member's successor 76142  
takes office or until a period of sixty days has elapsed, 76143  
whichever occurs first. Voting members may be reappointed, except 76144  
that an individual who has held office for two consecutive full 76145  
terms shall not be reappointed sooner than one year after the 76146  
expiration of the second full term. 76147

The ex officio member of the board appointed by the director 76148  
of ~~alcohol and drug addiction services~~ mental health and addiction 76149  
services under division (C) of section 4758.10 of the Revised Code 76150  
shall serve at the pleasure of the director. 76151

**Sec. 4761.01.** As used in this chapter: 76152

(A) "Respiratory care" means rendering or offering to render 76153  
to individuals, groups, organizations, or the public any service 76154  
involving the evaluation of cardiopulmonary function, the 76155  
treatment of cardiopulmonary impairment, the assessment of 76156  
treatment effectiveness, and the care of patients with 76157  
deficiencies and abnormalities associated with the cardiopulmonary 76158  
system. The practice of respiratory care includes: 76159

(1) Obtaining, analyzing, testing, measuring, and monitoring 76160  
blood and gas samples in the determination of cardiopulmonary 76161  
parameters and related physiologic data, including flows, 76162  
pressures, and volumes, and the use of equipment employed for this 76163  
purpose; 76164

(2) Administering, monitoring, recording the results of, and 76165  
instructing in the use of medical gases, aerosols, and 76166  
bronchopulmonary hygiene techniques, including drainage, 76167  
aspiration, and sampling, and applying, maintaining, and 76168  
instructing in the use of artificial airways, ventilators, and 76169  
other life support equipment employed in the treatment of 76170  
cardiopulmonary impairment and provided in collaboration with 76171  
other licensed health care professionals responsible for providing 76172  
care; 76173

(3) Performing cardiopulmonary resuscitation and respiratory 76174  
rehabilitation techniques; 76175

(4) Administering medications for the testing or treatment of 76176  
cardiopulmonary impairment. 76177

(B) "Respiratory care professional" means a person who is 76178  
licensed under this chapter to practice the full range of 76179  
respiratory care services as defined in division (A) of this 76180  
section. 76181

(C) "Physician" means an individual authorized under Chapter 76182  
4731. of the Revised Code to practice medicine and surgery or 76183  
osteopathic medicine and surgery. 76184

(D) "Registered nurse" means an individual licensed under 76185  
Chapter 4723. of the Revised Code to engage in the practice of 76186  
nursing as a registered nurse. 76187

(E) "Hospital" means a facility that meets the operating 76188  
standards of section 3727.02 of the Revised Code. 76189

(F) "Nursing facility" has the same meaning as in section 76190  
~~5111.20~~ 5165.01 of the Revised Code. 76191

**Sec. 4906.20.** (A) No person shall commence to construct an 76192  
economically significant wind farm in this state without first 76193  
having obtained a certificate from the power siting board. An 76194

economically significant wind farm with respect to which such a certificate is required shall be constructed, operated, and maintained in conformity with that certificate and any terms, conditions, and modifications it contains. A certificate shall be issued only pursuant to this section. The certificate may be transferred, subject to the approval of the board, to a person that agrees to comply with those terms, conditions, and modifications.

(B) The board shall adopt rules governing the certificating of economically significant wind farms under this section. Initial rules shall be adopted within one hundred twenty days after June 24, 2008.

(1) The rules shall provide for an application process for certificating economically significant wind farms that is identical to the extent practicable to the process applicable to certificating major utility facilities under sections 4906.06, 4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and 4906.12 of the Revised Code and shall prescribe a reasonable schedule of application filing fees structured in the manner of the schedule of filing fees required for major utility facilities.

(2) Additionally, the rules shall prescribe reasonable regulations regarding any wind turbines and associated facilities of an economically significant wind farm, including, but not limited to, their location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement and including erosion control, aesthetics, recreational land use, wildlife protection, interconnection with power lines and with regional transmission organizations, independent transmission system operators, or similar organizations, ice throw, sound and noise levels, blade shear, shadow flicker, decommissioning, and necessary cooperation for

site visits and enforcement investigations. The rules also shall 76226  
prescribe a minimum setback for a wind turbine of an economically 76227  
significant wind farm. That minimum shall be equal to a horizontal 76228  
distance, from the turbine's base to the property line of the wind 76229  
farm property, equal to one and one-tenth times the total height 76230  
of the turbine structure as measured from its base to the tip of 76231  
its highest blade and be at least ~~seven~~ one thousand two hundred 76232  
fifty feet in horizontal distance from the tip of the turbine's 76233  
nearest blade at ninety degrees to the exterior of the nearest, 76234  
habitable, residential structure, if any, located on adjacent 76235  
property at the time of the certification application. For a 76236  
certification application filed before the effective date of the 76237  
amendment of this section, including any amendment of that 76238  
application filed on or after that effective date, the distance 76239  
shall be seven hundred fifty feet instead of one thousand two 76240  
hundred fifty feet. The setback shall apply in all cases except 76241  
those in which all owners of property adjacent to the wind farm 76242  
property waive application of the setback to that property 76243  
pursuant to a procedure the board shall establish by rule and 76244  
except in which, in a particular case, the board determines that a 76245  
setback greater than the minimum is necessary. 76246

**Sec. 5101.01.** (A) As used in the Revised Code, the 76247  
"department of public welfare" and the "department of human 76248  
services" mean the department of job and family services and the 76249  
"director of public welfare" and the "director of human services" 76250  
mean the director of job and family services. ~~Whenever~~ Except as 76251  
provided in section 5160.011 of the Revised Code, whenever the 76252  
department or director of public welfare or the department or 76253  
director of human services is referred to or designated in any 76254  
statute, rule, contract, grant, or other document, the reference 76255  
or designation shall be deemed to refer to the department or 76256  
director of job and family services, as the case may be. 76257

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (B) As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 76258                                                                                  |
| (1) References to a county department of job and family services include a joint county department of job and family services established under section 329.40 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 76259<br>76260<br>76261                                                                |
| (2) References to a board of county commissioners include the board of directors of a joint county department of job and family services established under section 329.40 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                            | 76262<br>76263<br>76264                                                                |
| <u>Sec. 5101.101. (A) This section establishes the order of priority to be followed by the department of job and family services when distributing funds for the purpose of providing family planning services, including funds the department receives through Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended, and funds the department receives through Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be used for purposes of providing Title XX social services. This section does not apply to payments made under the medicaid program.</u> | 76265<br>76266<br>76267<br>76268<br>76269<br>76270<br>76271<br>76272<br>76273<br>76274 |
| <u>(B) With respect to each period during which funds from a particular source are distributed for the purpose of providing family planning services, the department is subject to both of the following when distributing the funds to applicants seeking those funds:</u>                                                                                                                                                                                                                                                                                                                                                               | 76275<br>76276<br>76277<br>76278<br>76279                                              |
| <u>(1) Foremost priority shall be given to public entities that are operated by state or local government entities and that provide or are able to provide family planning services.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 76280<br>76281<br>76282                                                                |
| <u>(2) If any funds remain after the department distributes funds to public entities under division (B)(1) of this section, the department may distribute funds to nonpublic entities. If funds are distributed to nonpublic entities, the department shall distribute the funds in the following order of descending</u>                                                                                                                                                                                                                                                                                                                 | 76283<br>76284<br>76285<br>76286<br>76287                                              |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <u>priority:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 76288                                                                         |
| <u>(a) Nonpublic entities that are federally qualified health centers or federally qualified health center look-alikes, both as defined in section 3701.047 of the Revised Code, or community action agencies, as defined in section 122.66 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                               | 76289<br>76290<br>76291<br>76292                                              |
| <u>(b) Nonpublic entities that provide comprehensive primary and preventive care services in addition to family planning services;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 76293<br>76294                                                                |
| <u>(c) Nonpublic entities that provide family planning services, but do not provide comprehensive primary and preventive care services.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 76295<br>76296<br>76297                                                       |
| <del>Sec. 5101.11. This section does not apply to contracts entered into under section 5111.90 or 5111.91 of the Revised Code.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 76298<br>76299                                                                |
| (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 76300                                                                         |
| (1) "Entity" includes an agency, board, commission, or department of the state or a political subdivision of the state; a private, nonprofit entity; a school district; a private school; or a public or private institution of higher education.                                                                                                                                                                                                                                                                                                                                                                  | 76301<br>76302<br>76303<br>76304                                              |
| (2) "Federal financial participation" means the federal government's share of expenditures made by an entity in implementing a program administered by the department of job and family services.                                                                                                                                                                                                                                                                                                                                                                                                                  | 76305<br>76306<br>76307<br>76308                                              |
| (B) At the request of any public entity having authority to implement a program administered by the department of job and family services or any private entity under contract with a public entity to implement a program administered by the department, the department may seek to obtain federal financial participation for costs incurred by the entity. Federal financial participation may be sought from programs operated pursuant to Title IV-A, <u>of the "Social Security Act," 42 U.S.C. 601 et seq.;</u> Title IV-E, <del>and Title XIX of the "Social Security Act," 49 Stat. 620 (1935),</del> 42 | 76309<br>76310<br>76311<br>76312<br>76313<br>76314<br>76315<br>76316<br>76317 |

U.S.C. 301, ~~as amended~~ 670 et seq.; the Food and Nutrition Act of 76318  
2008 (7 U.S.C. 2011 et seq.); and any other statute or regulation 76319  
under which federal financial participation may be available, 76320  
except that federal financial participation may be sought only for 76321  
expenditures made with funds for which federal financial 76322  
participation is available under federal law. 76323

(C) All funds collected by the department ~~of job and family~~ 76324  
~~services~~ pursuant to division (B) of this section shall be 76325  
distributed to the entities that incurred the costs, except for 76326  
any amounts retained by the department pursuant to division (D)(3) 76327  
of this section. 76328

(D) In distributing federal financial participation pursuant 76329  
to this section, the department may either enter into an agreement 76330  
with the entity that is to receive the funds or distribute the 76331  
funds in accordance with rules adopted under division (F) of this 76332  
section. If the department decides to enter into an agreement to 76333  
distribute the funds, the agreement may include terms that do any 76334  
of the following: 76335

(1) Provide for the whole or partial reimbursement of any 76336  
cost incurred by the entity in implementing the program; 76337

(2) In the event that federal financial participation is 76338  
disallowed or otherwise unavailable for any expenditure, require 76339  
the department ~~of job and family services~~ or the entity, whichever 76340  
party caused the disallowance or unavailability of federal 76341  
financial participation, to assume responsibility for the 76342  
expenditures; 76343

(3) Permit the department to retain not more than five per 76344  
cent of the amount of the federal financial participation to be 76345  
distributed to the entity; 76346

(4) Require the public entity to certify the availability of 76347  
sufficient unencumbered funds to match the federal financial 76348

participation it receives under this section; 76349

(5) Establish the length of the agreement, which may be for a 76350  
fixed or a continuing period of time; 76351

(6) Establish any other requirements determined by the 76352  
department to be necessary for the efficient administration of the 76353  
agreement. 76354

(E) An entity that receives federal financial participation 76355  
pursuant to this section for a program aiding children and their 76356  
families shall establish a process for collaborative planning with 76357  
the department ~~of job and family services~~ for the use of the funds 76358  
to improve and expand the program. 76359

(F) The director of job and family services shall adopt rules 76360  
as necessary to implement this section, including rules for the 76361  
distribution of federal financial participation pursuant to this 76362  
section. The rules shall be adopted in accordance with Chapter 76363  
119. of the Revised Code. The director may adopt or amend any 76364  
statewide plan required by the federal government for a program 76365  
administered by the department, as necessary to implement this 76366  
section. 76367

(G) Federal financial participation received pursuant to this 76368  
section shall not be included in any calculation made under 76369  
section 5101.16 or 5101.161 of the Revised Code. 76370

**Sec. 5101.141.** (A) As used in sections 5101.141 to 5101.1410 76371  
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 76372  
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 76373

(B) The department of job and family services shall act as 76374  
the single state agency to administer federal payments for foster 76375  
care and adoption assistance made pursuant to Title IV-E. The 76376  
director of job and family services shall adopt rules to implement 76377  
this authority. Rules governing financial and administrative 76378

requirements applicable to public children services agencies and 76379  
government entities that provide Title IV-E reimbursable placement 76380  
services to children shall be adopted in accordance with section 76381  
111.15 of the Revised Code, as if they were internal management 76382  
rules. Rules governing requirements applicable to private child 76383  
placing agencies and private noncustodial agencies and rules 76384  
establishing eligibility, program participation, and other 76385  
requirements concerning Title IV-E shall be adopted in accordance 76386  
with Chapter 119. of the Revised Code. A public children services 76387  
agency to which the department distributes Title IV-E funds shall 76388  
administer the funds in accordance with those rules. 76389

(C)(1) The county, on behalf of each child eligible for 76390  
foster care maintenance payments under Title IV-E, shall make 76391  
payments to cover the cost of providing all of the following: 76392

(a) The child's food, clothing, shelter, daily supervision, 76393  
and school supplies; 76394

(b) The child's personal incidentals; 76395

(c) Reasonable travel to the child's home for visitation. 76396

(2) In addition to payments made under division (C)(1) of 76397  
this section, the county may, on behalf of each child eligible for 76398  
foster care maintenance payments under Title IV-E, make payments 76399  
to cover the cost of providing the following: 76400

(a) Liability insurance with respect to the child; 76401

(b) If the county is participating in the demonstration 76402  
project established under division (A) of section 5101.142 of the 76403  
Revised Code, services provided under the project. 76404

(3) With respect to a child who is in a child-care 76405  
institution, including any type of group home designed for the 76406  
care of children or any privately operated program consisting of 76407  
two or more certified foster homes operated by a common 76408

administrative unit, the foster care maintenance payments made by 76409  
the county on behalf of the child shall include the reasonable 76410  
cost of the administration and operation of the institution, group 76411  
home, or program, as necessary to provide the items described in 76412  
divisions (C)(1) and (2) of this section. 76413

(D) To the extent that either foster care maintenance 76414  
payments under division (C) of this section or Title IV-E adoption 76415  
assistance payments for maintenance costs require the expenditure 76416  
of county funds, the board of county commissioners shall report 76417  
the nature and amount of each expenditure of county funds to the 76418  
department. 76419

(E) The department shall distribute to public children 76420  
services agencies that incur and report expenditures of the type 76421  
described in division (D) of this section federal financial 76422  
participation received for administrative and training costs 76423  
incurred in the operation of foster care maintenance and adoption 76424  
assistance programs. The department may withhold not more than 76425  
three per cent of the federal financial participation received. 76426  
The funds withheld may be used only to fund the following: 76427

(1) The Ohio child welfare training program established under 76428  
section 5103.30 of the Revised Code; 76429

(2) The university partnership program for college and 76430  
university students majoring in social work who have committed to 76431  
work for a public children services agency upon graduation; 76432

(3) Efforts supporting organizational excellence, including 76433  
voluntary activities to be accredited by a nationally recognized 76434  
accreditation organization. 76435

The funds withheld shall be in addition to any administration 76436  
and training cost for which the department is reimbursed through 76437  
its own cost allocation plan. 76438

(F) All federal financial participation funds received by a 76439

county pursuant to this section shall be deposited into the 76440  
county's children services fund created pursuant to section 76441  
5101.144 of the Revised Code. 76442

(G) The department shall periodically publish and distribute 76443  
the maximum amounts that the department will reimburse public 76444  
children services agencies for making payments on behalf of 76445  
children eligible for foster care maintenance payments. 76446

(H) The department, by and through its director, is hereby 76447  
authorized to develop, participate in the development of, 76448  
negotiate, and enter into one or more interstate compacts on 76449  
behalf of this state with agencies of any other states, for the 76450  
provision of ~~medical assistance and other~~ social services to 76451  
children in relation to whom all of the following apply: 76452

(1) They have special needs. 76453

(2) This state or another state that is a party to the 76454  
interstate compact is providing adoption assistance on their 76455  
behalf. 76456

(3) They move into this state from another state or move out 76457  
of this state to another state. 76458

**Sec. 5101.16.** (A) As used in this section and sections 76459  
5101.161 and 5101.162 of the Revised Code: 76460

(1) "Disability financial assistance" means the financial 76461  
assistance program established under Chapter 5115. of the Revised 76462  
Code. 76463

(2) "Supplemental nutrition assistance program" means the 76464  
program administered by the department of job and family services 76465  
pursuant to section 5101.54 of the Revised Code. 76466

(3) ~~"Medicaid" means the medical assistance program 76467  
established by Chapter 5111. of the Revised Code, excluding 76468  
transportation services provided under that chapter. 76469~~

|                                                                                                                                                                                                                                                                                                                                                                          |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <del>(4)</del> "Ohio works first" means the program established by Chapter 5107. of the Revised Code.                                                                                                                                                                                                                                                                    | 76470<br>76471                                     |
| <del>(5)</del> <u>(4)</u> "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.                                                                                                                                                                                                                                   | 76472<br>76473                                     |
| <del>(6)</del> <u>(5)</u> "Public assistance expenditures" means expenditures for all of the following:                                                                                                                                                                                                                                                                  | 76474<br>76475                                     |
| (a) Ohio works first;                                                                                                                                                                                                                                                                                                                                                    | 76476                                              |
| (b) County administration of Ohio works first;                                                                                                                                                                                                                                                                                                                           | 76477                                              |
| (c) Prevention, retention, and contingency;                                                                                                                                                                                                                                                                                                                              | 76478                                              |
| (d) County administration of prevention, retention, and contingency;                                                                                                                                                                                                                                                                                                     | 76479<br>76480                                     |
| (e) Disability financial assistance;                                                                                                                                                                                                                                                                                                                                     | 76481                                              |
| (f) County administration of disability financial assistance;                                                                                                                                                                                                                                                                                                            | 76482                                              |
| (g) County administration of the supplemental nutrition assistance program;                                                                                                                                                                                                                                                                                              | 76483<br>76484                                     |
| (h) County administration of medicaid, <u>excluding administrative expenditures for transportation services covered by the medicaid program.</u>                                                                                                                                                                                                                         | 76485<br>76486<br>76487                            |
| (7) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.                                                                                                                                                                                                                                                                                 | 76488<br>76489                                     |
| (B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter: | 76490<br>76491<br>76492<br>76493<br>76494<br>76495 |
| (1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and county administration of that program during the state fiscal year ending                                                                                                                                                                         | 76496<br>76497<br>76498                            |

in the previous calendar year that the department of job and 76499  
family services determines are allowable. 76500

(2) The amount that is ten per cent, or other percentage 76501  
determined under division (D) of this section, of the county's 76502  
total expenditures for county administration of the supplemental 76503  
nutrition assistance program and medicaid (excluding 76504  
administrative expenditures for transportation services covered by 76505  
the medicaid program) during the state fiscal year ending in the 76506  
previous calendar year that the department determines are 76507  
allowable, less the amount of federal reimbursement credited to 76508  
the county under division (E) of this section for the state fiscal 76509  
year ending in the previous calendar year; 76510

(3) A percentage of the actual amount of the county share of 76511  
program and administrative expenditures during federal fiscal year 76512  
1994 for assistance and services, other than child care, provided 76513  
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 76514  
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 76515  
enactment of the "Personal Responsibility and Work Opportunity 76516  
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 76517  
and family services shall determine the actual amount of the 76518  
county share from expenditure reports submitted to the United 76519  
States department of health and human services. The percentage 76520  
shall be the percentage established in rules adopted under 76521  
division (F) of this section. 76522

(C)(1) If a county's share of public assistance expenditures 76523  
determined under division (B) of this section for a state fiscal 76524  
year exceeds one hundred five per cent of the county's share for 76525  
those expenditures for the immediately preceding state fiscal 76526  
year, the department of job and family services shall reduce the 76527  
county's share for expenditures under divisions (B)(1) and (2) of 76528  
this section so that the total of the county's share for 76529  
expenditures under division (B) of this section equals one hundred 76530



five per cent of the county's share of those expenditures for the 76531  
immediately preceding state fiscal year. 76532

(2) A county's share of public assistance expenditures 76533  
determined under division (B) of this section may be increased 76534  
pursuant to section 5101.163 of the Revised Code and a sanction 76535  
under section 5101.24 of the Revised Code. An increase made 76536  
pursuant to section 5101.163 of the Revised Code may cause the 76537  
county's share to exceed the limit established by division (C)(1) 76538  
of this section. 76539

(D)(1) If the per capita tax duplicate of a county is less 76540  
than the per capita tax duplicate of the state as a whole and 76541  
division (D)(2) of this section does not apply to the county, the 76542  
percentage to be used for the purpose of division (B)(2) of this 76543  
section is the product of ten multiplied by a fraction of which 76544  
the numerator is the per capita tax duplicate of the county and 76545  
the denominator is the per capita tax duplicate of the state as a 76546  
whole. The department of job and family services shall compute the 76547  
per capita tax duplicate for the state and for each county by 76548  
dividing the tax duplicate for the most recent available year by 76549  
the current estimate of population prepared by the ~~department of~~ 76550  
development services agency. 76551

(2) If the percentage of families in a county with an annual 76552  
income of less than three thousand dollars is greater than the 76553  
percentage of such families in the state and division (D)(1) of 76554  
this section does not apply to the county, the percentage to be 76555  
used for the purpose of division (B)(2) of this section is the 76556  
product of ten multiplied by a fraction of which the numerator is 76557  
the percentage of families in the state with an annual income of 76558  
less than three thousand dollars a year and the denominator is the 76559  
percentage of such families in the county. The department of job 76560  
and family services shall compute the percentage of families with 76561  
an annual income of less than three thousand dollars for the state 76562

and for each county by multiplying the most recent estimate of 76563  
such families published by the ~~department of~~ development services 76564  
agency, by a fraction, the numerator of which is the estimate of 76565  
average annual personal income published by the bureau of economic 76566  
analysis of the United States department of commerce for the year 76567  
on which the census estimate is based and the denominator of which 76568  
is the most recent such estimate published by the bureau. 76569

(3) If the per capita tax duplicate of a county is less than 76570  
the per capita tax duplicate of the state as a whole and the 76571  
percentage of families in the county with an annual income of less 76572  
than three thousand dollars is greater than the percentage of such 76573  
families in the state, the percentage to be used for the purpose 76574  
of division (B)(2) of this section shall be determined as follows: 76575

(a) Multiply ten by the fraction determined under division 76576  
(D)(1) of this section; 76577

(b) Multiply the product determined under division (D)(3)(a) 76578  
of this section by the fraction determined under division (D)(2) 76579  
of this section. 76580

(4) The department of job and family services shall 76581  
determine, for each county, the percentage to be used for the 76582  
purpose of division (B)(2) of this section not later than the 76583  
first day of July of the year preceding the state fiscal year for 76584  
which the percentage is used. 76585

(E) The department of job and family services shall credit to 76586  
a county the amount of federal reimbursement the department 76587  
receives from the United States departments of agriculture and 76588  
health and human services for the county's expenditures for 76589  
administration of the supplemental nutrition assistance program 76590  
and medicaid (excluding administrative expenditures for 76591  
transportation services covered by the medicaid program) that the 76592  
department determines are allowable administrative expenditures. 76593

(F)(1) The director of job and family services shall adopt 76594  
rules in accordance with section 111.15 of the Revised Code to 76595  
establish all of the following: 76596

(a) The method the department is to use to change a county's 76597  
share of public assistance expenditures determined under division 76598  
(B) of this section as provided in division (C) of this section; 76599

(b) The allocation methodology and formula the department 76600  
will use to determine the amount of funds to credit to a county 76601  
under this section; 76602

(c) The method the department will use to change the payment 76603  
of the county share of public assistance expenditures from a 76604  
calendar-year basis to a state fiscal year basis; 76605

(d) The percentage to be used for the purpose of division 76606  
(B)(3) of this section, which shall, except as provided in section 76607  
5101.163 of the Revised Code, meet both of the following 76608  
requirements: 76609

(i) The percentage shall not be less than seventy-five per 76610  
cent nor more than eighty-two per cent; 76611

(ii) The percentage shall not exceed the percentage that the 76612  
state's qualified state expenditures is of the state's historic 76613  
state expenditures as those terms are defined in 42 U.S.C. 76614  
609(a)(7). 76615

(e) Other procedures and requirements necessary to implement 76616  
this section. 76617

(2) The director of job and family services may amend the 76618  
rule adopted under division (F)(1)(d) of this section to modify 76619  
the percentage on determination that the amount the general 76620  
assembly appropriates for Title IV-A programs makes the 76621  
modification necessary. The rule shall be adopted and amended as 76622  
if an internal management rule and in consultation with the 76623

director of budget and management. 76624

**Sec. 5101.162.** Subject to available federal funds and 76625  
appropriations made by the general assembly, the department of job 76626  
and family services may, at its sole discretion, use available 76627  
federal funds to reimburse county expenditures for county 76628  
administration of the supplemental nutrition assistance program or 76629  
medicaid (excluding administrative expenditures for transportation 76630  
services covered by the medicaid program) even though the county 76631  
expenditures meet or exceed the maximum allowable reimbursement 76632  
amount established by rules adopted under section 5101.161 of the 76633  
Revised Code. The director of job and family services may adopt 76634  
internal management rules in accordance with section 111.15 of the 76635  
Revised Code to implement this section. 76636

**Sec. 5101.18.** ~~(A)~~ When the director of job and family 76637  
services adopts rules under section 5107.05 regarding income 76638  
requirements for the Ohio works first program and under section 76639  
5115.03 of the Revised Code regarding income and resource 76640  
requirements for the disability financial assistance program, the 76641  
director shall determine what payments shall be regarded or 76642  
disregarded. In making this determination, the director shall 76643  
consider: 76644

~~(1)~~(A) The source of the payment; 76645

~~(2)~~(B) The amount of the payment; 76646

~~(3)~~(C) The purpose for which the payment was made; 76647

~~(4)~~(D) Whether regarding the payment as income would be in 76648  
the public interest; 76649

~~(5)~~(E) Whether treating the payment as income would be 76650  
detrimental to any of the programs administered in whole or in 76651  
part by the department of job and family services and whether such 76652  
determination would jeopardize the receipt of any federal grant or 76653

payment by the state or any receipt of aid under Chapter 5107. of 76654  
the Revised Code. 76655

~~(B) Any recipient of aid under Title XVI of the "Social 76656  
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, 76657  
whose money payment is discontinued as the result of a general 76658  
increase in old age, survivors, and disability insurance benefits 76659  
under such act, shall remain a recipient for the purpose of 76660  
receiving medical assistance through the medical assistance 76661  
program established under section 5111.01 of the Revised Code. 76662~~

**Sec. 5101.181.** (A) As used in this section and section 76663  
5101.182 of the Revised Code: 76664

~~(1) "Public, "public assistance" means any or all of the 76665  
following: 76666~~

~~(a)(1) Ohio works first; 76667~~

~~(b)(2) Prevention, retention, and contingency; 76668~~

~~(c)(3) Disability financial assistance; 76669~~

~~(d)(4) General assistance provided prior to July 17, 1995, 76670  
under former Chapter 5113. of the Revised Code. 76671~~

~~(2) "Medical assistance" means medical assistance provided 76672  
pursuant to, or under programs established by, section 5101.49, 76673  
sections 5101.50 to 5101.529, Chapter 5111., or any other 76674  
provision of the Revised Code. 76675~~

(B) As part of the procedure for the determination of 76676  
overpayment to a recipient of public assistance under Chapter 76677  
5107., 5108., or 5115. of the Revised Code, the director of job 76678  
and family services may furnish quarterly the name and social 76679  
security number of each individual who receives public assistance 76680  
to the director of administrative services, the administrator of 76681  
the bureau of workers' compensation, and each of the state's 76682  
retirement boards. Within fourteen days after receiving the name 76683

and social security number of an individual who receives public 76684  
assistance, the director of administrative services, 76685  
administrator, or board shall inform the auditor of state as to 76686  
whether such individual is receiving wages or benefits, the amount 76687  
of any wages or benefits being received, the social security 76688  
number, and the address of the individual. The director of 76689  
administrative services, administrator, boards, and any agent or 76690  
employee of those officials and boards shall comply with the rules 76691  
of the director of job and family services restricting the 76692  
disclosure of information regarding recipients of public 76693  
assistance. Any person who violates this provision shall 76694  
thereafter be disqualified from acting as an agent or employee or 76695  
in any other capacity under appointment or employment of any state 76696  
board, commission, or agency. 76697

(C) The auditor of state may enter into a reciprocal 76698  
agreement with the director of job and family services or 76699  
comparable officer of any other state for the exchange of names, 76700  
current or most recent addresses, or social security numbers of 76701  
persons receiving public assistance under Title IV-A of the 76702  
"Social Security Act," ~~49 Stat. 620 (1935), 42 U.S.C. 301, as~~ 76703  
~~amended 601 et seq.~~ 76704

(D) The auditor of state shall retain, for not less than two 76705  
years, at least one copy of all information received under this 76706  
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 76707  
5101.182, and 5505.04 of the Revised Code. 76708

~~(E) On the request of the director of job and family 76709  
services, the auditor of state may conduct an audit of an 76710  
individual who receives medical assistance. If the auditor decides 76711  
to conduct an audit, the auditor shall enter into an interagency 76712  
agreement with the department of job and family services that 76713  
specifies that the auditor agrees to comply with section 5101.271 76714  
of the Revised Code with respect to any information the auditor 76715~~

~~receives pursuant to the audit.~~ 76716

~~(F)~~ The auditor shall review the information described in 76717  
division (D) of this section to determine whether overpayments 76718  
were made to recipients of public assistance under Chapters 5107., 76719  
5108., and 5115. of the Revised Code. The auditor of state shall 76720  
initiate action leading to prosecution, where warranted, of 76721  
recipients who received overpayments by forwarding the name of 76722  
each recipient who received overpayment, together with other 76723  
pertinent information, to the director of job and family services, 76724  
the attorney general, and the county director of job and family 76725  
services and county prosecutor of the county through which public 76726  
assistance was received. 76727

~~(G)~~(F) The auditor of state and the attorney general or their 76728  
designees may examine any records, whether in computer or printed 76729  
format, in the possession of the director of job and family 76730  
services or any county director of job and family services. They 76731  
shall provide safeguards which restrict access to such records to 76732  
purposes directly connected with an audit or investigation, 76733  
prosecution, or criminal or civil proceeding conducted in 76734  
connection with the administration of the programs and shall 76735  
comply with ~~sections~~ section 5101.27 ~~and 5101.271~~ of the Revised 76736  
Code and ~~adopts~~ rules of adopted by the director of job and family 76737  
services restricting the disclosure of information regarding 76738  
recipients of public assistance ~~or medical assistance~~. Any person 76739  
who violates this provision shall thereafter be disqualified from 76740  
acting as an agent or employee or in any other capacity under 76741  
appointment or employment of any state board, commission, or 76742  
agency. 76743

~~(H)~~(G) Costs incurred by the auditor of state in carrying out 76744  
the auditor of state's duties under this section shall be borne by 76745  
the auditor of state. 76746

**Sec. 5101.183.** (A) ~~Except as provided in section 5111.12 of~~ 76747  
~~the Revised Code, the~~ The director of job and family services, in 76748  
accordance with section 111.15 of the Revised Code, may adopt 76749  
rules under which county family services agencies shall take 76750  
action to recover the cost of the following benefits and services 76751  
available under programs administered by the department of job and 76752  
family services: 76753

(1) Benefits or services provided to any of the following: 76754

(a) Persons who were not eligible for the benefits or 76755  
services but who secured the benefits or services through fraud or 76756  
misrepresentation; 76757

(b) Persons who were eligible for the benefits or services 76758  
but who intentionally diverted the benefits or services to other 76759  
persons who were not eligible for the benefits or services. 76760

(2) Any benefits or services provided by a county family 76761  
services agency for which recovery is required or permitted by 76762  
federal law for the federal programs administered by the agency. 76763

(B) A county family services agency may bring a civil action 76764  
against a recipient of benefits or services to recover any costs 76765  
described in division (A) of this section. 76766

(C) A county family services agency shall retain any money it 76767  
recovers under division (A) of this section and shall use the 76768  
money to meet a family services duty, except that, if federal law 76769  
requires the department of job and family services to return any 76770  
portion of the money so recovered to the federal government, the 76771  
county family services agency shall pay that portion to the 76772  
department of job and family services. 76773

**Sec. 5101.184.** (A) The director of job and family services 76774  
shall work with the tax commissioner to collect overpayments of 76775  
assistance under Chapter 5107., ~~5111.~~ or 5115., former Chapter 76776



5113., or section 5101.54 of the Revised Code from refunds of 76777  
state income taxes for taxable year 1992 and thereafter that are 76778  
payable to the recipients of such overpayments. 76779

Any overpayment of assistance, whether obtained by fraud or 76780  
misrepresentation, as the result of an error by the recipient or 76781  
by the agency making the payment, or in any other manner, may be 76782  
collected under this section. Any reduction under section 5747.12 76783  
or 5747.121 of the Revised Code to an income tax refund shall be 76784  
made before a reduction under this section. No reduction shall be 76785  
made under this section if the amount of the refund is less than 76786  
twenty-five dollars after any reduction under section 5747.12 of 76787  
the Revised Code. A reduction under this section shall be made 76788  
before any part of the refund is contributed under section 76789  
5747.113 of the Revised Code, or is credited under section 5747.12 76790  
of the Revised Code against tax due in any subsequent year. 76791

The director and the tax commissioner, by rules adopted in 76792  
accordance with Chapter 119. of the Revised Code, shall establish 76793  
procedures to implement this division. The procedures shall 76794  
provide for notice to a recipient of assistance and an opportunity 76795  
for the recipient to be heard before the recipient's income tax 76796  
refund is reduced. 76797

(B) The director of job and family services may enter into 76798  
agreements with the federal government to collect overpayments of 76799  
assistance from refunds of federal income taxes that are payable 76800  
to recipients of the overpayments. 76801

**Sec. 5101.26.** As used in this section and in sections 5101.27 76802  
to 5101.30 of the Revised Code: 76803

(A) "County agency" means a county department of job and 76804  
family services or a public children services agency. 76805

(B) "Fugitive felon" means an individual who is fleeing to 76806

avoid prosecution, or custody or confinement after conviction, 76807  
under the laws of the place from which the individual is fleeing, 76808  
for a crime or an attempt to commit a crime that is a felony under 76809  
the laws of the place from which the individual is fleeing or, in 76810  
the case of New Jersey, a high misdemeanor, regardless of whether 76811  
the individual has departed from the individual's usual place of 76812  
residence. 76813

(C) "Information" means records as defined in section 149.011 76814  
of the Revised Code, any other documents in any format, and data 76815  
derived from records and documents that are generated, acquired, 76816  
or maintained by the department of job and family services, a 76817  
county agency, or an entity performing duties on behalf of the 76818  
department or a county agency. 76819

(D) "Law enforcement agency" means the state highway patrol, 76820  
an agency that employs peace officers as defined in section 109.71 76821  
of the Revised Code, the adult parole authority, a county 76822  
department of probation, a prosecuting attorney, the attorney 76823  
general, similar agencies of other states, federal law enforcement 76824  
agencies, and postal inspectors. "Law enforcement agency" includes 76825  
the peace officers and other law enforcement officers employed by 76826  
the agency. 76827

~~(E) "Medical assistance" means medical assistance provided 76828  
pursuant to, or under programs established by, section 5101.49, 76829  
sections 5101.50 to 5101.529, Chapter 5111., or any other 76830  
provision of the Revised Code. 76831~~

~~(F) "Medical assistance recipient" means an applicant for or 76832  
recipient or former recipient of medical assistance. 76833~~

~~(G) "Public assistance" means financial assistance or social 76834  
services that are not medical assistance provided under a program 76835  
administered by the department of job and family services or a 76836  
county agency pursuant to Chapter 329., 5101., 5104., 5107., 76837~~

5108., or 5115. of the Revised Code or an executive order issued 76838  
under section 107.17 of the Revised Code. "Public assistance" does 76839  
not mean medical assistance provided under a medical assistance 76840  
program, as defined in section 5160.01 of the Revised Code. 76841

~~(H)~~(F) "Public assistance recipient" means an applicant for 76842  
or recipient or former recipient of public assistance. 76843

**Sec. 5101.272.** (A) For the purposes of ~~sections~~ section 76844  
5101.27 ~~and 5101.271~~ of the Revised Code, an authorization shall 76845  
be made on a form that uses language understandable to the average 76846  
person and contains all of the following: 76847

(1) A description of the information to be used or disclosed 76848  
that identifies the information in a specific and meaningful 76849  
fashion; 76850

(2) The name or other specific identification of the person 76851  
or class of persons authorized to make the requested use or 76852  
disclosure; 76853

(3) The name or other specific identification of the person 76854  
or governmental entity to which the information may be released; 76855

(4) A description of each purpose of the requested use or 76856  
disclosure of the information; 76857

(5) The date on which the authorization expires or an event 76858  
related either to the individual who is the subject of the request 76859  
or to the purposes of the requested use or disclosure, the 76860  
occurrence of which will cause the authorization to expire; 76861

(6) A statement that the information used or disclosed 76862  
pursuant to the authorization may be disclosed by the recipient of 76863  
the information and may no longer be protected from disclosure; 76864

(7) The signature of the individual or the individual's 76865  
authorized representative and the date on which the authorization 76866  
was signed; 76867

(8) If signed by an authorized representative, a description of the representative's authority to act for the individual; 76868  
76869

(9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with one of the following: 76870  
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76872

(a) A description of how the individual or authorized representative may revoke the authorization; 76873  
76874

(b) If the department of job and family services' privacy notice contains a description of how the individual or authorized representative may revoke the authorization, a reference to that privacy notice. 76875  
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(10) A statement that treatment, payment, enrollment, or eligibility for public assistance ~~or medical assistance~~ cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the public assistance ~~or medical assistance~~ program. 76879  
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~~(B) An authorization for the release of information regarding a medical assistance recipient to the recipient's attorney under division (C)(3) of section 5101.271 of the Revised Code may include a provision specifically authorizing the release of the recipient's electronic health records, if any, in accordance with rules the director of job and family services adopts under section 5101.30 of the Revised Code.~~ 76884  
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~~(C)~~ When an individual requests information pursuant to section 5101.27 ~~or 5101.271~~ of the Revised Code regarding the individual's receipt of public assistance ~~or medical assistance~~ and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section. 76891  
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**Sec. 5101.273.** The department of job and family services 76897

shall enter into any necessary agreements with the United States 76898  
department of health and human services and neighboring states to 76899  
join and participate as an active member in the public assistance 76900  
reporting information system. The department may disclose 76901  
information regarding a public assistance recipient ~~or medical~~ 76902  
~~assistance recipient~~ to the extent necessary to participate as an 76903  
active member in the public assistance reporting information 76904  
system. 76905

**Sec. 5101.30.** (A) The director of job and family services 76906  
shall adopt rules in accordance with Chapter 119. of the Revised 76907  
Code implementing sections 5101.26 to 5101.30 of the Revised Code 76908  
and governing the custody, use, disclosure, and preservation of 76909  
the information generated or received by the department of job and 76910  
family services, county agencies, other state and county entities, 76911  
contractors, grantees, private entities, or officials 76912  
participating in the administration of public assistance ~~or~~ 76913  
~~medical assistance~~ programs. The rules shall comply with 76914  
applicable federal statutes and regulations. 76915

(1) The rules shall specify conditions and procedures for the 76916  
release of information which may include, among other conditions 76917  
and procedures, both of the following: 76918

(a) Permitting providers of services or assistance under 76919  
public assistance programs limited access to information that is 76920  
essential for the providers to render services or assistance or to 76921  
bill for services or assistance rendered. The department of aging, 76922  
when investigating a complaint under section 173.20 of the Revised 76923  
Code, shall be granted any limited access permitted in the rules 76924  
pursuant to division (A)(1) of this section. 76925

(b) Permitting a contractor, grantee, or other state or 76926  
county entity limited access to information that is essential for 76927  
the contractor, grantee, or entity to perform administrative or 76928

other duties on behalf of the department or county agency. A 76929  
contractor, grantee, or entity given access to information 76930  
pursuant to division (A)(2) of this section is bound by the 76931  
director's rules, and disclosure of the information by the 76932  
contractor, grantee, or entity in a manner not authorized by the 76933  
rules is a violation of section 5101.27 of the Revised Code. 76934

(2) The rules may define who is an "authorized 76935  
representative" for purposes of sections 5101.27, ~~5101.271~~, and 76936  
5101.272 of the Revised Code. 76937

(B) Whenever names, addresses, or other information relating 76938  
to public assistance recipients is held by any agency other than 76939  
the department or a county agency, that other agency shall adopt 76940  
rules consistent with sections 5101.26 to 5101.30 of the Revised 76941  
Code to prevent the publication or disclosure of names, lists, or 76942  
other information concerning those recipients. 76943

**Sec. 5101.34.** (A) There is hereby created in the department 76944  
of job and family services the Ohio commission on fatherhood. The 76945  
commission shall consist of the following members: 76946

(1)(a) Four members of the house of representatives appointed 76947  
by the speaker of the house, not more than two of whom are members 76948  
of the same political party. Two of the members must be from 76949  
legislative districts that include a county or part of a county 76950  
that is among the one-third of counties in this state with the 76951  
highest number per capita of households headed by females. 76952

(b) Two members of the senate appointed by the president of 76953  
the senate, each from a different political party. One of the 76954  
members must be from a legislative district that includes a county 76955  
or part of a county that is among the one-third of counties in 76956  
this state with the highest number per capita of households headed 76957  
by females. 76958

(2) The governor, or the governor's designee; 76959

(3) One representative of the judicial branch of government 76960  
appointed by the chief justice of the supreme court; 76961

(4) The directors of health, job and family services, 76962  
rehabilitation and correction, ~~alcohol and drug addiction services~~ 76963  
mental health and addiction services, and youth services and the 76964  
superintendent of public instruction, or their designees; 76965

(5) One representative of the Ohio family and children first 76966  
cabinet council created under section 121.37 of the Revised Code 76967  
appointed by the chairperson of the council; 76968

(6) Five representatives of the general public appointed by 76969  
the governor. These members shall have extensive experience in 76970  
issues related to fatherhood. 76971

(B) The appointing authorities of the Ohio commission on 76972  
fatherhood shall make initial appointments to the commission 76973  
within thirty days after September 29, 1999. Of the initial 76974  
appointments to the commission made pursuant to divisions (A)(3), 76975  
(5), and (6) of this section, three of the members shall serve a 76976  
term of one year and four shall serve a term of two years. Members 76977  
so appointed subsequently shall serve two-year terms. A member 76978  
appointed pursuant to division (A)(1) of this section shall serve 76979  
on the commission until the end of the general assembly from which 76980  
the member was appointed or until the member ceases to serve in 76981  
the chamber of the general assembly in which the member serves at 76982  
the time of appointment, whichever occurs first. The governor or 76983  
the governor's designee shall serve on the commission until the 76984  
governor ceases to be governor. The directors and superintendent 76985  
or their designees shall serve on the commission until they cease, 76986  
or the director or superintendent a designee represents ceases, to 76987  
be director or superintendent. Each member shall serve on the 76988  
commission from the date of appointment until the end of the term 76989

for which the member was appointed. Members may be reappointed. 76990

Vacancies shall be filled in the manner provided for original 76991  
appointments. Any member appointed to fill a vacancy occurring 76992  
prior to the expiration date of the term for which the member's 76993  
predecessor was appointed shall serve on the commission for the 76994  
remainder of that term. A member shall continue to serve on the 76995  
commission subsequent to the expiration date of the member's term 76996  
until the member's successor is appointed or until a period of 76997  
sixty days has elapsed, whichever occurs first. Members shall 76998  
serve without compensation but shall be reimbursed for necessary 76999  
expenses. 77000

**Sec. 5101.35.** (A) As used in this section: 77001

(1)(a) "Agency" means the following entities that administer 77002  
a family services program: 77003

~~(a)~~(i) The department of job and family services; 77004

~~(b)~~(ii) A county department of job and family services; 77005

~~(c)~~(iii) A public children services agency; 77006

~~(d)~~(iv) A private or government entity administering, in 77007  
whole or in part, a family services program for or on behalf of 77008  
the department of job and family services or a county department 77009  
of job and family services or public children services agency. 77010

(b) If the department of medicaid contracts with the 77011  
department of job and family services to hear appeals authorized 77012  
by section 5160.31 of the Revised Code regarding medical 77013  
assistance programs, "agency" includes the department of medicaid. 77014

(2) "Appellant" means an applicant, participant, former 77015  
participant, recipient, or former recipient of a family services 77016  
program who is entitled by federal or state law to a hearing 77017  
regarding a decision or order of the agency that administers the 77018  
program. 77019



(3)(a) "Family services program" means ~~assistance provided~~ 77020  
~~under a all of the following:~~ 77021

(i) A Title IV-A program as defined in section 5101.80 of the 77022  
Revised Code ~~or~~; 77023

(ii) Programs that provide assistance under Chapter 5104.7 77024  
5111.7 or 5115. ~~or~~ of the Revised Code; 77025

(iii) Programs that provide assistance under section 5119.69, 77026  
5101.141, 5101.46, 5101.461, 5101.54, 5119.41, 5153.163, or 77027  
5153.165 of the Revised Code; 77028

(iv) Title XX social services provided under section 5101.46 77029  
of the Revised Code, other than assistance such services provided 77030  
under section 5101.46 of the Revised Code by the department of 77031  
mental health mental health and addiction services, the department 77032  
of developmental disabilities, a board of alcohol, drug addiction, 77033  
and mental health services, or a county board of developmental 77034  
disabilities. 77035

(b) If the department of medicaid contracts with the 77036  
department of job and family services to hear appeals authorized 77037  
by section 5160.31 of the Revised Code regarding medical 77038  
assistance programs, "family services program" includes medical 77039  
assistance programs. 77040

(4) "Medical assistance program" has the same meaning as in 77041  
section 5160.01 of the Revised Code. 77042

(B) Except as provided by divisions (G) and (H) of this 77043  
section, an appellant who appeals under federal or state law a 77044  
decision or order of an agency administering a family services 77045  
program shall, at the appellant's request, be granted a state 77046  
hearing by the department of job and family services. This state 77047  
hearing shall be conducted in accordance with rules adopted under 77048  
this section. The state hearing shall be recorded, but neither the 77049  
recording nor a transcript of the recording shall be part of the 77050

official record of the proceeding. Except as provided in section 5160.31 of the Revised Code, a state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services or a court of common pleas.

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the Revised Code. If another agency, other than the department of medicaid, fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal decision of the director of job and family services or the director's designee issued under division (C) of this section may appeal from the decision to the court of common pleas pursuant to

section 119.12 of the Revised Code. The appeal shall be governed 77083  
by section 119.12 of the Revised Code except that: 77084

(1) The person may appeal to the court of common pleas of the 77085  
county in which the person resides, or to the court of common 77086  
pleas of Franklin county if the person does not reside in this 77087  
state. 77088

(2) The person may apply to the court for designation as an 77089  
indigent and, if the court grants this application, the appellant 77090  
shall not be required to furnish the costs of the appeal. 77091

(3) The appellant shall mail the notice of appeal to the 77092  
department of job and family services and file notice of appeal 77093  
with the court within thirty days after the department mails the 77094  
administrative appeal decision to the appellant. For good cause 77095  
shown, the court may extend the time for mailing and filing notice 77096  
of appeal, but such time shall not exceed six months from the date 77097  
the department mails the administrative appeal decision. Filing 77098  
notice of appeal with the court shall be the only act necessary to 77099  
vest jurisdiction in the court. 77100

(4) The department shall be required to file a transcript of 77101  
the testimony of the state hearing with the court only if the 77102  
court orders the department to file the transcript. The court 77103  
shall make such an order only if it finds that the department and 77104  
the appellant are unable to stipulate to the facts of the case and 77105  
that the transcript is essential to a determination of the appeal. 77106  
The department shall file the transcript not later than thirty 77107  
days after the day such an order is issued. 77108

(F) The department of job and family services shall adopt 77109  
rules in accordance with Chapter 119. of the Revised Code to 77110  
implement this section, including rules governing the following: 77111

(1) State hearings under division (B) of this section. The 77112  
rules shall include provisions regarding notice of eligibility 77113

termination and the opportunity of an appellant appealing a 77114  
decision or order of a county department of job and family 77115  
services to request a county conference with the county department 77116  
before the state hearing is held. 77117

(2) Administrative appeals under division (C) of this 77118  
section; 77119

(3) Time limits for complying with a decision issued under 77120  
division (B) or (C) of this section; 77121

(4) Sanctions that may be applied against an agency under 77122  
division (D) of this section. 77123

(G) The department of job and family services may adopt rules 77124  
in accordance with Chapter 119. of the Revised Code establishing 77125  
an appeals process for an appellant who appeals a decision or 77126  
order regarding a Title IV-A program identified under division 77127  
(A)(4)(c), (d), (e), ~~or (f)~~, or (g) of section 5101.80 of the 77128  
Revised Code that is different from the appeals process 77129  
established by this section. The different appeals process may 77130  
include having a state agency that administers the Title IV-A 77131  
program pursuant to an interagency agreement entered into under 77132  
section 5101.801 of the Revised Code administer the appeals 77133  
process. 77134

(H) If an appellant receiving medicaid through a health 77135  
insuring corporation that holds a certificate of authority under 77136  
Chapter 1751. of the Revised Code is appealing a denial of 77137  
medicaid services based on lack of medical necessity or other 77138  
clinical issues regarding coverage by the health insuring 77139  
corporation, the person hearing the appeal may order an 77140  
independent medical review if that person determines that a review 77141  
is necessary. The review shall be performed by a health care 77142  
professional with appropriate clinical expertise in treating the 77143  
recipient's condition or disease. The department shall pay the 77144

costs associated with the review. 77145

A review ordered under this division shall be part of the 77146  
record of the hearing and shall be given appropriate evidentiary 77147  
consideration by the person hearing the appeal. 77148

(I) The requirements of Chapter 119. of the Revised Code 77149  
apply to a state hearing or administrative appeal under this 77150  
section only to the extent, if any, specifically provided by rules 77151  
adopted under this section. 77152

**Sec. 5101.36.** Any application for public assistance gives a 77153  
right of subrogation to the department of job and family services 77154  
for any workers' compensation benefits payable to a person who is 77155  
subject to a support order, as defined in section 3119.01 of the 77156  
Revised Code, on behalf of the applicant, to the extent of any 77157  
public assistance payments made on the applicant's behalf. If the 77158  
director of job and family services, in consultation with a child 77159  
support enforcement agency and the administrator of the bureau of 77160  
workers' compensation, determines that a person responsible for 77161  
support payments to a recipient of public assistance is receiving 77162  
workers' compensation, the director shall notify the administrator 77163  
of the amount of the benefit to be paid to the department of job 77164  
and family services. 77165

For purposes of this section, "public assistance" means 77166  
~~medical assistance provided through the medical assistance program~~ 77167  
~~established under section 5111.01 of the Revised Code;~~ Ohio works 77168  
first provided under Chapter 5107. of the Revised Code; 77169  
prevention, retention, and contingency benefits and services 77170  
provided under Chapter 5108. of the Revised Code; or disability 77171  
financial assistance provided under Chapter 5115. of the Revised 77172  
Code. 77173

**Sec. 5101.46.** (A) As used in this section: 77174

|                                                                                     |       |
|-------------------------------------------------------------------------------------|-------|
| (1) "Title XX" means Title XX of the "Social Security Act,"                         | 77175 |
| 88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended.                                 | 77176 |
| (2) "Respective local agency" means, with respect to the                            | 77177 |
| department of job and family services, a county department of job                   | 77178 |
| and family services; with respect to the department of <del>mental</del>            | 77179 |
| <del>health</del> <u>mental health and addiction services</u> , a board of alcohol, | 77180 |
| drug addiction, and mental health services; and with respect to                     | 77181 |
| the department of developmental disabilities, a county board of                     | 77182 |
| developmental disabilities.                                                         | 77183 |
| (3) "Federal poverty guidelines" means the poverty guidelines                       | 77184 |
| as revised annually by the United States department of health and                   | 77185 |
| human services in accordance with section 673(2) of the "Omnibus                    | 77186 |
| Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A.                       | 77187 |
| 9902, as amended, for a family size equal to the size of the                        | 77188 |
| family of the person whose income is being determined.                              | 77189 |
| (B) The departments of job and family services, mental                              | 77190 |
| health, and developmental disabilities, with their respective                       | 77191 |
| local agencies, shall administer the provision of social services                   | 77192 |
| funded through grants made under Title XX. The social services                      | 77193 |
| furnished with Title XX funds shall be directed at the following                    | 77194 |
| goals:                                                                              | 77195 |
| (1) Achieving or maintaining economic self-support to                               | 77196 |
| prevent, reduce, or eliminate dependency;                                           | 77197 |
| (2) Achieving or maintaining self-sufficiency, including                            | 77198 |
| reduction or prevention of dependency;                                              | 77199 |
| (3) Preventing or remedying neglect, abuse, or exploitation                         | 77200 |
| of children and adults unable to protect their own interests, or                    | 77201 |
| preserving, rehabilitating, or reuniting families;                                  | 77202 |
| (4) Preventing or reducing inappropriate institutional care                         | 77203 |
| by providing for community-based care, home-based care, or other                    | 77204 |
| forms of less intensive care;                                                       | 77205 |

(5) Securing referral or admission for institutional care 77206  
when other forms of care are not appropriate, or providing 77207  
services to individuals in institutions. 77208

(C)(1) All federal funds received under Title XX shall be 77209  
appropriated as follows: 77210

(a) Seventy-two and one-half per cent to the department of 77211  
job and family services; 77212

(b) Twelve and ninety-three one-hundredths per cent to the 77213  
department of ~~mental health~~ mental health and addiction services; 77214

(c) Fourteen and fifty-seven one-hundredths per cent to the 77215  
department of developmental disabilities. 77216

(2) Each of the state departments shall, subject to the 77217  
approval of the controlling board, develop a formula for the 77218  
distribution of the Title XX funds appropriated to the department 77219  
to its respective local agencies. The formula developed by each 77220  
state department shall take into account all of the following for 77221  
each of its respective local agencies: 77222

(a) The total population of the area that is served by the 77223  
respective local agency; 77224

(b) The percentage of the population in the area served that 77225  
falls below the federal poverty guidelines; 77226

(c) The respective local agency's history of and ability to 77227  
utilize Title XX funds. 77228

(3) Each of the state departments shall expend for state 77229  
administrative costs not more than three per cent of the Title XX 77230  
funds appropriated to the department. 77231

Each state department shall establish for each of its 77232  
respective local agencies the maximum percentage of the Title XX 77233  
funds distributed to the respective local agency that the 77234  
respective local agency may expend for local administrative costs. 77235

The percentage shall be established by rule and shall comply with 77236  
federal law governing the use of Title XX funds. The rules shall 77237  
be adopted in accordance with section 111.15 of the Revised Code 77238  
as if they were internal management rules. 77239

(4) The department of job and family services shall expend 77240  
for the training of the following not more than two per cent of 77241  
the Title XX funds appropriated to the department: 77242

(a) Employees of county departments of job and family 77243  
services; 77244

(b) Providers of services under contract with the state 77245  
departments' respective local agencies; 77246

(c) Employees of a public children services agency directly 77247  
engaged in providing Title XX services. 77248

(5) Title XX funds distributed for the purpose of providing 77249  
family planning services shall be distributed by the respective 77250  
local agencies according to the same order of priority that 77251  
applies to the department of job and family services under section 77252  
5101.101 of the Revised Code. 77253

(D) The department of job and family services shall prepare 77254  
an annual comprehensive Title XX social services plan on the 77255  
intended use of Title XX funds. The department shall develop a 77256  
method for obtaining public comment during the development of the 77257  
plan and following its completion. 77258

For each federal fiscal year, the department of job and 77259  
family services shall prepare a report on the actual use of Title 77260  
XX funds. The department shall make the annual report available 77261  
for public inspection. 77262

The departments of ~~mental health~~ mental health and addiction 77263  
services and developmental disabilities shall prepare and submit 77264  
to the department of job and family services the portions of each 77265



annual plan and report that apply to services for mental health 77266  
and mental retardation and developmental disabilities. Each 77267  
respective local agency of the three state departments shall 77268  
submit information as necessary for the preparation of annual 77269  
plans and reports. 77270

(E) Each county department of job and family services shall 77271  
adopt a county profile for the administration and provision of 77272  
Title XX social services in the county. In developing its county 77273  
profile, the county department shall take into consideration the 77274  
comments and recommendations received from the public by the 77275  
county family services planning committee pursuant to section 77276  
329.06 of the Revised Code. As part of its preparation of the 77277  
county profile, the county department may prepare a local needs 77278  
report analyzing the need for Title XX social services. 77279

The county department shall submit the county profile to the 77280  
board of county commissioners for its review. Once the county 77281  
profile has been approved by the board, the county department 77282  
shall file a copy of the county profile with the department of job 77283  
and family services. The department shall approve the county 77284  
profile if the department determines the profile provides for the 77285  
Title XX social services to meet the goals specified in division 77286  
(B) of this section. 77287

(F) Any of the three state departments and their respective 77288  
local agencies may require that an entity under contract to 77289  
provide social services with Title XX funds submit to an audit on 77290  
the basis of alleged misuse or improper accounting of funds. If an 77291  
audit is required, the social services provider shall reimburse 77292  
the state department or respective local agency for the cost it 77293  
incurred in conducting the audit or having the audit conducted. 77294

If an audit demonstrates that a social services provider is 77295  
responsible for one or more adverse findings, the provider shall 77296  
reimburse the appropriate state department or its respective local 77297

agency the amount of the adverse findings. The amount shall not be 77298  
reimbursed with Title XX funds received under this section. The 77299  
three state departments and their respective local agencies may 77300  
terminate or refuse to enter into a Title XX contract with a 77301  
social services provider if there are adverse findings in an audit 77302  
that are the responsibility of the provider. 77303

(G) Except with respect to the matters for which each of the 77304  
state departments must adopt rules under division (C)(3) of this 77305  
section, the department of job and family services may adopt any 77306  
rules it considers necessary to implement and carry out the 77307  
purposes of this section. Rules governing financial and 77308  
operational matters of the department or matters between the 77309  
department and county departments of job and family services shall 77310  
be adopted as internal management rules in accordance with section 77311  
111.15 of the Revised Code. Rules governing eligibility for 77312  
services, program participation, and other matters pertaining to 77313  
applicants and participants shall be adopted in accordance with 77314  
Chapter 119. of the Revised Code. 77315

**Sec. 5101.461.** (A) As used in this section: 77316

(1) "Title IV-A" means Title IV-A of the "Social Security 77317  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 77318

(2) "Title XX" has the same meaning as in section 5101.46 of 77319  
the Revised Code. 77320

(B) To the extent authorized by federal law, the department 77321  
of job and family services may use funds received through the 77322  
Title IV-A temporary assistance for needy families block grant for 77323  
purposes of providing Title XX social services. The amount used 77324  
under this section shall not exceed the maximum amount permitted 77325  
by federal law. The funds and provision of Title XX social 77326  
services with the funds are not subject to section 5101.46 of the 77327  
Revised Code. 77328

Funds distributed under this section for the purpose of 77329  
providing family planning services shall be distributed by a 77330  
county department of job and family services according to the same 77331  
order of priority that applies to the department of job and family 77332  
services under section 5101.101 of the Revised Code. 77333

(C) The department and any county department of job and 77334  
family services may require an entity under contract to provide 77335  
Title XX social services with funds used under this section to 77336  
submit to an audit on the basis of alleged misuse or improper 77337  
accounting of funds. If an audit is required, the social services 77338  
provider shall reimburse the state department or county department 77339  
for the cost it incurred in conducting the audit or having the 77340  
audit conducted. 77341

If an audit demonstrates that a social services provider is 77342  
responsible for one or more adverse findings, the provider shall 77343  
reimburse the state department or county department the amount of 77344  
the adverse findings. The amount shall not be reimbursed with 77345  
funds received under this section. The state department and county 77346  
departments may terminate or refuse to enter into a contract with 77347  
a social services provider to provide services with funds 77348  
available pursuant to this section if there are adverse findings 77349  
in an audit that are the responsibility of the provider. 77350

(D) The state department of job and family services may adopt 77351  
rules to implement and carry out the purposes of this section. 77352  
Rules governing financial and operational matters of the 77353  
department or matters between the department and county 77354  
departments of job and family services shall be adopted as 77355  
internal management rules in accordance with section 111.15 of the 77356  
Revised Code. Rules governing eligibility for services, program 77357  
participation, and other matters pertaining to applicants and 77358  
participants shall be adopted in accordance with Chapter 119. of 77359  
the Revised Code. 77360

Sec. 5101.47. (A) Except as provided in divisions (B) and (C) 77361  
of this section, the department of job and family services may 77362  
accept applications, determine eligibility, redetermine 77363  
eligibility, and perform related administrative activities for one 77364  
or more of the following: 77365

~~(1) The medicaid program established by Chapter 5111. of the 77366  
Revised Code;~~ 77367

~~(2) The children's health insurance program parts I, II, and 77368  
III provided for under sections 5101.50 to 5101.529 of the Revised 77369  
Code;~~ 77370

~~(3) Publicly funded child care provided under Chapter 5104. 77371  
of the Revised Code;~~ 77372

~~(4)(2) The supplemental nutrition assistance program 77373  
administered by the department pursuant to section 5101.54 of the 77374  
Revised Code;~~ 77375

~~(5)(3) Other programs administered by the department that the 77376  
director of job and family services determines are supportive of 77377  
children, adults, or families;~~ 77378

~~(6)(4) Other programs administered by the department 77379  
regarding which the director determines administrative cost 77380  
savings and efficiency may be achieved through the department 77381  
accepting applications, determining eligibility, redetermining 77382  
eligibility, or performing related administrative activities. 77383~~

~~(B) To the extent permitted by federal law, the department 77384  
may enter into agreements with one or more other state agencies, 77385  
local government entities, or political subdivisions to accept 77386  
applications, determine eligibility, redetermine eligibility, and 77387  
perform related administrative activities on behalf of the 77388  
department with respect to the medicaid program and the children's 77389  
health insurance program. 77390~~

~~(C)~~ If federal law requires a face-to-face interview to complete an eligibility determination for a program specified in or pursuant to division (A) of this section, the face-to-face interview shall not be conducted by the department of job and family services.

~~(D)~~(C) Subject to division ~~(C)~~(B) of this section, if the department elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply:

(1) An individual seeking services under the program may apply for the program to the department or to the entity that state law governing the program authorizes to accept applications for the program.

(2) The department is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining or redetermining eligibility, and performing related administrative activities for the program.

~~(E)~~(D) The director may adopt rules as necessary to implement this section.

**Sec. 5101.49.** The department of job and family services shall administer funds received under the "Refugee Act of 1980," 94 Stat. 102, 8 U.S.C.A. 1521, as amended. In administering the funds, the department may establish a refugee cash assistance program and a state legalization impact assistance program. The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code and issue appropriate orders as necessary for administration of these funds and programs.

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the Revised Code:

(A) "Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.

(B) "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement. An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. An "independent living arrangement" includes a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, but does not include other institutions or facilities licensed by the state or facilities in which a person resides as a result of voluntary, civil, or criminal commitment.

(C) "Caretaker" means the person assuming the responsibility for the care of an adult on a voluntary basis, by contract, through receipt of payment for care, as a result of a family relationship, or by order of a court of competent jurisdiction.

(D) "Court" means the probate court in the county where an adult resides.

(E) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person.

(F) "Emergency services" means protective services furnished to an adult in an emergency.

(G) "Exploitation" means the unlawful or improper act of a caretaker using an adult or an adult's resources for monetary or personal benefit, profit, or gain.

(H) "In need of protective services" means an adult known or suspected to be suffering from abuse, neglect, or exploitation to an extent that either life is endangered or physical harm, mental anguish, or mental illness results or is likely to result.

(I) "Incapacitated person" means a person who is impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person's self or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determinative that the person is incapacitated. "Reasonable decisions" are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support.

(J) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(K) "Neglect" means the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

(L) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.

(M) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult.

(N) "Protective services" means services provided by the county department of job and family services or its designated agency to an adult who has been determined by evaluation to

require such services for the prevention, correction, or 77482  
discontinuance of an act of as well as conditions resulting from 77483  
abuse, neglect, or exploitation. Protective services may include, 77484  
but are not limited to, case work services, medical care, mental 77485  
health services, legal services, fiscal management, home health 77486  
care, homemaker services, housing-related services, guardianship 77487  
services, and placement services as well as the provision of such 77488  
commodities as food, clothing, and shelter. 77489

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 77490  
and Friday, except when such day is a holiday as defined in 77491  
section 1.14 of the Revised Code. 77492

**Sec. 5101.61.** (A) As used in this section: 77493

(1) "Senior service provider" means any person who provides 77494  
care or services to a person who is an adult as defined in 77495  
division (B) of section 5101.60 of the Revised Code. 77496

(2) "Ambulatory health facility" means a nonprofit, public or 77497  
proprietary freestanding organization or a unit of such an agency 77498  
or organization that: 77499

(a) Provides preventive, diagnostic, therapeutic, 77500  
rehabilitative, or palliative items or services furnished to an 77501  
outpatient or ambulatory patient, by or under the direction of a 77502  
physician or dentist in a facility which is not a part of a 77503  
hospital, but which is organized and operated to provide medical 77504  
care to outpatients; 77505

(b) Has health and medical care policies which are developed 77506  
with the advice of, and with the provision of review of such 77507  
policies, an advisory committee of professional personnel, 77508  
including one or more physicians, one or more dentists, if dental 77509  
care is provided, and one or more registered nurses; 77510

(c) Has a medical director, a dental director, if dental care 77511



is provided, and a nursing director responsible for the execution 77512  
of such policies, and has physicians, dentists, nursing, and 77513  
ancillary staff appropriate to the scope of services provided; 77514

(d) Requires that the health care and medical care of every 77515  
patient be under the supervision of a physician, provides for 77516  
medical care in a case of emergency, has in effect a written 77517  
agreement with one or more hospitals and other centers or clinics, 77518  
and has an established patient referral system to other resources, 77519  
and a utilization review plan and program; 77520

(e) Maintains clinical records on all patients; 77521

(f) Provides nursing services and other therapeutic services 77522  
in accordance with programs and policies, with such services 77523  
supervised by a registered professional nurse, and has a 77524  
registered professional nurse on duty at all times of clinical 77525  
operations; 77526

(g) Provides approved methods and procedures for the 77527  
dispensing and administration of drugs and biologicals; 77528

(h) Has established an accounting and record keeping system 77529  
to determine reasonable and allowable costs; 77530

(i) "Ambulatory health facilities" also includes an 77531  
alcoholism treatment facility approved by the joint commission on 77532  
accreditation of healthcare organizations as an alcoholism 77533  
treatment facility or certified by the department of ~~alcohol and~~ 77534  
~~drug addiction services~~ mental health and addiction services, and 77535  
such facility shall comply with other provisions of this division 77536  
not inconsistent with such accreditation or certification. 77537

(3) "Community mental health facility" means a facility which 77538  
provides community mental health services and is included in the 77539  
comprehensive mental health plan for the alcohol, drug addiction, 77540  
and mental health service district in which it is located. 77541

(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility. 77542  
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(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which: 77545  
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(a) Is primarily engaged in providing home health services; 77547

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy; 77548  
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(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies; 77555  
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(d) Maintains comprehensive records on all patients; 77559

(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 77560  
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(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home: 77569  
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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (a) Nursing care provided by or under the supervision of a registered professional nurse;                                                                                                                                                                                                                                                                                                            | 77573<br>77574                                     |
| (b) Physical, occupational, or speech therapy ordered by the patient's attending physician;                                                                                                                                                                                                                                                                                                          | 77575<br>77576                                     |
| (c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;                                                                                                                                                                                                                  | 77577<br>77578<br>77579                            |
| (d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;                                                                                                                                                                                                         | 77580<br>77581<br>77582                            |
| (e) Medical supplies and the use of medical appliances;                                                                                                                                                                                                                                                                                                                                              | 77583                                              |
| (f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;                                                                                                                                                                                                   | 77584<br>77585<br>77586<br>77587                   |
| (g) Any of the foregoing items and services which:                                                                                                                                                                                                                                                                                                                                                   | 77588                                              |
| (i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;                                                                                                                                                                                                                                                                 | 77589<br>77590<br>77591                            |
| (ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.                                                                | 77592<br>77593<br>77594<br>77595<br>77596          |
| Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section <del>5119.22</del> | 77597<br>77598<br>77599<br>77600<br>77601<br>77602 |

5119.34 of the Revised Code that provides accommodations, 77603  
supervision, and personal care services for three to sixteen 77604  
unrelated adults, any employee of a nursing home, residential care 77605  
facility, or home for the aging, as defined in section 3721.01 of 77606  
the Revised Code, any senior service provider, any peace officer, 77607  
coroner, member of the clergy, any employee of a community mental 77608  
health facility, and any person engaged in social work or 77609  
counseling having reasonable cause to believe that an adult is 77610  
being abused, neglected, or exploited, or is in a condition which 77611  
is the result of abuse, neglect, or exploitation shall immediately 77612  
report such belief to the county department of job and family 77613  
services. This section does not apply to employees of any hospital 77614  
or public hospital as defined in section 5122.01 of the Revised 77615  
Code. 77616

(B) Any person having reasonable cause to believe that an 77617  
adult has suffered abuse, neglect, or exploitation may report, or 77618  
cause reports to be made of such belief to the department. 77619

(C) The reports made under this section shall be made orally 77620  
or in writing except that oral reports shall be followed by a 77621  
written report if a written report is requested by the department. 77622  
Written reports shall include: 77623

(1) The name, address, and approximate age of the adult who 77624  
is the subject of the report; 77625

(2) The name and address of the individual responsible for 77626  
the adult's care, if any individual is, and if the individual is 77627  
known; 77628

(3) The nature and extent of the alleged abuse, neglect, or 77629  
exploitation of the adult; 77630

(4) The basis of the reporter's belief that the adult has 77631  
been abused, neglected, or exploited. 77632

(D) Any person with reasonable cause to believe that an adult 77633

is suffering abuse, neglect, or exploitation who makes a report 77634  
pursuant to this section or who testifies in any administrative or 77635  
judicial proceeding arising from such a report, or any employee of 77636  
the state or any of its subdivisions who is discharging 77637  
responsibilities under section 5101.62 of the Revised Code shall 77638  
be immune from civil or criminal liability on account of such 77639  
investigation, report, or testimony, except liability for perjury, 77640  
unless the person has acted in bad faith or with malicious 77641  
purpose. 77642

(E) No employer or any other person with the authority to do 77643  
so shall discharge, demote, transfer, prepare a negative work 77644  
performance evaluation, or reduce benefits, pay, or work 77645  
privileges, or take any other action detrimental to an employee or 77646  
in any way retaliate against an employee as a result of the 77647  
employee's having filed a report under this section. 77648

(F) Neither the written or oral report provided for in this 77649  
section nor the investigatory report provided for in section 77650  
5101.62 of the Revised Code shall be considered a public record as 77651  
defined in section 149.43 of the Revised Code. Information 77652  
contained in the report shall upon request be made available to 77653  
the adult who is the subject of the report, to agencies authorized 77654  
by the department to receive information contained in the report, 77655  
and to legal counsel for the adult. 77656

**Sec. 5101.80.** (A) As used in this section and in section 77657  
5101.801 of the Revised Code: 77658

(1) "County family services agency" has the same meaning as 77659  
in section 307.981 of the Revised Code. 77660

(2) "State agency" has the same meaning as in section 9.82 of 77661  
the Revised Code. 77662

(3) "Title IV-A administrative agency" means both of the 77663

following: 77664

(a) A county family services agency or state agency 77665  
administering a Title IV-A program under the supervision of the 77666  
department of job and family services; 77667

(b) A government agency or private, not-for-profit entity 77668  
administering a project funded in whole or in part with funds 77669  
provided under the Title IV-A demonstration program created under 77670  
section 5101.803 of the Revised Code. 77671

(4) "Title IV-A program" means all of the following that are 77672  
funded in part with funds provided under the temporary assistance 77673  
for needy families block grant established by Title IV-A of the 77674  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 77675  
amended: 77676

(a) The Ohio works first program established under Chapter 77677  
5107. of the Revised Code; 77678

(b) The prevention, retention, and contingency program 77679  
established under Chapter 5108. of the Revised Code; 77680

(c) A program established by the general assembly or an 77681  
executive order issued by the governor that is administered or 77682  
supervised by the department of job and family services pursuant 77683  
to section 5101.801 of the Revised Code; 77684

(d) The kinship permanency incentive program created under 77685  
section 5101.802 of the Revised Code; 77686

(e) The Title IV-A demonstration program created under 77687  
section 5101.803 of the Revised Code; 77688

(f) The Ohio parenting and pregnancy program created under 77689  
section 5101.804 of the Revised Code; 77690

(g) A component of a Title IV-A program identified under 77691  
divisions (A)(4)(a) to ~~(e)~~(f) of this section that the Title IV-A 77692  
state plan prepared under division (C)(1) of this section 77693

identifies as a component. 77694

(B) The department of job and family services shall act as 77695  
the single state agency to administer and supervise the 77696  
administration of Title IV-A programs. The Title IV-A state plan 77697  
and amendments to the plan prepared under division (C) of this 77698  
section are binding on Title IV-A administrative agencies. No 77699  
Title IV-A administrative agency may establish, by rule or 77700  
otherwise, a policy governing a Title IV-A program that is 77701  
inconsistent with a Title IV-A program policy established, in rule 77702  
or otherwise, by the director of job and family services. 77703

(C) The department of job and family services shall do all of 77704  
the following: 77705

(1) Prepare and submit to the United States secretary of 77706  
health and human services a Title IV-A state plan for Title IV-A 77707  
programs; 77708

(2) Prepare and submit to the United States secretary of 77709  
health and human services amendments to the Title IV-A state plan 77710  
that the department determines necessary, including amendments 77711  
necessary to implement Title IV-A programs identified in divisions 77712  
(A)(4)(c) to ~~(f)~~(g) of this section; 77713

(3) Prescribe forms for applications, certificates, reports, 77714  
records, and accounts of Title IV-A administrative agencies, and 77715  
other matters related to Title IV-A programs; 77716

(4) Make such reports, in such form and containing such 77717  
information as the department may find necessary to assure the 77718  
correctness and verification of such reports, regarding Title IV-A 77719  
programs; 77720

(5) Require reports and information from each Title IV-A 77721  
administrative agency as may be necessary or advisable regarding a 77722  
Title IV-A program; 77723

(6) Afford a fair hearing in accordance with section 5101.35 77724  
of the Revised Code to any applicant for, or participant or former 77725  
participant of, a Title IV-A program aggrieved by a decision 77726  
regarding the program; 77727

(7) Administer and expend, pursuant to Chapters 5104., 5107., 77728  
and 5108. of the Revised Code and sections 5101.801, 5101.802, ~~and~~ 77729  
5101.803, and 5101.804 of the Revised Code, any sums appropriated 77730  
by the general assembly for the purpose of those chapters and 77731  
sections and all sums paid to the state by the secretary of the 77732  
treasury of the United States as authorized by Title IV-A of the 77733  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 77734  
amended; 77735

(8) Conduct investigations and audits as are necessary 77736  
regarding Title IV-A programs; 77737

(9) Enter into reciprocal agreements with other states 77738  
relative to the provision of Ohio works first and prevention, 77739  
retention, and contingency to residents and nonresidents; 77740

(10) Contract with a private entity to conduct an independent 77741  
on-going evaluation of the Ohio works first program and the 77742  
prevention, retention, and contingency program. The contract must 77743  
require the private entity to do all of the following: 77744

(a) Examine issues of process, practice, impact, and 77745  
outcomes; 77746

(b) Study former participants of Ohio works first who have 77747  
not participated in Ohio works first for at least one year to 77748  
determine whether they are employed, the type of employment in 77749  
which they are engaged, the amount of compensation they are 77750  
receiving, whether their employer provides health insurance, 77751  
whether and how often they have received benefits or services 77752  
under the prevention, retention, and contingency program, and 77753  
whether they are successfully self sufficient; 77754



(c) Provide the department with reports at times the department specifies. 77755  
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(11) Not later than the last day of each January and July, prepare a report containing information on the following: 77757  
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(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code. 77759  
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(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption. 77762  
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(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request. 77765  
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(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section. 77772  
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**Sec. 5101.801.** (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program 77782  
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identified under division (A)(4)(c), (d), (e), ~~or (f)~~, or (g) of 77785  
section 5101.80 of the Revised Code shall provide benefits and 77786  
services that are not "assistance" as defined in 45 C.F.R. 77787  
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 77788  
excludes from the definition of assistance. 77789

(B)(1) Except as otherwise provided by the law enacted by the 77790  
general assembly or executive order issued by the governor 77791  
establishing the Title IV-A program, the department of job and 77792  
family services shall do either of the following regarding a Title 77793  
IV-A program identified under division (A)(4)(c), (d), (e), ~~or~~ 77794  
(f), or (g) of section 5101.80 of the Revised Code: 77795

(a) Administer the program or supervise a county family 77796  
services agency's administration of the program; 77797

(b) Enter into an interagency agreement with a state agency 77798  
for the state agency to administer the program under the 77799  
department's supervision. 77800

(2) The department may enter into an agreement with a 77801  
government entity and, to the extent permitted by federal law, a 77802  
private, not-for-profit entity for the entity to receive funding 77803  
for a project under the Title IV-A demonstration program created 77804  
under section 5101.803 of the Revised Code. 77805

(3) To the extent permitted by federal law, the department 77806  
may enter into an agreement with a private, not-for-profit entity 77807  
for the entity to receive funds under the Ohio parenting and 77808  
pregnancy program created under section 5101.804 of the Revised 77809  
Code. 77810

(C) The department may adopt rules governing Title IV-A 77811  
programs identified under divisions (A)(4)(c), (d), (e), ~~and (f)~~, 77812  
and (g) of section 5101.80 of the Revised Code. Rules governing 77813  
financial and operational matters of the department or between the 77814  
department and county family services agencies shall be adopted as 77815

internal management rules adopted in accordance with section 77816  
111.15 of the Revised Code. All other rules shall be adopted in 77817  
accordance with Chapter 119. of the Revised Code. 77818

(D) If the department enters into an agreement regarding a 77819  
Title IV-A program identified under division (A)(4)(c), (e), ~~or~~ 77820  
(f), or (g) of section 5101.80 of the Revised Code pursuant to 77821  
division (B)(1)(b) or (2) of this section, the agreement shall 77822  
include at least all of the following: 77823

(1) A requirement that the state agency or entity comply with 77824  
the requirements for the program or project, including all of the 77825  
following requirements established by federal statutes and 77826  
regulations, state statutes and rules, the United States office of 77827  
management and budget, and the Title IV-A state plan prepared 77828  
under section 5101.80 of the Revised Code: 77829

(a) Eligibility; 77830

(b) Reports; 77831

(c) Benefits and services; 77832

(d) Use of funds; 77833

(e) Appeals for applicants for, and recipients and former 77834  
recipients of, the benefits and services; 77835

(f) Audits. 77836

(2) A complete description of all of the following: 77837

(a) The benefits and services that the program or project is 77838  
to provide; 77839

(b) The methods of program or project administration; 77840

(c) The appeals process under section 5101.35 of the Revised 77841  
Code for applicants for, and recipients and former recipients of, 77842  
the program or project's benefits and services; 77843

(d) Other requirements that the department requires be 77844

included. 77845

(3) Procedures for the department to approve a policy, 77846  
established by rule or otherwise, that the state agency or entity 77847  
establishes for the program or project before the policy is 77848  
established; 77849

(4) Provisions regarding how the department is to reimburse 77850  
the state agency or entity for allowable expenditures under the 77851  
program or project that the department approves, including all of 77852  
the following: 77853

(a) Limitations on administrative costs; 77854

(b) The department, at its discretion, doing either of the 77855  
following: 77856

(i) Withholding no more than five per cent of the funds that 77857  
the department would otherwise provide to the state agency or 77858  
entity for the program or project; 77859

(ii) Charging the state agency or entity for the costs to the 77860  
department of performing, or contracting for the performance of, 77861  
audits and other administrative functions associated with the 77862  
program or project. 77863

(5) If the state agency or entity arranges by contract, 77864  
grant, or other agreement for another entity to perform a function 77865  
the state agency or entity would otherwise perform regarding the 77866  
program or project, the state agency or entity's responsibilities 77867  
for both of the following: 77868

(a) Ensuring that the other entity complies with the 77869  
agreement between the state agency or entity and department and 77870  
federal statutes and regulations and state statutes and rules 77871  
governing the use of funds for the program or project; 77872

(b) Auditing the other entity in accordance with requirements 77873  
established by the United States office of management and budget. 77874

(6) The state agency or entity's responsibilities regarding 77875  
the prompt payment, including any interest assessed, of any 77876  
adverse audit finding, final disallowance of federal funds, or 77877  
other sanction or penalty imposed by the federal government, 77878  
auditor of state, department, a court, or other entity regarding 77879  
funds for the program or project; 77880

(7) Provisions for the department to terminate the agreement 77881  
or withhold reimbursement from the state agency or entity if 77882  
either of the following occur: 77883

(a) The federal government disapproves the program or project 77884  
or reduces federal funds for the program or project; 77885

(b) The state agency or entity fails to comply with the terms 77886  
of the agreement. 77887

(8) Provisions for both of the following: 77888

(a) The department and state agency or entity determining the 77889  
performance outcomes expected for the program or project; 77890

(b) An evaluation of the program or project to determine its 77891  
success in achieving the performance outcomes determined under 77892  
division (D)(8)(a) of this section. 77893

(E) To the extent consistent with the law enacted by the 77894  
general assembly or executive order issued by the governor 77895  
establishing the Title IV-A program and subject to the approval of 77896  
the director of budget and management, the director of job and 77897  
family services may terminate a Title IV-A program identified 77898  
under division (A)(4)(c), (d), (e), ~~or (f)~~, or (g) of section 77899  
5101.80 of the Revised Code or reduce funding for the program if 77900  
the director of job and family services determines that federal or 77901  
state funds are insufficient to fund the program. If the director 77902  
of budget and management approves the termination or reduction in 77903  
funding for such a program, the director of job and family 77904  
services shall issue instructions for the termination or funding 77905

reduction. If a Title IV-A administrative agency is administering 77906  
the program, the agency is bound by the termination or funding 77907  
reduction and shall comply with the director's instructions. 77908

(F) The director of job and family services may adopt 77909  
internal management rules in accordance with section 111.15 of the 77910  
Revised Code as necessary to implement this section. The rules are 77911  
binding on each Title IV-A administrative agency. 77912

**Sec. 5101.803.** (A) Subject to division (E) of section 77913  
5101.801 of the Revised Code, there is hereby created the Title 77914  
IV-A demonstration program to provide funding for innovative and 77915  
promising prevention and intervention projects that meet one or 77916  
more of the four purposes of the temporary assistance for needy 77917  
families block grant as specified in 42 U.S.C. 601 and are for 77918  
individuals with specific and multiple barriers to achieving or 77919  
maintaining self-sufficiency and personal responsibility. The 77920  
department of job and family services may provide funding for such 77921  
projects to government entities and, to the extent permitted by 77922  
federal law, private, not-for-profit entities with which the 77923  
department enters into agreements under division (B)(2) of section 77924  
5101.801 of the Revised Code. 77925

In accordance with criteria the department develops, the 77926  
department may solicit proposals ~~for~~ from entities seeking to 77927  
enter into an agreement with the department under division (B)(2) 77928  
of section 5101.801 of the Revised Code. The department may enter 77929  
into such agreements with entities that do both of the following: 77930

(1) Meet the proposals' criteria; 77931

(2) If the entity's proposed project does not potentially 77932  
affect persons in each county of the state, provides the 77933  
department evidence that the entity has notified, in writing, the 77934  
county department of job and family services of each county where 77935  
persons may be affected by the implementation of the project. 77936

(B) In developing the criteria, soliciting the proposals, and entering in the agreements, the department shall comply with all applicable federal and state laws, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the Title IV-A state plan submitted to the United States secretary under that section, and federal waivers the United States secretary grants.

(C) The department shall begin implementation of the Title IV-A demonstration program no later than January 1, 2006.

Sec. 5101.804. (A) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the Ohio parenting and pregnancy program to provide services for pregnant women and parents or other relatives caring for children twelve months of age or younger that do both of the following:

(1) Promote childbirth, parenting, and alternatives to abortion;

(2) Meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601.

(B) To the extent permitted by federal law, the department of job and family services may provide funds under the program to entities with which the department enters into agreements under division (B)(3) of section 5101.801 of the Revised Code. In accordance with criteria the department develops, the department may solicit proposals from entities seeking to provide services under the program. The department may enter into an agreement with an entity only if it meets all of the following conditions:

(1) Is a private, not-for-profit entity;

(2) Is an entity whose primary purpose is to promote

childbirth, rather than abortion, through counseling and other services, including parenting and adoption support; 77967  
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(3) Provides services to pregnant women and parents or other relatives caring for children twelve months of age or younger, including clothing, counseling, diapers, food, furniture, health care, parenting classes, postpartum recovery, shelter, and any other supportive services, programs, or related outreach; 77969  
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(4) Does not charge pregnant women and parents or other relatives caring for children twelve months of age or younger a fee for any services received; 77974  
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(5) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising; 77977  
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(6) Does not discriminate in its provision of services on the basis of race, religion, color, age, marital status, national origin, disability, or gender. 77981  
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(C) An entity that has entered into an agreement with the department under division (B)(3) of section 5101.801 of the Revised Code may enter into a subcontract with another entity under which the other entity provides all or part of the services described in division (B)(3) of this section. A subcontract may be entered into with another entity only if that entity meets all of the following conditions: 77984  
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(1) Is a private, not-for-profit entity; 77991

(2) Is physically and financially separate from any entity, or component of an entity, that engages in abortion activities; 77992  
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(3) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical 77994  
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procedures, or engaging in pro-abortion advertising. 77997

(D) The director of job and family services shall adopt rules 77998  
under division (C) of section 5101.801 of the Revised Code as 77999  
necessary to implement the Ohio parenting and pregnancy program. 78000

**Sec. 5103.02.** As used in sections 5103.03 to 5103.17 of the 78001  
Revised Code: 78002

(A)(1) "Association" or "institution" includes ~~any~~ all of the 78003  
following: 78004

(a) Any incorporated or unincorporated organization, society, 78005  
association, or agency, public or private, that receives or cares 78006  
for children for two or more consecutive weeks; ~~any~~ 78007

(b) Any individual, including the operator of a foster home, 78008  
who, for hire, gain, or reward, receives or cares for children for 78009  
two or more consecutive weeks, unless the individual is related to 78010  
them by blood or marriage; ~~and any~~ 78011

(c) Any individual not in the regular employ of a court, or 78012  
of an institution or association certified in accordance with 78013  
section 5103.03 of the Revised Code, who in any manner becomes a 78014  
party to the placing of children in foster homes, unless the 78015  
individual is related to such children by blood or marriage, or is 78016  
the appointed guardian of such children; ~~provided, that any.~~ 78017

(2) "Association" or "institution" does not include any of 78018  
the following: 78019

(a) Any organization, society, association, school, agency, 78020  
child guidance center, detention or rehabilitation facility, or 78021  
children's clinic licensed, regulated, approved, operated under 78022  
the direction of, or otherwise certified by the department of 78023  
education, a local board of education, the department of youth 78024  
services, the department of ~~mental health~~ mental health and 78025  
addiction services, or the department of developmental 78026

disabilities, ~~or any;~~ 78027

(b) Any individual who provides care for only a single-family 78028  
group, placed there by their parents or other relative having 78029  
custody, ~~shall not be considered as being within the purview of~~ 78030  
~~these sections;~~ 78031

(c) A therapeutic wilderness camp. 78032

(B) "Family foster home" means a foster home that is not a 78033  
specialized foster home. 78034

(C) "Foster caregiver" means a person holding a valid foster 78035  
home certificate issued under section 5103.03 of the Revised Code. 78036

(D) "Foster home" means a private residence in which children 78037  
are received apart from their parents, guardian, or legal 78038  
custodian, by an individual reimbursed for providing the children 78039  
nonsecure care, supervision, or training twenty-four hours a day. 78040  
"Foster home" does not include care provided for a child in the 78041  
home of a person other than the child's parent, guardian, or legal 78042  
custodian while the parent, guardian, or legal custodian is 78043  
temporarily away. Family foster homes and specialized foster homes 78044  
are types of foster homes. 78045

(E) "Medically fragile foster home" means a foster home that 78046  
provides specialized medical services designed to meet the needs 78047  
of children with intensive health care needs who meet all of the 78048  
following criteria: 78049

(1) Under rules adopted by the ~~department of job and family~~ 78050  
~~services~~ medicaid director governing ~~payment under Chapter 5111.~~ 78051  
~~of the Revised Code~~ medicaid payments for long-term care services, 78052  
the children require a skilled level of care. 78053

(2) The children require the services of a doctor of medicine 78054  
or osteopathic medicine at least once a week due to the 78055  
instability of their medical conditions. 78056

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (3) The children require the services of a registered nurse on a daily basis.                                                                                                                                                                                                                                                                                                          | 78057<br>78058                                     |
| (4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.                                                                                                                                                                                                                                 | 78059<br>78060<br>78061                            |
| (F) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:                                                                                    | 78062<br>78063<br>78064<br>78065<br>78066          |
| (1) Issue a certificate;                                                                                                                                                                                                                                                                                                                                                               | 78067                                              |
| (2) Deny a certificate;                                                                                                                                                                                                                                                                                                                                                                | 78068                                              |
| (3) Renew a certificate;                                                                                                                                                                                                                                                                                                                                                               | 78069                                              |
| (4) Deny renewal of a certificate;                                                                                                                                                                                                                                                                                                                                                     | 78070                                              |
| (5) Revoke a certificate.                                                                                                                                                                                                                                                                                                                                                              | 78071                                              |
| (G) "Specialized foster home" means a medically fragile foster home or a treatment foster home.                                                                                                                                                                                                                                                                                        | 78072<br>78073                                     |
| (H) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, developmentally disabled, or who otherwise have exceptional needs. | 78074<br>78075<br>78076<br>78077<br>78078<br>78079 |
| <u>(I) "Therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which both of the following are the case:</u>                                                                                                                           | 78080<br>78081<br>78082<br>78083                   |
| <u>(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure;</u>                                                                                                                                                                                                                                                            | 78084<br>78085                                     |

(2) The children have been placed there by their parents or another relative having custody." 78086  
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**Sec. 5103.0323.** (A) As used in this section, ~~"government auditing standards"~~ means the government auditing standards published by the comptroller general of the United States general accounting office "American institute of certified public accountants auditing standards" and "AICPA auditing standards" mean the auditing standards published by the American institute of certified public accountants. 78088  
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(B) The first time that a private child placing agency or private noncustodial agency seeks renewal of a certificate issued under section 5103.03 of the Revised Code, it shall provide the department of job and family services, as a condition of renewal, evidence of an independent financial statement audit ~~of its first year of certification, unless the auditor of state has audited the agency during that year and the audit sets forth that no money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government~~ performed by a licensed public accounting firm following applicable AICPA auditing standards for the most recent fiscal year. Thereafter, when an agency seeks renewal of its certificate, it shall provide the department evidence of an independent financial statement audit performed by a licensed public accounting firm following applicable AICPA auditing standards for the two most recent previous fiscal years it is possible for an independent audit to have been conducted, ~~unless the auditor of state has audited the agency during those years and the audit sets forth that no money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards.~~ 78095  
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(C) For an agency to be eligible for renewal, the independent audits must demonstrate that the agency operated in a fiscally accountable manner ~~in accordance with state laws and rules and any agreement between the agency and a public children services agency.~~

~~All audits required by this section shall be conducted in accordance with generally accepted government auditing standards as determined by the department of job and family services.~~

(D) The director of job and family services may adopt rules as necessary to implement this section. The director shall adopt the rules in accordance with section 111.15 of the Revised Code.

**Sec. 5103.13.** (A) As used in this section and section 5103.131 of the Revised Code:

(1)(a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following:

(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services;

(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has legal custody or permanent custody of the preteen and determines that an emergency situation exists necessitating the preteen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere.

(b) "Children's crisis care facility" does not include either of the following:

(i) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or

children's clinic licensed, regulated, approved, operated under 78147  
the direction of, or otherwise certified by the department of 78148  
education, a local board of education, the department of youth 78149  
services, the department of ~~mental health~~ mental health and 78150  
addiction services, or the department of developmental 78151  
disabilities; 78152

(ii) Any individual who provides care for only a 78153  
single-family group, placed there by their parents or other 78154  
relative having custody. 78155

(2) "Legal custody" and "permanent custody" have the same 78156  
meanings as in section 2151.011 of the Revised Code. 78157

(3) "Preteen" means an individual under thirteen years of 78158  
age. 78159

(B) No person shall operate a children's crisis care facility 78160  
or hold a children's crisis care facility out as a certified 78161  
children's crisis care facility unless there is a valid children's 78162  
crisis care facility certificate issued under this section for the 78163  
facility. 78164

(C) A person seeking to operate a children's crisis care 78165  
facility shall apply to the director of job and family services to 78166  
obtain a certificate for the facility. The director shall certify 78167  
the person's children's crisis care facility if the facility meets 78168  
all of the certification standards established in rules adopted 78169  
under division (F) of this section and the person complies with 78170  
all of the rules governing the certification of children's crisis 78171  
care facilities adopted under that division. The issuance of a 78172  
children's crisis care facility certificate does not exempt the 78173  
facility from a requirement to obtain another certificate or 78174  
license mandated by law. 78175

(D)(1) No certified children's crisis care facility shall do 78176  
any of the following: 78177

|                                                                                                                                                                                                                                                                                                                             |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (a) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;                                                                                                                                                                                                                         | 78178<br>78179                            |
| (b) Subject to division (D)(1)(c) of this section and except as provided in division (D)(2) of this section, provide residential care to a preteen for more than sixty consecutive days;                                                                                                                                    | 78180<br>78181<br>78182<br>78183          |
| (c) Except as provided in division (D)(3) of this section, provide residential care to a preteen for more than seventy-two consecutive hours if a public children services agency or private child placing agency placed the preteen in the facility;                                                                       | 78184<br>78185<br>78186<br>78187          |
| (d) Fail to comply with section 2151.86 of the Revised Code.                                                                                                                                                                                                                                                                | 78188                                     |
| (2) A certified children's crisis care facility may provide residential care to a preteen for up to ninety consecutive days, other than a preteen placed in the facility by a public children services agency or private child placing agency, if any of the following are the case:                                        | 78189<br>78190<br>78191<br>78192<br>78193 |
| (a) The preteen's parent or other caretaker is enrolled in an alcohol and drug addiction <del>program certified under section 3793.06 of the Revised Code</del> <u>service</u> or a community mental health service certified under section <del>5119.611</del> <u>5119.36</u> of the Revised Code;                         | 78194<br>78195<br>78196<br>78197          |
| (b) The preteen's parent or other caretaker is an inpatient in a hospital;                                                                                                                                                                                                                                                  | 78198<br>78199                            |
| (c) The preteen's parent or other caretaker is incarcerated;                                                                                                                                                                                                                                                                | 78200                                     |
| (d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated.                                                                                                                                                                                                                           | 78201<br>78202                            |
| (3) A certified children's crisis care facility may provide residential care to a preteen placed in the facility by a public children services agency or private child placing agency for more than seventy-two consecutive hours if the director of job and family services or the director's designee issues the agency a | 78203<br>78204<br>78205<br>78206<br>78207 |

waiver of the seventy-two consecutive hour limitation. The waiver 78208  
may authorize the certified children's crisis care facility to 78209  
provide residential care to the preteen for up to fourteen 78210  
consecutive days. 78211

(E) The director of job and family services may suspend or 78212  
revoke a children's crisis care facility's certificate pursuant to 78213  
Chapter 119. of the Revised Code if the facility violates division 78214  
(D) of this section or ceases to meet any of the certification 78215  
standards established in rules adopted under division (F) of this 78216  
section or the facility's operator ceases to comply with any of 78217  
the rules governing the certification of children's crisis care 78218  
facilities adopted under that division. 78219

(F) Not later than ninety days after September 21, 2006, the 78220  
director of job and family services shall adopt rules pursuant to 78221  
Chapter 119. of the Revised Code for the certification of 78222  
children's crisis care facilities. The rules shall specify that a 78223  
certificate shall not be issued to an applicant if the conditions 78224  
at the children's crisis care facility would jeopardize the health 78225  
or safety of the preteens placed in the facility. 78226

**Sec. 5103.42.** Prior to the beginning of the fiscal biennium 78227  
that first follows October 5, 2000, the public children services 78228  
agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, 78229  
~~Hamilton~~, Lucas, and Summit counties shall each establish and 78230  
maintain a regional training center. Prior to the beginning of the 78231  
fiscal biennium that first follows the effective date of this 78232  
amendment, the public children services agency of Butler county 78233  
shall establish and maintain a regional training center. At any 78234  
time after the beginning of ~~that~~ the specified biennium, the 78235  
department of job and family services, on the recommendation of 78236  
the Ohio child welfare training program steering committee, may 78237  
direct a public children services agency to establish and maintain 78238



a training center to replace the center established by an agency 78239  
under this section. There may be no more and no less than eight 78240  
centers in existence at any time. The department may make a grant 78241  
to a public children services agency that establishes and 78242  
maintains a regional training center under this section for the 78243  
purpose of wholly or partially subsidizing the operation of the 78244  
center. The department shall specify in the grant all of the 78245  
center's duties, including the duties specified in section 78246  
5103.422 of the Revised Code. 78247

The regional training center established by the public 78248  
children services agency of Butler county under this section 78249  
replaces the regional training center previously established by 78250  
the public children services agency of Hamilton county under this 78251  
section. 78252

**Sec. 5104.012.** (A)(1) At the times specified in this 78253  
division, the administrator of a child day-care center or a type A 78254  
family day-care home shall request the superintendent of the 78255  
bureau of criminal identification and investigation to conduct a 78256  
criminal records check with respect to any applicant who has 78257  
applied to the center or type A home for employment as a person 78258  
responsible for the care, custody, or control of a child. 78259

The administrator shall request a criminal records check 78260  
pursuant to this division at the time of the applicant's initial 78261  
application for employment and every ~~four~~ five years thereafter. 78262  
When the administrator requests pursuant to this division a 78263  
criminal records check for an applicant at the time of the 78264  
applicant's initial application for employment, the administrator 78265  
shall request that the superintendent obtain information from the 78266  
federal bureau of investigation as a part of the criminal records 78267  
check for the applicant, including fingerprint-based checks of 78268  
national crime information databases as described in 42 U.S.C. 78269

671, for the person subject to the criminal records check. In all 78270  
other cases in which the administrator requests a criminal records 78271  
check for an applicant pursuant to this division, the 78272  
administrator may request that the superintendent include 78273  
information from the federal bureau of investigation in the 78274  
criminal records check, including fingerprint-based checks of 78275  
national crime information databases as described in 42 U.S.C. 78276  
671. 78277

(2) A person required by division (A)(1) of this section to 78278  
request a criminal records check shall provide to each applicant a 78279  
copy of the form prescribed pursuant to division (C)(1) of section 78280  
109.572 of the Revised Code, provide to each applicant a standard 78281  
impression sheet to obtain fingerprint impressions prescribed 78282  
pursuant to division (C)(2) of section 109.572 of the Revised 78283  
Code, obtain the completed form and impression sheet from each 78284  
applicant, and forward the completed form and impression sheet to 78285  
the superintendent of the bureau of criminal identification and 78286  
investigation at the time the person requests a criminal records 78287  
check pursuant to division (A)(1) of this section. On and after 78288  
August 14, 2008, the administrator of a child day-care center or a 78289  
type A family day-care home shall review the results of the 78290  
criminal records check before the applicant has sole 78291  
responsibility for the care, custody, or control of any child. 78292

(3) An applicant who receives pursuant to division (A)(2) of 78293  
this section a copy of the form prescribed pursuant to division 78294  
(C)(1) of section 109.572 of the Revised Code and a copy of an 78295  
impression sheet prescribed pursuant to division (C)(2) of that 78296  
section and who is requested to complete the form and provide a 78297  
set of fingerprint impressions shall complete the form or provide 78298  
all the information necessary to complete the form and shall 78299  
provide the impression sheet with the impressions of the 78300  
applicant's fingerprints. If an applicant, upon request, fails to 78301

provide the information necessary to complete the form or fails to 78302  
provide impressions of the applicant's fingerprints, the center or 78303  
type A home shall not employ that applicant for any position for 78304  
which a criminal records check is required by division (A)(1) of 78305  
this section. 78306

(B)(1) Except as provided in rules adopted under division (E) 78307  
of this section, no child day-care center or type A family 78308  
day-care home shall employ or contract with another entity for the 78309  
services of a person as a person responsible for the care, 78310  
custody, or control of a child if the person previously has been 78311  
convicted of or pleaded guilty to any of the violations described 78312  
in division (A)(5) of section 109.572 of the Revised Code. 78313

(2) A child day-care center or type A family day-care home 78314  
may employ an applicant conditionally until the criminal records 78315  
check required by this section is completed and the center or home 78316  
receives the results of the criminal records check. If the results 78317  
of the criminal records check indicate that, pursuant to division 78318  
(B)(1) of this section, the applicant does not qualify for 78319  
employment, the center or home shall release the applicant from 78320  
employment. 78321

(C)(1) Each child day-care center and type A family day-care 78322  
home shall pay to the bureau of criminal identification and 78323  
investigation the fee prescribed pursuant to division (C)(3) of 78324  
section 109.572 of the Revised Code for each criminal records 78325  
check conducted in accordance with that section upon the request 78326  
pursuant to division (A)(1) of this section of the administrator 78327  
or provider of the center or home. 78328

(2) A child day-care center and type A family day-care home 78329  
may charge an applicant a fee for the costs it incurs in obtaining 78330  
a criminal records check under this section. A fee charged under 78331  
this division shall not exceed the amount of fees the center or 78332  
home pays under division (C)(1) of this section. If a fee is 78333

charged under this division, the center or home shall notify the 78334  
applicant at the time of the applicant's initial application for 78335  
employment of the amount of the fee and that, unless the fee is 78336  
paid, the center or type A home will not consider the applicant 78337  
for employment. 78338

(D) The report of any criminal records check conducted by the 78339  
bureau of criminal identification and investigation in accordance 78340  
with section 109.572 of the Revised Code and pursuant to a request 78341  
under division (A)(1) of this section is not a public record for 78342  
the purposes of section 149.43 of the Revised Code and shall not 78343  
be made available to any person other than the applicant who is 78344  
the subject of the criminal records check or the applicant's 78345  
representative; the center or type A home requesting the criminal 78346  
records check or its representative; the department of job and 78347  
family services or a county department of job and family services; 78348  
and any court, hearing officer, or other necessary individual 78349  
involved in a case dealing with the denial of employment to the 78350  
applicant. 78351

(E) The director of job and family services shall adopt rules 78352  
pursuant to Chapter 119. of the Revised Code to implement this 78353  
section, including rules specifying circumstances under which a 78354  
center or home may hire a person who has been convicted of an 78355  
offense listed in division (B)(1) of this section but who meets 78356  
standards in regard to rehabilitation set by the department. 78357

(F) Any person required by division (A)(1) of this section to 78358  
request a criminal records check shall inform each person, at the 78359  
time of the person's initial application for employment, that the 78360  
person is required to provide a set of impressions of the person's 78361  
fingerprints and that a criminal records check is required to be 78362  
conducted and satisfactorily completed in accordance with section 78363  
109.572 of the Revised Code if the person comes under final 78364  
consideration for appointment or employment as a precondition to 78365

employment for that position. 78366

(G) As used in this section: 78367

(1) "Applicant" means a person who is under final 78368  
consideration for appointment to or employment in a position with 78369  
a child day-care center or a type A family day-care home as a 78370  
person responsible for the care, custody, or control of a child; 78371  
an in-home aide certified pursuant to section 5104.12 of the 78372  
Revised Code; or any person who would serve in any position with a 78373  
child day-care center or a type A family day-care home as a person 78374  
responsible for the care, custody, or control of a child pursuant 78375  
to a contract with another entity. 78376

(2) "Criminal records check" has the same meaning as in 78377  
section 109.572 of the Revised Code. 78378

**Sec. 5104.013.** (A)(1) At the times specified in division 78379  
(A)(3) of this section, the director of job and family services, 78380  
as part of the process of licensure of child day-care centers and 78381  
type A family day-care homes, shall request the superintendent of 78382  
the bureau of criminal identification and investigation to conduct 78383  
a criminal records check with respect to the following persons: 78384

(a) Any owner, licensee, or administrator of a child day-care 78385  
center; 78386

(b) Any owner, licensee, or administrator of a type A family 78387  
day-care home and any person eighteen years of age or older who 78388  
resides in a type A family day-care home. 78389

(2) At the times specified in division (A)(3) of this 78390  
section, the director of a county department of job and family 78391  
services, as part of the process of certification of type B family 78392  
day-care homes, shall request the superintendent of the bureau of 78393  
criminal identification and investigation to conduct a criminal 78394  
records check with respect to any authorized provider of a 78395

certified type B family day-care home and any person eighteen 78396  
years of age or older who resides in a certified type B family 78397  
day-care home. 78398

(3) The director of job and family services shall request a 78399  
criminal records check pursuant to division (A)(1) of this section 78400  
at the time of the initial application for licensure and every 78401  
~~four~~ five years thereafter. The director of a county department of 78402  
job and family services shall request a criminal records check 78403  
pursuant to division (A)(2) of this section at the time of the 78404  
initial application for certification and every ~~four~~ five years 78405  
thereafter at the time of a certification renewal. When the 78406  
director of job and family services or the director of a county 78407  
department of job and family services requests pursuant to 78408  
division (A)(1) or (2) of this section a criminal records check 78409  
for a person at the time of the person's initial application for 78410  
licensure or certification, the director shall request that the 78411  
superintendent of the bureau of criminal identification and 78412  
investigation obtain information from the federal bureau of 78413  
investigation as a part of the criminal records check for the 78414  
person, including fingerprint-based checks of national crime 78415  
information databases as described in 42 U.S.C. 671 for the person 78416  
subject to the criminal records check. In all other cases in which 78417  
the director of job and family services or the director of a 78418  
county department of job and family services requests a criminal 78419  
records check for an applicant pursuant to division (A)(1) or (2) 78420  
of this section, the director may request that the superintendent 78421  
include information from the federal bureau of investigation in 78422  
the criminal records check, including fingerprint-based checks of 78423  
national crime information databases as described in 42 U.S.C. 78424  
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(4) The director of job and family services shall review the 78426  
results of a criminal records check subsequent to a request made 78427

pursuant to divisions (A)(1) and (3) of this section prior to 78428  
approval of a license. The director of a county department of job 78429  
and family services shall review the results of a criminal records 78430  
check subsequent to a request made pursuant to divisions (A)(2) 78431  
and (3) of this section prior to approval of certification. 78432

(B) The director of job and family services or the director 78433  
of a county department of job and family services shall provide to 78434  
each person for whom a criminal records check is required under 78435  
this section a copy of the form prescribed pursuant to division 78436  
(C)(1) of section 109.572 of the Revised Code and a standard 78437  
impression sheet to obtain fingerprint impressions prescribed 78438  
pursuant to division (C)(2) of that section, obtain the completed 78439  
form and impression sheet from that person, and forward the 78440  
completed form and impression sheet to the superintendent of the 78441  
bureau of criminal identification and investigation. 78442

(C) A person who receives pursuant to division (B) of this 78443  
section a copy of the form and standard impression sheet described 78444  
in that division and who is requested to complete the form and 78445  
provide a set of fingerprint impressions shall complete the form 78446  
or provide all the information necessary to complete the form and 78447  
shall provide the impression sheet with the impressions of the 78448  
person's fingerprints. If the person, upon request, fails to 78449  
provide the information necessary to complete the form or fails to 78450  
provide impressions of the person's fingerprints, the director may 78451  
consider the failure as a reason to deny licensure or 78452  
certification. 78453

(D) Except as provided in rules adopted under division (G) of 78454  
this section, the director of job and family services shall not 78455  
grant a license to a child day-care center or type A family 78456  
day-care home and a county director of job and family services 78457  
shall not certify a type B family day-care home if a person for 78458  
whom a criminal records check was required in connection with the 78459

center or home previously has been convicted of or pleaded guilty 78460  
to any of the violations described in division (A)(5) of section 78461  
109.572 of the Revised Code. 78462

(E) Each child day-care center, type A family day-care home, 78463  
and type B family day-care home shall pay to the bureau of 78464  
criminal identification and investigation the fee prescribed 78465  
pursuant to division (C)(3) of section 109.572 of the Revised Code 78466  
for each criminal records check conducted in accordance with that 78467  
section upon a request made pursuant to division (A) of this 78468  
section. 78469

(F) The report of any criminal records check conducted by the 78470  
bureau of criminal identification and investigation in accordance 78471  
with section 109.572 of the Revised Code and pursuant to a request 78472  
made under division (A) of this section is not a public record for 78473  
the purposes of section 149.43 of the Revised Code and shall not 78474  
be made available to any person other than the person who is the 78475  
subject of the criminal records check or the person's 78476  
representative, the director of job and family services, the 78477  
director of a county department of job and family services, the 78478  
center, type A home, or type B home involved, and any court, 78479  
hearing officer, or other necessary individual involved in a case 78480  
dealing with a denial of licensure or certification related to the 78481  
criminal records check. 78482

(G) The director of job and family services shall adopt rules 78483  
pursuant to Chapter 119. of the Revised Code to implement this 78484  
section, including rules specifying exceptions to the prohibition 78485  
in division (D) of this section for persons who have been 78486  
convicted of an offense listed in that division but who meet 78487  
standards in regard to rehabilitation set by the director. 78488

(H) As used in this section, "criminal records check" has the 78489  
same meaning as in section 109.572 of the Revised Code. 78490



Sec. 5104.02. (A) The director of job and family services is 78491  
responsible for the licensing of child day-care centers and type A 78492  
family day-care homes. Each entity operating a head start program 78493  
shall meet the criteria for, and be licensed as, a child day-care 78494  
center. The director is responsible for the enforcement of this 78495  
chapter and of rules promulgated pursuant to this chapter. 78496

No person, firm, organization, institution, or agency shall 78497  
operate, establish, manage, conduct, or maintain a child day-care 78498  
center or type A family day-care home without a license issued 78499  
under section 5104.03 of the Revised Code. The current license 78500  
shall be posted in a conspicuous place in the center or type A 78501  
home that is accessible to parents, custodians, or guardians and 78502  
employees of the center or type A home at all times when the 78503  
center or type A home is in operation. 78504

(B) A person, firm, institution, organization, or agency 78505  
operating any of the following programs is exempt from the 78506  
requirements of this chapter: 78507

(1) A program of child care that operates for two or less 78508  
consecutive weeks; 78509

(2) Child care in places of worship during religious 78510  
activities during which children are cared for while at least one 78511  
parent, guardian, or custodian of each child is participating in 78512  
such activities and is readily available; 78513

(3) Religious activities which do not provide child care; 78514

(4) Supervised training, instruction, or activities of 78515  
children in specific areas, including, but not limited to: art; 78516  
drama; dance; music; gymnastics, swimming, or another athletic 78517  
skill or sport; computers; or an educational subject conducted on 78518  
an organized or periodic basis no more than one day a week and for 78519  
no more than six hours duration; 78520

(5) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child care and is readily accessible at all times, except that child care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section;

(6)(a) Programs that provide child care funded and regulated or operated and regulated by state departments other than the department of job and family services or the state board of education when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter.

Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job and family services a copy of the rules that govern programs that provide child care and are regulated or operated and regulated by the department. Annually, each state department shall submit to the director a report for each such program it regulates or operates and regulates that includes the following information:

(i) The site location of the program;

(ii) The maximum number of infants, toddlers, preschool-age children, or school-age children served by the program at one time;

(iii) The number of adults providing child care for the number of infants, toddlers, preschool-age children, or school-age children;

(iv) Any changes in the rules made subsequent to the time when the rules were initially submitted to the director.

The director shall maintain a record of the child care information submitted by other state departments and shall provide

this information upon request to the general assembly or the public. 78552  
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(b) Child care programs conducted by boards of education or by chartered nonpublic schools that are conducted in school buildings and that provide child care to school-age children only shall be exempt from meeting or exceeding rules promulgated pursuant to this chapter. 78554  
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(7) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code. 78559  
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(8) Any program providing child care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only: 78563  
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(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 78567  
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(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five; 78571  
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(c) The program is conducted in a school building; 78574

(d) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code. 78575  
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(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply: 78578  
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(a) The children enrolled in the program are under nineteen 78581

years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 78582  
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(b) The program provides informal child care ~~and at least two~~, which is child care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program; 78584  
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(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 78588  
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~~(e)~~(d) The program is eligible for participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the Revised Code. 78591  
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~~(d)~~(e) The community-based center operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 78595  
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**Sec. 5104.021.** The director of job and family services may ~~not~~ issue a child day-care center or type A family day-care home license to a youth development program that is exempted by division (B)(9) of section 5104.02 of the Revised Code from the requirements of this chapter if the youth development program applies for and meets all of the requirements for the license. 78598  
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**Sec. 5104.03.** (A) Any person, firm, organization, institution, or agency desiring to establish a child day-care center or type A family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or 78604  
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electronic form. 78612

Fees shall be set by the director pursuant to section 78613  
5104.011 of the Revised Code and shall be paid at the time of 78614  
application for a license to operate a center or type A home. Fees 78615  
collected under this section shall be paid into the state treasury 78616  
to the credit of the general revenue fund. 78617

(B) Upon filing of the application for a license, the 78618  
director shall investigate and inspect the center or type A home 78619  
to determine the license capacity for each age category of 78620  
children of the center or type A home and to determine whether the 78621  
center or type A home complies with this chapter and rules adopted 78622  
pursuant to this chapter. When, after investigation and 78623  
inspection, the director is satisfied that this chapter and rules 78624  
adopted pursuant to it are complied with, subject to division (G) 78625  
of this section, a provisional license shall be issued as soon as 78626  
practicable in such form and manner as prescribed by the director. 78627  
The provisional license shall be valid for twelve months from the 78628  
date of issuance unless revoked. 78629

(C) The director shall investigate and inspect the center or 78630  
type A home at least once during operation under the provisional 78631  
license. If after the investigation and inspection the director 78632  
determines that the requirements of this chapter and rules adopted 78633  
pursuant to this chapter are met, subject to division (G) of this 78634  
section, the director shall issue a license to the center or home. 78635

(D) The license or provisional license shall state the name 78636  
of the licensee, the name of the administrator, the address of the 78637  
center or type A home, and the license capacity for each age 78638  
category of children. The license or provisional license shall 78639  
include thereon, in accordance with section 5104.011 of the 78640  
Revised Code, the toll-free telephone number to be used by persons 78641  
suspecting that the center or type A home has violated a provision 78642  
of this chapter or rules adopted pursuant to this chapter. A 78643

license or provisional license is valid only for the licensee, 78644  
administrator, address, and license capacity for each age category 78645  
of children designated on the license. The license capacity 78646  
specified on the license or provisional license is the maximum 78647  
number of children in each age category that may be cared for in 78648  
the center or type A home at one time. 78649

The center or type A home licensee shall notify the director 78650  
when the administrator of the center or home changes. The director 78651  
shall amend the current license or provisional license to reflect 78652  
a change in an administrator, if the administrator meets the 78653  
requirements of Chapter 5104. of the Revised Code and rules 78654  
adopted pursuant to Chapter 5104. of the Revised Code, or a change 78655  
in license capacity for any age category of children as determined 78656  
by the director of job and family services. 78657

(E) If the director revokes the license of a center or a type 78658  
A home, the director shall not issue another license to the owner 78659  
of the center or type A home until five years have elapsed from 78660  
the date the license is revoked. 78661

If the director denies an application for a license, the 78662  
director shall not accept another application from the applicant 78663  
until five years have elapsed from the date the application is 78664  
denied. 78665

(F) If during the application for licensure process the 78666  
director determines that the license of the owner has been 78667  
revoked, the investigation of the center or type A home shall 78668  
cease. This action does not constitute denial of the application 78669  
and may not be appealed under division (G) of this section. 78670

(G) All actions of the director with respect to licensing 78671  
centers or type A homes, refusal to license, and revocation of a 78672  
license shall be in accordance with Chapter 119. of the Revised 78673  
Code. Any applicant who is denied a license or any owner whose 78674

license is revoked may appeal in accordance with section 119.12 of the Revised Code. 78675  
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(H) In no case shall the director issue a license or provisional license under this section for a type A home or center if the director, based on documentation provided by the appropriate county department of job and family services, determines that the applicant previously had been certified as a type B family day-care home, that the county department revoked that certification within the immediately preceding five years, that the revocation was based on the applicant's refusal or inability to comply with the criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children. 78677  
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**Sec. 5104.08.** (A) There is hereby created in the department of job and family services a child care advisory council to advise and assist the department in the administration of this chapter and in the development of child care. The council shall consist of twenty-two voting members appointed by the director of job and family services with the approval of the governor. The director of job and family services, the director of developmental disabilities, the director of ~~mental health~~ mental health and addiction services, the superintendent of public instruction, the director of health, the director of commerce, and the state fire marshal shall serve as nonvoting members of the council. 78688  
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Six members shall be representatives of child care centers subject to licensing, the members to represent a variety of centers, including nonprofit and proprietary, from different geographical areas of the state. At least three members shall be parents, guardians, or custodians of children receiving child care or publicly funded child care in the child's own home, a center, a type A home, a head start program, a certified type B home, or a 78699  
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type B home at the time of appointment. Three members shall be 78706  
representatives of in-home aides, type A homes, certified type B 78707  
homes, or type B homes or head start programs. At least six 78708  
members shall represent county departments of job and family 78709  
services. The remaining members shall be representatives of the 78710  
teaching, child development, and health professions, and other 78711  
individuals interested in the welfare of children. At least six 78712  
members of the council shall not be employees or licensees of a 78713  
child day-care center, head start program, or type A home, or 78714  
providers operating a certified type B home or type B home, or 78715  
in-home aides. 78716

Appointments shall be for three-year terms. Vacancies shall 78717  
be filled for the unexpired terms. A member of the council is 78718  
subject to removal by the director of job and family services for 78719  
a willful and flagrant exercise of authority or power that is not 78720  
authorized by law, for a refusal or willful neglect to perform any 78721  
official duty as a member of the council imposed by law, or for 78722  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 78723  
neglect of duty as a member of the council. 78724

There shall be two co-chairpersons of the council. One 78725  
co-chairperson shall be the director of job and family services or 78726  
the director's designee, and one co-chairperson shall be elected 78727  
by the members of the council. The council shall meet as often as 78728  
is necessary to perform its duties, provided that it shall meet at 78729  
least once in each quarter of each calendar year and at the call 78730  
of the co-chairpersons. The co-chairpersons or their designee 78731  
shall send to each member a written notice of the date, time, and 78732  
place of each meeting. 78733

Members of the council shall serve without compensation, but 78734  
shall be reimbursed for necessary expenses. 78735

(B) The child care advisory council shall advise the director 78736  
on matters affecting the licensing of centers and type A homes and 78737



the certification of type B homes and in-home aides. The council 78738  
shall make an annual report to the director of job and family 78739  
services that addresses the availability, affordability, 78740  
accessibility, and quality of child care and that summarizes the 78741  
recommendations and plans of action that the council has proposed 78742  
to the director during the preceding fiscal year. The director of 78743  
job and family services shall provide copies of the report to the 78744  
governor, speaker and minority leader of the house of 78745  
representatives, and the president and minority leader of the 78746  
senate and, on request, shall make copies available to the public. 78747

(C) The director of job and family services shall adopt rules 78748  
pursuant to Chapter 119. of the Revised Code to implement this 78749  
section. 78750

**Sec. 5104.11.** (A)(1) Every person desiring to receive 78751  
certification for a type B family day-care home to provide 78752  
publicly funded child care shall apply for certification to the 78753  
county director of job and family services on such forms as the 78754  
director of job and family services prescribes. The county 78755  
director shall provide at no charge to each applicant a copy of 78756  
rules for certifying type B family day-care homes adopted pursuant 78757  
to this chapter. 78758

(2) Except as provided in division (G)(1) of section 5104.011 78759  
of the Revised Code, after receipt of an application for 78760  
certification from a type B family day-care home, the county 78761  
director of job and family services shall inspect the home. If it 78762  
complies with this chapter and any applicable rules adopted under 78763  
this chapter, the county department shall certify the type B 78764  
family day-care home to provide publicly funded child care 78765  
pursuant to this chapter and any rules adopted under it. The 78766  
director of job and family services or a county director of job 78767  
and family services may contract with a government entity or a 78768

private nonprofit entity for that entity to inspect and certify 78769  
type B family day-care homes pursuant to this section. The county 78770  
department of job and family services, government entity, or 78771  
nonprofit entity shall conduct the inspection prior to the 78772  
issuance of a certificate for the type B home and, as part of that 78773  
inspection, ensure that the type B home is safe and sanitary. 78774

(3)(a) On receipt of an application for certification for a 78775  
type B family day-care home to provide publicly funded child care 78776  
or for renewal of such certification, the county department shall 78777  
request from ~~both of the following~~ the public children services 78778  
agency information concerning any abuse or neglect report made 78779  
pursuant to section 2151.421 of the Revised Code of which the 78780  
applicant, any other adult residing in the applicant's home, or a 78781  
person designated by the applicant to be an emergency or 78782  
substitute caregiver for the applicant is the subject+ 78783

~~(i) The public children services agency, until the county 78784  
department is notified by the department of job and family 78785  
services that the uniform statewide automated child welfare 78786  
information system has been finalized statewide; 78787~~

~~(ii) Upon receipt of notification under division (D) of 78788  
section 5101.13 of the Revised Code that the uniform statewide 78789  
automated child welfare information system has been implemented 78790  
statewide, the uniform statewide automated child welfare 78791  
information system via the department. 78792~~

(b) The county department shall consider any information 78793  
provided by the agency ~~or the department~~ pursuant to section 78794  
5153.175 of the Revised Code. If the county department determines 78795  
that the information, when viewed within the totality of the 78796  
circumstances, reasonably leads to the conclusion that the 78797  
applicant may directly or indirectly endanger the health, safety, 78798  
or welfare of children, the county department shall deny the 78799  
application for certification or renewal of certification, or 78800

revoke the certification of an authorized provider. 78801

(c) As used in division (A)(3) of this section, "public 78802  
children services agency" means either an entity separate from the 78803  
county department or the part of the county department that serves 78804  
as the county's public children services agency, as appropriate. 78805

(4) Except as provided in division (A)(5) of this section, an 78806  
authorized provider of a type B family day-care home that receives 78807  
a certificate pursuant to this section to provide publicly funded 78808  
child care is an independent contractor and is not an employee of 78809  
the county department of job and family services that issues the 78810  
certificate. 78811

(5) For purposes of Chapter 4141. of the Revised Code, 78812  
determinations concerning the employment of an authorized provider 78813  
of a type B family day-care home that receives a certificate 78814  
pursuant to this section shall be determined under Chapter 4141. 78815  
of the Revised Code. 78816

(B)(1) If the county director of job and family services 78817  
determines that the type B family day-care home complies with this 78818  
chapter and any rules adopted under it, the county director shall 78819  
issue to the provider a certificate to provide publicly funded 78820  
child care, ~~which. The~~ certificate is valid for twelve months, 78821  
unless revoked earlier. ~~The county director may revoke the~~ 78822  
~~certificate after determining that revocation is necessary.~~ The 78823  
authorized provider shall post the certificate in a conspicuous 78824  
place in the certified type B home that is accessible to parents, 78825  
custodians, or guardians at all times. The certificate shall state 78826  
the name and address of the authorized provider, the maximum 78827  
number of children who may be cared for at any one time in the 78828  
certified type B home, the expiration date of the certification, 78829  
and the name and telephone number of the county director who 78830  
issued the certificate. 78831

(2) The county director may revoke a certificate to provide 78832  
publicly funded child care in either of the following 78833  
circumstances: 78834

(a) The county director determines, pursuant to rules adopted 78835  
under Chapter 119. of the Revised Code, that revocation is 78836  
necessary; 78837

(b) The authorized provider does not comply with division 78838  
(D)(2) of section 5104.32 of the Revised Code. 78839

(C)(1) The county director shall inspect every certified type 78840  
B family day-care home at least twice within each twelve-month 78841  
period of the operation of the certified type B home. A minimum of 78842  
one inspection shall be unannounced and all inspections may be 78843  
unannounced. Upon receipt of a complaint, the county director 78844  
shall investigate the certified type B home, and division (C)(2) 78845  
of this section applies regarding the complaint. The authorized 78846  
provider shall permit the county director to inspect any part of 78847  
the certified type B home. The county director shall prepare a 78848  
written inspection report and furnish one copy to the authorized 78849  
provider within a reasonable time after the inspection. 78850

(2) Upon receipt of a complaint as described in division 78851  
(C)(1) of this section, in addition to the investigation that is 78852  
required under that division, both of the following apply: 78853

(a) If the complaint alleges that a child suffered physical 78854  
harm while receiving child care at the certified type B family 78855  
day-care home or that the noncompliance with law or act alleged in 78856  
the complaint involved, resulted in, or poses a substantial risk 78857  
of physical harm to a child receiving child care at the home, the 78858  
county director shall inspect the home. 78859

(b) If division (C)(2)(a) of this section does not apply 78860  
regarding the complaint, the county director may inspect the 78861  
certified type B family day-care home. 78862

(3) Division (C)(2) of this section does not limit, restrict, 78863  
or negate any duty of the county director to inspect a certified 78864  
type B family day-care home that otherwise is imposed under this 78865  
section, or any authority of the county director to inspect a home 78866  
that otherwise is granted under this section when the county 78867  
director believes the inspection is necessary and it is permitted 78868  
under the grant. 78869

(D) The county director of job and family services, in 78870  
accordance with rules adopted pursuant to section 5104.052 of the 78871  
Revised Code regarding fire safety and fire prevention, shall 78872  
inspect each type B home that applies to be certified that is 78873  
providing or is to provide publicly funded child care. 78874

(E) All materials that are supplied by the department of job 78875  
and family services to type A family day-care home providers, type 78876  
B family day-care home providers, in-home aides, persons who 78877  
desire to be type A family day-care home providers, type B family 78878  
day-care home providers, or in-home aides, and caretaker parents 78879  
shall be written at no higher than the sixth grade reading level. 78880  
The department may employ a readability expert to verify its 78881  
compliance with this division. 78882

**Sec. 5104.12.** (A) The county director of job and family 78883  
services may certify in-home aides to provide publicly funded 78884  
child care pursuant to this chapter and any rules adopted under 78885  
it. Any in-home aide who receives a certificate pursuant to this 78886  
section to provide publicly funded child care is an independent 78887  
contractor and is not an employee of the county department of job 78888  
and family services that issues the certificate. 78889

(B) Every person desiring to receive certification as an 78890  
in-home aide shall apply for certification to the county director 78891  
of job and family services on such forms as the director of job 78892  
and family services prescribes. The county director shall provide 78893

at no charge to each applicant a copy of rules for certifying 78894  
in-home aides adopted pursuant to this chapter. 78895

(C)(1) If the county director of job and family services 78896  
determines that public funds are available and that the person 78897  
complies with this chapter and any rules adopted under it, the 78898  
county director shall certify the person as an in-home aide and 78899  
issue the person a certificate to provide publicly funded child 78900  
care for twelve months. ~~The county director may revoke the~~ 78901  
~~certificate after determining that revocation is necessary.~~ 78902  
The county director shall furnish a copy of the certificate to the 78903  
parent, custodian, or guardian. The certificate shall state the 78904  
name and address of the in-home aide, the expiration date of the 78905  
certification, and the name and telephone number of the county 78906  
director who issued the certificate. 78907

(2) The county director may revoke the certificate in either 78908  
of the following circumstances: 78909

(a) The county director determines, pursuant to rules adopted 78910  
under Chapter 119. of the Revised Code, that revocation is 78911  
necessary; 78912

(b) The in-home aide does not comply with division (D)(2) of 78913  
section 5104.32 of the Revised Code. 78914

(D)(1) The county director of job and family services shall 78915  
inspect every home of a child who is receiving publicly funded 78916  
child care in the child's own home while the in-home aide is 78917  
providing the services. Inspections may be unannounced. Upon 78918  
receipt of a complaint, the county director shall investigate the 78919  
in-home aide, shall investigate the home of a child who is 78920  
receiving publicly funded child care in the child's own home, and 78921  
division (D)(2) of this section applies regarding the complaint. 78922  
The caretaker parent shall permit the county director to inspect 78923  
any part of the child's home. The county director shall prepare a 78924

written inspection report and furnish one copy each to the in-home aide and the caretaker parent within a reasonable time after the inspection. 78925  
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(2) Upon receipt of a complaint as described in division (D)(1) of this section, in addition to the investigations that are required under that division, both of the following apply: 78928  
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(a) If the complaint alleges that a child suffered physical harm while receiving publicly funded child care in the child's own home from an in-home aide or that the noncompliance with law or act alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving publicly funded child care in the child's own home from an in-home aide, the county director shall inspect the home of the child. 78931  
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(b) If division (D)(2)(a) of this section does not apply regarding the complaint, the county director may inspect the home of the child. 78938  
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(3) Division (D)(2) of this section does not limit, restrict, or negate any duty of the county director to inspect a home of a child who is receiving publicly funded child care from an in-home aide that otherwise is imposed under this section, or any authority of the county director to inspect such a home that otherwise is granted under this section when the county director believes the inspection is necessary and it is permitted under the grant. 78941  
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**Sec. 5104.32.** (A) Except as provided in division (C) of this section, all purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and 78949  
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family services. All contracts for publicly funded child care 78956  
shall be contingent upon the availability of state and federal 78957  
funds. The department shall prescribe a standard form to be used 78958  
for all contracts for the purchase of publicly funded child care, 78959  
regardless of the source of public funds used to purchase the 78960  
child care. To the extent permitted by federal law and 78961  
notwithstanding any other provision of the Revised Code that 78962  
regulates state contracts or contracts involving the expenditure 78963  
of state or federal funds, all contracts for publicly funded child 78964  
care shall be entered into in accordance with the provisions of 78965  
this chapter and are exempt from any other provision of the 78966  
Revised Code that regulates state contracts or contracts involving 78967  
the expenditure of state or federal funds. 78968

(B) Each contract for publicly funded child care shall 78969  
specify at least the following: 78970

(1) That the provider of publicly funded child care agrees to 78971  
be paid for rendering services at the lower of the rate 78972  
customarily charged by the provider for children enrolled for 78973  
child care or the reimbursement ceiling or rate of payment 78974  
established pursuant to section 5104.30 of the Revised Code; 78975

(2) That, if a provider provides child care to an individual 78976  
potentially eligible for publicly funded child care who is 78977  
subsequently determined to be eligible, the department agrees to 78978  
pay for all child care provided between the date the county 78979  
department of job and family services receives the individual's 78980  
completed application and the date the individual's eligibility is 78981  
determined; 78982

(3) Whether the county department of job and family services, 78983  
the provider, or a child care resource and referral service 78984  
organization will make eligibility determinations, whether the 78985  
provider or a child care resource and referral service 78986  
organization will be required to collect information to be used by 78987



the county department to make eligibility determinations, and the 78988  
time period within which the provider or child care resource and 78989  
referral service organization is required to complete required 78990  
eligibility determinations or to transmit to the county department 78991  
any information collected for the purpose of making eligibility 78992  
determinations; 78993

(4) That the provider, other than a border state child care 78994  
provider, shall continue to be licensed, approved, or certified 78995  
pursuant to this chapter and shall comply with all standards and 78996  
other requirements in this chapter and in rules adopted pursuant 78997  
to this chapter for maintaining the provider's license, approval, 78998  
or certification; 78999

(5) That, in the case of a border state child care provider, 79000  
the provider shall continue to be licensed, certified, or 79001  
otherwise approved by the state in which the provider is located 79002  
and shall comply with all standards and other requirements 79003  
established by that state for maintaining the provider's license, 79004  
certificate, or other approval; 79005

(6) Whether the provider will be paid by the state department 79006  
of job and family services or in some other manner as prescribed 79007  
by rules adopted under section 5104.42 of the Revised Code; 79008

(7) That the contract is subject to the availability of state 79009  
and federal funds. 79010

(C) Unless specifically prohibited by federal law or by rules 79011  
adopted under section 5104.42 of the Revised Code, the county 79012  
department of job and family services shall give individuals 79013  
eligible for publicly funded child care the option of obtaining 79014  
certificates that the individual may use to purchase services from 79015  
any provider qualified to provide publicly funded child care under 79016  
section 5104.31 of the Revised Code. Providers of publicly funded 79017  
child care may present these certificates for payment in 79018

accordance with rules that the director of job and family services 79019  
shall adopt. Only providers may receive payment for certificates. 79020  
The value of the certificate shall be based on the lower of the 79021  
rate customarily charged by the provider or the rate of payment 79022  
established pursuant to section 5104.30 of the Revised Code. The 79023  
county department may provide the certificates to the individuals 79024  
or may contract with child care providers or child care resource 79025  
and referral service organizations that make determinations of 79026  
eligibility for publicly funded child care pursuant to contracts 79027  
entered into under section 5104.34 of the Revised Code for the 79028  
providers or resource and referral service organizations to 79029  
provide the certificates to individuals whom they determine are 79030  
eligible for publicly funded child care. 79031

For each six-month period a provider of publicly funded child 79032  
care provides publicly funded child care to the child of an 79033  
individual given certificates, the individual shall provide the 79034  
provider certificates for days the provider would have provided 79035  
publicly funded child care to the child had the child been 79036  
present. The maximum number of days providers shall be provided 79037  
certificates shall not exceed ten days in a six-month period 79038  
during which publicly funded child care is provided to the child 79039  
regardless of the number of providers that provide publicly funded 79040  
child care to the child during that period. 79041

(D)(1) The department shall establish the Ohio electronic 79042  
child care system to track attendance and calculate payments for 79043  
publicly funded child care. The system shall include issuing an 79044  
electronic child care card to each caretaker parent to swipe 79045  
through a point-of-service device issued to an eligible provider, 79046  
as described in section 5104.31 of the Revised Code. 79047

(2) Each eligible provider that provides publicly funded 79048  
child care shall participate in the Ohio electronic child care 79049  
system. A provider participating in the system shall not do any of 79050

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <u>the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 79051                                                                         |
| <u>(a) Use or have possession of an electronic child care card issued to a caretaker parent;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 79052<br>79053                                                                |
| <u>(b) Falsify attendance records;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 79054                                                                         |
| <u>(c) Knowingly seek payment for publicly funded child care that was not provided;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 79055<br>79056                                                                |
| <u>(d) Knowingly accept reimbursement for publicly funded child care that was not provided.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 79057<br>79058                                                                |
| <b>Sec. 5107.10.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 79059                                                                         |
| (1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                           | 79060<br>79061<br>79062                                                       |
| (2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.                                                                                                                                                                                                                                                                                                                              | 79063<br>79064<br>79065<br>79066                                              |
| (3) "Gross income" means gross earned income and gross unearned income.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 79067<br>79068                                                                |
| (4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment. | 79069<br>79070<br>79071<br>79072<br>79073<br>79074<br>79075<br>79076<br>79077 |
| (B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter,                                                                                                                                                                                                                                                                                                                                                                                                                                       | 79078<br>79079                                                                |

time-limited cash assistance. In the case of an assistance group 79080  
that includes a minor head of household or adult, assistance shall 79081  
be provided in accordance with the self-sufficiency contract 79082  
entered into under section 5107.14 of the Revised Code. 79083

(C) To be eligible to participate in Ohio works first, an 79084  
assistance group must meet all of the following requirements: 79085

(1) The assistance group, except as provided in division (E) 79086  
of this section, must include at least one of the following: 79087

(a) A minor child who, except as provided in section 5107.24 79088  
of the Revised Code, resides with a parent, or specified relative 79089  
caring for the child, or, to the extent permitted by Title IV-A 79090  
and federal regulations adopted until Title IV-A, resides with a 79091  
guardian or custodian caring for the child; 79092

(b) A parent residing with and caring for the parent's minor 79093  
child who receives supplemental security income under Title XVI of 79094  
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 79095  
as amended, or federal, state, or local adoption assistance; 79096

(c) A specified relative residing with and caring for a minor 79097  
child who is related to the specified relative in a manner that 79098  
makes the specified relative a specified relative and receives 79099  
supplemental security income or federal, state, or local foster 79100  
care or adoption assistance; 79101

(d) A woman at least six months pregnant. 79102

(2) The assistance group must meet the income requirements 79103  
established by division (D) of this section. 79104

(3) No member of the assistance group may be involved in a 79105  
strike. 79106

(4) The assistance group must satisfy the requirements for 79107  
Ohio works first established by this chapter and ~~sections 5101.58,~~ 79108  
~~5101.59,~~ and section 5101.83 of the Revised Code. 79109

(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code. 79110  
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(D)(1) Except as provided in division (D)(4) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following: 79113  
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(a) Determine whether the assistance group's gross income exceeds fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds fifty per cent of the federal poverty guidelines. 79117  
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(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed fifty per cent of the federal poverty guidelines, determine whether the assistance group's countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard. 79126  
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(2) For the purpose of determining whether an assistance group meets the income requirement established by division (D)(1)(a) of this section, the annual revision that the United States department of health and human services makes to the federal poverty guidelines shall go into effect on the first day of July of the year for which the revision is made. 79133  
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(3) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county 79139  
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department of job and family services shall determine whether the 79141  
assistance group's countable income continues to be less than the 79142  
payment standard. In making this determination, the county 79143  
department shall disregard the first two hundred fifty dollars and 79144  
fifty per cent of the remainder of the assistance group's gross 79145  
earned income. No amounts shall be disregarded from the assistance 79146  
group's gross unearned income. The assistance group ceases to be 79147  
eligible to participate in Ohio works first if its countable 79148  
income, less the amounts disregarded, equals or exceeds the 79149  
payment standard. 79150

(4) If an assistance group reapplies to participate in Ohio 79151  
works first not more than four months after ceasing to 79152  
participate, a county department of job and family services shall 79153  
use the income requirement established by division (D)(3) of this 79154  
section to determine eligibility for resumed participation rather 79155  
than the income requirement established by division (D)(1) of this 79156  
section. 79157

(E)(1) An assistance group may continue to participate in 79158  
Ohio works first even though a public children services agency 79159  
removes the assistance group's minor children from the assistance 79160  
group's home due to abuse, neglect, or dependency if the agency 79161  
does both of the following: 79162

(a) Notifies the county department of job and family services 79163  
at the time the agency removes the children that it believes the 79164  
children will be able to return to the assistance group within six 79165  
months; 79166

(b) Informs the county department at the end of each of the 79167  
first five months after the agency removes the children that the 79168  
parent, guardian, custodian, or specified relative of the children 79169  
is cooperating with the case plans prepared for the children under 79170  
section 2151.412 of the Revised Code and that the agency is making 79171  
reasonable efforts to return the children to the assistance group. 79172

(2) An assistance group may continue to participate in Ohio works first pursuant to division (E)(1) of this section for not more than six payment months. This division does not affect the eligibility of an assistance group that includes a woman at least six months pregnant.

**Sec. 5107.14.** (A) An assistance group is ineligible to participate in Ohio works first unless the following enter into a written self-sufficiency contract with the county department of job and family services:

- (1) Each adult member of the assistance group;
- (2) The assistance group's minor head of household.

(B) A self-sufficiency contract shall set forth the rights and responsibilities of the assistance group as applicants for and participants of Ohio works first. Each self-sufficiency contract shall include, based on appraisals conducted under section 5107.41 of the Revised Code and assessments conducted under section 5107.70 of the Revised Code, the following:

(1) The assistance group's plan, developed under section 5107.41 of the Revised Code, to achieve the goal of self sufficiency and personal responsibility through unsubsidized employment within the time limit for participating in Ohio works first established by section 5107.18 of the Revised Code;

(2) Work activities, developmental activities, and alternative work activities to which members of the assistance group are assigned under sections 5107.40 to 5107.69 of the Revised Code;

(3) The responsibility of a caretaker member of the assistance group to cooperate in establishing a minor child's paternity and establishing, modifying, and enforcing a support order for the child in accordance with section 5107.22 of the

|                                                                                                                                                                                                                                                                                                                                    |                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Revised Code;                                                                                                                                                                                                                                                                                                                      | 79203                                     |
| (4) Other responsibilities that members of the assistance group must satisfy to participate in Ohio works first and the consequences for failure or refusal to satisfy the responsibilities;                                                                                                                                       | 79204<br>79205<br>79206<br>79207          |
| (5) An agreement that, except as otherwise provided in a waiver issued under section 5107.714 of the Revised Code, the assistance group will comply with the conditions of participating in Ohio works first established by this chapter and <del>sections 5101.58, 5101.59, and</del> <u>section</u> 5101.83 of the Revised Code; | 79208<br>79209<br>79210<br>79211<br>79212 |
| (6) Assistance and services the county department will provide to the assistance group;                                                                                                                                                                                                                                            | 79213<br>79214                            |
| (7) Assistance and services the child support enforcement agency and public children services agency will provide to the assistance group pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code;                                                                                                | 79215<br>79216<br>79217<br>79218          |
| (8) Other provisions designed to assist the assistance group in achieving self sufficiency and personal responsibility;                                                                                                                                                                                                            | 79219<br>79220                            |
| (9) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended;                                                                                                                                                                                                              | 79221<br>79222                            |
| (10) Procedures for amending the contract.                                                                                                                                                                                                                                                                                         | 79223                                     |
| (C) No self-sufficiency contract shall include provisions regarding the LEAP program.                                                                                                                                                                                                                                              | 79224<br>79225                            |
| (D) The county department shall provide without charge a copy of the self-sufficiency contract to each assistance group member who signs it.                                                                                                                                                                                       | 79226<br>79227<br>79228                   |
| <b>Sec. 5107.16.</b> (A) If a member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract entered into under section 5107.14 of                                                                                                                          | 79229<br>79230<br>79231                   |



the Revised Code, a county department of job and family services 79232  
shall sanction the assistance group as follows: 79233

(1) For a first failure or refusal, the county department 79234  
shall deny or terminate the assistance group's eligibility to 79235  
participate in Ohio works first for one payment month or until the 79236  
failure or refusal ceases, whichever is longer; 79237

(2) For a second failure or refusal, the county department 79238  
shall deny or terminate the assistance group's eligibility to 79239  
participate in Ohio works first for three payment months or until 79240  
the failure or refusal ceases, whichever is longer; 79241

(3) For a third or subsequent failure or refusal, the county 79242  
department shall deny or terminate the assistance group's 79243  
eligibility to participate in Ohio works first for six payment 79244  
months or until the failure or refusal ceases, whichever is 79245  
longer. 79246

(B) The director of job and family services shall establish 79247  
standards for the determination of good cause for failure or 79248  
refusal to comply in full with a provision of a self-sufficiency 79249  
contract in rules adopted under section 5107.05 of the Revised 79250  
Code. 79251

(C) An assistance group member who fails or refuses, without 79252  
good cause, to comply in full with a provision of a 79253  
self-sufficiency contract must complete all compliance activities 79254  
specified in rules adopted under section 5107.05 of the Revised 79255  
Code in order for the failure or refusal to be considered to have 79256  
ceased. 79257

(D) After sanctioning an assistance group under division (A) 79258  
of this section, a county department of job and family services 79259  
shall continue to work with the assistance group. 79260

(E) An adult eligible for medicaid pursuant to division 79261  
~~(C)(1)(a) of section 5111.01 of the Revised Code~~ who is sanctioned 79262

under division (A)(3) of this section for a failure or refusal, 79263  
without good cause, to comply in full with a provision of a 79264  
self-sufficiency contract related to work responsibilities under 79265  
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 79266  
for medicaid unless the adult is otherwise eligible for medicaid 79267  
pursuant to ~~another division of section 5111.01 of the Revised~~ 79268  
~~Code~~ an eligibility category other than the category associated 79269  
with Title IV-A. 79270

An assistance group that would be participating in Ohio works 79271  
first if not for a sanction under this section shall continue to 79272  
be eligible for all of the following: 79273

(1) Publicly funded child care in accordance with division 79274  
(A)(3) of section 5104.30 of the Revised Code; 79275

(2) Support services in accordance with section 5107.66 of 79276  
the Revised Code; 79277

(3) To the extent permitted by the "Fair Labor Standards Act 79278  
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 79279  
in work activities, developmental activities, and alternative work 79280  
activities in accordance with sections 5107.40 to 5107.69 of the 79281  
Revised Code. 79282

**Sec. 5107.20.** As used in this section, "support" means child 79283  
support, spousal support, and support for a spouse or a former 79284  
spouse. 79285

Participation in Ohio works first constitutes an assignment 79286  
to the department of job and family services of any rights members 79287  
of an assistance group have to support from any other person, 79288  
~~excluding medical support assigned pursuant to section 5101.59 of~~ 79289  
~~the Revised Code.~~ The rights to support assigned to the department 79290  
pursuant to this section constitute an obligation of the person 79291  
who is responsible for providing the support to the state for the 79292

amount of cash assistance provided to the assistance group. 79293

The office of child support in the department of job and 79294  
family services shall collect and distribute support payments owed 79295  
to Ohio works first participants, whether assigned to the 79296  
department or unassigned, in accordance with 42 U.S.C. 654 B and 79297  
657 and regulations adopted under those statutes, state statutes, 79298  
and rules adopted under section 5107.05 of the Revised Code. 79299

Upon implementation of centralized collection and 79300  
disbursement under Chapter 3121. of the Revised Code, in 79301  
accordance with 42 U.S.C. 654 B and 657 and regulations adopted 79302  
under those statutes, the department shall deposit support 79303  
payments it receives pursuant to this section into the state 79304  
treasury to the credit of the child support collections fund or 79305  
the child support administrative fund, both of which are hereby 79306  
created. Money credited to the funds shall be used to make cash 79307  
assistance payments under Ohio works first. 79308

**Sec. 5107.24.** (A) As used in this section: 79309

(1) "Adult-supervised living arrangement" means a family 79310  
setting approved, licensed, or certified by the department of job 79311  
and family services, the department of ~~mental health~~ mental health 79312  
and addiction services, the department of developmental 79313  
disabilities, the department of youth services, a public children 79314  
services agency, a private child placing agency, or a private 79315  
noncustodial agency that is maintained by a person age eighteen or 79316  
older who assumes responsibility for the care and control of a 79317  
minor parent, pregnant minor, or child of a minor parent or 79318  
provides the minor parent, pregnant minor, or child of a minor 79319  
parent supportive services, including counseling, guidance, and 79320  
supervision. "Adult-supervised living arrangement" does not mean a 79321  
public institution. 79322

(2) "Child of a minor parent" means a child born to a minor 79323

parent, except that the child ceases to be considered a child of 79324  
minor parent when the minor parent attains age eighteen. 79325

(3) "Minor parent" means a parent who is under age eighteen 79326  
and is not married. 79327

(4) "Pregnant minor" means a pregnant person who is under age 79328  
eighteen and not married. 79329

(B)(1) Except as provided in division (B)(2) of this section 79330  
and to the extent permitted by Title IV-A and federal regulations 79331  
adopted under Title IV-A, a pregnant minor, minor parent, or child 79332  
of a minor parent must reside in a place of residence maintained 79333  
by a parent, guardian, custodian, or specified relative of the 79334  
pregnant minor or minor parent as the parent's, guardian's, 79335  
custodian's, or specified relative's own home to be eligible to 79336  
participate in Ohio works first. 79337

(2) To the extent permitted by Title IV-A and federal 79338  
regulations adopted under it, a pregnant minor, minor parent, or 79339  
child of a minor parent is exempt from the requirement of division 79340  
(B)(1) of this section if any of the following apply: 79341

(a) The minor parent or pregnant minor does not have a 79342  
parent, guardian, custodian, or specified relative living or whose 79343  
whereabouts are known. 79344

(b) No parent, guardian, custodian, or specified relative of 79345  
the minor parent or pregnant minor will allow the pregnant minor, 79346  
minor parent, or minor parent's child to live in the parent's, 79347  
guardian's, custodian's, or specified relative's home. 79348

(c) The department of job and family services, a county 79349  
department of job and family services, or a public children 79350  
services agency determines that the physical or emotional health 79351  
or safety of the pregnant minor, minor parent, or minor parent's 79352  
child would be in jeopardy if the pregnant minor, minor parent, or 79353  
minor parent's child lived in the same home as the parent, 79354

guardian, custodian, or specified relative. 79355

(d) The department of job and family services, a county 79356  
department of job and family services, or a public children 79357  
services agency otherwise determines that it is in the best 79358  
interest of the pregnant minor, minor parent, or minor parent's 79359  
child to waive the requirement of division (B)(1) of this section. 79360

(C) A pregnant minor, minor parent, or child of a minor 79361  
parent exempt from the requirement of division (B)(1) of this 79362  
section must reside in an adult-supervised living arrangement to 79363  
be eligible to participate in Ohio works first. 79364

(D) The department of job and family services, whenever 79365  
possible and to the extent permitted by Title IV-A and federal 79366  
regulations adopted under it, shall provide cash assistance under 79367  
Ohio works first to the parent, guardian, custodian, or specified 79368  
relative of a pregnant minor or minor parent on behalf of the 79369  
pregnant minor, minor parent, or minor parent's child. 79370

**Sec. 5107.26.** (A) As used in this section: 79371

~~(1) "Transitional, "transitional~~ child care" means publicly 79372  
funded child care provided under division (A)(3) of section 79373  
5104.34 of the Revised Code. 79374

~~(2) "Transitional medicaid" means the medical assistance 79375  
provided under section 5111.0115 of the Revised Code. 79376~~

(B) Except as provided in division (C) of this section, ~~each:~~ 79377

(1) Each member of an assistance group participating in Ohio 79378  
works first is ineligible to participate in the program for six 79379  
payment months if a county department of job and family services 79380  
determines that a member of the assistance group terminated the 79381  
member's employment ~~and each.~~ 79382

(2) Each person who, on the day prior to the day a recipient 79383  
begins to receive transitional child care ~~or transitional~~ 79384

medicaid, was a member of the recipient's assistance group is 79385  
ineligible to participate in Ohio works first for six payment 79386  
months if a county department determines that the recipient 79387  
terminated the recipient's employment. 79388

(C) No assistance group member shall lose or be denied 79389  
eligibility to participate in Ohio works first pursuant to 79390  
division (B) of this section if the termination of employment was 79391  
because an assistance group member or recipient of transitional 79392  
child care ~~or transitional medicaid~~ secured comparable or better 79393  
employment or the county department of job and family services 79394  
certifies that the member or recipient terminated the employment 79395  
with just cause. 79396

Just cause includes the following: 79397

(1) Discrimination by an employer based on age, race, sex, 79398  
color, handicap, religious beliefs, or national origin; 79399

(2) Work demands or conditions that render continued 79400  
employment unreasonable, such as working without being paid on 79401  
schedule; 79402

(3) Employment that has become unsuitable due to any of the 79403  
following: 79404

(a) The wage is less than the federal minimum wage; 79405

(b) The work is at a site subject to a strike or lockout, 79406  
unless the strike has been enjoined under section 208 of the 79407  
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 79408  
178, as amended, an injunction has been issued under section 10 of 79409  
the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as 79410  
amended, or an injunction has been issued under section 4117.16 of 79411  
the Revised Code; 79412

(c) The documented degree of risk to the member or 79413  
recipient's health and safety is unreasonable; 79414

(d) The member or recipient is physically or mentally unfit 79415  
to perform the employment, as documented by medical evidence or by 79416  
reliable information from other sources. 79417

(4) Documented illness of the member or recipient or of 79418  
another assistance group member of the member or recipient 79419  
requiring the presence of the member or recipient; 79420

(5) A documented household emergency; 79421

(6) Lack of adequate child care for children of the member or 79422  
recipient who are under six years of age. 79423

**Sec. 5107.42.** (A) Except as provided in divisions (B) and (C) 79424  
of this section, county departments of job and family services 79425  
shall assign each minor head of household and adult participating 79426  
in Ohio works first, other than a minor head of household 79427  
participating in the LEAP program, to one or more work activities 79428  
and developmental activities. 79429

If a county department assigns a minor head of household or 79430  
adult to the work activity established under division (H) of 79431  
section 5107.60 of the Revised Code, the county department shall 79432  
make reasonable efforts to assign the minor head of household or 79433  
adult to at least one other work activity at the same time. If a 79434  
county department assigns a minor head of household or adult to 79435  
the work activity established under section 5107.58 of the Revised 79436  
Code, the county department shall assign the minor head of 79437  
household or adult to at least one other work activity at the same 79438  
time. 79439

A county department may not assign a minor head of household 79440  
or adult to a work activity established under division (D) of 79441  
section 5107.60 of the Revised Code for more than twelve months. 79442

(B) If a county department determines that a minor head of 79443  
household or adult has a temporary or permanent barrier to 79444

participation in a work activity, it may assign the minor head of household or adult to one or more alternative work activities instead of assigning the minor head of household or adult to one or more work activities or developmental activities. A county department may not assign more than twenty per cent of minor heads of household and adults participating in Ohio works first to an alternative work activity.

County departments shall establish standards for determining whether a minor head of household or adult has a temporary or permanent barrier to participating in a work activity. The following are examples of circumstances that a county department may consider when it develops its standards:

(1) A minor head of household or adult provides the county department documented evidence that one or more members of the assistance group have been the victim of domestic violence and are in imminent danger of suffering continued domestic violence;

(2) A minor head of household or adult is actively participating in ~~an alcohol or drug~~ a community addiction program services provider certified by the department of ~~alcohol and drug addiction services~~ mental health and addiction services under section ~~3793.06~~ 5119.36 of the Revised Code;

(3) An assistance group is homeless.

(C) A county department may exempt a minor head of household or adult who is unmarried and caring for a minor child under twelve months of age from the work requirements of sections 5107.40 to 5107.69 of the Revised Code for not more than twelve months. While exempt, the minor head of household or adult shall be disregarded in determining whether the county department is meeting the requirement of section 5107.44 of the Revised Code. The county department shall assign the exempt minor head of household or adult to at least one developmental activity for a



number of hours a week the county department determines. The 79476  
county department may assign the exempt minor head of household or 79477  
adult to one or more work activities, in addition to developmental 79478  
activities, for a number of hours the county department 79479  
determines. Division (B) of section 5107.43 of the Revised Code 79480  
does not apply to the exempt minor head of household or adult. 79481

(D) A county department may reassign a minor head of 79482  
household or adult when the county department determines 79483  
reassignment will aid the assistance group in achieving self 79484  
sufficiency and personal responsibility and shall make 79485  
reassignments when circumstances requiring reassignment occur, 79486  
including when a temporary barrier to participating in a work 79487  
activity is eliminated. 79488

A county department shall include assignments in the 79489  
self-sufficiency contract entered into under section 5107.14 of 79490  
the Revised Code and shall amend the contract when a reassignment 79491  
is made to include the reassignment in the contract. 79492

**Sec. 5107.64.** County departments of job and family services 79493  
shall establish and administer alternative work activities for 79494  
minor heads of households and adults participating in Ohio works 79495  
first. In establishing alternative work activities, county 79496  
departments are not limited by the restrictions Title IV-A imposes 79497  
on work activities. The following are examples of alternative work 79498  
activities that a county department may establish: 79499

(A) Parenting classes and life-skills training; 79500

(B) Participation in ~~an alcohol or drug~~ a community addiction 79501  
~~program~~ services provider certified by the department of ~~alcohol~~ 79502  
~~and drug addiction services~~ mental health and addiction services 79503  
under section ~~3793.06~~ 5119.36 of the Revised Code; 79504

(C) In the case of a homeless assistance group, finding a 79505

home; 79506

(D) In the case of a minor head of household or adult with a 79507  
disability, active work in an individual written rehabilitation 79508  
plan with the rehabilitation services commission; 79509

(E) In the case of a minor head of household or adult who has 79510  
been the victim of domestic violence, residing in a domestic 79511  
violence shelter, receiving counseling or treatment related to the 79512  
domestic violence, or participating in criminal justice activities 79513  
against the domestic violence offender; 79514

(F) An education program under which a participant who does 79515  
not speak English attends English as a second language course. 79516

**Sec. 5115.20.** (A) The department of job and family services 79517  
shall establish a disability advocacy program and each county 79518  
department of job and family services shall establish a disability 79519  
advocacy program unit or join with other county departments of job 79520  
and family services to establish a joint county disability 79521  
advocacy program unit. Through the program the department and 79522  
county departments shall cooperate in efforts to assist applicants 79523  
for and recipients of assistance under the disability financial 79524  
assistance program, who might be eligible for supplemental 79525  
security income benefits under Title XVI of the "Social Security 79526  
Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, in 79527  
applying for those benefits. 79528

As part of their disability advocacy programs, the state 79529  
department and county departments may enter into contracts for the 79530  
services of persons and government entities that in the judgment 79531  
of the department or county department have demonstrated expertise 79532  
in representing persons seeking supplemental security income 79533  
benefits. Each contract shall require the person or entity with 79534  
which a department contracts to assess each person referred to it 79535  
by the department to determine whether the person appears to be 79536

eligible for supplemental security income benefits, and, if the 79537  
person appears to be eligible, assist the person in applying and 79538  
represent the person in any proceeding of the social security 79539  
administration, including any appeal or reconsideration of a 79540  
denial of benefits. The department or county department shall 79541  
provide to the person or entity with which it contracts all 79542  
records in its possession relevant to the application for 79543  
supplemental security income benefits. The department shall 79544  
require a county department with relevant records to submit them 79545  
to the person or entity. 79546

(B) Each applicant for or recipient of disability financial 79547  
assistance who, in the judgment of the department of job and 79548  
family services or a county department of job and family services 79549  
might be eligible for supplemental security benefits, shall, as a 79550  
condition of eligibility for assistance, apply for such benefits 79551  
if directed to do so by the department or county department. 79552

(C) With regard to applicants for and recipients of 79553  
disability financial assistance, each county department of job and 79554  
family services shall do all of the following: 79555

(1) Identify applicants and recipients who might be eligible 79556  
for supplemental security income benefits; 79557

(2) Assist applicants and recipients in securing 79558  
documentation of disabling conditions or refer them for such 79559  
assistance to a person or government entity with which the 79560  
department of job and family services or county department has 79561  
contracted under division (A) of this section; 79562

(3) Inform applicants and recipients of available sources of 79563  
representation, which may include a person or government entity 79564  
with which the department or county department has contracted 79565  
under division (A) of this section, and of their right to 79566  
represent themselves in reconsiderations and appeals of social 79567

security administration decisions that deny them supplemental 79568  
security income benefits. The county department may require the 79569  
applicants and recipients, as a condition of eligibility for 79570  
assistance, to pursue reconsiderations and appeals of social 79571  
security administration decisions that deny them supplemental 79572  
security income benefits, and shall assist applicants and 79573  
recipients as necessary to obtain such benefits or refer them to a 79574  
person or government entity with which the department or county 79575  
department has contracted under division (A) of this section. 79576

(4) Require applicants and recipients who, in the judgment of 79577  
the county department, are or may be aged, blind, or disabled, to 79578  
apply for ~~medical assistance under Chapter 5111. of the Revised~~ 79579  
~~Code~~ the medicaid program, make determinations when appropriate as 79580  
to eligibility for ~~medical assistance~~ medicaid, and refer their 79581  
applications when necessary to the disability determination unit 79582  
established in accordance with division (F) of this section for 79583  
expedited review; 79584

(5) Require each applicant and recipient who in the judgment 79585  
of the department or the county department might be eligible for 79586  
supplemental security income benefits, as a condition of 79587  
eligibility for disability financial assistance, to execute a 79588  
written authorization for the secretary of health and human 79589  
services to withhold benefits due that individual and pay to the 79590  
director of job and family services or the director's designee an 79591  
amount sufficient to reimburse the state and county shares of 79592  
interim assistance furnished to the individual. For the purposes 79593  
of division (C)(5) of this section, "benefits" and "interim 79594  
assistance" have the meanings given in Title XVI of the "Social 79595  
Security Act." 79596

(D) The director of job and family services shall adopt rules 79597  
in accordance with section 111.15 of the Revised Code for the 79598  
effective administration of the disability advocacy program. The 79599

rules shall include all of the following: 79600

(1) Methods to be used in collecting information from and 79601  
disseminating it to county departments, including the following: 79602

(a) The number of individuals in the county who are disabled 79603  
recipients of disability financial assistance; 79604

(b) The final decision made either by the social security 79605  
administration or by a court for each application or 79606  
reconsideration in which an individual was assisted pursuant to 79607  
this section. 79608

(2) The type and process of training to be provided by the 79609  
department of job and family services to the employees of the 79610  
county department of job and family services who perform duties 79611  
under this section; 79612

(3) Requirements for the written authorization required by 79613  
division (C)(5) of this section. 79614

(E) The department of job and family services shall provide 79615  
basic and continuing training to employees of the county 79616  
department of job and family services who perform duties under 79617  
this section. Training shall include but not be limited to all 79618  
processes necessary to obtain federal disability benefits, and 79619  
methods of advocacy. 79620

(F) The department of medicaid shall establish a disability 79621  
determination unit and develop guidelines for expediting reviews 79622  
of applications for ~~medical assistance under Chapter 5111. of the~~ 79623  
~~Revised Code~~ the medicaid program for persons who have been 79624  
referred to the unit under division (C)(4) of this section. The 79625  
department of medicaid shall make determinations of eligibility 79626  
for ~~medical assistance~~ medicaid for any such person within the 79627  
time prescribed by federal regulations. 79628

(G) The department of job and family services may, under 79629

rules the director of job and family services adopts in accordance 79630  
with section 111.15 of the Revised Code, pay a portion of the 79631  
federal reimbursement described in division (C)(5) of this section 79632  
to persons or government entities that assist or represent 79633  
assistance recipients in reconsiderations and appeals of social 79634  
security administration decisions denying them supplemental 79635  
security income benefits. 79636

(H) The director of job and family services shall conduct 79637  
investigations to determine whether disability advocacy programs 79638  
are being administered in compliance with the Revised Code and the 79639  
rules adopted by the director pursuant to this section. 79640

**Sec. 5117.10.** (A) On or before the fifteenth day of January, 79641  
the director of development shall pay each applicant determined 79642  
eligible for a payment under divisions (A) and (B) of section 79643  
5117.07 of the Revised Code one hundred twenty-five dollars. 79644

(B) The director may withhold from any payment to which a 79645  
person would otherwise be entitled under division (A) of this 79646  
section any amount that the director determines was erroneously 79647  
received by such person in a preceding year under this or the 79648  
program established under Am. Sub. H.B. 230, as amended by Am. 79649  
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 79650  
523 of the 112th general assembly, provided the director has 79651  
employed all other legal methods reasonably available to obtain 79652  
reimbursement for the erroneous payment or credit prior to the 79653  
commencement of the current program year. 79654

(C) Payments made under this section and credits granted 79655  
under section 5117.09 of the Revised Code shall not be considered 79656  
income for the purpose of determining eligibility or the level of 79657  
benefits or assistance under section 329.042 or Chapters 5107.7 79658  
~~5111.7~~ and 5115. of the Revised Code; the medicaid program; 79659  
supplemental security income payments under Title XVI of the 79660

"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 79661  
amended; or any other program under which eligibility or the level 79662  
of benefits or assistance is based upon need measured by income. 79663

**Sec. ~~3793.01~~ 5119.01.** (A) As used in this chapter: 79664

(1) "Addiction" means the chronic and habitual use of 79665  
alcoholic beverages, the use of a drug of abuse as defined in 79666  
section 3719.011 of the Revised Code, or the use of gambling by an 79667  
individual to the extent that the individual no longer can control 79668  
the individual's use of alcohol, the individual becomes physically 79669  
or psychologically dependent on the drug, the individual's use of 79670  
alcohol or drugs endangers the health, safety, or welfare of the 79671  
individual or others, or the individual's gambling causes 79672  
psychological, financial, emotional, marital, legal, or other 79673  
difficulties endangering the health, safety, or welfare of the 79674  
individual or others. 79675

(2) "Addiction services" means services, including 79676  
intervention, for the treatment of persons with alcohol, drug, or 79677  
gambling addictions, and for the prevention of such addictions. 79678

(3) "Alcohol and drug addiction services" means services, 79679  
including intervention, for the treatment of alcoholics or persons 79680  
who abuse drugs of abuse and for the prevention of alcoholism and 79681  
drug addiction. 79682

(4) "Alcoholic" means a person suffering from alcoholism. 79683

(5) "Alcoholism" means the chronic and habitual use of 79684  
alcoholic beverages by an individual to the extent that the 79685  
individual no longer can control the individual's use of alcohol 79686  
or endangers the health, safety, or welfare of the individual or 79687  
others. 79688

~~(2) "Alcoholic" means a person suffering from alcoholism.~~ 79689

~~(3)~~(6) "Community addiction services provider" means an 79690

agency, association, corporation, individual, or program that 79691  
provides community alcohol, drug addiction, or gambling addiction 79692  
services that are certified by the department of mental health and 79693  
addiction services under section 5119.36 of the Revised Code. 79694

(7) "Community mental health services provider" means an 79695  
agency, association, corporation, individual, or program that 79696  
provides community mental health services that are certified by 79697  
the department of mental health and addiction services under 79698  
section 5119.36 of the Revised Code. 79699

(8) "Drug addiction" means the use of a drug of abuse, as 79700  
defined in section 3719.011 of the Revised Code, by an individual 79701  
to the extent that the individual becomes physically or 79702  
psychologically dependent on the drug or endangers the health, 79703  
safety, or welfare of the individual or others. 79704

~~(4) "Alcohol and drug addiction services" means services,~~ 79705  
~~including intervention, for the treatment of alcoholics or persons~~ 79706  
~~who abuse drugs of abuse and for the prevention of alcoholism and~~ 79707  
~~drug addiction.~~ 79708

~~(5) "Alcohol and drug addiction program" means a program that~~ 79709  
~~provides alcohol or drug addiction services and includes a~~ 79710  
~~facility or entity that operates such a program.~~ 79711

~~(6)~~(9) "Gambling addiction" means the use of gambling by an 79712  
individual to the extent that it causes psychological, financial, 79713  
emotional, marital, legal, or other difficulties endangering the 79714  
health, safety, or welfare of the individual or others. 79715

~~(7)~~(10) "Gambling addiction services" means services for the 79716  
treatment of persons who have a gambling addiction and for the 79717  
prevention of gambling addiction. 79718

(11) "Hospital" means a hospital or inpatient unit licensed 79719  
by the department of mental health and addiction services under 79720  
section 5119.33 of the Revised Code, and any institution, 79721



hospital, or other place established, controlled, or supervised by 79722  
the department under Chapter 5119. of the Revised Code. 79723

(12) "Mental illness" means a substantial disorder of 79724  
thought, mood, perception, orientation, or memory that grossly 79725  
impairs judgment, behavior, capacity to recognize reality, or 79726  
ability to meet the ordinary demands of life. 79727

(13) "Mental health services" means services for the 79728  
assessment, care, or treatment of persons who have a mental 79729  
illness as defined in this section. 79730

(14)(a) "Residence" means a person's physical presence in a 79731  
county with intent to remain there, except in either of the 79732  
following circumstances: 79733

(i) If a person is receiving a mental health service at a 79734  
facility that includes nighttime sleeping accommodations, 79735  
"residence" means that county in which the person maintained the 79736  
person's primary place of residence at the time the person entered 79737  
the facility; 79738

(ii) If a person is committed pursuant to section 2945.38, 79739  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 79740  
"residence" means the county where the criminal charges were 79741  
filed. 79742

(b) When the residence of a person is disputed, the matter of 79743  
residence shall be referred to the department of mental health and 79744  
addiction services for investigation and determination. Residence 79745  
shall not be a basis for a board of alcohol, drug addiction, and 79746  
mental health services to deny services to any person present in 79747  
the board's service district, and the board shall provide services 79748  
for a person whose residence is in dispute while residence is 79749  
being determined and for a person in an emergency situation. 79750

(B) Any reference in this chapter to a board of alcohol, drug 79751  
addiction, and mental health services also refers to an alcohol 79752

and drug addiction services board or a community mental health 79753  
board in a service district in which an alcohol and drug addiction 79754  
services board or a community mental health board has been 79755  
established under section 340.021 or former section 340.02 of the 79756  
Revised Code. 79757

**Sec. 5119.04.** The department of ~~mental health~~ mental health 79758  
and addiction services and any institutions under its supervision 79759  
or jurisdiction shall, where applicable, be in substantial 79760  
compliance with standards set forth for psychiatric facilities by 79761  
the joint commission ~~on accreditation of healthcare organizations~~ 79762  
or medical assistance standards under Title XIX of the "Social 79763  
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or 79764  
other applicable standards, ~~except that the department and any~~ 79765  
~~institution under its supervision or jurisdiction shall be in~~ 79766  
~~substantial compliance with standards for physical facilities and~~ 79767  
~~equipment by July 1, 1989. The requirements of this section do not~~ 79768  
~~apply to any facility designated by the director of mental health~~ 79769  
~~for use as a psychiatric rehabilitation center.~~ 79770

The requirements of this section are in addition to any other 79771  
requirements established by the Revised Code and nothing in this 79772  
section shall be construed to limit any rights, privileges, 79773  
protections, or immunities which may exist under the constitution 79774  
and laws of the United States or this state. 79775

**Sec. 5119.27 5119.05.** Subject to the rules of the director of 79776  
~~mental health~~ mental health and addiction services, each 79777  
institution under the jurisdiction of the department shall be 79778  
under the management and control of a managing officer to be known 79779  
as a ~~superintendent~~ chief executive officer or by another 79780  
appropriate title. Such managing officer shall be appointed by the 79781  
director of ~~mental health~~ mental health and addiction services, 79782  
and shall be in the unclassified service and serve at the pleasure 79783

of the director. Each managing officer shall be of good moral 79784  
character and have skill, ability, and experience in his the 79785  
managing officer's profession. ~~Appointment to this position may be~~ 79786  
~~made from persons holding positions in the classified service in~~ 79787  
~~the department.~~ 79788

The managing officer, under the director, shall ~~have entire~~ 79789  
~~executive charge~~ serve as the appointing authority of the 79790  
institution ~~for~~ to which such managing officer is appointed. 79791  
Subject to civil service rules, the managing officer shall have 79792  
the power to appoint ~~the necessary~~ and remove employees ~~and he or~~ 79793  
~~the director may remove such employees for cause of the~~ 79794  
institution. On behalf of the institution, the managing officer 79795  
has the authority and responsibility for entering into contracts 79796  
and other agreements for the efficient operations of the 79797  
institution. 79798

**Sec. 5119.44 5119.051.** The department of ~~mental health~~ mental 79799  
health and addiction services shall keep in its office a proper 79800  
and complete set of books and accounts with each institution, 79801  
which shall clearly show the nature and amount of every 79802  
expenditure authorized and made at such institution, and which 79803  
shall contain an account of all appropriations made by the general 79804  
assembly and of all other funds, together with the disposition of 79805  
such funds. 79806

The department shall prescribe the form of vouchers, records, 79807  
and methods of keeping accounts at each of the institutions, which 79808  
shall be as nearly uniform as possible. The department may examine 79809  
the records of each institution at any time. 79810

The department may authorize any of its ~~bookkeepers~~ 79811  
bookkeepers, accountants, or employees to examine and check the 79812  
records, accounts, and vouchers or take an inventory of the 79813  
property of any institution, or do whatever is necessary, and pay 79814

the actual and reasonable expenses incurred in such service when 79815  
an itemized account is filed and approved. 79816

**Sec. ~~5119.43~~ 5119.06.** The department of ~~mental health~~ mental 79817  
health and addiction services shall keep in its office, accessible 79818  
only to its employees, except by the consent of the department or 79819  
the order of the judge of a court of record, a record showing the 79820  
name, residence, sex, age, nativity, occupation, condition, and 79821  
date of entrance or commitment of every patient in the 79822  
institutions governed by it, the date, cause, and terms of 79823  
discharge and the condition of such person at the time of leaving, 79824  
and also a record of all transfers from one institution to 79825  
another, and, if such person dies while in the care or custody of 79826  
the department, the date and cause of death. These and such other 79827  
facts as the department requires shall be furnished by the 79828  
managing officer of each institution within twenty-four hours 79829  
after the commitment, entrance, death, or discharge of a patient. 79830

In case of an accident or injury or peculiar death of a 79831  
patient the managing officer shall make a special report to the 79832  
department within twenty-four hours thereafter, giving the 79833  
circumstances as fully as possible. 79834

**Sec. ~~5119.42~~ 5119.07.** A person, firm, or corporation may file 79835  
a petition in the court of common pleas of the county in which a 79836  
benevolent institution of the department of mental health and 79837  
addiction services is located, in which petition the desire to 79838  
erect or carry on at a less distance than that prescribed in 79839  
section 3767.19 of the Revised Code shall be set forth, the 79840  
business prohibited, the precise point of its establishment, and 79841  
the reasons and circumstances, in its opinion, why the erection or 79842  
carrying on ~~thereof~~ of the business would not annoy or endanger 79843  
the health, convenience, or recovery of the patients of such 79844  
institution. The petitioner shall give notice in a newspaper of 79845

general circulation in the county of the pendency and prayer of 79846  
the petition for at least six consecutive weeks before the day set 79847  
for hearing the petition and serve a written notice upon the 79848  
~~superintendent~~ managing officer of the institution at least thirty 79849  
days before the day set for hearing the petition. 79850

If, upon the hearing of the petition, it appears that the 79851  
notice has been given as required and the court is of the opinion 79852  
that no good reason exists why such establishment may not be 79853  
erected or such business carried on and that by the erection or 79854  
carrying on ~~thereof~~ of the business at the point named, the 79855  
institution will sustain no detriment, the court may issue an 79856  
order granting the prayer of the petitioner. Thereafter the 79857  
petitioner may locate such establishment or carry on such business 79858  
at the point named in the petition. 79859

**Sec. ~~5119.14~~ 5119.08.** (A) As used in this section, "felony" 79860  
has the same meaning as in section 109.511 of the Revised Code. 79861

(B)(1) Subject to division (C) of this section, upon the 79862  
recommendation of the director of ~~mental health~~ mental health and 79863  
addiction services, the managing officer of an institution under 79864  
the jurisdiction of the department of ~~mental health~~ mental health 79865  
and addiction services may designate one or more employees to be 79866  
special police officers of the department. The special police 79867  
officers shall take an oath of office, wear the badge of office, 79868  
and give bond for the proper and faithful discharge of their 79869  
duties in an amount that the director requires. 79870

(2) In accordance with section 109.77 of the Revised Code, 79871  
the special police officers shall be required to complete 79872  
successfully a peace officer basic training program approved by 79873  
the Ohio peace officer training commission and to be certified by 79874  
the commission. The cost of the training shall be paid by the 79875  
department of ~~mental health~~ mental health and addiction services. 79876

(3) Special police officers, on the premises of institutions 79877  
under the jurisdiction of the department of ~~mental health~~ mental 79878  
health and addiction services and subject to the rules of the 79879  
department, shall protect the property of the institutions and the 79880  
persons and property of patients in the institutions, suppress 79881  
riots, disturbances, and breaches of the peace, and enforce the 79882  
laws of the state and the rules of the department for the 79883  
preservation of good order. They may arrest any person without a 79884  
warrant and detain the person until a warrant can be obtained 79885  
under the circumstances described in division (F) of section 79886  
2935.03 of the Revised Code. 79887

(C)(1) The managing officer of an institution under the 79888  
jurisdiction of the department of ~~mental health~~ mental health and 79889  
addiction services shall not designate an employee as a special 79890  
police officer of the department pursuant to division (B)(1) of 79891  
this section on a permanent basis, on a temporary basis, for a 79892  
probationary term, or on other than a permanent basis if the 79893  
employee previously has been convicted of or has pleaded guilty to 79894  
a felony. 79895

(2)(a) The managing officer of an institution under the 79896  
jurisdiction of the department of ~~mental health~~ mental health and 79897  
addiction services shall terminate the employment as a special 79898  
police officer of the department of an employee designated as a 79899  
special police officer under division (B)(1) of this section if 79900  
that employee does either of the following: 79901

(i) Pleads guilty to a felony; 79902

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 79903  
plea agreement as provided in division (D) of section 2929.43 of 79904  
the Revised Code in which the employee agrees to surrender the 79905  
certificate awarded to that employee under section 109.77 of the 79906  
Revised Code. 79907

(b) The managing officer shall suspend from employment as a special police officer of the department an employee designated as a special police officer under division (B)(1) of this section if that employee is convicted, after trial, of a felony. If the special police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the special police officer does not file a timely appeal, the managing officer shall terminate the employment of that special police officer. If the special police officer files an appeal that results in that special police officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that special police officer, the managing officer shall reinstate that special police officer. A special police officer of the department who is reinstated under division (C)(2)(b) of this section shall not receive any back pay unless that special police officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the special police officer of the felony.

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a special police officer under division (C)(2) of this section shall be in accordance with ~~Chapter 119. of the Revised Code~~ applicable collective bargaining agreements.

**Sec. ~~5119.30~~ 5119.09.** The attorney general shall attend to all ~~suits~~ claims instituted on behalf of or against the department of mental health and addiction services or any institution under the jurisdiction of the department ~~of mental health~~ and the managing officer thereof, except such institutions as are privately owned or operated under a license from the department of

~~mental health~~ mental health and addiction services, and shall 79939  
represent the public hospital in proceedings under section 5122.15 79940  
of the Revised Code. The department of ~~mental health~~ mental health  
and addiction services shall reimburse the attorney general for 79941  
the compensation of assistant attorneys general required to 79942  
represent the public hospital in proceedings under section 5122.15 79943  
of the Revised code and shall also pay the costs of litigation 79944  
incurred by the attorney general under that section. 79945  
79946

If a writ of habeas corpus is applied for, the clerk of the 79947  
court shall give notice of the time and place of hearing to the 79948  
attorney general. 79949

**Sec. ~~5119.01~~ 5119.10.** (A) The director of ~~mental health~~ 79950  
mental health and addiction services is the chief executive and 79951  
~~administrative officer~~ appointing authority of the department of 79952  
~~mental health~~ mental health and addiction services. The director  
may organize the department for its efficient operation, including  
creating divisions or offices as necessary. The director may 79953  
79954  
79955  
establish procedures for the governance of the department, conduct 79956  
of its employees and officers, performance of its business, and 79957  
custody, use, and preservation of departmental records, papers, 79958  
books, documents, and property. Whenever the Revised Code imposes 79959  
a duty upon or requires an action of the department or any of its 79960  
institutions, the director or the director's designee shall 79961  
perform the action or duty in the name of the department, except 79962  
that the medical director appointed pursuant to section ~~5119.07~~ 79963  
5119.11 of the Revised Code shall be responsible for decisions 79964  
relating to medical diagnosis, treatment, rehabilitation, quality 79965  
assurance, and the clinical aspects of the following: licensure of 79966  
hospitals and residential facilities, research, community 79967  
addiction and mental health services plans, and certification and  
delivery of mental health and addiction services. 79968  
79969



(B) The director shall: 79970

~~(A)~~(1) Adopt rules for the proper execution of the powers and 79971  
duties of the department with respect to the institutions under 79972  
its control, and require the performance of additional duties by 79973  
the officers of the institutions as necessary to fully meet the 79974  
requirements, intents, and purposes of this chapter. In case of an 79975  
apparent conflict between the powers conferred upon any managing 79976  
officer and those conferred by such sections upon the department, 79977  
the presumption shall be conclusive in favor of the department. 79978

~~(B)~~(2) Adopt rules for the nonpartisan management of the 79979  
institutions under the department's control. An officer or 79980  
employee of the department or any officer or employee of any 79981  
institution under its control who, by solicitation or otherwise, 79982  
exerts influence directly or indirectly to induce any other 79983  
officer or employee of the department or any of its institutions 79984  
to adopt the exerting officer's or employee's political views or 79985  
to favor any particular person, issue, or candidate for office 79986  
shall be removed from the exerting officer's or employee's office 79987  
or position, by the department in case of an officer or employee, 79988  
and by the governor in case of the director. 79989

~~(C)~~(3) Appoint such employees, including the medical 79990  
director, as are necessary for the efficient conduct of the 79991  
department, and prescribe their titles and duties; 79992

~~(D)~~(4) Prescribe the forms of affidavits, applications, 79993  
medical certificates, orders of hospitalization and release, and 79994  
all other forms, reports, and records that are required in the 79995  
hospitalization or admission and release of all persons to the 79996  
institutions under the control of the department, or are otherwise 79997  
required under this chapter or Chapter 5122. of the Revised Code; 79998

~~(E)~~ Contract with hospitals licensed by the department under 79999  
section 5119.20 of the Revised Code for the care and treatment of 80000

~~mentally ill patients, or with persons, organizations, or agencies 80001  
for the custody, evaluation, supervision, care, or treatment of 80002  
mentally ill persons receiving services elsewhere than within the 80003  
enclosure of a hospital operated under section 5119.02 of the 80004  
Revised Code; 80005~~

~~(F)(5) Exercise the powers and perform the duties relating to 80006  
community addiction and mental health facilities and services that 80007  
are assigned to the director under this chapter and Chapter 340. 80008  
of the Revised Code; 80009~~

~~(G)(6) Develop and implement clinical evaluation and 80010  
monitoring of services that are operated by the department; 80011~~

~~(H)(7) Adopt rules establishing standards for the performance 80012  
of evaluations by a forensic center or other psychiatric program 80013  
or facility of the mental condition of defendants ordered by the 80014  
court under section 2919.271, or 2945.371 of the Revised Code, and 80015  
for the treatment of defendants who have been found incompetent to 80016  
stand trial and ordered by the court under section 2945.38, 80017  
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 80018  
treatment in facilities; 80019~~

~~(I)(8) On behalf of the department, have the authority and 80020  
responsibility for entering into contracts and other agreements; 80021  
with providers, agencies, institutions, and other entities, both 80022  
public and private, as necessary for the department to carry out 80023  
its duties under this chapter and Chapters 340., 2919., 2945., and 80024  
5122. of the Revised Code. Chapter 125. of the Revised Code does 80025  
not apply to contracts the director enters into under this section 80026  
for services provided to individuals with mental illness by 80027  
providers, agencies, institutions, and other entities not owned or 80028  
operated by the department. 80029~~

~~(J) Prepare and publish regularly a state mental health plan 80030  
that describes the department's philosophy, current activities, 80031~~

~~and long term and short term goals and activities;~~ 80032

~~(K)(9)~~ Adopt rules in accordance with Chapter 119. of the 80033  
Revised Code specifying the supplemental services that may be 80034  
provided through a trust authorized by section 5815.28 of the 80035  
Revised Code; 80036

~~(L)(10)~~ Adopt rules in accordance with Chapter 119. of the 80037  
Revised Code establishing standards for the maintenance and 80038  
distribution to a beneficiary of assets of a trust authorized by 80039  
section 5815.28 of the Revised Code. 80040

(C) The director may contract with hospitals licensed by the 80041  
department under section 5119.33 of the Revised Code for the care 80042  
and treatment of mentally ill patients, or with persons, 80043  
organizations, or agencies for the custody, evaluation, 80044  
supervision, care, or treatment of mentally ill persons receiving 80045  
services elsewhere than within the enclosure of a hospital 80046  
operated under section 5119.14 of the Revised Code. 80047

**Sec. 5119.07 5119.11.** (A) The director of ~~mental health~~ 80048  
mental health and addiction services shall appoint a medical 80049  
director who ~~is a psychiatrist as defined in division (E) of~~ 80050  
~~section 5122.01 of the Revised Code,~~ is eligible or certified by 80051  
the American board of psychiatry and neurology or the American 80052  
osteopathic board of neurology and psychiatry, and has at least 80053  
five years of clinical and two years of administrative experience. 80054  
The medical director shall also have certification or substantial 80055  
training and experience in the field of addiction medicine or 80056  
addiction psychiatry. The medical director shall be responsible 80057  
for decisions relating to medical diagnosis, treatment, 80058  
prevention, rehabilitation, quality assurance, and the clinical 80059  
aspects of mental health and addiction services involving all of 80060  
the following: ~~licensure~~ 80061

(1) Licensure of hospitals ~~and,~~ residential facilities, 80062

~~research, community mental health and outpatient facilities;~~ 80063

(2) Research; 80064

(3) Community addiction and mental health services plans; 80065

(4) Certification and delivery of mental health and addiction 80066  
services. ~~The~~ 80067

(B) The medical director shall also exercise clinical 80068  
supervision of the chief clinical officers of hospitals and 80069  
institutions under the jurisdiction of the department and shall 80070  
review and approve decisions relating to the employment of the 80071  
chief clinical officers. The medical director or ~~his~~ the medical 80072  
director's designee shall advise the director on matters relating 80073  
to licensure, research, ~~community mental health plans,~~ and the 80074  
certification and delivery of mental health and addiction services 80075  
and community plans. The medical director shall participate in the 80076  
development of guidelines for community addiction and mental 80077  
health services plans. The director of ~~mental health~~ mental health 80078  
and addiction services may establish other duties of the medical 80079  
director. ~~The medical director shall participate in the~~ 80080  
~~development of guidelines for community mental health plans.~~ 80081

**Sec. 5119.02 5119.14.** (A) The department of ~~mental health~~ 80082  
mental health and addiction services shall maintain, operate, 80083  
manage, and govern state institutions and other services for the 80084  
care and treatment of mentally ill persons. 80085

(B)(1) The department of ~~mental health~~ mental health and 80086  
addiction services may, with the approval of the governor, 80087  
designate ~~all~~ the name and purpose of any institutions under its 80088  
jurisdiction ~~by appropriate respective names, regardless of~~ 80089  
~~present statutory designation and may change, with the approval of~~ 80090  
the governor, the designation and name when necessary. 80091

~~(C)(2)~~ The department shall divide the state into districts 80092

for the purpose of designating the institution in which mentally ill persons are hospitalized and may change the districts. 80093  
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(3) Subject to section 5139.08 and pursuant to Chapter 5122. 80095  
of the Revised Code and on the agreement of the departments of 80096  
~~mental health~~ mental health and addiction services and youth 80097  
services, the department of ~~mental health~~ mental health and 80098  
addiction services may receive from the department of youth 80099  
services for psychiatric observation, diagnosis, or treatment any 80100  
person eighteen years of age or older in the custody of the 80101  
department of youth services. The departments ~~shall~~ may enter into 80102  
a written agreement specifying the procedures necessary to 80103  
implement this division. 80104

~~(D)~~(C) The department of ~~mental health~~ mental health and 80105  
addiction services shall designate hospitals, facilities, and 80106  
community mental health ~~agencies~~ services providers for the 80107  
custody, care, and special treatment of, and authorize payment for 80108  
such custody, care, and special treatment provided to, persons who 80109  
are charged with a crime and who are found incompetent to stand 80110  
trial or not guilty by reason of insanity. 80111

~~(E)~~(D) The department of ~~mental health~~ mental health and 80112  
addiction services may do ~~all~~ any of the following: 80113

(1) Require reports from the managing officer of any 80114  
institution under the department's jurisdiction, relating to the 80115  
admission, examination, comprehensive evaluation, diagnosis, 80116  
release, or discharge of any patient; 80117

(2) Visit each institution regularly to review its operations 80118  
and to investigate complaints made by any patient or by any person 80119  
on behalf of a patient, provided these duties may be performed by 80120  
a person designated by the director. 80121

~~(F)~~ The department of mental health shall divide the state 80122  
into districts for the purpose of designating the institution in 80123

~~which mentally ill persons are hospitalized, and may change the districts.~~ 80124  
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~~(G)(E) The department of mental health and addiction services may provide or contract to provide addiction services for offenders incarcerated in the state prison system.~~ 80126  
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~~(F) In addition to the powers expressly conferred, the department of mental health mental health and addiction services shall have all powers and authority necessary for the full and efficient exercise of the executive, administrative, and fiscal supervision over the state institutions described in this section.~~ 80129  
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~~(H) The department of mental health may provide for the custody, supervision, control, treatment, and training of mentally ill persons hospitalized elsewhere than within the enclosure of a hospital, if the department so determines with respect to any individual or group of individuals. In all such cases, the department shall ensure adequate and proper supervision for the protection of such persons and of the public.~~ 80134  
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**Sec. 5119.012 5119.141.** ~~The department of mental health mental health and addiction services has all the authority necessary to carry out its powers and duties under this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code, including the authority to adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code.~~ 80141  
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**Sec. 5119.24 5119.15.** ~~The department of mental health mental health and addiction services may make such investigations as are necessary in the performance of its duties and to that end the director of mental health mental health and addiction services shall have the same power as a judge of a county court to~~ 80149  
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administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers. 80154  
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The department shall keep a record of such investigations stating the time, place, charges or subject, witnesses summoned and examined, and its conclusions. 80156  
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In matters involving the conduct of an officer, a stenographic report of the evidence shall be taken and a copy of such report, with all documents introduced, kept on file at the office of the department. 80159  
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The fees of witnesses for attendance and travel shall be the same as in the court of common pleas, but no officer or employee of the institution under investigation is entitled to such fees. 80163  
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Any judge of the probate court or of the court of common pleas, upon application of the department, may compel the attendance of witnesses, the production of books or papers, and the giving of testimony before the department, by a judgment for contempt or otherwise, in the same manner as in cases before such courts. 80166  
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The department of ~~mental health~~ mental health and addiction services may appoint and commission any competent agency or person, to serve without compensation, as a special agent, investigator, or representative to perform a designated duty for the department. Specific credentials shall be given by the department to each person so designated. Each credential shall state the: 80172  
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(A) Name of the agent, investigator, or representative; 80179

(B) Agency with which such person is connected; 80180

(C) Purpose of appointment; 80181

(D) Date of expiration of appointment; 80182

(E) Such information as the department considers proper. 80183

**Sec. ~~3793.051~~ 5119.161.** The department of ~~alcohol and drug~~ 80184  
~~addiction services~~ mental health and addiction services, in 80185  
conjunction with the department of job and family services, shall 80186  
develop a joint state plan to improve the accessibility and 80187  
timeliness of alcohol and drug addiction services for individuals 80188  
identified by a public children services agency as in need of 80189  
those services. The plan shall address the fact that Ohio works 80190  
first participants may be among the persons receiving services 80191  
under section 340.15 of the Revised Code and shall require the 80192  
department of job and family services to seek federal funds 80193  
available under Title IV-A of the "Social Security Act," 49 Stat. 80194  
620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the 80195  
services to Ohio works first participants who are receiving 80196  
services under section 340.15 of the Revised Code. 80197

The plan shall address the need and manner for sharing 80198  
information and include a request for the general assembly to 80199  
appropriate an amount of funds specified in the report to be used 80200  
by the departments to pay for services under section 340.15 of the 80201  
Revised Code. The departments shall review and amend the plan as 80202  
necessary. 80203

Not later than the first day of July of each even-numbered 80204  
year, the departments shall submit a report on the progress made 80205  
under the joint state plan to the governor, president of the 80206  
senate, and speaker of the house of representatives. The report 80207  
shall include information on treatment capacity, needs 80208  
assessments, and number of individuals who received services 80209  
pursuant to section 340.15 of the Revised Code. 80210

**Sec. ~~3793.15~~ 5119.17.** (A) The department of ~~alcohol and drug~~ 80211  
~~addiction services~~ mental health and addiction services, in 80212  
accordance with division (B) of this section, shall give priority 80213  
to developing, and promptly shall develop, with available public 80214



and private resources a program that does all of the following: 80215

(1) Provides a manner of identifying the aggregate number of 80216  
pregnant women in this state who are addicted to a drug of abuse; 80217

(2) Provides for an effective means of intervention to 80218  
eliminate the addiction of pregnant women to drugs of abuse prior 80219  
to the birth of their children; 80220

(3) Provides for the continued monitoring of women who were 80221  
addicted to a drug of abuse during their pregnancies, after the 80222  
birth of their children, and for the availability of treatment and 80223  
rehabilitation for those women; 80224

(4) Provides a manner of determining the aggregate number of 80225  
children who are born in this state to women who are addicted, at 80226  
the time of birth, to a drug of abuse, and of children who are 80227  
born in this state with an addiction to or a dependency on a drug 80228  
of abuse; 80229

(5) Provides for the continued monitoring of children who are 80230  
born in this state to women who are addicted, at the time of 80231  
birth, to a drug of abuse, or who are born in this state with an 80232  
addiction to or dependency on a drug of abuse, after their birth; 80233

(6) Provides for the treatment and rehabilitation of any 80234  
child who is born to a woman who is addicted, at the time of 80235  
birth, to a drug of abuse, and of any child who is born with an 80236  
addiction to or dependency on a drug of abuse. 80237

(B) In developing the program described in division (A) of 80238  
this section, the department may obtain information from the 80239  
department of health and the department of job and family 80240  
services, and those departments shall cooperate with the 80241  
department of ~~alcohol and drug addiction services~~ mental health 80242  
and addiction services in its development and implementation of 80243  
the program. 80244

(C) Immediately upon its development of the program described 80245  
in division (A) of this section, the department shall implement 80246  
the program. 80247

(D) Any record or information that is obtained or maintained 80248  
by the department in connection with the program described in 80249  
division (A) of this section and could enable the identification 80250  
of any woman or child described in division (A)(1) or (4) of this 80251  
section is not a public record subject to inspection or copying 80252  
under section 149.43 of the Revised Code. 80253

**Sec. ~~5119.071~~ 5119.18.** An appointing authority may appoint a 80254  
person who holds a certified or permanent position in the 80255  
classified service within the department of ~~mental health~~ mental 80256  
health and addiction services to a position in the unclassified 80257  
service within the department. A person appointed pursuant to this 80258  
section to a position in the unclassified service shall retain the 80259  
right to resume the position and status held by the person in the 80260  
classified service immediately prior to the person's appointment 80261  
to the position in the unclassified service, ~~regardless of the~~ 80262  
~~number of positions the person held in the unclassified service.~~ 80263  
~~An employee's right to resume a position in the classified service~~ 80264  
~~may only be exercised when an appointing authority demotes the~~ 80265  
~~employee to a pay range lower than the employee's current pay~~ 80266  
~~range or revokes the employee's appointment to the unclassified~~ 80267  
~~service. An employee forfeits the right to resume a position in~~ 80268  
~~the classified service when the employee is removed from the~~ 80269  
~~position in the unclassified service due to incompetence,~~ 80270  
~~inefficiency, dishonesty, drunkenness, immoral conduct,~~ 80271  
~~insubordination, discourteous treatment of the public, neglect of~~ 80272  
~~duty, violation of this chapter or Chapter 124. of the Revised~~ 80273  
~~Code, violation of the rules of the director of administrative~~ 80274  
~~services or the director of mental health, any other failure of~~ 80275  
~~good behavior, any other acts of misfeasance, malfeasance, or~~ 80276

~~nonfeasance in office, or conviction of a felony. An employee also 80277  
forfeits the right to resume a position in the classified service 80278  
upon transfer to a different agency. 80279~~

~~Reinstatement to a position in the classified service shall 80280  
be to a position substantially equal to that position in the 80281  
classified service held previously, as certified by the director 80282  
of administrative services. If the position the person previously 80283  
held in the classified service has been placed in the unclassified 80284  
service or is otherwise unavailable, the person shall be appointed 80285  
to a position in the classified service within the department that 80286  
the director of administrative services certifies is comparable in 80287  
compensation to the position the person previously held in the 80288  
classified service. Service in the position in the unclassified 80289  
service shall be counted as service in the position in the 80290  
classified service held by the person immediately prior to the 80291  
person's appointment to the position in the unclassified service. 80292  
When a person is reinstated to a position in the classified 80293  
service as provided in this section, the person is entitled to all 80294  
rights, status, and benefits accruing to the position in the 80295  
classified service during the person's time of service in the 80296  
position in the unclassified service pursuant to division (D) of 80297  
section 124.11 of the Revised Code. 80298~~

**Sec. ~~5119.072~~ 5119.181.** (A) No appointing officer shall 80299  
appoint a person to fill a position in either the classified or 80300  
unclassified service of the department of ~~mental health~~ mental 80301  
health and addiction services if the person has been convicted of 80302  
or pleaded guilty to a violation of the following: 80303

(1) Any felony contained in the Revised Code, if the felony 80304  
bears a direct and substantial relationship to the position being 80305  
filled; 80306

(2) Any crime contained in the Revised Code constituting a 80307

misdemeanor of the first degree on the first offense and a felony 80308  
on subsequent offenses, if the crime bears a direct and 80309  
substantial relationship to the position being filled; 80310

(3) An existing or former law of this state, any other state, 80311  
or the United States, if the law violated is substantially 80312  
equivalent to any of the offenses described in division (A)(1) or 80313  
(2) of this section. 80314

(B) The director of ~~mental health~~ mental health and addiction 80315  
services shall adopt rules, in accordance with Chapter 119. of the 80316  
Revised Code, to implement this section. 80317

(C) The director or an appointing officer shall request the 80318  
bureau of criminal identification and investigation created by 80319  
section 109.51 of the Revised Code or, at ~~his~~ the director's or 80320  
appointing officer's discretion, any other state or federal 80321  
agency, to supply ~~him~~ the director or appointing officer with a 80322  
written report regarding the criminal records of any applicant. 80323  
For each investigation undertaken at the department's request 80324  
under this section, the department shall pay a reasonable fee to 80325  
the bureau or other state or federal agency conducting the 80326  
investigation. The amount of the fee shall be determined by the 80327  
bureau or other state or federal agency conducting the 80328  
investigation and shall be sufficient to cover the costs of 80329  
conducting the investigation. The report made by the bureau or 80330  
other state or federal agency is not a public record for purposes 80331  
of section 149.43 of the Revised Code and shall not be made 80332  
available to any person, except the applicant, the director, the 80333  
appointing officer or ~~his designee~~ the appointing officer's 80334  
designees, or any hearing officer involved in a case denying 80335  
employment. 80336

(D) As used in this section, "applicant" means a person who 80337  
is under final consideration for appointment to a position in the 80338  
classified or unclassified service of the department of ~~mental~~ 80339

~~health~~ mental health and addiction services. 80340

**Sec. ~~5119.08~~ 5119.182.** The department of ~~mental health shall~~ 80341  
mental health and addiction services may require any of its 80342  
employees and each officer and employee of every institution under 80343  
its control who may be charged with custody or control of any 80344  
money or property belonging to the state or who is required to 80345  
give bond, to give a surety company bond, properly conditioned, in 80346  
a sum to be fixed by the department which when approved by the 80347  
department, shall be filed in the office of the secretary of 80348  
state. The cost of such bonds, when approved by the department, 80349  
shall be paid from funds available for the department. The bonds 80350  
required or authorized by this section may, in the discretion of 80351  
the director of ~~mental health~~ mental health and addiction 80352  
services, be individual, schedule, or blanket bonds. 80353

**Sec. ~~5119.10~~ 5119.184.** The department of ~~mental health~~ mental 80354  
health and addiction services may provide educational grants or 80355  
tuition reimbursements to upgrade the education, training, and 80356  
professional achievement of its employees, whenever it determines 80357  
that provision of such grants or reimbursements is essential to 80358  
the achievement of its goals. The department may enter into 80359  
agreements with its employees for the purposes of this section. 80360  
The agreements may require, as a condition of each grant or 80361  
reimbursement, that the employee continue employment with the 80362  
department or with another federal, state, or local public agency 80363  
designated by the department for a period of time stated in the 80364  
agreement. If an employee does not fulfill the employment 80365  
requirement stated in the agreement, the department may take 80366  
action to recover the amount of all educational grants or tuition 80367  
reimbursements paid to the employee under this section, plus 80368  
interest at the rate of ten per cent per year calculated from the 80369  
date of payment of each grant or reimbursement. 80370

**Sec. ~~5119.101~~ 5119.185.** (A) As used in this section, 80371  
"physician" means an individual authorized under Chapter 4731. of 80372  
the Revised Code to practice medicine and surgery or osteopathic 80373  
medicine and surgery. 80374

(B) The department of ~~mental health~~ mental health and 80375  
addiction services may establish a physician recruitment program 80376  
under which the department agrees to repay all or part of the 80377  
principal and interest of a government or other educational loan 80378  
incurred by a physician who agrees to provide services to 80379  
inpatients and outpatients of institutions under the department's 80380  
administration. To be eligible to participate in the program, a 80381  
physician must have attended a school that was, at the time of 80382  
attendance, a medical school or osteopathic medical school in this 80383  
country accredited by the liason committee on medical education or 80384  
the American osteopathic association, or a medical school or 80385  
osteopathic medical school located outside this country that was 80386  
acknowledged by the world health organization and verified by a 80387  
member state of that organization as operating within that state's 80388  
jurisdiction. 80389

(C) The department shall enter into a contract with each 80390  
physician it recruits under this section. Each contract shall 80391  
include at least the following terms: 80392

(1) The physician agrees to provide a specified scope of 80393  
medical or osteopathic medical services for a specified number of 80394  
hours per week and a specified number of years to patients of one 80395  
or more specified institutions administered by the department. 80396

(2) The department agrees to repay all or a specified portion 80397  
of the principal and interest of a government or other educational 80398  
loan taken by the physician for the following expenses if the 80399  
physician meets the service obligation agreed to and the expenses 80400  
were incurred while the physician was enrolled in, for up to a 80401

|                                                                                  |       |
|----------------------------------------------------------------------------------|-------|
| maximum of four years, a school that qualifies the physician to                  | 80402 |
| participate in the program:                                                      | 80403 |
| (a) Tuition;                                                                     | 80404 |
| (b) Other educational expenses for specific purposes,                            | 80405 |
| including fees, books, and laboratory expenses, in amounts                       | 80406 |
| determined to be reasonable in accordance with rules adopted under               | 80407 |
| division (D) of this section;                                                    | 80408 |
| (c) Room and board, in an amount determined to be reasonable                     | 80409 |
| in accordance with rules adopted under division (D) of this                      | 80410 |
| section.                                                                         | 80411 |
| (3) The physician agrees to pay the department a specified                       | 80412 |
| amount, which shall be not less than the amount already paid by                  | 80413 |
| the department pursuant to its agreement, as damages if <del>he</del> <u>the</u> | 80414 |
| <u>physician</u> fails to complete the service obligation agreed to or           | 80415 |
| fails to comply with other specified terms of the contract. The                  | 80416 |
| contract may vary the amount of damages based on the portion of                  | 80417 |
| the physician's service obligation that remains uncompleted as                   | 80418 |
| determined by the department.                                                    | 80419 |
| (4) Other terms agreed upon by the parties.                                      | 80420 |
| (D) If the department elects to implement the physician                          | 80421 |
| recruitment program, it shall adopt rules in accordance with                     | 80422 |
| Chapter 119. of the Revised Code that establish all of the                       | 80423 |
| following:                                                                       | 80424 |
| (1) Criteria for designating institutions for which                              | 80425 |
| physicians will be recruited;                                                    | 80426 |
| (2) Criteria for selecting physicians for participation in                       | 80427 |
| the program;                                                                     | 80428 |
| (3) Criteria for determining the portion of a physician's                        | 80429 |
| loan that the department will agree to repay;                                    | 80430 |
| (4) Criteria for determining reasonable amounts of the                           | 80431 |

expenses described in divisions (C)(2)(b) and (c) of this section; 80432

(5) Procedures for monitoring compliance by physicians with 80433  
the terms of their contracts; 80434

(6) Any other criteria or procedures necessary to implement 80435  
the program. 80436

**Sec. ~~5119.11~~ 5119.186.** (A) The director of ~~mental health~~ 80437  
mental health and addiction services or the managing officer of an 80438  
institution of the department may enter into an agreement with 80439  
boards of trustees or boards of directors of one or more 80440  
institutions of higher education or hospitals licensed pursuant to 80441  
section ~~5119.20~~ 5119.33 of the Revised Code to establish, manage, 80442  
and conduct collaborative training efforts for students enrolled 80443  
in courses of studies for occupations or professions ~~which may be~~ 80444  
~~determined by the director upon the approval of the medical~~ 80445  
~~director to be in occupations or professions needed to provide~~ 80446  
adequate that involve the care and treatment for persons receiving 80447  
mental health or addiction services. 80448

(B) Such collaborative training efforts may include but are 80449  
not limited to programs in psychiatry, psychology, nursing, social 80450  
work, counseling professions, and others considered appropriate by 80451  
the director of ~~mental health~~ mental health and addiction 80452  
services. Any such program shall be approved or accredited by its 80453  
respective professional organization or state board having 80454  
jurisdiction over the profession. 80455

(1) The department shall require that the following be 80456  
provided for in agreements between the department and institutions 80457  
of higher education or hospitals licensed pursuant to section 80458  
~~5119.20~~ 5119.33 of the Revised Code: 80459

(a) Establishment of inter-disciplinary committees to advise 80460  
persons responsible for training programs. Each committee shall 80461



have representation drawn from the geographical community the 80462  
institution of higher education or hospital serves and shall 80463  
include representatives of agencies, boards, targeted populations 80464  
as determined by the department, racial and ethnic minority 80465  
groups, and publicly funded programs; 80466

(b) Funding procedures; 80467

(c) Specific outcomes and accomplishments that are expected 80468  
or required of a program under such agreement; 80469

(d) The types of services to be provided under such 80470  
agreement. 80471

(2) The department may require that the following be provided 80472  
for in agreements between the department and institutions of 80473  
higher education or hospitals licensed pursuant to section ~~5119.20~~ 80474  
5119.33 of the Revised Code: 80475

(a) Special arrangements for individual residents or trainees 80476  
to encourage their employment in publicly funded settings upon 80477  
completion of their training; 80478

(b) Procedures for the selection of residents or trainees to 80479  
promote the admission, retention, and graduation of women, 80480  
minorities, and ~~handicapped~~ disabled persons; 80481

(c) Cross-cultural training and other subjects considered 80482  
necessary to enhance training efforts and the care and treatment 80483  
of patients and clients; 80484

(d) Funding of faculty positions oriented toward meeting the 80485  
needs of publicly funded programs. 80486

Subject to appropriations by the general assembly, the 80487  
director of ~~mental health~~ mental health and addiction services has 80488  
final approval of the funding of these collaborative training 80489  
efforts. 80490

**Sec. ~~5119.12~~ 5119.187.** The courses of study for the 80491  
instruction and training of all persons in institutions under the 80492  
control of the department of ~~mental health~~ mental health and 80493  
addiction services shall be subject to the approval of the 80494  
superintendent of public instruction. 80495

All teachers employed in institutions under the control of 80496  
the department of ~~mental health~~ mental health and addiction 80497  
services shall possess such educator licenses or have such 80498  
qualifications and approval as the superintendent of public 80499  
instruction, after consulting with the officers in charge of the 80500  
institutions, prescribes for the various types of service in the 80501  
institutions. 80502

**Sec. ~~3793.16~~ 5119.188.** (A) As used in this section, "state 80503  
correctional institution" has the same meaning as in section 80504  
2967.01 of the Revised Code. 80505

(B) The department of ~~alcohol and drug addiction services~~ 80506  
mental health and addiction services shall develop a program that 80507  
is designed to educate and train the employees of each state 80508  
correctional institution, the employees of each department of 80509  
youth services institution, and other persons associated by 80510  
contract or otherwise with each state correctional institution or 80511  
each department of youth services institution, who will be 80512  
responsible for the conduct of, or otherwise providing treatment 80513  
or rehabilitation services pursuant to, a substance abuse 80514  
treatment or rehabilitation program offered in the institution to 80515  
adult prisoners or juvenile offenders. Upon the development of the 80516  
educational and training program, the department of ~~alcohol and~~ 80517  
~~drug addiction services~~ mental health and addiction services 80518  
promptly shall commence its implementation. The department of 80519  
~~alcohol and drug addiction services~~ mental health and addiction 80520  
services may charge to the department of rehabilitation and 80521

correction and to the department of youth services a reasonable 80522  
annual fee that reflects the expenses incurred by it during the 80523  
immediately preceding calendar year in preparing and offering the 80524  
educational and training program during that year to the 80525  
respective employees and other associated persons described in 80526  
this division. 80527

The director of rehabilitation and correction and the 80528  
director of youth services shall require the respective employees 80529  
and other associated persons described in this division to attend 80530  
and successfully complete the educational and training program 80531  
developed pursuant to this division as a condition of their 80532  
continuing to have responsibility for the conduct of, or their 80533  
continuing to provide treatment or rehabilitation services 80534  
pursuant to, any treatment or rehabilitation program that is 80535  
offered in a state correctional institution or in a department of 80536  
youth services institution to adult prisoners or juvenile 80537  
offenders. If the department of ~~alcohol and drug addiction~~ 80538  
~~services~~ mental health and addiction services charges a reasonable 80539  
annual fee as described in this division, the director involved 80540  
shall cause that fee to be paid from any available funds of the 80541  
department of rehabilitation and correction or any available funds 80542  
of the department of youth services. 80543

(C) The department of rehabilitation and correction and the 80544  
department of ~~alcohol and drug addiction services~~ mental health 80545  
and addiction services jointly shall develop program 80546  
specifications for the alcohol and drug addiction treatment 80547  
programs offered in state correctional institutions. 80548

**Sec. ~~3793.031~~ 5119.201.** (A) The director of ~~alcohol and drug~~ 80549  
~~addiction services~~ mental health and addiction services may 80550  
acquire by purchase, lease, or otherwise such real and personal 80551  
property rights in the name of the state as are necessary for the 80552

purposes of the department. The 80553

(B) When it is necessary for a state institution under the 80554  
jurisdiction of the department to acquire any real estate, 80555  
right-of-way, or easement in real estate in order to accomplish 80556  
the purposes for which it was organized or is being conducted, and 80557  
the department is unable to agree with the owner of such property 80558  
upon the price to be paid for the property, such property may be 80559  
appropriated in the manner provided for the appropriation of 80560  
property for other state purposes. 80561

(C) The director, with the approval of the governor and the 80562  
attorney general, may work with the department of administrative 80563  
services to sell, lease, or exchange portions of real and personal 80564  
property of the department when the sale, lease, or exchange is 80565  
advantageous to the state. Money received from such sales, leases, 80566  
or exchanges shall be credited to the ~~general revenue~~ the 80567  
department of mental health and addiction services trust fund, 80568  
created in section 5119.46 of the Revised Code. 80569

(D) Any instrument by which real property is acquired 80570  
pursuant to this section shall identify the agency of the state 80571  
that has the use and benefit of the real property as specified in 80572  
section 5301.012 of the Revised Code. 80573

**Sec. ~~5119.06~~ 5119.21.** (A) The department of ~~mental health~~ 80574  
mental health and addiction services shall: 80575

~~(A)(1)~~ (1) To the extent the department has available resources 80576  
and in consultation with boards of alcohol, drug addiction, and 80577  
mental health services, support a ~~community support system~~ 80578  
continuum of care in accordance with ~~section 340.03~~ Chapter 340. 80579  
of the Revised Code on a district or multi-district basis. The 80580  
department shall define the essential elements of a ~~community~~ 80581  
~~support system~~ continuum of care, shall assist in identifying 80582  
resources, and may prioritize support for one or more of the 80583

elements. 80584

~~(B) Operate inpatient and other mental health services;~~ 80585

~~(C)(2) Provide training, consultation, and technical~~ 80586  
assistance regarding mental health ~~programs~~ and addiction services 80587  
and appropriate prevention, recovery, and mental health promotion 80588  
activities, including those that are culturally ~~sensitive~~ 80589  
competent, to employees of the department, community mental health 80590  
~~agencies~~ and addiction services providers, boards of alcohol, drug 80591  
addiction, and mental health services, and other agencies 80592  
providing mental health and addiction services; 80593

~~(D)(3) To the extent the department has available resources,~~ 80594  
promote and support a full range of mental health and addiction 80595  
services that are available and accessible to all residents of 80596  
this state, especially for severely mentally disabled children, 80597  
adolescents, ~~and~~ adults, pregnant women, parents, guardians or 80598  
custodians of children at risk of abuse or neglect, and other 80599  
special target populations, including racial and ethnic 80600  
minorities, as determined by the department; 80601

~~(E)(4) Develop standards and measures for evaluating the~~ 80602  
effectiveness of mental health and addiction services, including 80603  
services that use methadone treatment, of gambling addiction 80604  
services, and for increasing the accountability of mental health 80605  
and alcohol and addiction services providers and of gambling 80606  
addiction services providers; 80607

(5) Design and set criteria for the determination of ~~severe~~ 80608  
mental disability priority populations; 80609

~~(F) Establish standards for evaluation of mental health~~ 80610  
~~programs;~~ 80611

~~(G)(6) Promote, direct, conduct, and coordinate scientific~~ 80612  
research, taking ethnic and racial differences into consideration, 80613  
concerning the causes and prevention of mental illness and 80614

addiction, methods of providing effective services and treatment, 80615  
and means of enhancing the mental health of and recovery from 80616  
addiction of all residents of this state; 80617

~~(H)~~(7) Foster the establishment and availability of 80618  
vocational rehabilitation services and the creation of employment 80619  
opportunities for consumers of mental health and addiction 80620  
services, including members of racial and ethnic minorities; 80621

~~(I)~~(8) Establish a program to protect and promote the rights 80622  
of persons receiving mental health and addiction services, 80623  
including the issuance of guidelines on informed consent and other 80624  
rights; 80625

~~(J)~~ Establish, in consultation with board of alcohol, drug 80626  
~~addiction, and mental health services representatives and after~~ 80627  
~~consideration of the recommendations of the medical director,~~ 80628  
~~guidelines for the development of community mental health plans~~ 80629  
~~and the review and approval or disapproval of such plans submitted~~ 80630  
~~pursuant to section 340.03 of the Revised Code;~~ 80631

~~(K)~~(9) Promote the involvement of persons who are receiving 80632  
or have received mental health or addiction services, including 80633  
families and other persons having a close relationship to a person 80634  
receiving ~~mental health~~ those services, in the planning, 80635  
evaluation, delivery, and operation of mental health and addiction 80636  
services; 80637

~~(L)~~(10) Notify and consult with the relevant constituencies 80638  
that may be affected by rules, standards, and guidelines issued by 80639  
the department of ~~mental health~~ mental health and addiction 80640  
services. These constituencies shall include consumers of mental 80641  
health and addiction services and their families, and may include 80642  
public and private providers, employee organizations, and others 80643  
when appropriate. Whenever the department proposes the adoption, 80644  
amendment, or rescission of rules under Chapter 119. of the 80645

Revised Code, the notification and consultation required by this 80646  
division shall occur prior to the commencement of proceedings 80647  
under Chapter 119. The department shall adopt rules under Chapter 80648  
119. of the Revised Code that establish procedures for the 80649  
notification and consultation required by this division. 80650

~~(M) In cooperation with board of alcohol, drug addiction, and 80651  
mental health services representatives, provide training regarding 80652  
the provision of community based mental health services to those 80653  
department employees who are utilized in state operated, 80654  
community based mental health services; 80655~~

~~(N)(11) Provide consultation to the department of 80656  
rehabilitation and correction concerning the delivery of mental 80657  
health and addiction services in state correctional institutions. 80658~~

(12) Promote and coordinate efforts in the provision of 80659  
alcohol and drug addiction services and of gambling addiction 80660  
services by other state agencies, as defined in section 1.60 of 80661  
the Revised Code; courts; hospitals; clinics; physicians in 80662  
private practice; public health authorities; boards of alcohol, 80663  
drug addiction, and mental health services; alcohol and drug 80664  
addiction services providers; law enforcement agencies; gambling 80665  
addiction services providers; and related groups; 80666

(13) Provide to each court of record, and biennially update, 80667  
a list of the treatment and education programs within that court's 80668  
jurisdiction that the court may require an offender, sentenced 80669  
pursuant to section 4511.19 of the Revised Code, to attend; 80670

(14) Make the warning sign described in sections 3313.752, 80671  
3345.41, and 3707.50 of the Revised Code available on the 80672  
department's internet web site; 80673

(15) Provide a program of gambling addiction services on 80674  
behalf of the state lottery commission, pursuant to an agreement 80675  
entered into with the director of the commission under division 80676

(K) of section 3770.02 of the Revised Code, and provide a program 80677  
of gambling addiction services on behalf of the Ohio casino 80678  
control commission, under an agreement entered into with the 80679  
executive director of the commission under section 3772.062 of the 80680  
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 80681  
Constitution, the department may enter into agreements with boards 80682  
of alcohol, drug addiction, and mental health services, including 80683  
boards with districts in which a casino facility is not located, 80684  
and nonprofit organizations to provide gambling addiction services 80685  
and substance abuse services, and with state institutions of 80686  
higher education or private nonprofit institutions that possess a 80687  
certificate of authorization issued under Chapter 1713. of the 80688  
Revised Code to perform related research. 80689

(B) The department may accept and administer grants from 80690  
public or private sources for carrying out any of the duties 80691  
enumerated in this section. 80692

(C) Pursuant to Chapter 119. of the Revised Code, the 80693  
department shall adopt a rule defining the term "intervention" as 80694  
it is used in this chapter in connection with alcohol and drug 80695  
addiction services and in connection with gambling addiction 80696  
services. The department may adopt other rules as necessary to 80697  
implement the requirements of this chapter. 80698

~~**Sec. 5119.61 5119.22.** Any provision in this chapter that~~ 80699  
~~refers to a board of alcohol, drug addiction, and mental health~~ 80700  
~~services also refers to the community mental health board in an~~ 80701  
~~alcohol, drug addiction, and mental health service district that~~ 80702  
~~has a community mental health board.~~ 80703

The director of ~~mental health~~ mental health and addiction 80704  
services with respect to all mental health and addiction 80705  
facilities and ~~programs~~ services established and operated or 80706  
provided under Chapter 340. of the Revised Code ~~for mentally ill~~ 80707



~~and emotionally disturbed persons, shall do all of the following:~~ 80708

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 80709  
that may be necessary to carry out the purposes of ~~Chapter~~ this 80710  
chapter and Chapters 340. and ~~sections 5119.61 to 5119.63~~ 5122. of 80711  
the Revised Code. 80712

~~(1) The rules shall include the following:~~ 80713

~~(a) Rules governing a community mental health agency's~~ 80714  
~~services under section 340.091 of the Revised Code to an~~ 80715  
~~individual referred to the agency under division (D)(2) of section~~ 80716  
~~5119.69 of the Revised Code;~~ 80717

~~(b) For the purpose of division (A)(16) of section 340.03 of~~ 80718  
~~the Revised Code, rules governing the duties of mental health~~ 80719  
~~agencies and boards of alcohol, drug addiction, and mental health~~ 80720  
~~services regarding referrals of individuals with mental illness or~~ 80721  
~~severe mental disability to residential facilities as defined in~~ 80722  
~~division (A)(9)(b) of section 5119.22 of the Revised Code and~~ 80723  
~~effective arrangements for ongoing mental health services for the~~ 80724  
~~individuals.~~ 80725

~~(2) Rules may be adopted to govern the method of paying a~~ 80726  
~~community mental health facility, as defined in section 5111.023~~ 80727  
~~of the Revised Code, for providing services listed in division (B)~~ 80728  
~~of that section. Such rules must be consistent with the contract~~ 80729  
~~entered into between the departments of job and family services~~ 80730  
~~and mental health under section 5111.91 of the Revised Code and~~ 80731  
~~include requirements ensuring appropriate service utilization.~~ 80732

(B) Review and evaluate, ~~and~~ the continuum of care in each 80733  
service district, taking into account the findings and 80734  
recommendations of the board of alcohol, drug addiction, and 80735  
mental health services of the district ~~served by the program~~ 80736  
submitted under division (A)(4) of section 340.03 of the Revised 80737  
Code and the ~~requirements and priorities~~ and plans of the state 80738

~~mental health plan department, including the needs of residents of~~ 80739  
~~the district now residing in state mental institutions currently~~ 80740  
~~receiving services in state-operated hospitals, and make~~ 80741  
recommendations for needed improvements to boards of alcohol, drug 80742  
addiction, and mental health services; 80743

~~(C) Provide consultative services to community mental health~~ 80744  
~~agencies with the knowledge and cooperation of the board of~~ 80745  
~~alcohol, drug addiction, and mental health services;~~ 80746

~~(D)~~ At the director's discretion, provide to boards of 80747  
alcohol, drug addiction, and mental health services state or 80748  
federal funds, in addition to those allocated under section 80749  
~~5119.62~~ 5119.23 of the Revised Code, for special programs or 80750  
projects the director considers necessary but for which local 80751  
funds are not available; 80752

(D) Establish, in consultation with board of alcohol, drug 80753  
addiction, and mental health service representatives and after 80754  
consideration of the recommendations of the medical director, 80755  
guidelines for the development of community mental health and 80756  
addiction services plans and the review and approval or 80757  
disapproval of such plans submitted pursuant to section 340.03 of 80758  
the Revised Code. 80759

(E) Establish criteria by which a board of alcohol, drug 80760  
addiction, and mental health services reviews and evaluates the 80761  
quality, effectiveness, and efficiency of its contracted services 80762  
~~provided through its community mental health plan.~~ The criteria 80763  
shall include requirements ensuring appropriate service 80764  
utilization. The department shall assess a board's evaluation of 80765  
services and the compliance of each board with this section, 80766  
Chapter 340. ~~or section 5119.62~~ of the Revised Code, and other 80767  
state or federal law and regulations. The department, in 80768  
cooperation with the board, periodically shall review and evaluate 80769  
the quality, effectiveness, and efficiency of services provided 80770

through each board. The department shall collect information that 80771  
is necessary to perform these functions. 80772

(F) To the extent the director determines necessary and after 80773  
consulting with boards of alcohol, drug addiction, and mental 80774  
health services, develop and operate, or contract for the 80775  
operation of, a community ~~mental~~ behavioral health information 80776  
system or systems. The department shall specify the information 80777  
that must be provided by boards of alcohol, drug addiction, and 80778  
mental health services for inclusion in the system or systems. 80779

Boards of alcohol, drug addiction, and mental health services 80780  
shall submit information requested by the department in the form 80781  
and manner and in accordance with time frames prescribed by the 80782  
department. Information collected by the department ~~shall may~~ 80783  
~~include, but not be limited to,~~ all of the following: 80784

(1) Information ~~regarding units of~~ on services provided in 80785  
whole or in part under contract with a board, ~~including diagnosis~~ 80786  
~~and special needs, demographic information, the number of units of~~ 80787  
~~service provided, past treatment, financial status, and service~~ 80788  
~~dates in accordance with rules adopted by the department in~~ 80789  
~~accordance with Chapter 119. of the Revised Code;~~ 80790

(2) Financial information ~~other than price or price related~~ 80791  
~~data~~ regarding expenditures of federal, state, or local funds by 80792  
boards and community mental health agencies, ~~including units of~~ 80793  
~~service provided, budgeted and actual expenses by type, and~~ 80794  
~~sources of funds;~~ 80795

(3) Information about persons served under contract with a 80796  
board. 80797

~~Boards shall submit the information specified in division~~ 80798  
~~(F)(1) of this section no less frequently than annually for each~~ 80799  
~~client, and each time the client's case is opened or closed. The~~ 80800  
department shall not collect any personal information from the 80801

boards except as required or permitted by state or federal law for 80802  
purposes related to payment, health care operations, program and 80803  
service evaluation, reporting activities, research, system 80804  
administration, and oversight. 80805

(G)(1) Review each board's community mental health and 80806  
addiction services plan, budget, and statement of services to be 80807  
made available submitted pursuant to ~~section~~ sections 340.03 and 80808  
340.08 of the Revised Code and approve or disapprove ~~it~~ the plan, 80809  
the budget, and the statement of services in whole or in part. 80810  
~~Periodically, in consultation with representatives of boards and~~ 80811  
~~after considering the recommendations of the medical director, the~~ 80812  
~~director shall issue criteria for determining when a plan is~~ 80813  
~~complete, criteria for plan approval or disapproval, and~~ 80814  
~~provisions for conditional approval. The factors that the director~~ 80815  
~~considers may include, but are not limited to, the following:~~ 80816

~~(1) The mental health needs of all persons residing within~~ 80817  
~~the board's service district, especially severely mentally~~ 80818  
~~disabled children, adolescents, and adults;~~ 80819

~~(2) The demonstrated quality, effectiveness, efficiency, and~~ 80820  
~~cultural relevance of the services provided in each service~~ 80821  
~~district, the extent to which any services are duplicative of~~ 80822  
~~other available services, and whether the services meet the needs~~ 80823  
~~identified above;~~ 80824

~~(3) The adequacy of the board's accounting for the~~ 80825  
~~expenditure of funds.~~ 80826

~~If the director disapproves all or part of any plan, the~~ 80827  
~~director shall provide the board an opportunity to present its~~ 80828  
~~position. The director shall inform the board of the reasons for~~ 80829  
~~the disapproval and of the criteria that must be met before the~~ 80830  
~~plan may be approved. The director shall give the board a~~ 80831  
~~reasonable time within which to meet the criteria, and shall offer~~ 80832

~~technical assistance to the board to help it meet the criteria.~~ 80833

~~If the approval of a plan remains in dispute, the board or 80834  
the director may request that the dispute be submitted to a 80835  
mutually agreed upon third party mediator with the cost to be 80836  
shared by the board and the department. The mediator shall issue 80837  
to the board and the department recommendations for resolution of 80838  
the dispute. The director, taking into consideration the 80839  
recommendations of the mediator, shall make a final determination 80840  
and approve or disapprove the plan, in whole or in part. The 80841  
department may withhold all or part of the funds allocated to a 80842  
board if it disapproves all or part of a plan, budget, or 80843  
statement of services. Prior to a final decision to disapprove a 80844  
plan, budget, or statement of services, or to withhold funds from 80845  
a board, a representative of the director of mental health and 80846  
addiction services shall meet with the board and discuss the 80847  
reason for the action the department proposes to take and any 80848  
corrective action that should be taken to make the plan, budget, 80849  
or statement of services acceptable to the department. In 80850  
addition, the department shall offer technical assistance to the 80851  
board to assist it to make the plan, budget, or statement of 80852  
services acceptable. The department shall give the board a 80853  
reasonable time in which to revise the plan, budget, or statement 80854  
of services. The board thereafter shall submit a revised plan, 80855  
budget, or statement of services, or a new plan, budget, or 80856  
statement of services. 80857~~

~~(2) If a board determines that it is necessary to amend the 80858  
plan, budget, or statement of services that has been approved 80859  
under this section, the board shall submit the proposed amendment 80860  
to the department. The department may approve or disapprove all or 80861  
part of the amendment. 80862~~

~~(3) If the director disapproves of all or part of any 80863  
proposed amendment, the director shall provide the board an 80864~~

opportunity to present its position. The director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the proposed amendment may be approved. The director shall give the board a reasonable time within which to meet the criteria and shall offer technical assistance to the board to help it meet the criteria.

(4) The department shall establish procedures for the review of plans, budgets, and statements of services, and a timetable for submission and review of plans, budgets, and statements of services and for corrective action and submission of new or revised plans, budgets, and statements of services.

**Sec. ~~5119.62~~ 5119.23.** (A) The department of ~~mental health~~ mental health and addiction services shall establish a methodology for allocating to boards of alcohol, drug addiction, and mental health services the funds appropriated by the general assembly to the department for the purpose of local mental health ~~systems and~~ addiction services continuums of care. The department shall establish the methodology after notifying and consulting with relevant constituencies as required by division ~~(L)~~(A)(10) of section ~~5119.06~~ 5119.21 of the Revised Code. The methodology may provide for the funds to be allocated to boards on a district or multi-district basis. ~~Subject~~

~~(B) Subject to sections 5119.622 and 5119.623~~ section 5119.25 of the Revised Code, and to required submissions and approvals under section 340.08 of the Revised Code, the department shall allocate the funds to the boards in a manner consistent with the methodology, this section, other state and federal laws, rules, and regulations.

~~(B) The department may allocate to boards a portion of the funds appropriated by the general assembly to the department for the operation of state hospital services. If the department~~

~~allocates the funds, the department shall do all of the following:~~ 80896

~~(1) In consultation with the boards:~~ 80897

~~(a) Annually determine the unit costs of providing state hospital services; and~~ 80898  
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~~(b) Establish the methodology for allocating the funds to the boards.~~ 80900  
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~~(2) Determine the type of unit costs of providing state hospital services to be included as a factor in the methodology and include that unit cost as a factor in the methodology;~~ 80902  
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~~(3) Subject to sections 5119.622 and 5119.623 of the Revised Code, allocate the funds to the boards in a manner consistent with the methodology, this section, other state and federal laws, rules, and regulations.~~ 80905  
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~~(c) Not later than the first day of April of each year, the department shall notify each board of the department's estimate of the amount of funds to be allocated to the board under this section during the fiscal year beginning on the next July first. If the department makes an allocation under division (B) of this section, the department shall also notify each board of the unit costs of providing state hospital services for the upcoming fiscal year as determined under that division. Not later than the first day of May of each year, each board shall notify the department as to which of the following options it has elected for the upcoming fiscal year:~~ 80909  
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~~(1) The board elects to accept distribution of the amount allocated to it under this section. Funds distributed to each board shall be used to supplement and not to supplant other state, local, or federal funds that are being used to support community based programs for severely mentally disabled children, adolescents, and adults, unless the funds have been specifically designated for the initiation of programs in accordance with the~~ 80920  
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~~community mental health plan developed and submitted under section 340.03 and approved under section 5119.61 of the Revised Code. Notwithstanding section 131.33 of the Revised Code, any board may expend unexpended funds distributed to the board from appropriations for the purpose of local management of mental health services in the fiscal year following the fiscal year for which the appropriations are made, in accordance with the approved community mental health plan.~~

~~(2) Subject to division (D) of this section, the board elects not to accept the amount allocated to it under this section, authorizes the department to determine the use of its allocation, and agrees to provide the department with a statement of projected utilization of state hospitals and other state operated services by residents of its service district during the fiscal year.~~

~~(D) No board shall elect the option in division (C)(2) of this section unless all of the following apply:~~

~~(1) Either the total funds estimated by the department to be allocated to the board under this section for the next fiscal year are reduced by a substantial amount, as defined in guidelines adopted by the director of mental health under division (E) of this section, in comparison to the amount allocated for the current fiscal year, for reasons not related to performance or the board has experienced other circumstances specified in the guidelines.~~

~~(2) The board provides the department written confirmation that the board has received input about the impact that the board's election will have on the mental health system in the board's district from all of the following:~~

~~(a) Individuals who receive mental health services and such individuals' families;~~

~~(b) Boards of county commissioners;~~



|                                                                                                                                                                                                                                                                                                                                                               |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <del>(c) Judges of juvenile and probate courts;</del>                                                                                                                                                                                                                                                                                                         | 80958                                              |
| <del>(d) County sheriffs, jail administrators, and other local law enforcement officials.</del>                                                                                                                                                                                                                                                               | 80959<br>80960                                     |
| <del>(3) Not later than seven days before notifying the department of its election and after providing the department the written confirmation required by division (D)(2) of this section, the board conducts a public hearing on the issue.</del>                                                                                                           | 80961<br>80962<br>80963<br>80964                   |
| <del>(E) For the purpose of division (D)(1) of this section, the director of mental health shall consult with the boards and other relevant constituencies to develop guidelines for determining what constitutes a substantial reduction of funds and what other circumstances qualify a board to elect the option in division (C)(2) of this section.</del> | 80965<br>80966<br>80967<br>80968<br>80969<br>80970 |
| <del>(F) No board shall use state funds for the purpose of discouraging employees from seeking collective bargaining representation or encouraging employees to decertify a recognized collective bargaining agent.</del>                                                                                                                                     | 80971<br>80972<br>80973<br>80974                   |
| <del>(G) The department shall charge against the allocation made to a board under division (B) of this section, if any, any unreimbursed costs for services provided by the department.</del>                                                                                                                                                                 | 80975<br>80976<br>80977                            |
| <del>(H) A board's use of funds allocated under this section is subject to audit by county, state, and federal authorities.</del>                                                                                                                                                                                                                             | 80978<br>80979                                     |
| <u>(C) In consultation with boards, community mental health and addiction services providers, and persons receiving services, the department shall establish guidelines for the use of funds allocated and distributed under this section.</u>                                                                                                                | 80980<br>80981<br>80982<br>80983                   |
| <b>Sec. 5119.621 5119.24.</b> (A) As used in this section,<br>"administrative function" means a function related to one or more<br>of the following:                                                                                                                                                                                                          | 80984<br>80985<br>80986                            |
| (1) Continuous quality improvement;                                                                                                                                                                                                                                                                                                                           | 80987                                              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (2) Utilization review;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 80988                                                                         |
| (3) Resource development;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 80989                                                                         |
| (4) Fiscal administration;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 80990                                                                         |
| (5) General administration;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 80991                                                                         |
| (6) Any other function related to administration that is<br>required by Chapter 340. of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 80992<br>80993                                                                |
| (B) Each board of alcohol, drug addiction, and mental health<br>services shall submit an annual report to the department of <del>mental<br/>health</del> <u>mental health and addiction services</u> specifying how the<br>board used funds allocated to the board under section <del>5119.62</del><br><u>5119.23</u> of the Revised Code for administrative functions in the<br>year preceding the report's submission. The director of <del>mental<br/>health</del> <u>mental health and addiction services</u> shall establish the<br>date by which the report must be submitted each year.                                                                                                                  | 80994<br>80995<br>80996<br>80997<br>80998<br>80999<br>81000<br>81001          |
| <b>Sec. <del>5119.622</del> <u>5119.25</u>.</b> (A) The director of <del>mental health</del><br><u>mental health and addiction services</u> , in whole or in part, may<br>withhold funds otherwise to be allocated to a board of alcohol,<br>drug addiction, and mental health services under section <del>5119.62</del><br><u>5119.23</u> of the Revised Code if the board fails to comply with<br>Chapter 340. or section <del>5119.61, 5119.611, 5119.612, or 5119.621</del><br><u>5119.22, 5119.24, 5119.36, or 5119.37</u> of the Revised Code or rules<br>of the department of <del>mental health regarding a community mental<br/>health service</del> <u>mental health and addiction services</u> . The | 81002<br>81003<br>81004<br>81005<br>81006<br>81007<br>81008<br>81009<br>81010 |
| (B) <u>The director of mental health and addiction services may<br/>withhold funds otherwise to be allocated to a board of alcohol,<br/>drug addiction, and mental health services under section 5119.23<br/>of the Revised Code if the board denies available service on the<br/>basis of race, color, religion, sex, national origin, marital<br/>status, sexual orientation, genetic information, or developmental<br/>disability, or age, disability, or military status as defined in</u>                                                                                                                                                                                                                  | 81011<br>81012<br>81013<br>81014<br>81015<br>81016<br>81017                   |

section 4112.01 of the Revised Code. 81018

(C) The director shall identify issue a notice identifying 81019  
the areas of noncompliance and the action necessary to achieve 81020  
compliance. The director ~~shall~~ may offer technical assistance to 81021  
the board to achieve compliance. The director shall give the board 81022  
a reasonable time within which to comply or shall have ten days 81023  
from receipt of the notice of noncompliance to present its 81024  
position that it is in compliance. Before withholding funds, the 81025  
director or the director's designee shall hold a hearing ~~shall be~~ 81026  
~~conducted~~ within ten days of receipt of the board's position to 81027  
determine if there are continuing violations and that either 81028  
assistance is rejected or the board is unable to achieve 81029  
compliance. Subsequent to the hearing process, if it is determined 81030  
that compliance has not been achieved, the director may allocate 81031  
all or part of the withheld funds to a public or private agency to 81032  
provide the community mental health or community addiction service 81033  
for which the board is not in compliance until the time that there 81034  
is compliance. The director ~~shall~~ may adopt rules in accordance 81035  
with Chapter 119. of the Revised Code to implement this section. 81036

**Sec. ~~3793.14~~ 5119.26.** Any person treated under this chapter 81037  
or rules adopted under it shall retain ~~his~~ the person's civil 81038  
rights and liberties, including the right not to be experimented 81039  
upon with treatment not accepted as good medical practice without 81040  
~~his~~ the person's fully informed consent, the right as a ~~patient~~ 81041  
person receiving services to maintain the confidentiality of 81042  
health and medical records, the right as a person detained for 81043  
medical purposes to receive adequate and appropriate treatment, 81044  
and the right to vote. 81045

**Sec. ~~3793.13~~ 5119.27.** (A) Records or information, other than 81046  
court journal entries or court docket entries, pertaining to the 81047  
identity, diagnosis, or treatment of any ~~patient~~ person seeking or 81048

receiving services that are maintained in connection with the 81049  
performance of any drug treatment program or services licensed by, 81050  
or certified by, the director of ~~alcohol and drug addiction~~ 81051  
~~services~~, mental health and addiction services under ~~section~~ 81052  
~~3793.11 of the Revised Code~~, this chapter shall be kept 81053  
confidential, may be disclosed only for the purposes and under the 81054  
circumstances expressly authorized under this section, and may not 81055  
otherwise be divulged in any civil, criminal, administrative, or 81056  
legislative proceeding. 81057

(B) When the ~~patient~~ person, with respect to whom any record 81058  
or information referred to in division (A) of this section is 81059  
maintained, gives consent in the form of a written release signed 81060  
by the ~~patient~~ person, the content of the record or information 81061  
may be disclosed if the written release conforms to all of the 81062  
following: 81063

(1) Specifically identifies the person, official, or entity 81064  
to whom the information is to be provided; 81065

(2) Describes with reasonable specificity the record, 81066  
records, or information to be disclosed; and 81067

(3) Describes with reasonable specificity the purposes of the 81068  
disclosure and the intended use of the disclosed information. 81069

(C) A ~~patient~~ person who is subject to a community control 81070  
sanction, parole, or a post-release control sanction or who is 81071  
ordered to rehabilitation in lieu of conviction, and who has 81072  
agreed to participate in a drug treatment or rehabilitation 81073  
program as a condition of the community control sanction, 81074  
post-release control sanction, parole, or order to rehabilitation, 81075  
shall be considered to have consented to the release of records 81076  
and information relating to the progress of treatment, frequency 81077  
of treatment, adherence to treatment requirements, and probable 81078  
outcome of treatment. Release of information and records under 81079

this division shall be limited to the court or governmental 81080  
personnel having the responsibility for supervising the ~~patient's~~ 81081  
person's community control sanction, post-release control 81082  
sanction, parole, or order to rehabilitation. A ~~patient~~ person, 81083  
described in this division, who refuses to allow disclosure may be 81084  
considered in violation of the conditions of the ~~patient's~~ 81085  
person's community control sanction, post-release control 81086  
sanction, parole, or order to rehabilitation. 81087

(D) Disclosure of a ~~patient's~~ person's record may be made 81088  
without the ~~patient's~~ person's consent to qualified personnel for 81089  
the purpose of conducting scientific research, management, 81090  
financial audits, or program evaluation, but these personnel may 81091  
not identify, directly or indirectly, any individual ~~patient~~ 81092  
person in any report of the research, audit, or evaluation, or 81093  
otherwise disclose a ~~patient's~~ person's identity in any manner. 81094

(E) Upon the request of a prosecuting attorney or the 81095  
director of ~~alcohol and drug addiction services~~ mental health and 81096  
addiction services, a court of competent jurisdiction may order 81097  
the disclosure of records or information referred to in division 81098  
(A) of this section if the court has reason to believe that a 81099  
treatment program or facility is being operated or used in a 81100  
manner contrary to law. The use of any information or record so 81101  
disclosed shall be limited to the prosecution of persons who are 81102  
or may be charged with any offense related to the illegal 81103  
operation or use of the drug treatment program or facility, or to 81104  
the decision to withdraw the authority of a drug treatment program 81105  
or facility to continue operation. For purposes of this division 81106  
the court shall: 81107

(1) Limit disclosure to those parts of the ~~patient's~~ person's 81108  
record considered essential to fulfill the objective for which the 81109  
order was granted; 81110

(2) Require, where appropriate, that all information be 81111

disclosed in chambers; 81112

(3) Include any other appropriate measures to keep disclosure 81113  
to a minimum, consistent with the protection of the ~~patients~~ 81114  
persons seeking or receiving services, the physician-patient 81115  
relationship, and the administration of the drug treatment and 81116  
rehabilitation program. 81117

(F) As used in this section: 81118

(1) "Community control sanction" has the same meaning as in 81119  
section 2929.01 of the Revised Code. 81120

(2) "Post-release control sanction" has the same meaning as 81121  
in section 2967.01 of the Revised Code. 81122

**Sec. 5119.28.** (A) All records, and reports, other than court 81123  
journal entries or court docket entries, identifying a person and 81124  
pertaining to the person's mental health condition, assessment, 81125  
provision of care or treatment, or payment for assessment, care or 81126  
treatment that are maintained in connection with any services 81127  
certified by the department of mental health and addiction 81128  
services, or any hospitals or facilities licensed or operated by 81129  
the department, shall be kept confidential and shall not be 81130  
disclosed by any person except: 81131

(1) If the person identified, or the person's legal guardian, 81132  
if any, or if the person is a minor, the person's parent or legal 81133  
guardian, consents; 81134

(2) When disclosure is provided for in this chapter or 81135  
Chapter 340. or 5122., or Title XLVII of the Revised Code; 81136

(3) That hospitals, boards of alcohol, drug addiction, and 81137  
mental health services, licensed facilities, and community mental 81138  
health services providers may release necessary information to 81139  
insurers and other third-party payers, including government 81140  
entities responsible for processing and authorizing payment, to 81141

obtain payment for goods and services furnished to the person; 81142

(4) Pursuant to a court order signed by a judge; 81143

(5) That a person shall be granted access to the person's own 81144  
psychiatric and medical records, unless access specifically is 81145  
restricted in a person's treatment plan for clear treatment 81146  
reasons; 81147

(6) That the department of mental health and addiction 81148  
services may exchange psychiatric records and other pertinent 81149  
information with community mental health services providers and 81150  
boards of alcohol, drug addiction, and mental health services 81151  
relating to the person's care or services. Records and information 81152  
that may be exchanged pursuant to this division shall be limited 81153  
to medication history, physical health status and history, 81154  
financial status, summary of course of treatment, summary of 81155  
treatment needs, and a discharge summary, if any. 81156

(7) That the department of mental health and addiction 81157  
services, hospitals and community providers operated by the 81158  
department, hospitals licensed by the department under section 81159  
5119.33 of the Revised Code, and community mental health services 81160  
providers may exchange psychiatric records and other pertinent 81161  
information with payers and other providers of treatment and 81162  
health services if the purpose of the exchange is to facilitate 81163  
continuity of care for the person or for the emergency treatment 81164  
of the person; 81165

(8) That the department of mental health and addiction 81166  
services and community mental health services providers may 81167  
exchange psychiatric records and other pertinent information with 81168  
boards of alcohol, drug addiction, and mental health services for 81169  
purposes of any board function set forth in Chapter 340. of the 81170  
Revised Code. Boards of alcohol, drug addiction, and mental health 81171  
services shall not access any personal information from the 81172

department or providers except as required or permitted by this 81173  
section, or Chapter 340. or 5122. of the Revised Code for purposes 81174  
related to payment, care coordination, health care operations, 81175  
program and service evaluation, reporting activities, research, 81176  
system administration, oversight, or other authorized purposes. 81177

(9) That a person's family member who is involved in the 81178  
provision, planning, and monitoring of services to the person may 81179  
receive medication information, a summary of the person's 81180  
diagnosis and prognosis, and a list of the services and personnel 81181  
available to assist the person and the person's family, if the 81182  
person's treatment provider determines that the disclosure would 81183  
be in the best interests of the person. No such disclosure shall 81184  
be made unless the person is notified first and receives the 81185  
information and does not object to the disclosure. 81186

(10) That community mental health services providers may 81187  
exchange psychiatric records and certain other information with 81188  
the board of alcohol, drug addiction, and mental health services 81189  
and other providers in order to provide services to a person 81190  
involuntarily committed to a board. Release of records under this 81191  
division shall be limited to medication history, physical health 81192  
status and history, financial status, summary of course of 81193  
treatment, summary of treatment needs, and discharge summary, if 81194  
any. 81195

(11) That information may be disclosed to the executor or the 81196  
administrator of an estate of a deceased person when the 81197  
information is necessary to administer the estate; 81198

(12) That information may be disclosed to staff members of 81199  
the appropriate board or to staff members designated by the 81200  
director of mental health and addiction services for the purpose 81201  
of evaluating the quality, effectiveness, and efficiency of 81202  
services and determining if the services meet minimum standards. 81203  
Information obtained during such evaluations shall not be retained 81204



with the name of any person. 81205

(13) That records pertaining to the person's diagnosis, 81206  
course of treatment, treatment needs, and prognosis shall be 81207  
disclosed and released to the appropriate prosecuting attorney if 81208  
the person was committed pursuant to section 2945.38, 2945.39, 81209  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 81210  
attorney designated by the board for proceedings pursuant to 81211  
involuntary commitment under Chapter 5122. of the Revised Code. 81212

(14) That the department of mental health and addiction 81213  
services may exchange psychiatric hospitalization records, other 81214  
mental health treatment records, and other pertinent information 81215  
with the department of rehabilitation and correction and with the 81216  
department of youth services to ensure continuity of care for 81217  
inmates and offenders who are receiving mental health services in 81218  
an institution of the department of rehabilitation and correction 81219  
or the department of youth services and may exchange psychiatric 81220  
hospitalization records, other mental health treatment records, 81221  
and other pertinent information with boards of alcohol, drug 81222  
addiction, and mental health services and community mental health 81223  
services providers to ensure continuity of care for inmates or 81224  
offenders who are receiving mental health services in an 81225  
institution and are scheduled for release within six months. The 81226  
release of records under this division is limited to records 81227  
regarding an inmate's or offender's medication history, physical 81228  
health status and history, summary of course of treatment, summary 81229  
of treatment needs, and a discharge summary, if any. 81230

(15) That a community mental health services provider that 81231  
ceases to operate may transfer to either a community mental health 81232  
services provider that assumes its caseload or to the board of 81233  
alcohol, drug addiction, and mental health services of the service 81234  
district in which the person resided at the time services were 81235  
most recently provided any treatment records that have not been 81236

transferred elsewhere at the person's request. 81237

(B) Before records are disclosed pursuant to divisions (A)(3), (6), and (10) of this section, the custodian of the records shall attempt to obtain the person's consent for the disclosure. 81238  
81239  
81240  
81241

(C) No person shall reveal the content of a medical record of a person that is confidential pursuant to this section, except as authorized by law. 81242  
81243  
81244

**Sec. ~~5119.57~~ 5119.29.** ~~No later than January 1, 1998, the~~ The 81245  
department of ~~mental health~~ mental health and addiction services, 81246  
in conjunction with boards of alcohol, drug addiction, and mental 81247  
health services and community mental health boards, shall develop 81248  
a coordinated system for tracking and monitoring persons found not 81249  
guilty by reason of insanity and committed pursuant to section 81250  
2945.40 of the Revised Code who have been granted a conditional 81251  
release and persons found incompetent to stand trial and committed 81252  
pursuant to section 2945.39 of the Revised Code who have been 81253  
granted a conditional release. The system shall do all of the 81254  
following: 81255

(A) Centralize responsibility for the tracking of those 81256  
persons; 81257

(B) Develop uniformity in monitoring those persons; 81258

(C) Develop a mechanism to allow prompt rehospitalization, 81259  
reinstitutionalization, or detention when a violation of the 81260  
conditional release or decompensation occurs. 81261

**Sec. ~~3793.18~~ 5119.30.** The department of ~~alcohol and drug~~ 81262  
~~addiction services~~ mental health and addiction services promptly 81263  
shall develop and maintain a program that continually provides the 81264  
courts of this state with relevant information pertaining to 81265  
~~alcohol and drug~~ addiction services and programs available both 81266

within their jurisdictions and statewide in order to facilitate 81267  
the ability of the courts to utilize treatment and rehabilitation 81268  
alternatives in addition to or in lieu of imposing sentences of 81269  
imprisonment upon appropriate offenders. 81270

**Sec. ~~5119.23~~ 5119.31.** The department of ~~mental health~~ mental 81271  
health and addiction services may examine into, with or without 81272  
expert assistance, the question of the mental and physical 81273  
condition of any person committed to or involuntarily confined in 81274  
any hospital for the mentally ill, or restrained of ~~his~~ liberty at 81275  
any place within this state by reason of alleged mental illness 81276  
and may order and compel the discharge of any such person who is 81277  
not a mentally ill person subject to hospitalization by court 81278  
order as defined in division (B) of section 5122.01 of the Revised 81279  
Code and direct what disposition shall be made of ~~him~~ the person. 81280  
The order of discharge shall be signed by the director of ~~mental~~ 81281  
~~health~~ mental health and addiction services. Upon receipt of such 81282  
order by the superintendent or other person in charge of the 81283  
building in which the person named in such order is confined, such 81284  
person shall forthwith be discharged or otherwise disposed of 81285  
according to the terms of said order, and any further or other 81286  
detention of such person is unlawful. No such order shall be made 81287  
in favor of any person committed and held for trial on a criminal 81288  
charge, in confinement by an order of a judge or court made in a 81289  
criminal proceeding, or in any case unless notice is given to the 81290  
superintendent or other person having charge of the building in 81291  
which the alleged mentally ill person is detained, and a 81292  
reasonable opportunity is allowed the person in charge to justify 81293  
further detention of the person confined. 81294

**Sec. ~~5119.60~~ 5119.32.** The department of ~~mental health~~ mental 81295  
health and addiction services is hereby designated as the state 81296  
administrative agency for the ~~alcohol, drug abuse and mental~~ 81297

~~health services substance abuse prevention treatment block grant~~ 81298  
~~and the community mental health services block grant authorized by~~ 81299  
~~the "Public Health Services Act," 95 Stat. 357, 543, 42 U.S.C.~~ 81300  
~~300x, as amended, and similar alcohol, drug abuse, or mental~~ 81301  
~~health programs that are specified in an appropriations act. The~~ 81302  
~~department shall establish and administer an annual plan to~~ 81303  
~~utilize federal block grant funds. The department shall consult~~ 81304  
~~with the department of alcohol and drug addiction services on the~~ 81305  
~~allocation of funds for alcohol and drug addiction services~~ 81306  
~~pursuant to Chapter 3793. of the Revised Code and shall notify the~~ 81307  
~~controlling board, which shall authorize the transfer of funds~~ 81308  
~~allocated to the department of alcohol and drug addiction~~ 81309  
~~services.~~ 81310

**Sec. ~~5119.20~~ 5119.33.** The department of ~~mental health~~ mental 81311  
health and addiction services shall inspect and license all 81312  
hospitals that receive mentally ill persons, except those 81313  
hospitals managed by the department. No hospital may receive for 81314  
care or treatment, either at public or private expense, any person 81315  
who is or appears to be mentally ill, whether or not so 81316  
adjudicated, unless the hospital has received a license from the 81317  
department authorizing it to receive for care or treatment persons 81318  
who are mentally ill or the hospital is managed by the department. 81319

No such license shall be granted to a hospital for the 81320  
treatment of mentally ill persons unless the department is 81321  
satisfied, after investigation, that the hospital is managed and 81322  
operated by qualified persons and has on its staff one or more 81323  
qualified physicians responsible for the medical care of the 81324  
patients confined there. At least one such physician shall be a 81325  
psychiatrist. 81326

The department shall adopt rules under Chapter 119. of the 81327  
Revised Code prescribing minimum standards for the operation of 81328

hospitals for the care and treatment of mentally ill persons and 81329  
establishing standards and procedures for the issuance, renewal, 81330  
or revocation of full, probationary, and interim licenses. No 81331  
license shall be granted to any hospital established or used for 81332  
the care of mentally ill persons unless such hospital is operating 81333  
in accordance with this section and rules adopted pursuant to this 81334  
section. A full license shall expire one year after the date of 81335  
issuance, a probationary license shall expire at the time 81336  
prescribed by rule adopted pursuant to Chapter 119. of the Revised 81337  
Code by the director of ~~mental health~~ mental health and addiction 81338  
services, and an interim license shall expire ninety days after 81339  
the date of issuance. A full, probationary, or interim license may 81340  
be renewed, except that an interim license may be renewed only 81341  
twice. The department may fix reasonable fees for licenses and for 81342  
license renewals. Such hospitals are subject to inspection and 81343  
~~visitation~~ on-site review by the department. 81344

Except as otherwise provided in Chapter 5122. of the Revised 81345  
Code, neither the director of ~~the department of mental health~~ 81346  
mental health and addiction services; an employee of the 81347  
department; a board of alcohol, drug addiction, and mental health 81348  
services or ~~agency~~ employee of a community mental health services 81349  
provider; nor any other public official shall hospitalize any 81350  
mentally ill person for care or treatment in any hospital that is 81351  
not licensed in accordance with this section. 81352

Any license issued by the department under this section may 81353  
be revoked by the department for any of the following reasons: 81354

(A) The hospital is no longer a suitable place for the care 81355  
or treatment of mentally ill persons. 81356

(B) The hospital refuses to be subject to inspection or 81357  
~~visitation~~ on-site review by the department. 81358

(C) The hospital has failed to furnish humane, kind, and 81359

adequate treatment and care. 81360

(D) The hospital fails to comply with the licensure rules of 81361  
the department. 81362

The department may inspect, ~~visit~~ conduct an on-site review, 81363  
and review the records of any hospital that the department has 81364  
reason to believe is operating without a license. 81365

**Sec. ~~5119.201~~ 5119.331.** If the department of ~~mental health~~ 81366  
mental health and addiction services determines that a hospital 81367  
not licensed by the department is receiving for care or treatment 81368  
any person who is or appears to be mentally ill, the department 81369  
may request in writing that the attorney general petition the 81370  
court of common pleas in the county where the hospital is located 81371  
to enjoin the hospital from continued operation in violation of 81372  
section ~~5119.20~~ 5119.33 of the Revised Code. 81373

**Sec. ~~5119.202~~ 5119.332.** No third-party payer shall directly 81374  
or indirectly reimburse, nor shall any person be obligated to pay 81375  
any hospital for psychiatric services for which a license is 81376  
required under section ~~5119.20~~ 5119.33 of the Revised Code unless 81377  
the hospital is licensed by the department of ~~mental health~~ mental 81378  
health and addiction services. 81379

As used in this section, "third-party payer" means a health 81380  
insuring corporation licensed under Chapter 1751. of the Revised 81381  
Code, an insurance company that issues sickness and accident 81382  
insurance in conformity with Chapter 3923. of the Revised Code, a 81383  
state-financed health insurance program under Chapter 3701., 81384  
4123., or 5101. of the Revised Code, or any self-insurance plan. 81385

**Sec. ~~5119.21~~ 5119.333.** No person shall keep or maintain a 81386  
hospital for the care or treatment of mentally ill persons unless 81387  
it is licensed by the department of ~~mental health~~ mental health 81388

and addiction services, as provided by section ~~5119.20~~ 5119.33 of the Revised Code. 81389  
81390

**Sec. ~~5119.22~~ 5119.34.** (A) As used in this section and ~~section~~ 81391  
~~5119.221~~ sections 5119.341 and 5119.342 of the Revised Code: 81392  
81393

(1) "Accommodations" means housing, daily meal preparation, 81394  
laundry, housekeeping, arranging for transportation, social and 81395  
recreational activities, maintenance, security, and other services 81396  
that do not constitute personal care services or skilled nursing 81397  
care. 81398

(2) "ADAMHS board" means a board of alcohol, drug addiction, 81399  
and mental health services. 81400

(3) "Adult" means a person who is eighteen years of age or 81401  
older, other than a person described in division (A)(4) of this 81402  
section who is between eighteen and twenty-one years of age. 81403

(4) "Child" means a person who is under eighteen years of age 81404  
or a person with a mental disability who is under twenty-one years 81405  
of age. 81406

(5) "Community mental health ~~agency~~ services provider" means 81407  
a community mental health ~~agency~~ services provider as defined in 81408  
~~division (H) of section 5122.01~~ 5119.01 of the Revised Code. 81409

(6) "Community mental health services" means any ~~of the~~ 81410  
mental health services listed in certified by the department 81411  
pursuant to section ~~340.09~~ 5119.36 of the Revised Code. 81412

(7) "Operator" means the person or persons, firm, 81413  
partnership, agency, governing body, association, corporation, or 81414  
other entity that is responsible for the administration and 81415  
management of a residential facility and that is the applicant for 81416  
a residential facility license. 81417

(8) "Personal care services" means services including, but 81418

not limited to, the following: 81419

(a) Assisting residents with activities of daily living; 81420

(b) Assisting residents with self-administration of 81421  
medication in accordance with rules adopted under this section; 81422

(c) Preparing special diets, other than complex therapeutic 81423  
diets, for residents pursuant to the instructions of a physician 81424  
or a licensed dietitian, in accordance with rules adopted under 81425  
this section. 81426

"Personal care services" does not include "skilled nursing 81427  
care" as defined in section 3721.01 of the Revised Code. A 81428  
facility need not provide more than one of the services listed in 81429  
division (A)(8) of this section to be considered to be providing 81430  
personal care services. 81431

(9) "Residential facility" means a publicly or privately 81432  
operated home or facility that provides one of the following: 81433

(a) Accommodations, supervision, personal care services, and 81434  
community mental health services for one or more ~~of the following~~ 81435  
unrelated persons adults with mental illness or severe mental 81436  
disabilities or to one or more unrelated children and adolescents 81437  
with a serious emotional disturbance or who are in need of mental 81438  
health services who are referred by or are receiving community 81439  
mental health services from a community mental health ~~agency,~~ 81440  
services provider, hospital, or practitioner+ 81441

~~(i) Adults with mental illness;~~ 81442

~~(ii) Persons of any age with severe mental disabilities;~~ 81443

~~(iii) Children with serious emotional disturbances or in need~~ 81444  
~~of mental health services.~~ 81445

(b) Accommodations, supervision, and personal care services 81446  
~~for only one or two unrelated adults; accommodations, supervision,~~ 81447  
~~and personal care services for three to sixteen unrelated adults;~~ 81448



|                                                                                              |       |
|----------------------------------------------------------------------------------------------|-------|
| <del>or accommodations, supervision, and personal care services for one</del>                | 81449 |
| <del>or two of the following unrelated persons:</del>                                        | 81450 |
| <del>(i) Persons of any age with mental illness who are referred</del>                       | 81451 |
| <del>by or are receiving community mental health services from a</del>                       | 81452 |
| <del>community mental health agency, hospital, or practitioner;</del>                        | 81453 |
| <del>(ii) Persons of any age with severe mental disabilities who</del>                       | 81454 |
| <del>are referred by or are receiving community mental health services</del>                 | 81455 |
| <del>from a community mental health agency, hospital, or practitioner</del>                  | 81456 |
| <del>to any of the following:</del>                                                          | 81457 |
| <del>(i) One or two unrelated persons with mental illness or</del>                           | 81458 |
| <del>persons with severe mental disabilities who are referred by or are</del>                | 81459 |
| <del>receiving mental health services from a community mental health</del>                   | 81460 |
| <del>services provider, hospital, or practitioner;</del>                                     | 81461 |
| <del>(ii) One or two unrelated adults who are receiving</del>                                | 81462 |
| <del>residential state supplement payments;</del>                                            | 81463 |
| <del>(iii) Three to sixteen unrelated adults.</del>                                          | 81464 |
| <del>(c) Room and board for five or more of the following</del>                              | 81465 |
| <del>unrelated persons:</del>                                                                | 81466 |
| <del>(i) Adults <u>adults</u> with mental illness <u>or severe mental</u></del>              | 81467 |
| <del><u>disability</u> who are referred by or are receiving community mental</del>           | 81468 |
| <del>health services from a community mental health <del>agency,</del> <u>services</u></del> | 81469 |
| <del><u>provider,</u> hospital, or practitioner;</del>                                       | 81470 |
| <del>(ii) Adults with severe mental disabilities who are referred</del>                      | 81471 |
| <del>by or are receiving community mental health services from a</del>                       | 81472 |
| <del>community mental health agency, hospital, or practitioner.</del>                        | 81473 |
| (10) "Residential facility" does not include any of the                                      | 81474 |
| following:                                                                                   | 81475 |
| (a) A hospital subject to licensure under section <del>5119.20</del>                         | 81476 |
| <del>5119.33</del> of the Revised Code;                                                      | 81477 |
| (b) A residential facility licensed under section 5123.19 of                                 | 81478 |

the Revised Code or otherwise regulated by the department of 81479  
developmental disabilities; 81480

(c) An institution or association subject to certification 81481  
under section 5103.03 of the Revised Code; 81482

(d) A facility operated by a hospice care program licensed 81483  
under section 3712.04 of the Revised Code that is used exclusively 81484  
for care of hospice patients; 81485

~~(e) A facility operated by a pediatric respite care program 81486  
licensed under section 3712.041 of the Revised Code that is used 81487  
exclusively for care of pediatric respite care patients; 81488~~

~~(f)~~ A nursing home, residential care facility, or home for 81489  
the aging as defined in section 3721.02 of the Revised Code; 81490

~~(g)~~ Alcohol or drug addiction program as 81491  
~~defined in services certified pursuant to section 3793.01~~ 5119.36 81492  
of the Revised Code; 81493

~~(h)~~(g) A facility licensed to provide methadone treatment 81494  
under section ~~3793.11~~ 5119.39 of the Revised Code; 81495

~~(i)~~(h) Any facility that receives funding for operating costs 81496  
from the ~~department of development~~ services agency under any 81497  
program established to provide emergency shelter housing or 81498  
transitional housing for the homeless; 81499

~~(j)~~(i) A terminal care facility for the homeless that has 81500  
entered into an agreement with a hospice care program under 81501  
section 3712.07 of the Revised Code; 81502

~~(k)~~(j) A facility approved by the veterans administration 81503  
under section 104(a) of the "Veterans Health Care Amendments of 81504  
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used 81505  
exclusively for the placement and care of veterans. 81506

(11) "Room and board" means the provision of sleeping and 81507  
living space, meals or meal preparation, laundry services, 81508

housekeeping services, or any combination thereof. 81509

(12) "Residential state supplement" means the program 81510  
administered under section 5119.41 of the Revised Code and related 81511  
provisions of the Administrative Code under which the state 81512  
supplements the supplemental security income payments received by 81513  
aged, blind, or disabled adults under Title XVI of the Social 81514  
Security Act. Residential state supplement payments are used for 81515  
the provision of accommodations, supervision, and personal care 81516  
services to supplemental security income recipients the department 81517  
of mental health and addition services determines are at risk of 81518  
needing institutional care. 81519

(13) "Supervision" means any of the following: 81520

(a) Observing a resident to ensure the resident's health, 81521  
safety, and welfare while the resident engages in activities of 81522  
daily living or other activities; 81523

(b) Reminding a resident to perform or complete an activity, 81524  
such as reminding a resident to engage in personal hygiene or 81525  
other self-care activities; 81526

(c) Assisting a resident in making or keeping an appointment. 81527

~~(13)~~(14) "Unrelated" means that a resident is not related to 81528  
the owner or operator of a residential facility or to the owner's 81529  
or operator's spouse as a parent, grandparent, child, stepchild, 81530  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 81531  
the child of an aunt or uncle. 81532

(B) Nothing in division (A)(9) of this section shall be 81533  
construed to permit personal care services to be imposed on a 81534  
resident who is capable of performing the activity in question 81535  
without assistance. 81536

(C) Except in the case of a residential facility described in 81537  
division (A)(9)(a) of this section, members of the staff of a 81538

residential facility shall not administer medication to the 81539  
facility's residents, but may do any of the following: 81540

(1) Remind a resident when to take medication and watch to 81541  
ensure that the resident follows the directions on the container; 81542

(2) Assist a resident in the self-administration of 81543  
medication by taking the medication from the locked area where it 81544  
is stored, in accordance with rules adopted pursuant to this 81545  
section, and handing it to the resident. If the resident is 81546  
physically unable to open the container, a staff member may open 81547  
the container for the resident. 81548

(3) Assist a physically impaired but mentally alert resident, 81549  
such as a resident with arthritis, cerebral palsy, or Parkinson's 81550  
disease, in removing oral or topical medication from containers 81551  
and in consuming or applying the medication, upon request by or 81552  
with the consent of the resident. If a resident is physically 81553  
unable to place a dose of medicine to the resident's mouth without 81554  
spilling it, a staff member may place the dose in a container and 81555  
place the container to the mouth of the resident. 81556

(D)(1) Except as provided in division (D)(2) of this section, 81557  
a person operating or seeking to operate a residential facility 81558  
shall apply for licensure of the facility to the department of 81559  
~~mental health~~ mental health and addiction services. The 81560  
application shall be submitted by the operator. When applying for 81561  
the license, the applicant shall pay to the department the 81562  
application fee specified in rules adopted under division ~~(L)~~(K) 81563  
of this section. The fee is nonrefundable. 81564

The department shall send a copy of an application to the 81565  
ADAMHS board serving the county in which the person operates or 81566  
seeks to operate the facility. The ADAMHS board shall review the 81567  
application and provide to the department any information about 81568  
the applicant or the facility that the board would like the 81569

department to consider in reviewing the application. 81570

(2) A person may not apply for a license to operate a 81571  
residential facility if the person is or has been the owner, 81572  
operator, or manager of a residential facility for which a license 81573  
to operate was revoked or for which renewal of a license was 81574  
refused for any reason other than nonpayment of the license 81575  
renewal fee, unless both of the following conditions are met: 81576

(a) A period of not less than two years has elapsed since the 81577  
date the director of ~~mental health~~ mental health and addiction 81578  
services issued the order revoking or refusing to renew the 81579  
facility's license. 81580

(b) The director's revocation or refusal to renew the license 81581  
was not based on an act or omission at the facility that violated 81582  
a resident's right to be free from abuse, neglect, or 81583  
exploitation. 81584

~~(E)(1) Any person may operate a residential facility 81585  
providing accommodations and personal care services for one to 81586  
five unrelated persons and licensed as a residential facility that 81587  
meets the criteria specified in division (A)(9)(b) of this section 81588  
as a permitted use in any residential district or zone, including 81589  
any single family residential district or zone of any political 81590  
subdivision. Such facilities may be required to comply with area, 81591  
height, yard, and architectural compatibility requirements that 81592  
are uniformly imposed upon all single family residences within the 81593  
district or zone. 81594~~

~~(2) Any person may operate a residential facility providing 81595  
accommodations and personal care services for six to sixteen 81596  
persons and licensed as a residential facility that meets the 81597  
criteria specified in division (A)(9)(b) of this section as a 81598  
permitted use in any multiple family residential district or zone 81599  
of any political subdivision, except that a political subdivision 81600~~

~~that has enacted a zoning ordinance or resolution establishing 81601  
planned unit development districts as defined in section 519.021 81602  
of the Revised Code may exclude such facilities from such 81603  
districts, and a political subdivision that has enacted a zoning 81604  
ordinance or resolution may regulate such facilities in 81605  
multiple family residential districts or zones as a conditionally 81606  
permitted use or special exception, in either case, under 81607  
reasonable and specific standards and conditions set out in the 81608  
zoning ordinance or resolution to: 81609~~

~~(a) Require the architectural design and site layout of the 81610  
home and the location, nature, and height of any walls, screens, 81611  
and fences to be compatible with adjoining land uses and the 81612  
residential character of the neighborhood; 81613~~

~~(b) Require compliance with yard, parking, and sign 81614  
regulation. 81615~~

~~(3) Divisions (E)(1) and (2) of this section do not affect 81616  
any right of a political subdivision to permit a person to operate 81617  
a residential facility licensed under this section in a 81618  
single family residential district or zone under conditions 81619  
established by the political subdivision. 81620~~

~~(4)(a) Notwithstanding divisions (E)(1) and (2) of this 81621  
section and except as provided in division (E)(4)(b) of this 81622  
section, a political subdivision that has enacted a zoning 81623  
ordinance or resolution may limit the excessive concentration of 81624  
licensed residential facilities that meet the criteria specified 81625  
in division (A)(9)(b) of this section. 81626~~

~~(b) Division (E)(4)(a) of this section does not authorize a 81627  
political subdivision to prevent or limit the continued existence 81628  
and operation of residential facilities existing and operating on 81629  
September 10, 2012, and that meet the criteria specified in 81630  
division (A)(9)(b) of this section. A political subdivision may 81631~~

~~consider the existence of such facilities for the purpose of~~ 81632  
~~limiting the excessive concentration of such facilities that meet~~ 81633  
~~the criteria specified in division (A)(9)(b) of this section that~~ 81634  
~~are not existing and operating on September 10, 2012.~~ 81635

~~(F)(1)~~ The department of ~~mental health~~ mental health and 81636  
addiction services shall inspect and license the operation of 81637  
residential facilities. The department shall consider the past 81638  
record of the facility and the applicant or licensee in arriving 81639  
at its licensure decision. 81640

The department may issue full, probationary, and interim 81641  
licenses. A full license shall expire ~~two~~ up to three years after 81642  
the date of issuance, a probationary license shall expire in a 81643  
shorter period of time as specified in rules adopted by the 81644  
director of mental health under division ~~(L)(K)~~ of this section, 81645  
and an interim license shall expire ninety days after the date of 81646  
issuance. A license may be renewed in accordance with rules 81647  
adopted by the director under division ~~(L)(K)~~ of this section. The 81648  
renewal application shall be submitted by the operator. When 81649  
applying for renewal of a license, the applicant shall pay to the 81650  
department the renewal fee specified in rules adopted under 81651  
division ~~(L)(K)~~ of this section. The fee is nonrefundable. 81652

(2) The department may issue an order suspending the 81653  
admission of residents to the facility or refuse to issue or renew 81654  
and may revoke a license if it finds the facility is not in 81655  
compliance with rules adopted by the director pursuant to division 81656  
~~(L)(K)~~ of this section or if any facility operated by the 81657  
applicant or licensee has been cited for repeated violations of 81658  
statutes or rules during the period of previous licenses. 81659  
Proceedings initiated to deny applications for full or 81660  
probationary licenses or to revoke such licenses are governed by 81661  
Chapter 119. of the Revised Code. 81662

~~(G)(F)~~ The department may issue an interim license to operate 81663

a residential facility if both of the following conditions are met: 81664  
81665

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available. 81666  
81667  
81668  
81669

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division ~~(L)~~(K) of this section. 81670  
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An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code. 81673  
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81675  
81676

~~(H)~~(G)(1) The department of ~~mental health~~ mental health and addiction services may conduct an inspection of a residential facility as follows: 81677  
81678  
81679

(a) Prior to issuance of a license for the facility; 81680

(b) Prior to renewal of the license; 81681

(c) To determine whether the facility has completed a plan of correction required pursuant to division ~~(H)~~(G)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it; 81682  
81683  
81684  
81685  
81686

(d) Upon complaint by any individual or agency; 81687

(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section. 81688  
81689  
81690  
81691

(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility and 81692  
81693



its personnel, activities, and services. The department shall have 81694  
access to examine and copy all records, accounts, and any other 81695  
documents relating to the operation of the residential facility, 81696  
including records pertaining to residents, and shall have access 81697  
to the facility in order to conduct interviews with the operator, 81698  
staff, and residents. Following each inspection and review, the 81699  
department shall complete a report listing any deficiencies, and 81700  
including, when appropriate, a time table within which the 81701  
operator shall correct the deficiencies. The department may 81702  
require the operator to submit a plan of correction describing how 81703  
the deficiencies will be corrected. 81704

~~(I)~~(H) No person shall do any of the following: 81705

(1) Operate a residential facility unless the facility holds 81706  
a valid license; 81707

(2) Violate any of the conditions of licensure after having 81708  
been granted a license; 81709

(3) Interfere with a state or local official's inspection or 81710  
investigation of a residential facility; 81711

(4) Violate any of the provisions of this section or any 81712  
rules adopted pursuant to this section. 81713

~~(J)~~(I) The following may enter a residential facility at any 81714  
time: 81715

(1) Employees designated by the director of ~~mental health~~ 81716  
mental health and addiction services; 81717

(2) Employees of an ADAMHS board under either of the 81718  
following circumstances: 81719

(a) When a resident of the facility is receiving services 81720  
from a community mental health ~~agency~~ services provider under 81721  
contract with that ADAMHS board or another ADAMHS board; 81722

(b) When authorized by section 340.05 of the Revised Code. 81723

|                                                                                                                                                                                                                                                                                                                                                                                                           |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| (3) Employees of a community mental health <del>agency</del> <u>services provider</u> under either of the following circumstances:                                                                                                                                                                                                                                                                        | 81724 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81725 |
| (a) When the <del>agency</del> <u>services provider</u> has a <del>client</del> <u>person receiving services</u> residing in the facility;                                                                                                                                                                                                                                                                | 81726 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81727 |
| (b) When the <del>agency</del> <u>services provider</u> is acting as an agent of an ADAMHS board other than the board with which it is under contract.                                                                                                                                                                                                                                                    | 81728 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81729 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81730 |
| (4) Representatives of the state long-term care <del>ombuds</del> <u>person ombudsman</u> program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients under the residential state supplement program.                                                                           | 81731 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81732 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81733 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81734 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81735 |
| The persons specified in division <del>(J)</del> <u>(I)</u> of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.                                                                                                                                 | 81736 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81737 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81738 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81739 |
| <del>(K)</del> <u>(J)</u> Employees of the department of <del>mental health</del> <u>mental health and addiction services</u> may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license. | 81740 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81741 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81742 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81743 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81744 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81745 |
| <del>(L)</del> <u>(K)</u> The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:                                                                                                                                                          | 81746 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81747 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81748 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81749 |
| (1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;                                                                                                                                                                                                                                                       | 81750 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81751 |
|                                                                                                                                                                                                                                                                                                                                                                                                           | 81752 |
| (2) Procedures for the issuance, renewal, or revocation of                                                                                                                                                                                                                                                                                                                                                | 81753 |

|                                                                                                                                                                                                                                                                                                                                                |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| the licenses of residential facilities;                                                                                                                                                                                                                                                                                                        | 81754                                              |
| (3) Procedures for conducting criminal records checks for prospective <u>or current</u> operators, <del>staff employees</del> , and <del>other individuals</del> <u>volunteers</u> who, <del>if employed by a residential facility,</del> <u>would</u> <del>may</del> have <del>unsupervised</del> <u>direct</u> access to facility residents; | 81755<br>81756<br>81757<br>81758<br>81759          |
| (4) The fee to be paid when applying for a new residential facility license or renewing the license;                                                                                                                                                                                                                                           | 81760<br>81761                                     |
| (5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;  | 81762<br>81763<br>81764<br>81765<br>81766<br>81767 |
| (6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;                                                                                                                                                                                                                   | 81768<br>81769                                     |
| (7) Measures to be taken by residential facilities relative to residents' medication;                                                                                                                                                                                                                                                          | 81770<br>81771                                     |
| (8) Requirements relating to preparation of special diets;                                                                                                                                                                                                                                                                                     | 81772                                              |
| (9) The maximum number of residents who may be served in a residential facility;                                                                                                                                                                                                                                                               | 81773<br>81774                                     |
| (10) The rights of residents of residential facilities and procedures to protect such rights;                                                                                                                                                                                                                                                  | 81775<br>81776                                     |
| (11) Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health <del>agency</del> <u>services provider</u> ;                                                                                                                                                         | 81777<br>81778<br>81779                            |
| (12) Standards and procedures under which the director may waive the requirements of any of the rules adopted.                                                                                                                                                                                                                                 | 81780<br>81781                                     |
| <del>(M)</del> (L)(1) The department may withhold the source of any complaint reported as a violation of this section when the                                                                                                                                                                                                                 | 81782<br>81783                                     |

department determines that disclosure could be detrimental to the 81784  
department's purposes or could jeopardize the investigation. The 81785  
department may disclose the source of any complaint if the 81786  
complainant agrees in writing to such disclosure and shall 81787  
disclose the source upon order by a court of competent 81788  
jurisdiction. 81789

(2) Any person who makes a complaint under division ~~(M)~~(L)(1) 81790  
of this section, or any person who participates in an 81791  
administrative or judicial proceeding resulting from such a 81792  
complaint, is immune from civil liability and is not subject to 81793  
criminal prosecution, other than for perjury, unless the person 81794  
has acted in bad faith or with malicious purpose. 81795

~~(N)~~(M)(1) The director of ~~mental health~~ mental health and 81796  
addiction services may petition the court of common pleas of the 81797  
county in which a residential facility is located for an order 81798  
enjoining any person from operating a residential facility without 81799  
a license or from operating a licensed facility when, in the 81800  
director's judgment, there is a present danger to the health or 81801  
safety of any of the occupants of the facility. The court shall 81802  
have jurisdiction to grant such injunctive relief upon a showing 81803  
that the respondent named in the petition is operating a facility 81804  
without a license or there is a present danger to the health or 81805  
safety of any residents of the facility. 81806

(2) When the court grants injunctive relief in the case of a 81807  
facility operating without a license, the court shall issue, at a 81808  
minimum, an order enjoining the facility from admitting new 81809  
residents to the facility and an order requiring the facility to 81810  
assist with the safe and orderly relocation of the facility's 81811  
residents. 81812

(3) If injunctive relief is granted against a facility for 81813  
operating without a license and the facility continues to operate 81814  
without a license, the director shall refer the case to the 81815

attorney general for further action. 81816

~~(O)~~(N) The director may fine a person for violating division 81817  
~~(I)~~(H) of this section. The fine shall be five hundred dollars for 81818  
a first offense; for each subsequent offense, the fine shall be 81819  
one thousand dollars. The director's actions in imposing a fine 81820  
shall be taken in accordance with Chapter 119. of the Revised 81821  
Code. 81822

Sec. 5119.341. (A) Any person may operate a residential 81823  
facility providing accommodations and personal care services for 81824  
one to five unrelated persons and licensed as a residential 81825  
facility that meets the criteria specified in division (A)(9)(b) 81826  
of section 5119.34 of the Revised Code as a permitted use in any 81827  
residential district or zone, including any single-family 81828  
residential district or zone of any political subdivision. Such 81829  
facilities may be required to comply with area, height, yard, and 81830  
architectural compatibility requirements that are uniformly 81831  
imposed upon all single-family residences within the district or 81832  
zone. 81833

(B) Any person may operate a residential facility providing 81834  
accommodations and personal care services for six to sixteen 81835  
persons and licensed as a residential facility that meets the 81836  
criteria specified in division (A)(9)(b) of section 5119.34 of the 81837  
Revised Code as a permitted use in any multiple-family residential 81838  
district or zone of any political subdivision, except that a 81839  
political subdivision that has enacted a zoning ordinance or 81840  
resolution establishing planned-unit developments as defined in 81841  
section 519.021 of the Revised Code may exclude such facilities 81842  
from such districts, and a political subdivision that has enacted 81843  
a zoning ordinance or resolution may regulate such facilities in 81844  
multiple-family residential districts or zones as a conditionally 81845  
permitted use or special exception, in either case, under 81846

reasonable and specific standards and conditions set out in the 81847  
zoning ordinance or resolution to: 81848

(1) Require the architectural design and site layout of the 81849  
home and the location, nature, and height of any walls, screens, 81850  
and fences to be compatible with adjoining land uses and the 81851  
residential character of the neighborhood; 81852

(2) Require compliance with yard, parking, and sign 81853  
regulation. 81854

(C) Divisions (A) and (B) of this section do not affect any 81855  
right of a political subdivision to permit a person to operate a 81856  
residential facility licensed under section 5119.34 of the Revised 81857  
Code in a single-family residential district or zone under 81858  
conditions established by the political subdivision. 81859

(D)(1) Notwithstanding divisions (A) and (B) of this section 81860  
and except as provided in division (D)(2) of this section, a 81861  
political subdivision that has enacted a zoning ordinance or 81862  
resolution may limit the excessive concentration of licensed 81863  
residential facilities that meet the criteria specified in 81864  
division (A)(9)(b) of section 5119.34 of the Revised Code. 81865

(2) Division (D)(1) of this section does not authorize a 81866  
political subdivision to prevent or limit the continued existence 81867  
and operation of residential facilities existing and operating on 81868  
September 10, 2012, and that meet the criteria specified in 81869  
division (A)(9)(b) of section 5119.34 of the Revised Code. A 81870  
political subdivision may consider the existence of such 81871  
facilities for the purpose of limiting the excessive concentration 81872  
of such facilities that meet the criteria specified in division 81873  
(A)(9)(b) of section 5119.34 of the Revised Code that are not 81874  
existing and operating on September 10, 2012. 81875

**Sec. ~~5119.221~~ 5119.342.** (A) Upon petition by the director of 81876

~~mental health~~ mental health and addiction services, the court of 81877  
common pleas or the probate court may appoint a receiver to take 81878  
possession of and operate a residential facility licensed pursuant 81879  
to section ~~5119.22~~ 5119.34 of the Revised Code, when conditions 81880  
existing at the residential facility present a substantial risk of 81881  
physical or mental harm to residents and no other remedies at law 81882  
are adequate to protect the health, safety, and welfare of the 81883  
residents. 81884

Petitions filed pursuant to this section shall include: 81885

(1) A description of the specific conditions existing at the 81886  
residential facility which present a substantial risk of physical 81887  
or mental harm to residents; 81888

(2) A statement of the absence of other adequate remedies at 81889  
law; 81890

(3) The number of individuals residing at the facility; 81891

(4) A statement that the facts have been brought to the 81892  
attention of the owner or licensee and that conditions have not 81893  
been remedied within a reasonable period of time or that the 81894  
conditions, though remedied periodically, habitually exist at the 81895  
residential facility as a pattern or practice; and 81896

(5) The name and address of the person holding the license 81897  
for the residential facility. 81898

(B) A court in which a petition is filed pursuant to this 81899  
section shall notify the person holding the license for the 81900  
facility of the filing. The department shall send notice of the 81901  
filing to the following, as appropriate: the Ohio protection and 81902  
advocacy system as defined in section 5123.60 of the Revised Code; 81903  
facility owner; facility operator; board of alcohol, drug 81904  
addiction, and mental health services; board of health; department 81905  
of developmental disabilities; department of job and family 81906  
services; facility residents; and residents' families and 81907

guardians. The court shall provide a hearing on the petition 81908  
within five court days of the time it was filed, except that the 81909  
court may appoint a receiver prior to that time if it determines 81910  
that the circumstances necessitate such action. 81911

Following a hearing on the petition, and upon a determination 81912  
that the appointment of a receiver is warranted, the court shall 81913  
appoint a receiver and notify the department of ~~mental health~~ 81914  
mental health and addiction services and appropriate persons of 81915  
this action. 81916

In setting forth the powers of the receiver, the court may 81917  
generally authorize the receiver to do all that is prudent and 81918  
necessary to safely and efficiently operate the residential 81919  
facility within the requirements of state and federal law, but 81920  
shall require the receiver to obtain court approval prior to 81921  
making any single expenditure of more than five thousand dollars 81922  
to correct deficiencies in the structure or furnishings of a 81923  
facility. The court shall closely review the conduct of the 81924  
receiver and shall require regular and detailed reports. 81925

(C) A receivership established pursuant to this section shall 81926  
be terminated, following notification of the appropriate parties 81927  
and a hearing, if the court determines either of the following: 81928

(1) The residential facility has been closed and the former 81929  
residents have been relocated to an appropriate facility; 81930

(2) Circumstances no longer exist at the residential facility 81931  
which present a substantial risk of physical or mental harm to 81932  
residents, and there is no deficiency in the residential facility 81933  
that is likely to create a future risk of harm. 81934

Notwithstanding division (C)(2) of this section, the court 81935  
shall not terminate a receivership for a residential facility that 81936  
has previously operated under another receivership unless the 81937  
responsibility for the operation of the facility is transferred to 81938



an operator approved by the court and the department of ~~mental~~ 81939  
~~health~~ mental health and addiction services. 81940

(D) Except for the department of ~~mental health~~ mental health 81941  
and addiction services or appropriate board of alcohol, drug 81942  
addiction, and mental health services, no party or person 81943  
interested in an action shall be appointed a receiver pursuant to 81944  
this section. 81945

To assist the court in identifying persons qualified to be 81946  
named as receivers, the director of ~~the department of mental~~ 81947  
~~health~~ mental health and addiction services shall maintain a list 81948  
of the names of such persons. The department of ~~mental health~~ 81949  
mental health and addiction services, the department of job and 81950  
family services, and the department of health shall provide 81951  
technical assistance to any receiver appointed pursuant to this 81952  
section. 81953

Before entering upon the duties of receiver, the receiver 81954  
must be sworn to perform the duties faithfully, and, with surety 81955  
approved by the court, judge, or clerk, execute a bond to such 81956  
person, and in such sum as the court or judge directs, to the 81957  
effect that such receiver will faithfully discharge the duties of 81958  
receiver in the action, and obey the orders of the court therein. 81959

(1) Under the control of the appointing court, a receiver may 81960  
do the following: 81961

(a) Bring and defend actions in the appointee's name as 81962  
receiver; 81963

(b) Take and keep possession of property. 81964

(2) The court shall authorize the receiver to do the 81965  
following: 81966

(a) Collect payment for all goods and services provided to 81967  
the residents or others during the period of the receivership at 81968

the same rate as was charged by the licensee at the time the 81969  
petition for receivership was filed, unless a different rate is 81970  
set by the court; 81971

(b) Honor all leases, mortgages, and secured transactions 81972  
governing all buildings, goods, and fixtures of which the receiver 81973  
has taken possession, but, in the case of a rental agreement only 81974  
to the extent of payments that are for the use of the property 81975  
during the period of the receivership, or, in the case of a 81976  
purchase agreement, only to the extent that payments come due 81977  
during the period of the receivership; 81978

(c) If transfer of residents is necessary, provide for the 81979  
orderly transfer of residents by: 81980

(i) Cooperating with all appropriate state and local agencies 81981  
in carrying out the transfer of residents to alternative community 81982  
placements; 81983

(ii) Providing for the transportation of residents' 81984  
belongings and records; 81985

(iii) Helping to locate alternative placements and develop 81986  
plans for transfer; 81987

(iv) Encouraging residents or guardians to participate in 81988  
transfer planning except when an emergency exists and immediate 81989  
transfer is necessary. 81990

(d) Make periodic reports on the status of the residential 81991  
facility to the court; the appropriate state agencies; and the 81992  
board of alcohol, drug addiction, and mental health services. Each 81993  
report shall be made available to residents, their guardians, and 81994  
families. 81995

(e) Compromise demands or claims; and 81996

(f) Generally do such acts respecting the residential 81997  
facility as the court authorizes. 81998

Notwithstanding any other provision of law, contracts which 81999  
are necessary to carry out the powers and duties of the receiver 82000  
need not be competitively bid. 82001

**Sec. ~~5119.611~~ 5119.36.** (A) A community mental health ~~agency~~ 82002  
~~services provider applicant or community addiction services~~ 82003  
~~provider applicant~~ that seeks certification of its community 82004  
mental health services or community addiction services shall 82005  
submit an application to the director of ~~mental health~~ mental 82006  
health and addiction services. On receipt of the application, the 82007  
director may ~~visit~~ conduct an on-site review and shall evaluate 82008  
the ~~agency provider~~ to determine whether its services satisfy the 82009  
standards established by rules adopted under division ~~(C)~~(E) of 82010  
this section. The director shall make the evaluation, and, if the 82011  
director ~~visits~~ conducts an on-site review of the agency provider, 82012  
~~shall~~ may make the ~~visit~~ review, in cooperation with the board of 82013  
alcohol, drug addiction, and mental health services with which the 82014  
~~agency provider~~ seeks to contract under division (A)(8)(a) of 82015  
section 340.03 of the Revised Code. 82016

(B) Subject to section ~~5119.612~~ 5119.37 of the Revised Code, 82017  
the director shall determine whether the services of an 82018  
~~applicant's community mental health agency~~ applicant satisfy the 82019  
standards for certification of the services. If the director 82020  
determines that a community mental health ~~agency's~~ services 82021  
provider's or a community addiction services provider's services 82022  
satisfy the standards for certification and the ~~agency provider~~ 82023  
has paid the fee required under division (D) of this section, the 82024  
director shall certify the services. No community mental health 82025  
services provider or community addiction services provider shall 82026  
be eligible to receive state or federal funds, or funds 82027  
administered by an alcohol, drug addiction, and mental health 82028  
services board unless its services have been certified by the 82029  
department. 82030

(C) If the director determines that a community mental health 82031  
~~agency's~~ services provider's or a community addiction services 82032  
provider's services do not satisfy the standards for 82033  
certification, the director shall identify the areas of 82034  
noncompliance, specify what action is necessary to satisfy the 82035  
standards, and may offer technical assistance to the provider and 82036  
to the board of alcohol, drug addiction, and mental health 82037  
services so that the board may assist the agency provider in 82038  
satisfying the standards. The director shall give the agency 82039  
provider a reasonable time within which to demonstrate that its 82040  
services satisfy the standards or to bring the services into 82041  
compliance with the standards. If the director concludes that the 82042  
services continue to fail to satisfy the standards, the director 82043  
may request that the board reallocate ~~the~~ any funds for the 82044  
~~community~~ mental health or addiction services the agency provider 82045  
was to provide to another community mental health agency or 82046  
addiction services provider whose community mental health or 82047  
community addiction services satisfy the standards. If the board 82048  
does not reallocate ~~those~~ such funds in a reasonable period of 82049  
time, the director may withhold state and federal funds for the 82050  
~~community mental health~~ services and allocate those funds directly 82051  
to a community mental health agency or community addiction 82052  
services provider whose ~~community mental health~~ services satisfy 82053  
the standards. 82054

(D) Each community mental health agency services provider or 82055  
community addiction services provider seeking certification of its 82056  
~~community~~ mental health or addiction services under this section 82057  
shall pay a fee for the certification required by this section, 82058  
unless the provider is exempt under rules adopted under division 82059  
(E) of this section. Fees shall be paid into the state treasury to 82060  
the credit of the sale of goods and services fund created pursuant 82061  
to section ~~5119.161~~ 5119.45 of the Revised Code. 82062

(E) The director shall adopt rules in accordance with Chapter 82063  
119. of the Revised Code to implement this section. The rules 82064  
shall do all of the following: 82065

(1) Establish certification standards for ~~community~~ mental 82066  
health services, ~~including assertive community treatment and~~ 82067  
~~intensive home based mental health services,~~ and addiction 82068  
services that are consistent with nationally recognized applicable 82069  
standards and facilitate participation in federal assistance 82070  
programs. The rules shall include as certification standards only 82071  
requirements that improve the quality of services or the health 82072  
and safety of ~~clients of~~ persons receiving community mental health 82073  
and addiction services. The standards shall address at a minimum 82074  
all of the following: 82075

(a) Reporting major unusual incidents to the director; 82076

(b) Procedures for applicants for and ~~clients of~~ persons 82077  
receiving community mental health and addiction services to file 82078  
grievances and complaints; 82079

(c) Seclusion; 82080

(d) Restraint; 82081

(e) Development of written policies addressing the rights of 82082  
~~clients~~ persons receiving services, including all of the 82083  
following: 82084

(i) The right to a copy of the written policies addressing 82085  
~~client~~ the rights of persons receiving services; 82086

(ii) The right at all times to be treated with consideration 82087  
and respect for the ~~client's~~ person's privacy and dignity; 82088

(iii) The right to have access to the ~~client's~~ person's own 82089  
psychiatric, medical, or other treatment records unless access is 82090  
specifically restricted in the ~~client's~~ person's treatment plan 82091  
for clear treatment reasons; 82092

(iv) The right to have a client rights officer provided by the agency services provider or board of alcohol, drug addiction, and mental health services advise the client person of the client's person's rights, including the client's person's rights under Chapter 5122. of the Revised Code if the client person is committed to the agency provider or board.

~~(2) Establish standards for qualifications of mental health professionals as defined in section 340.02 of the Revised Code and personnel who provide the community mental health services;~~

~~(3) Establish the process for certification of community mental health and addiction services;~~

~~(4)(3) Set the amount of certification review fees based on a portion of the cost of performing the review;~~

~~(5)(4) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.~~

**Sec. ~~5119.613~~ 5119.361.** The director of ~~mental health~~ mental health and addiction services shall require that each board of alcohol, drug addiction, and mental health services ensure that each community mental health ~~agency services provider and community addiction services provider~~ with which it contracts under division (A)(8)(a) of section 340.03 of the Revised Code to provide community mental health or addiction services establish grievance procedures consistent with rules adopted under section ~~5119.611~~ 5119.36 of the Revised Code that are available to all ~~applicants for and clients of the~~ persons seeking or receiving services from a community mental health or addiction services provider.

**Sec. ~~5119.612~~ 5119.37.** (A) In lieu of a determination by the director of ~~mental health~~ mental health and addiction services of whether the services of a community mental health ~~agency services~~

provider or a community addiction services provider satisfy the 82123  
standards for certification under section ~~5119.611~~ 5119.36 of the 82124  
Revised Code, the director shall accept appropriate accreditation 82125  
of an applicant's mental health services, alcohol and drug 82126  
addiction services, integrated mental health and alcohol and other 82127  
drug addiction services, ~~or~~ integrated mental health and physical 82128  
health services, or integrated alcohol and other drug addiction 82129  
and physical health services being provided in this state from any 82130  
of the following national accrediting organizations as evidence 82131  
that the applicant satisfies the standards for certification: 82132

(1) The joint commission; 82133

(2) The commission on accreditation of rehabilitation 82134  
facilities; 82135

(3) The council on accreditation. 82136

(B) If the director determines that an applicant's 82137  
accreditation is current, is appropriate for the services for 82138  
which the applicant is seeking certification, and the applicant 82139  
meets any other requirements established under this section or in 82140  
rules adopted under this section, the director shall certify the 82141  
applicant's services that are accredited. Except as provided in 82142  
division (C)(2) of this section, the director shall issue the 82143  
certification without further evaluation of the services. 82144

(C) For purposes of this section, all of the following apply: 82145

(1) The director may review the accrediting organizations 82146  
listed in division (A) of this section to evaluate whether the 82147  
accreditation standards and processes used by the organizations 82148  
are consistent with service delivery models the director considers 82149  
appropriate for mental health services, alcohol or other drug 82150  
addiction services, physical health services, or both. The 82151  
director may communicate to an accrediting organization any 82152

identified concerns, trends, needs, and recommendations. 82153

(2) The director may ~~visit~~ conduct an on-site review or 82154  
otherwise evaluate a community mental health ~~agency~~ services 82155  
provider or a community addiction services provider at any time 82156  
based on cause, including complaints made by or on behalf of 82157  
~~consumers~~ persons receiving services and confirmed or alleged 82158  
deficiencies brought to the attention of the director. 82159

(3) The director shall require a community mental health 82160  
~~agency~~ services provider and a community addiction services 82161  
provider to notify the director not later than ten days after any 82162  
change in the ~~agency's~~ provider's accreditation status. The ~~agency~~ 82163  
provider may notify the director by providing a copy of the 82164  
relevant document the ~~agency~~ provider received from the 82165  
accrediting organization. 82166

(4) The director shall require a community mental health 82167  
~~agency~~ services provider and a community addiction services 82168  
provider to submit to the director reports of major unusual 82169  
incidents. 82170

(5) The director may require a community mental health ~~agency~~ 82171  
services provider or a community addiction services provider to 82172  
submit to the director cost reports pertaining to the ~~agency~~ 82173  
provider. 82174

(D) The director shall adopt rules in accordance with Chapter 82175  
119. of the Revised Code to implement this section. In adopting 82176  
the rules, the director shall do all of the following: 82177

(1) Specify the documentation that must be submitted as 82178  
evidence of holding appropriate accreditation; 82179

(2) Establish a process by which the director may review the 82180  
accreditation standards and processes used by the national 82181  
accrediting organizations listed in division (A) of this section; 82182



(3) Specify the circumstances under which reports of major unusual incidents and agency provider cost reports must be submitted to the director;

(4) Specify the circumstances under which the director may ~~visit~~ conduct an on-site review or otherwise evaluate a community mental health ~~agency~~ services provider and a community addiction services provider for cause;

(5) Establish a process by which the director, based on deficiencies identified as a result of ~~visiting~~ conducting an on-site review or evaluating a community mental health ~~agency~~ services provider or a community addiction services provider under division (C)(2) of this section, may take any of a range of corrective actions, with the most stringent being revocation of the certification of the ~~agency's~~ provider's services.

**Sec. ~~3793.10~~ 5119.38.** A drivers' intervention program may be used as an alternative to a term of imprisonment for an offender sentenced pursuant to division (G)(1)(a) of section 4511.19 of the Revised Code, if it is certified by the director of ~~alcohol and drug addiction services~~ mental health and addiction services pursuant to this section. No drivers' intervention program shall be used as an alternative to a term of imprisonment that is imposed pursuant to division (G)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code.

To qualify for certification by the director and to receive funds from the statewide treatment and prevention fund created by section 4301.30 of the Revised Code in any amounts and at any times that the director determines are appropriate, a drivers' intervention program shall meet state minimum standards that the director shall establish by rule. The rules shall include, but are not limited to, standards governing program course hours and content, qualifications of program personnel, methods of

identifying and testing participants to isolate participants with 82214  
alcohol and drug abuse problems, referral of such persons to 82215  
~~alcohol and drug~~ community addiction ~~programs~~ services providers, 82216  
the prompt notification of courts by program operators of the 82217  
completion of the programs by persons required by courts to attend 82218  
them, and record keeping, including methods of tracking 82219  
participants for a reasonable time after they have left the 82220  
program. 82221

The director shall issue a certificate to any qualified 82222  
drivers' intervention program. The certificate is valid for three 82223  
years. 82224

**Sec. ~~3793.11~~ 5119.39.** (A) No ~~alcohol and drug~~ community 82225  
addiction ~~program~~ services provider shall employ methadone 82226  
treatment or prescribe, dispense, or administer methadone unless 82227  
the program is licensed under this section. No ~~alcohol and drug~~ 82228  
community addiction ~~program~~ services provider licensed under this 82229  
section shall maintain methadone treatment in a manner 82230  
inconsistent with this section and the rules adopted under it. 82231

(B) ~~An alcohol and drug~~ A community addiction ~~program~~ 82232  
services provider may apply to the department of ~~alcohol and drug~~ 82233  
~~addiction services~~ mental health and addiction services for a 82234  
license to maintain methadone treatment. The department shall 82235  
review all applications received. 82236

(C) The department may issue a license to maintain methadone 82237  
treatment to ~~an alcohol and drug~~ community addiction ~~program~~ 82238  
services provider only if all of the following apply: 82239

(1) The ~~program~~ provider is operated by a private, nonprofit 82240  
organization or by a government entity; 82241

(2) For at least two years immediately preceding the date of 82242  
application, the ~~program~~ provider has been fully certified under 82243

section ~~3793.06~~ 5119.36 of the Revised Code; 82244

(3) The ~~program~~ provider has not been denied a license to 82245  
maintain methadone treatment or had its license withdrawn or 82246  
revoked within the five-year period immediately preceding the date 82247  
of application; 82248

(4) It affirmatively appears to the department that the 82249  
~~program~~ provider is adequately staffed and equipped to maintain 82250  
methadone treatment; 82251

(5) It affirmatively appears to the department that the 82252  
~~program~~ provider will maintain methadone treatment in strict 82253  
compliance with section 3719.61 of the Revised Code, all other 82254  
laws relating to drug abuse, and the rules adopted by the 82255  
department; 82256

(6) Except as provided in division (D) of this section, there 82257  
is no public or private school, licensed child day-care center, or 82258  
other child-serving agency within a radius of five hundred feet of 82259  
the location where the program is to maintain methadone treatment. 82260

(D) The department may waive the requirement of division 82261  
(C)(6) of this section if it receives, from each public or private 82262  
school, licensed child day-care center, or other child-serving 82263  
agency that is within the applicable radius of the location where 82264  
the program is to maintain methadone treatment, a letter of 82265  
support for the location. The department shall determine whether a 82266  
letter of support is satisfactory for purposes of waiving the 82267  
requirement. 82268

(E) A license to maintain methadone treatment shall expire 82269  
one year from the date of issuance. Licenses may be renewed. 82270

(F) The department shall establish procedures and adopt rules 82271  
for licensing, inspection, and supervision of ~~alcohol and drug~~ 82272  
community addiction programs services providers that maintain 82273  
methadone treatment. The rules shall establish standards for the 82274

control, storage, furnishing, use, and dispensing of methadone, 82275  
prescribe minimum standards for the operation of the methadone 82276  
treatment component of the ~~program~~, provider's operations and 82277  
comply with federal laws and regulations. 82278

All rules adopted under this division shall be adopted in 82279  
accordance with Chapter 119. of the Revised Code. All actions 82280  
taken by the department regarding the licensing of ~~programs~~ 82281  
providers to maintain methadone treatment shall be conducted in 82282  
accordance with Chapter 119. of the Revised Code, except as 82283  
provided in division (L) of this section. 82284

(G) The department of ~~alcohol and drug addiction services~~ 82285  
mental health and addiction services shall inspect all ~~alcohol and~~ 82286  
~~drug~~ community addiction ~~programs~~ services providers licensed to 82287  
maintain methadone treatment. Inspections shall be conducted at 82288  
least annually and may be conducted more frequently. No person or 82289  
government entity shall interfere with a state or local government 82290  
official acting on behalf of the department while conducting an 82291  
inspection. 82292

(H) An ~~alcohol and drug~~ community addiction ~~program~~ services 82293  
provider shall not administer or dispense methadone in a tablet, 82294  
powder, or intravenous form. Methadone shall be administered or 82295  
dispensed only in a liquid form intended for ingestion. A ~~program~~ 82296  
services provider shall not administer or dispense methadone to an 82297  
individual for pain or other medical reasons. 82298

(I) As used in this division, "program sponsor" means a 82299  
person who assumes responsibility for the operation and employees 82300  
of the methadone treatment component of ~~an alcohol and drug~~ a 82301  
community addiction ~~program~~ services provider. 82302

~~An alcohol and drug~~ A community addiction ~~program~~ services 82303  
provider shall not employ an individual who receives methadone 82304  
treatment from that ~~program~~ services provider. A program shall not 82305

permit an individual to act as a ~~program provider~~ sponsor, medical 82306  
director, or director of the ~~program provider~~ if the individual is 82307  
receiving methadone treatment from any ~~alcohol and drug community~~ 82308  
addiction ~~program services provider~~. 82309

(J) The department may issue orders to assure compliance with 82310  
section 3719.61 of the Revised Code, all other laws relating to 82311  
drug abuse, and the rules adopted under this section. Subject to 82312  
section ~~3793.13~~ 5119.27 of the Revised Code, the department may 82313  
hold hearings, require the production of relevant matter, compel 82314  
testimony, issue subpoenas, and make adjudications. Upon failure 82315  
of a person without lawful excuse to obey a subpoena or to produce 82316  
relevant matter, the department may apply to a court of common 82317  
pleas for an order compelling compliance. 82318

(K) The department may refuse to issue, or may withdraw or 82319  
revoke, a license to maintain methadone treatment. A license may 82320  
be refused if ~~an alcohol and drug a community~~ addiction ~~program~~ 82321  
services provider does not meet the requirements of division (C) 82322  
of this section. A license may be withdrawn at any time the 82323  
department determines that the program no longer meets the 82324  
requirements for receiving the license. A license may be revoked 82325  
in accordance with division (L) of this section. 82326

In the case of a license issued prior to ~~the effective date~~ 82327  
~~of this amendment~~ December 20, 2012, the department shall not 82328  
consider the requirement of division (C)(6) of this section in 82329  
determining whether to renew, withdraw, or revoke the license. 82330

(L) If the department of ~~alcohol and drug addiction services~~ 82331  
mental health and addiction services finds reasonable cause to 82332  
believe that ~~an alcohol and drug a community~~ addiction ~~program~~ 82333  
services provider licensed under this section is in violation of 82334  
any provision of section 3719.61 of the Revised Code, or of any 82335  
other state or federal law or rule relating to drug abuse, the 82336  
department may issue an order immediately revoking the license, 82337

subject to division (M) of this section. The department shall set 82338  
a date not more than fifteen days later than the date of the order 82339  
of revocation for a hearing on the continuation or cancellation of 82340  
the revocation. For good cause, the department may continue the 82341  
hearing on application of any interested party. In conducting 82342  
hearings, the department has all the authority and power set forth 82343  
in division (J) of this section. Following the hearing, the 82344  
department shall either confirm or cancel the revocation. The 82345  
hearing shall be conducted in accordance with Chapter 119. of the 82346  
Revised Code, except that the ~~program~~ provider shall not be 82347  
permitted to maintain methadone treatment pending the hearing or 82348  
pending any appeal from an adjudication made as a result of the 82349  
hearing. Notwithstanding any provision of Chapter 119. of the 82350  
Revised Code to the contrary, a court shall not stay or suspend 82351  
any order of revocation issued by the director under this division 82352  
pending judicial appeal. 82353

(M) The department shall not revoke a license to maintain 82354  
methadone treatment unless all ~~clients~~ services recipients 82355  
receiving methadone treatment from the ~~alcohol and drug~~ community 82356  
addiction ~~program~~ services provider are provided adequate 82357  
substitute treatment. For purposes of this division, the 82358  
department may transfer the ~~clients~~ services recipients to other 82359  
programs licensed to maintain methadone treatment or replace any 82360  
or all of the administrators and staff of the ~~program~~ provider 82361  
with representatives of the department who shall continue on a 82362  
provisional basis the methadone treatment component of the 82363  
program. 82364

(N) Each time the department receives an application from ~~an~~ 82365  
~~alcohol and drug~~ a community addiction ~~program~~ services provider 82366  
for a license to maintain methadone treatment, issues or refuses 82367  
to issue a license, or withdraws or revokes a license, the 82368  
department shall notify the board of alcohol, drug addiction, and 82369

mental health services of each alcohol, drug addiction, and mental 82370  
health service district in which the ~~program is operated~~ provider 82371  
operates. 82372

(O) Whenever it appears to the department from files, upon 82373  
complaint, or otherwise, that ~~an alcohol and drug~~ a community 82374  
addiction ~~program~~ services provider has engaged in any practice 82375  
declared to be illegal or prohibited by section 3719.61 of the 82376  
Revised Code, or any other state or federal laws or regulations 82377  
relating to drug abuse, or when the department believes it to be 82378  
in the best interest of the public and necessary for the 82379  
protection of the citizens of the state, the department may 82380  
request criminal proceedings by laying before the prosecuting 82381  
attorney of the proper county any evidence of criminality which 82382  
may come to its knowledge. 82383

(P) The department shall maintain a current list of ~~alcohol~~ 82384  
~~and drug~~ community addiction ~~programs~~ services providers licensed 82385  
by the department under this section and shall provide a copy of 82386  
the current list to a judge of a court of common pleas who 82387  
requests a copy for the use of the judge under division (H) of 82388  
section 2925.03 of the Revised Code. The list of licensed ~~alcohol~~ 82389  
~~and drug~~ community addiction ~~programs~~ services providers shall 82390  
identify each licensed ~~program~~ provider by its name, its address, 82391  
and the county in which it is located. 82392

**Sec. ~~5119.061~~ 5119.40.** (A) As used in this section, "mentally 82393  
ill individual" and "specialized services" have the same meanings 82394  
as in section ~~5111.202~~ 5165.03 of the Revised Code. 82395

(B)(1) Except as provided in division (B)(2) of this section 82396  
and rules adopted under division (E)(3) of this section, for 82397  
purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 82398  
department of ~~mental health~~ mental health and addiction services 82399  
shall determine in accordance with ~~section 1919(e)(7)~~ of the 82400

"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1919(e)(7), 42 82401  
U.S.C.A. ~~301 1396r(e)(7)~~, ~~as amended~~, and regulations adopted 82402  
under section 1919(f)(8)(A) of that act, 42 U.S.C. 1396r(f)(8)(A), 82403  
whether, because of the individual's physical and mental 82404  
condition, a mentally ill individual seeking admission to a 82405  
nursing facility requires the level of services provided by a 82406  
nursing facility and, if the individual requires that level of 82407  
services, whether the individual requires specialized services for 82408  
mental illness. The determination required by this division shall 82409  
be based on an independent physical and mental evaluation 82410  
performed by a person or entity other than the department. 82411

(2) A Except as provided in division (B)(3) of this section, 82412  
a determination under this division (B)(1) of this section is not 82413  
required for any of the following: 82414

(a) An individual seeking readmission to a nursing facility 82415  
after having been transferred from a nursing facility to a 82416  
hospital for care; 82417

(b) An individual who meets all of the following conditions: 82418

(i) The individual is admitted to the nursing facility 82419  
directly from a hospital after receiving inpatient care at the 82420  
hospital; 82421

(ii) The individual requires nursing facility services for 82422  
the condition for which care in the hospital was received; 82423

(iii) The individual's attending physician has certified, 82424  
before admission to the nursing facility, that the individual is 82425  
likely to require less than thirty days of nursing facility 82426  
services. 82427

(c) An individual transferred from one nursing facility to 82428  
another nursing facility, with or without an intervening hospital 82429  
stay. 82430



(3) A determination under division (B)(1) of this section is required for an individual described in division (B)(2)(a) or (b) of this section if the hospital from which the individual is transferred or directly admitted to a nursing facility is either of the following:

(a) A hospital that the department maintains, operates, manages, and governs under section 5119.14 of the Revised Code for the care and treatment of mentally ill persons;

(b) A free-standing hospital, or unit of a hospital, licensed by the department under section 5119.33 of the Revised Code.

(C) Except as provided in rules adopted under division ~~(F)~~(E)(3) of this section, the department of ~~mental health~~ mental health and addiction services shall review and determine for each resident of a nursing facility who is mentally ill, whether the resident, because of the resident's physical and mental condition, requires the level of services provided by a nursing facility and whether the resident requires specialized services for mental illness. The review and determination shall be conducted in accordance with section 1919(e)(7) of the "Social Security Act" and the regulations adopted under section 1919(f)(8)(A) of the act and based on an independent physical and mental evaluation performed by a person or entity other than the department. The review and determination shall be completed promptly after a nursing facility has notified the department that there has been a significant change in the resident's mental or physical condition.

(D)(1) In the case of a nursing facility resident who has continuously resided in a nursing facility for at least thirty months before the date of a review and determination under division (C) of this section, if the resident is determined not to require the level of services provided by a nursing facility, but is determined to require specialized services for mental illness, the department, in consultation with the resident's family or

legal representative and care givers, shall do all of the 82463  
following: 82464

(a) Inform the resident of the institutional and 82465  
noninstitutional alternatives covered under the state plan for 82466  
medical assistance; 82467

(b) Offer the resident the choice of remaining in the nursing 82468  
facility or receiving covered services in an alternative 82469  
institutional or noninstitutional setting; 82470

(c) Clarify the effect on eligibility for services under the 82471  
state plan for medical assistance if the resident chooses to leave 82472  
the facility, including its effect on readmission to the facility; 82473

(d) Provide for or arrange for the provision of specialized 82474  
services for the resident's mental illness in the setting chosen 82475  
by the resident. 82476

(2) In the case of a nursing facility resident who has 82477  
continuously resided in a nursing facility for less than thirty 82478  
months before the date of the review and determination under 82479  
division (C) of this section, if the resident is determined not to 82480  
require the level of services provided by a nursing facility, but 82481  
is determined to require specialized services for mental illness, 82482  
or if the resident is determined to require neither the level of 82483  
services provided by a nursing facility nor specialized services 82484  
for mental illness, the department shall act in accordance with 82485  
its alternative disposition plan approved by the United States 82486  
department of health and human services under section 82487  
1919(e)(7)(E) of the "Social Security Act." 82488

(3) In the case of an individual who is determined under 82489  
division (B) or (C) of this section to require both the level of 82490  
services provided by a nursing facility and specialized services 82491  
for mental illness, the department of ~~mental health~~ mental health 82492  
and addiction services shall provide or arrange for the provision 82493

of the specialized services needed by the individual or resident 82494  
while residing in a nursing facility. 82495

(E) The department of ~~mental health~~ mental health and 82496  
addiction services shall adopt rules in accordance with Chapter 82497  
119. of the Revised Code that do all of the following: 82498

(1) Establish criteria to be used in making the 82499  
determinations required by divisions (B) and (C) of this section. 82500  
The criteria shall not exceed the criteria established by 82501  
regulations adopted by the United States department of health and 82502  
human services under section 1919(f)(8)(A) of the "Social Security 82503  
Act." 82504

(2) Specify information to be provided by the individual or 82505  
nursing facility resident being assessed; 82506

(3) Specify any circumstances, in addition to circumstances 82507  
listed in division (B) of this section, under which determinations 82508  
under divisions (B) and (C) of this section are not required to be 82509  
made. 82510

**Sec. ~~5119.69~~ 5119.41.** (A) As used in this section and section 82511  
~~5119.691~~ 5119.411 of the Revised Code: 82512

(1) ~~"Long term care consultation program" means the program~~ 82513  
~~the department of aging is required to develop under section~~ 82514  
~~173.42 of the Revised Code.~~ 82515

~~(2) "Long term care consultation program administrator" or~~ 82516  
~~"administrator" means the department of aging or, if the~~ 82517  
~~department contracts with an area agency on aging or other entity~~ 82518  
~~to administer the long term care consultation program for a~~ 82519  
~~particular area, that agency or entity.~~ 82520

~~(3)~~ "Nursing facility" has the same meaning as in section 82521  
~~5111.20~~ 5165.01 of the Revised Code. 82522

~~(4)~~(2) "Residential state supplement administrative agency" 82523

means the department of ~~mental health~~ mental health and addiction 82524  
services or, if the department designates an entity under division 82525  
(C) of this section for a particular area, the designated entity. 82526

~~(5)~~(3) "Residential state supplement program" means the 82527  
program administered pursuant to this section. 82528

(B) The department of ~~mental health~~ mental health and 82529  
addiction services shall implement the residential state 82530  
supplement program under which the state supplements the 82531  
supplemental security income payments received by aged, blind, or 82532  
disabled adults under Title XVI of the "Social Security Act," ~~49~~ 82533  
~~Stat. 620 (1935)~~, 42 U.S.C.A., ~~as amended~~ 1381 et seq. Residential 82534  
state supplement payments shall be used for the provision of 82535  
accommodations, supervision, and personal care services to social 82536  
security, supplemental security income, and social security 82537  
disability insurance recipients who the department determines are 82538  
at risk of needing institutional care. 82539

(C) In implementing the program, the department may designate 82540  
one or more entities to be responsible for providing 82541  
administrative services regarding the program. The department may 82542  
designate an entity to be a residential state supplement 82543  
administrative agency under this division either by entering into 82544  
a contract with the entity to serve in that capacity or by 82545  
otherwise delegating to the entity the responsibility to serve in 82546  
that capacity. 82547

(D) For an individual to be eligible for residential state 82548  
supplement payments, all of the following must be the case: 82549

(1) Except as provided by division (H) of this section, the 82550  
individual must reside in one of the following: 82551

(a) A ~~home or~~ residential care facility, ~~other than a nursing~~ 82552  
~~home or nursing home unit of a home for the aging~~, licensed by the 82553  
department of health under Chapter 3721. of the Revised Code or an 82554

assisted living program as defined in section 5111.89 of the 82555  
Revised Code; 82556

(b) A residential facility as defined in division (A)(9)(b) 82557  
of section ~~5119.22~~ 5119.34 of the Revised Code licensed by the 82558  
department of ~~mental health~~ mental health and addiction services; 82559

(c) An apartment or room used to provide community mental 82560  
health housing services certified by the department of ~~mental~~ 82561  
~~health~~ mental health and addiction services under section ~~5119.611~~ 82562  
5119.36 of the Revised Code and approved by a board of alcohol, 82563  
drug addiction, and mental health services under division (A)(14) 82564  
of section 340.03 of the Revised Code. 82565

(2) A residential state supplement administrative agency must 82566  
have determined that the environment in which the individual will 82567  
be living while receiving the payments is appropriate for the 82568  
individual's needs. If the individual is eligible for social 82569  
security payments, supplemental security income payments, or 82570  
social security disability insurance benefits because of a mental 82571  
disability, the residential state supplement administrative agency 82572  
shall refer the individual to a community mental health ~~agency~~ 82573  
services provider for an assessment under division (A) of section 82574  
340.091 of the Revised Code. 82575

(3) The individual satisfies all eligibility requirements 82576  
established by rules adopted under division (E) of this section. 82577

(E) The ~~directors~~ director of ~~mental health~~ mental health and 82578  
addiction services and ~~job and family services~~ medicaid director 82579  
shall adopt rules in accordance with section 111.15 of the Revised 82580  
Code as necessary to implement the residential state supplement 82581  
program. 82582

To the extent permitted by Title XVI of the "Social Security 82583  
Act," and any other provision of federal law, the medicaid 82584  
director ~~of job and family services~~ may adopt rules establishing 82585

standards for adjusting the eligibility requirements concerning 82586  
the level of impairment a person must have so that the amount 82587  
appropriated for the program by the general assembly is adequate 82588  
for the number of eligible individuals. The rules shall not limit 82589  
the eligibility of disabled persons solely on a basis classifying 82590  
disabilities as physical or mental. The medicaid director ~~of job~~ 82591  
~~and family services~~ also may adopt rules that establish 82592  
eligibility standards for aged, blind, or disabled individuals who 82593  
reside in one of the homes or facilities specified in division 82594  
(D)(1) of this section but who, because of their income, do not 82595  
receive supplemental security income payments. The rules may 82596  
provide that these individuals may include individuals who receive 82597  
other types of benefits, including, social security payments or 82598  
social security disability insurance benefits provided under Title 82599  
II of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 82600  
401, ~~as amended~~ et seq. Notwithstanding division (B) of this 82601  
section, such payments may be made if funds are available for 82602  
them. 82603

The director of ~~mental health~~ mental health and addiction 82604  
services may adopt rules establishing the method to be used to 82605  
determine the amount an eligible individual will receive under the 82606  
program. The amount the general assembly appropriates for the 82607  
program may be a factor included in the method that director 82608  
establishes. 82609

(F) The county department of job and family services of the 82610  
county in which an applicant for the residential state supplement 82611  
program resides shall determine whether the applicant meets income 82612  
and resource requirements for the program. 82613

(G) The department of ~~mental health~~ mental health and 82614  
addiction services shall maintain a waiting list of any 82615  
individuals eligible for payments under this section but not 82616  
receiving them because moneys appropriated to the department for 82617

the purposes of this section are insufficient to make payments to 82618  
all eligible individuals. An individual may apply to be placed on 82619  
the waiting list even though the individual does not reside in one 82620  
of the homes or facilities specified in division (D)(1) of this 82621  
section at the time of application. The director of ~~mental health~~ 82622  
mental health and addiction services, by rules adopted in 82623  
accordance with Chapter 119. of the Revised Code, may specify 82624  
procedures and requirements for placing an individual on the 82625  
waiting list and priorities for the order in which individuals 82626  
placed on the waiting list are to begin to receive residential 82627  
state supplement payments. The rules specifying priorities may 82628  
give priority to individuals placed on the waiting list on or 82629  
after July 1, 2006, who receive social security payments, social 82630  
security disability insurance, or supplemental security income 82631  
benefits under Title XVI of the "Social Security Act," ~~86 Stat.~~ 82632  
~~1475 (1972)~~, 42 U.S.C. 1381, ~~as amended~~ et seq. The rules shall 82633  
not affect the place on the waiting list of any person who was on 82634  
the list on July 1, 2006. The rules specifying priorities may also 82635  
set additional priorities based on living arrangement, such as 82636  
whether an individual resides in a facility listed in division 82637  
(D)(1) of this section or has been admitted to a nursing facility. 82638

(H) An individual in a licensed or certified living 82639  
arrangement receiving state supplementation on November 15, 1990, 82640  
under former section 5101.531 of the Revised Code shall not become 82641  
ineligible for payments under this section solely by reason of the 82642  
individual's living arrangement as long as the individual remains 82643  
in the living arrangement in which the individual resided on 82644  
November 15, 1990. 82645

(I) The ~~department of mental health~~ county department of job 82646  
and family services from which the person is receiving benefits 82647  
shall notify each person denied approval for payments under this 82648  
section of the person's right to a hearing. On request, the 82649

hearing shall be provided in accordance with Chapter 119. of the Revised Code.

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**Sec. ~~5119.691~~ 5119.411.** On a periodic schedule determined by the department of ~~mental health~~ mental health and addiction services, each residential state supplement administrative agency shall determine whether individuals who reside in the area that the agency serves and are on a waiting list for the residential state supplement program have been admitted to a nursing facility. ~~If The department shall have a process in place to ensure that if~~ a residential state supplement administrative agency determines that such an individual has been admitted to a nursing facility, ~~the agency shall notify the long term care consultation program administrator serving the area in which the individual resides about the determination. The administrator shall determine there shall be a determination~~ whether the residential state supplement program is appropriate for the individual and whether the individual would rather participate in the program than continue residing in the nursing facility. ~~If the administrator determines it is determined~~ that the residential state supplement program is appropriate for the individual and the individual would rather participate in the program than continue residing in the nursing facility, ~~the administrator shall so notify the department of mental health. On receipt of the notice from the administrator, the department of mental health~~ mental health and addiction services shall approve the individual's enrollment in the residential state supplement program in accordance with the priorities specified in rules adopted under division (G) of section ~~5119.69~~ 5119.41 of the Revised Code. Each quarter in which a waiting list is in place, the department of ~~mental health~~ mental health and addiction services shall certify to the director of budget and management the estimated increase in costs of the residential state supplement program resulting from enrollment of

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individuals in the program pursuant to this section. 82682

**Sec. ~~5119.63~~ 5119.42.** (A) As used in this section, "private, 82683  
nonprofit organization" means a private association, organization, 82684  
corporation, or other entity that is tax exempt under section 82685  
501(a) and described in section 501(c) of the "Internal Revenue 82686  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 82687

(B) To the extent funds are available and on application by 82688  
boards of alcohol, drug addiction, and mental health services, the 82689  
director of ~~mental health~~ mental health and addiction services may 82690  
approve state reimbursement of, or state grants for, community 82691  
~~mental health~~ construction programs including residential housing 82692  
for severely mentally disabled persons and persons with substance 82693  
use disorders. The director may also approve an application for 82694  
reimbursement or a grant for such programs submitted by other 82695  
governmental entities or by private, nonprofit organizations, 82696  
after the application has been reviewed and recommended for 82697  
approval or disapproval by the board of alcohol, drug addiction, 82698  
and mental health services for the district from which the 82699  
application came, and the application is consistent with the plan 82700  
submitted by the board under division (A) of section 340.03 of the 82701  
Revised Code and the budget and statement of services submitted by 82702  
the board under divisions (A) and (B) of section 340.08 of the 82703  
Revised Code. 82704

(C)(1) The director of ~~mental health~~ mental health and 82705  
addiction services shall adopt rules in accordance with Chapter 82706  
119. of the Revised Code that specify procedures for applying for 82707  
state reimbursement of and state grants for community construction 82708  
programs, including residential housing for severely mentally 82709  
disabled persons and persons with substance use disorders and 82710  
procedures and criteria for approval of such reimbursement and 82711  
grants. 82712

(2) The director of ~~mental health~~ mental health and addiction services shall not approve state reimbursement or a state grant unless all of the following conditions are met:

(a) The applicant includes with the application a plan specifying the services, in addition to housing, that will be provided to persons who will reside in the residential housing. Services specified may include any of the services ~~listed~~ described in section 340.09 of the Revised Code.

(b) The director is satisfied that the residential housing for severely mentally disabled persons will be developed to promote the maximum practical integration of severely mentally disabled persons with persons at the same site who are not severely mentally disabled.

(c) The use of any funds distributed pursuant to the reimbursement or grant will not subject any obligation from which the funds are derived to federal income taxation.

(3) The director may enter into an agreement establishing terms for any reimbursement or grant approved under this division with the organization, board, or other government entity that is the recipient of the reimbursement or grant. Any such agreement is subject to any covenant or agreement pertaining to any obligation issued to provide funds for the reimbursement or grant.

**Sec. ~~5119.631~~ 5119.421.** (A) This section applies to a board of alcohol, drug addiction, and mental health services, another governmental entity, or a private, nonprofit organization that received a grant or reimbursement under section ~~5119.63~~ 5119.42 of the Revised Code for a facility on which the department of ~~mental health~~ mental health and addiction services holds a security interest.

(B) A board of alcohol, drug addiction, and mental health

services, another governmental entity, or a private, nonprofit 82743  
organization to which this section applies may apply to the 82744  
director of ~~mental health~~ mental health and addiction services for 82745  
approval to sell its facility and acquire, construct, or renovate 82746  
a replacement facility pursuant to this section. The director 82747  
shall prescribe the form of the application. Before submitting an 82748  
application to the director, a governmental entity or private, 82749  
nonprofit organization must obtain approval of the application 82750  
from the board of alcohol, drug addiction, and mental health 82751  
services with jurisdiction over the service district in which the 82752  
existing facility is located. The director shall approve an 82753  
application for a replacement project upon determining that the 82754  
project provides for the continuation of appropriate mental health 82755  
and addiction services to the population served by the board, 82756  
entity, or organization. 82757

(C) A board, entity, or organization that obtains approval 82758  
for a project under division (B) of this section shall pay the 82759  
proceeds of the sale of its facility to the director of ~~mental~~ 82760  
~~health~~ mental health and addiction services. The director shall 82761  
deposit the proceeds to the credit of the community capital 82762  
replacement facilities fund. 82763

(D) When a board, entity, or organization that has sold its 82764  
facility notifies the director of ~~mental health~~ mental health and 82765  
addiction services that it is ready to acquire, construct, or 82766  
renovate a replacement facility, the director shall do one of the 82767  
following: 82768

(1) If the replacement facility is located in the same 82769  
alcohol, drug addiction, and mental health service district as the 82770  
original facility, and if the purposes for which the replacement 82771  
facility will be used are the same as or similar to those for the 82772  
original facility, the director shall pay to the board, entity, or 82773  
organization from the community capital replacement facilities 82774

fund an amount equal to the lesser of an amount equal to the 82775  
proceeds of the sale of the original facility or the amount of the 82776  
state's agreed-upon participation (as a per cent of the total 82777  
cost) in the cost of the replacement facility. If the amount of 82778  
the state's agreed-upon participation in the cost of the 82779  
replacement facility is less than the value of the state's 82780  
security interest in the original facility, the difference between 82781  
the state's agreed-upon participation in the cost of the 82782  
replacement facility and the value of the state's security 82783  
interest in the original facility shall be retained in the 82784  
community capital replacement facilities fund, and any excess 82785  
proceeds shall be paid to the board, entity, or organization. 82786

(2) If the replacement facility is located in a different 82787  
alcohol, drug addiction, and mental health service district than 82788  
the original facility, or if the purposes for which the 82789  
replacement facility will be used are not the same as or similar 82790  
to those for the original facility, the director shall request 82791  
controlling board approval for release of funds for the project. 82792  
If the controlling board so approves, the director shall pay to 82793  
the board, entity, or organization from the community capital 82794  
replacement facilities fund the lesser of an amount equal to the 82795  
proceeds of the sale of the original facility or the amount of the 82796  
state's agreed-upon participation (as a per cent of the total 82797  
cost) in the cost of the replacement facility. ~~if~~ If the amount of 82798  
the state's agreed-upon participation in the cost of the 82799  
replacement facility is less than the value of the state's 82800  
security interest in the original facility, the difference between 82801  
the state's agreed-upon participation in the cost of the 82802  
replacement facility and the value of the state's security 82803  
interest in the original facility shall be retained in the 82804  
community capital replacement facilities fund, and any excess 82805  
proceeds shall be paid to the board, entity, or organization. 82806

(E) The director of ~~mental health~~ mental health and addiction services and a board, entity, or organization shall enter into an agreement specifying the terms of any payment made to the board, entity, or organization under division (D) of this section. The terms may include provision for the department of ~~mental health~~ mental health and addiction services to hold a security interest in the facility.

(F)(1) When approving an application under division (B) of this section, the director of ~~mental health~~ mental health and addiction services shall establish a deadline by which the board, entity, or organization must notify the director that it is ready to acquire, construct, or renovate a replacement facility. If the board, entity, or organization does not notify the director on or before the deadline, the director may cancel the project. Upon canceling the project, the director shall pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(2) Notwithstanding the deadline established under division (F)(1) of this section, if at any time a board, entity, or organization notifies the director that it does not intend to acquire, construct, or renovate a replacement facility under this section, the director shall cancel the replacement project and pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(G) If a replacement project is canceled after the sale of the original facility, the director of ~~mental health~~ mental health and addiction services shall use funds equal to the value of the state's security interest in the original facility for additional

grants or reimbursements under section ~~5119.63~~ 5119.42 of the Revised Code. The director shall obtain the approval of the controlling board before releasing the additional grants or reimbursements.

(H) The community capital replacement facilities fund is hereby created in the state treasury. The director of ~~mental health~~ mental health and addiction services shall use the fund for the purposes of this section.

**Sec. ~~5119.16~~ 5119.44.** As used in this section, "free clinic" has the same meaning as in section 2305.2341 of the Revised Code.

(A) The department of ~~mental health~~ mental health and addiction services may provide certain goods and services for the department of ~~mental health~~ mental health and addiction services, the department of developmental disabilities, the department of rehabilitation and correction, the department of youth services, and other state, county, or municipal agencies requesting such goods and services when the department of ~~mental health~~ mental health and addiction services determines that it is in the public interest, and considers it advisable, to provide these goods and services. The department of ~~mental health~~ mental health and addiction services also may provide goods and services to agencies operated by the United States government and to public or private nonprofit agencies, other than free clinics, that are funded in whole or in part by the state if the public or private nonprofit agencies are designated for participation in this program by the director of ~~mental health~~ mental health and addiction services for community addiction services providers and community mental health ~~agencies~~ services providers, the director of developmental disabilities for community mental retardation and developmental disabilities agencies, the director of rehabilitation and correction for community rehabilitation and correction agencies,

or the director of youth services for community youth services 82870  
agencies. 82871

Designated community agencies or services providers shall 82872  
receive goods and services through the department of ~~mental health~~ 82873  
mental health and addiction services only in those cases where the 82874  
designating state agency certifies that providing such goods and 82875  
services to the agency or services provider will conserve public 82876  
resources to the benefit of the public and where the provision of 82877  
such goods and services is considered feasible by the department 82878  
of ~~mental health~~ mental health and addiction services. 82879

(B) The department of ~~mental health~~ mental health and 82880  
addiction services may permit free clinics to purchase certain 82881  
goods and services to the extent the purchases fall within the 82882  
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 82883  
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 82884  
amended. 82885

(C) The goods and services that may be provided by the 82886  
department of ~~mental health~~ mental health and addiction services 82887  
under divisions (A) and (B) of this section may include: 82888

(1) Procurement, storage, processing, and distribution of 82889  
food and professional consultation on food operations; 82890

(2) Procurement, storage, and distribution of medical and 82891  
laboratory supplies, dental supplies, medical records, forms, 82892  
optical supplies, and sundries, subject to section 5120.135 of the 82893  
Revised Code; 82894

(3) Procurement, storage, repackaging, distribution, and 82895  
dispensing of drugs, the provision of professional pharmacy 82896  
consultation, and drug information services; 82897

(4) Other goods and services. 82898

(D) The department of ~~mental health~~ mental health and 82899

addiction services may provide the goods and services designated 82900  
in division (C) of this section to its institutions and to 82901  
state-operated community-based mental health or addiction services 82902  
providers. 82903

(E) After consultation with and advice from the director of 82904  
developmental disabilities, the director of rehabilitation and 82905  
correction, and the director of youth services, the department of 82906  
~~mental health~~ mental health and addiction services may provide the 82907  
goods and services designated in division (C) of this section to 82908  
the department of developmental disabilities, the department of 82909  
rehabilitation and correction, and the department of youth 82910  
services. 82911

(F) The cost of administration of this section shall be 82912  
determined by the department of ~~mental health~~ mental health and 82913  
addiction services and paid by the agencies, services providers, 82914  
or free clinics receiving the goods and services to the department 82915  
for deposit in the state treasury to the credit of the ~~mental~~ 82916  
~~health~~ office of support services fund, which is hereby created. 82917  
The fund shall be used to pay the cost of administration of this 82918  
section to the department. 82919

(G) Whenever a state agency fails to make a payment for goods 82920  
and services provided under this section within thirty-one days 82921  
after the date the payment was due, the office of budget and 82922  
management may transfer moneys from the state agency to the 82923  
department of ~~mental health~~ mental health and addiction services. 82924  
The amount transferred shall not exceed the amount of overdue 82925  
payments. Prior to making a transfer under this division, the 82926  
office of budget and management shall apply any credits the state 82927  
agency has accumulated in payments for goods and services provided 82928  
under this section. 82929

(H) Purchases of goods and services under this section are 82930  
not subject to section 307.86 of the Revised Code. 82931



**Sec. ~~5119.161~~ 5119.45.** Unless otherwise specifically provided 82932  
by law, all moneys received by the department of ~~mental health~~ 82933  
mental health and addiction services from the sale of goods and 82934  
services, including, but not limited to, shared service agreements 82935  
with other governmental entities and nongovernmental entities, 82936  
employee housing and cafeteria receipts, fees for copying 82937  
services, and sales of other tangible personal property under the 82938  
department's control, shall be paid into the state treasury to the 82939  
credit of the sale of goods and services fund, which is hereby 82940  
created. Moneys received by the department pursuant to section 82941  
~~5119.16~~ 5119.44 of the Revised Code shall not be paid into the 82942  
fund. The department shall use the moneys in the fund for paying 82943  
operating expenses of the department. 82944

**Sec. ~~5119.18~~ 5119.46.** There is hereby created in the state 82945  
treasury the department of ~~mental health~~ mental health and 82946  
addiction services trust fund. Not later than the first day of 82947  
September of each year, the director of ~~mental health~~ mental 82948  
health and addiction services shall certify to the director of 82949  
budget and management the amount of all of the unexpended, 82950  
unencumbered balances of general revenue fund appropriations made 82951  
to the department of ~~mental health~~ mental health and addiction 82952  
services for the previous fiscal year, excluding funds 82953  
appropriated for rental payments to the Ohio public facilities 82954  
commission. On receipt of the certification, the director of 82955  
budget and management shall transfer cash to the trust fund in an 82956  
amount up to, but not exceeding, the total of the amounts 82957  
certified by the director of ~~mental health~~ mental health and 82958  
addiction services. 82959

In addition, the trust fund shall receive all amounts, 82960  
subject to any provisions in bond documents, received from the 82961  
sale or lease of lands and facilities by the department. 82962

All moneys in the trust fund shall be used by the department 82963  
of ~~mental health~~ mental health and addiction services to pay for 82964  
expenditures the department incurs in performing any of its duties 82965  
under this chapter. The use of moneys in the trust fund pursuant 82966  
to this section does not represent an ongoing commitment to the 82967  
continuation of the trust fund or to the use of moneys in the 82968  
trust fund. 82969

**Sec. ~~3793-032~~ 5119.47.** The director of ~~alcohol and drug~~ 82970  
~~addiction services~~ mental health and addiction services shall 82971  
administer the problem casino gambling and addictions fund. The 82972  
director shall use the money in the fund to support ~~programs that~~ 82973  
~~provide~~ gambling addiction services, alcohol and drug addiction 82974  
~~programs that provide alcohol and drug addiction~~ services, other 82975  
~~programs~~ services that relate to gambling addiction and substance 82976  
abuse, and research that relates to gambling addiction and 82977  
substance abuse. Treatment and prevention services ~~provided under~~ 82978  
~~programs~~ supported by money in the fund under this section shall 82979  
be services that are ~~provided by alcohol and drug addiction~~ 82980  
~~treatment programs~~ certified by the department of ~~alcohol and drug~~ 82981  
~~addiction services~~ or ~~provided by counselors who are certified by~~ 82982  
~~the department~~ mental health and addiction services. ~~Prevention~~ 82983  
~~services provided under programs supported by money in the fund~~ 82984  
~~under this section shall be services that are provided by alcohol~~ 82985  
~~and drug addiction prevention programs certified by the department~~ 82986  
~~of alcohol and drug addiction services.~~ 82987

The director shall prepare an annual report describing the 82988  
use of the fund for these purposes. The director shall submit the 82989  
report to the Ohio casino control commission, the speaker and 82990  
minority leader of the house of representatives, the president and 82991  
minority leader of the senate, the governor, and the joint 82992  
committee on gaming and wagering. 82993

**Sec. ~~3793.22~~ 5119.49.** (A) The director of ~~alcohol and drug~~ 82994  
~~addiction services~~ mental health and addiction services shall 82995  
collaborate with the state board of pharmacy and attorney general 82996  
in the establishment and administration of a drug take-back 82997  
program, as provided under section 4729.69 of the Revised Code. 82998

(B) The department may accept grants, gifts, or donations for 82999  
purposes of the program. Money received under this division shall 83000  
be deposited into the drug take-back program fund established 83001  
under section 109.90 of the Revised Code. 83002

**Sec. ~~5119.34~~ 5119.50.** The director of ~~mental health~~ mental 83003  
health and addiction services may accept, hold, and administer in 83004  
trust on behalf of the state, if it is for the public interest, 83005  
any grant, gift, devise, or bequest of money or property made to 83006  
the state for the use or benefit of any institution described in 83007  
section ~~5119.02~~ 5119.14 of the Revised Code or for the use and 83008  
benefit of mentally ill persons under its control. If the trust so 83009  
provides, the money or property may be used for any work which the 83010  
department of ~~mental health~~ mental health and addiction services 83011  
is authorized to undertake. 83012

The department shall keep such gift, grant, devise, or 83013  
bequest as a distinct property or fund and, if it is in money, 83014  
shall invest it in the manner provided by law. The department may 83015  
deposit in a proper trust company or savings bank any money left 83016  
in trust during a specified life or lives and shall adopt rules 83017  
governing the deposit, transfer, withdrawal, or investment of such 83018  
money and the income thereof. 83019

The department shall, in the manner prescribed by the 83020  
director of budget and management pursuant to section 126.21 of 83021  
the Revised Code, account for all money or property received or 83022  
expended under this section. The records, together with a 83023

statement certified by the depository showing the funds deposited 83024  
there to the credit of the trust, shall be open to public 83025  
inspection. The director of budget and management may require the 83026  
department to file a report with ~~him~~ the director on any 83027  
particular portion, or the whole, of any trust property received 83028  
or expended by it. 83029

The department shall, upon the expiration of any trust 83030  
according to its terms, dispose of the funds or property held 83031  
thereunder in the manner provided in the instrument creating the 83032  
trust. If the instrument creating the trust failed to make any 83033  
terms of disposition, or if no trust was in evidence, then the 83034  
decedent patient's money, saving or commercial deposits, dividends 83035  
or distributions, bonds, or any other interest-bearing debt 83036  
certificate or stamp issued by the United States government shall 83037  
escheat to the state. All such unclaimed intangible personal 83038  
property of a former patient shall be retained by the managing 83039  
officer in such institution for the period of one year, during 83040  
which time every possible effort shall be made to find such former 83041  
patient or ~~his~~ the former patient's legal representative. 83042

If, after a period of one year from the time the patient has 83043  
left the institution or has died, the managing officer has been 83044  
unable to locate such person or ~~his~~ the person's legal 83045  
representative, then upon proper notice of such fact the director 83046  
shall at that time formulate in writing a method of disposition on 83047  
the minutes of the department authorizing the managing officer to 83048  
convert such intangible personal property to cash to be paid into 83049  
the state treasury to the credit of the general revenue fund. 83050

The department shall include in its annual report a statement 83051  
of all money and property and the terms and conditions relating 83052  
thereto. 83053

**Sec. 5119.17 5119.51.** (A) As used in this section, 83054

"supplemental services" has the same meaning as in section 5815.28 of the Revised Code. 83055  
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(B) There is hereby created in the state treasury the services fund for individuals with mental illness. On the death of the beneficiary of a trust created pursuant to section 5815.28 of the Revised Code, the portion of the remaining assets of the trust specified in the trust instrument shall be deposited to the credit of the fund. Money credited to the fund shall be used for individuals with mental illness. 83057  
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Supplemental services may be provided through the department or boards of alcohol, drug addiction, and mental health services. In accordance with Chapter 119. of the Revised Code, the department of ~~mental health~~ mental health and addiction services may adopt any rules necessary to implement this section. 83064  
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**Sec. ~~5119.36~~ 5119.52.** Each managing officer of an institution under the jurisdiction of the department of ~~mental health~~ mental health and addiction services as described in section ~~5119.02~~ 5119.14 of the Revised Code, with the approval of the director of ~~mental health~~ mental health and addiction services, may establish local institution funds designated as follows: 83069  
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(A) Industrial and entertainment fund created and maintained for the entertainment and welfare of the patients of the institution. The director shall establish rules for the operation of the industrial and entertainment fund. 83075  
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(B) Commissary fund created and maintained for the benefit of patients in the institution. Commissary revenue over and above operating costs and reserve shall be considered profits. All profits from the commissary fund operations shall be paid into the industrial and entertainment fund and used only for the entertainment and ~~wel-fare~~ welfare of patients. The director shall 83080  
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establish rules for the operation of the commissary fund. 83086

**Sec. ~~5119.33~~ 5119.54.** The treasurer of state shall have 83087  
charge of all funds under the jurisdiction of the department of 83088  
~~mental health~~ mental health and addiction services and shall pay 83089  
out the same only in accordance with this chapter. 83090

The department shall cause to be furnished a contract of 83091  
indemnity to cover all funds received by it or by its managing 83092  
officers, employees, or agents while the funds are in the 83093  
possession of such managing officers, employees or agents. Such 83094  
funds are designated as follows: 83095

(A) Funds which are due and payable to the treasurer of state 83096  
as provided by Chapter 131. of the Revised Code; 83097

(B) Those funds which are held in trust by the managing 83098  
officers, employees, or agents of the institution as local funds 83099  
or accounts under the jurisdiction of the department. 83100

Such contract of indemnity shall be made payable to the state 83101  
and the premium for such contract of indemnity may be paid from 83102  
any of the moneys received for the use of the department under 83103  
this chapter and Chapters 5121. and 5122. of the Revised Code. 83104

Funds collected from various sources, such as the sale of 83105  
goods, and all miscellaneous articles, shall be transmitted on or 83106  
before Monday of each week to the treasurer of state and a 83107  
detailed statement of such collections shall be made to the 83108  
department. 83109

**Sec. ~~5119.351~~ 5119.55.** The department of ~~mental health~~ mental 83110  
health and addiction services may pay an amount for personal use 83111  
to each individual residing in a state institution as described in 83112  
section ~~5119.02~~ 5119.14 of the Revised Code who would be eligible 83113  
for supplemental security income benefits at the reduced rate 83114  
established by Title XVI of the "Social Security Act," ~~49 Stat.~~ 83115

~~620 (1935), 42 U.S.C.A. 1382, as amended 1381 et seq., if the~~ 83116  
~~state plan for providing medical assistance under section 5111.01~~ 83117  
~~of the Revised Code included reimbursement of medicaid program~~ 83118  
covers services provided in such institutions. The amount paid by 83119  
the department shall not exceed the reduced supplemental security 83120  
income benefit rate established by Title XVI of the "Social 83121  
Security Act." 83122

**Sec. ~~5119.35~~ 5119.56.** Money or property deposited with 83123  
managing officers of institutions under the jurisdiction of the 83124  
department of ~~mental health~~ mental health and addiction services 83125  
by any patient under the department's control or by relatives, 83126  
guardians, conservators, and others for the special benefit of 83127  
such patient, as well as all other funds and all other income paid 83128  
to the patient, ~~his~~ the patient's estate, or on ~~his~~ the patient's 83129  
behalf, or paid to the managing officer or to the institution as 83130  
representative payee or otherwise paid on the patient's behalf, 83131  
shall remain in the hands of such officers in appropriate accounts 83132  
for use accordingly. The managing officer shall keep itemized book 83133  
accounts of the receipt and disposition of such money and 83134  
property, which book shall be open at all times to the inspection 83135  
of the department. The director of ~~mental health~~ mental health and 83136  
addiction services shall adopt rules governing the deposit, 83137  
transfer, withdrawal, or investment of the funds and the income 83138  
thereof, as well as rules under which such funds and income shall 83139  
be paid by managing officers for the support of the patients 83140  
pursuant to Chapter 5121. of the Revised Code, or for their other 83141  
needs. 83142

Whenever any patient confined in any state institution 83143  
subject to the jurisdiction of the department dies, escapes, or is 83144  
discharged from such institution, and any personal funds of such 83145  
person remain in the hands of the managing officer thereof and no 83146  
demand for such funds is made upon such managing officer by the 83147

owner of the funds or ~~his~~ the owner's legally appointed 83148  
representative, the managing officer shall hold the funds in the 83149  
personal deposit fund for a period of at least one year during 83150  
which time the managing officer shall make every effort possible 83151  
to locate the owner or ~~his~~ the owner's legally appointed 83152  
representative. 83153

If at the end of this period no demand has been made for the 83154  
funds, the managing officer shall dispose of the funds as follows: 83155

(A) All money in a personal deposit fund in excess of ten 83156  
dollars due for the support of a patient shall be paid in 83157  
accordance with the provisions of Chapter 5121. of the Revised 83158  
Code. 83159

(B) All money in a personal deposit fund in excess of ten 83160  
dollars not due for the support of a patient shall be placed to 83161  
the credit of the institution's local account designated as the 83162  
"industrial and entertainment" fund. 83163

(C) The first ten dollars to the credit of a patient shall be 83164  
placed to the credit of the institution's local account designated 83165  
as the "industrial and entertainment" fund. 83166

Whenever any patient in any state institution subject to the 83167  
jurisdiction of the department dies, escapes, or is discharged 83168  
from such institution, and any personal effects of such person 83169  
remain in the hands of the managing officer thereof, and no demand 83170  
is made upon such managing officer by the owner of the property or 83171  
~~his~~ the owner's legally appointed representative, the managing 83172  
officer shall hold and dispose of such property in the following 83173  
manner. 83174

All the miscellaneous personal effects shall be held for a 83175  
period of at least one year, during which time the managing 83176  
officer shall make every effort possible to locate the owner or 83177  
~~his~~ the owner's legal representative. If at the end of this 83178



period, no demand has been made by the owner of the property or 83179  
~~his~~ the owner's legal representative, the managing officer shall 83180  
file with the county recorder of the county of commitment of such 83181  
owner, all deeds, wills, contract mortgages, or assignments. The 83182  
balance of the personal effects shall be sold at public auction 83183  
after being duly advertised, and the funds turned over to the 83184  
treasurer of state for credit to the general revenue fund. If any 83185  
of the property is not of a type to be filed with the county 83186  
recorder and is not salable at public auction, then the managing 83187  
officer of the institution shall destroy such property. 83188

**Sec. ~~5119.46~~ 5119.60.** ~~In its annual report, the~~ The 83189  
department of ~~mental health~~ mental health and addiction services 83190  
shall submit an annual report to the governor that shall describe 83191  
the services the department offers and how appropriated funds have 83192  
been spent. The report shall include ~~the~~ all of the following: 83193

(A) The utilization of state hospitals by each alcohol, drug 83194  
addiction, and mental health service district, ~~the;~~ 83195

(B) The number of persons served by community addiction 83196  
services providers that receive funds distributed by the 83197  
department, with a breakdown into categories including age, sex, 83198  
race, the type of drug to which the person is addicted, and any 83199  
other categories the director of mental health and addiction 83200  
services considers significant; 83201

(C) The number of severely mentally disabled persons served 83202  
in each district, ~~and the;~~ 83203

(D) The number and types of services provided to severely 83204  
mentally disabled persons through state-operated services and 83205  
community mental health ~~agencies~~ services providers; 83206

(E) A report measuring the success of community addiction 83207  
services providers, based on the measures for accountability 83208

developed by the department, including the percentage of persons 83209  
served by such community addiction services providers who have not 83210  
relapsed; 83211

(F) Any other information that the director considers 83212  
significant or is requested by the governor. 83213

**Sec. ~~3793.12~~ 5119.61.** (A) The department of ~~alcohol and drug~~ 83214  
~~addiction services~~ mental health and addiction services shall 83215  
collect and compile statistics and other information on the care 83216  
and treatment of mentally disabled persons, and the care, 83217  
treatment, and rehabilitation of alcoholics, drug dependent 83218  
persons, and persons in danger of drug dependence in this state, 83219  
including, without limitation, information on the number of such 83220  
persons, the type of drug involved, the type of care, treatment, 83221  
or rehabilitation prescribed or undertaken, and the success or 83222  
failure of the care, treatment, or rehabilitation. The department 83223  
shall collect information about services delivered and persons 83224  
served as required for reporting and evaluation relating to state 83225  
and federal funds expended for such purposes. 83226

(B) No alcohol ~~or~~ drug addiction program, or mental health 83227  
services provider shall fail to supply statistics and other 83228  
information within its knowledge and with respect to its ~~programs~~ 83229  
services, upon request of the department. 83230

(C) Communications by a person seeking aid in good faith for 83231  
alcoholism or drug dependence are confidential, and this section 83232  
does not require the collection or permit the disclosure of 83233  
information which reveals or comprises the identity of any person 83234  
seeking aid. 83235

(D) Based on the information collected and compiled under 83236  
division (A) of this section, the department shall develop a 83237  
project to assess the outcomes of persons served by alcohol and 83238  
drug addiction ~~programs~~ services providers and mental health 83239

services providers that receive funds distributed by the 83240  
department. 83241

**Sec. ~~5119.50~~ 5119.70.** The "interstate compact on mental 83242  
health" is hereby ratified, enacted into law, and entered into by 83243  
the state of Ohio as a party thereto with any other state which 83244  
has legally joined in the compact as follows: 83245

INTERSTATE COMPACT ON MENTAL HEALTH 83246

The contracting states solemnly agree that: 83247

Article I 83248

The party states find that the proper and expeditious 83249  
treatment of the mentally ill and mentally retarded can be 83250  
facilitated by cooperative action, to the benefit of the patients, 83251  
their families, and society as a whole. Further, the party states 83252  
find that the necessity of and desirability for furnishing such 83253  
care and treatment bears no primary relation to the residence or 83254  
citizenship of the patient but that, on the contrary, the 83255  
controlling factors of community safety and humanitarianism 83256  
require that facilities and services be made available for all who 83257  
are in need of them. Consequently, it is the purpose of this 83258  
compact and of the party states to provide the necessary legal 83259  
basis for the institutionalization or other appropriate care and 83260  
treatment of the mentally ill and mentally retarded under a system 83261  
that recognizes the paramount importance of patient welfare and to 83262  
establish the responsibilities of the party states in terms of 83263  
such welfare. 83264

Article II 83265

As used in this compact: 83266

(a) "Sending state" shall mean a party state from which a 83267  
patient is transported pursuant to the provisions of the compact 83268  
or from which it is contemplated that a patient may be so sent. 83269

(b) "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

(c) "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental retardation.

(d) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

(e) "After-care" shall mean care, treatment and services provided a patient, as defined herein, or convalescent status or conditional release.

(f) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

(g) "Mental retardation" shall mean mental retardation as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) "State" shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Article III

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental retardation, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this article to the

contrary notwithstanding, any patient may be transferred to an 83300  
institution in another state whenever there are factors based upon 83301  
clinical determinations indicating that the care and treatment of 83302  
said patient would be facilitated or improved thereby. Any such 83303  
institutionalization may be for the entire period of care and 83304  
treatment or for any portion or portions thereof. The factors 83305  
referred to in this paragraph shall include the patient's full 83306  
record with due regard for the location of the patient's family, 83307  
character of the illness and probable duration thereof, and such 83308  
other factors as shall be considered appropriate. 83309

(c) No state shall be obliged to receive any patient pursuant 83310  
to the provisions of paragraph (b) of this article unless the 83311  
sending state has given advance notice of its intention to send 83312  
the patient; furnished all available medical and other pertinent 83313  
records concerning the patient; given the qualified medical or 83314  
other appropriate clinical authorities of the receiving state an 83315  
opportunity to examine the patient if said authorities so wish; 83316  
and unless the receiving state shall agree to accept the patient. 83317

(d) In the event that the laws of the receiving state 83318  
establish a system of priorities for the admission of patients, an 83319  
interstate patient under this compact shall receive the same 83320  
priority as a local patient and shall be taken in the same order 83321  
and at the same time that he would be taken if he were a local 83322  
patient. 83323

(e) Pursuant to this compact, the determination as to the 83324  
suitable place of institutionalization for a patient may be 83325  
reviewed at any time and such further transfer of the patient may 83326  
be made as seems likely to be in the best interest of the patient. 83327

#### Article IV 83328

(a) Whenever, pursuant to the laws of the state in which a 83329  
patient is physically present, it shall be determined that the 83330  
patient should receive after-care or supervision, such care or 83331

supervision may be provided in a receiving state. If the medical 83332  
or other appropriate clinical authorities having responsibility 83333  
for the care and treatment of the patient in the sending state 83334  
shall have reason to believe that after-care in another state 83335  
would be in the best interest of the patient and would not 83336  
jeopardize the public safety, they shall request the appropriate 83337  
authorities in the receiving state to investigate the desirability 83338  
of affording the patient such after-care in said receiving state, 83339  
and such investigation shall be made with all reasonable speed. 83340  
The request for investigation shall be accompanied by complete 83341  
information concerning the patient's intended place of residence 83342  
and the identity of the person in whose charge it is proposed to 83343  
place the patient, the complete medical history of the patient, 83344  
and such other documents as may be pertinent. 83345

(b) If the medical or other appropriate clinical authorities 83346  
having responsibility for the care and treatment of the patient in 83347  
the sending state and the appropriate authorities in the receiving 83348  
state find that the best interest of the patient would be served 83349  
thereby, and if the public safety would not be jeopardized 83350  
thereby, the patient may receive after-care or supervision in the 83351  
receiving state. 83352

(c) In supervising, treating, or caring for a patient on 83353  
after-care pursuant to the terms of this article, a receiving 83354  
state shall employ the same standards of visitation, examination, 83355  
care, and treatment that it employs for similar local patients. 83356

Article V 83357

Whenever a dangerous or potentially dangerous patient escapes 83358  
from an institution in any party state, that state shall promptly 83359  
notify all appropriate authorities within and without the 83360  
jurisdiction of the escape in a manner reasonably calculated to 83361  
facilitate the speedy apprehension of the escapee. Immediately 83362  
upon the apprehension and identification of any such dangerous or 83363

potentially dangerous patient, he shall be detained in the state 83364  
where found pending disposition in accordance with law. 83365

Article VI 83366

The duly accredited officers of any state party to this 83367  
compact, upon the establishment of their authority and the 83368  
identity of the patient, shall be permitted to transport any 83369  
patient being moved pursuant to this compact through any and all 83370  
states party to this compact, without interference. 83371

Article VII 83372

(a) No person shall be deemed a patient of more than one 83373  
institution at any given time. Completion of transfer of any 83374  
patient to an institution in a receiving state shall have the 83375  
effect of making the person a patient of the institution in the 83376  
receiving state. 83377

(b) The sending state shall pay all costs of and incidental 83378  
to the transportation of any patient pursuant to this compact, but 83379  
any two or more party states may, by making a specific agreement 83380  
for that purpose, arrange for a different allocation of costs as 83381  
among themselves. 83382

(c) No provision of this compact shall be construed to alter 83383  
or affect any internal relationships among the departments, 83384  
agencies and officers of and in the government of a party state, 83385  
or between a party state and its subdivisions, as to the payment 83386  
of costs, or responsibilities therefor. 83387

(d) Nothing in this compact shall be construed to prevent any 83388  
party state or subdivision thereof from asserting any right 83389  
against any person, agency or other entity in regard to costs for 83390  
which such party state or subdivision thereof may be responsible 83391  
pursuant to any provision of this compact. 83392

(e) Nothing in this compact shall be construed to invalidate 83393  
any reciprocal agreement between a party state and a nonparty 83394

state relating to institutionalization, care or treatment of the 83395  
mentally ill or mentally retarded, or any statutory authority 83396  
pursuant to which such agreements may be made. 83397

Article VIII 83398

(a) Nothing in this compact shall be construed to abridge, 83399  
diminish, or in any way impair the rights, duties, and 83400  
responsibilities of any patient's guardian on his own behalf or in 83401  
respect of any patient for whom he may serve, except that where 83402  
the transfer of any patient to another jurisdiction makes 83403  
advisable the appointment of a supplemental or substitute 83404  
guardian, any court of competent jurisdiction in the receiving 83405  
state may make such supplemental or substitute appointment and the 83406  
court which appointed the previous guardian shall upon being duly 83407  
advised of the new appointment, and upon the satisfactory 83408  
completion of such accounting and other acts as such court may by 83409  
law require, relieve the previous guardian of power and 83410  
responsibility to whatever extent shall be appropriate in the 83411  
circumstances; provided, however, that in the case of any patient 83412  
having settlement in the sending state, the court of competent 83413  
jurisdiction in the sending state shall have the sole discretion 83414  
to relieve a guardian appointed by it or continue his power and 83415  
responsibility, whichever it shall deem advisable. The court in 83416  
the receiving state may, in its discretion, confirm or reappoint 83417  
the person or persons previously serving as guardian in the 83418  
sending state in lieu of making a supplemental or substitute 83419  
appointment. 83420

(b) The term "guardian" as used in paragraph (a) of this 83421  
article shall include any guardian, trustee, legal committee, 83422  
conservator, or other person or agency however denominated who is 83423  
charged by law with power to act for or responsibility for the 83424  
person or property of a patient. 83425

Article IX 83426



(a) No provision of this compact except Article V shall apply 83427  
to any person institutionalized while under sentence in a penal or 83428  
correctional institution or while subject to trial on a criminal 83429  
charge, or whose institutionalization is due to the commission of 83430  
an offense for which, in the absence of mental illness or mental 83431  
retardation, said person would be subject to incarceration in a 83432  
penal or correctional institution. 83433

(b) To every extent possible, it shall be the policy of 83434  
states party to this compact that no patient shall be placed or 83435  
detained in any prison, jail or lockup, but such patient shall, 83436  
with all expedition, be taken to a suitable institutional facility 83437  
for mental illness or mental retardation. 83438

Article X 83439

(a) Each party state shall appoint a "compact administrator" 83440  
who, on behalf of his state, shall act as general coordinator of 83441  
activities under the compact in his state and who shall receive 83442  
copies of all reports, correspondence, and other documents 83443  
relating to any patient processed under the compact by his state 83444  
either in the capacity of sending or receiving state. The compact 83445  
administrator or his duly designated representative shall be the 83446  
official with whom other party states shall deal in any matter 83447  
relating to the compact or any patient processed thereunder. 83448

(b) The compact administrators of the respective party states 83449  
shall have power to promulgate reasonable rules and regulations to 83450  
carry out more effectively the terms and provisions of this 83451  
compact. 83452

Article XI 83453

The duly constituted administrative authorities of any two or 83454  
more party states may enter into supplementary agreements for the 83455  
provision of any service or facility or for the maintenance of any 83456  
institution on a joint or cooperative basis whenever the states 83457  
concerned shall find that such agreements will improve services, 83458

facilities, or institutional care and treatment in the fields of 83459  
mental illness or mental retardation. No such supplementary 83460  
agreement shall be construed so as to relieve any party state of 83461  
any obligation which it otherwise would have under other 83462  
provisions of this compact. 83463

Article XII 83464

This compact shall enter into full force and effect as to any 83465  
state when enacted by it into law and such states shall thereafter 83466  
be a party thereto with any and all states legally joining 83467  
therein. 83468

Article XIII 83469

(a) A state party to this compact may withdraw therefrom by 83470  
enacting a statute repealing the same. Such withdrawal shall take 83471  
effect one year after notice thereof has been communicated 83472  
officially and in writing to the governors and compact 83473  
administrators of all other party states. However, the withdrawal 83474  
of any state shall not change the status of any patient who has 83475  
been sent to said state or sent out of said state pursuant to the 83476  
provisions of the compact. 83477

(b) Withdrawal from any agreement permitted by Article VII 83478  
(b) as to costs or from any supplementary agreement made pursuant 83479  
to Article XI shall be in accordance with the terms of such 83480  
agreement. 83481

Article XIV 83482

This compact shall be liberally construed so as to effectuate 83483  
the purposes thereof. The provisions of this compact shall be 83484  
severable and if any phrase, clause, sentence or provision of this 83485  
compact is declared to be contrary to the constitution of any 83486  
party state or of the United States or the applicability thereof 83487  
to any government, agency, person or circumstance is held invalid, 83488  
the validity of the remainder of this compact and the 83489  
applicability thereof to any government, agency, person or 83490

circumstance shall not be affected thereby. If this compact shall 83491  
be held contrary to the constitution of any state party thereto, 83492  
the compact shall remain in full force and effect as to the 83493  
remaining states and in full force and effect as to the state 83494  
affected as to all severable matters. 83495

**Sec. ~~5119.51~~ 5119.71.** Pursuant to Article X of the compact 83496  
set forth in section ~~5119.50~~ 5119.70 of the Revised Code, the 83497  
director of ~~mental health~~ mental health and addiction services and 83498  
the director of developmental disabilities each shall designate an 83499  
officer who shall be the compact administrator for the department 83500  
and who, acting jointly with like officers of other party states, 83501  
shall adopt rules to carry out more effectively the terms of the 83502  
compact. The compact administrators of each department shall serve 83503  
subject to the pleasure of the governor and shall cooperate with 83504  
all departments, agencies, and officers of and in the government 83505  
of this state and its subdivisions in facilitating the proper 83506  
administration of the compact or of any supplementary agreements 83507  
entered into by this state thereunder. 83508

**Sec. ~~5119.52~~ 5119.72.** The compact administrator may enter 83509  
into supplementary agreements with appropriate officials of other 83510  
states pursuant to articles VII and XI of the compact set forth in 83511  
section ~~5119.50~~ 5119.70 of the Revised Code. In the event that 83512  
such supplementary agreements require or contemplate the use of 83513  
any institution or facility of this state or require or 83514  
contemplate the provision of any service by this state, no such 83515  
agreement shall have force or effect until approved by the head of 83516  
the department or agency under whose jurisdiction the institution 83517  
or facility is operated or whose department or agency will be 83518  
charged with the rendering of such service. 83519

**Sec. ~~5119.53~~ 5119.73.** Any payments necessary to discharge any 83520

financial obligations imposed upon the state of Ohio by the 83521  
compact or by any supplementary agreement entered into thereunder, 83522  
as provided in sections ~~5119.50~~ 5119.70 to ~~5119.52~~ 5119.72 of the 83523  
Revised Code, shall be made from appropriated funds upon 83524  
presentation to the director of budget and management of itemized 83525  
vouchers approved by the compact administrator. 83526

**Sec. ~~3793.31~~ 5119.90.** As used in sections ~~3793.31~~ 5119.90 to 83527  
~~3793.39~~ 5119.98 of the Revised Code: 83528

(A) "Alcohol and other drug abuse" means alcoholism or drug 83529  
addiction. 83530

(B) "Another drug" means a controlled substance as defined in 83531  
section 3719.01 of the Revised Code or a harmful intoxicant as 83532  
defined in section 2925.01 of the Revised Code. 83533

(C) "Board of alcohol, drug addiction, and mental health 83534  
services" means a board of alcohol, drug addiction, and mental 83535  
health services established under section 340.02 or 340.021 of the 83536  
Revised Code. 83537

(D) "Danger" or "threat of danger to self, family, or others" 83538  
means substantial physical harm or threat of substantial physical 83539  
harm upon self, family, or others. 83540

(E) "Hospital" has the same meaning as in section 3701.01 or 83541  
3727.01 of the Revised Code but does not include either a hospital 83542  
operated by the department of ~~mental health~~ mental health and 83543  
addiction services or an inpatient unit licensed by the 83544  
department. 83545

(F) "Intoxicated" means being under the influence of alcohol, 83546  
another drug, or both alcohol and another drug and, as a result, 83547  
having a significantly impaired ability to function. 83548

(G) "Petitioner" means a person who institutes a proceeding 83549  
under sections ~~3793.32~~ 5119.91 to ~~3793.39~~ 5119.98 of the Revised 83550

Code. 83551

(H) "Probate court" means the probate division of the court 83552  
of common pleas. 83553

(I) "Qualified health professional" means a person that is 83554  
properly credentialed or licensed to conduct a drug and alcohol 83555  
assessment and diagnosis under Ohio law. 83556

(J) "Residence" means the legal residence of a person as 83557  
determined by applicable principles governing conflicts of law. 83558

(K) "Respondent" means a person alleged in a petition filed 83559  
or hearing under sections ~~3793.32~~ 5119.91 to ~~3793.39~~ 5119.98 of 83560  
the Revised Code to be a person who is suffering from alcohol and 83561  
other drug abuse and who may be ordered under those sections to 83562  
undergo treatment. 83563

(L) "Treatment" means services and programs for the care and 83564  
rehabilitation of intoxicated persons and persons suffering from 83565  
alcohol and other drug abuse. "Treatment" includes residential 83566  
treatment, a halfway house setting, and an intensive outpatient or 83567  
outpatient level of care. 83568

**Sec. ~~3793.32~~ 5119.91.** A probate court may order involuntary 83569  
treatment for a person suffering from alcohol and other drug abuse 83570  
pursuant to the procedures set forth in sections ~~3793.31~~ 5119.90 83571  
to ~~3793.39~~ 5119.98 of the Revised Code. 83572

**Sec. ~~3793.33~~ 5119.92.** No person shall be ordered to undergo 83573  
treatment under sections ~~3793.31~~ 5119.90 to ~~3793.39~~ 5119.98 of the 83574  
Revised Code unless all of the following apply to that person: 83575

(A) The person suffers from alcohol and other drug abuse. 83576

(B) The person presents an imminent danger or imminent threat 83577  
of danger to self, family, or others as a result of alcohol and 83578  
other drug abuse, or there exists a substantial likelihood of such 83579

a threat in the near future. 83580

(C) The person can reasonably benefit from treatment. 83581

**Sec. ~~3793.34~~ 5119.93.** (A) A person may initiate proceedings 83582  
for treatment for an individual suffering from alcohol and other 83583  
drug abuse by filing a verified petition in the probate court and 83584  
paying a filing fee in the same amount, if any, that is charged 83585  
for the filing under section 5122.11 of the Revised Code of an 83586  
affidavit seeking the hospitalization of a person. The petition 83587  
and all subsequent court documents shall be entitled: "In the 83588  
interest of (name of respondent)." A spouse, relative, or guardian 83589  
of the individual concerning whom the petition is filed shall file 83590  
the petition. 83591

(B) A petition filed under division (A) of this section shall 83592  
set forth all of the following: 83593

(1) The petitioner's relationship to the respondent; 83594

(2) The respondent's name, residence address, and current 83595  
location, if known; 83596

(3) The name and residence of the respondent's parents, if 83597  
living and if known, or of the respondent's legal guardian, if any 83598  
and if known; 83599

(4) The name and residence of the respondent's spouse, if any 83600  
and if known; 83601

(5) The name and residence of the person having custody of 83602  
the respondent, if any, or if no such person is known, the name 83603  
and residence of a near relative or a statement that the person is 83604  
unknown; 83605

(6) The petitioner's belief, including the factual basis for 83606  
the belief, that the respondent is suffering from alcohol and 83607  
other drug abuse and presents an imminent danger or imminent 83608  
threat of danger to self, family, or others if not treated for 83609

alcohol or other drug abuse. 83610

(C)(1) Any petition filed pursuant to divisions (A) and (B) 83611  
of this section shall be accompanied by a certificate of a 83612  
physician who has examined the respondent within two days prior to 83613  
the day that the petition is filed in the probate court. The 83614  
physician shall be authorized to practice medicine and surgery or 83615  
osteopathic medicine and surgery under Chapter 4731. of the 83616  
Revised Code. The physician's certificate shall set forth the 83617  
physician's findings in support of the need to treat the 83618  
respondent for alcohol or other drug abuse. The certificate shall 83619  
indicate if the respondent presents an imminent danger or imminent 83620  
threat of danger to self, family, or others if not treated. 83621  
Further, the certificate shall indicate the type and length of 83622  
treatment required and if the respondent can reasonably benefit 83623  
from treatment. If the physician's certificate indicates that 83624  
inpatient treatment is required, the certificate shall identify 83625  
any inpatient facilities known to the physician that are able and 83626  
willing to provide the recommended inpatient treatment. 83627

If the respondent refuses to undergo an examination with a 83628  
physician concerning the respondent's possible need for treatment 83629  
for alcohol or other drug abuse, the petition shall state that the 83630  
respondent has refused all requests made by the petitioner to 83631  
undergo a physician's examination. In that case, the petitioner 83632  
shall not be required to provide a physician's certificate with 83633  
the petition. 83634

(2) Any petition filed pursuant to divisions (A) and (B) of 83635  
this section shall contain a statement that the petitioner has 83636  
arranged for treatment of the respondent. Further, the petition 83637  
shall be accompanied by a statement from the person or facility 83638  
who has agreed to provide the treatment that verifies that the 83639  
person or facility has agreed to provide the treatment and the 83640  
estimated cost of the treatment. 83641

(D) Any petition filed pursuant to divisions (A) and (B) of this section shall be accompanied by both of the following:

(1) A security deposit to be deposited with the clerk of the probate court that will cover half of the estimated cost of treatment of the respondent;

(2) A guarantee, signed by the petitioner or another person authorized to file the petition obligating the guarantor to pay the costs of the examinations of the respondent conducted by the physician and qualified health professional under division (B)(5) of section ~~3793.35~~ 5119.94 of the Revised Code, the costs of the respondent that are associated with a hearing conducted in accordance with section ~~3793.35~~ 5119.94 of the Revised Code and that the court determines to be appropriate, and the costs of any treatment ordered by the court.

**Sec. ~~3793.35~~ 5119.94.** (A) Upon receipt of a petition filed under section ~~3793.34~~ 5119.93 of the Revised Code and the payment of the appropriate filing fee, if any, the probate court shall examine the petitioner under oath as to the contents of the petition.

(B) If, after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the probate court that there is probable cause to believe the respondent may reasonably benefit from treatment, the court shall do all of the following:

(1) Schedule a hearing to be held within seven days to determine if there is clear and convincing evidence that the respondent may reasonably benefit from treatment for alcohol and other drug abuse;

(2) Notify the respondent, the legal guardian, if any and if known, and the spouse, parents, or nearest relative or friend of



the respondent concerning the allegations and contents of the 83672  
petition and of the date and purpose of the hearing; 83673

(3) Notify the respondent that the respondent may retain 83674  
counsel and, if the person is unable to obtain an attorney, that 83675  
the respondent may be represented by court-appointed counsel at 83676  
public expense if the person is indigent. Upon the appointment of 83677  
an attorney to represent an indigent respondent, the court shall 83678  
notify the respondent of the name, address, and telephone number 83679  
of the attorney appointed to represent the respondent. 83680

(4) Notify the respondent that the court shall cause the 83681  
respondent to be examined not later than twenty-four hours before 83682  
the hearing date by a physician for the purpose of a physical 83683  
examination and by a qualified health professional for the purpose 83684  
of a drug and alcohol addiction assessment and diagnosis. In 83685  
addition, the court shall notify the respondent that the 83686  
respondent may have an independent expert evaluation of the 83687  
person's physical and mental condition conducted at the 83688  
respondent's own expense. 83689

(5) Cause the respondent to be examined not later than 83690  
twenty-four hours before the hearing date by a physician for the 83691  
purpose of a physical examination and by a qualified health 83692  
professional for the purpose of a drug and alcohol addiction 83693  
assessment and diagnosis; 83694

(6) Conduct the hearing. 83695

(C) The physician and qualified health professional who 83696  
examine the respondent pursuant to division (B)(5) of this section 83697  
or who are obtained by the respondent at the respondent's own 83698  
expense shall certify their findings to the court within 83699  
twenty-four hours of the examinations. The findings of each 83700  
qualified health professional shall include a recommendation for 83701  
treatment if the qualified health professional determines that 83702

treatment is necessary. 83703

(D)(1) If upon completion of the hearing held under this 83704  
section the probate court finds by clear and convincing evidence 83705  
that the respondent may reasonably benefit from treatment, the 83706  
court may order the treatment after considering the qualified 83707  
health professionals' recommendations for treatment that have been 83708  
submitted to the court under division (C) of this section. If the 83709  
court orders the treatment under this division, the court shall 83710  
order the treatment to be provided through ~~an alcohol and drug a~~ 83711  
community addiction program services provider certified under 83712  
section ~~3793.06~~ 5119.36 of the Revised Code or by an individual 83713  
licensed or certified by the state medical board under Chapter 83714  
4731. of the Revised Code, the chemical dependency professionals 83715  
board under Chapter 4758. of the Revised Code, the counselor, 83716  
social worker, and marriage and family therapist board under 83717  
Chapter 4757. of the Revised Code, or a similar board of another 83718  
state authorized to provide substance abuse treatment. 83719

(2) Failure of a respondent to undergo and complete any 83720  
treatment ordered pursuant to this division is contempt of court. 83721  
Any alcohol and drug addiction program or person providing 83722  
treatment under this division shall notify the probate court of a 83723  
respondent's failure to undergo or complete the ordered treatment. 83724

(E) If, at any time after a petition is filed under section 83725  
~~3793.34~~ 5119.93 of the Revised Code, the probate court finds that 83726  
there is not probable cause to continue treatment or if the 83727  
petitioner withdraws the petition, then the court shall dismiss 83728  
the proceedings against the respondent. 83729

**Sec. ~~3793.36~~ 5119.95.** (A) Following an examination by a 83730  
qualified health professional and a certification by that 83731  
professional that the person meets the criteria specified in 83732  
section ~~3793.33~~ 5119.92 of the Revised Code, a probate court may 83733

order the person hospitalized for a period not to exceed 83734  
seventy-two hours if the court finds by clear and convincing 83735  
evidence that the person presents an imminent threat of danger to 83736  
self, family, or others as a result of alcohol and other drug 83737  
abuse. However, if the hearing to be held under section ~~3793.35~~ 83738  
5119.94 of the Revised Code will not be held within seventy-two 83739  
hours, the court may order the person hospitalized until the 83740  
hearing. In making its order, the court shall inform the person 83741  
that the person may immediately make a reasonable number of 83742  
telephone calls or use other reasonable means to contact an 83743  
attorney, a licensed physician, or a qualified health 83744  
professional, to contact any other person or persons to secure 83745  
representation by counsel, or to obtain medical or psychological 83746  
assistance and that the person will be provided assistance in 83747  
making calls if the assistance is needed and requested. 83748

(B) Any person who has been admitted to a hospital under 83749  
division (A) of this section shall be released from the hospital 83750  
immediately upon the expiration of the time period established by 83751  
the court for the hospitalization. 83752

(C) No person ordered hospitalized under this section shall 83753  
be held in jail pending transportation to the hospital or 83754  
evaluation unless the probate court previously has found the 83755  
person to be in contempt of court for either failure to undergo 83756  
treatment or failure to appear at the evaluation ordered pursuant 83757  
to section ~~3793.35~~ 5119.94 of the Revised Code. 83758

**Sec. ~~3793.37~~ 5119.96.** When a probate court is authorized to 83759  
issue an order that the respondent be transported to a hospital, 83760  
the court may issue a summons. If the respondent fails to attend 83761  
an examination scheduled before the hearing under section ~~3793.35~~ 83762  
5119.94 of the Revised Code, the court shall issue a summons. A 83763  
summons so issued shall be directed to the respondent and shall 83764

command the respondent to appear at a time and place specified in 83765  
the summons. If a respondent who has been summoned fails to appear 83766  
at the hospital or the examination, the probate court may order 83767  
the sheriff or any other peace officer to transport the respondent 83768  
to a hospital on the list provided under section ~~3793.38~~ 5119.97 83769  
of the Revised Code for treatment. The sheriff or any other peace 83770  
officer, upon agreement of a person authorized by the peace 83771  
officer, may authorize a board of alcohol, drug addiction, and 83772  
mental health services, a private ~~agency~~ services provider under 83773  
contract with a board of alcohol, drug addiction, and mental 83774  
health services, or an ambulance service designated by a board of 83775  
alcohol, drug addiction, and mental health services to transport 83776  
the respondent to the hospital. The transportation costs of the 83777  
sheriff, other peace officer, ambulance service, or other private 83778  
~~agency~~ services provider under contract with the board of alcohol, 83779  
drug addiction, and mental health services shall be included in 83780  
the costs of treatment for alcohol and other drug abuse to be paid 83781  
by the petitioner. 83782

**Sec. ~~3793.38~~ 5119.97.** Each board of alcohol, drug addiction, 83783  
and mental health services on at least an annual basis shall 83784  
submit each of the following lists to the clerk of the probate 83785  
court in each county served by the board: 83786

(A) A list of all hospitals in the counties served by the 83787  
board that are able and willing to take respondents ordered to 83788  
undergo seventy-two hours of treatment and observation pursuant to 83789  
section ~~3793.36~~ 5119.95 of the Revised Code; 83790

(B) A list of hospitals and treatment providers in the 83791  
counties served by the board that are able and willing to provide 83792  
treatment for alcohol and other drug abuse ordered pursuant to 83793  
section ~~3793.35~~ 5119.94 of the Revised Code. 83794

**Sec. ~~3793.39~~ 5119.98.** Sections ~~3793.12, 3793.13~~ 5119.26, 83795  
5119.27, and ~~3793.14~~ 5119.61 of the Revised Code apply to a person 83796  
who is ordered to undergo treatment under sections ~~3793.31 to~~ 83797  
~~3793.39~~ 5119.90 to 5119.98 of the Revised Code. 83798

**Sec. 5119.99.** (A) Whoever violates section ~~5119.21~~ 5119.333 83799  
of the Revised Code is guilty of a misdemeanor of the first 83800  
degree. 83801

(B) Whoever violates division (B) of section 5119.61 of the 83802  
Revised Code is guilty of a misdemeanor of the fourth degree. 83803

(C) Whoever violates section 5119.27 or 5119.28 of the 83804  
Revised Code is guilty of a felony of the fifth degree. 83805

**Sec. 5120.07.** (A) There is hereby created the ex-offender 83806  
reentry coalition consisting of the following ~~eighteen~~ seventeen 83807  
members or their designees: 83808

(1) The director of rehabilitation and correction; 83809

(2) The director of aging; 83810

(3) The director of ~~alcohol and drug addiction services~~ 83811  
mental health and addiction services; 83812

(4) The director of development services; 83813

(5) The superintendent of public instruction; 83814

(6) The director of health; 83815

(7) The director of job and family services; 83816

(8) ~~The director of mental health;~~ 83817

~~(9)~~ The director of developmental disabilities; 83818

~~(10)~~(9) The director of public safety; 83819

~~(11)~~(10) The director of youth services; 83820

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <del>(12)</del> (11) The chancellor of the Ohio board of regents;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 83821                                                                                                                               |
| <del>(13)</del> (12) A representative or member of the governor's staff;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 83822                                                                                                                               |
| <del>(14)</del> (13) The director of the rehabilitation services<br>commission;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 83823<br>83824                                                                                                                      |
| <del>(15)</del> (14) The director of the department of commerce;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 83825                                                                                                                               |
| <del>(16)</del> (15) The executive director of a health care licensing<br>board created under Title XLVII of the Revised Code, as appointed<br>by the chairperson of the coalition;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 83826<br>83827<br>83828                                                                                                             |
| <del>(17)</del> (16) The director of veterans services;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 83829                                                                                                                               |
| <del>(18)</del> (17) An ex-offender appointed by the director of<br>rehabilitation and correction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 83830<br>83831                                                                                                                      |
| (B) The members of the coalition shall serve without<br>compensation. The director of rehabilitation and correction or the<br>director's designee shall be the chairperson of the coalition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 83832<br>83833<br>83834                                                                                                             |
| (C) In consultation with persons interested and involved in<br>the reentry of ex-offenders into the community, including but not<br>limited to, services providers, community-based organizations, and<br>local governments, the coalition shall identify and examine social<br>service barriers and other obstacles to the reentry of<br>ex-offenders into the community. Not later than one year after<br>April 7, 2009, and on or before the same date of each year<br>thereafter, the coalition shall submit to the speaker of the house<br>of representatives and the president of the senate a report,<br>including recommendations for legislative action, the activities<br>of the coalition, and the barriers affecting the successful<br>reentry of ex-offenders into the community. The report shall<br>analyze the effects of those barriers on ex-offenders and on their<br>children and other family members in various areas, including but<br>not limited to, the following: | 83835<br>83836<br>83837<br>83838<br>83839<br>83840<br>83841<br>83842<br>83843<br>83844<br>83845<br>83846<br>83847<br>83848<br>83849 |
| (1) Admission to public and other housing;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 83850                                                                                                                               |

|                                                                                                                                                                                                 |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (2) Child support obligations and procedures;                                                                                                                                                   | 83851                            |
| (3) Parental incarceration and family reunification;                                                                                                                                            | 83852                            |
| (4) Social security benefits, veterans' benefits, food stamps, and other forms of public assistance;                                                                                            | 83853<br>83854                   |
| (5) Employment;                                                                                                                                                                                 | 83855                            |
| (6) Education programs and financial assistance;                                                                                                                                                | 83856                            |
| (7) Substance abuse, <del>mental health</del> , and sex offender treatment programs and financial assistance <u>and mental health services and financial assistance</u> ;                       | 83857<br>83858<br>83859          |
| (8) Civic and political participation;                                                                                                                                                          | 83860                            |
| (9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.                                                        | 83861<br>83862<br>83863          |
| (D)(1) The report shall also include the following information:                                                                                                                                 | 83864<br>83865                   |
| (a) Identification of state appropriations for reentry programs;                                                                                                                                | 83866<br>83867                   |
| (b) Identification of other funding sources for reentry programs that are not funded by the state;                                                                                              | 83868<br>83869                   |
| (2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following: | 83870<br>83871<br>83872<br>83873 |
| (a) The amount of funding received;                                                                                                                                                             | 83874                            |
| (b) The number of program participants;                                                                                                                                                         | 83875                            |
| (c) The composition of the program, including program goals, methods for measuring success, and program success rate;                                                                           | 83876<br>83877                   |
| (d) The type of post-program tracking that is utilized;                                                                                                                                         | 83878                            |

(e) Information about employment rates and recidivism rates of ex-offenders. 83879  
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(E) The coalition shall cease to exist on December 31, 2014. 83881

**Sec. 5120.09.** Under the supervision and control of the director of rehabilitation and correction, the division of business administration shall do all of the following: 83882  
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(A) Submit the budgets for the several divisions of the department of rehabilitation and correction, as prepared by the respective chiefs of those divisions, to the director. The director, with the assistance of the chief of the division of business administration, shall compile a departmental budget that contains all proposals submitted by the chiefs of the divisions and shall forward the departmental budget to the governor with comments and recommendations that the director considers necessary. 83885  
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(B) Maintain accounts and records and compile statistics that the director prescribes; 83894  
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(C) Under the control of the director, coordinate and make the necessary purchases and requisitions for the department and its divisions, except when goods and services are provided to the department as described in section ~~5119.16~~ 5119.44 of the Revised Code; 83896  
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(D) Administer within this state federal criminal justice acts that the governor requires the department to administer. In order to improve the criminal justice system of this state, the division of business administration shall apply for, allocate, disburse, and account for grants that are made available pursuant to those federal criminal justice acts and grants that are made available from other federal government sources, state government sources, or private sources. As used in this division, "criminal 83901  
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justice system" and "federal criminal justice acts" have the same meanings as in section 5502.61 of the Revised Code.

(E) Audit the activities of governmental entities, persons as defined in section 1.59 of the Revised Code, and other types of nongovernmental entities that are financed in whole or in part by funds that the department allocates or disburses and that are derived from grants described in division (D) of this section;

(F) Enter into contracts, including contracts with federal, state, or local governmental entities, persons as defined in section 1.59 of the Revised Code, foundations, and other types of nongovernmental entities, that are necessary for the department to carry out its duties and that neither the director nor another section of the Revised Code authorizes another division of the department to enter;

(G) Exercise other powers and perform other duties that the director may assign to the division of business administration.

**Sec. 5120.135.** (A) As used in this section, "laboratory services" includes the performance of medical laboratory analysis; professional laboratory and pathologist consultation; the procurement, storage, and distribution of laboratory supplies; and the performance of phlebotomy services.

(B) The department of rehabilitation and correction may provide laboratory services to the departments of ~~mental health~~ mental health and addiction services, developmental disabilities, youth services, and rehabilitation and correction. The department of rehabilitation and correction may also provide laboratory services to other state, county, or municipal agencies and to private persons that request laboratory services if the department of rehabilitation and correction determines that the provision of laboratory services is in the public interest and considers it advisable to provide such services. The department of

rehabilitation and correction may also provide laboratory services 83940  
to agencies operated by the United States government and to public 83941  
and private entities funded in whole or in part by the state if 83942  
the director of rehabilitation and correction designates them as 83943  
eligible to receive such services. 83944

The department of rehabilitation and correction shall provide 83945  
laboratory services from a laboratory that complies with the 83946  
standards for certification set by the United States department of 83947  
health and human services under the "Clinical Laboratory 83948  
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 83949  
In addition, the laboratory shall maintain accreditation or 83950  
certification with an appropriate accrediting or certifying 83951  
organization as considered necessary by the recipients of its 83952  
laboratory services and as authorized by the director of 83953  
rehabilitation and correction. 83954

(C) The cost of administering this section shall be 83955  
determined by the department of rehabilitation and correction and 83956  
shall be paid by entities that receive laboratory services to the 83957  
department for deposit in the state treasury to the credit of the 83958  
laboratory services fund, which is hereby created. The fund shall 83959  
be used to pay the costs the department incurs in administering 83960  
this section. 83961

(D) Whenever a state agency fails to make a payment for 83962  
laboratory services provided to it by the department of 83963  
rehabilitation and correction under this section within thirty-one 83964  
days after the date the payment was due, the office of budget and 83965  
management may transfer moneys from that state agency to the 83966  
department of rehabilitation and correction for deposit to the 83967  
credit of the laboratory services fund. The amount transferred 83968  
shall not exceed the amount of the overdue payments. Prior to 83969  
making a transfer under this division, the office shall apply any 83970  
credits the state agency has accumulated in payment for laboratory 83971

services provided under this section. 83972

**Sec. 5120.17.** (A) As used in this section: 83973

(1) "Mental illness" means a substantial disorder of thought, 83974  
mood, perception, orientation, or memory that grossly impairs 83975  
judgment, behavior, capacity to recognize reality, or ability to 83976  
meet the ordinary demands of life. 83977

(2) "Mentally ill person subject to hospitalization" means a 83978  
mentally ill person to whom any of the following applies because 83979  
of the person's mental illness: 83980

(a) The person represents a substantial risk of physical harm 83981  
to the person as manifested by evidence of threats of, or attempts 83982  
at, suicide or serious self-inflicted bodily harm. 83983

(b) The person represents a substantial risk of physical harm 83984  
to others as manifested by evidence of recent homicidal or other 83985  
violent behavior, evidence of recent threats that place another in 83986  
reasonable fear of violent behavior and serious physical harm, or 83987  
other evidence of present dangerousness. 83988

(c) The person represents a substantial and immediate risk of 83989  
serious physical impairment or injury to the person as manifested 83990  
by evidence that the person is unable to provide for and is not 83991  
providing for the person's basic physical needs because of the 83992  
person's mental illness and that appropriate provision for those 83993  
needs cannot be made immediately available in the correctional 83994  
institution in which the inmate is currently housed. 83995

(d) The person would benefit from treatment in a hospital for 83996  
the person's mental illness and is in need of treatment in a 83997  
hospital as manifested by evidence of behavior that creates a 83998  
grave and imminent risk to substantial rights of others or the 83999  
person. 84000

(3) "Psychiatric hospital" means all or part of a facility 84001

that is operated and managed by the department of ~~mental health~~ 84002  
mental health and addiction services to provide psychiatric 84003  
hospitalization services in accordance with the requirements of 84004  
this section pursuant to an agreement between the directors of 84005  
rehabilitation and correction and ~~mental health~~ mental health and 84006  
addiction services or, is licensed by the department of ~~mental~~ 84007  
~~health~~ mental health and addiction services pursuant to section 84008  
~~5119.20~~ 5119.33 of the Revised Code as a psychiatric hospital and 84009  
is accredited by a healthcare accrediting organization approved by 84010  
the department of ~~mental health~~ mental health and addiction 84011  
services and the psychiatric hospital is any of the following: 84012

(a) Operated and managed by the department of rehabilitation 84013  
and correction within a facility that is operated by the 84014  
department of rehabilitation and correction; 84015

(b) Operated and managed by a contractor for the department 84016  
of rehabilitation and correction within a facility that is 84017  
operated by the department of rehabilitation and correction; 84018

(c) Operated and managed in the community by an entity that 84019  
has contracted with the department of rehabilitation and 84020  
correction to provide psychiatric hospitalization services in 84021  
accordance with the requirements of this section. 84022

(4) "Inmate patient" means an inmate who is admitted to a 84023  
psychiatric hospital. 84024

(5) "Admitted" to a psychiatric hospital means being accepted 84025  
for and staying at least one night at the psychiatric hospital. 84026

(6) "Treatment plan" means a written statement of reasonable 84027  
objectives and goals for an inmate patient that is based on the 84028  
needs of the inmate patient and that is established by the 84029  
treatment team, with the active participation of the inmate 84030  
patient and with documentation of that participation. "Treatment 84031  
plan" includes all of the following: 84032

|                                                                                                                                                                                                                                                                                                                                                                                        |                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (a) The specific criteria to be used in evaluating progress toward achieving the objectives and goals;                                                                                                                                                                                                                                                                                 | 84033<br>84034                                     |
| (b) The services to be provided to the inmate patient during the inmate patient's hospitalization;                                                                                                                                                                                                                                                                                     | 84035<br>84036                                     |
| (c) The services to be provided to the inmate patient after discharge from the hospital, including, but not limited to, housing and mental health services provided at the state correctional institution to which the inmate patient returns after discharge or community mental health services.                                                                                     | 84037<br>84038<br>84039<br>84040<br>84041          |
| (7) "Mentally retarded person subject to institutionalization by court order" has the same meaning as in section 5123.01 of the Revised Code.                                                                                                                                                                                                                                          | 84042<br>84043<br>84044                            |
| (8) "Emergency transfer" means the transfer of a mentally ill inmate to a psychiatric hospital when the inmate presents an immediate danger to self or others and requires hospital-level care.                                                                                                                                                                                        | 84045<br>84046<br>84047<br>84048                   |
| (9) "Uncontested transfer" means the transfer of a mentally ill inmate to a psychiatric hospital when the inmate has the mental capacity to, and has waived, the hearing required by division (B) of this section.                                                                                                                                                                     | 84049<br>84050<br>84051<br>84052                   |
| (10)(a) "Independent decision-maker" means a person who is employed or retained by the department of rehabilitation and correction and is appointed by the chief or chief clinical officer of mental health services as a hospitalization hearing officer to conduct due process hearings.                                                                                             | 84053<br>84054<br>84055<br>84056<br>84057          |
| (b) An independent decision-maker who presides over any hearing or issues any order pursuant to this section shall be a psychiatrist, psychologist, or attorney, shall not be specifically associated with the institution in which the inmate who is the subject of the hearing or order resides at the time of the hearing or order, and previously shall not have had any treatment | 84058<br>84059<br>84060<br>84061<br>84062<br>84063 |

relationship with nor have represented in any legal proceeding the 84064  
inmate who is the subject of the order. 84065

(B)(1) Except as provided in division (C) of this section, if 84066  
the warden of a state correctional institution or the warden's 84067  
designee believes that an inmate should be transferred from the 84068  
institution to a psychiatric hospital, the department shall hold a 84069  
hearing to determine whether the inmate is a mentally ill person 84070  
subject to hospitalization. The department shall conduct the 84071  
hearing at the state correctional institution in which the inmate 84072  
is confined, and the department shall provide qualified 84073  
independent assistance to the inmate for the hearing. An 84074  
independent decision-maker provided by the department shall 84075  
preside at the hearing and determine whether the inmate is a 84076  
mentally ill person subject to hospitalization. 84077

(2) Except as provided in division (C) of this section, prior 84078  
to the hearing held pursuant to division (B)(1) of this section, 84079  
the warden or the warden's designee shall give written notice to 84080  
the inmate that the department is considering transferring the 84081  
inmate to a psychiatric hospital, that it will hold a hearing on 84082  
the proposed transfer at which the inmate may be present, that at 84083  
the hearing the inmate has the rights described in division (B)(3) 84084  
of this section, and that the department will provide qualified 84085  
independent assistance to the inmate with respect to the hearing. 84086  
The department shall not hold the hearing until the inmate has 84087  
received written notice of the proposed transfer and has had 84088  
sufficient time to consult with the person appointed by the 84089  
department to provide assistance to the inmate and to prepare for 84090  
a presentation at the hearing. 84091

(3) At the hearing held pursuant to division (B)(1) of this 84092  
section, the department shall disclose to the inmate the evidence 84093  
that it relies upon for the transfer and shall give the inmate an 84094  
opportunity to be heard. Unless the independent decision-maker 84095

finds good cause for not permitting it, the inmate may present 84096  
documentary evidence and the testimony of witnesses at the hearing 84097  
and may confront and cross-examine witnesses called by the 84098  
department. 84099

(4) If the independent decision-maker does not find clear and 84100  
convincing evidence that the inmate is a mentally ill person 84101  
subject to hospitalization, the department shall not transfer the 84102  
inmate to a psychiatric hospital but shall continue to confine the 84103  
inmate in the same state correctional institution or in another 84104  
state correctional institution that the department considers 84105  
appropriate. If the independent decision-maker finds clear and 84106  
convincing evidence that the inmate is a mentally ill person 84107  
subject to hospitalization, the decision-maker shall order that 84108  
the inmate be transported to a psychiatric hospital for 84109  
observation and treatment for a period of not longer than thirty 84110  
days. After the hearing, the independent decision-maker shall 84111  
submit to the department a written decision that states one of the 84112  
findings described in division (B)(4) of this section, the 84113  
evidence that the decision-maker relied on in reaching that 84114  
conclusion, and, if the decision is that the inmate should be 84115  
transferred, the reasons for the transfer. 84116

(C)(1) The department may transfer an inmate to a psychiatric 84117  
hospital under an emergency transfer order if the chief clinical 84118  
officer of mental health services of the department or that 84119  
officer's designee and either a psychiatrist employed or retained 84120  
by the department or, in the absence of a psychiatrist, a 84121  
psychologist employed or retained by the department determines 84122  
that the inmate is mentally ill, presents an immediate danger to 84123  
self or others, and requires hospital-level care. 84124

(2) The department may transfer an inmate to a psychiatric 84125  
hospital under an uncontested transfer order if both of the 84126  
following apply: 84127

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (a) A psychiatrist employed or retained by the department          | 84128 |
| determines all of the following apply:                             | 84129 |
| (i) The inmate has a mental illness or is a mentally ill           | 84130 |
| person subject to hospitalization.                                 | 84131 |
| (ii) The inmate requires hospital care to address the mental       | 84132 |
| illness.                                                           | 84133 |
| (iii) The inmate has the mental capacity to make a reasoned        | 84134 |
| choice regarding the inmate's transfer to a hospital.              | 84135 |
| (b) The inmate agrees to a transfer to a hospital.                 | 84136 |
| (3) The written notice and the hearing required under              | 84137 |
| divisions (B)(1) and (2) of this section are not required for an   | 84138 |
| emergency transfer or uncontested transfer under division (C)(1)   | 84139 |
| or (2) of this section.                                            | 84140 |
| (4) After an emergency transfer under division (C)(1) of this      | 84141 |
| section, the department shall hold a hearing for continued         | 84142 |
| hospitalization within five working days after admission of the    | 84143 |
| transferred inmate to the psychiatric hospital. The department     | 84144 |
| shall hold subsequent hearings pursuant to division (F) of this    | 84145 |
| section at the same intervals as required for inmate patients who  | 84146 |
| are transported to a psychiatric hospital under division (B)(4) of | 84147 |
| this section.                                                      | 84148 |
| (5) After an uncontested transfer under division (C)(2) of         | 84149 |
| this section, the inmate may withdraw consent to the transfer in   | 84150 |
| writing at any time. Upon the inmate's withdrawal of consent, the  | 84151 |
| hospital shall discharge the inmate, or, within five working days, | 84152 |
| the department shall hold a hearing for continued hospitalization. | 84153 |
| The department shall hold subsequent hearings pursuant to division | 84154 |
| (F) of this section at the same time intervals as required for     | 84155 |
| inmate patients who are transported to a psychiatric hospital      | 84156 |
| under division (B)(4) of this section.                             | 84157 |



(D)(1) If an independent decision-maker, pursuant to division 84158  
(B)(4) of this section, orders an inmate transported to a 84159  
psychiatric hospital or if an inmate is transferred pursuant to 84160  
division (C)(1) or (2) of this section, the staff of the 84161  
psychiatric hospital shall examine the inmate patient when 84162  
admitted to the psychiatric hospital as soon as practicable after 84163  
the inmate patient arrives at the hospital and no later than 84164  
twenty-four hours after the time of arrival. The attending 84165  
physician responsible for the inmate patient's care shall give the 84166  
inmate patient all information necessary to enable the patient to 84167  
give a fully informed, intelligent, and knowing consent to the 84168  
treatment the inmate patient will receive in the hospital. The 84169  
attending physician shall tell the inmate patient the expected 84170  
physical and medical consequences of any proposed treatment and 84171  
shall give the inmate patient the opportunity to consult with 84172  
another psychiatrist at the hospital and with the inmate advisor. 84173

(2) No inmate patient who is transported or transferred 84174  
pursuant to division (B)(4) or (C)(1) or (2) of this section to a 84175  
psychiatric hospital within a facility that is operated by the 84176  
department of rehabilitation and correction shall be subjected to 84177  
any of the following procedures: 84178

- (a) Convulsive therapy; 84179
- (b) Major aversive interventions; 84180
- (c) Any unusually hazardous treatment procedures; 84181
- (d) Psychosurgery. 84182

(E) The department of rehabilitation and correction shall 84183  
ensure that an inmate patient hospitalized pursuant to this 84184  
section receives or has all of the following: 84185

- (1) Receives sufficient professional care within twenty days 84186  
of admission to ensure that an evaluation of the inmate patient's 84187  
current status, differential diagnosis, probable prognosis, and 84188

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| description of the current treatment plan have been formulated and | 84189 |
| are stated on the inmate patient's official chart;                 | 84190 |
| (2) Has a written treatment plan consistent with the               | 84191 |
| evaluation, diagnosis, prognosis, and goals of treatment;          | 84192 |
| (3) Receives treatment consistent with the treatment plan;         | 84193 |
| (4) Receives periodic reevaluations of the treatment plan by       | 84194 |
| the professional staff at intervals not to exceed thirty days;     | 84195 |
| (5) Is provided with adequate medical treatment for physical       | 84196 |
| disease or injury;                                                 | 84197 |
| (6) Receives humane care and treatment, including, without         | 84198 |
| being limited to, the following:                                   | 84199 |
| (a) Access to the facilities and personnel required by the         | 84200 |
| treatment plan;                                                    | 84201 |
| (b) A humane psychological and physical environment;               | 84202 |
| (c) The right to obtain current information concerning the         | 84203 |
| treatment program, the expected outcomes of treatment, and the     | 84204 |
| expectations for the inmate patient's participation in the         | 84205 |
| treatment program in terms that the inmate patient reasonably can  | 84206 |
| understand;                                                        | 84207 |
| (d) Opportunity for participation in programs designed to          | 84208 |
| help the inmate patient acquire the skills needed to work toward   | 84209 |
| discharge from the psychiatric hospital;                           | 84210 |
| (e) The right to be free from unnecessary or excessive             | 84211 |
| medication and from unnecessary restraints or isolation;           | 84212 |
| (f) All other rights afforded inmates in the custody of the        | 84213 |
| department consistent with rules, policy, and procedure of the     | 84214 |
| department.                                                        | 84215 |
| (F) The department shall hold a hearing for the continued          | 84216 |
| hospitalization of an inmate patient who is transported or         | 84217 |

transferred to a psychiatric hospital pursuant to division (B)(4) 84218  
or (C)(1) of this section prior to the expiration of the initial 84219  
thirty-day period of hospitalization. The department shall hold 84220  
any subsequent hearings, if necessary, not later than ninety days 84221  
after the first thirty-day hearing and then not later than each 84222  
one hundred and eighty days after the immediately prior hearing. 84223  
An independent decision-maker shall conduct the hearings at the 84224  
psychiatric hospital in which the inmate patient is confined. The 84225  
inmate patient shall be afforded all of the rights set forth in 84226  
this section for the hearing prior to transfer to the psychiatric 84227  
hospital. The department may not waive a hearing for continued 84228  
commitment. A hearing for continued commitment is mandatory for an 84229  
inmate patient transported or transferred to a psychiatric 84230  
hospital pursuant to division (B)(4) or (C)(1) of this section 84231  
unless the inmate patient has the capacity to make a reasoned 84232  
choice to execute a waiver and waives the hearing in writing. An 84233  
inmate patient who is transferred to a psychiatric hospital 84234  
pursuant to an uncontested transfer under division (C)(2) of this 84235  
section and who has scheduled hearings after withdrawal of consent 84236  
for hospitalization may waive any of the scheduled hearings if the 84237  
inmate has the capacity to make a reasoned choice and executes a 84238  
written waiver of the hearing. 84239

If upon completion of the hearing the independent 84240  
decision-maker does not find by clear and convincing evidence that 84241  
the inmate patient is a mentally ill person subject to 84242  
hospitalization, the independent decision-maker shall order the 84243  
inmate patient's discharge from the psychiatric hospital. If the 84244  
independent decision-maker finds by clear and convincing evidence 84245  
that the inmate patient is a mentally ill person subject to 84246  
hospitalization, the independent decision-maker shall order that 84247  
the inmate patient remain at the psychiatric hospital for 84248  
continued hospitalization until the next required hearing. 84249

If at any time prior to the next required hearing for 84250  
continued hospitalization, the medical director of the hospital or 84251  
the attending physician determines that the treatment needs of the 84252  
inmate patient could be met equally well in an available and 84253  
appropriate less restrictive state correctional institution or 84254  
unit, the medical director or attending physician may discharge 84255  
the inmate to that facility. 84256

(G) An inmate patient is entitled to the credits toward the 84257  
reduction of the inmate patient's stated prison term pursuant to 84258  
Chapters 2967. and 5120. of the Revised Code under the same terms 84259  
and conditions as if the inmate patient were in any other 84260  
institution of the department of rehabilitation and correction. 84261

(H) The adult parole authority may place an inmate patient on 84262  
parole or under post-release control directly from a psychiatric 84263  
hospital. 84264

(I) If an inmate patient who is a mentally ill person subject 84265  
to hospitalization is to be released from a psychiatric hospital 84266  
because of the expiration of the inmate patient's stated prison 84267  
term, the director of rehabilitation and correction or the 84268  
director's designee, at least fourteen days before the expiration 84269  
date, may file an affidavit under section 5122.11 or 5123.71 of 84270  
the Revised Code with the probate court in the county where the 84271  
psychiatric hospital is located or the probate court in the county 84272  
where the inmate will reside, alleging that the inmate patient is 84273  
a mentally ill person subject to hospitalization by court order or 84274  
a mentally retarded person subject to institutionalization by 84275  
court order, whichever is applicable. The proceedings in the 84276  
probate court shall be conducted pursuant to Chapter 5122. or 84277  
5123. of the Revised Code except as modified by this division. 84278

Upon the request of the inmate patient, the probate court 84279  
shall grant the inmate patient an initial hearing under section 84280  
5122.141 of the Revised Code or a probable cause hearing under 84281

section 5123.75 of the Revised Code before the expiration of the 84282  
stated prison term. After holding a full hearing, the probate 84283  
court shall make a disposition authorized by section 5122.15 or 84284  
5123.76 of the Revised Code before the date of the expiration of 84285  
the stated prison term. No inmate patient shall be held in the 84286  
custody of the department of rehabilitation and correction past 84287  
the date of the expiration of the inmate patient's stated prison 84288  
term. 84289

(J) The department of rehabilitation and correction shall set 84290  
standards for treatment provided to inmate patients. 84291

(K) A certificate, application, record, or report that is 84292  
made in compliance with this section and that directly or 84293  
indirectly identifies an inmate or former inmate whose 84294  
hospitalization has been sought under this section is 84295  
confidential. No person shall disclose the contents of any 84296  
certificate, application, record, or report of that nature or any 84297  
other psychiatric or medical record or report regarding a mentally 84298  
ill inmate unless one of the following applies: 84299

(1) The person identified, or the person's legal guardian, if 84300  
any, consents to disclosure, and the chief clinical officer or 84301  
designee of mental health services of the department of 84302  
rehabilitation and correction determines that disclosure is in the 84303  
best interests of the person. 84304

(2) Disclosure is required by a court order signed by a 84305  
judge. 84306

(3) An inmate patient seeks access to the inmate patient's 84307  
own psychiatric and medical records, unless access is specifically 84308  
restricted in the treatment plan for clear treatment reasons. 84309

(4) Hospitals and other institutions and facilities within 84310  
the department of rehabilitation and correction may exchange 84311  
psychiatric records and other pertinent information with other 84312

hospitals, institutions, and facilities of the department, but the 84313  
information that may be released about an inmate patient is 84314  
limited to medication history, physical health status and history, 84315  
summary of course of treatment in the hospital, summary of 84316  
treatment needs, and a discharge summary, if any. 84317

(5) An inmate patient's family member who is involved in 84318  
planning, providing, and monitoring services to the inmate patient 84319  
may receive medication information, a summary of the inmate 84320  
patient's diagnosis and prognosis, and a list of the services and 84321  
personnel available to assist the inmate patient and family if the 84322  
attending physician determines that disclosure would be in the 84323  
best interest of the inmate patient. No disclosure shall be made 84324  
under this division unless the inmate patient is notified of the 84325  
possible disclosure, receives the information to be disclosed, and 84326  
does not object to the disclosure. 84327

(6) The department of rehabilitation and correction may 84328  
exchange psychiatric hospitalization records, other mental health 84329  
treatment records, and other pertinent information with county 84330  
sheriffs' offices, hospitals, institutions, and facilities of the 84331  
department of ~~mental health~~ mental health and addiction services 84332  
and with community mental health ~~agencies~~ services providers and 84333  
boards of alcohol, drug addiction, and mental health services with 84334  
which the department of ~~mental health~~ mental health and addiction 84335  
services has a current agreement for patient care or services to 84336  
ensure continuity of care. Disclosure under this division is 84337  
limited to records regarding a mentally ill inmate's medication 84338  
history, physical health status and history, summary of course of 84339  
treatment, summary of treatment needs, and a discharge summary, if 84340  
any. No office, department, agency, provider, or board shall 84341  
disclose the records and other information unless one of the 84342  
following applies: 84343

(a) The mentally ill inmate is notified of the possible 84344

disclosure and consents to the disclosure. 84345

(b) The mentally ill inmate is notified of the possible 84346  
disclosure, an attempt to gain the consent of the inmate is made, 84347  
and the office, department, agency, or board documents the attempt 84348  
to gain consent, the inmate's objections, if any, and the reasons 84349  
for disclosure in spite of the inmate's objections. 84350

(7) Information may be disclosed to staff members designated 84351  
by the director of rehabilitation and correction for the purpose 84352  
of evaluating the quality, effectiveness, and efficiency of 84353  
services and determining if the services meet minimum standards. 84354

The name of an inmate patient shall not be retained with the 84355  
information obtained during the evaluations. 84356

(L) The director of rehabilitation and correction may adopt 84357  
rules setting forth guidelines for the procedures required under 84358  
divisions (B), (C)(1), and (C)(2) of this section. 84359

**Sec. 5120.171.** (A) The department of rehabilitation and 84360  
correction shall have exclusive direction and control of the care 84361  
and treatment of seriously mentally ill inmates who are in the 84362  
department's custody. The department shall enter into any 84363  
arrangements it considers desirable on such matters, including but 84364  
not limited to both of the following: 84365

(1) The monitoring of such services by another state agency 84366  
or agencies; 84367

(2) Adopting joint standards for the provision and monitoring 84368  
of mental health services with the department of ~~mental health~~ 84369  
mental health and addiction services and other state agencies. 84370

(B) In order to implement its duties imposed by division (A) 84371  
of this section, the department of rehabilitation and correction 84372  
may enter into a contract for the provision of the mental health 84373  
services described in that division. 84374

**Sec. 5120.652.** To participate in the prison nursery program, 84375  
each eligible inmate selected by the department shall do all the 84376  
following: 84377

(A) Agree in writing to do all the following: 84378

(1) Comply with any program, educational, counseling, and 84379  
other requirements established for the program by the department 84380  
of rehabilitation and correction; 84381

(2) If eligible, have the child participate in the medicaid 84382  
program or a health insurance program; 84383

(3) Accept the normal risks of childrearing; 84384

(4) Abide by any court decisions regarding the allocation of 84385  
parental rights and responsibilities with respect to the child. 84386

(B) Assign to the department any rights to support from any 84387  
other person, excluding support assigned pursuant to section 84388  
5107.20 of the Revised Code and medical support assigned pursuant 84389  
to section ~~5101.59~~ 5160.38 of the Revised Code; 84390

(C) Specify with whom the child is to be placed in the event 84391  
the inmate's participation in the program is terminated for a 84392  
reason other than release from imprisonment. 84393

**Sec. 5120.654.** (A) The rights to support assigned by an 84394  
inmate pursuant to section 5120.652 of the Revised Code constitute 84395  
an obligation of the person who is responsible for providing the 84396  
support to the department of rehabilitation and correction for the 84397  
support provided the inmate and child pursuant to the prison 84398  
nursery program. The division of child support in the department 84399  
of job and family services shall collect support payments made 84400  
pursuant to the assignment and forward them to the department of 84401  
rehabilitation and correction. 84402

(B) The department of rehabilitation and correction may 84403



receive the following: 84404

(1) Money that is assigned or donated on behalf of, and 84405  
~~public~~ assistance provided under Ohio works first to, a specific 84406  
inmate or child participating in the prison nursery program; 84407

(2) Money assigned or donated to establish and maintain the 84408  
prison nursery program. 84409

(C) The amounts described in division (B)(1) of this section 84410  
shall be placed in the individual nursery account created and 84411  
maintained under section 5120.655 of the Revised Code for the 84412  
inmate and child for whom the money was received. The money 84413  
described in division (B)(2) of this section shall be deposited in 84414  
the appropriate prison nursery program fund. 84415

**Sec. 5121.051.** All outstanding liability of relatives for the 84416  
support of any patient or resident in a benevolent institution 84417  
under the control of the department of ~~mental health~~ mental health 84418  
and addiction services or the department of developmental 84419  
disabilities accrued prior to January 1, 1956, including the 84420  
liability of the patient personally, is hereby canceled, provided 84421  
that this section does not abrogate any written agreements or 84422  
security arrangement for the payment of support charges entered 84423  
into between the state and any patient or liable relative prior to 84424  
such date. 84425

**Sec. 5121.30.** As used in sections 5121.30 to 5121.56 of the 84426  
Revised Code: 84427

(A) ~~"Community mental health services client" or "client"~~ 84428  
~~means a person receiving state operated community mental health~~ 84429  
~~services.~~ 84430

~~(B)~~ "Countable assets" means all of the following: 84431

(1) Cash; 84432

|                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (2) Bank deposits;                                                                                                                                                                                                                                                                                                                                                                                                           | 84433                                                       |
| (3) Securities;                                                                                                                                                                                                                                                                                                                                                                                                              | 84434                                                       |
| (4) Individual retirement accounts;                                                                                                                                                                                                                                                                                                                                                                                          | 84435                                                       |
| (5) Qualified employer plans, including 401(k) and Keogh plans;                                                                                                                                                                                                                                                                                                                                                              | 84436<br>84437                                              |
| (6) Annuities;                                                                                                                                                                                                                                                                                                                                                                                                               | 84438                                                       |
| (7) Funds in a trust created under section 5815.28 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                      | 84439<br>84440                                              |
| (8) Investment property and income;                                                                                                                                                                                                                                                                                                                                                                                          | 84441                                                       |
| (9) The cash surrender values of life insurance policies;                                                                                                                                                                                                                                                                                                                                                                    | 84442                                                       |
| (10) Assets acquired by gift, bequest, devise, or inheritance;                                                                                                                                                                                                                                                                                                                                                               | 84443<br>84444                                              |
| (11) Any other asset determined by the department of <del>mental health</del> <u>mental health and addiction services</u> to be equivalent to the assets enumerated in this division.                                                                                                                                                                                                                                        | 84445<br>84446<br>84447                                     |
| <del>(C)</del> (B) "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. | 84448<br>84449<br>84450<br>84451<br>84452<br>84453<br>84454 |
| <del>(D)</del> (C) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.                              | 84455<br>84456<br>84457<br>84458<br>84459<br>84460          |
| <del>(E)</del> (D) "Hospital" means an institution, hospital, or other                                                                                                                                                                                                                                                                                                                                                       | 84461                                                       |

place established, controlled, or supervised by the department of 84462  
~~mental health~~ mental health and addiction services under Chapter 84463  
5119. of the Revised Code. 84464

~~(F)~~(E) "Liable relative" means all of the following: 84465

(1) A patient's spouse; 84466

(2) A patient's mother or father, or both, if the patient is 84467  
under eighteen years of age; 84468

(3) A patient's guardian. 84469

~~(G)~~(F) "Patient" means a person admitted to a hospital for 84470  
inpatient care or treatment, including a person transferred to a 84471  
hospital from a state correctional institution or a person under 84472  
indictment or conviction who has been transferred to a hospital. 84473

**Sec. 5121.32.** On an annual basis, the department of ~~mental~~ 84474  
~~health~~ mental health and addiction services shall determine both 84475  
of the following using generally accepted governmental accounting 84476  
principles: 84477

(A) The applicable per diem charge for each hospital operated 84478  
by the department; 84479

(B) The ancillary per diem rate for each hospital operated by 84480  
the department. 84481

In determining a hospital's applicable per diem charge and 84482  
ancillary per diem rate, the department shall consider the average 84483  
actual per diem cost of maintaining and treating a patient at the 84484  
hospital or, at the department's discretion, the average actual 84485  
per diem cost of maintaining and treating a patient in a unit of 84486  
the hospital. 84487

**Sec. 5121.33.** Except as provided in sections 5121.35, 84488  
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 84489  
Code, the department of ~~mental health~~ mental health and addiction 84490

services shall, for each billing cycle, charge a patient, 84491  
patient's estate, or liable relative an amount equal to the sum of 84492  
the following: 84493

(A) The applicable per diem charge multiplied by the number 84494  
of days the patient was admitted to the hospital; 84495

(B) An amount that was previously billed but not paid. 84496

**Sec. 5121.34.** (A) A patient, patient's estate, and patient's 84497  
liable relatives shall be jointly and severally liable for amounts 84498  
charged by the department of ~~mental health~~ mental health and 84499  
addiction services in accordance with section 5121.33 or 5121.35 84500  
of the Revised Code. In no case shall any of the foregoing persons 84501  
be liable for more than one hundred per cent of the full sum 84502  
charged under section 5121.33 of the Revised Code. 84503

(B) Collections of support payments shall be made by the 84504  
department and, subject to meeting prior requirements for payment 84505  
and crediting of such collections and other available receipts, in 84506  
accordance with the bond proceedings applicable to obligations 84507  
issued pursuant to section 154.20 of the Revised Code. The 84508  
collections and other available receipts designated by the 84509  
director of ~~mental health~~ mental health and addiction services for 84510  
deposit in the special accounts, together with insurance contract 84511  
payments provided for in section 5121.43 of the Revised Code, 84512  
shall be remitted to the treasurer of state for deposit in the 84513  
state treasury to the credit of the mental health operating fund, 84514  
which is hereby created, to be used for the general purposes of 84515  
the department. The department shall make refunds of overpayment 84516  
of support charges from the mental health operating fund. 84517

**Sec. 5121.35.** The department of ~~mental health~~ mental health 84518  
and addiction services shall charge a patient, patient's estate, 84519  
or liable relative an amount discounted from the amount the 84520

department charges under section 5121.33 of the Revised Code if 84521  
the department determines through the application process 84522  
described in section 5121.36 of the Revised Code or through the 84523  
financial assessment process described in section 5121.37 of the 84524  
Revised Code that the patient, estate, or relative is eligible for 84525  
a discount. 84526

**Sec. 5121.36.** (A) A patient, patient's estate, or liable 84527  
relative may apply for a discount by completing an application 84528  
form prescribed by the director of ~~mental health~~ mental health and 84529  
addiction services. The department of ~~mental health~~ mental health 84530  
and addiction services may require a patient, estate, or relative 84531  
to furnish any of the following with an application form: 84532

(1) A copy of the patient's, estate's, or liable relative's 84533  
federal income tax return for the year preceding the date of 84534  
application or, if that is not yet available, the preceding year; 84535

(2) A copy of the patient's, estate's, or liable relative's 84536  
employee tax withholding return (form W-2) for the year preceding 84537  
the date of application; 84538

(3) Any other relevant documents prescribed by the director 84539  
of ~~mental health~~ mental health and addiction services. 84540

(B) To be considered, an application must be submitted to the 84541  
department not later than ninety days after the date the patient 84542  
is admitted to a hospital. 84543

(C) From the information provided by a patient, estate, or 84544  
relative, the department shall determine whether the department 84545  
will charge the person a discounted amount in accordance with 84546  
sections 5121.40 and 5121.41 of the Revised Code. In making this 84547  
determination, the department shall consider whether the patient 84548  
is covered by an insurance policy or other contract that provides 84549  
for payment of expenses and treatment for mental illness. If the 84550

department determines that the patient has coverage, the 84551  
department shall require payment in accordance with section 84552  
5121.43 of the Revised Code. 84553

(D) The department shall notify the patient, executor or 84554  
administrator of the patient's estate, or liable relative who 84555  
submitted the application form in writing regarding whether that 84556  
person will be charged a discounted amount and the per diem rate 84557  
to be charged. 84558

(E) In accordance with section 5121.42 of the Revised Code, 84559  
the department may, at any time, modify an amount charged or 84560  
change the per diem rate to be charged if the department learns of 84561  
countable assets or income that was not previously disclosed or 84562  
was acquired after the application form was submitted. Within a 84563  
reasonable time, the department shall notify in writing any person 84564  
affected by a modification or change. 84565

**Sec. 5121.37.** After a patient's admittance to a hospital, the 84566  
department of ~~mental health~~ mental health and addiction services 84567  
shall conduct a financial assessment to determine whether the 84568  
patient, patient's estate, or liable relative will be charged an 84569  
amount discounted from the amount the department charges under 84570  
section 5121.33 of the Revised Code. The department shall make the 84571  
determination in accordance with sections 5121.40 and 5121.41 of 84572  
the Revised Code. 84573

If a discounted rate is to be charged, the department shall 84574  
notify the person whose financial condition was assessed. The 84575  
notice shall specify the per diem rate to be charged. 84576

In accordance with section 5121.42 of the Revised Code, the 84577  
department may, at any time, modify an amount charged or change 84578  
the per diem rate to be charged if the department learns of 84579  
countable assets or income that was not previously disclosed or 84580  
was acquired after the assessment was conducted. Within a 84581

reasonable time, the department shall notify in writing any person 84582  
affected by a modification or change. 84583

**Sec. 5121.38.** The department of ~~mental health~~ mental health 84584  
and addiction services may subpoena witnesses, take testimony 84585  
under oath, and examine any public records relating to the income 84586  
and other assets of a patient or of a relative liable for such 84587  
patient's support. All information, conclusions, and 84588  
recommendations shall be submitted to the department by the 84589  
investigating agent of the department. 84590

**Sec. 5121.40.** (A) A patient, patient's estate, or liable 84591  
relative may be eligible to be charged an amount discounted from 84592  
the amount the department of ~~mental health~~ mental health and 84593  
addiction services charges under section 5121.33 of the Revised 84594  
Code if the patient, estate, or relative has countable assets with 84595  
a total value that is not greater than an amount equal to fifty 84596  
per cent of the difference between the following: 84597

(1) The gross annual income that corresponds with a family 84598  
size of two persons at one hundred per cent of the federal poverty 84599  
level for the state; 84600

(2) The gross annual income that corresponds with a family 84601  
size of one person at one hundred per cent of the federal poverty 84602  
level for the state. For purposes of determining family size, the 84603  
patient is one dependent. One additional dependent shall be 84604  
included for each of the following circumstances and persons: 84605

(a) The patient or liable relative is legally blind or deaf. 84606

(b) The patient or liable relative is ~~of~~ sixty-five years of 84607  
age or older. 84608

(c) Each child under eighteen years of age for which the 84609  
patient or liable relative has legal custody; 84610

(d) The patient's or liable relative's spouse. 84611

(B) A patient, estate, or relative may, not later than ninety 84612  
days after the patient's admission to a hospital, surrender the 84613  
value of countable assets sufficient to reduce countable assets to 84614  
not more than the limit described in division (A) of this section. 84615

**Sec. 5121.42.** (A) Except as provided in division (B) of this 84616  
section, a patient, patient's estate, or liable relative shall 84617  
cease to be eligible for a discount under ~~sections~~ section 5121.36 84618  
or 5121.37 of the Revised Code on accumulation of countable assets 84619  
in excess of an amount equal to fifty per cent of the difference 84620  
between the following: 84621

(1) The gross annual income that corresponds with a family 84622  
size of two persons at one hundred per cent of the federal poverty 84623  
level for the state; 84624

(2) The gross annual income that corresponds with a family 84625  
size of one person at one hundred per cent of the federal poverty 84626  
level for the state. 84627

(B) Money needed to meet the patient's needs and burial fund 84628  
as determined by a needs assessment conducted by the department of 84629  
~~mental health~~ mental health and addiction services pursuant to 84630  
rules adopted under section ~~5119.01~~ 5119.10 of the Revised Code 84631  
shall be excluded from any determination the department makes 84632  
under division (A) of this section. 84633

**Sec. 5121.43.** If a patient is covered by an insurance policy 84634  
or other contract that provides for payment of expenses for care 84635  
and treatment for mental illness at or from a hospital under the 84636  
jurisdiction of the department of ~~mental health~~ mental health and 84637  
addiction services, sections 5121.33 to 5121.55 of the Revised 84638  
Code are inapplicable to the extent that the policy or contract is 84639  
in force. Any insurance carrier or other third party payor 84640



providing coverage for such care and treatment shall pay for the 84641  
patient's support obligation in amounts equal to the lesser of 84642  
amounts charged by the department under section 5121.33 of the 84643  
Revised Code or the benefits provided under the policy or other 84644  
contract. Whether or not an insured, owner of, or other person 84645  
having an interest in such policy or other contract is liable for 84646  
support payments, the insured, policy owner, or other person shall 84647  
assign payment directly to the department of all assignable 84648  
benefits under the policy or other contract and shall pay to the 84649  
department, within ten days of receipt, all insurance or other 84650  
benefits received as reimbursement or payment for expenses 84651  
incurred by the patient or for any other reason. If the insured, 84652  
policy owner, or other person refuses to assign payment to the 84653  
department or refuses to pay received reimbursements or payments 84654  
to the department within ten days of receipt, the total liability 84655  
of the insured, policy owner, or other person for the services is 84656  
an amount equal to the per diem charge for the hospital where the 84657  
patient was admitted multiplied by the number of days the patient 84658  
was admitted. 84659

In no event shall this total liability exceed the 84660  
department's actual cost of providing care and treatment to a 84661  
patient. The department may disqualify patients and liable 84662  
relatives who have retained third party funds from future 84663  
discounts. The department may request that the attorney general 84664  
petition a court of competent jurisdiction to compel the insured, 84665  
owner of, or other person having an interest in the policy or 84666  
contract to comply with the assignment requirements in this 84667  
section. 84668

**Sec. 5121.44.** The department of ~~mental health~~ mental health 84669  
and addiction services may enter into an extended payment 84670  
agreement with a patient, patient's estate, or liable relative who 84671

has notified the department that the patient, estate, or relative 84672  
cannot reasonably pay an amount the department has charged. In no 84673  
case shall the department take a security interest, mortgage, or 84674  
lien against the principal family residence of a patient or liable 84675  
relative. 84676

**Sec. 5121.45.** (A) For purposes of this section, "delinquent 84677  
payment" means an amount owed by a patient, patient's estate, or 84678  
liable relative to the department of ~~mental health~~ mental health 84679  
and addiction services for which the person has failed to do 84680  
either of the following not later than ninety days after the 84681  
service associated with the charge was incurred: 84682

(1) Make payment in full; 84683

(2) Make a payment in accordance with the terms of an 84684  
agreement entered into under section 5121.44 of the Revised Code. 84685

(B) An action to enforce the collection of a delinquent 84686  
payment shall be commenced not later than six years after the 84687  
later of the following: 84688

(1) The last date the department received money to satisfy 84689  
the delinquent payment; 84690

(2) The date the charge was due. 84691

(C) In all actions to enforce the collection of delinquent 84692  
payments, a court of record shall receive into evidence the proof 84693  
of claim document made by the state together with all debts and 84694  
credits. The proof of claim document shall be prima-facie evidence 84695  
of the facts stated in the document. 84696

**Sec. 5121.46.** The department of ~~mental health~~ mental health 84697  
and addiction services shall not charge a liable relative under 84698  
sections 5121.33 and 5121.35 of the Revised Code who has done 84699  
either of the following: 84700

(A) Paid all amounts charged by the department for the care and treatment of a particular patient for fifteen consecutive years; 84701  
84702  
84703

(B) Paid amounts charged by the department for the care and treatment of more than one patient for a total of fifteen consecutive years. 84704  
84705  
84706

**Sec. 5121.47.** Irrespective of the number of patients for which the department of ~~mental health~~ mental health and addiction services may charge a liable relative under sections 5121.33 ~~or~~ and 5121.35 of the Revised Code, the department shall not charge a liable relative or group of liable relatives who are members of the same family unit for the support of more than one patient during the same period of time. 84707  
84708  
84709  
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**Sec. 5121.49.** (A) Any person who has been charged under section 5121.33 or 5121.35 of the Revised Code may petition the department of ~~mental health~~ mental health and addiction services to do the following: 84714  
84715  
84716  
84717

(1) Release the person from a charge; 84718

(2) Modify or cancel a charge. 84719

(B) The department shall respond to a petition in writing and inform the petitioner of whether a release, modification, or cancellation has been approved. 84720  
84721  
84722

**Sec. 5121.50.** When a patient is committed to a hospital pursuant to judicial proceedings, the judge ordering the commitment shall: 84723  
84724  
84725

(A) Make a reliable report on the financial condition of the patient and of each liable relative, as provided in rules adopted by the director of ~~mental health~~ mental health and addiction services; 84726  
84727  
84728  
84729

(B) Certify the report required under division (A) of this section to the managing officer of the hospital. The managing officer shall thereupon enter in the managing officer's records the name and address of any guardian appointed and of any relative liable for the patient's support.

**Sec. 5121.51.** In case the estate of any patient in a hospital is sufficient for the patient's support and no guardian has been appointed for such estate, the agent of the department of ~~mental health~~ mental health and addiction services shall petition the probate court of the proper county to appoint a guardian.

**Sec. 5121.52.** On the death of a person who is a patient, or has been a patient in a hospital, or on the death of a person responsible under section 5121.34 of the Revised Code for the support of a patient, the department of ~~mental health~~ mental health and addiction services may waive the presentation of any claim for support against the estate of such decedent, when in its judgment an otherwise dependent person will be directly benefited by the estate. Claims against an estate for support of a patient are subject to section 5815.28 and Chapter 2117. of the Revised Code, and shall be treated, and may be barred, the same as the claims of other creditors of the estate, pursuant to that section or chapter.

The department of ~~mental health~~ mental health and addiction services may accept from a guardian or trustee of a patient a contract agreeing to pay to the state from the property of the guardian's or trustee's ward before or at the death of the ward a fixed annual amount for the support of the ward while the ward is a patient, with interest at four per cent per annum. A copy of the contract shall be filed in the probate court of the proper county and duly entered as a part of the records concerning the ward.

Sec. 5121.55. The cost for support of a client of 84760  
state-operated community mental health services is an amount 84761  
determined using guidelines the department of ~~mental health~~ mental 84762  
health and addiction services shall issue. The guidelines shall be 84763  
based on cost findings and rate-settings applicable to such 84764  
services. 84765

Sec. 5122.01. As used in this chapter and Chapter 5119. of 84766  
the Revised Code: 84767

(A) "Mental illness" means a substantial disorder of thought, 84768  
mood, perception, orientation, or memory that grossly impairs 84769  
judgment, behavior, capacity to recognize reality, or ability to 84770  
meet the ordinary demands of life. 84771

(B) "Mentally ill person subject to hospitalization by court 84772  
order" means a mentally ill person who, because of the person's 84773  
illness: 84774

(1) Represents a substantial risk of physical harm to self as 84775  
manifested by evidence of threats of, or attempts at, suicide or 84776  
serious self-inflicted bodily harm; 84777

(2) Represents a substantial risk of physical harm to others 84778  
as manifested by evidence of recent homicidal or other violent 84779  
behavior, evidence of recent threats that place another in 84780  
reasonable fear of violent behavior and serious physical harm, or 84781  
other evidence of present dangerousness; 84782

(3) Represents a substantial and immediate risk of serious 84783  
physical impairment or injury to self as manifested by evidence 84784  
that the person is unable to provide for and is not providing for 84785  
the person's basic physical needs because of the person's mental 84786  
illness and that appropriate provision for those needs cannot be 84787  
made immediately available in the community; or 84788

(4) Would benefit from treatment in a hospital for the 84789

person's mental illness and is in need of such treatment as 84790  
manifested by evidence of behavior that creates a grave and 84791  
imminent risk to substantial rights of others or the person. 84792

(C)(1) "Patient" means, subject to division (C)(2) of this 84793  
section, a person who is admitted either voluntarily or 84794  
involuntarily to a hospital or other place under section 2945.39, 84795  
2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 84796  
finding of not guilty by reason of insanity or incompetence to 84797  
stand trial or under this chapter, who is under observation or 84798  
receiving treatment in such place. 84799

(2) "Patient" does not include a person admitted to a 84800  
hospital or other place under section 2945.39, 2945.40, 2945.401, 84801  
or 2945.402 of the Revised Code to the extent that the reference 84802  
in this chapter to patient, or the context in which the reference 84803  
occurs, is in conflict with any provision of sections 2945.37 to 84804  
2945.402 of the Revised Code. 84805

(D) "Licensed physician" means a person licensed under the 84806  
laws of this state to practice medicine or a medical officer of 84807  
the government of the United States while in this state in the 84808  
performance of the person's official duties. 84809

(E) "Psychiatrist" means a licensed physician who has 84810  
satisfactorily completed a residency training program in 84811  
psychiatry, as approved by the residency review committee of the 84812  
American medical association, the committee on post-graduate 84813  
education of the American osteopathic association, or the American 84814  
osteopathic board of neurology and psychiatry, or who on July 1, 84815  
1989, has been recognized as a psychiatrist by the Ohio state 84816  
medical association or the Ohio osteopathic association on the 84817  
basis of formal training and five or more years of medical 84818  
practice limited to psychiatry. 84819

(F) "Hospital" means a hospital or inpatient unit licensed by 84820

the department of ~~mental health~~ mental health and addiction 84821  
services under section ~~5119.20~~ 5119.33 of the Revised Code, and 84822  
any institution, hospital, or other place established, controlled, 84823  
or supervised by the department under Chapter 5119. of the Revised 84824  
Code. 84825

(G) "Public hospital" means a facility that is tax-supported 84826  
and under the jurisdiction of the department of ~~mental health~~ 84827  
mental health and addiction services. 84828

(H) "Community mental health ~~agency~~ services provider" means 84829  
an agency, association, corporation, individual, or program that 84830  
provides community mental health services that are certified by 84831  
the director of ~~mental health~~ mental health and addiction services 84832  
under section ~~5119.611~~ 5119.36 of the Revised Code. 84833

(I) "Licensed clinical psychologist" means a person who holds 84834  
a current valid psychologist license issued under section 4732.12 84835  
or 4732.15 of the Revised Code, and in addition, meets either of 84836  
the following criteria: 84837

(1) Meets the educational requirements set forth in division 84838  
(B) of section 4732.10 of the Revised Code and has a minimum of 84839  
two years' full-time professional experience, or the equivalent as 84840  
determined by rule of the state board of psychology, at least one 84841  
year of which shall be a predoctoral internship, in clinical 84842  
psychological work in a public or private hospital or clinic or in 84843  
private practice, diagnosing and treating problems of mental 84844  
illness or mental retardation under the supervision of a 84845  
psychologist who is licensed or who holds a diploma issued by the 84846  
American board of professional psychology, or whose qualifications 84847  
are substantially similar to those required for licensure by the 84848  
state board of psychology when the supervision has occurred prior 84849  
to enactment of laws governing the practice of psychology; 84850

(2) Meets the educational requirements set forth in division 84851

(B) of section 4732.15 of the Revised Code and has a minimum of 84852  
four years' full-time professional experience, or the equivalent 84853  
as determined by rule of the state board of psychology, in 84854  
clinical psychological work in a public or private hospital or 84855  
clinic or in private practice, diagnosing and treating problems of 84856  
mental illness or mental retardation under supervision, as set 84857  
forth in division (I)(1) of this section. 84858

(J) "Health officer" means any public health physician; 84859  
public health nurse; or other person authorized by or designated 84860  
by a city health district; a general health district; or a board 84861  
of alcohol, drug addiction, and mental health services to perform 84862  
the duties of a health officer under this chapter. 84863

(K) "Chief clinical officer" means the medical director of a 84864  
hospital, or a community mental health ~~agency~~ services provider, 84865  
or a board of alcohol, drug addiction, and mental health services, 84866  
or, if there is no medical director, the licensed physician 84867  
responsible for the treatment a hospital or community mental 84868  
health ~~agency~~ services provider provides. The chief clinical 84869  
officer may delegate to the attending physician responsible for a 84870  
patient's care the duties imposed on the chief clinical officer by 84871  
this chapter. Within a community mental health ~~agency~~ services 84872  
provider, the chief clinical officer shall be designated by the 84873  
governing body of the ~~agency~~ services provider and shall be a 84874  
licensed physician or licensed clinical psychologist who 84875  
supervises diagnostic and treatment services. A licensed physician 84876  
or licensed clinical psychologist designated by the chief clinical 84877  
officer may perform the duties and accept the responsibilities of 84878  
the chief clinical officer in the chief clinical officer's 84879  
absence. 84880

(L) "Working day" or "court day" means Monday, Tuesday, 84881  
Wednesday, Thursday, and Friday, except when such day is a 84882  
holiday. 84883



|                                                                                                                                                                                                                                                               |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (M) "Indigent" means unable without deprivation of satisfaction of basic needs to provide for the payment of an attorney and other necessary expenses of legal representation, including expert testimony.                                                    | 84884<br>84885<br>84886<br>84887          |
| (N) "Respondent" means the person whose detention, commitment, hospitalization, continued hospitalization or commitment, or discharge is being sought in any proceeding under this chapter.                                                                   | 84888<br>84889<br>84890<br>84891          |
| (O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code.                                                                                                                                                     | 84892<br>84893                            |
| (P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation. | 84894<br>84895<br>84896<br>84897<br>84898 |
| (Q) "Court" means the probate division of the court of common pleas.                                                                                                                                                                                          | 84899<br>84900                            |
| (R) "Expunge" means:                                                                                                                                                                                                                                          | 84901                                     |
| (1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;                                                                                                                                   | 84902<br>84903                            |
| (2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court;                                                                                                                    | 84904<br>84905<br>84906                   |
| (3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;                                                                                                                  | 84907<br>84908<br>84909                   |
| (4) That all rights and privileges are restored, and that the person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.                                                                               | 84910<br>84911<br>84912                   |
| (S) "Residence" means a person's physical presence in a                                                                                                                                                                                                       | 84913                                     |

county with intent to remain there, except that: 84914

(1) If a person is receiving a mental health service at a 84915  
facility that includes nighttime sleeping accommodations, 84916  
residence means that county in which the person maintained the 84917  
person's primary place of residence at the time the person entered 84918  
the facility; 84919

(2) If a person is committed pursuant to section 2945.38, 84920  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 84921  
residence means the county where the criminal charges were filed. 84922

When the residence of a person is disputed, the matter of 84923  
residence shall be referred to the department of ~~mental health~~ 84924  
mental health and addiction services for investigation and 84925  
determination. Residence shall not be a basis for a board's 84926  
denying services to any person present in the board's service 84927  
district, and the board shall provide services for a person whose 84928  
residence is in dispute while residence is being determined and 84929  
for a person in an emergency situation. 84930

(T) "Admission" to a hospital or other place means that a 84931  
patient is accepted for and stays at least one night at the 84932  
hospital or other place. 84933

(U) "Prosecutor" means the prosecuting attorney, village 84934  
solicitor, city director of law, or similar chief legal officer 84935  
who prosecuted a criminal case in which a person was found not 84936  
guilty by reason of insanity, who would have had the authority to 84937  
prosecute a criminal case against a person if the person had not 84938  
been found incompetent to stand trial, or who prosecuted a case in 84939  
which a person was found guilty. 84940

(V) "Treatment plan" means a written statement of reasonable 84941  
objectives and goals for an individual established by the 84942  
treatment team, with specific criteria to evaluate progress 84943  
towards achieving those objectives. The active participation of 84944

the patient in establishing the objectives and goals shall be 84945  
documented. The treatment plan shall be based on patient needs and 84946  
include services to be provided to the patient while the patient 84947  
is hospitalized and after the patient is discharged. The treatment 84948  
plan shall address services to be provided upon discharge, 84949  
including but not limited to housing, financial, and vocational 84950  
services. 84951

(W) "Community control sanction" has the same meaning as in 84952  
section 2929.01 of the Revised Code. 84953

(X) "Post-release control sanction" has the same meaning as 84954  
in section 2967.01 of the Revised Code. 84955

**Sec. 5122.03.** A patient admitted under section 5122.02 of the 84956  
Revised Code who requests release in writing, or whose release is 84957  
requested in writing by the patient's counsel, legal guardian, 84958  
parent, spouse, or adult next of kin shall be released forthwith, 84959  
except that when: 84960

(A) The patient was admitted on the patient's own application 84961  
and the request for release is made by a person other than the 84962  
patient, release may be conditional upon the agreement of the 84963  
patient; or 84964

(B) The chief clinical officer of the hospital, within three 84965  
court days from the receipt of the request for release, files or 84966  
causes to be filed with the court of the county where the patient 84967  
is hospitalized or of the county where the patient is a resident, 84968  
an affidavit under section 5122.11 of the Revised Code. Release 84969  
may be postponed until the hearing held under section 5122.141 of 84970  
the Revised Code. A telephone communication within three court 84971  
days from the receipt of the request for release from the chief 84972  
clinical officer to the court, indicating that the required 84973  
affidavit has been mailed, is sufficient compliance with the time 84974  
limit for filing such affidavit. 84975

Unless the patient is released within three days from the receipt of the request by the chief clinical officer, the request shall serve as a request for an initial hearing under section 5122.141 of the Revised Code. If the court finds that the patient is a mentally ill person subject to hospitalization by court order, all provisions of this chapter with respect to involuntary hospitalization apply to such person.

Judicial proceedings for hospitalization shall not be commenced with respect to a voluntary patient except pursuant to this section.

Sections 5121.30 to 5121.56 of the Revised Code apply to persons received in a hospital operated by the department of ~~mental health~~ mental health and addiction services on a voluntary application.

The chief clinical officer of the hospital shall provide reasonable means and arrangements for informing patients of their rights to release as provided in this section and for assisting them in making and presenting requests for release or for a hearing under section 5122.141 of the Revised Code.

Before a patient is released from a public hospital, the chief clinical officer shall, when possible, notify the board of the patient's county of residence of the patient's pending release after the chief clinical officer has informed the patient that the board will be so notified.

**Sec. 5122.10.** Any psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, or sheriff may take a person into custody, or the chief of the adult parole authority or a parole or probation officer with the approval of the chief of the authority may take a parolee, an offender under a community control sanction or a post-release control sanction, or an offender under transitional

control into custody and may immediately transport the parolee, 85007  
offender on community control or post-release control, or offender 85008  
under transitional control to a hospital or, notwithstanding 85009  
section ~~5119.20~~ 5119.33 of the Revised Code, to a general hospital 85010  
not licensed by the department of ~~mental health~~ mental health and  
addiction services where the parolee, offender on community 85011  
control or post-release control, or offender under transitional 85012  
control may be held for the period prescribed in this section, if 85013  
the psychiatrist, licensed clinical psychologist, licensed 85014  
physician, health officer, parole officer, police officer, or 85015  
sheriff has reason to believe that the person is a mentally ill 85016  
person subject to hospitalization by court order under division 85017  
(B) of section 5122.01 of the Revised Code, and represents a 85018  
substantial risk of physical harm to self or others if allowed to 85019  
remain at liberty pending examination. 85020  
85021

A written statement shall be given to such hospital by the 85022  
transporting psychiatrist, licensed clinical psychologist, 85023  
licensed physician, health officer, parole officer, police 85024  
officer, chief of the adult parole authority, parole or probation 85025  
officer, or sheriff stating the circumstances under which such 85026  
person was taken into custody and the reasons for the 85027  
psychiatrist's, licensed clinical psychologist's, licensed 85028  
physician's, health officer's, parole officer's, police officer's, 85029  
chief of the adult parole authority's, parole or probation 85030  
officer's, or sheriff's belief. This statement shall be made 85031  
available to the respondent or the respondent's attorney upon 85032  
request of either. 85033

Every reasonable and appropriate effort shall be made to take 85034  
persons into custody in the least conspicuous manner possible. A 85035  
person taking the respondent into custody pursuant to this section 85036  
shall explain to the respondent: the name, and professional 85037  
designation, ~~and agency~~ affiliation of the person taking the 85038

respondent into custody; that the custody-taking is not a criminal 85039  
arrest; and that the person is being taken for examination by 85040  
mental health professionals at a specified mental health facility 85041  
identified by name. 85042

If a person taken into custody under this section is 85043  
transported to a general hospital, the general hospital may admit 85044  
the person, or provide care and treatment for the person, or both, 85045  
notwithstanding section ~~5119.20~~ 5119.33 of the Revised Code, but 85046  
by the end of twenty-four hours after arrival at the general 85047  
hospital, the person shall be transferred to a hospital as defined 85048  
in section 5122.01 of the Revised Code. 85049

A person transported or transferred to a hospital or 85050  
community mental health ~~agency~~ services provider under this 85051  
section shall be examined by the staff of the hospital or ~~agency~~ 85052  
services provider within twenty-four hours after arrival at the 85053  
hospital or ~~agency~~ services provider. If to conduct the 85054  
examination requires that the person remain overnight, the 85055  
hospital or ~~agency~~ services provider shall admit the person in an 85056  
unclassified status until making a disposition under this section. 85057  
After the examination, if the chief clinical officer of the 85058  
hospital or ~~agency~~ services provider believes that the person is 85059  
not a mentally ill person subject to hospitalization by court 85060  
order, the chief clinical officer shall release or discharge the 85061  
person immediately unless a court has issued a temporary order of 85062  
detention applicable to the person under section 5122.11 of the 85063  
Revised Code. After the examination, if the chief clinical officer 85064  
believes that the person is a mentally ill person subject to 85065  
hospitalization by court order, the chief clinical officer may 85066  
detain the person for not more than three court days following the 85067  
day of the examination and during such period admit the person as 85068  
a voluntary patient under section 5122.02 of the Revised Code or 85069  
file an affidavit under section 5122.11 of the Revised Code. If 85070

neither action is taken and a court has not otherwise issued a 85071  
temporary order of detention applicable to the person under 85072  
section 5122.11 of the Revised Code, the chief clinical officer 85073  
shall discharge the person at the end of the three-day period 85074  
unless the person has been sentenced to the department of 85075  
rehabilitation and correction and has not been released from the 85076  
person's sentence, in which case the person shall be returned to 85077  
that department. 85078

**Sec. 5122.11.** Proceedings for the hospitalization of a person 85079  
pursuant to sections 5122.11 to 5122.15 of the Revised Code shall 85080  
be commenced by the filing of an affidavit in the manner and form 85081  
prescribed by the department of ~~mental health~~ mental health and 85082  
addiction services, by any person or persons with the court, 85083  
either on reliable information or actual knowledge, whichever is 85084  
determined to be proper by the court. This section does not apply 85085  
to the hospitalization of a person pursuant to section 2945.39, 85086  
2945.40, 2945.401, or 2945.402 of the Revised Code. 85087

The affidavit shall contain an allegation setting forth the 85088  
specific category or categories under division (B) of section 85089  
5122.01 of the Revised Code upon which the jurisdiction of the 85090  
court is based and a statement of alleged facts sufficient to 85091  
indicate probable cause to believe that the person is a mentally 85092  
ill person subject to hospitalization by court order. The 85093  
affidavit may be accompanied, or the court may require that the 85094  
affidavit be accompanied, by a certificate of a psychiatrist, or a 85095  
certificate signed by a licensed clinical psychologist and a 85096  
certificate signed by a licensed physician stating that the person 85097  
who issued the certificate has examined the person and is of the 85098  
opinion that the person is a mentally ill person subject to 85099  
hospitalization by court order, or shall be accompanied by a 85100  
written statement by the applicant, under oath, that the person 85101  
has refused to submit to an examination by a psychiatrist, or by a 85102

licensed clinical psychologist and licensed physician. 85103

Upon receipt of the affidavit, if a judge of the court or a 85104  
referee who is an attorney at law appointed by the court has 85105  
probable cause to believe that the person named in the affidavit 85106  
is a mentally ill person subject to hospitalization by court 85107  
order, the judge or referee may issue a temporary order of 85108  
detention ordering any health or police officer or sheriff to take 85109  
into custody and transport the person to a hospital or other place 85110  
designated in section 5122.17 of the Revised Code, or may set the 85111  
matter for further hearing. 85112

The person may be observed and treated until the hearing 85113  
provided for in section 5122.141 of the Revised Code. If no such 85114  
hearing is held, the person may be observed and treated until the 85115  
hearing provided for in section 5122.15 of the Revised Code. 85116

**Sec. 5122.12.** After receipt of the affidavit required by 85117  
section 5122.11 of the Revised Code, the court shall cause written 85118  
notice by mail or otherwise of any hearing as the court directs to 85119  
be given to the following persons: 85120

(A) The respondent; 85121

(B) The respondent's legal guardian, if any, the respondent's 85122  
spouse, if any, and the respondent's parents, if the respondent is 85123  
a minor, if these persons' addresses are known to the court or can 85124  
be obtained through exercise of reasonable diligence; 85125

(C) The person who filed the affidavit; 85126

(D) Any one person designated by the respondent; but if the 85127  
respondent does not make a selection, the notice shall be sent to 85128  
the adult next of kin other than the person who filed the 85129  
affidavit if that person's address is known to the court or can be 85130  
obtained through exercise of reasonable diligence; 85131

(E) The respondent's counsel; 85132



(F) The director, chief clinical officer, or the respective 85133  
designee of the hospital, board, ~~agency~~ community mental health 85134  
services provider, or facility to which the person has been 85135  
committed; 85136

(G) The board of alcohol, drug addiction, and mental health 85137  
services serving the respondent's county of residence or ~~an agency~~ 85138  
a services provider the board designates. 85139

Any person entitled to notice under this section, with the 85140  
exception of the respondent, may waive the notice. 85141

A copy of the affidavit and temporary order of detention 85142  
shall be served with the notice to the parties and to respondent's 85143  
counsel, if counsel has been appointed or retained. 85144

**Sec. 5122.13.** Upon receipt of the affidavit required by 85145  
section 5122.11 of the Revised Code, the court shall refer the 85146  
affidavit to the board of alcohol, drug addiction, and mental 85147  
health services or ~~an agency~~ community mental health services 85148  
provider the board designates to assist the court in determining 85149  
whether the respondent is subject to hospitalization and whether 85150  
alternative services are available, unless the ~~agency~~ services 85151  
provider or board has already performed such screening. The board 85152  
or ~~agency~~ services provider shall review the allegations of the 85153  
affidavit and other information relating to whether or not the 85154  
person named in the affidavit or statement is a mentally ill 85155  
person subject to hospitalization by court order, and the 85156  
availability of appropriate treatment alternatives. 85157

The person who conducts the investigation shall promptly make 85158  
a report to the court, in writing, in open court or in chambers, 85159  
as directed by the court and a full record of the report shall be 85160  
made by the court. The report is not admissible as evidence for 85161  
the purpose of establishing whether or not the respondent is a 85162  
mentally ill person subject to hospitalization by court order, but 85163

shall be considered by the court in its determination of an 85164  
appropriate placement for any person after that person is found to 85165  
be a mentally ill person subject to hospitalization. 85166

The court, prior to the hearing under section 5122.141 of the 85167  
Revised Code, shall release a copy of the investigative report to 85168  
the respondent's counsel. 85169

Nothing in this section precludes a judge or referee from 85170  
issuing a temporary order of detention pursuant to section 5122.11 85171  
of the Revised Code. 85172

**Sec. 5122.15.** (A) Full hearings shall be conducted in a 85173  
manner consistent with this chapter and with due process of law. 85174  
The hearings shall be conducted by a judge of the probate court or 85175  
a referee designated by a judge of the probate court and may be 85176  
conducted in or out of the county in which the respondent is held. 85177  
Any referee designated under this division shall be an attorney. 85178

(1) With the consent of the respondent, the following shall 85179  
be made available to counsel for the respondent: 85180

(a) All relevant documents, information, and evidence in the 85181  
custody or control of the state or prosecutor; 85182

(b) All relevant documents, information, and evidence in the 85183  
custody or control of the hospital in which the respondent 85184  
currently is held, or in which the respondent has been held 85185  
pursuant to this chapter; 85186

(c) All relevant documents, information, and evidence in the 85187  
custody or control of any hospital, facility, or person not 85188  
included in division (A)(1)(a) or (b) of this section. 85189

(2) The respondent has the right to attend the hearing and to 85190  
be represented by counsel of the respondent's choice. The right to 85191  
attend the hearing may be waived only by the respondent or counsel 85192  
for the respondent after consultation with the respondent. 85193

(3) If the respondent is not represented by counsel, is absent from the hearing, and has not validly waived the right to counsel, the court shall appoint counsel immediately to represent the respondent at the hearing, reserving the right to tax costs of appointed counsel to the respondent, unless it is shown that the respondent is indigent. If the court appoints counsel, or if the court determines that the evidence relevant to the respondent's absence does not justify the absence, the court shall continue the case.

(4) The respondent shall be informed that the respondent may retain counsel and have independent expert evaluation. If the respondent is unable to obtain an attorney, the respondent shall be represented by court-appointed counsel. If the respondent is indigent, court-appointed counsel and independent expert evaluation shall be provided as an expense under section 5122.43 of the Revised Code.

(5) The hearing shall be closed to the public, unless counsel for the respondent, with the permission of the respondent, requests that the hearing be open to the public.

(6) If the hearing is closed to the public, the court, for good cause shown, may admit persons who have a legitimate interest in the proceedings. If the respondent, the respondent's counsel, or the designee of the director or of the chief clinical officer objects to the admission of any person, the court shall hear the objection and any opposing argument and shall rule upon the admission of the person to the hearing.

(7) The affiant under section 5122.11 of the Revised Code shall be subject to subpoena by either party.

(8) The court shall examine the sufficiency of all documents filed and shall inform the respondent, if present, and the respondent's counsel of the nature and content of the documents

and the reason for which the respondent is being detained, or for 85225  
which the respondent's placement is being sought. 85226

(9) The court shall receive only reliable, competent, and 85227  
material evidence. 85228

(10) Unless proceedings are initiated pursuant to section 85229  
5120.17 or 5139.08 of the Revised Code ~~or proceedings are~~ 85230  
~~initiated regarding a resident of the service district of a board~~ 85231  
~~of alcohol, drug addiction, and mental health services that elects~~ 85232  
~~under division (C)(2) of section 5119.62 of the Revised Code not~~ 85233  
~~to accept the amount allocated to it under that section, an~~ 85234  
attorney that the board designates shall present the case 85235  
demonstrating that the respondent is a mentally ill person subject 85236  
to hospitalization by court order. The attorney shall offer 85237  
evidence of the diagnosis, prognosis, record of treatment, if any, 85238  
and less restrictive treatment plans, if any. In proceedings 85239  
pursuant to section 5120.17 or 5139.08 of the Revised Code ~~and in~~ 85240  
~~proceedings in which the respondent is a resident of a service~~ 85241  
~~district of a board that elects under division (C)(2) of section~~ 85242  
~~5119.62 of the Revised Code not to accept the amount allocated to~~ 85243  
~~it under that section, the attorney general shall designate an~~ 85244  
attorney who shall present the case demonstrating that the 85245  
respondent is a mentally ill person subject to hospitalization by 85246  
court order. The attorney shall offer evidence of the diagnosis, 85247  
prognosis, record of treatment, if any, and less restrictive 85248  
treatment plans, if any. 85249

(11) The respondent or the respondent's counsel has the right 85250  
to subpoena witnesses and documents and to examine and 85251  
cross-examine witnesses. 85252

(12) The respondent has the right, but shall not be 85253  
compelled, to testify, and shall be so advised by the court. 85254

(13) On motion of the respondent or the respondent's counsel 85255

for good cause shown, or on the court's own motion, the court may 85256  
order a continuance of the hearing. 85257

(14) If the respondent is represented by counsel and the 85258  
respondent's counsel requests a transcript and record, or if the 85259  
respondent is not represented by counsel, the court shall make and 85260  
maintain a full transcript and record of the proceeding. If the 85261  
respondent is indigent and the transcript and record is made, a 85262  
copy shall be provided to the respondent upon request and be 85263  
treated as an expense under section 5122.43 of the Revised Code. 85264

(15) To the extent not inconsistent with this chapter, the 85265  
Rules of Civil Procedure are applicable. 85266

(B) Unless, upon completion of the hearing the court finds by 85267  
clear and convincing evidence that the respondent is a mentally 85268  
ill person subject to hospitalization by court order, it shall 85269  
order the respondent's discharge immediately. 85270

(C) If, upon completion of the hearing, the court finds by 85271  
clear and convincing evidence that the respondent is a mentally 85272  
ill person subject to hospitalization by court order, the court 85273  
shall order the respondent for a period not to exceed ninety days 85274  
to any of the following: 85275

(1) A hospital operated by the department of ~~mental health~~ 85276  
mental health and addiction services if the respondent is 85277  
committed pursuant to section 5139.08 of the Revised Code; 85278

(2) A nonpublic hospital; 85279

(3) The veterans' administration or other agency of the 85280  
United States government; 85281

(4) A board of alcohol, drug addiction, and mental health 85282  
services or ~~agency~~ services provider the board designates; 85283

(5) Receive private psychiatric or psychological care and 85284  
treatment; 85285

(6) Any other suitable facility or person consistent with the 85286  
diagnosis, prognosis, and treatment needs of the respondent. 85287

(D) Any order made pursuant to division (C)(2), (3), (5), or 85288  
(6) of this section shall be conditioned upon the receipt by the 85289  
court of consent by the hospital, facility, agency, or person to 85290  
accept the respondent. 85291

(E) In determining the place to which, or the person with 85292  
whom, the respondent is to be committed, the court shall consider 85293  
the diagnosis, prognosis, preferences of the respondent and the 85294  
projected treatment plan for the respondent and shall order the 85295  
implementation of the least restrictive alternative available and 85296  
consistent with treatment goals. If the court determines that the 85297  
least restrictive alternative available that is consistent with 85298  
treatment goals is inpatient hospitalization, the court's order 85299  
shall so state. 85300

(F) During such ninety-day period the hospital; facility; 85301  
board of alcohol, drug addiction, and mental health services; 85302  
~~agency~~ services provider the board designates; or person shall 85303  
examine and treat the individual. If, at any time prior to the 85304  
expiration of the ninety-day period, it is determined by the 85305  
hospital, facility, board, ~~agency~~ services provider, or person 85306  
that the respondent's treatment needs could be equally well met in 85307  
an available and appropriate less restrictive environment, both of 85308  
the following apply: 85309

(1) The respondent shall be released from the care of the 85310  
hospital, ~~agency~~ services provider, facility, or person 85311  
immediately and shall be referred to the court together with a 85312  
report of the findings and recommendations of the hospital, ~~agency~~ 85313  
services provider, facility, or person; and 85314

(2) The hospital, ~~agency~~ services provider, facility, or 85315  
person shall notify the respondent's counsel or the attorney 85316

designated by a board of alcohol, drug addiction, and mental 85317  
health services or, if the respondent was committed to a board or 85318  
~~an agency~~ a services provider designated by the board, it shall 85319  
place the respondent in the least restrictive environment 85320  
available consistent with treatment goals and notify the court and 85321  
the respondent's counsel of the placement. 85322

The court shall dismiss the case or order placement in the 85323  
least restrictive environment. 85324

(G)(1) Except as provided in divisions (G)(2) and (3) of this 85325  
section, any person who has been committed under this section, or 85326  
for whom proceedings for hospitalization have been commenced 85327  
pursuant to section 5122.11 of the Revised Code, may apply at any 85328  
time for voluntary admission to the hospital, facility, ~~agency or~~ 85329  
services provider that the board designates, or person to which 85330  
the person was committed. Upon admission as a voluntary patient 85331  
the chief clinical officer of the hospital, ~~agency services~~ 85332  
provider, or other facility, or the person immediately shall 85333  
notify the court, the patient's counsel, and the attorney 85334  
designated by the board, if the attorney has entered the 85335  
proceedings, in writing of that fact, and, upon receipt of the 85336  
notice, the court shall dismiss the case. 85337

(2) A person who is found incompetent to stand trial or not 85338  
guilty by reason of insanity and who is committed pursuant to 85339  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 85340  
Code shall not voluntarily commit the person pursuant to this 85341  
section until after the final termination of the commitment, as 85342  
described in division (J) of section 2945.401 of the Revised Code. 85343

(H) If, at the end of the first ninety-day period or any 85344  
subsequent period of continued commitment, there has been no 85345  
disposition of the case, either by discharge or voluntary 85346  
admission, the hospital, facility, board, ~~agency services~~ 85347  
provider, or person shall discharge the patient immediately, 85348

unless at least ten days before the expiration of the period the 85349  
attorney the board designates or the prosecutor files with the 85350  
court an application for continued commitment. The application of 85351  
the attorney or the prosecutor shall include a written report 85352  
containing the diagnosis, prognosis, past treatment, a list of 85353  
alternative treatment settings and plans, and identification of 85354  
the treatment setting that is the least restrictive consistent 85355  
with treatment needs. The attorney the board designates or the 85356  
prosecutor shall file the written report at least three days prior 85357  
to the full hearing. A copy of the application and written report 85358  
shall be provided to the respondent's counsel immediately. 85359

The court shall hold a full hearing on applications for 85360  
continued commitment at the expiration of the first ninety-day 85361  
period and at least every two years after the expiration of the 85362  
first ninety-day period. 85363

Hearings following any application for continued commitment 85364  
are mandatory and may not be waived. 85365

Upon request of a person who is involuntarily committed under 85366  
this section, or the person's counsel, that is made more than one 85367  
hundred eighty days after the person's last full hearing, 85368  
mandatory or requested, the court shall hold a full hearing on the 85369  
person's continued commitment. Upon the application of a person 85370  
involuntarily committed under this section, supported by an 85371  
affidavit of a psychiatrist or licensed clinical psychologist, 85372  
alleging that the person no longer is a mentally ill person 85373  
subject to hospitalization by court order, the court for good 85374  
cause shown may hold a full hearing on the person's continued 85375  
commitment prior to the expiration of one hundred eighty days 85376  
after the person's last full hearing. Section 5122.12 of the 85377  
Revised Code applies to all hearings on continued commitment. 85378

If the court, after a hearing for continued commitment finds 85379  
by clear and convincing evidence that the respondent is a mentally 85380



ill person subject to hospitalization by court order, the court 85381  
may order continued commitment at places specified in division (C) 85382  
of this section. 85383

(I) Unless the admission is pursuant to section 5120.17 or 85384  
5139.08 of the Revised Code, the chief clinical officer of the 85385  
hospital or ~~agency~~ services provider admitting a respondent 85386  
pursuant to a judicial proceeding, within ten working days of the 85387  
admission, shall make a report of the admission to the board of 85388  
alcohol, drug addiction, and mental health services serving the 85389  
respondent's county of residence. 85390

(J) A referee appointed by the court may make all orders that 85391  
a judge may make under this section and sections 5122.11 and 85392  
5122.141 of the Revised Code, except an order of contempt of 85393  
court. The orders of a referee take effect immediately. Within 85394  
fourteen days of the making of an order by a referee, a party may 85395  
file written objections to the order with the court. The filed 85396  
objections shall be considered a motion, shall be specific, and 85397  
shall state their grounds with particularity. Within ten days of 85398  
the filing of the objections, a judge of the court shall hold a 85399  
hearing on the objections and may hear and consider any testimony 85400  
or other evidence relating to the respondent's mental condition. 85401  
At the conclusion of the hearing, the judge may ratify, rescind, 85402  
or modify the referee's order. 85403

(K) An order of the court under division (C), (H), or (J) of 85404  
this section is a final order. 85405

(L) Before a board, or ~~an agency~~ a services provider the 85406  
board designates, may place an unconsenting respondent in an 85407  
inpatient setting from a less restrictive placement, the board or 85408  
~~agency~~ services provider shall do all of the following: 85409

(1) Determine that the respondent is in immediate need of 85410  
treatment in an inpatient setting because the respondent 85411

represents a substantial risk of physical harm to the respondent 85412  
or others if allowed to remain in a less restrictive setting; 85413

(2) On the day of placement in the inpatient setting or on 85414  
the next court day, file with the court a motion for transfer to 85415  
an inpatient setting or communicate to the court by telephone that 85416  
the required motion has been mailed; 85417

(3) Ensure that every reasonable and appropriate effort is 85418  
made to take the respondent to the inpatient setting in the least 85419  
conspicuous manner possible; 85420

(4) Immediately notify the board's designated attorney and 85421  
the respondent's attorney. 85422

At the respondent's request, the court shall hold a hearing 85423  
on the motion and make a determination pursuant to division (E) of 85424  
this section within five days of the placement. 85425

(M) Before a board, or ~~an agency~~ a services provider the 85426  
board designates, may move a respondent from one residential 85427  
placement to another, the board or ~~agency~~ services provider shall 85428  
consult with the respondent about the placement. If the respondent 85429  
objects to the placement, the proposed placement and the need for 85430  
it shall be reviewed by a qualified mental health professional who 85431  
otherwise is not involved in the treatment of the respondent. 85432

**Sec. 5122.17.** Pending ~~his~~ removal to a hospital, a person 85433  
taken into custody or ordered to be hospitalized pursuant to this 85434  
chapter may be detained for not more than forty-eight hours in a 85435  
licensed rest or nursing home, a licensed or unlicensed hospital, 85436  
a community mental health ~~agency~~ services provider, or a county 85437  
home, but ~~he~~ the person shall not be detained in a nonmedical 85438  
facility used for detention of persons charged with or convicted 85439  
of penal offenses unless the court finds that a less restrictive 85440  
alternative cannot be made available. 85441

**Sec. 5122.18.** Whenever a person has been involuntarily 85442  
detained at or admitted to a hospital, community mental health 85443  
~~agency~~ services provider, or other facility at the request of 85444  
anyone other than the person's legal guardian, spouse, or next of 85445  
kin under this chapter, the chief clinical officer of the 85446  
hospital, ~~agency~~ services provider, or other facility in which the 85447  
person is temporarily detained under section 5122.17 of the 85448  
Revised Code shall immediately notify the person's legal guardian, 85449  
spouse or next of kin, and counsel, if these persons can be 85450  
ascertained through exercise of reasonable diligence. If a person 85451  
voluntarily remains at or is admitted to a hospital, ~~agency~~ 85452  
services provider, or other facility, such notification shall not 85453  
be given without ~~his~~ the person's consent. The chief clinical 85454  
officer of the hospital, ~~agency~~ services provider, or other 85455  
facility shall inform a person voluntarily remaining at or 85456  
admitted to a hospital, ~~agency~~ services provider, or other 85457  
facility that ~~he~~ the person may authorize such notification. 85458

**Sec. 5122.19.** Every person transported to a hospital or 85459  
community mental health ~~agency~~ services provider pursuant to 85460  
sections 5122.11 to 5122.16 of the Revised Code, shall be examined 85461  
by the staff of the hospital or ~~agency~~ services provider as soon 85462  
as practicable after ~~his~~ arrival at the hospital or ~~agency~~ 85463  
services provider. Such an examination shall be held within 85464  
twenty-four hours after the time of arrival, and if the chief 85465  
clinical officer fails after such an examination to certify that 85466  
in ~~his~~ the chief clinical officer's opinion the person is a 85467  
mentally ill person subject to hospitalization by court order, the 85468  
person shall be immediately released. 85469

**Sec. 5122.20.** The director of ~~mental health~~ mental health and 85470  
addiction services or the director's designee may transfer, or 85471

authorize the transfer of, an involuntary patient, or a consenting 85472  
voluntary patient hospitalized pursuant to section 5122.02 or 85473  
sections 5122.11 to 5122.15 of the Revised Code, from one public 85474  
hospital to another, or to a hospital, community mental health 85475  
~~agency services provider~~, or other facility offering treatment or 85476  
other services for mental illness, if the medical director of the 85477  
department of ~~mental health~~ mental health and addiction services 85478  
determines that it would be consistent with the medical needs of 85479  
the patient to do so. If such a transfer is made to a private 85480  
facility, the transfer shall be conditioned upon the consent of 85481  
the facility. 85482

Before an involuntary patient may be transferred to a more 85483  
restrictive setting, the chief clinical officer shall file a 85484  
motion with the court requesting the court to amend its order of 85485  
placement issued under section 5122.15 of the Revised Code. At the 85486  
patient's request, the court shall hold a hearing on the motion at 85487  
which the patient has the same rights as at a full hearing under 85488  
section 5122.15 of the Revised Code. The hearing shall be held 85489  
within ten days after the date on which the respondent was 85490  
transferred to the more restrictive setting or on which the motion 85491  
was filed, whichever is earlier. On the motion of the respondent, 85492  
the respondent's counsel, or the chief clinical officer, or on its 85493  
own motion, and for good cause shown, the court may order a 85494  
continuance of the hearing for up to ten days. 85495

Whenever an involuntary patient is transferred, written 85496  
notice of the transfer shall be given to the patient's legal 85497  
guardian, parents, spouse, and counsel, or, if none is known, to 85498  
the patient's nearest known relative or friend. If the patient is 85499  
a minor, the department, before making such a transfer, shall make 85500  
a minute of the order for the transfer and the reason for it upon 85501  
its record and shall send a certified copy at least seven days 85502  
prior to the transfer to the person shown by its record to have 85503

had the care or custody of the minor immediately prior to the 85504  
minor's commitment. Whenever a consenting voluntary patient is 85505  
transferred, the notification shall be given only at the patient's 85506  
request. The chief clinical officer shall advise a voluntary 85507  
patient who is being transferred that the patient may decide if 85508  
the notification shall be given. In all such transfers, due 85509  
consideration shall be given to the wishes of the patient, and the 85510  
relationship of the patient to the patient's family, legal 85511  
guardian, or friends, so as to maintain the relationship and 85512  
encourage visits beneficial to the patient. 85513

When a voluntary patient whose medical or psychological needs 85514  
are found by the chief clinical officer to warrant a transfer 85515  
refuses to be transferred to an alternate facility, the chief 85516  
clinical officer may file an affidavit for a hearing under section 85517  
5122.11 of the Revised Code. 85518

**Sec. 5122.21.** (A) The chief clinical officer shall as 85519  
frequently as practicable, and at least once every thirty days, 85520  
examine or cause to be examined every patient, and, whenever the 85521  
chief clinical officer determines that the conditions justifying 85522  
involuntary hospitalization or commitment no longer obtain, shall 85523  
discharge the patient not under indictment or conviction for crime 85524  
and immediately make a report of the discharge to the department 85525  
of ~~mental health~~ mental health and addiction services. The chief 85526  
clinical officer may discharge a patient who is under an 85527  
indictment, a sentence of imprisonment, a community control 85528  
sanction, or a post-release control sanction or on parole ten days 85529  
after written notice of intent to discharge the patient has been 85530  
given by personal service or certified mail, return receipt 85531  
requested, to the court having criminal jurisdiction over the 85532  
patient. Except when the patient was found not guilty by reason of 85533  
insanity and the defendant's commitment is pursuant to section 85534  
2945.40 of the Revised Code, the chief clinical officer has final 85535

authority to discharge a patient who is under an indictment, a 85536  
sentence of imprisonment, a community control sanction, or a 85537  
post-release control sanction or on parole. 85538

(B) After a finding pursuant to section 5122.15 of the 85539  
Revised Code that a person is a mentally ill person subject to 85540  
hospitalization by court order, the chief clinical officer of the 85541  
hospital or ~~agency~~ community mental health services provider to 85542  
which the person is ordered or to which the person is transferred 85543  
under section 5122.20 of the Revised Code, may grant a discharge 85544  
without the consent or authorization of any court. 85545

Upon discharge, the chief clinical officer shall notify the 85546  
court that caused the judicial hospitalization of the discharge 85547  
from the hospital. 85548

**Sec. 5122.23.** The chief clinical officer of a public hospital 85549  
shall immediately report to the department of ~~mental health~~ mental 85550  
health and addiction services and the board of alcohol, drug 85551  
addiction, and mental health services serving the patient's county 85552  
of residence the removal, death, escape, discharge, or trial visit 85553  
of any patient hospitalized under section 5122.15 of the Revised 85554  
Code, or the return of such an escaped or visiting patient to the 85555  
department, the probate judge of the county from which such 85556  
patient was hospitalized, and the probate judge of the county of 85557  
residence of such patient. In case of death, the chief clinical 85558  
officer also shall notify one or more of the nearest relatives of 85559  
the deceased patient, if known to ~~him~~ the chief clinical officer, 85560  
by letter, telegram, or telephone. If the place of residence of 85561  
such relative is unknown to the chief clinical officer, 85562  
immediately upon receiving notification the probate judge shall in 85563  
the speediest manner possible notify such relatives, if known to 85564  
~~him~~ the probate judge. 85565

The chief clinical officer of a public hospital, upon the request of the probate judge of the county from which a patient was hospitalized or the probate judge of the county of residence of such a patient, shall make a report to the judge of the condition of any patient under the care, treatment, custody, or control of the chief clinical officer.

**Sec. 5122.25.** Upon the request of a hospital, person, board, ~~agency~~ community mental health services provider, or facility who has custody of a patient hospitalized pursuant to section 5122.15 of the Revised Code, or on the order of the court, such patient may be called for a rehearing at such place within the county of ~~his~~ the patient's residence or the county where such patient is hospitalized as the court designates. The hearing shall be conducted pursuant to section 5122.15 of the Revised Code.

**Sec. 5122.26.** (A) If a patient is absent without leave, on a verbal or written order issued within five days of the time of the unauthorized absence by the department of ~~mental health~~ mental health and addiction services, the chief clinical officer of the hospital from which the patient is absent without leave, or the court of either the county from which the patient was committed or in which the patient is found, any health or police officer or sheriff may take the patient into custody and transport the patient to the hospital in which the patient was hospitalized or to a place that is designated in the order. The officer immediately shall report such fact to the ~~agency~~ entity that issued the order.

The chief clinical officer of a hospital may discharge a patient who is under an indictment, a sentence of imprisonment, a community control sanction, or a post-release control sanction or on parole and who has been absent without leave for more than thirty days but shall give written notice of the discharge to the

court with criminal jurisdiction over the patient. The chief 85597  
clinical officer of a hospital may discharge any other patient who 85598  
has been absent without leave for more than fourteen days. 85599

The chief clinical officer shall take all proper measures for 85600  
the apprehension of an escaped patient. The expense of the return 85601  
of an escaped patient shall be borne by the hospital where the 85602  
patient is hospitalized. 85603

(B)(1) Subject to division (B)(2) of this section, no patient 85604  
hospitalized under Chapter 5122. of the Revised Code whose absence 85605  
without leave was caused or contributed to by the patient's mental 85606  
illness shall be subject to a charge of escape. 85607

(2) Division (B)(1) of this section does not apply to any 85608  
person who was hospitalized, institutionalized, or confined in a 85609  
facility under an order made pursuant to or under authority of 85610  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 85611  
2945.402 of the Revised Code and who escapes from the facility, 85612  
from confinement in a vehicle for transportation to or from the 85613  
facility, or from supervision by an employee of the facility that 85614  
is incidental to hospitalization, institutionalization, or 85615  
confinement in the facility and that occurs outside the facility, 85616  
in violation of section 2921.34 of the Revised Code. 85617

**Sec. 5122.27.** The chief clinical officer of the hospital or 85618  
the chief clinical officer's designee shall assure that all 85619  
patients hospitalized or committed pursuant to this chapter shall: 85620

(A) Receive, within twenty days of their admission sufficient 85621  
professional care to assure that an evaluation of current status, 85622  
differential diagnosis, probable prognosis, and description of the 85623  
current treatment plan is stated on the official chart; 85624

(B) Have a written treatment plan consistent with the 85625  
evaluation, diagnosis, prognosis, and goals which shall be 85626



provided, upon request of the patient or patient's counsel, to the patient's counsel and to any private physician or licensed clinical psychologist designated by the patient or the patient's counsel or to the Ohio protection and advocacy system;

(C) Receive treatment consistent with the treatment plan. The department of ~~mental health~~ mental health and addiction services shall set standards for treatment provided to such patients, consistent wherever possible with standards set by the joint commission ~~on accreditation of healthcare organizations~~.

(D) Receive periodic reevaluations of the treatment plan by the professional staff at intervals not to exceed ninety days;

(E) Be provided with adequate medical treatment for physical disease or injury;

(F) Receive humane care and treatment, including without limitation, the following:

(1) The least restrictive environment consistent with the treatment plan;

(2) The necessary facilities and personnel required by the treatment plan;

(3) A humane psychological and physical environment;

(4) The right to obtain current information concerning the patient's treatment program and expectations in terms that the patient can reasonably understand;

(5) Participation in programs designed to afford the patient substantial opportunity to acquire skills to facilitate return to the community or to terminate an involuntary commitment;

(6) The right to be free from unnecessary or excessive medication;

(7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or the chief

clinical officer's designee, or the patient's individual physician 85657  
or psychologist in a private or general hospital. 85658

If the chief clinical officer of the hospital is unable to 85659  
provide the treatment required by divisions (C), (E), and (F) of 85660  
this section for any patient hospitalized pursuant to Chapter 85661  
5122. of the Revised Code, the chief clinical officer shall 85662  
immediately notify the patient, the court, the Ohio protection and 85663  
advocacy system, the director of ~~mental health~~ mental health and 85664  
addiction services, and the patient's counsel and legal guardian, 85665  
if known. If within ten days after receipt of such notification by 85666  
the director, the director is unable to effect a transfer of the 85667  
patient, pursuant to section 5122.20 of the Revised Code, to a 85668  
hospital, community mental health ~~agency~~ services provider, or 85669  
other medical facility where treatment is available, or has not 85670  
received an order of the court to the contrary, the involuntary 85671  
commitment of any patient hospitalized pursuant to Chapter 5122. 85672  
of the Revised Code and defined as a mentally ill person subject 85673  
to hospitalization by court order under division (B)(4) of section 85674  
5122.01 of the Revised Code shall automatically be terminated. 85675

**Sec. 5122.271.** (A) Except as provided in divisions (C), (D), 85676  
and (E) of this section, the chief clinical officer or, in a 85677  
nonpublic hospital, the attending physician responsible for a 85678  
patient's care shall provide all information, including expected 85679  
physical and medical consequences, necessary to enable any patient 85680  
of a hospital for the mentally ill to give a fully informed, 85681  
intelligent, and knowing consent, the opportunity to consult with 85682  
independent specialists and counsel, and the right to refuse 85683  
consent for any of the following: 85684

(1) Surgery; 85685

(2) Convulsive therapy; 85686

(3) Major aversive interventions; 85687

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| (4) Sterilizations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 85688                                                                                                    |
| (5) Any unusually hazardous treatment procedures;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 85689                                                                                                    |
| (6) Psycho-surgery.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 85690                                                                                                    |
| (B) No patient shall be subjected to any of the procedures listed in divisions (A)(4) to (6) of this section until both the patient's informed, intelligent, and knowing consent and the approval of the court have been obtained, except that court approval is not required for a legally competent and voluntary patient in a nonpublic hospital.                                                                                                                                                                                                                                                                                                                                                                                                                                          | 85691<br>85692<br>85693<br>85694<br>85695<br>85696                                                       |
| (C) If, after providing the information required under division (A) of this section to the patient, the chief clinical officer or attending physician concludes that a patient is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section, or has been adjudicated incompetent, the information may be provided to the patient's natural or court-appointed guardian, who may give an informed, intelligent, and knowing written consent.                                                                                                                                                                                                                                                                                         | 85697<br>85698<br>85699<br>85700<br>85701<br>85702<br>85703<br>85704                                     |
| If a patient is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section and has no guardian, the information, the recommendation of the chief clinical officer, and the concurring judgment of a licensed physician who is not a full-time employee of the state may be provided to the court in the county in which the hospital is located, which may approve the surgery. Before approving the surgery, the court shall notify the Ohio protection and advocacy system created by section 5123.60 of the Revised Code, and shall notify the patient of the rights to consult with counsel, to have counsel appointed by the court if the patient is indigent, and to contest the recommendation of the chief clinical officer. | 85705<br>85706<br>85707<br>85708<br>85709<br>85710<br>85711<br>85712<br>85713<br>85714<br>85715<br>85716 |
| (D) If, in a medical emergency, and after providing the information required under division (A) of this section to the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 85717<br>85718                                                                                           |

patient, it is the judgment of one licensed physician that delay 85719  
in obtaining surgery would create a grave danger to the health of 85720  
the patient, it may be administered without the consent of the 85721  
patient or the patient's guardian if the necessary information is 85722  
provided to the patient's spouse or next of kin to enable that 85723  
person to give informed, intelligent, and knowing written consent. 85724  
If no spouse or next of kin can reasonably be contacted, or if the 85725  
spouse or next of kin is contacted, but refuses to consent, the 85726  
surgery may be performed upon the written authorization of the 85727  
chief clinical officer or, in a nonpublic hospital, upon the 85728  
written authorization of the attending physician responsible for 85729  
the patient's care, and after the approval of the court has been 85730  
obtained. However, if delay in obtaining court approval would 85731  
create a grave danger to the life of the patient, the chief 85732  
clinical officer or, in a nonpublic hospital, the attending 85733  
physician responsible for the patient's care may authorize 85734  
surgery, in writing, without court approval. If the surgery is 85735  
authorized without court approval, the chief clinical officer or 85736  
the attending physician who made the authorization and the 85737  
physician who performed the surgery shall each execute an 85738  
affidavit describing the circumstances constituting the emergency 85739  
and warranting the surgery and the circumstances warranting their 85740  
not obtaining prior court approval. The affidavit shall be filed 85741  
with the court with which the request for prior approval would 85742  
have been filed within five court days after the surgery, and a 85743  
copy of the affidavit shall be placed in the patient's file and be 85744  
given to the guardian, spouse, or next of kin of the patient, to 85745  
the hospital at which the surgery was performed, and to the Ohio 85746  
protection and advocacy system as defined in section 5123.60 of 85747  
the Revised Code. 85748

(E) Major aversive interventions shall not be used unless a 85749  
patient continues to engage in behavior destructive to self or 85750  
others after other forms of therapy have been attempted. Major 85751

aversive interventions may be applied if approved by the director 85752  
of ~~mental health~~ mental health and addiction services. Major 85753  
aversive interventions shall not be applied to a voluntary patient 85754  
without the informed, intelligent, and knowing written consent of 85755  
the patient or the patient's guardian. 85756

(F) Unless there is substantial risk of physical harm to self 85757  
or others, or other than under division (D) of this section, this 85758  
chapter does not authorize any form of compulsory medical, 85759  
psychological, or psychiatric treatment of any patient who is 85760  
being treated by spiritual means through prayer alone in 85761  
accordance with a recognized religious method of healing without 85762  
specific court authorization. 85763

(G) For purposes of this section, "convulsive therapy" does 85764  
not include defibrillation. 85765

**Sec. 5122.31.** (A) All certificates, applications, records, 85766  
and reports made for the purpose of this chapter and sections 85767  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 85768  
Code, other than court journal entries or court docket entries, 85769  
and directly or indirectly identifying a patient or former patient 85770  
or person whose hospitalization has been sought under this 85771  
chapter, shall be kept confidential and shall not be disclosed by 85772  
any person except: 85773

(1) If the person identified, or the person's legal guardian, 85774  
if any, or if the person is a minor, the person's parent or legal 85775  
guardian, consents, and if the disclosure is in the best interests 85776  
of the person, as may be determined by the court for judicial 85777  
records and by the chief clinical officer for medical records; 85778

(2) When disclosure is provided for in this chapter, Chapters 85779  
340. or 5119., Title XLVII, or section 5123.601 of the Revised 85780  
Code; 85781

(3) That hospitals, boards of alcohol, drug addiction, and 85782  
mental health services, and community mental health ~~agencies~~ 85783  
services providers may release necessary medical information to 85784  
insurers and other third-party payers, including government 85785  
entities responsible for processing and authorizing payment, to 85786  
obtain payment for goods and services furnished to the patient; 85787

(4) Pursuant to a court order signed by a judge; 85788

(5) That a patient shall be granted access to the patient's 85789  
own psychiatric and medical records, unless access specifically is 85790  
restricted in a patient's treatment plan for clear treatment 85791  
reasons; 85792

(6) That hospitals and other institutions and facilities 85793  
within the department of ~~mental health~~ mental health and addiction 85794  
services may exchange psychiatric records and other pertinent 85795  
information with other hospitals, institutions, and facilities of 85796  
the department, and with community mental health ~~agencies~~ services 85797  
providers and boards of alcohol, drug addiction, and mental health 85798  
services with which the department has a current agreement for 85799  
patient care or services. Records and information that may be 85800  
released pursuant to this division shall be limited to medication 85801  
history, physical health status and history, financial status, 85802  
summary of course of treatment in the hospital, summary of 85803  
treatment needs, and a discharge summary, if any. 85804

(7) That hospitals within the department, and other 85805  
institutions and facilities within the department, ~~hospitals~~ 85806  
~~licensed by the department under section 5119.20 of the Revised~~ 85807  
~~Code, and community mental health agencies~~ may exchange 85808  
psychiatric records and other pertinent information with payers 85809  
and other providers of treatment and health services if the 85810  
purpose of the exchange is to facilitate continuity of care for a 85811  
patient or for the emergency treatment of an individual; 85812

(8) That a patient's family member who is involved in the 85813  
provision, planning, and monitoring of services to the patient may 85814  
receive medication information, a summary of the patient's 85815  
diagnosis and prognosis, and a list of the services and personnel 85816  
available to assist the patient and the patient's family, if the 85817  
patient's treating physician determines that the disclosure would 85818  
be in the best interests of the patient. No such disclosure shall 85819  
be made unless the patient is notified first and receives the 85820  
information and does not object to the disclosure. 85821

(9) That community mental health ~~agencies~~ services providers 85822  
may exchange psychiatric records and certain other information 85823  
with the board of alcohol, drug addiction, and mental health 85824  
services and other ~~agencies~~ services providers in order to provide 85825  
services to a person involuntarily committed to a board. Release 85826  
of records under this division shall be limited to medication 85827  
history, physical health status and history, financial status, 85828  
summary of course of treatment, summary of treatment needs, and 85829  
discharge summary, if any. 85830

(10) That information may be disclosed to the executor or the 85831  
administrator of an estate of a deceased patient when the 85832  
information is necessary to administer the estate; 85833

(11) That records in the possession of the Ohio historical 85834  
society may be released to the closest living relative of a 85835  
deceased patient upon request of that relative; 85836

(12) ~~That information may be disclosed to staff members of~~ 85837  
~~the appropriate board or to staff members designated by the~~ 85838  
~~director of mental health for the purpose of evaluating the~~ 85839  
~~quality, effectiveness, and efficiency of services and determining~~ 85840  
~~if the services meet minimum standards. Information obtained~~ 85841  
~~during such evaluations shall not be retained with the name of any~~ 85842  
~~patient.~~ 85843

~~(13)~~ That records pertaining to the patient's diagnosis, 85844  
course of treatment, treatment needs, and prognosis shall be 85845  
disclosed and released to the appropriate prosecuting attorney if 85846  
the patient was committed pursuant to section 2945.38, 2945.39, 85847  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 85848  
attorney designated by the board for proceedings pursuant to 85849  
involuntary commitment under this chapter. 85850

~~(14)~~(13) That the department of ~~mental health~~ mental health 85851  
and addiction services may exchange psychiatric hospitalization 85852  
records, other mental health treatment records, and other 85853  
pertinent information with the department of rehabilitation and 85854  
correction and with the department of youth services to ensure 85855  
continuity of care for inmates or offenders who are receiving 85856  
mental health services in an institution of the department of 85857  
rehabilitation and correction or the department of youth services 85858  
and may exchange psychiatric hospitalization records, other mental 85859  
health treatment records, and other pertinent information with 85860  
boards of alcohol, drug addiction, and mental health services and 85861  
community mental health services providers to ensure continuity of 85862  
care for inmates or offenders who are receiving mental health 85863  
services in an institution and are scheduled for release within 85864  
six months. The department shall not disclose those records unless 85865  
the inmate or offender is notified, receives the information, and 85866  
does not object to the disclosure. The release of records under 85867  
this division is limited to records regarding an inmate's or 85868  
offender's medication history, physical health status and history, 85869  
summary of course of treatment, summary of treatment needs, and a 85870  
discharge summary, if any. 85871

~~(15)~~ That a ~~community mental health agency that ceases to~~ 85872  
~~operate may transfer to either a community mental health agency~~ 85873  
~~that assumes its caseload or to the board of alcohol, drug~~ 85874  
~~addiction, and mental health services of the service district in~~ 85875



~~which the patient resided at the time services were most recently 85876  
provided any treatment records that have not been transferred 85877  
elsewhere at the patient's request. 85878~~

(B) Before records are disclosed pursuant to divisions 85879  
(A)(3), (6), and (9) of this section, the custodian of the records 85880  
shall attempt to obtain the patient's consent for the disclosure. 85881  
No person shall reveal the contents of a medical record of a 85882  
patient except as authorized by law. 85883

(C) The managing officer of a hospital who releases necessary 85884  
medical information under division (A)(3) of this section to allow 85885  
an insurance carrier or other third party payor to comply with 85886  
section 5121.43 of the Revised Code shall neither be subject to 85887  
criminal nor civil liability. 85888

**Sec. 5122.311.** (A) Notwithstanding any provision of the 85889  
Revised Code to the contrary, if, on or after ~~the effective date~~ 85890  
~~of this section~~ April 8, 2004, an individual is found by a court 85891  
to be a mentally ill person subject to hospitalization by court 85892  
order or becomes an involuntary patient other than one who is a 85893  
patient only for purposes of observation, the probate judge who 85894  
made the adjudication or the chief clinical officer of the 85895  
hospital, ~~agency~~ community mental health services provider, or 85896  
facility in which the person is an involuntary patient shall 85897  
notify the bureau of criminal identification and investigation, on 85898  
the form described in division (C) of this section, of the 85899  
identity of the individual. The notification shall be transmitted 85900  
by the judge or the chief clinical officer not later than seven 85901  
days after the adjudication or commitment. 85902

(B) The bureau of criminal identification and investigation 85903  
shall compile and maintain the notices it receives under division 85904  
(A) of this section and shall use them for the purpose of 85905  
conducting incompetency records checks pursuant to section 311.41 85906

of the Revised Code. The notices and the information they contain 85907  
are confidential, except as provided in this division, and are not 85908  
public records. 85909

(C) The attorney general, by rule adopted under Chapter 119. 85910  
of the Revised Code, shall prescribe and make available to all 85911  
probate judges and all chief clinical officers a form to be used 85912  
by them for the purpose of making the notifications required by 85913  
division (A) of this section. 85914

**Sec. 5122.32.** (A) As used in this section: 85915

(1) "Quality assurance committee" means a committee that is 85916  
appointed in the central office of the department of ~~mental health~~ 85917  
mental health and addiction services by the director of ~~mental~~ 85918  
~~health~~ mental health and addiction services, a committee of a 85919  
hospital or community setting program, ~~a committee established~~ 85920  
~~pursuant to section 5119.47 of the Revised Code of the department~~ 85921  
~~of mental health appointed by the managing officer of the hospital~~ 85922  
~~or program~~, or a duly authorized subcommittee of a committee of 85923  
that nature and that is designated to carry out quality assurance 85924  
program activities. 85925

(2) "Quality assurance program" means a comprehensive program 85926  
within the department of ~~mental health~~ mental health and addiction 85927  
services to systematically review and improve the quality of 85928  
medical and mental health services within the department and its 85929  
hospitals and community setting programs, the safety and security 85930  
of persons receiving medical and mental health services within the 85931  
department and its hospitals and community setting programs, and 85932  
the efficiency and effectiveness of the utilization of staff and 85933  
resources in the delivery of medical and mental health services 85934  
within the department and its hospitals and community setting 85935  
programs. "Quality assurance program" includes the central office 85936  
quality assurance committees, morbidity and mortality review 85937

committees, quality assurance programs of community setting 85938  
programs, quality assurance committees of hospitals operated by 85939  
the department of ~~mental health~~ mental health and addiction 85940  
services, and the office of licensure and certification of the 85941  
department. 85942

(3) "Quality assurance program activities" include collecting 85943  
or compiling information and reports required by a quality 85944  
assurance committee, receiving, reviewing, or implementing the 85945  
recommendations made by a quality assurance committee, and 85946  
credentialing, privileging, infection control, tissue review, peer 85947  
review, utilization review including access to patient care 85948  
records, patient care assessment records, and medical and mental 85949  
health records, medical and mental health resource management, 85950  
mortality and morbidity review, and identification and prevention 85951  
of medical or mental health incidents and risks, whether performed 85952  
by a quality assurance committee or by persons who are directed by 85953  
a quality assurance committee. 85954

(4) "Quality assurance records" means the proceedings, 85955  
discussion, records, findings, recommendations, evaluations, 85956  
opinions, minutes, reports, and other documents or actions that 85957  
emanate from quality assurance committees, quality assurance 85958  
programs, or quality assurance program activities. "Quality 85959  
assurance records" does not include aggregate statistical 85960  
information that does not disclose the identity of persons 85961  
receiving or providing medical or mental health services in 85962  
department of ~~mental health institutions~~ mental health and 85963  
addiction services hospitals or community setting programs . 85964

(B)(1) Except as provided in division (E) of this section, 85965  
quality assurance records are confidential and are not public 85966  
records under section 149.43 of the Revised Code, and shall be 85967  
used only in the course of the proper functions of a quality 85968  
assurance program. 85969

(2) Except as provided in division (E) of this section, no person who possesses or has access to quality assurance records and who knows that the records are quality assurance records shall willfully disclose the contents of the records to any person or entity.

(C)(1) Except as provided in division (E) of this section, no quality assurance record shall be subject to discovery ~~in~~, and is not admissible in evidence, in any judicial or administrative proceeding.

(2) Except as provided in division (E) of this section, no member of a quality assurance committee or a person who is performing a function that is part of a quality assurance program shall be permitted or required to testify in a judicial or administrative proceeding with respect to quality assurance records or with respect to any finding, recommendation, evaluation, opinion, or other action taken by the committee, member, or person.

(3) Information, documents, or records otherwise available from original sources are not to be construed as being unavailable for discovery or admission in evidence in a judicial or administrative proceeding merely because they were presented to a quality assurance committee. No person testifying before a quality assurance committee or person who is a member of a quality assurance committee shall be prevented from testifying as to matters within the person's knowledge, but the witness cannot be asked about the witness' testimony before the quality assurance committee or about an opinion formed by the person as a result of the quality assurance committee proceedings.

(D)(1) A person who, without malice and in the reasonable belief that the information is warranted by the facts known to the person, provides information to a person engaged in quality assurance program activities is not liable for damages in a civil

action for injury, death, or loss to person or property to any person as a result of providing the information. 86002  
86003

(2) A member of a quality assurance committee, a person engaged in quality assurance program activities, and an employee of the department of ~~mental health~~ mental health and addiction services shall not be liable in damages in a civil action for injury, death, or loss to person or property to any person for any acts, omissions, decisions, or other conduct within the scope of the functions of the quality assurance program. 86004  
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(3) Nothing in this section shall relieve any institution or individual from liability arising from the treatment of a patient. 86011  
86012

(E) Quality assurance records may be disclosed, and testimony may be provided concerning quality assurance records, only to the following persons or entities: 86013  
86014  
86015

(1) Persons who are employed or retained by the department of ~~mental health~~ mental health and addiction services and who have authority to evaluate or implement the recommendations of a state-operated hospital, community setting program, or central office quality assurance committee; 86016  
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(2) Public or private agencies or organizations if needed to perform a licensing or accreditation function related to department of ~~mental health~~ mental health and addiction services hospitals or community setting programs, or to perform monitoring of a hospital or program of that nature as required by law. 86021  
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86023  
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(F) A disclosure of quality assurance records pursuant to division (E) of this section does not otherwise waive the confidential and privileged status of the disclosed quality assurance records. 86026  
86027  
86028  
86029

(G) Nothing in this section shall limit the access of the Ohio protection and advocacy system to records or personnel as required under section 5123.601 of the Revised Code. Nothing in 86030  
86031  
86032

this section shall limit the admissibility of documentary or 86033  
testimonial evidence in an action brought by the Ohio protection 86034  
and advocacy system in its own name or on behalf of a client. 86035

**Sec. 5122.33.** The department of ~~mental health~~ mental health 86036  
and addiction services may prescribe the form of applications, 86037  
reports, records, and medical certificates provided for under this 86038  
chapter, and the information required to be contained therein; 86039  
require reports from the chief clinical officer of any public 86040  
hospital relating to the admission, examination, diagnosis, 86041  
release, or discharge of any patient; visit each such hospital 86042  
regularly to review the admission procedures of all new patients 86043  
admitted between visits; investigate by personal visit complaints 86044  
made by any patient or by any person on behalf of a patient; and 86045  
adopt such rules as are reasonably necessary to effectuate the 86046  
provisions of this chapter. 86047

**Sec. 5122.34.** (A) Persons, including, but not limited to, 86048  
boards of alcohol, drug addiction, and mental health services and 86049  
community mental health ~~agencies~~ services providers, acting in 86050  
good faith, either upon actual knowledge or information thought by 86051  
them to be reliable, who procedurally or physically assist in the 86052  
hospitalization or discharge, determination of appropriate 86053  
placement, or in judicial proceedings of a person under this 86054  
chapter, do not come within any criminal provisions, and are free 86055  
from any liability to the person hospitalized or to any other 86056  
person. 86057

(B) Regardless of whether any affirmative action has been 86058  
taken under this chapter with respect to a mental health client or 86059  
patient and except as otherwise provided in section 2305.51 of the 86060  
Revised Code, no person shall be liable for any harm that results 86061  
to any other person as a result of failing to disclose any 86062  
confidential information about the mental health client or 86063

patient, or failing to otherwise attempt to protect such other 86064  
person from harm by such client or patient. 86065

(C) This section applies to expert witnesses who testify at 86066  
hearings under this chapter. 86067

(D) The immunity from liability conferred by this section is 86068  
in addition to and not in limitation of any immunity conferred by 86069  
any other section of the Revised Code or by judicial precedent. 86070

**Sec. 5122.341.** (A) As used in this section: 86071

(1) "Facility or ~~agency~~ provider" means, in the context of a 86072  
person committed to the department of ~~mental health~~ mental health 86073  
and addiction services under sections 2945.37 to 2945.402 of the 86074  
Revised Code, any entity in which the department of ~~mental health~~ 86075  
mental health and addiction services places such a person. 86076

(2) "Person committed to the department" means a person 86077  
committed to the department of ~~mental health~~ mental health and 86078  
addiction services under sections 2945.37 to 2945.402 of the 86079  
Revised Code. 86080

(B) No member of a board of directors, or employee, of a 86081  
facility or ~~agency~~ provider in which the department of ~~mental~~ 86082  
~~health~~ mental health and addiction services places a person 86083  
committed to the department is liable for injury or damages caused 86084  
by any action or inaction taken within the scope of the board 86085  
member's official duties or employee's employment relating to the 86086  
commitment of, and services provided to, the person committed to 86087  
the department, unless the action or inaction constitutes willful 86088  
or wanton misconduct. A board member's or employee's action or 86089  
inaction does not constitute willful or wanton misconduct if the 86090  
board member or employee acted in good faith and reasonably under 86091  
the circumstances and with the knowledge reasonably attributable 86092  
to the board member or employee. 86093

The immunity from liability conferred by this section is in addition to and not in limitation of any immunity conferred by any other section of the Revised Code or by judicial precedent.

**Sec. 5122.39.** (A) Mentally ill minors shall remain under the natural guardianship of their parents, notwithstanding hospitalization pursuant to this chapter, unless parental rights have been terminated pursuant to a court finding that the minor is neglected or dependent. Where a mentally ill minor is found to be dependent or neglected, the public children's services agency in the county of residence has final guardianship authority and responsibility.

(B) In no case shall the guardianship of a mentally ill person be assigned to the chief medical officer or any staff member of a hospital, board, or ~~agency~~ provider from which the person is receiving mental health services.

**Sec. 5122.43.** (A) Costs, fees, and expenses of all proceedings held under this chapter shall be paid as follows:

(1) To police and health officers, other than sheriffs or their deputies, the same fees allowed to constables, to be paid upon the approval of the probate judge;

(2) To sheriffs or their deputies, the same fees allowed for similar services in the court of common pleas;

(3) To physicians or licensed clinical psychologists acting as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the approval of the probate judge;

(5) To a person, other than the sheriff or the sheriff's



deputies, for taking a mentally ill person to a hospital or 86123  
removing a mentally ill person from a hospital, the actual 86124  
necessary expenses incurred, specifically itemized, and approved 86125  
by the probate judge; 86126

(6) To assistants who convey mentally ill persons to the 86127  
hospital when authorized by the probate judge, a fee set by the 86128  
probate court, provided the assistants are not drawing a salary 86129  
from the state or any political subdivision of the state, and 86130  
their actual necessary expenses incurred, provided that the 86131  
expenses are specifically itemized and approved by the probate 86132  
judge; 86133

(7) To an attorney appointed by the probate division for an 86134  
indigent who allegedly is a mentally ill person pursuant to any 86135  
section of this chapter, the fees that are determined by the 86136  
probate division. When those indigent persons are before the 86137  
court, all filing and recording fees shall be waived. 86138

(8) To a referee who is appointed to conduct proceedings 86139  
under this chapter that involve a respondent whose domicile is or, 86140  
before the respondent's hospitalization, was not the county in 86141  
which the proceedings are held, compensation as fixed by the 86142  
probate division, but not more than the compensation paid for 86143  
similar proceedings for respondents whose domicile is in the 86144  
county in which the proceedings are held; 86145

(9) To a court reporter appointed to make a transcript of 86146  
proceedings under this chapter, the compensation and fees allowed 86147  
in other cases under section 2101.08 of the Revised Code. 86148

(B) A county shall pay for the costs, fees, and expenses 86149  
described in division (A) of this section with money appropriated 86150  
pursuant to section 2101.11 of the Revised Code. A county may seek 86151  
reimbursement from the department of ~~mental health~~ mental health 86152  
and addiction services by submitting a request and certification 86153

by the county auditor of the costs, fees, and expenses to the 86154  
department within two months of the date the costs, fees, and 86155  
expenses are incurred by the county. 86156

Each fiscal year, based on past allocations, historical 86157  
utilization, and other factors the department considers 86158  
appropriate, the department shall allocate for each county an 86159  
amount for reimbursements under this section. The total of all the 86160  
allocations shall equal the amount appropriated for the fiscal 86161  
year to the department specifically for the purposes of this 86162  
section. 86163

On receipt, the department shall review each request for 86164  
reimbursement and prepare a voucher for the amount of the costs, 86165  
fees, and expenses incurred by the county, provided that the total 86166  
amount of money paid to all counties in each fiscal year shall not 86167  
exceed the total amount of moneys specifically appropriated to the 86168  
department for these purposes. 86169

The department's total reimbursement to each county shall be 86170  
the lesser of the full amount requested or the amount allocated 86171  
for the county under this division. In addition, the department 86172  
shall distribute any surplus remaining from the money appropriated 86173  
for the fiscal year to the department for the purposes of this 86174  
section as follows to counties whose full requests exceed their 86175  
allocations: 86176

(1) If the surplus is sufficient to reimburse such counties 86177  
the full amount of their requests, each such county shall receive 86178  
the full amount of its request; 86179

(2) If the surplus is insufficient, each such county shall 86180  
receive a percentage of the surplus determined by dividing the 86181  
difference between the county's full request and its allocation by 86182  
the difference between the total of the full requests of all such 86183  
counties and the total of the amounts allocated for all such 86184

counties. 86185

The department may adopt rules in accordance with Chapter 86186  
119. of the Revised Code to implement the payment of costs, fees, 86187  
and expenses under this section. 86188

**Sec. 5122.44.** As used in sections 5122.44 to 5122.47 of the 86189  
Revised Code: 86190

(A) "Compilation" means a written list of the following 86191  
information, as the department of ~~mental health~~ mental health and 86192  
addiction services is able to reasonably ascertain, for every 86193  
patient who was buried, entombed, or inurned prior to ~~the~~ 86194  
~~effective date of this section~~ March 31, 2005, in a cemetery 86195  
located on the grounds of or adjacent to the grounds of a public 86196  
hospital: 86197

(1) Name; 86198

(2) Date of birth; 86199

(3) Date of death or burial; 86200

(4) Specific physical location of the burial, entombment, or 86201  
inurnment, including the plot or grave site number if available. 86202

(B) "Patient" means an individual who died while admitted to 86203  
a public hospital that was under the control of the department of 86204  
~~mental health~~ mental health and addiction services. 86205

(C) "Record" has the same meaning as in section 149.011 of 86206  
the Revised Code. 86207

(D) "State agency" means every organized body, office, or 86208  
agency established by the laws of the state for the exercise of 86209  
any function of state government. 86210

**Sec. 5122.45.** The department of ~~mental health~~ mental health 86211  
and addiction services shall create a separate compilation for 86212

each cemetery located on the grounds of or adjacent to the grounds 86213  
of a public hospital that is under the control of the department 86214  
on ~~the effective date of this section~~ March 31, 2005. The 86215  
compilation shall be created within a reasonable time not 86216  
exceeding three years after ~~the effective date of this section~~ 86217  
March 31, 2005. The department shall use its best efforts to 86218  
create the most complete compilations possible using records in 86219  
the department's possession and records obtained in accordance 86220  
with section 5122.46 of the Revised Code. 86221

**Sec. 5122.46.** The Ohio historical society and each state 86222  
agency shall, at the request of the department of ~~mental health~~ 86223  
mental health and addiction services, provide the department 86224  
access to records and information in the possession of the 86225  
historical society or state agency for purposes of creating 86226  
compilations. 86227

**Sec. 5122.47.** The department of ~~mental health~~ mental health 86228  
and addiction services shall deposit a copy of each compilation 86229  
with the Ohio historical society and the state library as soon as 86230  
a compilation is completed. The department shall not disclose any 86231  
record or information used to create a compilation except as 86232  
provided in sections 149.43 and 5122.31 of the Revised Code. 86233

**Sec. 5123.01.** As used in this chapter: 86234

(A) "Chief medical officer" means the licensed physician 86235  
appointed by the managing officer of an institution for the 86236  
mentally retarded with the approval of the director of 86237  
developmental disabilities to provide medical treatment for 86238  
residents of the institution. 86239

(B) "Chief program director" means a person with special 86240  
training and experience in the diagnosis and management of the 86241

mentally retarded, certified according to division (C) of this 86242  
section in at least one of the designated fields, and appointed by 86243  
the managing officer of an institution for the mentally retarded 86244  
with the approval of the director to provide habilitation and care 86245  
for residents of the institution. 86246

(C) "Comprehensive evaluation" means a study, including a 86247  
sequence of observations and examinations, of a person leading to 86248  
conclusions and recommendations formulated jointly, with 86249  
dissenting opinions if any, by a group of persons with special 86250  
training and experience in the diagnosis and management of persons 86251  
with mental retardation or a developmental disability, which group 86252  
shall include individuals who are professionally qualified in the 86253  
fields of medicine, psychology, and social work, together with 86254  
such other specialists as the individual case may require. 86255

(D) "Education" means the process of formal training and 86256  
instruction to facilitate the intellectual and emotional 86257  
development of residents. 86258

(E) "Habilitation" means the process by which the staff of 86259  
the institution assists the resident in acquiring and maintaining 86260  
those life skills that enable the resident to cope more 86261  
effectively with the demands of the resident's own person and of 86262  
the resident's environment and in raising the level of the 86263  
resident's physical, mental, social, and vocational efficiency. 86264  
Habilitation includes but is not limited to programs of formal, 86265  
structured education and training. 86266

(F) "Health officer" means any public health physician, 86267  
public health nurse, or other person authorized or designated by a 86268  
city or general health district. 86269

(G) "Home and community-based services" means medicaid-funded 86270  
home and community-based services specified in division ~~(B)~~(A)(1) 86271  
of section ~~5111.87~~ 5166.20 of the Revised Code provided under the 86272

medicaid waiver components the department of developmental 86273  
disabilities administers pursuant to section ~~5111.871~~ 5166.21 of 86274  
the Revised Code. Except as provided in section 5123.0412 of the 86275  
Revised Code, home and community-based services provided under the 86276  
medicaid waiver component known as the transitions developmental 86277  
disabilities waiver are to be considered to be home and 86278  
community-based services for the purposes of this chapter, and 86279  
Chapters 5124. and 5126. of the Revised Code, only to the extent, 86280  
if any, provided by the contract required by section ~~5111.871~~ 86281  
5166.21 of the Revised Code regarding the waiver. 86282

(H) "ICF/MR" has the same meaning as in section 5124.01 of 86283  
the Revised Code. 86284

(I) "Indigent person" means a person who is unable, without 86285  
substantial financial hardship, to provide for the payment of an 86286  
attorney and for other necessary expenses of legal representation, 86287  
including expert testimony. 86288

~~(I)~~(J) "Institution" means a public or private facility, or a 86289  
part of a public or private facility, that is licensed by the 86290  
appropriate state department and is equipped to provide 86291  
residential habilitation, care, and treatment for the mentally 86292  
retarded. 86293

~~(J)~~(K) "Licensed physician" means a person who holds a valid 86294  
certificate issued under Chapter 4731. of the Revised Code 86295  
authorizing the person to practice medicine and surgery or 86296  
osteopathic medicine and surgery, or a medical officer of the 86297  
government of the United States while in the performance of the 86298  
officer's official duties. 86299

~~(K)~~(L) "Managing officer" means a person who is appointed by 86300  
the director of developmental disabilities to be in executive 86301  
control of an institution for the mentally retarded under the 86302  
jurisdiction of the department. 86303

~~(L) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.~~ 86304  
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(M) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires. 86306  
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(N) "Mentally retarded person" means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period. 86310  
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(O) "Mentally retarded person subject to institutionalization by court order" means a person eighteen years of age or older who is at least moderately mentally retarded and in relation to whom, because of the person's retardation, either of the following conditions exist: 86314  
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(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those needs is not available in the community; 86319  
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(2) The person needs and is susceptible to significant habilitation in an institution. 86324  
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(P) "A person who is at least moderately mentally retarded" means a person who is found, following a comprehensive evaluation, to be impaired in adaptive behavior to a moderate degree and to be functioning at the moderate level of intellectual functioning in accordance with standard measurements as recorded in the most current revision of the manual of terminology and classification in mental retardation published by the American association on mental retardation. 86326  
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86333

(Q) As used in this division, "substantial functional 86334

limitation," "developmental delay," and "established risk" have 86335  
the meanings established pursuant to section 5123.011 of the 86336  
Revised Code. 86337

"Developmental disability" means a severe, chronic disability 86338  
that is characterized by all of the following: 86339

(1) It is attributable to a mental or physical impairment or 86340  
a combination of mental and physical impairments, other than a 86341  
mental or physical impairment solely caused by mental illness as 86342  
defined in division (A) of section 5122.01 of the Revised Code. 86343

(2) It is manifested before age twenty-two. 86344

(3) It is likely to continue indefinitely. 86345

(4) It results in one of the following: 86346

(a) In the case of a person under three years of age, at 86347  
least one developmental delay or an established risk; 86348

(b) In the case of a person at least three years of age but 86349  
under six years of age, at least two developmental delays or an 86350  
established risk; 86351

(c) In the case of a person six years of age or older, a 86352  
substantial functional limitation in at least three of the 86353  
following areas of major life activity, as appropriate for the 86354  
person's age: self-care, receptive and expressive language, 86355  
learning, mobility, self-direction, capacity for independent 86356  
living, and, if the person is at least sixteen years of age, 86357  
capacity for economic self-sufficiency. 86358

(5) It causes the person to need a combination and sequence 86359  
of special, interdisciplinary, or other type of care, treatment, 86360  
or provision of services for an extended period of time that is 86361  
individually planned and coordinated for the person. 86362

(R) "Developmentally disabled person" means a person with a 86363  
developmental disability. 86364



(S) "State institution" means an institution that is 86365  
tax-supported and under the jurisdiction of the department. 86366

(T) "Residence" and "legal residence" have the same meaning 86367  
as "legal settlement," which is acquired by residing in Ohio for a 86368  
period of one year without receiving general assistance prior to 86369  
July 17, 1995, under former Chapter 5113. of the Revised Code, 86370  
financial assistance under Chapter 5115. of the Revised Code, or 86371  
assistance from a private agency that maintains records of 86372  
assistance given. A person having a legal settlement in the state 86373  
shall be considered as having legal settlement in the assistance 86374  
area in which the person resides. No adult person coming into this 86375  
state and having a spouse or minor children residing in another 86376  
state shall obtain a legal settlement in this state as long as the 86377  
spouse or minor children are receiving public assistance, care, or 86378  
support at the expense of the other state or its subdivisions. For 86379  
the purpose of determining the legal settlement of a person who is 86380  
living in a public or private institution or in a home subject to 86381  
licensing by the department of job and family services, the 86382  
department of ~~mental health~~ mental health and addiction services, 86383  
or the department of developmental disabilities, the residence of 86384  
the person shall be considered as though the person were residing 86385  
in the county in which the person was living prior to the person's 86386  
entrance into the institution or home. Settlement once acquired 86387  
shall continue until a person has been continuously absent from 86388  
Ohio for a period of one year or has acquired a legal residence in 86389  
another state. A woman who marries a man with legal settlement in 86390  
any county immediately acquires the settlement of her husband. The 86391  
legal settlement of a minor is that of the parents, surviving 86392  
parent, sole parent, parent who is designated the residential 86393  
parent and legal custodian by a court, other adult having 86394  
permanent custody awarded by a court, or guardian of the person of 86395  
the minor, provided that: 86396

(1) A minor female who marries shall be considered to have 86397  
the legal settlement of her husband and, in the case of death of 86398  
her husband or divorce, she shall not thereby lose her legal 86399  
settlement obtained by the marriage. 86400

(2) A minor male who marries, establishes a home, and who has 86401  
resided in this state for one year without receiving general 86402  
assistance prior to July 17, 1995, under former Chapter 5113. of 86403  
the Revised Code, financial assistance under Chapter 5115. of the 86404  
Revised Code, or assistance from a private agency that maintains 86405  
records of assistance given shall be considered to have obtained a 86406  
legal settlement in this state. 86407

(3) The legal settlement of a child under eighteen years of 86408  
age who is in the care or custody of a public or private child 86409  
caring agency shall not change if the legal settlement of the 86410  
parent changes until after the child has been in the home of the 86411  
parent for a period of one year. 86412

No person, adult or minor, may establish a legal settlement 86413  
in this state for the purpose of gaining admission to any state 86414  
institution. 86415

(U)(1) "Resident" means, subject to division ~~(R)~~(U)(2) of 86416  
this section, a person who is admitted either voluntarily or 86417  
involuntarily to an institution or other facility pursuant to 86418  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 86419  
Code subsequent to a finding of not guilty by reason of insanity 86420  
or incompetence to stand trial or under this chapter who is under 86421  
observation or receiving habilitation and care in an institution. 86422

(2) "Resident" does not include a person admitted to an 86423  
institution or other facility under section 2945.39, 2945.40, 86424  
2945.401, or 2945.402 of the Revised Code to the extent that the 86425  
reference in this chapter to resident, or the context in which the 86426  
reference occurs, is in conflict with any provision of sections 86427

2945.37 to 2945.402 of the Revised Code. 86428

(V) "Respondent" means the person whose detention, 86429  
commitment, or continued commitment is being sought in any 86430  
proceeding under this chapter. 86431

(W) "Working day" and "court day" mean Monday, Tuesday, 86432  
Wednesday, Thursday, and Friday, except when such day is a legal 86433  
holiday. 86434

(X) "Prosecutor" means the prosecuting attorney, village 86435  
solicitor, city director of law, or similar chief legal officer 86436  
who prosecuted a criminal case in which a person was found not 86437  
guilty by reason of insanity, who would have had the authority to 86438  
prosecute a criminal case against a person if the person had not 86439  
been found incompetent to stand trial, or who prosecuted a case in 86440  
which a person was found guilty. 86441

(Y) "Court" means the probate division of the court of common 86442  
pleas. 86443

(Z) "Supported living" and "residential services" have the 86444  
same meanings as in section 5126.01 of the Revised Code. 86445

**Sec. 5123.021.** (A) As used in this section, "mentally 86446  
retarded individual" and "specialized services" have the same 86447  
meanings as in section ~~5111.202~~ 5165.03 of the Revised Code. 86448

(B)(1) Except as provided in division (B)(2) of this section 86449  
and rules adopted under division (E)(3) of this section, for 86450  
purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 86451  
department of developmental disabilities shall determine in 86452  
accordance with section 1919(e)(7) of the "Social Security Act," 86453  
49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and regulations 86454  
adopted under section 1919(f)(8)(A) of that act whether, because 86455  
of the individual's physical and mental condition, a mentally 86456  
retarded individual seeking admission to a nursing facility 86457

requires the level of services provided by a nursing facility and, 86458  
if the individual requires that level of services, whether the 86459  
individual requires specialized services for mental retardation. 86460

(2) A determination under this division is not required for 86461  
any of the following: 86462

(a) An individual seeking readmission to a nursing facility 86463  
after having been transferred from a nursing facility to a 86464  
hospital for care; 86465

(b) An individual who meets all of the following conditions: 86466

(i) The individual is admitted to the nursing facility 86467  
directly from a hospital after receiving inpatient care at the 86468  
hospital; 86469

(ii) The individual requires nursing facility services for 86470  
the condition for which the individual received care in the 86471  
hospital; 86472

(iii) The individual's attending physician has certified, 86473  
before admission to the nursing facility, that the individual is 86474  
likely to require less than thirty days of nursing facility 86475  
services. 86476

(c) An individual transferred from one nursing facility to 86477  
another nursing facility, with or without an intervening hospital 86478  
stay. 86479

(C) Except as provided in rules adopted under division (F)(3) 86480  
of this section, the department of developmental disabilities 86481  
shall review and determine, for each resident of a nursing 86482  
facility who is mentally retarded, whether the resident, because 86483  
of the resident's physical and mental condition, requires the 86484  
level of services provided by a nursing facility and whether the 86485  
resident requires specialized services for mental retardation. The 86486  
review and determination shall be conducted in accordance with 86487

section 1919(e)(7) of the "Social Security Act" and the 86488  
regulations adopted under section 1919(f)(8)(A) of the act. The 86489  
review and determination shall be completed promptly after a 86490  
nursing facility has notified the department that there has been a 86491  
significant change in the resident's mental or physical condition. 86492

(D)(1) In the case of a nursing facility resident who has 86493  
continuously resided in a nursing facility for at least thirty 86494  
months before the date of a review and determination under 86495  
division (C) of this section, if the resident is determined not to 86496  
require the level of services provided by a nursing facility, but 86497  
is determined to require specialized services for mental 86498  
retardation, the department, in consultation with the resident's 86499  
family or legal representative and care givers, shall do all of 86500  
the following: 86501

(a) Inform the resident of the institutional and 86502  
noninstitutional alternatives covered under the state plan for 86503  
medical assistance; 86504

(b) Offer the resident the choice of remaining in the nursing 86505  
facility or receiving covered services in an alternative 86506  
institutional or noninstitutional setting; 86507

(c) Clarify the effect on eligibility for services under the 86508  
state plan for medical assistance if the resident chooses to leave 86509  
the facility, including its effect on readmission to the facility; 86510

(d) Provide for or arrange for the provision of specialized 86511  
services for the resident's mental retardation in the setting 86512  
chosen by the resident. 86513

(2) In the case of a nursing facility resident who has 86514  
continuously resided in a nursing facility for less than thirty 86515  
months before the date of the review and determination under 86516  
division (C) of this section, if the resident is determined not to 86517  
require the level of services provided by a nursing facility, but 86518

is determined to require specialized services for mental 86519  
retardation, or if the resident is determined to require neither 86520  
the level of services provided by a nursing facility nor 86521  
specialized services for mental retardation, the department shall 86522  
act in accordance with its alternative disposition plan approved 86523  
by the United States department of health and human services under 86524  
section 1919(e)(7)(E) of the "Social Security Act." 86525

(3) In the case of an individual who is determined under 86526  
division (B) or (C) of this section to require both the level of 86527  
services provided by a nursing facility and specialized services 86528  
for mental retardation, the department of developmental 86529  
disabilities shall provide or arrange for the provision of the 86530  
specialized services needed by the individual or resident while 86531  
residing in a nursing facility. 86532

(E) The department of developmental disabilities shall adopt 86533  
rules in accordance with Chapter 119. of the Revised Code that do 86534  
all of the following: 86535

(1) Establish criteria to be used in making the 86536  
determinations required by divisions (B) and (C) of this section. 86537  
The criteria shall not exceed the criteria established by 86538  
regulations adopted by the United States department of health and 86539  
human services under section 1919(f)(8)(A) of the "Social Security 86540  
Act." 86541

(2) Specify information to be provided by the individual or 86542  
nursing facility resident being assessed; 86543

(3) Specify any circumstances, in addition to circumstances 86544  
listed in division (B) of this section, under which determinations 86545  
under divisions (B) and (C) of this section are not required to be 86546  
made. 86547

**Sec. 5123.022.** ~~It~~ (A) As used in this section: 86548

(1) "Community employment" means competitive employment that 86549  
takes place in an integrated setting. 86550

(2) "Competitive employment" means full-time or part-time 86551  
work in the competitive labor market in which payment is at or 86552  
above the minimum wage but not less than the customary wage and 86553  
level of benefits paid by the employer for the same or similar 86554  
work performed by persons who are not disabled. 86555

(3) "Integrated setting" means a setting typically found in 86556  
the community where individuals with developmental disabilities 86557  
interact with individuals who do not have disabilities to the same 86558  
extent that individuals in comparable positions who are not 86559  
disabled interact with other individuals, including in employment 86560  
settings in which employees interact with the community through 86561  
technology. 86562

(B) It is hereby declared to be the policy of this state that 86563  
employment services for individuals with developmental 86564  
disabilities be directed at placement whenever possible of each 86565  
individual in a position in the community in which the individual 86566  
is integrated with the employer's other workers who are not 86567  
developmentally disabled employment. The Every individual with a 86568  
developmental disability is presumed capable of community 86569  
employment unless proven otherwise through an individualized 86570  
assessment process. 86571

The departments of developmental disabilities, education, 86572  
medicaid, job and family services, and ~~mental health~~ mental health 86573  
and addiction services; the rehabilitation services commission ; 86574  
and each other state agency that provides employment services to 86575  
individuals with developmental disabilities shall implement ~~this~~ 86576  
the policy of this state and ensure that it is followed whenever 86577  
employment services are provided to individuals with developmental 86578  
disabilities. 86579

The department of developmental disabilities shall coordinate the actions taken by state agencies to comply with the state's policy. Agencies shall collaborate within their divisions and with each other to ensure that state programs, policies, procedures, and funding support competitive and integrated employment of individuals with developmental disabilities. State agencies shall share information with the department, and the department shall track progress toward full implementation of the policy. The department, in coordination with any task force established by the governor, shall compile data and annually submit to the governor a report on implementation of the policy.

The department and state agencies may adopt rules to implement the state's policy.

(C) The state's policy articulated in this section is intended to promote the right of each individual with a developmental disability to informed choice; however, nothing in this section requires any employer to give preference in hiring to an individual because the individual has a disability.

Sec. 5123.023. (A) The director of developmental disabilities may establish an employment first task force consisting of the departments of developmental disabilities, education, medicaid, job and family services, and mental health and addiction services; and the opportunities for Ohioans with disabilities agency. The purpose of the task force shall be to improve the coordination of the state's efforts to address the needs of individuals with developmental disabilities who seek community employment as defined in section 5123.022 of the Revised Code.

(B) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or



both of the following: 86611

(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities; 86612  
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(2) The projects and activities of the task force. 86615

(C) There is hereby created in the state treasury the employment first taskforce fund. Any money received by the task force from its members shall be credited to the fund. The department of developmental disabilities shall use the fund to support the work of the task force. 86616  
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(D) The task force shall cease to exist on January 1, 2020. Any money, assets, or employees of the department of developmental disabilities that on that date are dedicated to the work of the task force shall be reallocated by the department for employment services for individuals with developmental disabilities. 86621  
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**Sec. 5123.03.** (A) The department of developmental disabilities shall do all of the following: 86626  
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(1) Maintain, operate, manage, and govern all state institutions for the care, treatment, and training of the mentally retarded; 86628  
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(2) Designate all such institutions by appropriate names; 86631

(3) Provide and designate facilities for the custody, care, and special treatment of persons of the following classes: 86632  
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(a) Dangerous persons in state institutions for the mentally retarded who represent a serious threat to the safety of the other patients of the institution; 86634  
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(b) Persons charged with crimes who are found incompetent to stand trial or not guilty by reason of insanity and who are also mentally retarded persons subject to institutionalization by court 86637  
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|                                                                                                                                                                                                                                                                                                      |                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| order.                                                                                                                                                                                                                                                                                               | 86640                                     |
| (4) Have control of all institutions maintained in part by the state for the care, treatment, and training of the mentally retarded;                                                                                                                                                                 | 86641<br>86642<br>86643                   |
| (5) Administer the laws relative to persons in such institutions in an efficient, economical, and humane manner;                                                                                                                                                                                     | 86644<br>86645                            |
| (6) Ascertain by actual examinations and inquiry whether institutionalizations are made according to law.                                                                                                                                                                                            | 86646<br>86647                            |
| (B) The department may do any of the following:                                                                                                                                                                                                                                                      | 86648                                     |
| (1) Subject to section 5139.08 of the Revised Code, receive from the department of youth services for observation, diagnosis, care, habilitation, or placement any children in the custody of the department of youth services;                                                                      | 86649<br>86650<br>86651<br>86652          |
| (2) Receive for observation any minor from a public institution other than an institution under the jurisdiction of the department of developmental disabilities, from a private charitable institution, or from a person having legal custody of such a minor, upon such terms as are proper;       | 86653<br>86654<br>86655<br>86656<br>86657 |
| (3) Receive from the department of <del>mental health</del> <u>mental health and addiction services</u> any patient in the custody of the department who is transferred to the department of developmental disabilities upon such terms and conditions as may be agreed upon by the two departments. | 86658<br>86659<br>86660<br>86661<br>86662 |
| (C) In addition to the powers and duties expressly conferred by this section, the department may take any other action necessary for the full and efficient executive, administrative, and fiscal supervision of the state institutions described in this section.                                   | 86663<br>86664<br>86665<br>86666<br>86667 |
| <b>Sec. 5123.0412.</b> (A) The department of developmental disabilities shall charge each county board of developmental                                                                                                                                                                              | 86668<br>86669                            |

disabilities an annual fee equal to one and one-quarter per cent 86670  
of the total value of all medicaid paid claims for home and 86671  
community-based services provided during the year to an individual 86672  
eligible for services from the county board. However, the 86673  
department shall not charge the fee for home and community-based 86674  
services provided under the medicaid waiver component known as the 86675  
transitions developmental disabilities waiver. No county board 86676  
shall pass the cost of a fee charged to the county board under 86677  
this section on to another provider of these services. 86678

(B) The fees collected under this section shall be deposited 86679  
into the ODDD administration and oversight fund ~~and the ODJFS~~ 86680  
~~administration and oversight fund, both of~~ which are is hereby 86681  
created in the state treasury. ~~The portion of the fees to be~~ 86682  
~~deposited into the ODDD administration and oversight fund and the~~ 86683  
~~portion of the fees to be deposited into the ODJFS administration~~ 86684  
~~and oversight fund shall be the portion specified in an~~ 86685  
~~interagency agreement entered into under division (C) of this~~ 86686  
~~section.~~ The department ~~of developmental disabilities~~ shall use 86687  
the money in the ODDD administration and oversight fund ~~and the~~ 86688  
~~department of job and family services shall use the money in the~~ 86689  
~~ODJFS administration and oversight fund~~ for both of the following 86690  
purposes: 86691

(1) Medicaid administrative costs, including administrative 86692  
and oversight costs of medicaid case management services and home 86693  
and community-based services. The administrative and oversight 86694  
costs of medicaid case management services and home and 86695  
community-based services shall include costs for staff, systems, 86696  
and other resources the ~~departments need~~ department needs and 86697  
~~dedicate~~ dedicates solely to the following duties associated with 86698  
the services: 86699

(a) Eligibility determinations; 86700

(b) Training; 86701

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (c) Fiscal management;                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 86702                                                       |
| (d) Claims processing;                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 86703                                                       |
| (e) Quality assurance oversight;                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 86704                                                       |
| (f) Other duties the <del>departments identify</del> <u>department</u><br><u>identifies</u> .                                                                                                                                                                                                                                                                                                                                                                                                  | 86705<br>86706                                              |
| (2) Providing technical support to county boards' local<br>administrative authority under section 5126.055 of the Revised<br>Code for the services.                                                                                                                                                                                                                                                                                                                                            | 86707<br>86708<br>86709                                     |
| (C) <del>The departments of developmental disabilities and job and<br/>family services shall enter into an interagency agreement to do<br/>both of the following:</del>                                                                                                                                                                                                                                                                                                                        | 86710<br>86711<br>86712                                     |
| (1) <del>Specify which portion of the fees collected under this<br/>section is to be deposited into the ODDD administration and<br/>oversight fund and which portion is to be deposited into the ODJFS<br/>administration and oversight fund;</del>                                                                                                                                                                                                                                            | 86713<br>86714<br>86715<br>86716                            |
| (2) <del>Provide for the departments to coordinate the staff whose<br/>costs are paid for with money in the ODDD administration and<br/>oversight fund and the ODJFS administration and oversight fund.</del>                                                                                                                                                                                                                                                                                  | 86717<br>86718<br>86719                                     |
| (D) <del>The departments</del> <u>department</u> shall submit an annual report<br>to the director of budget and management certifying how the<br><del>departments</del> <u>department</u> spent the money in the ODDD administration<br>and oversight fund <del>and the ODJFS administration and oversight fund</del><br>for the purposes specified in division (B) of this section.                                                                                                           | 86720<br>86721<br>86722<br>86723<br>86724                   |
| <b>Sec. 5123.0417.</b> (A) The director of developmental<br>disabilities shall establish one or more programs for individuals<br>under twenty-two years of age who have intensive behavioral needs,<br>including such individuals with a primary diagnosis of autism<br>spectrum disorder. The programs may include one or more medicaid<br>waiver components that the director administers pursuant to<br>section <del>5111.871</del> <u>5166.21</u> of the Revised Code. The programs may do | 86725<br>86726<br>86727<br>86728<br>86729<br>86730<br>86731 |

one or more of the following: 86732

(1) Establish models that incorporate elements common to 86733  
effective intervention programs and evidence-based practices in 86734  
services for children with intensive behavioral needs; 86735

(2) Design a template for individualized education plans and 86736  
individual service plans that provide consistent intervention 86737  
programs and evidence-based practices for the care and treatment 86738  
of children with intensive behavioral needs; 86739

(3) Disseminate best practice guidelines for use by families 86740  
of children with intensive behavioral needs and professionals 86741  
working with such families; 86742

(4) Develop a transition planning model for effectively 86743  
mainstreaming school-age children with intensive behavioral needs 86744  
to their public school district; 86745

(5) Contribute to the field of early and effective 86746  
identification and intervention programs for children with 86747  
intensive behavioral needs by providing financial support for 86748  
scholarly research and publication of clinical findings. 86749

(B) The director of developmental disabilities shall 86750  
collaborate with the medicaid director ~~of job and family services~~ 86751  
and consult with the executive director of the Ohio center for 86752  
autism and low incidence and university-based programs that 86753  
specialize in services for individuals with developmental 86754  
disabilities when establishing programs under this section. 86755

**Sec. 5123.09.** Subject to the rules of the department of 86756  
developmental disabilities, each institution under the 86757  
jurisdiction of the department shall be under the control of a 86758  
managing officer to be known as a superintendent or by other 86759  
appropriate title. The managing officer shall be appointed by the 86760  
director of developmental disabilities and shall be in the 86761

unclassified service and serve at the pleasure of the director. 86762  
Each managing officer shall be of good moral character and have 86763  
skill, ability, and experience in the managing officer's 86764  
profession. Appointment to the position of managing officer of an 86765  
institution may be made from persons holding positions in the 86766  
classified service in the department. 86767

The managing officer, under the director, shall have entire 86768  
executive charge of the institution for which the managing officer 86769  
is appointed, except as provided in section ~~5119.16~~ 5119.44 of the 86770  
Revised Code. Subject to civil service rules and rules adopted by 86771  
the department, the managing officer shall appoint the necessary 86772  
employees, and the managing officer or the director may remove 86773  
those employees for cause. A report of all appointments, 86774  
resignations, and discharges shall be filed with the appropriate 86775  
division at the close of each month. 86776

After conference with the managing officer of each 86777  
institution, the director shall determine the number of employees 86778  
to be appointed to the various institutions and clinics. 86779

**Sec. 5123.171.** As used in this section, "respite care" means 86780  
appropriate, short-term, temporary care provided to a mentally 86781  
retarded or developmentally disabled person to sustain the family 86782  
structure or to meet planned or emergency needs of the family. 86783

The department of developmental disabilities shall provide 86784  
respite care services to persons with mental retardation or a 86785  
developmental disability for the purpose of promoting 86786  
self-sufficiency and normalization, preventing or reducing 86787  
inappropriate institutional care, and furthering the unity of the 86788  
family by enabling the family to meet the special needs of a 86789  
mentally retarded or developmentally disabled person. 86790

In order to be eligible for respite care services under this 86791  
section, the mentally retarded or developmentally disabled person 86792

must be in need of habilitation services as defined in section 86793  
5126.01 of the Revised Code. 86794

Respite care may be provided in a residential facility 86795  
licensed under section 5123.19 of the Revised Code ~~and~~ including a 86796  
residential facility certified as an ~~intermediate care facility~~ 86797  
~~for the mentally retarded under Title XIX of the "Social Security~~ 86798  
~~Act," 79 Stat. 344 (1965), 42 U.S.C. 1396, et seq., as amended}~~ 86799  
ICF/MR, and a respite care home certified under section 5126.05 of 86800  
the Revised Code. 86801

The department shall develop a system for locating vacant 86802  
beds that are available for respite care and for making 86803  
information on vacant beds available to users of respite care 86804  
services. ~~Facilities certified as intermediate care facilities for~~ 86805  
~~the mentally retarded~~ ICFs/MR shall report vacant beds to the 86806  
department but shall not be required to accept respite care 86807  
clients. 86808

The director of developmental disabilities shall adopt, and 86809  
may amend or rescind, rules in accordance with Chapter 119. of the 86810  
Revised Code for both of the following: 86811

(A) Certification by county boards of developmental 86812  
disabilities of respite care homes; 86813

(B) Provision of respite care services authorized by this 86814  
section. Rules adopted under this division shall establish all of 86815  
the following: 86816

(1) A formula for distributing funds appropriated for respite 86817  
care services; 86818

(2) Standards for supervision, training and quality control 86819  
in the provision of respite care services; 86820

(3) Eligibility criteria for emergency respite care services. 86821

**Sec. 5123.19.** (A) As used in sections 5123.19 to 5123.20 of 86822

the Revised Code: 86823

(1) "Independent living arrangement" means an arrangement in 86824  
which a mentally retarded or developmentally disabled person 86825  
resides in an individualized setting chosen by the person or the 86826  
person's guardian, which is not dedicated principally to the 86827  
provision of residential services for mentally retarded or 86828  
developmentally disabled persons, and for which no financial 86829  
support is received for rendering such service from any 86830  
governmental agency by a provider of residential services. 86831

~~(2) "Intermediate care facility for the mentally retarded" 86832  
has the same meaning as in section 1905(d) of the "Social Security 86833  
Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended. 86834~~

~~(3) "Licensee" means the person or government agency that has 86835  
applied for a license to operate a residential facility and to 86836  
which the license was issued under this section. 86837~~

~~(4)(3) "Political subdivision" means a municipal corporation, 86838  
county, or township. 86839~~

~~(5)(4) "Related party" has the same meaning as in section 86840  
5123.16 of the Revised Code except that "provider" as used in the 86841  
definition of "related party" means a person or government entity 86842  
that held or applied for a license to operate a residential 86843  
facility, rather than a person or government entity certified to 86844  
provide supported living. 86845~~

~~(6)(5)(a) Except as provided in division (A)(6)(5)(b) of this 86846  
section, "residential facility" means a home or facility, 86847  
including a facility certified as an intermediate care facility 86848  
for the mentally retarded an ICF/MR, in which an individual with 86849  
mental retardation or a developmental disability resides. 86850~~

(b) "Residential facility" does not mean any of the 86851  
following: 86852



(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides; 86853  
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(ii) A respite care home certified under section 5126.05 of the Revised Code; 86856  
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(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code; 86858  
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(iv) A dwelling in which the only residents with mental retardation or developmental disabilities are in independent living arrangements or are being provided supported living. 86860  
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(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, ~~5119.20~~ 5119.33, or division (A)(9)(b) of section ~~5119.22~~ 5119.34 of the Revised Code. 86863  
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(C) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered. 86869  
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(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a 86881  
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provision, the director may deny issuance of a license, refuse to 86884  
renew a license, terminate a license, revoke a license, issue an 86885  
order for the suspension of admissions to a facility, issue an 86886  
order for the placement of a monitor at a facility, issue an order 86887  
for the immediate removal of residents, or take any other action 86888  
the director considers necessary consistent with the director's 86889  
authority under this chapter regarding residential facilities. In 86890  
the director's selection and administration of the sanction to be 86891  
imposed, all of the following apply: 86892

(1) The director may deny, refuse to renew, or revoke a 86893  
license, if the director determines that the applicant or licensee 86894  
has demonstrated a pattern of serious noncompliance or that a 86895  
violation creates a substantial risk to the health and safety of 86896  
residents of a residential facility. 86897

(2) The director may terminate a license if more than twelve 86898  
consecutive months have elapsed since the residential facility was 86899  
last occupied by a resident or a notice required by division (K) 86900  
of this section is not given. 86901

(3) The director may issue an order for the suspension of 86902  
admissions to a facility for any violation that may result in 86903  
sanctions under division (D)(1) of this section and for any other 86904  
violation specified in rules adopted under division (H)(2) of this 86905  
section. If the suspension of admissions is imposed for a 86906  
violation that may result in sanctions under division (D)(1) of 86907  
this section, the director may impose the suspension before 86908  
providing an opportunity for an adjudication under Chapter 119. of 86909  
the Revised Code. The director shall lift an order for the 86910  
suspension of admissions when the director determines that the 86911  
violation that formed the basis for the order has been corrected. 86912

(4) The director may order the placement of a monitor at a 86913  
residential facility for any violation specified in rules adopted 86914  
under division (H)(2) of this section. The director shall lift the 86915

order when the director determines that the violation that formed 86916  
the basis for the order has been corrected. 86917

(5) If the director determines that two or more residential 86918  
facilities owned or operated by the same person or government 86919  
entity are not being operated in compliance with a provision of 86920  
this chapter that applies to residential facilities or the rules 86921  
adopted under such a provision, and the director's findings are 86922  
based on the same or a substantially similar action, practice, 86923  
circumstance, or incident that creates a substantial risk to the 86924  
health and safety of the residents, the director shall conduct a 86925  
survey as soon as practicable at each residential facility owned 86926  
or operated by that person or government entity. The director may 86927  
take any action authorized by this section with respect to any 86928  
facility found to be operating in violation of a provision of this 86929  
chapter that applies to residential facilities or the rules 86930  
adopted under such a provision. 86931

(6) When the director initiates license revocation 86932  
proceedings, no opportunity for submitting a plan of correction 86933  
shall be given. The director shall notify the licensee by letter 86934  
of the initiation of the proceedings. The letter shall list the 86935  
deficiencies of the residential facility and inform the licensee 86936  
that no plan of correction will be accepted. The director shall 86937  
also send a copy of the letter to the county board of 86938  
developmental disabilities. The county board shall send a copy of 86939  
the letter to each of the following: 86940

(a) Each resident who receives services from the licensee; 86941

(b) The guardian of each resident who receives services from 86942  
the licensee if the resident has a guardian; 86943

(c) The parent or guardian of each resident who receives 86944  
services from the licensee if the resident is a minor. 86945

(7) Pursuant to rules which shall be adopted in accordance 86946

with Chapter 119. of the Revised Code, the director may order the 86947  
immediate removal of residents from a residential facility 86948  
whenever conditions at the facility present an immediate danger of 86949  
physical or psychological harm to the residents. 86950

(8) In determining whether a residential facility is being 86951  
operated in compliance with a provision of this chapter that 86952  
applies to residential facilities or the rules adopted under such 86953  
a provision, or whether conditions at a residential facility 86954  
present an immediate danger of physical or psychological harm to 86955  
the residents, the director may rely on information obtained by a 86956  
county board of developmental disabilities or other governmental 86957  
agencies. 86958

(9) In proceedings initiated to deny, refuse to renew, or 86959  
revoke licenses, the director may deny, refuse to renew, or revoke 86960  
a license regardless of whether some or all of the deficiencies 86961  
that prompted the proceedings have been corrected at the time of 86962  
the hearing. 86963

(E) The director shall establish a program under which public 86964  
notification may be made when the director has initiated license 86965  
revocation proceedings or has issued an order for the suspension 86966  
of admissions, placement of a monitor, or removal of residents. 86967  
The director shall adopt rules in accordance with Chapter 119. of 86968  
the Revised Code to implement this division. The rules shall 86969  
establish the procedures by which the public notification will be 86970  
made and specify the circumstances for which the notification must 86971  
be made. The rules shall require that public notification be made 86972  
if the director has taken action against the facility in the 86973  
eighteen-month period immediately preceding the director's latest 86974  
action against the facility and the latest action is being taken 86975  
for the same or a substantially similar violation of a provision 86976  
of this chapter that applies to residential facilities or the 86977  
rules adopted under such a provision. The rules shall specify a 86978

method for removing or amending the public notification if the 86979  
director's action is found to have been unjustified or the 86980  
violation at the residential facility has been corrected. 86981

(F)(1) Except as provided in division (F)(2) of this section, 86982  
appeals from proceedings initiated to impose a sanction under 86983  
division (D) of this section shall be conducted in accordance with 86984  
Chapter 119. of the Revised Code. 86985

(2) Appeals from proceedings initiated to order the 86986  
suspension of admissions to a facility shall be conducted in 86987  
accordance with Chapter 119. of the Revised Code, unless the order 86988  
was issued before providing an opportunity for an adjudication, in 86989  
which case all of the following apply: 86990

(a) The licensee may request a hearing not later than ten 86991  
days after receiving the notice specified in section 119.07 of the 86992  
Revised Code. 86993

(b) If a timely request for a hearing that includes the 86994  
licensee's current address is made, the hearing shall commence not 86995  
later than thirty days after the department receives the request. 86996

(c) After commencing, the hearing shall continue 86997  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 86998  
unless other interruptions are agreed to by the licensee and the 86999  
director. 87000

(d) If the hearing is conducted by a hearing examiner, the 87001  
hearing examiner shall file a report and recommendations not later 87002  
than ten days after the last of the following: 87003

(i) The close of the hearing; 87004

(ii) If a transcript of the proceedings is ordered, the 87005  
hearing examiner receives the transcript; 87006

(iii) If post-hearing briefs are timely filed, the hearing 87007  
examiner receives the briefs. 87008

(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ~~intermediate care facilities for the mentally retarded~~ ICFs/MR may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing

licenses, including procedures and criteria for determining the 87040  
length of the licensing period that the director must specify for 87041  
each license when it is issued or renewed; 87042

(2) Procedures and criteria for denying, refusing to renew, 87043  
terminating, and revoking licenses and for ordering the suspension 87044  
of admissions to a facility, placement of a monitor at a facility, 87045  
and the immediate removal of residents from a facility; 87046

(3) Fees for issuing and renewing licenses, which shall be 87047  
deposited into the program fee fund created under section 5123.033 87048  
of the Revised Code; 87049

(4) Procedures for surveying residential facilities; 87050

(5) Requirements for the training of residential facility 87051  
personnel; 87052

(6) Classifications for the various types of residential 87053  
facilities; 87054

(7) Certification procedures for licensees and management 87055  
contractors that the director determines are necessary to ensure 87056  
that they have the skills and qualifications to properly operate 87057  
or manage residential facilities; 87058

(8) The maximum number of persons who may be served in a 87059  
particular type of residential facility; 87060

(9) Uniform procedures for admission of persons to and 87061  
transfers and discharges of persons from residential facilities; 87062

(10) Other standards for the operation of residential 87063  
facilities and the services provided at residential facilities; 87064

(11) Procedures for waiving any provision of any rule adopted 87065  
under this section. 87066

(I) Before issuing a license, the director of the department 87067  
or the director's designee shall conduct a survey of the 87068  
residential facility for which application is made. The director 87069

or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there.

In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director or the director's designee in conducting the survey.

Following each survey, unless the director initiates a license revocation proceeding, the director or the director's designee shall provide the licensee with a report listing any deficiencies, specifying a timetable within which the licensee shall submit a plan of correction describing how the deficiencies will be corrected, and, when appropriate, specifying a timetable within which the licensee must correct the deficiencies. After a plan of correction is submitted, the director or the director's designee shall approve or disapprove the plan. A copy of the report and any approved plan of correction shall be provided to any person who requests it.

The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

(J) In addition to any other information which may be required of applicants for a license pursuant to this section, the



director shall require each applicant to provide a copy of an 87102  
approved plan for a proposed residential facility pursuant to 87103  
section 5123.042 of the Revised Code. This division does not apply 87104  
to renewal of a license or to an applicant for an initial or 87105  
modified license who meets the requirements of section 5123.197 of 87106  
the Revised Code. 87107

(K) A licensee shall notify the owner of the building in 87108  
which the licensee's residential facility is located of any 87109  
significant change in the identity of the licensee or management 87110  
contractor before the effective date of the change if the licensee 87111  
is not the owner of the building. 87112

Pursuant to rules which shall be adopted in accordance with 87113  
Chapter 119. of the Revised Code, the director may require 87114  
notification to the department of any significant change in the 87115  
ownership of a residential facility or in the identity of the 87116  
licensee or management contractor. If the director determines that 87117  
a significant change of ownership is proposed, the director shall 87118  
consider the proposed change to be an application for development 87119  
by a new operator pursuant to section 5123.042 of the Revised Code 87120  
and shall advise the applicant within sixty days of the 87121  
notification that the current license shall continue in effect or 87122  
a new license will be required pursuant to this section. If the 87123  
director requires a new license, the director shall permit the 87124  
facility to continue to operate under the current license until 87125  
the new license is issued, unless the current license is revoked, 87126  
refused to be renewed, or terminated in accordance with Chapter 87127  
119. of the Revised Code. 87128

(L) A county board of developmental disabilities and any 87129  
interested person may file complaints alleging violations of 87130  
statute or department rule relating to residential facilities with 87131  
the department. All complaints shall be in writing and shall state 87132  
the facts constituting the basis of the allegation. The department 87133

shall not reveal the source of any complaint unless the 87134  
complainant agrees in writing to waive the right to 87135  
confidentiality or until so ordered by a court of competent 87136  
jurisdiction. 87137

The department shall adopt rules in accordance with Chapter 87138  
119. of the Revised Code establishing procedures for the receipt, 87139  
referral, investigation, and disposition of complaints filed with 87140  
the department under this division. 87141

(M) The department shall establish procedures for the 87142  
notification of interested parties of the transfer or interim care 87143  
of residents from residential facilities that are closing or are 87144  
losing their license. 87145

(N) Before issuing a license under this section to a 87146  
residential facility that will accommodate at any time more than 87147  
one mentally retarded or developmentally disabled individual, the 87148  
director shall, by first class mail, notify the following: 87149

(1) If the facility will be located in a municipal 87150  
corporation, the clerk of the legislative authority of the 87151  
municipal corporation; 87152

(2) If the facility will be located in unincorporated 87153  
territory, the clerk of the appropriate board of county 87154  
commissioners and the fiscal officer of the appropriate board of 87155  
township trustees. 87156

The director shall not issue the license for ten days after 87157  
mailing the notice, excluding Saturdays, Sundays, and legal 87158  
holidays, in order to give the notified local officials time in 87159  
which to comment on the proposed issuance. 87160

Any legislative authority of a municipal corporation, board 87161  
of county commissioners, or board of township trustees that 87162  
receives notice under this division of the proposed issuance of a 87163  
license for a residential facility may comment on it in writing to 87164

the director within ten days after the director mailed the notice, 87165  
excluding Saturdays, Sundays, and legal holidays. If the director 87166  
receives written comments from any notified officials within the 87167  
specified time, the director shall make written findings 87168  
concerning the comments and the director's decision on the 87169  
issuance of the license. If the director does not receive written 87170  
comments from any notified local officials within the specified 87171  
time, the director shall continue the process for issuance of the 87172  
license. 87173

(O) Any person may operate a licensed residential facility 87174  
that provides room and board, personal care, habilitation 87175  
services, and supervision in a family setting for at least six but 87176  
not more than eight persons with mental retardation or a 87177  
developmental disability as a permitted use in any residential 87178  
district or zone, including any single-family residential district 87179  
or zone, of any political subdivision. These residential 87180  
facilities may be required to comply with area, height, yard, and 87181  
architectural compatibility requirements that are uniformly 87182  
imposed upon all single-family residences within the district or 87183  
zone. 87184

(P) Any person may operate a licensed residential facility 87185  
that provides room and board, personal care, habilitation 87186  
services, and supervision in a family setting for at least nine 87187  
but not more than sixteen persons with mental retardation or a 87188  
developmental disability as a permitted use in any multiple-family 87189  
residential district or zone of any political subdivision, except 87190  
that a political subdivision that has enacted a zoning ordinance 87191  
or resolution establishing planned unit development districts may 87192  
exclude these residential facilities from those districts, and a 87193  
political subdivision that has enacted a zoning ordinance or 87194  
resolution may regulate these residential facilities in 87195  
multiple-family residential districts or zones as a conditionally 87196

permitted use or special exception, in either case, under 87197  
reasonable and specific standards and conditions set out in the 87198  
zoning ordinance or resolution to: 87199

(1) Require the architectural design and site layout of the 87200  
residential facility and the location, nature, and height of any 87201  
walls, screens, and fences to be compatible with adjoining land 87202  
uses and the residential character of the neighborhood; 87203

(2) Require compliance with yard, parking, and sign 87204  
regulation; 87205

(3) Limit excessive concentration of these residential 87206  
facilities. 87207

(Q) This section does not prohibit a political subdivision 87208  
from applying to residential facilities nondiscriminatory 87209  
regulations requiring compliance with health, fire, and safety 87210  
regulations and building standards and regulations. 87211

(R) Divisions (O) and (P) of this section are not applicable 87212  
to municipal corporations that had in effect on June 15, 1977, an 87213  
ordinance specifically permitting in residential zones licensed 87214  
residential facilities by means of permitted uses, conditional 87215  
uses, or special exception, so long as such ordinance remains in 87216  
effect without any substantive modification. 87217

(S)(1) The director may issue an interim license to operate a 87218  
residential facility to an applicant for a license under this 87219  
section if either of the following is the case: 87220

(a) The director determines that an emergency exists 87221  
requiring immediate placement of persons in a residential 87222  
facility, that insufficient licensed beds are available, and that 87223  
the residential facility is likely to receive a permanent license 87224  
under this section within thirty days after issuance of the 87225  
interim license. 87226

(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 87227  
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(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license. 87230  
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(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred fifty days. 87235  
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(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses. 87238  
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(T) Notwithstanding rules adopted pursuant to this section establishing the maximum number of persons who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of persons being served by the facility on the effective date of the rules or the number of persons for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of developmental disabilities and which is in the review process prior to April 4, 1986. 87241  
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(U) The director or the director's designee may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section. 87250  
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The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the 87255  
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facility from continuing to operate without a license. The court 87258  
may grant the injunction on a showing that the person or 87259  
governmental agency named in the petition is operating a 87260  
residential facility without a license. The court may grant the 87261  
injunction, regardless of whether the residential facility meets 87262  
the requirements for receiving a license under this section. 87263

**Sec. 5123.192.** (A) A person or government agency operating, 87264  
on ~~the effective date of this section~~ September 10, 2012, an 87265  
~~intermediate care facility for the mentally retarded~~ ICF/MR 87266  
pursuant to a nursing home license issued under Chapter 3721. of 87267  
the Revised Code shall do both of the following as a condition of 87268  
continuing to operate the ~~facility~~ ICF/MR on and after July 1, 87269  
2013: 87270

(1) Not later than February 1, 2013, apply to the director of 87271  
developmental disabilities for a residential facility license 87272  
under section 5123.19 of the Revised Code for the ~~facility~~ ICF/MR; 87273  
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(2) Not later than July 1, 2013, obtain the residential 87275  
facility license for the ~~facility~~ ICF/MR. 87276

(B) The nursing home license of an ~~intermediate care facility~~ 87277  
~~for the mentally retarded~~ ICF/MR shall cease to be valid at the 87278  
earliest of the following: 87279

(1) The date that the ~~facility's~~ ICF/MR's nursing home 87280  
license is revoked or voided under section 3721.07 of the Revised 87281  
Code; 87282

(2) The date that a residential facility license is obtained 87283  
for the ~~facility~~ ICF/MR under section 5123.19 of the Revised Code; 87284

(3) July 1, 2013. 87285

(C) Except for existing nursing home beds not certified as 87286  
~~intermediate care facility for the mentally retarded~~ ICF/MR beds 87287

and relocated in accordance with a move authorized by a 87288  
certificate of need under Chapter 3702. of the Revised Code, no 87289  
bed that is part of an ~~intermediate care facility for the mentally~~ 87290  
~~retarded~~ ICF/MR that is licensed as a nursing home on ~~the~~ 87291  
~~effective date of this section~~ September 10, 2012, may be used as 87292  
part of a nursing home on and after the earlier of the following: 87293

(1) The date that a residential facility license is obtained 87294  
for the ~~facility~~ ICF/MR under section 5123.19 of the Revised Code; 87295

(2) July 1, 2013. 87296

**Sec. 5123.197.** Neither an applicant for an initial 87297  
residential facility license under section 5123.19 of the Revised 87298  
Code nor an applicant for a modification of an existing 87299  
residential facility license under that section is required to 87300  
obtain approval of a plan for the proposed new residential 87301  
facility or modification to the existing residential facility 87302  
pursuant to section 5123.042 of the Revised Code if all of the 87303  
following apply: 87304

(A) The new residential facility or modification to the 87305  
existing residential facility is to serve individuals who have 87306  
diagnoses or special care needs for which a medicaid ~~reimbursement~~ 87307  
payment rate is set pursuant to section ~~5111.258~~ 5124.153 of the 87308  
Revised Code; 87309

(B) The ~~directors of job and family services~~ medicaid 87310  
director and director of developmental disabilities determine that 87311  
there is a need under the medicaid program for the proposed new 87312  
residential facility or modification to the existing residential 87313  
facility and that approving the application for the initial 87314  
residential facility license or modification to the existing 87315  
residential facility license is fiscally prudent for the medicaid 87316  
program; 87317

(C) The director of budget and management notifies the 87318  
~~directors of job and family services~~ medicaid director and 87319  
director of developmental disabilities that the director of budget 87320  
and management agrees with the directors' determination under 87321  
division (B) of this section. 87322

**Sec. 5123.198.** (A) As used in this section, "date of the 87323  
commitment" means the date that an individual specified in 87324  
division (B) of this section begins to reside in a state-operated 87325  
~~intermediate care facility for the mentally retarded~~ ICF/MR after 87326  
being committed to the ~~facility~~ ICF/MR pursuant to sections 87327  
5123.71 to 5123.76 of the Revised Code. 87328

(B) Except as provided in division (C) of this section, 87329  
whenever a resident of a residential facility is committed to a 87330  
state-operated ~~intermediate care facility for the mentally~~ 87331  
~~retarded~~ ICF/MR pursuant to sections 5123.71 to 5123.76 of the 87332  
Revised Code, the department of developmental disabilities, 87333  
pursuant to an adjudication order issued in accordance with 87334  
Chapter 119. of the Revised Code, shall reduce by one the number 87335  
of residents for which the residential facility in which the 87336  
resident resided is licensed. 87337

(C) The department shall not reduce under division (B) of 87338  
this section the number of residents for which a residential 87339  
facility is licensed if any of the following are the case: 87340

(1) The resident of the residential facility who is committed 87341  
to a state-operated ~~intermediate care facility for the mentally~~ 87342  
~~retarded~~ ICF/MR resided in the residential facility because of the 87343  
closure, on or after June 26, 2003, of another state-operated 87344  
~~intermediate care facility for the mentally retarded~~ ICF/MR; 87345

(2) The residential facility admits within ninety days of the 87346  
date of the commitment an individual who resides on the date of 87347  
the commitment in a state-operated ~~intermediate care facility for~~ 87348



~~the mentally retarded ICF/MR~~ or another residential facility; 87349

(3) The department fails to do either of the following within 87350  
ninety days of the date of the commitment: 87351

(a) Identify an individual to whom all of the following 87352  
applies: 87353

(i) Resides on the date of the commitment in a state-operated 87354  
~~intermediate care facility for the mentally retarded ICF/MR~~ or 87355  
another residential facility; 87356

(ii) Has indicated to the department an interest in 87357  
relocating to the residential facility or has a parent or guardian 87358  
who has indicated to the department an interest for the individual 87359  
to relocate to the residential facility; 87360

(iii) The department determines the individual has needs that 87361  
the residential facility can meet. 87362

(b) Provide the residential facility with information about 87363  
the individual identified under division (C)(2)(a) of this section 87364  
that the residential facility needs in order to determine whether 87365  
the facility can meet the individual's needs. 87366

(4) If the department completes the actions specified in 87367  
divisions (C)(3)(a) and (b) of this section not later than ninety 87368  
days after the date of the commitment and except as provided in 87369  
division (D) of this section, the residential facility does all of 87370  
the following not later than ninety days after the date of the 87371  
commitment: 87372

(a) Evaluates the information provided by the department; 87373

(b) Assesses the identified individual's needs; 87374

(c) Determines that the residential facility cannot meet the 87375  
identified individual's needs. 87376

(5) If the department completes the actions specified in 87377  
divisions (C)(3)(a) and (b) of this section not later than ninety 87378

days after the date of the commitment and the residential facility 87379  
determines that the residential facility can meet the identified 87380  
individual's needs, the individual, or a parent or guardian of the 87381  
individual, refuses placement in the residential facility. 87382

(D) The department may reduce under division (B) of this 87383  
section the number of residents for which a residential facility 87384  
is licensed even though the residential facility completes the 87385  
actions specified in division (C)(4) of this section not later 87386  
than ninety days after the date of the commitment if all of the 87387  
following are the case: 87388

(1) The department disagrees with the residential facility's 87389  
determination that the residential facility cannot meet the 87390  
identified individual's needs. 87391

(2) The department issues a written decision pursuant to the 87392  
uniform procedures for admissions, transfers, and discharges 87393  
established by rules adopted under division (H)(9) of section 87394  
5123.19 of the Revised Code that the residential facility should 87395  
admit the identified individual. 87396

(3) After the department issues the written decision 87397  
specified in division (D)(2) of this section, the residential 87398  
facility refuses to admit the identified individual. 87399

(E) A residential facility that admits, refuses to admit, 87400  
transfers, or discharges a resident under this section shall 87401  
comply with the uniform procedures for admissions, transfers, and 87402  
discharges established by rules adopted under division (H)(9) of 87403  
section 5123.19 of the Revised Code. 87404

~~(F) The department of developmental disabilities may notify 87405  
the department of job and family services of any reduction under 87406  
this section in the number of residents for which a residential 87407  
facility that is an intermediate care facility for the mentally 87408  
retarded is licensed. On receiving the notice, the department of 87409~~

~~job and family services may transfer to the department of 87410  
developmental disabilities the savings in the nonfederal share of 87411  
medicaid expenditures for each fiscal year after the year of the 87412  
commitment to be used for costs of the resident's care in the 87413  
state-operated intermediate care facility for the mentally 87414  
retarded. In determining the amount saved, the department of job 87415  
and family services shall consider medicaid payments for the 87416  
remaining residents of the facility in which the resident resided. 87417~~

**Sec. 5123.38.** (A) Except as provided in division (B) of this 87418  
section, if an individual receiving supported living or home and 87419  
community-based services funded by a county board of developmental 87420  
disabilities is committed to a state-operated ~~intermediate care~~ 87421  
~~facility for the mentally retarded~~ ICF/MR pursuant to sections 87422  
5123.71 to 5123.76 of the Revised Code, the county board is 87423  
responsible for the nonfederal share of medicaid expenditures for 87424  
the individual's care in the state-operated ~~facility~~ ICF/MR. The 87425  
department of developmental disabilities shall collect the amount 87426  
of the nonfederal share from the county board by either 87427  
withholding that amount from funds the department has otherwise 87428  
allocated to the county board or submitting an invoice for payment 87429  
of that amount to the county board. 87430

(B) Division (A) of this section does not apply under any of 87431  
the following circumstances: 87432

(1) The county board, not later than ninety days after the 87433  
date of the commitment of a person receiving supported living, 87434  
commences funding of supported living for an individual who 87435  
resides in a state-operated ~~intermediate care facility for the~~ 87436  
~~mentally retarded~~ ICF/MR on the date of the commitment or another 87437  
eligible individual designated by the department. 87438

(2) The county board, not later than ninety days after the 87439  
date of the commitment of a person receiving home and 87440

community-based services, commences funding of home and 87441  
community-based services for an individual who resides in a 87442  
state-operated ~~intermediate care facility for the mentally~~ 87443  
~~retarded~~ ICF/MR on the date of the commitment or another eligible 87444  
individual designated by the department. 87445

(3) The director of developmental disabilities, after 87446  
determining that circumstances warrant granting a waiver in an 87447  
individual's case, grants the county board a waiver that exempts 87448  
the county board from responsibility for the nonfederal share for 87449  
that case. 87450

**Sec. 5123.61.** (A) As used in this section: 87451

(1) "Law enforcement agency" means the state highway patrol, 87452  
the police department of a municipal corporation, or a county 87453  
sheriff. 87454

(2) "Abuse" has the same meaning as in section 5123.50 of the 87455  
Revised Code, except that it includes a misappropriation, as 87456  
defined in that section. 87457

(3) "Neglect" has the same meaning as in section 5123.50 of 87458  
the Revised Code. 87459

(B) The department of developmental disabilities shall 87460  
establish a registry office for the purpose of maintaining reports 87461  
of abuse, neglect, and other major unusual incidents made to the 87462  
department under this section and reports received from county 87463  
boards of developmental disabilities under section 5126.31 of the 87464  
Revised Code. The department shall establish committees to review 87465  
reports of abuse, neglect, and other major unusual incidents. 87466

(C)(1) Any person listed in division (C)(2) of this section, 87467  
having reason to believe that a person with mental retardation or 87468  
a developmental disability has suffered or faces a substantial 87469  
risk of suffering any wound, injury, disability, or condition of 87470

such a nature as to reasonably indicate abuse or neglect of that 87471  
person, shall immediately report or cause reports to be made of 87472  
such information to the entity specified in this division. Except 87473  
as provided in section 5120.173 of the Revised Code or as 87474  
otherwise provided in this division, the person making the report 87475  
shall make it to a law enforcement agency or to the county board 87476  
of developmental disabilities. If the report concerns a resident 87477  
of a facility operated by the department of developmental 87478  
disabilities the report shall be made either to a law enforcement 87479  
agency or to the department. If the report concerns any act or 87480  
omission of an employee of a county board of developmental 87481  
disabilities, the report immediately shall be made to the 87482  
department and to the county board. 87483

(2) All of the following persons are required to make a 87484  
report under division (C)(1) of this section: 87485

(a) Any physician, including a hospital intern or resident, 87486  
any dentist, podiatrist, chiropractor, practitioner of a limited 87487  
branch of medicine as specified in section 4731.15 of the Revised 87488  
Code, hospital administrator or employee of a hospital, nurse 87489  
licensed under Chapter 4723. of the Revised Code, employee of an 87490  
ambulatory health facility as defined in section 5101.61 of the 87491  
Revised Code, employee of a home health agency, employee of a 87492  
residential facility licensed under section ~~5119.22~~ 5119.34 of the 87493  
Revised Code that provides accommodations, supervision, and person 87494  
care services for three to sixteen unrelated adults, or employee 87495  
of a community mental health facility; 87496

(b) Any school teacher or school authority, social worker, 87497  
psychologist, attorney, peace officer, coroner, or residents' 87498  
rights advocate as defined in section 3721.10 of the Revised Code; 87499

(c) A superintendent, board member, or employee of a county 87500  
board of developmental disabilities; an administrator, board 87501  
member, or employee of a residential facility licensed under 87502

section 5123.19 of the Revised Code; an administrator, board 87503  
member, or employee of any other public or private provider of 87504  
services to a person with mental retardation or a developmental 87505  
disability, or any MR/DD employee, as defined in section 5123.50 87506  
of the Revised Code; 87507

(d) A member of a citizen's advisory council established at 87508  
an institution or branch institution of the department of 87509  
developmental disabilities under section 5123.092 of the Revised 87510  
Code; 87511

(e) A member of the clergy who is employed in a position that 87512  
includes providing specialized services to an individual with 87513  
mental retardation or another developmental disability, while 87514  
acting in an official or professional capacity in that position, 87515  
or a person who is employed in a position that includes providing 87516  
specialized services to an individual with mental retardation or 87517  
another developmental disability and who, while acting in an 87518  
official or professional capacity, renders spiritual treatment 87519  
through prayer in accordance with the tenets of an organized 87520  
religion. 87521

(3)(a) The reporting requirements of this division do not 87522  
apply to employees of the Ohio protection and advocacy system. 87523

(b) An attorney or physician is not required to make a report 87524  
pursuant to division (C)(1) of this section concerning any 87525  
communication the attorney or physician receives from a client or 87526  
patient in an attorney-client or physician-patient relationship, 87527  
if, in accordance with division (A) or (B) of section 2317.02 of 87528  
the Revised Code, the attorney or physician could not testify with 87529  
respect to that communication in a civil or criminal proceeding, 87530  
except that the client or patient is deemed to have waived any 87531  
testimonial privilege under division (A) or (B) of section 2317.02 87532  
of the Revised Code with respect to that communication and the 87533  
attorney or physician shall make a report pursuant to division 87534

(C)(1) of this section, if both of the following apply: 87535

(i) The client or patient, at the time of the communication, 87536  
is a person with mental retardation or a developmental disability. 87537

(ii) The attorney or physician knows or suspects, as a result 87538  
of the communication or any observations made during that 87539  
communication, that the client or patient has suffered or faces a 87540  
substantial risk of suffering any wound, injury, disability, or 87541  
condition of a nature that reasonably indicates abuse or neglect 87542  
of the client or patient. 87543

(4) Any person who fails to make a report required under 87544  
division (C) of this section and who is an MR/DD employee, as 87545  
defined in section 5123.50 of the Revised Code, shall be eligible 87546  
to be included in the registry regarding misappropriation, abuse, 87547  
neglect, or other specified misconduct by MR/DD employees 87548  
established under section 5123.52 of the Revised Code. 87549

(D) The reports required under division (C) of this section 87550  
shall be made forthwith by telephone or in person and shall be 87551  
followed by a written report. The reports shall contain the 87552  
following: 87553

(1) The names and addresses of the person with mental 87554  
retardation or a developmental disability and the person's 87555  
custodian, if known; 87556

(2) The age of the person with mental retardation or a 87557  
developmental disability; 87558

(3) Any other information that would assist in the 87559  
investigation of the report. 87560

(E) When a physician performing services as a member of the 87561  
staff of a hospital or similar institution has reason to believe 87562  
that a person with mental retardation or a developmental 87563  
disability has suffered injury, abuse, or physical neglect, the 87564

physician shall notify the person in charge of the institution or 87565  
that person's designated delegate, who shall make the necessary 87566  
reports. 87567

(F) Any person having reasonable cause to believe that a 87568  
person with mental retardation or a developmental disability has 87569  
suffered or faces a substantial risk of suffering abuse or neglect 87570  
may report or cause a report to be made of that belief to the 87571  
entity specified in this division. Except as provided in section 87572  
5120.173 of the Revised Code or as otherwise provided in this 87573  
division, the person making the report shall make it to a law 87574  
enforcement agency or the county board of developmental 87575  
disabilities. If the person is a resident of a facility operated 87576  
by the department of developmental disabilities, the report shall 87577  
be made to a law enforcement agency or to the department. If the 87578  
report concerns any act or omission of an employee of a county 87579  
board of developmental disabilities, the report immediately shall 87580  
be made to the department and to the county board. 87581

(G)(1) Upon the receipt of a report concerning the possible 87582  
abuse or neglect of a person with mental retardation or a 87583  
developmental disability, the law enforcement agency shall inform 87584  
the county board of developmental disabilities or, if the person 87585  
is a resident of a facility operated by the department of 87586  
developmental disabilities, the director of the department or the 87587  
director's designee. 87588

(2) On receipt of a report under this section that includes 87589  
an allegation of action or inaction that may constitute a crime 87590  
under federal law or the law of this state, the department of 87591  
developmental disabilities shall notify the law enforcement 87592  
agency. 87593

(3) When a county board of developmental disabilities 87594  
receives a report under this section that includes an allegation 87595  
of action or inaction that may constitute a crime under federal 87596



law or the law of this state, the superintendent of the board or 87597  
an individual the superintendent designates under division (H) of 87598  
this section shall notify the law enforcement agency. The 87599  
superintendent or individual shall notify the department of 87600  
developmental disabilities when it receives any report under this 87601  
section. 87602

(4) When a county board of developmental disabilities 87603  
receives a report under this section and believes that the degree 87604  
of risk to the person is such that the report is an emergency, the 87605  
superintendent of the board or an employee of the board the 87606  
superintendent designates shall attempt a face-to-face contact 87607  
with the person with mental retardation or a developmental 87608  
disability who allegedly is the victim within one hour of the 87609  
board's receipt of the report. 87610

(H) The superintendent of the board may designate an 87611  
individual to be responsible for notifying the law enforcement 87612  
agency and the department when the county board receives a report 87613  
under this section. 87614

(I) An adult with mental retardation or a developmental 87615  
disability about whom a report is made may be removed from the 87616  
adult's place of residence only by law enforcement officers who 87617  
consider that the adult's immediate removal is essential to 87618  
protect the adult from further injury or abuse or in accordance 87619  
with the order of a court made pursuant to section 5126.33 of the 87620  
Revised Code. 87621

(J) A law enforcement agency shall investigate each report of 87622  
abuse or neglect it receives under this section. In addition, the 87623  
department, in cooperation with law enforcement officials, shall 87624  
investigate each report regarding a resident of a facility 87625  
operated by the department to determine the circumstances 87626  
surrounding the injury, the cause of the injury, and the person 87627  
responsible. The investigation shall be in accordance with the 87628

memorandum of understanding prepared under section 5126.058 of the Revised Code. The department shall determine, with the registry office which shall be maintained by the department, whether prior reports have been made concerning an adult with mental retardation or a developmental disability or other principals in the case. If the department finds that the report involves action or inaction that may constitute a crime under federal law or the law of this state, it shall submit a report of its investigation, in writing, to the law enforcement agency. If the person with mental retardation or a developmental disability is an adult, with the consent of the adult, the department shall provide such protective services as are necessary to protect the adult. The law enforcement agency shall make a written report of its findings to the department.

If the person is an adult and is not a resident of a facility operated by the department, the county board of developmental disabilities shall review the report of abuse or neglect in accordance with sections 5126.30 to 5126.33 of the Revised Code and the law enforcement agency shall make the written report of its findings to the county board.

(K) Any person or any hospital, institution, school, health department, or agency participating in the making of reports pursuant to this section, any person participating as a witness in an administrative or judicial proceeding resulting from the reports, or any person or governmental entity that discharges responsibilities under sections 5126.31 to 5126.33 of the Revised Code shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of such actions except liability for perjury, unless the person or governmental entity has acted in bad faith or with malicious purpose.

(L) No employer or any person with the authority to do so shall discharge, demote, transfer, prepare a negative work

performance evaluation, reduce pay or benefits, terminate work 87661  
privileges, or take any other action detrimental to an employee or 87662  
retaliate against an employee as a result of the employee's having 87663  
made a report under this section. This division does not preclude 87664  
an employer or person with authority from taking action with 87665  
regard to an employee who has made a report under this section if 87666  
there is another reasonable basis for the action. 87667

(M) Reports made under this section are not public records as 87668  
defined in section 149.43 of the Revised Code. Information 87669  
contained in the reports on request shall be made available to the 87670  
person who is the subject of the report, to the person's legal 87671  
counsel, and to agencies authorized to receive information in the 87672  
report by the department or by a county board of developmental 87673  
disabilities. 87674

(N) Notwithstanding section 4731.22 of the Revised Code, the 87675  
physician-patient privilege shall not be a ground for excluding 87676  
evidence regarding the injuries or physical neglect of a person 87677  
with mental retardation or a developmental disability or the cause 87678  
thereof in any judicial proceeding resulting from a report 87679  
submitted pursuant to this section. 87680

**Sec. 5123.86.** (A) Except as provided in divisions (C), (D), 87681  
(E), and (F) of this section, the chief medical officer shall 87682  
provide all information, including expected physical and medical 87683  
consequences, necessary to enable any resident of an institution 87684  
for the mentally retarded to give a fully informed, intelligent, 87685  
and knowing consent if any of the following procedures are 87686  
proposed: 87687

(1) Surgery; 87688

(2) Convulsive therapy; 87689

(3) Major aversive interventions; 87690

(4) Sterilization; 87691

(5) Experimental procedures; 87692

(6) Any unusual or hazardous treatment procedures. 87693

(B) No resident shall be subjected to any of the procedures 87694  
listed in division (A)(4), (5), or (6) of this section without the 87695  
resident's informed consent. 87696

(C) If a resident is physically or mentally unable to receive 87697  
the information required for surgery under division (A)(1) of this 87698  
section, or has been adjudicated incompetent, the information may 87699  
be provided to the resident's natural or court-appointed guardian, 87700  
including an agency providing guardianship services under contract 87701  
with the department of developmental disabilities under sections 87702  
5123.55 to 5123.59 of the Revised Code, who may give the informed, 87703  
intelligent, and knowing written consent for surgery. Consent for 87704  
surgery shall not be provided by a guardian who is an officer or 87705  
employee of the department of ~~mental health~~ mental health and 87706  
addiction services or the department of developmental 87707  
disabilities. 87708

If a resident is physically or mentally unable to receive the 87709  
information required for surgery under division (A)(1) of this 87710  
section and has no guardian, then the information, the 87711  
recommendation of the chief medical officer, and the concurring 87712  
judgment of a licensed physician who is not a full-time employee 87713  
of the state may be provided to the court in the county in which 87714  
the institution is located, which may approve the surgery. Before 87715  
approving the surgery, the court shall notify the Ohio protection 87716  
and advocacy system created by section 5123.60 of the Revised 87717  
Code, and shall notify the resident of the resident's rights to 87718  
consult with counsel, to have counsel appointed by the court if 87719  
the resident is indigent, and to contest the recommendation of the 87720  
chief medical officer. 87721

(D) If, in the judgment of two licensed physicians, delay in 87722  
obtaining consent for surgery would create a grave danger to the 87723  
health of a resident, emergency surgery may be performed without 87724  
the consent of the resident if the necessary information is 87725  
provided to the resident's guardian, including an agency providing 87726  
guardianship services under contract with the department of 87727  
developmental disabilities under sections 5123.55 to 5123.59 of 87728  
the Revised Code, or to the resident's spouse or next of kin to 87729  
enable that person or agency to give an informed, intelligent, and 87730  
knowing written consent. 87731

If the guardian, spouse, or next of kin cannot be contacted 87732  
through exercise of reasonable diligence, or if the guardian, 87733  
spouse, or next of kin is contacted, but refuses to consent, then 87734  
the emergency surgery may be performed upon the written 87735  
authorization of the chief medical officer and after court 87736  
approval has been obtained. However, if delay in obtaining court 87737  
approval would create a grave danger to the life of the resident, 87738  
the chief medical officer may authorize surgery, in writing, 87739  
without court approval. If the surgery is authorized without court 87740  
approval, the chief medical officer who made the authorization and 87741  
the physician who performed the surgery shall each execute an 87742  
affidavit describing the circumstances constituting the emergency 87743  
and warranting the surgery and the circumstances warranting their 87744  
not obtaining prior court approval. The affidavit shall be filed 87745  
with the court with which the request for prior approval would 87746  
have been filed within five court days after the surgery, and a 87747  
copy of the affidavit shall be placed in the resident's file and 87748  
shall be given to the guardian, spouse, or next of kin of the 87749  
resident, to the hospital at which the surgery was performed, and 87750  
to the Ohio protection and advocacy system created by section 87751  
5123.60 of the Revised Code. 87752

(E)(1) If it is the judgment of two licensed physicians, as 87753

described in division (E)(2) of this section, that a medical 87754  
emergency exists and delay in obtaining convulsive therapy creates 87755  
a grave danger to the life of a resident who is both mentally 87756  
retarded and mentally ill, convulsive therapy may be administered 87757  
without the consent of the resident if the resident is physically 87758  
or mentally unable to receive the information required for 87759  
convulsive therapy and if the necessary information is provided to 87760  
the resident's natural or court-appointed guardian, including an 87761  
agency providing guardianship services under contract with the 87762  
department of developmental disabilities under sections 5123.55 to 87763  
5123.59 of the Revised Code, or to the resident's spouse or next 87764  
of kin to enable that person or agency to give an informed, 87765  
intelligent, and knowing written consent. If neither the 87766  
resident's guardian, spouse, nor next of kin can be contacted 87767  
through exercise of reasonable diligence, or if the guardian, 87768  
spouse, or next of kin is contacted, but refuses to consent, then 87769  
convulsive therapy may be performed upon the written authorization 87770  
of the chief medical officer and after court approval has been 87771  
obtained. 87772

(2) The two licensed physicians referred to in division 87773  
(E)(1) of this section shall not be associated with each other in 87774  
the practice of medicine or surgery by means of a partnership or 87775  
corporate arrangement, other business arrangement, or employment. 87776  
At least one of the physicians shall be a psychiatrist as defined 87777  
in division (E) of section 5122.01 of the Revised Code. 87778

(F) Major aversive interventions shall not be used unless a 87779  
resident continues to engage in behavior destructive to self or 87780  
others after other forms of therapy have been attempted. Major 87781  
aversive interventions shall not be applied to a voluntary 87782  
resident without the informed, intelligent, and knowing written 87783  
consent of the resident or the resident's guardian, including an 87784  
agency providing guardianship services under contract with the 87785

department of developmental disabilities under sections 5123.55 to 87786  
5123.59 of the Revised Code. 87787

(G)(1) This chapter does not authorize any form of compulsory 87788  
medical or psychiatric treatment of any resident who is being 87789  
treated by spiritual means through prayer alone in accordance with 87790  
a recognized religious method of healing. 87791

(2) For purposes of this section, "convulsive therapy" does 87792  
not include defibrillation. 87793

**Sec. 5124.01. As used in this chapter:** 87794

(A) "Affiliated operator" means an operator affiliated with 87795  
either of the following: 87796

(1) The exiting operator for whom the affiliated operator is 87797  
to assume liability for the entire amount of the exiting 87798  
operator's debt under the medicaid program or the portion of the 87799  
debt that represents the franchise permit fee the exiting operator 87800  
owes; 87801

(2) The entering operator involved in the change of operator 87802  
with the exiting operator specified in division (A)(1) of this 87803  
section. 87804

(B) "Allowable costs" means an ICF/MR's costs that the 87805  
department of developmental disabilities determines are 87806  
reasonable. Fines paid under section 5124.99 of the Revised Code 87807  
are not allowable costs. 87808

(C) "Capital costs" means an ICF/MR's costs of ownership and 87809  
costs of nonextensive renovation. 87810

(D) "Case-mix score" means the measure determined under 87811  
section 5124.192 of the Revised Code of the relative direct-care 87812  
resources needed to provide care and habilitation to an ICF/MR 87813  
resident. 87814

(E) "Change of operator" means an entering operator becoming the operator of an ICF/MR in the place of the exiting operator. 87815  
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(1) Actions that constitute a change of operator include the following: 87817  
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(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship; 87819  
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(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/MR to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/MR is also transferred; 87822  
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(c) A lease of the ICF/MR to the entering operator or the exiting operator's termination of the exiting operator's lease; 87827  
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(d) If the exiting operator is a partnership, dissolution of the partnership; 87829  
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(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: 87831  
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(i) The change in composition does not cause the partnership's dissolution under state law. 87833  
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(ii) The partners agree that the change in composition does not constitute a change in operator. 87835  
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(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 87837  
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(2) The following, alone, do not constitute a change of operator: 87841  
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(a) A contract for an entity to manage an ICF/MR as the operator's agent, subject to the operator's approval of daily 87843  
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|                                                                                                                                                                                                                                                   |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <u>operating and management decisions;</u>                                                                                                                                                                                                        | 87845                            |
| <u>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/MR if an entering operator does not become the operator in place of an exiting operator;</u>                          | 87846<br>87847<br>87848<br>87849 |
| <u>(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.</u> | 87850<br>87851<br>87852<br>87853 |
| <u>(F) "Cost center" means the following:</u>                                                                                                                                                                                                     | 87854                            |
| <u>(1) Capital costs;</u>                                                                                                                                                                                                                         | 87855                            |
| <u>(2) Direct care costs;</u>                                                                                                                                                                                                                     | 87856                            |
| <u>(3) Indirect care costs;</u>                                                                                                                                                                                                                   | 87857                            |
| <u>(4) Other protected costs.</u>                                                                                                                                                                                                                 | 87858                            |
| <u>(G) "Costs of nonextensive renovations" means the actual expense incurred by an ICF/MR for depreciation or amortization and interest on renovations that are not extensive renovations.</u>                                                    | 87859<br>87860<br>87861          |
| <u>(H)(1) "Costs of ownership" means the actual expenses incurred by an ICF/MR for all of the following:</u>                                                                                                                                      | 87862<br>87863                   |
| <u>(a) Subject to division (H)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:</u>                                                                  | 87864<br>87865<br>87866          |
| <u>(i) Buildings;</u>                                                                                                                                                                                                                             | 87867                            |
| <u>(ii) Building improvements that are not approved as nonextensive renovations under section 5124.17 of the Revised Code;</u>                                                                                                                    | 87868<br>87869<br>87870          |
| <u>(iii) Equipment;</u>                                                                                                                                                                                                                           | 87871                            |
| <u>(iv) Extensive renovations;</u>                                                                                                                                                                                                                | 87872                            |

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <u>(v) Transportation equipment.</u>                                                                                                                                                                                                                                                                                                                                                        | 87873                                              |
| <u>(b) Amortization and interest on land improvements and leasehold improvements;</u>                                                                                                                                                                                                                                                                                                       | 87874<br>87875                                     |
| <u>(c) Amortization of financing costs;</u>                                                                                                                                                                                                                                                                                                                                                 | 87876                                              |
| <u>(d) Except as provided in division (Z) of this section, lease and rent of land, building, and equipment.</u>                                                                                                                                                                                                                                                                             | 87877<br>87878                                     |
| <u>(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/MR provider's practice.</u>                                                                                                                                                                                                                    | 87879<br>87880<br>87881                            |
| <u>(I)(1) "Date of licensure" means the following:</u>                                                                                                                                                                                                                                                                                                                                      | 87882                                              |
| <u>(a) In the case of an ICF/MR that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;</u>                                                                                                  | 87883<br>87884<br>87885<br>87886<br>87887          |
| <u>(b) In the case of an ICF/MR that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;</u>                                                                                                                                                                                                               | 87888<br>87889<br>87890                            |
| <u>(c) In the case of an ICF/MR that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/MR was first licensed as a nursing home or residential facility.</u>                                              | 87891<br>87892<br>87893<br>87894<br>87895<br>87896 |
| <u>(2) If, after an ICF/MR's original date of licensure, more residential facility beds are added to the ICF/MR or all or part of the ICF/MR undergoes an extensive renovation, the ICF/MR has a different date of licensure for the additional beds or extensively renovated portion of the ICF/MR. This does not apply, however, to additional beds when both of the following apply:</u> | 87897<br>87898<br>87899<br>87900<br>87901<br>87902 |

(a) The additional beds are located in a part of the ICF/MR that was constructed at the same time as the continuing beds already located in that part of the ICF/MR; 87903  
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(b) The part of the ICF/MR in which the additional beds are located was constructed as part of the ICF/MR at a time when the ICF/MR was not required by law to be licensed as a nursing home or residential facility. 87906  
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(3) The definition of "date of licensure" in this section applies in determinations of ICFs/MR's medicaid payment rates but does not apply in determinations of ICFs/MR's franchise permit fees under sections 5168.60 to 5168.71 of the Revised Code. 87910  
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(J) "Desk-reviewed" means that an ICF/MR's costs as reported on a cost report filed under section 5124.10 or 5124.101 of the Revised Code have been subjected to a desk review under section 5124.108 of the Revised Code and preliminarily determined to be allowable costs. 87914  
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(K) "Developmental center" means a residential facility that is maintained and operated by the department of developmental disabilities. 87919  
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(L) "Direct care costs" means all of the following costs incurred by an ICF/MR: 87922  
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(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/MR; 87924  
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(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified intellectual disability professionals, program directors, social services staff, activities staff, off-site day programming, psychologists, psychology assistants, social workers, counselors, 87926  
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| <u>and other persons holding degrees qualifying them to provide</u>       | 87934 |
| <u>therapy;</u>                                                           | 87935 |
| <u>(3) Costs of purchased nursing services;</u>                           | 87936 |
| <u>(4) Costs of training and staff development, employee</u>              | 87937 |
| <u>benefits, payroll taxes, and workers' compensation premiums or</u>     | 87938 |
| <u>costs for self-insurance claims and related costs as specified in</u>  | 87939 |
| <u>rules adopted under section 5124.03 of the Revised Code, for</u>       | 87940 |
| <u>personnel listed in divisions (L)(1), (2), and (3) of this</u>         | 87941 |
| <u>section;</u>                                                           | 87942 |
| <u>(5) Costs of quality assurance;</u>                                    | 87943 |
| <u>(6) Costs of consulting and management fees related to direct</u>      | 87944 |
| <u>care;</u>                                                              | 87945 |
| <u>(7) Allocated direct care home office costs;</u>                       | 87946 |
| <u>(8) Costs of other direct-care resources that are specified</u>        | 87947 |
| <u>as direct care costs in rules adopted under section 5124.03 of the</u> | 87948 |
| <u>Revised Code.</u>                                                      | 87949 |
| <u>(M) "Downsized ICF/MR" means an ICF/MR that permanently</u>            | 87950 |
| <u>reduced its medicaid-certified capacity pursuant to a plan</u>         | 87951 |
| <u>approved by the department of developmental disabilities under</u>     | 87952 |
| <u>section 5123.042 of the Revised Code.</u>                              | 87953 |
| <u>(N) "Effective date of a change of operator" means the day</u>         | 87954 |
| <u>the entering operator becomes the operator of the ICF/MR.</u>          | 87955 |
| <u>(O) "Effective date of a facility closure" means the last day</u>      | 87956 |
| <u>that the last of the residents of the ICF/MR resides in the</u>        | 87957 |
| <u>ICF/MR.</u>                                                            | 87958 |
| <u>(P) "Effective date of an involuntary termination" means the</u>       | 87959 |
| <u>date the department of medicaid terminates the operator's provider</u> | 87960 |
| <u>agreement for the ICF/MR or the last day that such a provider</u>      | 87961 |
| <u>agreement is in effect when the department cancels or refuses to</u>   | 87962 |
| <u>revalidate it.</u>                                                     | 87963 |

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| <u>(Q) "Effective date of a voluntary termination" means the day</u>     | 87964 |
| <u>the ICF/MR ceases to accept medicaid recipients.</u>                  | 87965 |
| <u>(R) "Entering operator" means the person or government entity</u>     | 87966 |
| <u>that will become the operator of an ICF/MR when a change of</u>       | 87967 |
| <u>operator occurs or following an involuntary termination.</u>          | 87968 |
| <u>(S) "Exiting operator" means any of the following:</u>                | 87969 |
| <u>(1) An operator that will cease to be the operator of an</u>          | 87970 |
| <u>ICF/MR on the effective date of a change of operator;</u>             | 87971 |
| <u>(2) An operator that will cease to be the operator of an</u>          | 87972 |
| <u>ICF/MR on the effective date of a facility closure;</u>               | 87973 |
| <u>(3) An operator of an ICF/MR that is undergoing or has</u>            | 87974 |
| <u>undergone a voluntary termination;</u>                                | 87975 |
| <u>(4) An operator of an ICF/MR that is undergoing or has</u>            | 87976 |
| <u>undergone an involuntary termination.</u>                             | 87977 |
| <u>(T)(1) "Extensive renovation" means the following:</u>                | 87978 |
| <u>(a) An ICF/MR's betterment, improvement, or restoration to</u>        | 87979 |
| <u>which both of the following apply:</u>                                | 87980 |
| <u>(i) It was started before July 1, 1993;</u>                           | 87981 |
| <u>(ii) It meets the definition of "extensive renovation"</u>            | 87982 |
| <u>established in rules that were adopted by the director of job and</u> | 87983 |
| <u>family services and in effect on December 22, 1992.</u>               | 87984 |
| <u>(b) An ICF/MR's betterment, improvement, or restoration to</u>        | 87985 |
| <u>which all of the following apply:</u>                                 | 87986 |
| <u>(i) It was started on or after July 1, 1993;</u>                      | 87987 |
| <u>(ii) Except as provided in division (T)(2) of this section,</u>       | 87988 |
| <u>it costs more than sixty-five per cent and not more than</u>          | 87989 |
| <u>eighty-five per cent of the cost of constructing a new bed;</u>       | 87990 |
| <u>(iii) It extends the useful life of the assets for at least</u>       | 87991 |
| <u>ten years.</u>                                                        | 87992 |

(2) The department of developmental disabilities may treat a renovation that costs more than eighty-five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds. 87993  
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(3) For the purpose of division (T)(1)(b)(ii) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the extensive renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics. 87998  
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(U)(1) Subject to divisions (U)(2) and (3) of this section, "facility closure" means either of the following: 88006  
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(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/MR that results in the relocation of all of the facility's residents; 88008  
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(b) Conversion of the building, or part of the building, that houses an ICF/MR to a different use with any necessary license or other approval needed for that use being obtained and one or more of the facility's residents remaining in the facility to receive services under the new use. 88011  
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(2) A facility closure occurs regardless of any of the following: 88016  
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(a) The operator completely or partially replacing the ICF/MR by constructing a new ICF/MR or transferring the ICF/MR's license to another ICF/MR; 88018  
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(b) The ICF/MR's residents relocating to another of the operator's ICFs/MR; 88021  
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(c) Any action the department of health takes regarding the ICF/MR's medicaid certification that may result in the transfer of part of the ICF/MR's survey findings to another of the operator's ICFs/MR; 88023  
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(d) Any action the department of developmental disabilities takes regarding the ICF/MR's license under section 5123.19 of the Revised Code. 88027  
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(3) A facility closure does not occur if all of the ICF/MR's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/MR not later than thirty days after the evacuation occurs. 88030  
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(V) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code. 88034  
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(W) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code. 88036  
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(X) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 88038  
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(Y) "ICF/MR services" means ICF/IID services as defined in 42 C.F.R. 440.150. 88040  
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(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/MR other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repair expenses, help-wanted advertising, informational advertising, start-up 88042  
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costs, organizational expenses, other interest, property 88054  
insurance, employee training and staff development, employee 88055  
benefits, payroll taxes, and workers' compensation premiums or 88056  
costs for self-insurance claims and related costs, as specified in 88057  
rules adopted under section 5124.03 of the Revised Code, for 88058  
personnel listed in this division. Notwithstanding division (H) of 88059  
this section, "indirect care costs" also means the cost of 88060  
equipment, including vehicles, acquired by operating lease 88061  
executed before December 1, 1992, if the costs are reported as 88062  
administrative and general costs on the ICF/MR's cost report for 88063  
the cost reporting period ending December 31, 1992. 88064

(2) For the purpose of division (Z)(1) of this section, an 88065  
operating lease shall be construed in accordance with generally 88066  
accepted accounting principles. 88067

(AA) "Inpatient days" means both of the following: 88068

(1) All days during which a resident, regardless of payment 88069  
source, occupies a bed in an ICF/MR that is included in the 88070  
ICF/MR's medicaid-certified capacity; 88071

(2) All days for which payment is made under section 5124.34 88072  
of the Revised Code. 88073

(BB) "Intermediate care facility for the mentally retarded" 88074  
and "ICF/MR" mean an intermediate care facility for the mentally 88075  
retarded as defined in the "Social Security Act," section 1905(d), 88076  
42 U.S.C. 1396d(d). 88077

(CC) "Involuntary termination" means the department of 88078  
medicaid's termination of, cancellation of, or refusal to 88079  
revalidate the operator's provider agreement for the ICF/MR when 88080  
such action is not taken at the operator's request. 88081

(DD) "Low resource utilization resident" means a medicaid 88082  
recipient residing in an ICF/MR who is placed in the typical 88083  
adaptive needs and nonsignificant behaviors classification 88084



pursuant to the resident assessment instrument and grouper methodology established in rules authorized by sections 5124.191 and 5124.192 of the Revised Code. 88085  
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(EE) "Maintenance and repair expenses" means, except as provided in division (UU)(2)(b) of this section, expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering. 88088  
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(FF) "Medicaid-certified capacity" means the number of an ICF/MR's beds that are certified for participation in medicaid as ICF/IID beds. 88095  
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(GG) "Medicaid days" means both of the following: 88098

(1) All days during which a resident who is a medicaid recipient eligible for ICF/MR services occupies a bed in an ICF/MR that is included in the ICF/MR's medicaid-certified capacity; 88099  
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(2) All days for which payment is made under section 5124.34 of the Revised Code. 88102  
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(HH)(1) "New ICF/MR" means an ICF/MR for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/MR, including such an ICF/MR that replaces one or more ICFs/MR for which a provider previously held a provider agreement. 88104  
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(2) "New ICF/MR" does not mean either of the following: 88109

(a) An ICF/MR for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code; 88110  
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(b) A downsized ICF/MR or partially converted ICF/MR. 88114

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| <u>(II) "Nursing home" has the same meaning as in section</u>             | 88115 |
| <u>3721.01 of the Revised Code.</u>                                       | 88116 |
| <u>(JJ) "Operator" means the person or government entity</u>              | 88117 |
| <u>responsible for the daily operating and management decisions for</u>   | 88118 |
| <u>an ICF/MR.</u>                                                         | 88119 |
| <u>(KK) "Other protected costs" means costs incurred by an</u>            | 88120 |
| <u>ICF/MR for medical supplies; real estate, franchise, and property</u>  | 88121 |
| <u>taxes; natural gas, fuel oil, water, electricity, sewage, and</u>      | 88122 |
| <u>refuse and hazardous medical waste collection; allocated other</u>     | 88123 |
| <u>protected home office costs; and any additional costs defined as</u>   | 88124 |
| <u>other protected costs in rules adopted under section 5124.03 of</u>    | 88125 |
| <u>the Revised Code.</u>                                                  | 88126 |
| <u>(LL)(1) "Owner" means any person or government entity that</u>         | 88127 |
| <u>has at least five per cent ownership or interest, either directly,</u> | 88128 |
| <u>indirectly, or in any combination, in any of the following</u>         | 88129 |
| <u>regarding an ICF/MR:</u>                                               | 88130 |
| <u>(a) The land on which the ICF/MR is located;</u>                       | 88131 |
| <u>(b) The structure in which the ICF/MR is located;</u>                  | 88132 |
| <u>(c) Any mortgage, contract for deed, or other obligation</u>           | 88133 |
| <u>secured in whole or in part by the land or structure on or in</u>      | 88134 |
| <u>which the ICF/MR is located;</u>                                       | 88135 |
| <u>(d) Any lease or sublease of the land or structure on or in</u>        | 88136 |
| <u>which the ICF/MR is located.</u>                                       | 88137 |
| <u>(2) "Owner" does not mean a holder of a debenture or bond</u>          | 88138 |
| <u>related to an ICF/MR and purchased at public issue or a regulated</u>  | 88139 |
| <u>lender that has made a loan related to the ICF/MR unless the</u>       | 88140 |
| <u>holder or lender operates the ICF/MR directly or through a</u>         | 88141 |
| <u>subsidiary.</u>                                                        | 88142 |
| <u>(MM) "Partially converted ICF/MR" means an ICF/MR that</u>             | 88143 |
| <u>converted some, but not all, of its beds to providing home and</u>     | 88144 |

community-based services under the individual options waiver 88145  
pursuant to section 5124.60 of the Revised Code. 88146

(NN)(1) Except as provided in divisions (NN)(2) and (3) of 88147  
this section, "per diem" means an ICF/MR's desk-reviewed, actual, 88148  
allowable costs in a given cost center in a cost reporting period, 88149  
divided by the facility's inpatient days for that cost reporting 88150  
period. 88151

(2) When determining capital costs for the purpose of section 88152  
5124.17 of the Revised Code, "per diem" means an ICF/MR's actual, 88153  
allowable capital costs in a cost-reporting period divided by the 88154  
greater of the facility's inpatient days for that period or the 88155  
number of inpatient days the ICF/MR would have had during that 88156  
period if its occupancy rate had been ninety-five per cent. 88157

(3) When determining indirect care costs for the purpose of 88158  
section 5124.21 of the Revised Code, "per diem" means an ICF/MR's 88159  
actual, allowable indirect care costs in a cost-reporting period 88160  
divided by the greater of the ICF/MR's inpatient days for that 88161  
period or the number of inpatient days the ICF/MR would have had 88162  
during that period if its occupancy rate had been eighty-five per 88163  
cent. 88164

(OO) "Provider" means an operator with a valid provider 88165  
agreement. 88166

(PP) "Provider agreement" means a provider agreement, as 88167  
defined in section 5164.01 of the Revised Code, that is between 88168  
the department of medicaid and the operator of an ICF/MR for the 88169  
provision of ICF/MR services under the medicaid program. 88170

(OO) "Purchased nursing services" means services that are 88171  
provided in an ICF/MR by registered nurses, licensed practical 88172  
nurses, or nurse aides who are not employees of the ICF/MR. 88173

(RR) "Reasonable" means that a cost is an actual cost that is 88174  
appropriate and helpful to develop and maintain the operation of 88175

resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider. 88176  
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(SS) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider. 88180  
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(1) An individual who is a relative of an owner is a related party. 88184  
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(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property. 88186  
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(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization. 88195  
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(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met: 88198  
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(a) The supplier is a separate bona fide organization. 88201

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes. 88202  
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(c) The types of goods or services are commonly obtained by other ICFs/MR from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/MR. 88206  
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(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier. 88210  
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(TT) "Relative of owner" means an individual who is related to an owner of an ICF/MR by one of the following relationships: 88214  
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(1) Spouse; 88216

(2) Natural parent, child, or sibling; 88217

(3) Adopted parent, child, or sibling; 88218

(4) Stepparent, stepchild, stepbrother, or stepsister; 88219

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; 88220  
88221

(6) Grandparent or grandchild; 88222

(7) Foster caregiver, foster child, foster brother, or foster sister. 88223  
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(UU)(1) "Renovation" means the following: 88225

(a) An ICF/MR's betterment, improvement, or restoration to which both of the following apply: 88226  
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(i) It was started before July 1, 1993; 88228

(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992. 88229  
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(b) An ICF/MR's betterment, improvement, or restoration to which both of the following apply: 88232  
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|                                                                                                                                                                                                                                                                                     |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <u>(i) It was started on or after July 1, 1993;</u>                                                                                                                                                                                                                                 | 88234                                     |
| <u>(ii) It betters, improves, or restores the ICF/MR beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed.</u>                                                                                                       | 88235<br>88236<br>88237                   |
| <u>(2) A renovation started on or after July 1, 1993, may include both of the following:</u>                                                                                                                                                                                        | 88238<br>88239                            |
| <u>(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years;</u>                                                                                                                           | 88240<br>88241<br>88242                   |
| <u>(b) Costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project.</u>                                                                                                     | 88243<br>88244<br>88245                   |
| <u>(3) "Renovation" does not mean construction of additional space for beds that will be added to an ICF/MR's licensed capacity or medicaid-certified capacity.</u>                                                                                                                 | 88246<br>88247<br>88248                   |
| <u>(VV) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.</u>                                                                                                                                                                                  | 88249<br>88250                            |
| <u>(WW) "Sponsor" means an adult relative, friend, or guardian of an ICF/MR resident who has an interest or responsibility in the resident's welfare.</u>                                                                                                                           | 88251<br>88252<br>88253                   |
| <u>(XX) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.</u>                                                                                                                                                                                       | 88254<br>88255                            |
| <u>(YY) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.</u>                                                                                                                                                                                   | 88256<br>88257                            |
| <u>(ZZ) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/MR in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.</u> | 88258<br>88259<br>88260<br>88261<br>88262 |

~~Sec. 5111.226 5124.02.~~ Subject, if needed, to the approval of 88263  
the United States secretary of health and human services, the The 88264  
department of ~~job and family services~~ medicaid shall enter into a 88265  
contract with the department of developmental disabilities under 88266  
section ~~5111.91~~ 5162.35 of the Revised Code that provides for the 88267  
department of developmental disabilities to assume the powers and 88268  
duties of the department of ~~job and family services~~ medicaid with 88269  
regard to the medicaid program's coverage of ICF/MR services 88270  
~~provided by intermediate care facilities for the mentally~~ 88271  
~~retarded.~~ The contract shall include a schedule for the assumption 88272  
of the powers and duties. Except as otherwise authorized by the 88273  
United States secretary of health and human services, no provision 88274  
of the contract may violate a federal law or regulation governing 88275  
the medicaid program. ~~Once the contract goes into effect, all~~ 88276  
~~references to the department of job and family services, and all~~ 88277  
~~references to the director of job and family services, with regard~~ 88278  
~~to intermediate care facilities for the mentally retarded that are~~ 88279  
~~in law enacted by the general assembly shall be deemed to be~~ 88280  
~~references to the department of developmental disabilities and~~ 88281  
~~director of developmental disabilities, respectively, to the~~ 88282  
~~extent necessary to implement the terms of the contract.~~ 88283  
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Sec. 5124.03. To the extent authorized by rules authorized by 88285  
section 5162.021 of the Revised Code, the director of 88286  
developmental disabilities shall adopt rules in accordance with 88287  
Chapter 119. of the Revised Code as necessary to implement this 88288  
chapter. 88289

Sec. 5124.05. The medicaid program shall cover ICF/MR 88290  
services when all of the following apply: 88291

(A) The ICF/MR services are provided to a medicaid recipient 88292

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| <u>eligible for the services.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 88293                                                                         |
| <u>(B) The ICF/MR services are provided by an ICF/MR for which the provider has a valid provider agreement.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 88294<br>88295                                                                |
| <u>(C) Federal financial participation is available for the ICF/MR services.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 88296<br>88297                                                                |
| <b><u>Sec. 5124.06.</u></b> (A) <u>Subject to section 5124.072 of the Revised Code, an ICF/MR operator is eligible to enter into a provider agreement for an ICF/MR if all of the following apply:</u>                                                                                                                                                                                                                                                                                                                                                                               | 88298<br>88299<br>88300                                                       |
| <u>(1) The ICF/MR is certified by the director of health for participation in medicaid;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 88301<br>88302                                                                |
| <u>(2) The ICF/MR is licensed by the director of developmental disabilities as a residential facility;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 88303<br>88304                                                                |
| <u>(3) Subject to division (B) of this section, the operator and ICF/MR comply with all applicable state and federal statutes and rules.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                         | 88305<br>88306<br>88307                                                       |
| <u>(B) A state rule that requires an ICF/MR operator to have received approval of a plan for the proposed ICF/MR pursuant to section 5123.042 of the Revised Code as a condition of the operator being eligible to receive medicaid payments for ICF/MR services the ICF/MR provides does not apply if, under former section 5123.193 of the Revised Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly or section 5123.197 of the Revised Code, a residential facility license was obtained or modified for the ICF/MR without obtaining approval of such a plan.</u> | 88308<br>88309<br>88310<br>88311<br>88312<br>88313<br>88314<br>88315<br>88316 |
| <b><u>Sec. 5124.07.</u></b> (A) <u>Except as provided in section 5124.072 of the Revised Code, the department of medicaid shall enter into a provider agreement with an ICF/MR operator who applies, and is eligible, for the provider agreement.</u>                                                                                                                                                                                                                                                                                                                                | 88317<br>88318<br>88319<br>88320                                              |
| <u>(B) A provider agreement shall require the department of</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 88321                                                                         |



developmental disabilities, pursuant to its agreement with the 88322  
department of medicaid under section 5124.02 of the Revised Code, 88323  
to make medicaid payments to the provider in accordance with this 88324  
chapter for ICF/MR services the ICF/MR provides to its residents 88325  
who are medicaid recipients eligible for ICF/MR services. 88326

(C) A provider agreement shall require the provider to do all 88327  
of the following: 88328

(1) Maintain eligibility for the provider agreement as 88329  
provided in section 5124.06 of the Revised Code; 88330

(2) Keep records relating to a cost reporting period for the 88331  
greater of seven years after the cost report is filed or, if the 88332  
department of developmental disabilities issues an audit report in 88333  
accordance with section 5124.109 of the Revised Code, six years 88334  
after all appeal rights relating to the audit report are 88335  
exhausted; 88336

(3) File reports as the department of developmental 88337  
disabilities requires; 88338

(4) Open all records relating to the costs of the ICF/MR's 88339  
services for inspection and audit by the department of 88340  
developmental disabilities; 88341

(5) Open its premises for inspection by the department of 88342  
developmental disabilities, department of health, and any other 88343  
state or local authority having authority to inspect; 88344

(6) Supply to the department of developmental disabilities 88345  
such information as it requires concerning the ICF/MR's services 88346  
to residents who are, or are eligible to be, medicaid recipients; 88347

(7) Comply with section 5124.08 of the Revised Code. 88348

(D) A provider agreement may contain other provisions that 88349  
are consistent with law and considered necessary by the department 88350  
of medicaid or the department of developmental disabilities. 88351

Sec. 5124.071. An ICF/MR operator may enter into provider agreements for more than one ICF/MR. 88352  
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Sec. 5124.072. The department of medicaid, in accordance with rules adopted under section 5165.02 of the Revised Code, may elect not to enter into, not to revalidate, or to terminate an ICF/MR provider agreement when the department determines that such an agreement would not be in the best interests of medicaid recipients or the state. The department shall not revalidate an ICF/MR provider agreement if the provider fails to maintain eligibility for the provider agreement as provided in section 5124.06 of the Revised Code. 88354  
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Sec. 5124.08. (A) Every provider agreement with an ICF/MR provider shall do both of the following: 88363  
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(1) Except as provided by division (B) of this section, include any part of the ICF/MR that meets federal and state standards for medicaid certification; 88365  
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(2) Prohibit the provider from doing either of the following: 88368

(a) Discriminating against a resident on the basis of race, color, sex, creed, or national origin; 88369  
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(b) Subject to division (D) of this section, failing or refusing to do either of the following: 88371  
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(i) Admit as a resident of the ICF/MR an individual because the individual is, or may (as a resident of the ICF/MR) become, a medicaid recipient if less than eighty per cent of the ICF/MR's residents are medicaid recipients; 88373  
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(ii) Retain as a resident of the ICF/MR an individual because the individual is, or may (as a resident of the ICF/MR) become, a medicaid recipient. 88377  
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(B) Unless otherwise required by federal law, an ICF/MR bed is not required to be included in a provider agreement if the bed is designated for respite care under a medicaid waiver component operated pursuant to a waiver sought under section 5166.20 of the Revised Code. 88380  
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(C) For the purpose of division (A)(2)(b)(ii) of this section, a medicaid recipient who is a resident of an ICF/MR shall be considered a resident of the ICF/MR during any hospital stays totaling less than twenty-five days during any twelve-month period. A medicaid recipient identified by the department of developmental disabilities or its designee as requiring the level of care of an ICF/MR shall not be subject to a maximum period of absences during which the recipient is considered to be an ICF/MR resident if prior authorization of the department for visits with relatives and friends and participation in therapeutic programs is obtained in accordance with rules adopted under section 5124.03 of the Revised Code. 88385  
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(D) Nothing in this section shall bar a provider from doing any of the following: 88397  
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(1) If the provider is a religious organization operating a religious or denominational ICF/MR, giving preference to persons of the same religion or denomination; 88399  
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(2) Giving preference to persons with whom the provider has contracted to provide continuing care; 88402  
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(3) Retaining residents who have resided in the provider's ICF/MR for not less than one year as private pay residents and who subsequently become medicaid recipients but refusing to admit as a resident an individual who is, or may (as a resident of the ICF/MR) become, a medicaid recipient, if all of the following apply: 88404  
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(a) The provider does not refuse to retain a resident who has 88410

resided in the provider's ICF/MR for not less than one year as a private pay resident because the resident becomes a medicaid recipient, except as necessary to comply with division (D)(3)(b) of this section. 88411  
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(b) The number of medicaid recipients retained under division (D)(3) of this section does not at any time exceed ten per cent of all the ICF/MR's residents. 88415  
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(c) On July 1, 1980, all the ICF/MR's residents were private pay residents. 88418  
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(E) No provider shall violate the provider agreement obligations imposed by this section. 88420  
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**Sec. 5124.081.** An ICF/MR resident has a cause of action against the provider of the ICF/MR for breach of the provider agreement obligations or other duties imposed by section 5124.08 of the Revised Code. The action may be commenced by the resident, or on the resident's behalf by the resident's sponsor, by the filing of a civil action in the court of common pleas of the county in which the ICF/MR is located or in the court of common pleas of Franklin county. 88422  
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If a court of common pleas finds that a provider has breached a provider agreement obligation or other duty imposed by section 5124.08 of the Revised Code, the court may do one or more of the following: 88430  
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(A) Enjoin the provider from engaging in the practice; 88434

(B) Order such affirmative relief as may be necessary; 88435

(C) Award to a resident and a sponsor that brings the action on behalf of a resident actual damages, costs, and reasonable attorney's fees. 88436  
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**Sec. 5124.10.** (A) Except as provided in division (D) of this 88439

section and division (E)(2) of section 5124.101 of the Revised Code, each ICF/MR provider shall file with the department of developmental disabilities an annual cost report for each of the provider's ICFs/MR for which the provider has a valid provider agreement. The cost report for a year shall cover the calendar year or portion of the calendar year during which the ICF/MR participated in the medicaid program. Except as provided in division (E) of this section, the cost report is due not later than ninety days after the end of the calendar year, or portion of the calendar year, that the cost report covers. 88440  
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(B)(1) If an ICF/MR undergoes a change of provider that the department determines, in accordance with rules adopted under section 5124.03 of the Revised Code, is not an arms length transaction, the new provider shall file the ICF/MR's cost report in accordance with division (A) of this section and the cost report shall cover the portion of the calendar year during which the new provider operated the ICF/MR and the portion of the calendar year during which the previous provider operated the ICF/MR. 88450  
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(2) If an ICF/MR undergoes a change of provider that the department determines, in accordance with rules adopted under section 5124.03 of the Revised Code, is an arms length transaction, the new provider shall file with the department a cost report for the ICF/MR not later than, except as provided in division (E) of this section, ninety days after the end of the ICF/MR's first three full calendar months of operation under the new provider. The cost report shall cover the period that begins with the ICF/MR's first day of operation under the new provider and ends on the first day of the month immediately following the first three full months of operation under the new provider. 88459  
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(C) If the medicaid payment rate for a new ICF/MR was most 88470

recently determined in accordance with section 5124.151 of the 88471  
Revised Code, the provider shall file with the department a cost 88472  
report for the new ICF/MR not later than, except as provided in 88473  
division (E) of this section, ninety days after the end of the new 88474  
ICF/MR's first three full calendar months of operation. The cost 88475  
report shall cover the period that begins with the ICF/MR's first 88476  
day of operation and ends on the first day of the month 88477  
immediately following the first three full months of operation. 88478

(D) An ICF/MR provider is not required to file a cost report 88479  
for an ICF/MR for a calendar year in accordance with division (A) 88480  
of this section if the provider files a cost report for the ICF/MR 88481  
under division (B)(2) or (C) of this section and that cost report 88482  
covers a period that begins after the first day of October of that 88483  
calendar year. The provider shall file a cost report for the 88484  
ICF/MR in accordance with division (A) of this section for the 88485  
immediately following calendar year. 88486

(E) The department may grant to a provider a fourteen-day 88487  
extension to file a cost report under this section or section 88488  
5124.101 of the Revised Code if the provider provides the 88489  
department a written request for the extension and the department 88490  
determines that there is good cause for the extension. 88491

**Sec. 5124.101.** (A) The provider of an ICF/MR that becomes a 88492  
downsized ICF/MR or partially converted ICF/MR may file with the 88493  
department of developmental disabilities a cost report covering 88494  
the period specified in division (B) of this section if the ICF/MR 88495  
has both of the following on the day it becomes a downsized ICF/MR 88496  
or partially converted ICF/MR: 88497

(1) A medicaid-certified capacity that is at least ten per 88498  
cent less than its medicaid-certified capacity on the day 88499  
immediately preceding the day it becomes a downsized ICF/MR or 88500  
partially converted ICF/MR; 88501

(2) At least five fewer beds certified as ICF/MR beds than it 88502  
has on the day immediately preceding the day it becomes a 88503  
downsized ICF/MR or partially converted ICF/MR. 88504

(B) A cost report filed under division (A) of this section 88505  
shall cover the period that begins with the day that the ICF/MR 88506  
becomes a downsized ICF/MR or partially converted ICF/MR and ends 88507  
on the first day of the month immediately following the first 88508  
three full months of operation as a downsized ICF/MR or partially 88509  
converted ICF/MR. 88510

(C) The department shall refuse to accept a cost report filed 88511  
under division (A) of this section if either of the following 88512  
apply: 88513

(1) Except as provided in division (E) of section 5124.10 of 88514  
the Revised Code, the provider fails to file the cost report with 88515  
the department not later than ninety days after the last day of 88516  
the period the cost report covers; 88517

(2) The cost report is incomplete or inadequate. 88518

(D) If the department accepts a cost report filed under 88519  
division (A) of this section, the department shall determine the 88520  
ICF/MR's medicaid payment rate in accordance with this chapter 88521  
using that cost report. The provider shall be paid that rate for 88522  
ICF/MR services the ICF/MR provides during the period that begins 88523  
and ends as follows: 88524

(1) The period begins on the following: 88525

(a) The day that the ICF/MR becomes a downsized ICF/MR or 88526  
partially converted ICF/MR if that day is the first day of a 88527  
month; 88528

(b) The first day of the month immediately following the 88529  
month that the ICF/MR becomes a downsized ICF/MR or partially 88530  
converted ICF/MR if division (D)(1)(a) of this section does not 88531

apply. 88532

(2) The period ends on the first day of the fiscal year for 88533  
which the ICF/MR begins to be paid a rate determined using a cost 88534  
report that division (E) of this section requires be filed in 88535  
accordance with division (A) of section 5124.10 of the Revised 88536  
Code. 88537

(E)(1) If the department accepts a cost report filed under 88538  
division (A) of this section for an ICF/MR that becomes a 88539  
downsized ICF/MR or partially converted ICF/MR on or before the 88540  
first day of October of a calendar year, the provider also shall 88541  
file a cost report for the ICF/MR in accordance with division (A) 88542  
of section 5124.10 of the Revised Code for the portion of that 88543  
calendar year that the ICF/MR operated as a downsized ICF/MR or 88544  
partially converted ICF/MR. 88545

(2) If the department accepts a cost report filed under 88546  
division (A) of this section for an ICF/MR that becomes a 88547  
downsized ICF/MR or partially converted ICF/MR after the first day 88548  
of October of a calendar year, the provider is not required to 88549  
file a cost report for that calendar year in accordance with 88550  
division (A) of section 5124.10 of the Revised Code. The provider 88551  
shall file a cost report for the ICF/MR in accordance with 88552  
division (A) of section 5124.10 of the Revised Code for the 88553  
immediately following calendar year. 88554

**Sec. 5124.102.** No ICF/MR provider shall report fines paid 88555  
under section 5124.99 of the Revised Code in a cost report filed 88556  
under section 5124.10, 5124.101, or 5124.522 of the Revised Code. 88557

**Sec. 5124.103.** Cost reports shall be completed using the form 88558  
prescribed under section 5124.104 of the Revised Code and in 88559  
accordance with the guidelines established under that section. 88560



Sec. 5124.104. The department of developmental disabilities shall do all of the following: 88561  
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(A) Prescribe the form to be used for completing a cost report and a uniform chart of accounts for the purpose of reporting costs on the form; 88563  
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(B) Distribute a paper copy of the form, or computer software for electronic submission of the form, to each provider at least sixty days before the date the cost report is due; 88566  
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(C) Establish guidelines for completing the form. 88569

Sec. 5124.105. The department of developmental disabilities shall develop an addendum to the cost report form that an ICF/MR provider may use to set forth costs that the provider believes the department may dispute. The department may consider such costs in determining an ICF/MR's medicaid payment rate. If the department does not consider such costs in determining an ICF/MR's medicaid payment rate, the provider may seek reconsideration of the determination in accordance with section 5124.38 of the Revised Code. If the department subsequently includes such costs in an ICF/MR's medicaid payment rate, the department shall pay the provider interest at a reasonable rate established in rules adopted under section 5124.03 of the Revised Code for the period that the rate excluded the costs. 88570  
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Sec. 5124.106. If an ICF/MR provider required by section 5124.10 of the Revised Code to file a cost report for the ICF/MR fails to file the cost report by the date it is due or the date, if any, to which the due date is extended pursuant to division (E) of that section, or files an incomplete or inadequate report for the ICF/MR under that section, the department of developmental disabilities shall provide immediate written notice to the provider that the provider agreement for the ICF/MR will be 88583  
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terminated in thirty days unless the provider submits a complete 88591  
and adequate cost report for the ICF/MR within thirty days. During 88592  
the thirty-day termination period or any additional time allowed 88593  
for an appeal of the proposed termination of a provider agreement, 88594  
the provider shall be paid the ICF/MR's then current per medicaid 88595  
day payment rate, minus the dollar amount by which ICFs/MR's per 88596  
medicaid day payment rates are reduced during fiscal year 2013 in 88597  
accordance with division (A)(2) of section 5111.26 of the Revised 88598  
Code (renumbered as section 5165.10 of the Revised Code by H.B. 59 88599  
of the 130th general assembly) as that section existed on the day 88600  
immediately preceding the effective date of this section. On the 88601  
first day of each July, the department shall adjust the amount of 88602  
the reduction in effect during the previous twelve months to 88603  
reflect the rate of inflation during the preceding twelve months, 88604  
as shown in the consumer price index for all items for all urban 88605  
consumers for the north central region, published by the United 88606  
States bureau of labor statistics. 88607

**Sec. 5124.107.** (A) Except as provided in division (B) of this 88608  
section and not later than three years after an ICF/MR provider 88609  
files a cost report with the department of developmental 88610  
disabilities under section 5124.10 or 5124.101 of the Revised 88611  
Code, the provider may amend the cost report if the provider 88612  
discovers a material error in the cost report or additional 88613  
information to be included in the cost report. The department 88614  
shall review the amended cost report for accuracy and notify the 88615  
provider of its determination. 88616

(B) An ICF/MR provider may not amend a cost report if the 88617  
department has notified the provider that an audit of the cost 88618  
report or a cost report of the provider for a subsequent cost 88619  
reporting period is to be conducted under section 5124.109 of the 88620  
Revised Code. The provider may, however, provide the department 88621

information that affects the costs included in the cost report. 88622  
Such information may not be provided after the adjudication of the 88623  
final settlement of the cost report. 88624

**Sec. 5124.108.** The department of developmental disabilities 88625  
shall conduct a desk review of all cost reports it receives under 88626  
sections 5124.10, 5124.101, and 5124.522 of the Revised Code. 88627  
Based on the desk review, the department shall make a preliminary 88628  
determination of whether the reported costs are allowable costs. 88629  
The department shall notify each ICF/MR provider of whether any of 88630  
the reported costs are preliminarily determined not to be 88631  
allowable costs, the medicaid payment rate determined under this 88632  
chapter as a result of the determination regarding allowable 88633  
costs, and the reasons for the determination and resulting rate. 88634  
The department shall allow the provider to verify the calculation 88635  
and submit additional information. 88636

**Sec. 5124.109.** (A) The department of developmental 88637  
disabilities may conduct an audit, as defined in rules adopted 88638  
under section 5124.03 of the Revised Code, of any cost report 88639  
filed under section 5124.10, 5124.101, or 5124.522 of the Revised 88640  
Code. The decision whether to conduct an audit and the scope of 88641  
the audit, which may be a desk or field audit, may be determined 88642  
based on prior performance of the provider, a risk analysis, or 88643  
other evidence that gives the department reason to believe that 88644  
the provider has reported costs improperly. A desk or field audit 88645  
may be performed annually, but is required whenever a provider 88646  
does not pass the risk analysis tolerance factors. 88647

(B) Audits shall be conducted by auditors under contract with 88648  
the department, auditors working for firms under contract with the 88649  
department, or auditors employed by the department. 88650

The department may establish a contract for the auditing of 88651

ICFs/MR by outside firms. Each contract entered into by bidding shall be effective for one to two years. 88652  
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(C) The department shall notify a provider of the findings of an audit of a cost report by issuing an audit report. The department shall issue the audit report not later than three years after the earlier of the following: 88654  
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(1) The date the cost report is filed; 88658

(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed. 88659  
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(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the rate that is based on the cost. Where the provider is pursuing judicial or administrative remedies in good faith regarding the disallowance, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5124.41 of the Revised Code. 88661  
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(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: 88669  
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(a) Require each field audit to be conducted by an auditor to whom all of the following apply: 88676  
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(i) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of ICFs/MR in this state. 88678  
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(ii) The auditor does not audit any provider that has been a client of the auditor or the auditor's firm. 88683  
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(iii) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office. 88685  
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(b) Require each auditor conducting a field audit to do all of the following: 88689  
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(i) Comply with applicable rules prescribed pursuant to Title XIX; 88691  
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(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants; 88693  
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(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care; 88696  
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(iv) Complete the audit within the time period specified by the department; 88702  
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(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's ICF/MR is entitled. 88704  
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(2) For the purpose of division (E)(1)(a)(i) of this section, employment of a member of an auditor's family by an ICF/MR that 88711  
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the auditor does not audit does not constitute a direct or 88713  
indirect financial interest in the ownership, financing, or 88714  
operation of the ICF/MR. 88715

**Sec. ~~5111.224~~ 5124.15.** (A) Except as otherwise provided by 88716  
sections ~~5111.20~~ 5124.151 to ~~5111.331~~ 5124.155 of the Revised Code 88717  
and ~~by~~ division (B) of this section, the ~~payments~~ total per 88718  
medicaid day payment rate that the department of ~~job and family~~ 88719  
~~services~~ developmental disabilities shall ~~agree to make pay~~ to the 88720  
an ICF/MR provider ~~of an intermediate care facility for the~~ 88721  
~~mentally retarded pursuant to a provider agreement for ICF/MR~~ 88722  
services the provider's ICF/MR provides during a fiscal year shall 88723  
equal the sum of all of the following: 88724

(1) The per medicaid day payment rate for capital costs 88725  
determined for the ICF/MR under section 5124.17 of the Revised 88726  
Code; 88727

(2) The per medicaid day payment rate for direct care costs 88728  
determined for the facility ICF/MR under section ~~5111.23~~ 5124.19 88729  
of the Revised Code; 88730

~~(2)~~(3) The per medicaid day payment rate for indirect care 88731  
costs determined for the ICF/MR under section 5124.21 of the 88732  
Revised Code; 88733

(4) The per medicaid day payment rate for other protected 88734  
costs determined for the facility ICF/MR under section ~~5111.235~~ 88735  
~~5124.23~~ of the Revised Code; 88736

~~(3)~~ The rate for indirect care costs determined for the 88737  
facility under section ~~5111.241~~ of the Revised Code; 88738

~~(4)~~ The rate for capital costs determined for the facility 88739  
under section ~~5111.251~~ of the Revised Code. 88740

(B) The department shall adjust the total rate otherwise 88741  
determined under division (A) of this section as directed by the 88742

general assembly through the enactment of law governing medicaid 88743  
payments to ICF/MR providers ~~of intermediate care facilities for~~ 88744  
~~the mentally retarded.~~ 88745

(C) In addition to paying an ICF/MR provider the total rate 88746  
determined for the provider's ICF/MR under divisions (A) and (B) 88747  
of this section for a fiscal year, the department, in accordance 88748  
with section 5124.25 of the Revised Code, may pay the provider a 88749  
rate add-on for pediatric ventilator-dependent outlier ICF/MR 88750  
services if the rate add-on is to be paid under that section and 88751  
the department approves the provider's application for the rate 88752  
add-on. The rate add-on is not to be part of the ICF/MR's total 88753  
rate. 88754

**Sec. ~~5111.255~~ 5124.151.** (A) ~~The department of job and family~~ 88755  
~~services shall establish initial rates for an intermediate care~~ 88756  
~~facility for the mentally retarded with a first date of licensure~~ 88757  
~~that is on or after January 1, 1993, including a facility that~~ 88758  
~~replaces one or more existing facilities, or for an intermediate~~ 88759  
~~care facility for the mentally retarded with a first date of~~ 88760  
~~licensure before that date that was initially certified for the~~ 88761  
~~medicaid program on or after that date, total per medicaid day~~ 88762  
~~payment rate determined under section 5124.15 of the Revised Code~~ 88763  
~~shall not be the initial rate for ICF/MR services provided by a~~ 88764  
~~new ICF/MR. Instead, the initial total per medicaid day payment~~ 88765  
~~rate for ICF/MR services provided by a new ICF/MR shall be~~ 88766  
~~determined in the following manner:~~ 88767

(1) The initial rate for capital costs shall be determined 88768  
under section 5124.17 of the Revised Code using the greater of the 88769  
new ICF/MR's actual inpatient days or an imputed occupancy rate of 88770  
eighty per cent. 88771

(2) The initial rate for direct care costs shall be 88772  
determined as follows: 88773

(a) If there are no cost or resident assessment data for the 88774  
new ICF/MR as necessary to ~~calculate~~ determine a rate under 88775  
section ~~5111.23~~ 5124.19 of the Revised Code, the rate shall be 88776  
determined as follows: 88777

(i) Determine the median cost per case-mix unit ~~calculated~~ 88778  
determined under division (B)~~(1)~~ of ~~that~~ section 5124.19 of the 88779  
Revised Code for the ~~relevant~~ new ICF/MR's peer group for the 88780  
calendar year preceding the fiscal year in which the rate will be 88781  
paid, ~~multiplied;~~ 88782

(ii) Multiply the amount determined under division 88783  
(A)(2)(a)(i) of this section by the median annual average case-mix 88784  
score for the new ICF/MR's peer group for that period ~~and;~~ 88785

(iii) Adjust the product determined under division 88786  
(A)(2)(a)(ii) of this section by the rate of inflation estimated 88787  
under division ~~(B)(3)(D)~~ of ~~that~~ section 5124.19 of the Revised 88788  
Code. ~~This rate shall be recalculated to reflect the facility's~~ 88789  
~~actual quarterly average case mix score, in accordance with that~~ 88790  
~~section, after it submits its first quarterly assessment data that~~ 88791  
~~qualifies for use in calculating a case mix score in accordance~~ 88792  
~~with rules authorized by division (E) of section 5111.232 of the~~ 88793  
~~Revised Code. If the facility's first two quarterly submissions do~~ 88794  
~~not contain assessment data that qualifies for use in calculating~~ 88795  
~~a case mix score, the department shall continue to calculate the~~ 88796  
~~rate using the median annual case mix score for the peer group in~~ 88797  
~~lieu of an assigned quarterly case mix score. The department shall~~ 88798  
~~assign a case mix score or, if necessary, a cost per case mix unit~~ 88799  
~~under division (D) of section 5111.232 of the Revised Code for any~~ 88800  
~~subsequent submissions that do not contain assessment data that~~ 88801  
~~qualifies for use in calculating a case mix score.~~ 88802

(b) If the ~~facility~~ new ICF/MR is a replacement facility 88803  
ICF/MR and the ~~facility~~ ICF/MR or ~~facilities~~ ICFs/MR that are 88804  
being replaced are in operation immediately before the ~~replacement~~ 88805



~~facility~~ new ICF/MR opens, the rate shall be the same as the rate 88806  
for the replaced ~~facility~~ ICF/MR or ~~facilities~~ ICFs/MR, 88807  
proportionate to the number of ICF/MR beds in each replaced 88808  
~~facility~~ ICF/MR. ~~If one or more of the replaced facilities is~~ 88809

(c) If the new ICF/MR is a replacement ICF/MR and the ICF/MR 88810  
or ICFs/MR that are being replaced are not in operation 88811  
immediately before the ~~replacement facility~~ new ICF/MR opens, ~~its~~ 88812  
~~proportion~~ the rate shall be determined under division 88813  
(A)~~(1)~~(2)(a) of this section. 88814

~~(2)~~(3) The initial rate for indirect care costs shall be the 88815  
maximum rate for the new ICF/MR's peer group as determined for the 88816  
fiscal year in accordance with division (C) of section 5124.21 of 88817  
the Revised Code. 88818

(4) The initial rate for other protected costs shall be one 88819  
hundred fifteen per cent of the median rate for ~~intermediate care~~ 88820  
~~facilities for the mentally retarded~~ calculated ICFs/MR determined 88821  
for the fiscal year under section ~~5111.235~~ 5124.23 of the Revised 88822  
Code. 88823

~~(3) The rate for indirect care costs shall be the applicable~~ 88824  
~~maximum rate for the facility's peer group as specified in~~ 88825  
~~division (B) of section 5111.241 of the Revised Code.~~ 88826

~~(4) The rate for capital costs shall be determined under~~ 88827  
~~section 5111.251 of the Revised Code using the greater of actual~~ 88828  
~~inpatient days or an imputed occupancy rate of eighty per cent.~~ 88829

(B) If a new ICF/MR's initial rate for direct care costs is 88830  
determined under division (A)(2)(a) of this section, the 88831  
department shall redetermine the rate in accordance with section 88832  
5124.19 of the Revised Code to reflect the new ICF/MR's actual 88833  
quarterly case-mix score, after the provider, in accordance with 88834  
section 5124.191 of the Revised Code, submits the first quarterly 88835  
resident assessment data for the ICF/MR that qualifies for use in 88836

determining a case-mix score. If the first two quarterly 88837  
submissions for the ICF/MR do not contain resident assessment data 88838  
that qualifies for use in determining a case-mix score, the 88839  
department shall continue to determine the ICF/MR's rate using the 88840  
median annual case-mix score for the peer group in lieu of an 88841  
assigned quarterly case-mix score. The department shall assign a 88842  
case-mix score or, if necessary, a cost per case-mix unit under 88843  
division (B) of section 5124.192 of the Revised Code for any 88844  
subsequent submissions that do not contain resident assessment 88845  
data that qualifies for use in determining a case-mix score. 88846

(C) The department shall adjust ~~the rates established~~ a new 88847  
ICF/MR's initial total per medicaid day payment rate determined 88848  
under ~~division (A)~~ of this section at both of the following times: 88849  
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(1) Effective the first day of July, to reflect new rate 88851  
~~calculations~~ determinations for all ~~facilities~~ ICFs/MR under 88852  
~~sections 5111.20 to 5111.331 of the Revised Code~~ this chapter; 88853

(2) Following the provider's submission of the ~~facility's~~ 88854  
ICF/MR's cost report under division ~~(A)~~(1)~~(b)~~(C) of section 88855  
~~5111.26~~ 5124.10 of the Revised Code. 88856

The department shall pay the rate adjusted based on the cost 88857  
report beginning the first day of the calendar quarter that begins 88858  
more than ninety days after the department receives the cost 88859  
report. 88860

**Sec. 5124.152.** The total per medicaid day payment rate 88861  
determined under section 5124.15 of the Revised Code shall not be 88862  
paid for ICF/MR services provided on or after July 1, 2014, to low 88863  
resource utilization residents. Instead, the total per medicaid 88864  
day payment rate for such ICF/MR services shall be a flat rate set 88865  
in rules adopted under section 5124.03 of the Revised Code. 88866

Sec. 5124.153. (A) The total per medicaid day payment rate 88867  
determined under section 5124.15 of the Revised Code shall not be 88868  
paid for ICF/MR services provided by an ICF/MR, or discrete unit 88869  
of an ICF/MR, designated by the department of developmental 88870  
disabilities as an outlier ICF/MR or unit. Instead, the provider 88871  
of a designated outlier ICF/MR or unit shall be paid each fiscal 88872  
year a total per medicaid day payment rate that the department 88873  
shall prospectively determine in accordance with a methodology 88874  
established in rules authorized by this section. 88875

(B) The department may designate an ICF/MR, or discrete unit 88876  
of an ICF/MR, as an outlier ICF/MR or unit if the ICF/MR or unit 88877  
serves residents who have either of the following: 88878

(1) Diagnoses or special care needs that require direct care 88879  
resources that are not measured adequately by the resident 88880  
assessment instrument specified in rules authorized by section 88881  
5124.191 of the Revised Code; 88882

(2) Diagnoses or special care needs that are specified in 88883  
rules authorized by this section as otherwise qualifying for 88884  
consideration under this section. 88885

(C) Notwithstanding any other provision of this chapter, the 88886  
costs incurred by a designated outlier ICF/MR or unit shall not be 88887  
considered in establishing medicaid payment rates for other 88888  
ICFs/MR or units. 88889

(D) The director of developmental disabilities shall adopt 88890  
rules under section 5124.03 of the Revised Code as necessary to 88891  
implement this section. 88892

(1)(a) The rules shall do both of the following: 88893

(i) Specify the criteria and procedures the department will 88894  
apply when designating an ICF/MR, or discrete unit of an ICF/MR, 88895  
as an outlier ICF/MR or unit; 88896

(ii) Establish a methodology for prospectively determining the total per medicaid day payment rate that will be paid each fiscal year for ICF/MR services provided by a designated outlier ICF/MR or unit. 88897  
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(b) The rules adopted under division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/MR and units shall do both of the following: 88901  
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(i) Provide for consideration of whether all of the allowable costs of an ICF/MR, or discrete unit of an ICF/MR, would be paid by the rate determined under section 5124.15 of the Revised Code; 88904  
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(ii) Specify the minimum number of ICF/MR beds that an ICF/MR, or discrete unit of an ICF/MR, must have to be designated an outlier ICF/MR or unit. 88907  
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(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/MR and units shall not limit the designation to ICFs/MR, or discrete units of ICFs/MR, located in large cities. 88910  
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(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier ICFs/MR and units shall provide for the methodology to consider the historical costs of providing ICF/MR services to the residents of designated outlier ICFs/MR and units. 88914  
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(2)(a) The rules may do both of the following: 88920

(i) Include for designation as an outlier ICF/MR or unit, an ICF/MR, or discrete unit of an ICF/MR, that serves residents who have complex medical conditions or severe behavioral problems; 88921  
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(ii) Require that a designated outlier ICF/MR or unit receive authorization from the department before admitting or retaining a resident. 88924  
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(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier ICF/MR or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting the authorization. 88927  
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**Sec. 5124.154.** (A) To the extent, if any, provided for in rules authorized by this section, the total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be paid for ICF/MR services that an ICF/MR not designated as an outlier ICF/MR or unit provides to a resident who meets the criteria for admission to a designated outlier ICF/MR or unit, as specified in rules authorized by section 5124.153 of the Revised Code. Instead, the provider of an ICF/MR providing ICF/MR services to such a resident shall be paid each fiscal year a total per medicaid day payment rate that the department shall prospectively determine in accordance with a methodology established in rules authorized by this section. 88932  
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(B) The director of developmental disabilities may adopt rules under section 5124.03 of the Revised Code to implement this section. The rules may require that an ICF/MR receive authorization from the department before admitting or retaining a resident who meets the criteria for admission to a designated outlier ICF/MR or unit. If the director adopts such rules, the rules shall specify the criteria and procedures the department will apply when granting the authorization. 88944  
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**Sec. ~~5111.291~~ 5124.155.** ~~Notwithstanding sections 5111.20 to 5111.331 of the Revised Code~~ The department of developmental disabilities is not required to pay the total per medicaid day payment rates determined under section 5124.15 of the Revised Code for ICF/MR services provided by developmental centers. Instead, the department of job and family services may compute determine 88952  
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the ~~rate~~ medicaid payment rates for ~~intermediate care facilities~~ 88958  
for the ~~mentally retarded operated by the department of~~ 88959  
~~developmental disabilities or the department of mental health~~ 88960  
centers according to the reasonable cost principles of Title 88961  
XVIII. 88962

**Sec. ~~5111.251~~ 5124.17.** (A) ~~The~~ For each fiscal year, the 88963  
department of ~~job and family services~~ developmental disabilities 88964  
shall ~~pay a provider for~~ prospectively determine each of the 88965  
~~provider's eligible intermediate care facilities for the mentally~~ 88966  
~~retarded for its reasonable capital costs, a~~ ICF/MR's per resident 88967  
~~per medicaid day payment rate established prospectively each~~ 88968  
fiscal year for each intermediate care facility for the mentally 88969  
~~retarded~~ for reasonable capital costs. Except as otherwise 88970  
provided in ~~sections 5111.20 to 5111.331 of the Revised Code~~ this 88971  
chapter, the an ICF/MR's rate shall be based on the ~~facility's~~ 88972  
ICF/MR's capital costs for the calendar year preceding the fiscal 88973  
year in which the rate will be paid. ~~The~~ Subject to section 88974  
5124.28, an ICF/MR's rate shall equal the sum of the following: 88975

(1) ~~The facility's~~ ICF/MR's desk-reviewed, actual, allowable, 88977  
per diem ~~cost~~ costs of ownership for the immediately preceding 88978  
cost reporting period, limited as provided in divisions (B) and 88979  
(C) and ~~(F)~~ of this section; 88980

(2) ~~Any efficiency incentive determined under division (B) of~~ 88981  
~~this section;~~ 88982

~~(3) Any amounts for~~ The ICF/MR's per medicaid day payment for 88983  
the ICF/MR's per diem capitalized costs of nonextensive 88984  
renovations determined under division (D)(1) of this section if 88985  
the ICF/MR qualifies for a payment for such costs as specified in 88986  
division (D)(2) of this section; 88987

~~(4) Any amounts for return on equity determined under~~ 88988

~~division (H) of this section (3) The ICF/MR's per medicaid day efficiency incentive payment determined under division (E) of this section.~~ 88989  
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~~Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight line method over a period designated by the director of job and family services in rules adopted under section 5111.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department of job and family services. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in costs of ownership or renovation unless that part of the payment under sections 5111.20 to 5111.331 of the Revised Code is used to reimburse the government agency.~~ 88992  
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~~(B) The department of job and family services shall pay to a provider for each of the provider's eligible intermediate care facilities for the mentally retarded an efficiency incentive equal to fifty per cent of the difference between any desk reviewed, actual, allowable cost of ownership and the applicable limit on cost of ownership payments under division (C) of this section. For purposes of computing the efficiency incentive, depreciation for costs paid or reimbursed by any government agency shall be considered as a cost of ownership, and the applicable limit under division (C) of this section shall apply both to facilities with more than eight beds and facilities with eight or fewer beds. The efficiency incentive paid to a provider for a facility with eight or fewer beds shall not exceed three dollars per patient day, adjusted annually for the inflation rate for the twelve month~~ 89007  
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~~period beginning on the first day of July of the calendar year 89021  
preceding the calendar year that precedes the fiscal year for 89022  
which the efficiency incentive is determined and ending on the 89023  
thirtieth day of the following June, using the consumer price 89024  
index for shelter costs for all urban consumers for the north 89025  
central region, as published by the United States bureau of labor 89026  
statistics. 89027~~

~~(C) Cost The costs of ownership payments per diem payment 89028  
rates for intermediate care facilities for the mentally retarded 89029  
ICFs/MR with more than eight beds shall not exceed the following 89030  
limits: 89031~~

~~(1) For ~~facilities~~ ICFs/MR with dates of licensure prior to 89032  
January 1, 1958, not exceeding two dollars and fifty cents ~~per 89033~~  
~~patient day~~; 89034~~

~~(2) For ~~facilities~~ ICFs/MR with dates of licensure after 89035  
December 31, 1957, but prior to January 1, 1968, not exceeding: 89036~~

~~(a) Three dollars and fifty cents ~~per patient day~~ if the cost 89037  
of construction was three thousand five hundred dollars or more 89038  
per bed; 89039~~

~~(b) Two dollars and fifty cents ~~per patient day~~ if the cost 89040  
of construction was less than three thousand five hundred dollars 89041  
per bed. 89042~~

~~(3) For ~~facilities~~ ICFs/MR with dates of licensure after 89043  
December 31, 1967, but prior to January 1, 1976, not exceeding: 89044~~

~~(a) Four dollars and fifty cents ~~per patient day~~ if the cost 89045  
of construction was five thousand one hundred fifty dollars or 89046  
more per bed; 89047~~

~~(b) Three dollars and fifty cents ~~per patient day~~ if the cost 89048  
of construction was less than five thousand one hundred fifty 89049  
dollars per bed, but exceeds three thousand five hundred dollars 89050~~



|                                                                            |       |
|----------------------------------------------------------------------------|-------|
| per bed;                                                                   | 89051 |
| (c) Two dollars and fifty cents <del>per patient day</del> if the cost     | 89052 |
| of construction was three thousand five hundred dollars or less            | 89053 |
| per bed.                                                                   | 89054 |
| (4) For <del>facilities</del> <u>ICFs/MR</u> with dates of licensure after | 89055 |
| December 31, 1975, but prior to January 1, 1979, not exceeding:            | 89056 |
| (a) Five dollars and fifty cents <del>per patient day</del> if the cost    | 89057 |
| of construction was six thousand eight hundred dollars or more per         | 89058 |
| bed;                                                                       | 89059 |
| (b) Four dollars and fifty cents <del>per patient day</del> if the cost    | 89060 |
| of construction was less than six thousand eight hundred dollars           | 89061 |
| per bed but exceeds five thousand one hundred fifty dollars per            | 89062 |
| bed;                                                                       | 89063 |
| (c) Three dollars and fifty cents <del>per patient day</del> if the cost   | 89064 |
| of construction was five thousand one hundred fifty dollars or             | 89065 |
| less per bed, but exceeds three thousand five hundred dollars per          | 89066 |
| bed;                                                                       | 89067 |
| (d) Two dollars and fifty cents <del>per patient day</del> if the cost     | 89068 |
| of construction was three thousand five hundred dollars or less            | 89069 |
| per bed.                                                                   | 89070 |
| (5) For <del>facilities</del> <u>ICFs/MR</u> with dates of licensure after | 89071 |
| December 31, 1978, but prior to January 1, 1980, not exceeding:            | 89072 |
| (a) Six dollars <del>per patient day</del> if the cost of construction     | 89073 |
| was seven thousand six hundred twenty-five dollars or more per             | 89074 |
| bed;                                                                       | 89075 |
| (b) Five dollars and fifty cents <del>per patient day</del> if the cost    | 89076 |
| of construction was less than seven thousand six hundred                   | 89077 |
| twenty-five dollars per bed but exceeds six thousand eight hundred         | 89078 |
| dollars per bed;                                                           | 89079 |
| (c) Four dollars and fifty cents <del>per patient day</del> if the cost    | 89080 |

of construction was six thousand eight hundred dollars or less per 89081  
bed but exceeds five thousand one hundred fifty dollars per bed; 89082

(d) Three dollars and fifty cents ~~per patient day~~ if the cost 89083  
of construction was five thousand one hundred fifty dollars or 89084  
less but exceeds three thousand five hundred dollars per bed; 89085

(e) Two dollars and fifty cents ~~per patient day~~ if the cost 89086  
of construction was three thousand five hundred dollars or less 89087  
per bed. 89088

(6) For ~~facilities~~ ICFs/MR with dates of licensure after 89089  
December 31, 1979, but prior to January 1, 1981, not exceeding: 89090

(a) Twelve dollars ~~per patient day~~ if the beds were 89091  
originally licensed as residential facility beds by the department 89092  
of developmental disabilities; 89093

(b) Six dollars ~~per patient day~~ if the beds were originally 89094  
licensed as nursing home beds by the department of health. 89095

(7) For ~~facilities~~ ICFs/MR with dates of licensure after 89096  
December 31, 1980, but prior to January 1, 1982, not exceeding: 89097

(a) Twelve dollars ~~per patient day~~ if the beds were 89098  
originally licensed as residential facility beds by the department 89099  
of developmental disabilities; 89100

(b) Six dollars and forty-five cents ~~per patient day~~ if the 89101  
beds were originally licensed as nursing home beds by the 89102  
department of health. 89103

(8) For ~~facilities~~ ICFs/MR with dates of licensure after 89104  
December 31, 1981, but prior to January 1, 1983, not exceeding: 89105

(a) Twelve dollars ~~per patient day~~ if the beds were 89106  
originally licensed as residential facility beds by the department 89107  
of developmental disabilities; 89108

(b) Six dollars and seventy-nine cents ~~per patient day~~ if the 89109  
beds were originally licensed as nursing home beds by the 89110

|                                                                             |       |
|-----------------------------------------------------------------------------|-------|
| department of health.                                                       | 89111 |
| (9) For <del>facilities</del> <u>ICFs/MR</u> with dates of licensure after  | 89112 |
| December 31, 1982, but prior to January 1, 1984, not exceeding:             | 89113 |
| (a) Twelve dollars <del>per patient day</del> if the beds were              | 89114 |
| originally licensed as residential facility beds by the department          | 89115 |
| of developmental disabilities;                                              | 89116 |
| (b) Seven dollars and nine cents <del>per patient day</del> if the beds     | 89117 |
| were originally licensed as nursing home beds by the department of          | 89118 |
| health.                                                                     | 89119 |
| (10) For <del>facilities</del> <u>ICFs/MR</u> with dates of licensure after | 89120 |
| December 31, 1983, but prior to January 1, 1985, not exceeding:             | 89121 |
| (a) Twelve dollars and twenty-four cents <del>per patient day</del> if      | 89122 |
| the beds were originally licensed as residential facility beds by           | 89123 |
| the department of developmental disabilities;                               | 89124 |
| (b) Seven dollars and twenty-three cents <del>per patient day</del> if      | 89125 |
| the beds were originally licensed as nursing home beds by the               | 89126 |
| department of health.                                                       | 89127 |
| (11) For <del>facilities</del> <u>ICFs/MR</u> with dates of licensure after | 89128 |
| December 31, 1984, but prior to January 1, 1986, not exceeding:             | 89129 |
| (a) Twelve dollars and fifty-three cents <del>per patient day</del> if      | 89130 |
| the beds were originally licensed as residential facility beds by           | 89131 |
| the department of developmental disabilities;                               | 89132 |
| (b) Seven dollars and forty cents <del>per patient day</del> if the beds    | 89133 |
| were originally licensed as nursing home beds by the department of          | 89134 |
| health.                                                                     | 89135 |
| (12) For <del>facilities</del> <u>ICFs/MR</u> with dates of licensure after | 89136 |
| December 31, 1985, but prior to January 1, 1987, not exceeding:             | 89137 |
| (a) Twelve dollars and seventy cents <del>per patient day</del> if the      | 89138 |
| beds were originally licensed as residential facility beds by the           | 89139 |
| department of developmental disabilities;                                   | 89140 |

(b) Seven dollars and fifty cents ~~per patient day~~ if the beds 89141  
were originally licensed as nursing home beds by the department of 89142  
health. 89143

(13) For ~~facilities~~ ICFs/MR with dates of licensure after 89144  
December 31, 1986, but prior to January 1, 1988, not exceeding: 89145

(a) Twelve dollars and ninety-nine cents ~~per patient day~~ if 89146  
the beds were originally licensed as residential facility beds by 89147  
the department of developmental disabilities; 89148

(b) Seven dollars and sixty-seven cents ~~per patient day~~ if 89149  
the beds were originally licensed as nursing home beds by the 89150  
department of health. 89151

(14) For ~~facilities~~ ICFs/MR with dates of licensure after 89152  
December 31, 1987, but prior to January 1, 1989, not exceeding 89153  
thirteen dollars and twenty-six cents ~~per patient day~~; 89154

(15) For ~~facilities~~ ICFs/MR with dates of licensure after 89155  
December 31, 1988, but prior to January 1, 1990, not exceeding 89156  
thirteen dollars and forty-six cents ~~per patient day~~; 89157

(16) For ~~facilities~~ ICFs/MR with dates of licensure after 89158  
December 31, 1989, but prior to January 1, 1991, not exceeding 89159  
thirteen dollars and sixty cents ~~per patient day~~; 89160

(17) For ~~facilities~~ ICFs/MR with dates of licensure after 89161  
December 31, 1990, but prior to January 1, 1992, not exceeding 89162  
thirteen dollars and forty-nine cents ~~per patient day~~; 89163

(18) For ~~facilities~~ ICFs/MR with dates of licensure after 89164  
December 31, 1991, but prior to January 1, 1993, not exceeding 89165  
thirteen dollars and sixty-seven cents ~~per patient day~~; 89166

(19) For ~~facilities~~ ICFs/MR with dates of licensure after 89167  
December 31, 1992, not exceeding fourteen dollars and twenty-eight 89168  
cents ~~per patient day~~. 89169

(C)(1) The costs of ownership per diem payment rate for an 89170

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>ICF/MR with eight or fewer beds shall not exceed the following</u>     | 89171 |
| <u>limits:</u>                                                            | 89172 |
| <u>(a) Eighteen dollars and thirty cents as adjusted for</u>              | 89173 |
| <u>inflation pursuant to division (C)(2) of this section if any of</u>    | 89174 |
| <u>the following apply to the ICF/MR:</u>                                 | 89175 |
| <u>(i) The ICF/MR has a date of licensure, or was granted</u>             | 89176 |
| <u>project authorization by the department of developmental</u>           | 89177 |
| <u>disabilities, before July 1, 1993.</u>                                 | 89178 |
| <u>(ii) The ICF/MR has a date of licensure, or was granted</u>            | 89179 |
| <u>project authorization by the department, on or after July 1, 1993,</u> | 89180 |
| <u>and the provider demonstrates that the provider made substantial</u>   | 89181 |
| <u>commitments of funds for the ICF/MR before that date.</u>              | 89182 |
| <u>(iii) The ICF/MR has a date of licensure, or was granted</u>           | 89183 |
| <u>project authorization by the department, on or after July 1, 1993,</u> | 89184 |
| <u>the provider made no substantial commitment of funds for the</u>       | 89185 |
| <u>ICF/MR before that date, and the department of job and family</u>      | 89186 |
| <u>services or department of developmental disabilities gave prior</u>    | 89187 |
| <u>approval for the ICF/MR's construction.</u>                            | 89188 |
| <u>(b) If division (C)(1)(a) of this section does not apply to</u>        | 89189 |
| <u>the ICF/MR, the amount that would apply to the ICF/MR under</u>        | 89190 |
| <u>division (B) of this section if it had more than eight beds.</u>       | 89191 |
| <u>(2) The eighteen-dollar and thirty-cent payment rate</u>               | 89192 |
| <u>specified in division (C)(1)(a) of this section shall be increased</u> | 89193 |
| <u>as follows:</u>                                                        | 89194 |
| <u>(a) For the period beginning June 30, 1990, and ending July</u>        | 89195 |
| <u>1, 1993, by the change in the "Dodge building cost indexes,</u>        | 89196 |
| <u>northeastern and north central states," published by Marshall and</u>  | 89197 |
| <u>Swift;</u>                                                             | 89198 |
| <u>(b) For each fiscal year thereafter, in accordance with</u>            | 89199 |
| <u>division (F) of this section.</u>                                      | 89200 |

(D)(1) Beginning January 1, 1981, regardless of the original 89201  
date of licensure, the ~~department of job and family services shall~~ 89202  
~~pay a payment~~ rate for the per diem capitalized costs of 89203  
~~nonextensive renovations to intermediate care facilities for the~~ 89204  
~~mentally retarded~~ made after January 1, 1981, to a qualifying 89205  
ICF/MR, shall not exceeding exceed six dollars per ~~patient~~ 89206  
medicaid day using 1980 as the base year and adjusting the amount 89207  
annually until June 30, 1993, for fluctuations in construction 89208  
costs calculated by the department using the "Dodge building cost 89209  
indexes, northeastern and north central states," published by 89210  
Marshall and Swift. The payment rate shall be further adjusted in 89211  
accordance with division (F) of this section. The payment provided 89212  
for in this division is the only payment that shall be made for 89213  
~~the an ICF/MR's~~ capitalized costs of a nonextensive ~~renovation of~~ 89214  
~~an intermediate care facility for the mentally retarded~~ 89215  
~~renovations. Nonextensive renovation costs~~ Costs of nonextensive 89216  
renovations shall not be included in ~~cost~~ costs of ownership, and 89217  
a ~~nonextensive renovation~~ shall not affect the date of licensure 89218  
for purposes of division (B) or (C) of this section. This division 89219  
applies to nonextensive renovations regardless of whether they are 89220  
made by an owner or a lessee. If the tenancy of a lessee that has 89221  
made nonextensive renovations ends before the depreciation expense 89222  
for the ~~renovation~~ costs of nonextensive renovations has been 89223  
fully reported, the former lessee shall not report the 89224  
undepreciated balance as an expense. 89225

~~For a nonextensive renovation to qualify~~ (2) An ICF/MR 89226  
qualifies for a payment under this division, both for costs of 89227  
nonextensive renovations if all of the following ~~conditions must~~ 89228  
~~be met~~ apply: 89229

(1)(a) The ICF/MR has eight or fewer beds. 89230

(b) At least five years have elapsed since the ICF/MR's date 89231  
of licensure or date of an extensive renovation of the portion of 89232

the ~~facility~~ ICF/MR that is proposed to be nonextensively 89233  
renovated, ~~except that this condition does not apply if unless~~ the 89234  
nonextensive renovation is necessary to meet the requirements of 89235  
federal, state, or local statutes, ordinances, rules, or policies. 89236

~~(2)(c) The provider has obtained prior approval from the~~ 89237  
~~department of job and family services. The provider shall submit~~ 89238  
of the ICF/MR does both of the following: 89239

(i) Submits to the department a plan that describes in detail 89240  
the changes in capital assets to be accomplished by means of the 89241  
nonextensive renovation and the timetable for completing the 89242  
project. ~~The time for completion of the project, which shall be no~~ 89243  
not more than eighteen months after the nonextensive renovation 89244  
begins; 89245

(ii) Obtains prior approval from the department for the 89246  
nonextensive renovation. The 89247

(3) The director of ~~job and family services~~ developmental 89248  
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 89249  
the Revised Code that specify criteria and procedures for prior 89250  
approval of nonextensive renovation projects. No provider shall 89251  
separate a project with the intent to evade the characterization 89252  
of the project as a renovation or as an extensive renovation. No 89253  
provider shall increase the scope of a project after it is 89254  
approved by the department ~~of job and family services~~ unless the 89255  
increase in scope is approved by the department. 89256

(E)(1) Subject to division (E)(2) of this section, an 89257  
ICF/MR's per medicaid day efficiency incentive payment rate shall 89258  
equal the following percentage of the difference between the 89259  
ICF/MR's desk-reviewed, actual, allowable per diem costs of 89260  
ownership and the applicable limit on costs of ownership payment 89261  
rates established by division (B) of this section: 89262

(a) In the case of an ICF/MR with more than eight beds, 89263

twenty-five per cent; 89264

(b) In the case of an ICF/MR with eight or fewer beds, fifty per cent. 89265  
89266

(2) The efficiency incentive payment rate for an ICF/MR with eight or fewer beds shall not exceed three dollars per medicaid day, adjusted annually in accordance with division (F) of this section. For the purpose of determining an ICF/MR's efficiency incentive payment rate, both of the following apply: 89267  
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(a) Depreciation for costs paid or reimbursed by any government agency shall be considered as a cost of ownership; 89272  
89273

(b) The applicable limit under division (B) of this section shall apply both to ICFs/MR with more than eight beds and ICFs/MR with eight or fewer beds. 89274  
89275  
89276

(F) The amounts specified in divisions (B), (C) and, (D), and (E) of this section shall be adjusted beginning July 1, 1993, for the estimated inflation rate for the twelve-month period beginning on the first day of July of the calendar year immediately preceding the calendar year that immediately precedes the fiscal year for which rate will be paid and ending on the thirtieth day of the following June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics. 89277  
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~~(F)(1) For facilities of eight or fewer beds that have dates of licensure or have been granted project authorization by the department of developmental disabilities before July 1, 1993, and for facilities of eight or fewer beds that have dates of licensure or have been granted project authorization after that date if the providers of the facilities demonstrate that they made substantial commitments of funds on or before that date, cost of ownership shall not exceed eighteen dollars and thirty cents per resident per day. The eighteen dollar and thirty cent amount shall be~~ 89286  
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~~increased by the change in the "Dodge building cost indexes, 89295  
northeastern and north central states," published by Marshall and 89296  
Swift, during the period beginning June 30, 1990, and ending July 89297  
1, 1993, and by the change in the consumer price index for shelter 89298  
costs for all urban consumers for the north central region, as 89299  
published by the United States bureau of labor statistics, 89300  
annually thereafter. 89301~~

~~(2) For facilities with eight or fewer beds that have dates 89302  
of licensure or have been granted project authorization by the 89303  
department of developmental disabilities on or after July 1, 1993, 89304  
for which substantial commitments of funds were not made before 89305  
that date, cost of ownership payments shall not exceed the 89306  
applicable amount calculated under division (F)(1) of this 89307  
section, if the department of job and family services gives prior 89308  
approval for construction of the facility. If the department does 89309  
not give prior approval, cost of ownership payments shall not 89310  
exceed the amount specified in division (C) of this section. 89311~~

~~(3)(G) Notwithstanding divisions (C) and (D) and (F)(1) and 89312  
(2) of this section, the total payment rate for cost costs of 89313  
ownership, cost of ownership efficiency incentive, and capitalized 89314  
costs of nonextensive renovations, and the efficiency incentive 89315  
for an intermediate care facility for the mentally retarded ICF/MR 89316  
with eight or fewer beds shall not exceed the sum of the 89317  
limitations specified in divisions (C) and (D) of this section. 89318~~

~~(G) Notwithstanding any provision of this section or section 89319  
5111.241 of the Revised Code, the director of job and family 89320  
services may adopt rules under section 5111.02 of the Revised Code 89321  
that provide for a calculation of a combined maximum payment limit 89322  
for indirect care costs and cost of ownership for intermediate 89323  
care facilities for the mentally retarded with eight or fewer 89324  
beds. 89325~~

~~(H) The department of job and family services shall pay a 89326~~

~~provider for each of the provider's eligible proprietary 89327  
intermediate care facilities for the mentally retarded a return on 89328  
the facility's net equity computed at the rate of one and one half 89329  
times the average of interest rates on special issues of public 89330  
debt obligations issued to the federal hospital insurance trust 89331  
fund for the cost reporting period. No facility's return on net 89332  
equity paid under this division shall exceed one dollar per 89333  
patient day. 89334~~

~~In calculating the rate for return on net equity, the 89335  
department shall use the greater of the facility's inpatient days 89336  
during the applicable cost reporting period or the number of 89337  
inpatient days the facility would have had during that period if 89338  
its occupancy rate had been ninety five per cent. (1) For the 89339  
purpose of determining ICFs/MR's medicaid payment rates for 89340  
capital costs: 89341~~

~~(a) Buildings shall be depreciated using the straight line 89342  
method over forty years or over a different period approved by the 89343  
department. 89344~~

~~(b) Components and equipment shall be depreciated using the 89345  
straight line method over a period designated by the director of 89346  
developmental disabilities in rules adopted under section 5124.03 89347  
of the Revised Code, consistent with the guidelines of the 89348  
American hospital association, or over a different period approved 89349  
by the department. 89350~~

~~(2) Any rules authorized by division (H)(1) of this section 89351  
that specify useful lives of buildings, components, or equipment 89352  
apply only to assets acquired on or after July 1, 1993. 89353  
Depreciation for costs paid or reimbursed by any government agency 89354  
shall not be included in costs of ownership or costs of 89355  
nonextensive renovations unless that part of the payment under 89356  
this chapter is used to reimburse the government agency. 89357~~

(I)(1) Except as provided in division (I)(2) of this section, 89358  
if a provider leases or transfers an interest in ~~a facility~~ an 89359  
ICF/MR to another provider who is a related party, the related 89360  
party's allowable ~~cost~~ costs of ownership shall include the lesser 89361  
of the following: 89362

(a) The annual lease expense or actual cost of ownership, 89363  
whichever is applicable; 89364

(b) The reasonable cost to the lessor or provider making the 89365  
transfer. 89366

(2) If a provider leases or transfers an interest in ~~a~~ 89367  
~~facility~~ an ICF/MR to another provider who is a related party, 89368  
regardless of the date of the lease or transfer, the related 89369  
party's allowable cost of ownership shall include the annual lease 89370  
expense or actual cost of ownership, whichever is applicable, 89371  
subject to the limitations specified in divisions (B) to (H) of 89372  
this section, if all of the following conditions are met: 89373

(a) The related party is a relative of owner; 89374

(b) In the case of a lease, if the lessor retains any 89375  
ownership interest, it is, except as provided in division 89376  
(I)(2)(d)(ii) of this section, in only the real property and any 89377  
improvements on the real property; 89378

(c) In the case of a transfer, the provider making the 89379  
transfer retains, except as provided in division (I)(2)(d)(iv) of 89380  
this section, no ownership interest in the ~~facility~~ ICF/MR; 89381

(d) The department ~~of job and family services~~ determines that 89382  
the lease or transfer is an arm's length transaction pursuant to 89383  
rules adopted under section ~~5111.02~~ 5124.03 of the Revised Code. 89384  
The rules shall provide that a lease or transfer is an arm's 89385  
length transaction if all of the following, as applicable, apply: 89386

(i) In the case of a lease, once the lease goes into effect, 89387

the lessor has no direct or indirect interest in the lessee or, 89388  
except as provided in division (I)(2)(b) of this section, the 89389  
~~facility~~ ICF/MR itself, including interest as an owner, officer, 89390  
director, employee, independent contractor, or consultant, but 89391  
excluding interest as a lessor. 89392

(ii) In the case of a lease, the lessor does not reacquire an 89393  
interest in the ~~facility~~ ICF/MR except through the exercise of a 89394  
lessor's rights in the event of a default. If the lessor 89395  
reacquires an interest in the ~~facility~~ ICF/MR in this manner, the 89396  
department shall treat the ~~facility~~ ICF/MR as if the lease never 89397  
occurred when the department ~~calculates~~ determines its 89398  
~~reimbursement rates~~ payment rate for capital costs. 89399

(iii) In the case of a transfer, once the transfer goes into 89400  
effect, the provider that made the transfer has no direct or 89401  
indirect interest in the provider that acquires the ~~facility~~ 89402  
ICF/MR or the ~~facility~~ ICF/MR itself, including interest as an 89403  
owner, officer, director, employee, independent contractor, or 89404  
consultant, but excluding interest as a creditor. 89405

(iv) In the case of a transfer, the provider that made the 89406  
transfer does not reacquire an interest in the ~~facility~~ ICF/MR 89407  
except through the exercise of a creditor's rights in the event of 89408  
a default. If the provider reacquires an interest in the ~~facility~~ 89409  
ICF/MR in this manner, the department shall treat the ~~facility~~ 89410  
ICF/MR as if the transfer never occurred when the department 89411  
~~calculates~~ determines its ~~reimbursement rates~~ payment rate for 89412  
capital costs. 89413

(v) The lease or transfer satisfies any other criteria 89414  
specified in the rules. 89415

(e) Except in the case of hardship caused by a catastrophic 89416  
event, as determined by the department, or in the case of a lessor 89417  
or provider making the transfer who is at least sixty-five years 89418

of age, not less than twenty years have elapsed since, for the 89419  
same facility ICF/MR, allowable cost of ownership was determined 89420  
most recently under this division. 89421

~~Sec. 5111.23 5124.19.~~ (A)(1) The department of ~~job and family~~ 89422  
~~services developmental disabilities~~ shall ~~pay a provider for~~ 89423  
~~prospectively determine~~ each ~~of the provider's eligible~~ 89424  
~~intermediate care facilities for the mentally retarded a ICF/MR's~~ 89425  
~~per resident per medicaid day payment rate~~ for direct care costs 89426  
~~established prospectively for each facility. The department shall~~ 89427  
~~establish each facility's rate for direct care costs quarterly as~~ 89428  
~~follows:~~ 89429

(a) Multiply the lesser of the following by the ICF/MR's 89430  
case-mix score determined or assigned under section 5124.192 of 89431  
the Revised Code for the calendar quarter that preceded the 89432  
immediately preceding calendar quarter: 89433

(i) The ICF/MR's cost per case-mix unit for the calendar year 89434  
immediately preceding the fiscal year in which the rate will be 89435  
paid, as determined under division (B) of this section; 89436

(ii) The maximum cost per case-mix unit for the ICF/MR's peer 89437  
group for the fiscal year in which the rate will be paid, as set 89438  
under division (C) of this section; 89439

(b) Adjust the product determined under division (A)(1)(a) of 89440  
this section by the inflation rate estimated under division (D)(1) 89441  
of this section and modified under division (D)(2) of this 89442  
section. 89443

(2) Except as otherwise directed by law enacted by the 89444  
general assembly, the department shall prospectively determine 89445  
each ICF/MR's rate for direct care costs for each quarter of every 89446  
fiscal year. 89447

~~(B) Each facility's rate for direct care costs shall be based~~ 89448

~~on the facility's cost per case mix unit, subject to the maximum 89449  
costs per case mix unit established under division (B)(2) of this 89450  
section, from the calendar year preceding the fiscal year in which 89451  
the rate is paid. To determine the rate, the department shall do 89452  
all of the following: 89453~~

~~(1) Determine each facility's an ICF/MR's cost per case-mix 89454  
unit for the calendar year immediately preceding the fiscal year 89455  
in which the rate will be paid by dividing, the facility's 89456  
department shall divide the ICF/MR's desk-reviewed, actual, 89457  
allowable, per diem direct care costs for that calendar year by 89458  
its annual average case-mix score determined under section 89459  
5111.232 5124.192 of the Revised Code for the same calendar year. 89460~~

~~(2)(a) Set (C)(1) For each fiscal year for which a rate will 89461  
be paid, the department shall set the maximum cost per case-mix 89462  
unit for each peer group of intermediate care facilities for the 89463  
mentally retarded ICFs/MR with more than eight beds specified in 89464  
rules adopted under division (F) of this section at a percentage 89465  
above the cost per case-mix unit of determined under division (B) 89466  
of this section for the facility ICF/MR in the peer group that has 89467  
the peer group's median number of medicaid ~~day~~ days for the 89468  
calendar year immediately preceding the fiscal year in which the 89469  
rate will be paid, as calculated under division (B)(1) of this 89470  
section, that is. The percentage shall be no less than the 89471  
percentage calculated under division (E)(2) of this section above 89472  
the cost per case-mix unit determined under division (B) of this 89473  
section for the ICF/MR that has the median number of medicaid days 89474  
for calendar year 1992 for all ICFs/MR with more than eight beds 89475  
that would result in payment of all desk-reviewed, actual, 89476  
allowable direct care costs for eighty and one-half per cent of 89477  
the medicaid days for such ICFs/MR for calendar year 1992. 89478~~

~~(b) Set (2) For each fiscal year for which a rate will be 89479  
paid, the department shall set the maximum cost per case-mix unit 89480~~

for each peer group of ~~intermediate care facilities for the~~ 89481  
~~mentally retarded ICFs/MR with eight or fewer beds specified in~~ 89482  
~~rules adopted under division (F) of this section at a percentage~~ 89483  
above the cost per case-mix unit of determined under division (B) 89484  
of this section for the facility ICF/MR in the peer group that has 89485  
the peer group's median number of medicaid day days for the 89486  
calendar year immediately preceding the fiscal year in which the 89487  
rate will be paid, ~~as calculated under division (B)(1) of this~~ 89488  
~~section, that is. The percentage shall be no less than the~~ 89489  
percentage ~~calculated under division (E)(3) of this section above~~ 89490  
the cost per case-mix unit determined under division (B) of this 89491  
section for the ICF/MR that has the median number of medicaid days 89492  
for calendar year 1992 for all ICFs/MR with eight or fewer beds 89493  
that would result in payment of all desk-reviewed, actual, 89494  
allowable direct care costs for eighty and one-half per cent of 89495  
the medicaid days for such ICFs/MR for calendar year 1992. 89496

~~(e)(3)~~ In calculating determining the maximum cost per 89497  
case-mix unit under divisions ~~(B)(2)(a)(C)(1)~~ and ~~(b)(2)~~ of this 89498  
section for each peer group, the department shall exclude from its 89499  
~~calculations~~ determinations the cost per case-mix unit of any 89500  
~~facility ICF/MR~~ in the peer group that participated in the 89501  
medicaid program under the same ~~operator~~ provider for less than 89502  
twelve months during the calendar year immediately preceding the 89503  
fiscal year in which the rate will be paid. 89504

~~(3) Estimate~~ (4) The department shall not reset a peer 89505  
group's maximum cost per case-mix unit for a fiscal year under 89506  
division (C)(1) or (2) of this section based on additional 89507  
information that it receives after it sets the maximum for that 89508  
fiscal year. The department shall reset a peer group's maximum 89509  
cost per case-mix unit for a fiscal year only if it made an error 89510  
in setting the maximum for that fiscal year based on information 89511  
available to the department at the time it originally sets the 89512

maximum for that fiscal year. 89513

~~(D)(1) The department shall estimate the rate of inflation 89514  
for the eighteen-month period beginning on the first day of July 89515  
of the calendar year preceding the fiscal year in which ~~the~~ a rate 89516  
will be paid and ending on the thirty-first day of December of the 89517  
fiscal year in which the rate will be paid, using the ~~index~~ 89518  
~~specified in division (C) of this section. If the estimated~~ 89519  
~~inflation rate for the eighteen month period is different from the~~ 89520  
~~actual inflation rate for that period, as measured using the same~~ 89521  
~~index, the difference shall be added to or subtracted from the~~ 89522  
~~inflation rate estimated under division (B)(3) of this section for~~ 89523  
~~the following fiscal year.~~ 89524~~

~~(4) The department shall not recalculate a maximum cost per 89525  
case mix unit under division (B)(2) of this section or a 89526  
percentage under division (E) of this section based on additional 89527  
information that it receives after the maximum costs per case mix 89528  
unit or percentages are set. The department shall recalculate a 89529  
maximum cost per case mix units or percentage only if it made an 89530  
error in computing the maximum cost per case mix unit or 89531  
percentage based on information available at the time of the 89532  
original calculation.~~ 89533

~~(C) The department shall use the following index for the 89534  
purpose of division (B)(3) of this section:~~ 89535

~~(1) The (a) Subject to division (D)(1)(b) of this section, 89536  
the employment cost index for total compensation, health services 89537  
component, published by the United States bureau of labor 89538  
statistics; 89539~~

~~(2)(b) If the United States bureau of labor statistics ceases 89540  
to publish the index specified in division ~~(C)~~(D)(1)(a) of this 89541  
section, the index that is subsequently published by the bureau 89542  
and covers ~~nursing facilities~~ the staff costs of ICFs/MR. 89543~~



~~(D) Each facility's rate for direct care costs shall be determined as follows for each calendar quarter within a fiscal year:~~

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~~(1) Multiply the lesser of the following by the facility's average case mix score determined under section 5111.232 of the Revised Code for the calendar quarter that preceded the immediately preceding calendar quarter:~~

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~~(a) The facility's cost per case mix unit for the calendar year preceding the fiscal year in which the rate will be paid, as determined under division (B)(1) of this section;~~

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~~(b) The maximum cost per case mix unit established for the fiscal year in which the rate will be paid for the facility's peer group under division (B)(2) of this section;~~

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~~(2) Adjust the product determined under division (D)(1) of this section by the inflation rate estimated under division (B)(3) of this section.~~

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~~(E)(1) The department shall calculate the percentage above the median cost per case mix unit determined under division (B)(1) of this section for the facility that has the median medicaid day for calendar year 1992 for all intermediate care facilities for the mentally retarded with more than eight beds that would result in payment of all desk reviewed, actual, allowable direct care costs for eighty and one half per cent of the medicaid days for such facilities for calendar year 1992.~~

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~~(2) The department shall calculate the percentage above the median cost per case mix unit determined under division (B)(1) of this section for the facility that has the median medicaid day for calendar year 1992 for all intermediate care facilities for the mentally retarded with eight or fewer beds that would result in payment of all desk reviewed, actual, allowable direct care costs for eighty and one half per cent of the medicaid days for such~~

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~~facilities for calendar year 1992.~~ 89575

~~(F)(2) If the estimated inflation rate for the eighteen-month period specified in division (D)(1) of this section is different from the actual inflation rate for that period, as measured using the same index, the difference shall be added to or subtracted from the inflation rate estimated under division (D)(1) of this section for the following fiscal year.~~ 89576  
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~~(E) The director of job and family services developmental disabilities shall adopt rules under section 5111.02 5124.03 of the Revised Code that specify peer groups of intermediate care facilities for the mentally retarded ICFs/MR with more than eight beds and intermediate care facilities for the mentally retarded peer groups of ICFs/MR with eight or fewer beds, based on findings of significant per diem direct care cost differences due to geography and facility bed-size. The rules also may specify peer groups based on findings of significant per diem direct care cost differences due to other factors which may include case-mix.~~ 89582  
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~~(G) The department, in accordance with division (D) of section 5111.232 of the Revised Code and rules adopted under division (F) of that section, may assign case mix scores or costs per case mix unit if a provider fails to submit assessment data necessary to calculate an intermediate care facility for the mentally retarded's case mix score in accordance with that section.~~ 89592  
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Sec. 5124.191. Each calendar quarter, each ICF/MR provider shall compile complete assessment data for each resident of each of the provider's ICFs/MR, regardless of payment source, who is in the ICF/MR, or on hospital or therapeutic leave from the ICF/MR, on the last day of the quarter. A resident assessment instrument specified in rules adopted under section 5124.03 of the Revised Code shall be used to compile the resident assessment data. Each 89599  
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provider shall submit the resident assessment data to the 89606  
department of developmental disabilities not later than fifteen 89607  
days after the end of the calendar quarter for which the data is 89608  
compiled. The resident assessment data shall be submitted to the 89609  
department through the medium or media specified in rules adopted 89610  
under section 5124.03 of the Revised Code. 89611

Sec. 5124.192. (A) Except as provided in division (B) of this 89612  
section, the department of developmental disabilities shall do 89613  
both of the following: 89614

(1) For each calendar quarter, determine a case-mix score for 89615  
each ICF/MR using the resident assessment data submitted to the 89616  
department under section 5124.191 of the Revised Code and the 89617  
grouper methodology prescribed in rules authorized by this 89618  
section; 89619

(2) After the end of each calendar year and in accordance 89620  
with rules authorized by this section, determine an annual average 89621  
case-mix score for each ICF/MR using the ICF/MR's quarterly 89622  
case-mix scores for that calendar year. 89623

(B)(1) Subject to division (B)(2) of this section, the 89624  
department, for one or more months of a calendar quarter, may 89625  
assign to an ICF/MR a case-mix score that is five per cent less 89626  
than the ICF/MR's case-mix score for the immediately preceding 89627  
calendar quarter if any of the following apply: 89628

(a) The provider does not timely submit complete and accurate 89629  
resident assessment data necessary to determine the ICF/MR's 89630  
case-mix score for the calendar quarter; 89631

(b) The ICF/MR was subject to an exception review under 89632  
section 5124.193 of the Revised Code for the immediately preceding 89633  
calendar quarter; 89634

(c) The ICF/MR was assigned a case-mix score for the 89635

immediately preceding calendar quarter. 89636

(2) Before assigning a case-mix score to an ICF/MR due to the 89637  
submission of incorrect resident assessment data, the department 89638  
shall permit the provider to correct the data. The department may 89639  
assign the case-mix score if the provider fails to submit the 89640  
corrected resident assessment data not later than eighty days 89641  
after the end of the calendar quarter to which the data pertains 89642  
or later due date specified in rules authorized by this section. 89643

(3) If, for more than six months during a calendar year, a 89644  
provider is paid a rate determined for an ICF/MR using a case-mix 89645  
score assigned to the ICF/MR under division (B)(1) of this 89646  
section, the department may assign the ICF/MR a cost per case-mix 89647  
unit that is five per cent less than the ICF/MR's actual or 89648  
assigned cost per case-mix unit for the immediately preceding 89649  
calendar year. The department may use the assigned cost per 89650  
case-mix unit, instead of determining the ICF/MR's actual cost per 89651  
case-mix unit in accordance with section 5124.19 of the Revised 89652  
Code, to establish the ICF/MR's rate for direct care costs for the 89653  
fiscal year immediately following the calendar year for which the 89654  
cost per case-mix unit is assigned. 89655

(4) The department shall take action under division (B)(1), 89656  
(2), or (3) of this section only in accordance with rules 89657  
authorized by this section. The department shall not take an 89658  
action that affects medicaid payment rates for prior payment 89659  
periods except in accordance with sections 5124.41 and 5124.42 of 89660  
the Revised Code. 89661

(C) The director of developmental disabilities shall adopt 89662  
rules under section 5124.03 of the Revised Code as necessary to 89663  
implement this section. 89664

(1) The rules shall do all of the following: 89665

(a) Prescribe a grouper methodology to be used when 89666

determining the case-mix scores for ICFs/MR; 89667

(b) Specify the process for determining the annual average case-mix scores for ICFs/MR; 89668  
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(c) Establish procedures under which resident assessment data is to be reviewed for accuracy and providers are to be notified of any data that requires correction; 89670  
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(d) Establish procedures for providers to correct resident assessment data and, if necessary, specify a due date for corrections that is later than the due date specified in division (B)(2) of this section. 89673  
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(e) Specify when and how the department will assign a case-mix score or cost per case-mix unit to an ICF/MR under division (B) of this section if information necessary to calculate the ICF/MR's case-mix score is not provided or corrected in accordance with the procedures established by the rules. 89677  
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(2) Notwithstanding any other provision of this chapter, the rules may provide for excluding case-mix scores assigned to an ICF/MR under division (B) of this section from the determination of the ICF/MR's annual average case-mix score and the maximum cost per case-mix unit for the ICF/MR's peer group. 89682  
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**Sec. 5124.193.** (A) The department of developmental disabilities may, pursuant to rules authorized by this section, conduct an exception review of resident assessment data submitted by an ICF/MR provider under section 5124.191 of the Revised Code. The department may conduct an exception review based on the findings of a medicaid certification survey conducted by the department of health, a risk analysis, or prior performance of the provider. 89687  
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Exception reviews shall be conducted at the ICF/MR by appropriate health professionals under contract with or employed 89695  
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by the department. The professionals may review resident 89697  
assessment forms and supporting documentation, conduct interviews, 89698  
and observe residents to identify any patterns or trends of 89699  
inaccurate resident assessments and resulting inaccurate case-mix 89700  
scores. 89701

(B) If an exception review is conducted before the effective 89702  
date of an ICF/MR's rate for direct care costs that is based on 89703  
the resident assessment data being reviewed and the review results 89704  
in findings that exceed tolerance levels specified in the rules 89705  
authorized by this section, the department, in accordance with the 89706  
rules authorized by this section, may use the findings to 89707  
redetermine individual resident case-mix scores, the ICF/MR's 89708  
case-mix score for the quarter, and the ICF/MR's annual average 89709  
case-mix score. The department may use the ICF/MR's redetermined 89710  
quarterly and annual average case-mix scores to determine the 89711  
ICF/MR's rate for direct care costs for the appropriate calendar 89712  
quarter or quarters. 89713

(C) The department shall prepare a written summary of any 89714  
exception review finding that is made after the effective date of 89715  
an ICF/MR's rate for direct care costs that is based on the 89716  
resident assessment data that was reviewed. Where the provider is 89717  
pursuing judicial or administrative remedies in good faith 89718  
regarding the finding, the department shall not withhold from the 89719  
provider's current payments any amounts the department claims to 89720  
be due from the provider pursuant to section 5124.41 of the 89721  
Revised Code. 89722

(D)(1) The director of developmental disabilities shall adopt 89723  
rules under section 5124.03 of the Revised Code as necessary to 89724  
implement this section. The rules shall establish an exception 89725  
review program that does all of the following: 89726

(a) Requires each exception review to comply with Title XIX; 89727

(b) Requires a written summary for each exception review that states whether resident assessment forms have been completed accurately; 89728  
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(c) Prohibits each health professional who conducts an exception review from doing either of the following: 89731  
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(i) During the period of the professional's contract or employment with the department, having or being committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of ICFs/MR in this state; 89733  
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(ii) Reviewing any provider that has been a client of the professional. 89737  
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(2) For the purposes of division (D)(1)(c)(i) of this section, employment of a member of a health professional's family by an ICF/MR that the professional does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the ICF/MR. 89739  
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**Sec. ~~5111.233~~ 5124.194.** The costs of day programming shall be 89744  
part of the direct care costs of an ~~intermediate care facility for~~ 89745  
~~the mentally retarded~~ ICF/MR as off-site day programming if the 89746  
area in which the day programming is provided is not certified by 89747  
the director of health as an ~~intermediate care facility for the~~ 89748  
~~mentally retarded~~ ICF/MR under Title XIX and regardless of either 89749  
of the following: 89750

(A) Whether or not the area in which the day programming is 89751  
provided is less than two hundred feet away from the ~~intermediate~~ 89752  
~~care facility for the mentally retarded~~ ICF/MR; 89753

(B) Whether or not the day programming is provided by an 89754  
individual who, or organization that, is a related party to the 89755  
provider of the ~~intermediate care facility for the mentally~~ 89756  
~~retarded~~ ICF/MR. 89757

~~Sec. 5111.241~~ 5124.21. (A) ~~The~~ For each fiscal year, the 89758  
~~department of job and family services developmental disabilities~~ 89759  
~~shall pay a provider for prospectively determine each of the~~ 89760  
~~provider's eligible intermediate care facilities for the mentally~~ 89761  
~~retarded a ICF/MR's per resident per medicaid day payment rate for~~ 89762  
~~indirect care costs established prospectively each fiscal year for~~ 89763  
~~each facility. The Subject to section 5124.28 of the Revised Code,~~ 89764  
~~an ICF/MR's rate for each intermediate care facility for the~~ 89765  
~~mentally retarded shall be the sum of the following, but shall not~~ 89766  
~~exceed lesser of the individual rate determined under division (B)~~ 89767  
~~of this section and the maximum rate established determined for~~ 89768  
~~the facility's ICF/MR's peer group under division (B)(C) of this~~ 89769  
~~section.~~ 89770

(B) An ICF/MR's individual rate is the sum of the following: 89771

(1) ~~The facility's ICF/MR's~~ desk-reviewed, actual, allowable, 89772  
per diem indirect care costs from the calendar year immediately 89773  
preceding the fiscal year in which the rate will be paid, adjusted 89774  
for the inflation rate estimated under division ~~(C)~~(D)(1) of this 89775  
section; 89776

(2) An efficiency incentive in the following amount: 89777

~~(a) For fiscal years ending in even numbered calendar years:~~ 89778

~~(i) In the case of intermediate care facilities for the~~ 89779  
~~mentally retarded with~~ If the ICF/MR has more than eight beds, the 89780  
following: 89781

(i) For fiscal year 2014, seven and one-tenth per cent of the 89782  
maximum rate established for the ~~facility's ICF/MR's~~ peer group 89783  
under division ~~(B)~~(C) of this section; 89784

~~(ii) In the case of intermediate care facilities for the~~ 89785  
~~mentally retarded with~~ For fiscal years 2015 and 2016 and each 89786  
fiscal year thereafter ending in an even-numbered calendar year, 89787



three and fifty-five hundredths per cent of the maximum rate 89788  
established for the ICF/MR's peer group under division (C) of this 89789  
section; 89790

(iii) For fiscal year 2017 and each fiscal year thereafter 89791  
ending in an odd-numbered calendar year, the amount calculated for 89792  
the immediately preceding fiscal year under division (B)(2)(a)(ii) 89793  
of this section. 89794

(b) If the ICF/MR has eight or fewer beds, the following: 89795

(i) For each fiscal year ending in an even-numbered calendar 89796  
year, seven per cent of the maximum rate established for the 89797  
facility's ICF/MR's peer group under division ~~(B)~~(C) of this 89798  
section; 89799

~~(b)(ii)~~ For each fiscal years year ending in an odd-numbered 89800  
calendar years year, the amount calculated for the immediately 89801  
preceding fiscal year under division ~~(A)~~(B)(2)(a)(b)(i) of this 89802  
section. 89803

~~(B)(C)(1)~~ The maximum rate for indirect care costs for each 89804  
peer group of ~~intermediate care facilities for the mentally~~ 89805  
~~retarded~~ ICFs/MR with more than eight beds ~~specified in rules~~ 89806  
~~adopted under division (D) of this section~~ shall be determined as 89807  
follows: 89808

(a) For each fiscal years year ending in an even-numbered 89809  
calendar years year, the maximum rate for each such peer group 89810  
shall be the rate that is no less than twelve and four-tenths per 89811  
cent above the median desk-reviewed, actual, allowable, per diem 89812  
indirect care cost for all ~~intermediate care facilities for the~~ 89813  
~~mentally retarded with more than eight beds~~ ICFs/MR in the peer 89814  
group, ~~(excluding facilities~~ ICFs/MR in the peer group whose 89815  
indirect care costs for that period are more than three standard 89816  
deviations from the mean desk-reviewed, actual, allowable, per 89817  
diem indirect care cost for all ~~intermediate care facilities for~~ 89818

~~the mentally retarded ICFs/MR with more than eight beds,~~ for the 89819  
calendar year immediately preceding the fiscal year in which the 89820  
rate will be paid, adjusted by the inflation rate estimated under 89821  
division ~~(C)~~(D)(1) of this section. 89822

(b) For each fiscal ~~years~~ year ending in an odd-numbered 89823  
calendar ~~years~~ year, the maximum rate for each such peer group is 89824  
the peer group's maximum rate for the previous fiscal year, 89825  
adjusted for the inflation rate estimated under division ~~(C)~~(D)(2) 89826  
of this section. 89827

(2) The maximum rate for indirect care costs for each peer 89828  
group of ~~intermediate care facilities for the mentally retarded~~ 89829  
ICFs/MR with eight or fewer beds ~~specified in rules adopted under~~ 89830  
~~division (D) of this section~~ shall be determined as follows: 89831

(a) For each fiscal ~~years~~ year ending in an even-numbered 89832  
calendar ~~years~~ year, the maximum rate for each such peer group 89833  
shall be the rate that is no less than ten and three-tenths per 89834  
cent above the median desk-reviewed, actual, allowable, per diem 89835  
indirect care cost for all ~~intermediate care facilities for the~~ 89836  
~~mentally retarded with eight or fewer beds~~ ICFs/MR in the peer 89837  
group, ~~(excluding facilities ICFs/MR in the peer group whose~~ 89838  
indirect care costs are more than three standard deviations from 89839  
the mean desk-reviewed, actual, allowable, per diem indirect care 89840  
cost for all ~~intermediate care facilities for the mentally~~ 89841  
~~retarded ICFs/MR with eight or fewer beds,~~ for the calendar year 89842  
immediately preceding the fiscal year in which the rate will be 89843  
paid, adjusted by the inflation rate estimated under division 89844  
~~(C)~~(D)(1) of this section. 89845

(b) For each fiscal ~~years that end~~ year ending in an 89846  
odd-numbered calendar ~~years~~ year, the maximum rate for each such 89847  
peer group is the peer group's maximum rate for the previous 89848  
fiscal year, adjusted for the inflation rate estimated under 89849  
division ~~(C)~~(D)(2) of this section. 89850

(3) The department shall not ~~recalculate~~ redetermine a maximum rate for indirect care costs under division ~~(B)~~(C)(1) or (2) of this section based on additional information that it receives after the maximum rate is set. The department shall ~~recalculate~~ redetermine the maximum rate for indirect care costs only if it made an error in computing the maximum rate based on the information available to the department at the time of the original calculation.

~~(C)~~(D)(1) When adjusting rates for inflation under divisions ~~(A)~~(B)(1), ~~(B)~~(C)(1)(a), and ~~(B)~~(C)(2)(a) of this section, the department shall estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the calendar year immediately preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid. To estimate the rate of inflation, the department shall use the following:

(a) The Subject to division (D)(1)(b) of this section, the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics;

(b) If the United States bureau of labor statistics ceases to publish the index specified in division ~~(C)~~(D)(1)(a) of this section, a comparable index that the bureau publishes and the department determines is appropriate.

(2) When adjusting rates for inflation under divisions ~~(B)~~(C)(1)(b) and ~~(B)~~(C)(2)(b) of this section, the department shall estimate the rate of inflation for the twelve-month period beginning on the first day of January of the fiscal year immediately preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid. To estimate the rate of inflation, the department shall use the following:

(a) ~~The~~ Subject to division (D)(2)(b) of this section, the 89883  
consumer price index for all items for all urban consumers for the 89884  
north central region, published by the United States bureau of 89885  
labor statistics; 89886

(b) If the United States bureau of labor statistics ceases to 89887  
publish the index specified in division ~~(C)~~(D)(2)(a) of this 89888  
section, a comparable index that the bureau publishes and the 89889  
department determines is appropriate. 89890

(3) If an inflation rate estimated under division ~~(C)~~(D)(1) 89891  
or (2) of this section is different from the actual inflation rate 89892  
for the relevant time period, as measured using the same index, 89893  
the difference shall be added to or subtracted from the inflation 89894  
rate estimated pursuant to this division for the following fiscal 89895  
year. 89896

~~(D)~~(E) The director of ~~job and family services~~ developmental 89897  
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 89898  
the Revised Code that specify peer groups of ~~intermediate care~~ 89899  
~~facilities for the mentally retarded~~ ICFs/MR with more than eight 89900  
beds, and peer groups of ~~intermediate care facilities for the~~ 89901  
~~mentally retarded~~ ICFs/MR with eight or fewer beds, based on 89902  
findings of significant per diem indirect care cost differences 89903  
due to geography and ~~facility~~ bed-size. The rules also may specify 89904  
peer groups based on findings of significant per diem indirect 89905  
care cost differences due to other factors, including case-mix. 89906

**Sec. ~~5111.235~~ 5124.23.** (A) ~~The~~ For each fiscal year, the 89907  
department of ~~job and family services~~ developmental disabilities 89908  
shall ~~pay a provider for~~ prospectively determine each of the 89909  
~~provider's eligible intermediate care facilities for the mentally~~ 89910  
~~retarded~~ a ICF/MR's per resident per medicaid day payment rate for 89911  
other protected costs ~~established prospectively each fiscal year~~ 89912  
~~for each facility. The~~ An ICF/MR's rate for each facility shall be 89913

the ~~facility's~~ ICF/MR's desk-reviewed, actual, allowable, per diem 89914  
other protected costs from the calendar year immediately preceding 89915  
the fiscal year in which the rate will be paid, all adjusted for 89916  
the estimated inflation rate for the eighteen-month period 89917  
beginning on the first day of July of the calendar year 89918  
immediately preceding the fiscal year in which the rate will be 89919  
paid and ending on the thirty-first day of December of that fiscal 89920  
year. The department shall estimate inflation using the index 89921  
specified in division (B) of this section. If the estimated 89922  
inflation rate for the eighteen-month period is different from the 89923  
actual inflation rate for that period, the difference shall be 89924  
added to or subtracted from the inflation rate estimated for the 89925  
following year. 89926

(B) The department shall use the following index for the 89927  
purpose of division (A) of this section: 89928

(1) The Subject to division (B)(2) of this section, the 89929  
consumer price index for all urban consumers for nonprescription 89930  
drugs and medical supplies, as published by the United States 89931  
bureau of labor statistics; 89932

(2) If the United States bureau of labor statistics ceases to 89933  
publish the index specified in division (B)(1) of this section, 89934  
the index that is subsequently published by the bureau and covers 89935  
nonprescription drugs and medical supplies. 89936

**Sec. 5124.25.** (A) Subject to division (D) of this section, 89937  
the department of developmental disabilities may pay a medicaid 89938  
rate add-on to an ICF/MR provider for outlier ICF/MR services the 89939  
ICF/MR provides to qualifying ventilator-dependent residents on or 89940  
after July 1, 2014, if the provider applies to the department of 89941  
developmental disabilities to receive the rate add-on and the 89942  
department approves the application. The department of 89943  
developmental disabilities may approve a provider's application if 89944

all of the following apply: 89945

(1) The provider submits to the department of developmental disabilities a best practices protocol for providing outlier ICF/MR services under this section and the department of developmental disabilities determines that the protocol is acceptable; 89946  
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(2) The provider executes with the department of medicaid an addendum to its provider agreement for the ICF/MR regarding the outlier ICF/MR services; 89951  
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(3) The provider and ICF/MR meet all other eligibility requirements for the rate add-on established in rules authorized by this section. 89954  
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(B) An ICF/MR that has been approved by the department of developmental disabilities to provider outlier ICF/MR services under this section shall provide the services in accordance with both of the following: 89957  
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(1) The best practices protocol the department of developmental disabilities determined is acceptable; 89961  
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(2) Requirements regarding the services established in rules authorized by this section. 89963  
89964

(C) To qualify to receive outlier ICF/MR services from an ICF/MR under this section, a resident of the ICF/MR must be a medicaid recipient, be under twenty-two years of age, be dependent on a ventilator, and meet all other eligibility requirements established in rules authorized by this section. 89965  
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(D) The department of developmental disabilities shall negotiate the amount of the medicaid payment rate add-on, if any, to be paid under this section, or the method by which that amount is to be determined, with the department of medicaid. The department of developmental disabilities shall not pay the rate 89970  
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add-on unless the department has approved the amount of the rate 89975  
add-on or method by which the amount is to be determined. 89976

Sec. 5124.28. Notwithstanding any provision of section 89977  
5124.17 or 5124.21 of the Revised Code, the director of 89978  
developmental disabilities may adopt rules under section 5124.03 89979  
of the Revised Code that provide for the determination of a 89980  
combined maximum payment limit for indirect care costs and costs 89981  
of ownership for ICFs/MR with eight or fewer beds. 89982

~~Sec. 5111.263~~ 5124.29. Except as otherwise provided in 89983  
section ~~5111.264~~ 5124.30 of the Revised Code, the department of 89984  
~~job and family services~~ developmental disabilities, in determining 89985  
whether an ~~intermediate care facility for the mentally retarded's~~ 89986  
ICF/MR's direct care costs and indirect care costs are allowable, 89987  
shall place no limit on specific categories of reasonable costs 89988  
other than compensation of owners, compensation of relatives of 89989  
owners, and compensation of administrators. 89990

Compensation cost limits for owners and relatives of owners 89991  
shall be based on compensation costs for individuals who hold 89992  
comparable positions but who are not owners or relatives of 89993  
owners, as reported on ~~facility~~ ICFs/MR's cost reports. As used in 89994  
this section, "comparable position" means the position that is 89995  
held by the owner or the owner's relative, if that position is 89996  
listed separately on the cost report form, or if the position is 89997  
not listed separately, the group of positions that is listed on 89998  
the cost report form and that includes the position held by the 89999  
owner or the owner's relative. In the case of an owner or owner's 90000  
relative who serves the ~~facility~~ ICFs/MR in a capacity such as 90001  
corporate officer, proprietor, or partner for which no comparable 90002  
position or group of positions is listed on the cost report form, 90003  
the compensation cost limit shall be based on civil service 90004  
equivalents and shall be specified in rules adopted under section 90005

~~5111.02~~ 5124.03 of the Revised Code. 90006

Compensation cost limits for administrators shall be based on 90007  
compensation costs for administrators who are not owners or 90008  
relatives of owners, as reported on ~~facility~~ ICFs/MR's cost 90009  
reports. Compensation cost limits for administrators of four or 90010  
more ~~intermediate care facilities for the mentally retarded~~ 90011  
ICFs/MR shall be the same as the limits for administrators of 90012  
~~intermediate care facilities for the mentally retarded~~ ICFs/MR 90013  
with one hundred fifty or more beds. 90014

Sec. 5124.30. Except as provided in section 5124.17 of the 90015  
Revised Code, the costs of goods, services, and facilities, 90016  
furnished to an ICF/MR provider by a related party are includable 90017  
in the allowable costs of the provider at the reasonable cost to 90018  
the related party. 90019

Sec. 5124.31. The department of developmental disabilities 90020  
shall adjust medicaid payment rates determined under this chapter 90021  
to account for reasonable additional costs that must be incurred 90022  
by ICFs/MR to comply with requirements of federal or state 90023  
statutes, rules, or policies enacted or amended after January 1, 90024  
1992, or with orders issued by state or local fire authorities. 90025

Sec. 5124.32. The department of developmental disabilities 90026  
shall not reduce an ICF/MR's medicaid payment rate determined 90027  
under this chapter on the basis that the provider charges a lower 90028  
rate to any resident who is not eligible for medicaid. 90029

Sec. 5124.33. No medicaid payment shall be made to an ICF/MR 90030  
provider for the day a medicaid recipient is discharged from the 90031  
ICF/MR. 90032

~~Sec. 5111.33~~ 5124.34. Reimbursement to a (A) The department 90033



~~of developmental disabilities shall pay an ICF/MR provider of an 90034  
intermediate care facility for the mentally retarded under 90035  
sections 5111.20 to 5111.331 of the Revised Code shall include 90036  
payments to the provider, at a rate equal to the percentage one 90037  
hundred per cent of the per resident total per medicaid day rates 90038  
that the department of job and family services has established 90039  
payment rate determined for the provider's facility ICF/MR 90040  
sections 5111.20 to 5111.331 of the Revised Code for the fiscal 90041  
year for which the cost of services is reimbursed, this chapter to 90042  
reserve a bed for a resident who is a medicaid recipient during a 90043  
temporary absence under conditions prescribed by the department, 90044  
to include hospitalization for an acute condition, visits with 90045  
relatives and friends, and participation in therapeutic programs 90046  
outside the facility, when the if all of the following apply: 90047~~

~~(1) The recipient is temporarily absent from the ICF/MR for a 90048  
reason that makes the absence qualified for payments under this 90049  
section as specified in rules authorized by this section; 90050~~

~~(2) The resident's plan of care provides for such the absence 90051  
and federal; 90052~~

~~(3) Federal financial participation in the payments is 90053  
available for the payments. The 90054~~

~~(B) The maximum period during which medicaid payments may be 90055  
made to reserve a bed shall not exceed the maximum period 90056  
specified under in federal regulations, and shall not be more than 90057  
thirty days during any calendar year for hospital stays, visits 90058  
with relatives and friends, and participation in therapeutic 90059  
programs. 90060~~

~~Recipients programs. However, a resident shall not be subject 90061  
to a maximum period during which payments may be made to reserve a 90062  
bed in an intermediate care facility for the mentally retarded if 90063  
prior authorization of the department is obtained for hospital 90064~~

stays, visits with relatives and friends, and participation in 90065  
therapeutic programs. The 90066

(C)(1) The director of ~~job and family services~~ developmental 90067  
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 90068  
the Revised Code establishing as necessary to implement this 90069  
section, including rules that do the following: 90070

(a) Specify the reasons for which a temporary absence from an 90071  
ICF/MR makes the absence qualify for payments under this section; 90072

(b) Establish conditions under which prior authorization may 90073  
be obtained for the purpose of division (B) of this section. 90074

(2) The rules authorized by division (C)(1)(a) of this 90075  
section shall include the following as reasons for which a 90076  
temporary absence from an ICF/MR qualifies for payments under this 90077  
section: 90078

(a) Hospitalization for acute conditions; 90079

(b) Visits with relatives and friends; 90080

(c) Participation in therapeutic programs outside the ICF/MR. 90081

Sec. 5124.35. Medicaid payments may be made for ICF/MR 90082  
services provided not later than thirty days after the effective 90083  
date of an involuntary termination of the ICF/MR that provides the 90084  
services if the services are provided to a medicaid recipient who 90085  
is eligible for the services and resided in the ICF/MR before the 90086  
effective date of the involuntary termination. 90087

Sec. 5124.37. The department of developmental disabilities 90088  
shall make its best efforts each year to determine ICFs/MR's 90089  
medicaid payment rates under this chapter in time to pay the rates 90090  
by August fifteenth of each fiscal year. If the department is 90091  
unable to calculate the rates so that they can be paid by that 90092  
date, the department shall pay each provider the rate calculated 90093

for the provider's ICFs/MR under those sections at the end of the 90094  
previous fiscal year. If the department also is unable to 90095  
calculate the rates to make the payments due by the fifteenth day 90096  
of September and the fifteenth day of October, the department 90097  
shall pay the previous fiscal year's rate to make those payments. 90098  
The department may increase by five per cent the previous fiscal 90099  
year's rate paid for any ICF/MR pursuant to this section at the 90100  
request of the provider. The department shall use rates calculated 90101  
for the current fiscal year to make the payments due by the 90102  
fifteenth day of November. 90103

If an ICF/MR's medicaid payment rate paid under this section 90104  
is lower than the rate calculated for it for the current fiscal 90105  
year, the department shall pay the provider the difference between 90106  
the two rates for the number of days for which the provider is 90107  
paid the lower rate. If an ICF/MR's medicaid payment rate paid 90108  
under this section is higher than the rate calculated for it for 90109  
the current fiscal year, the provider shall refund to the 90110  
department the difference between the two rates for the number of 90111  
days for which the provider is paid the higher rate. 90112

**Sec. 5124.38.** (A) The director of developmental disabilities 90113  
shall establish a process under which an ICF/MR provider, or a 90114  
group or association of ICF/MR providers, may seek reconsideration 90115  
of medicaid payment rates established under this chapter, 90116  
including a rate for direct care costs redetermined before the 90117  
effective date of the rate as a result of an exception review 90118  
conducted under section 5124.193 of the Revised Code. Except as 90119  
provided in divisions (B) to (D) of this section, the only issue 90120  
that a provider, group, or association may raise in the rate 90121  
reconsideration is whether the rate was calculated in accordance 90122  
with this chapter and the rules adopted under section 5124.03 of 90123  
the Revised Code. The provider, group, or association may submit 90124

written arguments or other materials that support its position. 90125  
The provider, group, or association and department shall take 90126  
actions regarding the rate reconsideration within time frames 90127  
specified in rules authorized by this section. 90128

If the department determines, as a result of the rate 90129  
reconsideration, that the rate established for one or more ICFs/MR 90130  
is less than the rate to which the ICF/MR is entitled, the 90131  
department shall increase the rate. If the department has paid the 90132  
incorrect rate for a period of time, the department shall pay the 90133  
provider of the ICF/MR the difference between the amount the 90134  
provider was paid for that period for the ICF/MR and the amount 90135  
the provider should have been paid for the ICF/MR. 90136

(B)(1) The department, through the rate reconsideration 90137  
process, may increase during a fiscal year the medicaid payment 90138  
rate determined for an ICF/MR under this chapter if the provider 90139  
demonstrates that the ICF/MR's actual, allowable costs have 90140  
increased because of any of the following extreme circumstances: 90141

(a) A natural disaster; 90142

(b) A nonextensive renovation approved under division (D) of 90143  
section 5124.17 of the Revised Code; 90144

(c) If the ICF/MR has an appropriate claims management 90145  
program, an increase in the ICF/MR's workers' compensation 90146  
experience rating of greater than five per cent; 90147

(d) If the ICF/MR is an inner-city ICF/MR, increased security 90148  
costs; 90149

(e) A change of ownership that results from bankruptcy, 90150  
foreclosure, or findings by the department of health of violations 90151  
of medicaid certification requirements; 90152

(f) Other extreme circumstances specified in rules authorized 90153  
by this section. 90154

(2) An ICF/MR may qualify for a rate increase under this division only if its per diem, actual, allowable costs have increased to a level that exceeds its total rate. An increase under this division is subject to any rate limitations or maximum rates established by this chapter for specific cost centers. Any rate increase granted under this division shall take effect on the first day of the first month after the department receives the request. 90155  
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(C) The department, through the rate reconsideration process, may increase an ICF/MR's rate as determined under this chapter if the department, in the department's sole discretion, determines that the rate as determined under those sections works an extreme hardship on the ICF/MR. 90163  
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(D) When beds certified for the medicaid program are added to an existing ICF/MR or replaced at the same site, the department, through the rate reconsideration process, shall increase the ICF/MR's rate for capital costs proportionately, as limited by any applicable limitation under section 5124.17 of the Revised Code, to account for the costs of the beds that are added or replaced. The department shall make this increase one month after the first day of the month after the department receives sufficient documentation of the costs. Any rate increase granted under this division after June 30, 1993, shall remain in effect until the effective date of a rate for capital costs determined under section 5124.17 of the Revised Code that includes costs incurred for a full calendar year for the bed addition or bed replacement. The ICF/MR shall report double accumulated depreciation in an amount equal to the depreciation included in the rate adjustment on its cost report for the first year of operation. During the term of any loan used to finance a project for which a rate adjustment is granted under this division, if the ICF/MR is operated by the same provider, the provider shall subtract from 90168  
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the interest costs it reports on its cost report an amount equal 90187  
to the difference between the following: 90188

(1) The actual, allowable interest costs for the loan during 90189  
the calendar year for which the costs are being reported; 90190

(2) The actual, allowable interest costs attributable to the 90191  
loan that were used to calculate the rates paid to the provider 90192  
for the ICF/MR during the same calendar year. 90193

(E) The department's decision at the conclusion of the 90194  
reconsideration process is not subject to any administrative 90195  
proceedings under Chapter 119. or any other provision of the 90196  
Revised Code. 90197

(F) The director of developmental disabilities shall adopt 90198  
rules under section 5124.03 of the Revised Code as necessary to 90199  
implement this section. 90200

**Sec. 5124.40.** If an ICF/MR provider properly amends a cost 90201  
report for an ICF/MR under section 5124.107 of the Revised Code 90202  
and the amended report shows that the provider received a lower 90203  
medicaid payment rate under the original cost report than the 90204  
provider was entitled to receive, the department of developmental 90205  
disabilities shall adjust the provider's rate for the ICF/MR 90206  
prospectively to reflect the corrected information. The department 90207  
shall pay the adjusted rate beginning two months after the first 90208  
day of the month after the provider files the amended cost report. 90209

If the department finds, from an exception review of resident 90210  
assessment data conducted pursuant to section 5124.193 of the 90211  
Revised Code after the effective date of an ICF/MR's rate for 90212  
direct care costs that is based on the resident assessment data, 90213  
that inaccurate resident assessment data resulted in the provider 90214  
receiving a lower rate for the ICF/MR than the provider was 90215  
entitled to receive, the department prospectively shall adjust the 90216

provider's rate for the ICF/MR accordingly. The department shall 90217  
make payments to the provider using the adjusted rate for the 90218  
remainder of the calendar quarter for which the resident 90219  
assessment data is used to determine the rate, beginning one month 90220  
after the first day of the month after the exception review is 90221  
completed. 90222

Sec. 5124.41. (A) The department of developmental 90223  
disabilities shall redetermine a provider's medicaid payment rate 90224  
for an ICF/MR using revised information if any of the following 90225  
results in a determination that the provider received a higher 90226  
medicaid payment rate for the ICF/MR than the provider was 90227  
entitled to receive: 90228

(1) The provider properly amends a cost report for the ICF/MR 90229  
under section 5124.107 of the Revised Code; 90230

(2) The department makes a finding based on an audit under 90231  
section 5124.109 of the Revised Code; 90232

(3) The department makes a finding based on an exception 90233  
review of resident assessment data conducted under section 90234  
5124.193 of the Revised Code after the effective date of the 90235  
ICF/MR's rate for direct care costs that is based on the resident 90236  
assessment data. 90237

(B) The department shall apply the redetermined rate to the 90238  
periods when the provider received the incorrect rate to determine 90239  
the amount of the overpayment. The provider shall refund the 90240  
amount of the overpayment. The department may charge the provider 90241  
the following amount of interest from the time the overpayment was 90242  
made: 90243

(1) If the overpayment resulted from costs reported for 90244  
calendar year 1993, the interest shall be not greater than one and 90245  
one-half times the current average bank prime rate. 90246

(2) If the overpayment resulted from costs reported for a subsequent calendar year: 90247  
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(a) The interest shall be not greater than two times the current average bank prime rate if the overpayment was not more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 90249  
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(b) The interest shall be not greater than two and one-half times the current average bank prime rate if the overpayment was more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 90254  
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Sec. 5124.42. In addition to the other penalties authorized by this chapter, the department of developmental disabilities may impose the following penalties on an ICF/MR provider: 90259  
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(A) If the provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, a fine of not more than the greater of the following: 90262  
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(1) One thousand dollars per audit; 90266

(2) Twenty-five per cent of the cumulative amount by which the costs for which documentation was not furnished increased the total medicaid payments to the provider during the fiscal year for which the costs were used to determine a rate. 90267  
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(B) If an exiting operator or owner fails to provide notice of a facility closure or voluntary termination as required by section 5124.50 of the Revised Code, or an exiting operator or owner and entering operator fail to provide notice of a change of operator as required by section 5124.51 of the Revised Code, a fine of not more than the current average bank prime rate plus 90271  
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four per cent of the last two monthly payments. 90277

Sec. 5124.43. For the purposes of sections 5124.41 and 90278  
5124.42 of the Revised Code, the department of developmental 90279  
disabilities shall determine the current average bank prime rate 90280  
using statistical release H.15, "selected interest rates," a 90281  
weekly publication of the federal reserve board, or any successor 90282  
publication. If statistical release H.15, or its successor, ceases 90283  
to contain the bank prime rate information or ceases to be 90284  
published, the department shall request a written statement of the 90285  
average bank prime rate from the federal reserve bank of Cleveland 90286  
or the federal reserve board. 90287

Sec. 5124.44. (A) Except as provided in division (B) of this 90288  
section, the department of developmental disabilities shall deduct 90289  
the following from the next available medicaid payment the 90290  
department makes to an ICF/MR provider who continues to 90291  
participate in medicaid: 90292

(1) Any amount the provider is required to refund, and any 90293  
interest charged, under section 5124.41 of the Revised Code; 90294

(2) The amount of any penalty imposed on the provider under 90295  
section 5124.42 of the Revised Code. 90296

(B) The department and an ICF/MR provider may enter into an 90297  
agreement under which a deduction required by division (A) of this 90298  
section is taken in installments from payments the department 90299  
makes to the provider. 90300

Sec. 5124.45. The department of developmental disabilities 90301  
shall transmit to the treasurer of state for deposit in the 90302  
general revenue fund amounts collected from the following: 90303

(A) Refunds required by, and interest charged under, section 90304  
5124.41 of the Revised Code; 90305

(B) Amounts collected from penalties imposed under section 5124.42 of the Revised Code. 90306  
90307

**Sec. 5124.46.** All of the following are subject to an 90308  
adjudication conducted in accordance with Chapter 119. of the 90309  
Revised Code: 90310

(A) Any audit disallowance that the department of developmental disabilities makes as the result of an audit under section 5124.109 of the Revised Code; 90311  
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(B) Any adverse finding that results from an exception review of resident assessment data conducted for an ICF/MR under section 5124.193 of the Revised Code after the effective date of the ICF/MR's medicaid payment rate for direct care costs that is based on the resident assessment data; 90314  
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(C) Any medicaid payment deemed an overpayment under section 5124.523 of the Revised Code; 90319  
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(D) Any penalty the department imposes under section 5124.42 of the Revised Code or section 5124.523 of the Revised Code. 90321  
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**Sec. 5124.50.** An exiting operator or owner of an ICF/MR 90323  
participating in the medicaid program shall provide the department of developmental disabilities and department of medicaid written notice of a facility closure or voluntary termination not less than ninety days before the effective date of the facility closure or voluntary termination. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. 90324  
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The written notice shall include all of the following: 90332

(A) The name of the exiting operator and, if any, the exiting operator's authorized agent; 90333  
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(B) The name of the ICF/MR that is the subject of the written notice; 90335  
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(C) The exiting operator's medicaid provider agreement number for the ICF/MR that is the subject of the written notice; 90337  
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(D) The effective date of the facility closure or voluntary termination; 90339  
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(E) The signature of the exiting operator's or owner's representative. 90341  
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**Sec. 5124.51.** (A) An exiting operator or owner and entering operator shall provide the department of developmental disabilities and department of medicaid written notice of a change of operator if the ICF/MR participates in the medicaid program and the entering operator seeks to continue the ICF/MR's participation. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than forty-five days before the effective date of the change of operator if the change of operator does not entail the relocation of residents. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than ninety days before the effective date of the change of operator if the change of operator entails the relocation of residents. 90343  
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The written notice shall include all of the following: 90361

(1) The name of the exiting operator and, if any, the exiting operator's authorized agent; 90362  
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(2) The name of the ICF/MR that is the subject of the change 90364

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>of operator;</u>                                                       | 90365 |
| <u>(3) The exiting operator's seven-digit medicaid legacy number</u>      | 90366 |
| <u>and ten-digit national provider identifier number for the ICF/MR</u>   | 90367 |
| <u>that is the subject of the change of operator;</u>                     | 90368 |
| <u>(4) The name of the entering operator;</u>                             | 90369 |
| <u>(5) The effective date of the change of operator;</u>                  | 90370 |
| <u>(6) The manner in which the entering operator becomes the</u>          | 90371 |
| <u>ICF/MR's operator, including through sale, lease, merger, or other</u> | 90372 |
| <u>action;</u>                                                            | 90373 |
| <u>(7) If the manner in which the entering operator becomes the</u>       | 90374 |
| <u>ICF/MR's operator involves more than one step, a description of</u>    | 90375 |
| <u>each step;</u>                                                         | 90376 |
| <u>(8) Written authorization from the exiting operator or owner</u>       | 90377 |
| <u>and entering operator for the department of medicaid to process a</u>  | 90378 |
| <u>provider agreement for the entering operator;</u>                      | 90379 |
| <u>(9) The names and addresses of the persons to whom the</u>             | 90380 |
| <u>department of developmental disabilities and department of</u>         | 90381 |
| <u>medicaid should send initial correspondence regarding the change</u>   | 90382 |
| <u>of operator;</u>                                                       | 90383 |
| <u>(10) The signature of the exiting operator's or owner's</u>            | 90384 |
| <u>representative.</u>                                                    | 90385 |
| <u>(B) An exiting operator or owner and entering operator</u>             | 90386 |
| <u>immediately shall provide the department of developmental</u>          | 90387 |
| <u>disabilities and department of medicaid notice of any changes to</u>   | 90388 |
| <u>information included in a written notice of a change of operator</u>   | 90389 |
| <u>that occur after that notice is provided to the department of</u>      | 90390 |
| <u>developmental disabilities and department of medicaid. The notice</u>  | 90391 |
| <u>of the changes shall be provided to the department of</u>              | 90392 |
| <u>developmental disabilities and department of medicaid in</u>           | 90393 |
| <u>accordance with the method specified in rules authorized by</u>        | 90394 |

section 5124.53 of the Revised Code. 90395

Sec. 5124.511. The department of medicaid may enter into a 90396  
provider agreement with an entering operator that goes into effect 90397  
at 12:01 a.m. on the effective date of the change of operator if 90398  
all of the following requirements are met: 90399

(A) The department receives a properly completed written 90400  
notice required by section 5124.51 of the Revised Code on or 90401  
before the date required by that section. 90402

(B) The department receives both of the following in 90403  
accordance with the method specified in rules authorized by 90404  
section 5124.53 of the Revised Code and not later than ten days 90405  
after the effective date of the change of operator: 90406

(1) From the entering operator, a completed application for a 90407  
provider agreement and all other forms and documents specified in 90408  
rules authorized by section 5124.53 of the Revised Code; 90409

(2) From the exiting operator or owner, all forms and 90410  
documents specified in rules authorized by section 5124.53 of the 90411  
Revised Code. 90412

(C) The entering operator is eligible to enter into a 90413  
provider agreement for the ICF/MR as provided in section 5124.06 90414  
of the Revised Code. 90415

Sec. 5124.512. (A) The department of medicaid may enter into 90416  
a provider agreement with an entering operator that goes into 90417  
effect at 12:01 a.m. on the date determined under division (B) of 90418  
this section if all of the following are the case: 90419

(1) The department receives a properly completed written 90420  
notice required by section 5124.51 of the Revised Code. 90421

(2) The department receives, from the entering operator and 90422  
in accordance with the method specified in rules authorized by 90423

section 5124.53 of the Revised Code, a completed application for a provider agreement and all other forms and documents specified in rules adopted under that section. 90424  
90425  
90426

(3) The department receives, from the exiting operator or owner and in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code, all forms and documents specified in rules adopted under that section. 90427  
90428  
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(4) One or more of the following apply: 90431

(a) The requirement of division (A)(1) of this section is met after the time required by section 5124.51 of the Revised Code; 90432  
90433

(b) The requirement of division (A)(2) of this section is met more than ten days after the effective date of the change of operator; 90434  
90435  
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(c) The requirement of division (A)(3) of this section is met more than ten days after the effective date of the change of operator. 90437  
90438  
90439

(5) The entering operator is eligible to enter into a provider agreement for the ICF/MR as provided in section 5124.06 of the Revised Code. 90440  
90441  
90442

(B) The department shall determine the date a provider agreement entered into under this section is to go into effect as follows: 90443  
90444  
90445

(1) The effective date shall give the department sufficient time to process the change of operator and give the department sufficient time to assure no duplicate payments are made and make the withholding required by section 5124.521 of the Revised Code. 90446  
90447  
90448  
90449

(2) The effective date shall be not earlier than the latest of the following: 90450  
90451

(a) The effective date of the change of operator; 90452

(b) The date that the entering operator complies with section 90453

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>5124.51 of the Revised Code and division (A)(2) of this section;</u>   | 90454 |
| <u>(c) The date that the exiting operator or owner complies with</u>      | 90455 |
| <u>section 5124.51 of the Revised Code and division (A)(3) of this</u>    | 90456 |
| <u>section.</u>                                                           | 90457 |
| <u>(3) The effective date shall be not later than the following</u>       | 90458 |
| <u>after the later of the dates specified in division (B)(2) of this</u>  | 90459 |
| <u>section:</u>                                                           | 90460 |
| <u>(a) Forty-five days if the change of operator does not entail</u>      | 90461 |
| <u>the relocation of residents;</u>                                       | 90462 |
| <u>(b) Ninety days if the change of operator entails the</u>              | 90463 |
| <u>relocation of residents.</u>                                           | 90464 |
| <br>                                                                      |       |
| <u>Sec. 5124.513. A provider that enters into a provider</u>              | 90465 |
| <u>agreement with the department of medicaid under section 5124.511</u>   | 90466 |
| <u>or 5124.512 of the Revised Code shall do all of the following:</u>     | 90467 |
| <br>                                                                      |       |
| <u>(A) Comply with all applicable federal statutes and</u>                | 90468 |
| <u>regulations;</u>                                                       | 90469 |
| <br>                                                                      |       |
| <u>(B) Comply with section 5124.07 of the Revised Code and all</u>        | 90470 |
| <u>other applicable state statutes and rules;</u>                         | 90471 |
| <br>                                                                      |       |
| <u>(C) Comply with all the terms and conditions of the exiting</u>        | 90472 |
| <u>operator's provider agreement, including all of the following:</u>     | 90473 |
| <br>                                                                      |       |
| <u>(1) Any plan of correction;</u>                                        | 90474 |
| <br>                                                                      |       |
| <u>(2) Compliance with health and safety standards;</u>                   | 90475 |
| <br>                                                                      |       |
| <u>(3) Compliance with the ownership and financial interest</u>           | 90476 |
| <u>disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;</u> | 90477 |
| <br>                                                                      |       |
| <u>(4) Compliance with the civil rights requirements of 45</u>            | 90478 |
| <u>C.F.R. parts 80, 84, and 90;</u>                                       | 90479 |
| <br>                                                                      |       |
| <u>(5) Compliance with additional requirements imposed by the</u>         | 90480 |
| <u>department;</u>                                                        | 90481 |

(6) Any sanctions relating to remedies for violation of the provider agreement, including deficiencies, compliance periods, accountability periods, monetary penalties, notification for correction of contract violations, and history of deficiencies. 90482  
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90484  
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Sec. 5124.514. In the case of a change of operator, the exiting operator shall be considered to be the operator of the ICF/MR for purposes of the medicaid program, including medicaid payments, until the effective date of the entering operator's provider agreement if the provider agreement is entered into under section 5124.511 or 5124.512 of the Revised Code. 90486  
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Sec. 5124.515. The department of medicaid may enter into a provider agreement as provided in section 5124.07 of the Revised Code, rather than section 5124.511 or 5124.512 of the Revised Code, with an entering operator if the entering operator does not agree to a provider agreement that satisfies the requirements of division (C) of section 5124.513 of the Revised Code. The department may not enter into the provider agreement unless the department of health certifies the ICF/MR under Title XIX. The effective date of the provider agreement shall not precede any of the following: 90492  
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90499  
90500  
90501

(A) The date that the department of health certifies the ICF/MR; 90502  
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(B) The effective date of the change of operator; 90504

(C) The date the requirement of section 5124.51 of the Revised Code is satisfied. 90505  
90506

Sec. 5124.516. The director of developmental disabilities may adopt rules under section 5124.03 of the Revised Code governing adjustments to the medicaid reimbursement rate for an ICF/MR that undergoes a change of operator. No rate adjustment resulting from 90507  
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90509  
90510



a change of operator shall be effective before the effective date 90511  
of the entering operator's provider agreement. This is the case 90512  
regardless of whether the provider agreement is entered into under 90513  
section 5124.511, section 5124.512, or, pursuant to section 90514  
5124.515, section 5124.07 of the Revised Code. 90515

**Sec. 5124.517.** The department of developmental disabilities' 90516  
determination that a change of operator has or has not occurred 90517  
for purposes of licensure under section 5123.19 of the Revised 90518  
Code shall not affect either of the following: 90519

(A) A determination by the department of developmental 90520  
disabilities or department of medicaid of whether or when a change 90521  
of operator occurs; 90522

(B) The department of medicaid's determination of the 90523  
effective date of an entering operator's provider agreement under 90524  
section 5124.511, section 5124.512, or, pursuant to section 90525  
5124.515, section 5124.07 of the Revised Code. 90526

**Sec. 5124.52.** (A) On receipt of a written notice under 90527  
section 5124.50 of the Revised Code of a facility closure or 90528  
voluntary termination, on receipt of a written notice under 90529  
section 5124.51 of the Revised Code of a change of operator, or on 90530  
the effective date of an involuntary termination, the department 90531  
of developmental disabilities shall estimate the amount of any 90532  
overpayments made under the medicaid program to the exiting 90533  
operator, including overpayments the exiting operator disputes, 90534  
and other actual and potential debts the exiting operator owes or 90535  
may owe to the department and United States centers for medicare 90536  
and medicaid services under the medicaid program, including a 90537  
franchise permit fee. 90538

(B) In estimating the exiting operator's other actual and 90539  
potential debts to the department and the United States centers 90540

for medicare and medicaid services under the medicaid program, the 90541  
department shall use a debt estimation methodology the director of 90542  
developmental disabilities shall establish in rules authorized by 90543  
section 5124.53 of the Revised Code. The methodology shall provide 90544  
for estimating all of the following that the department determines 90545  
are applicable: 90546

(1) Refunds due the department under section 5124.41 of the 90547  
Revised Code; 90548

(2) Interest owed to the department and United States centers 90549  
for medicare and medicaid services; 90550

(3) Final civil monetary and other penalties for which all 90551  
right of appeal has been exhausted; 90552

(4) Money owed the department and United States centers for 90553  
medicare and medicaid services from any outstanding final fiscal 90554  
audit, including a final fiscal audit for the last fiscal year or 90555  
portion thereof in which the exiting operator participated in the 90556  
medicaid program; 90557

(5) Other amounts the department determines are applicable. 90558

(C) The department shall provide the exiting operator written 90559  
notice of the department's estimate under division (A) of this 90560  
section not later than thirty days after the department receives 90561  
the notice under section 5124.50 of the Revised Code of the 90562  
facility closure or voluntary termination; the department receives 90563  
the notice under section 5124.51 of the Revised Code of the change 90564  
of operator; or the effective date of the involuntary termination. 90565  
The department's written notice shall include the basis for the 90566  
estimate. 90567

**Sec. 5124.521.** (A) Except as provided in divisions (B), (C), 90568  
and (D) of this section, the department of developmental 90569  
disabilities may withhold from payment due an exiting operator 90570

under the medicaid program the total amount specified in the 90571  
notice provided under division (C) of section 5124.52 of the 90572  
Revised Code that the exiting operator owes or may owe to the 90573  
department and United States centers for medicare and medicaid 90574  
services under the medicaid program. 90575

(B) In the case of a change of operator and subject to 90576  
division (E) of this section, the following shall apply regarding 90577  
a withholding under division (A) of this section if the exiting 90578  
operator or entering operator or an affiliated operator executes a 90579  
successor liability agreement meeting the requirements of division 90580  
(F) of this section: 90581

(1) If the exiting operator, entering operator, or affiliated 90582  
operator assumes liability for the total, actual amount of debt 90583  
the exiting operator owes the department and the United States 90584  
centers for medicare and medicaid services under the medicaid 90585  
program as determined under section 5124.525 of the Revised Code, 90586  
the department shall not make the withholding. 90587

(2) If the exiting operator, entering operator, or affiliated 90588  
operator assumes liability for only the portion of the amount 90589  
specified in division (B)(1) of this section that represents the 90590  
franchise permit fee the exiting operator owes, the department 90591  
shall withhold not more than the difference between the total 90592  
amount specified in the notice provided under division (C) of 90593  
section 5124.52 of the Revised Code and the amount for which the 90594  
exiting operator, entering operator, or affiliated operator 90595  
assumes liability. 90596

(C) In the case of a voluntary termination or facility 90597  
closure and subject to division (E) of this section, the following 90598  
shall apply regarding a withholding under division (A) of this 90599  
section if the exiting operator or an affiliated operator executes 90600  
a successor liability agreement meeting the requirements of 90601

division (F) of this section: 90602

(1) If the exiting operator or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code, the department shall not make the withholding. 90603  
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(2) If the exiting operator or affiliated operator assumes liability for only the portion of the amount specified in division (C)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5124.52 of the Revised Code and the amount for which the exiting operator or affiliated operator assumes liability. 90609  
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(D) In the case of an involuntary termination and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator, the entering operator, or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section and the department approves the successor liability agreement: 90617  
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(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code, the department shall not make the withholding. 90624  
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(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the 90630  
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franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5124.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability. 90633  
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(E) For an exiting operator or affiliated operator to be eligible to enter into a successor liability agreement under division (B), (C), or (D) of this section, both of the following must apply: 90639  
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90641  
90642

(1) The exiting operator or affiliated operator must have one or more valid provider agreements, other than the provider agreement for the ICF/MR that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator; 90643  
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90645  
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90647

(2) During the twelve-month period preceding either the effective date of the involuntary termination or the month in which the department receives the notice of the voluntary termination or facility closure under section 5124.50 of the Revised Code or the notice of the change of operator under section 5124.51 of the Revised Code, the average monthly medicaid payment made to the exiting operator or affiliated operator pursuant to the exiting operator's or affiliated operator's one or more provider agreements, other than the provider agreement for the ICF/MR that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator, must equal at least ninety per cent of the sum of the following: 90648  
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(a) The average monthly medicaid payment made to the exiting operator pursuant to the exiting operator's provider agreement for the ICF/MR that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator; 90660  
90661  
90662  
90663

(b) Whichever of the following apply: 90664

(i) If the exiting operator or affiliated operator has assumed liability under one or more other successor liability agreements, the total amount for which the exiting operator or affiliated operator has assumed liability under the other successor liability agreements; 90665  
90666  
90667  
90668  
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(ii) If the exiting operator or affiliated operator has not assumed liability under any other successor liability agreements, zero. 90670  
90671  
90672

(F) A successor liability agreement executed under this section must comply with all of the following: 90673  
90674

(1) It must provide for the operator who executes the successor liability agreement to assume liability for either of the following as specified in the agreement: 90675  
90676  
90677

(a) The total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code; 90678  
90679  
90680  
90681

(b) The portion of the amount specified in division (F)(1)(a) of this section that represents the franchise permit fee the exiting operator owes. 90682  
90683  
90684

(2) It may not require the operator who executes the successor liability agreement to furnish a surety bond. 90685  
90686

(3) It must provide that the department, after determining under section 5124.525 of the Revised Code the actual amount of debt the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, may deduct the lesser of the following from medicaid payments made to the operator who executes the successor liability agreement: 90687  
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90693

(a) The total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code; 90694  
90695  
90696  
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(b) The amount for which the operator who executes the successor liability agreement assumes liability under the agreement. 90698  
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90700

(4) It must provide that the deductions authorized by division (F)(3) of this section are to be made for a number of months, not to exceed six, agreed to by the operator who executes the successor liability agreement and the department or, if the operator who executes the successor liability agreement and department cannot agree on a number of months that is less than six, a greater number of months determined by the attorney general pursuant to a claims collection process authorized by statute of this state. 90701  
90702  
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(5) It must provide that, if the attorney general determines the number of months for which the deductions authorized by division (F)(3) of this section are to be made, the operator who executes the successor liability agreement shall pay, in addition to the amount collected pursuant to the attorney general's claims collection process, the part of the amount so collected that, if not for division (H) of this section, would be required by section 109.081 of the Revised Code to be paid into the attorney general claims fund. 90710  
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(G) Execution of a successor liability agreement does not waive an exiting operator's right to contest the amount specified in the notice the department provides the exiting operator under division (C) of section 5124.52 of the Revised Code. 90719  
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(H) Notwithstanding section 109.081 of the Revised Code, the entire amount that the attorney general, whether by employees or 90723  
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agents of the attorney general or by special counsel appointed 90725  
pursuant to section 109.08 of the Revised Code, collects under a 90726  
successor liability agreement, other than the additional amount 90727  
the operator who executes the agreement is required by division 90728  
(F)(5) of this section to pay, shall be paid to the department of 90729  
developmental disabilities for deposit into the appropriate fund. 90730  
The additional amount that the operator is required to pay shall 90731  
be paid into the state treasury to the credit of the attorney 90732  
general claims fund created under section 109.081 of the Revised 90733  
Code. 90734

Sec. 5124.522. (A) Except as provided in division (B) of this 90735  
section, an exiting operator shall file with the department of 90736  
developmental disabilities a cost report not later than ninety 90737  
days after the last day the exiting operator's provider agreement 90738  
is in effect. The cost report shall cover the period that begins 90739  
with the day after the last day covered by the operator's most 90740  
recent previous cost report filed under section 5124.10 or 90741  
5124.101 of the Revised Code and ends on the last day the exiting 90742  
operator's provider agreement is in effect. The cost report shall 90743  
include, as applicable, all of the following: 90744

(1) The sale price of the ICF/MR; 90745

(2) A final depreciation schedule that shows which assets are 90746  
transferred to the buyer and which assets are not transferred to 90747  
the buyer; 90748

(3) Any other information the department requires. 90749

(B) The department, at its sole discretion, may waive the 90750  
requirement that an exiting operator file a cost report in 90751  
accordance with division (A) of this section. 90752

Sec. 5124.523. If an exiting operator required by section 90753  
5124.522 of the Revised Code to file a cost report with the 90754



department of developmental disabilities fails to file the cost report in accordance with that section, all payments under the medicaid program for the period the cost report is required to cover are deemed overpayments until the date the department receives the properly completed cost report. The department may impose on the exiting operator a penalty of one hundred dollars for each calendar day the properly completed cost report is late. 90755  
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Sec. 5124.524. The department of developmental disabilities may not provide an exiting operator final payment under the medicaid program until the department receives all properly completed cost reports the exiting operator is required to file under sections 5124.10 and 5124.522 of the Revised Code. 90762  
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Sec. 5124.525. The department of developmental disabilities shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program by completing all final fiscal audits not already completed and performing all other appropriate actions the department determines to be necessary. The department shall issue an initial debt summary report on this matter not later than sixty days after the date the exiting operator files the properly completed cost report required by section 5124.522 of the Revised Code with the department or, if the department waives the cost report requirement for the exiting operator, sixty days after the date the department waives the cost report requirement. The initial debt summary report becomes the final debt summary report thirty-one days after the department issues the initial debt summary report unless the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, requests a review before that date. 90767  
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The exiting operator, and an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, may request a review to contest any of the department's findings included in the initial debt summary report. The request for the review must be submitted to the department not later than thirty days after the date the department issues the initial debt summary report. The department shall conduct the review on receipt of a timely request and issue a revised debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section 5124.521 of the Revised Code, the department shall issue the revised debt summary report not later than ninety days after the date the department receives the timely request for the review unless the department and exiting operator or affiliated operator agree to a later date. The exiting operator or affiliated operator may submit information to the department explaining what the operator contests before and during the review, including documentation of the amount of any debt the department owes the operator. The exiting operator or affiliated operator may submit additional information to the department not later than thirty days after the department issues the revised debt summary report. The revised debt summary report becomes the final debt summary report thirty-one days after the department issues the revised debt summary report unless the exiting operator or affiliated operator timely submits additional information to the department. If the exiting operator or affiliated operator timely submits additional information to the department, the department shall consider the additional information and issue a final debt summary report not later than sixty days after the department issues the revised debt summary report unless the department and exiting operator or affiliated operator agree to a later date.

Each debt summary report the department issues under this section shall include the department's findings and the amount of

debt the department determines the exiting operator owes the 90818  
department and United States centers for medicare and medicaid 90819  
services under the medicaid program. The department shall explain 90820  
its findings and determination in each debt summary report. 90821

The exiting operator, and an affiliated operator who executes 90822  
a successor liability agreement under section 5124.521 of the 90823  
Revised Code, may request, in accordance with Chapter 119. of the 90824  
Revised Code, an adjudication regarding a finding in a final debt 90825  
summary report that pertains to an audit or alleged overpayment 90826  
made under the medicaid program to the exiting operator. The 90827  
adjudication shall be consolidated with any other uncompleted 90828  
adjudication that concerns a matter addressed in the final debt 90829  
summary report. 90830

Sec. 5124.526. The department of developmental disabilities 90831  
shall release the actual amount withheld under division (A) of 90832  
section 5124.521 of the Revised Code, less any amount the exiting 90833  
operator owes the department and United States centers for 90834  
medicare and medicaid services under the medicaid program, as 90835  
follows: 90836

(A) Unless the department issues the initial debt summary 90837  
report required by section 5124.525 of the Revised Code not later 90838  
than sixty days after the date the exiting operator files the 90839  
properly completed cost report required by section 5124.522 of the 90840  
Revised Code, sixty-one days after the date the exiting operator 90841  
files the properly completed cost report; 90842

(B) If the department issues the initial debt summary report 90843  
required by section 5124.525 of the Revised Code not later than 90844  
sixty days after the date the exiting operator files a properly 90845  
completed cost report required by section 5124.522 of the Revised 90846  
Code, not later than the following: 90847

(1) Thirty days after the deadline for requesting an 90848

adjudication under section 5124.525 of the Revised Code regarding 90849  
the final debt summary report if the exiting operator, and an 90850  
affiliated operator who executes a successor liability agreement 90851  
under section 5124.521 of the Revised Code, fail to request the 90852  
adjudication on or before the deadline; 90853

(2) Thirty days after the completion of an adjudication of 90854  
the final debt summary report if the exiting operator, or an 90855  
affiliated operator who executes a successor liability agreement 90856  
under section 5124.521 of the Revised Code, requests the 90857  
adjudication on or before the deadline for requesting the 90858  
adjudication. 90859

(C) Unless the department issues the initial debt summary 90860  
report required by section 5124.525 of the Revised Code not later 90861  
than sixty days after the date the department waives the cost 90862  
report requirement of section 5124.522 of the Revised Code, 90863  
sixty-one days after the date the department waives the cost 90864  
report requirement; 90865

(D) If the department issues the initial debt summary report 90866  
required by section 5124.525 of the Revised Code not later than 90867  
sixty days after the date the department waives the cost report 90868  
requirement of section 5124.522 of the Revised Code, not later 90869  
than the following: 90870

(1) Thirty days after the deadline for requesting an 90871  
adjudication under section 5124.525 of the Revised Code regarding 90872  
the final debt summary report if the exiting operator, and an 90873  
affiliated operator who executes a successor liability agreement 90874  
under section 5124.521 of the Revised Code, fail to request the 90875  
adjudication on or before the deadline; 90876

(2) Thirty days after the completion of an adjudication of 90877  
the final debt summary report if the exiting operator, or an 90878  
affiliated operator who executes a successor liability agreement 90879

under section 5124.521 of the Revised Code, requests the 90880  
adjudication on or before the deadline for requesting the 90881  
adjudication. 90882

Sec. 5124.527. The department of developmental disabilities, 90883  
at its sole discretion, may release the amount withheld under 90884  
division (A) of section 5124.521 of the Revised Code if the 90885  
exiting operator submits to the department written notice of a 90886  
postponement of a change of operator, facility closure, or 90887  
voluntary termination and the transactions leading to the change 90888  
of operator, facility closure, or voluntary termination are 90889  
postponed for at least thirty days but less than ninety days after 90890  
the date originally proposed for the change of operator, facility 90891  
closure, or voluntary termination as reported in the written 90892  
notice required by section 5124.50 or 5124.51 of the Revised Code. 90893  
The department shall release the amount withheld if the exiting 90894  
operator submits to the department written notice of a 90895  
cancellation or postponement of a change of operator, facility 90896  
closure, or voluntary termination and the transactions leading to 90897  
the change of operator, facility closure, or voluntary termination 90898  
are canceled or postponed for more than ninety days after the date 90899  
originally proposed for the change of operator, facility closure, 90900  
or voluntary termination as reported in the written notice 90901  
required by section 5124.50 or 5124.51 of the Revised Code. A 90902  
written notice shall be provided to the department in accordance 90903  
with the method specified in rules authorized by section 5124.53 90904  
of the Revised Code. 90905

After the department receives a written notice regarding a 90906  
cancellation or postponement of a facility closure or voluntary 90907  
termination, the exiting operator or owner shall provide new 90908  
written notice to the department under section 5124.50 of the 90909  
Revised Code regarding any transactions leading to a facility 90910  
closure or voluntary termination at a future time. After the 90911

department receives a written notice regarding a cancellation or 90912  
postponement of a change of operator, the exiting operator or 90913  
owner and entering operator shall provide new written notice to 90914  
the department under section 5124.51 of the Revised Code regarding 90915  
any transactions leading to a change of operator at a future time. 90916

**Sec. 5124.528.** (A) All amounts withheld under section 90917  
5124.521 of the Revised Code from payment due an exiting operator 90918  
under the medicaid program shall be deposited into the medicaid 90919  
payment withholding fund created by the controlling board pursuant 90920  
to section 131.35 of the Revised Code. Money in the fund shall be 90921  
used as follows: 90922

(1) To pay an exiting operator when a withholding is released 90923  
to the exiting operator under section 5124.526 or 5124.527 of the 90924  
Revised Code; 90925

(2) To pay the department of medicaid or department of 90926  
developmental disabilities, and United States centers for medicare 90927  
and medicaid services, the amount an exiting operator owes the 90928  
department of medicaid or department of developmental disabilities 90929  
and United States centers under the medicaid program. 90930

(B) Amounts paid from the medicaid payment withholding fund 90931  
pursuant to division (A)(2) of this section shall be deposited 90932  
into the appropriate fund. 90933

**Sec. 5124.53.** The director of developmental disabilities 90934  
shall adopt rules under section 5124.03 of the Revised Code to 90935  
implement sections 5124.50 to 5124.53 of the Revised Code. The 90936  
rules shall specify all of the following: 90937

(A) The method by which written notices to the department 90938  
required by sections 5124.50 to 5124.53 of the Revised Code are to 90939  
be provided; 90940

(B) The forms and documents that are to be provided to the 90941

department under sections 5124.511 and 5124.512 of the Revised Code, which shall include, in the case of such forms and documents provided by entering operators, all the fully executed leases, management agreements, merger agreements and supporting documents, and fully executed sales contracts and any other supporting documents culminating in the change of operator; 90942  
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(C) The method by which the forms and documents identified in division (B) of this section are to be provided to the department. 90948  
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~~Sec. 5111.874 5124.60. (A) As used in sections 5111.874 to 5111.8710 of the Revised Code:~~ 90950  
90951

~~"Home and community based services" has the same meaning as in section 5123.01 of the Revised Code.~~ 90952  
90953

~~"ICF/MR services" means intermediate care facility for the mentally retarded services covered by the medicaid program that an intermediate care facility for the mentally retarded provides to a resident of the facility who is a medicaid recipient eligible for medicaid covered intermediate care facility for the mentally retarded services.~~ 90954  
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~~"Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded that is certified as in compliance with applicable standards for the medicaid program by the director of health in accordance with Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, and licensed as a residential facility under section 5123.19 of the Revised Code.~~ 90960  
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90966

~~"Residential facility" has the same meaning as in section 5123.19 of the Revised Code.~~ 90967  
90968

~~(B) For the purpose of increasing the number of slots available for home and community-based services and subject to sections 5111.877 5124.63 and 5111.878 5124.64 of the Revised~~ 90969  
90970  
90971

Code, the operator of an ~~intermediate care facility for the~~ 90972  
~~mentally retarded~~ ICF/MR may convert some or all of the beds in 90973  
the ~~facility~~ ICF/MR from providing ICF/MR services to providing 90974  
home and community-based services if all of the following 90975  
requirements are met: 90976

(1) The operator provides the directors of health and 90977  
developmental disabilities at least ninety days' notice of the 90978  
operator's intent to make the conversion. 90979

(2) The operator complies with the requirements of sections 90980  
~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding 90981  
a voluntary termination ~~as defined in section 5111.65 of the~~ 90982  
~~Revised Code~~ if those requirements are applicable. 90983

(3) If the operator intends to convert all of the ~~facility's~~ 90984  
ICF/MR's beds, the operator notifies each of the ~~facility's~~ 90985  
ICF/MR's residents that the ~~facility~~ ICF/MR is to cease providing 90986  
ICF/MR services and inform each resident that the resident may do 90987  
either of the following: 90988

(a) Continue to receive ICF/MR services by transferring to 90989  
another ~~facility~~ ICF/MR that is an ~~intermediate care facility for~~ 90990  
~~the mentally retarded~~ willing and able to accept the resident if 90991  
the resident continues to qualify for ICF/MR services; 90992

(b) Begin to receive home and community-based services 90993  
instead of ICF/MR services from any provider of home and 90994  
community-based services that is willing and able to provide the 90995  
services to the resident if the resident is eligible for the 90996  
services and a slot for the services is available to the resident. 90997

(4) If the operator intends to convert some but not all of 90998  
the ~~facility's~~ ICF/MR's beds, the operator notifies each of the 90999  
~~facility's~~ ICF/MR's residents that the ~~facility~~ ICF/MR is to 91000  
convert some of its beds from providing ICF/MR services to 91001  
providing home and community-based services and inform each 91002



resident that the resident may do either of the following: 91003

(a) Continue to receive ICF/MR services from any ~~provider of~~ 91004  
~~services~~ ICF/MR that is willing and able to provide the services 91005  
to the resident if the resident continues to qualify for ICF/MR 91006  
services; 91007

(b) Begin to receive home and community-based services 91008  
instead of ICF/MR services from any provider of home and 91009  
community-based services that is willing and able to provide the 91010  
services to the resident if the resident is eligible for the 91011  
services and a slot for the services is available to the resident. 91012

(5) The operator meets the requirements for providing home 91013  
and community-based services, including the following: 91014

(a) Such requirements applicable to a residential facility if 91015  
the operator maintains the facility's license as a residential 91016  
facility; 91017

(b) Such requirements applicable to a facility that is not 91018  
licensed as a residential facility if the operator surrenders the 91019  
facility's license as a residential facility under section 5123.19 91020  
of the Revised Code. 91021

(6) The director of developmental disabilities approves the 91022  
conversion. 91023

~~(C)~~(B) A decision by the director of developmental 91024  
disabilities to approve or refuse to approve a proposed conversion 91025  
of beds is final. In making a decision, the director shall 91026  
consider all of the following: 91027

(1) The fiscal impact on the ~~facility~~ ICF/MR if some but not 91028  
all of the beds are converted; 91029

(2) The fiscal impact on the ~~medical assistance~~ medicaid 91030  
program; 91031

(3) The availability of home and community-based services. 91032

~~(D)~~(C) The notice provided to the directors under division 91033  
~~(B)~~(A)(1) of this section shall specify whether some or all of the 91034  
~~facility's~~ ICF/MR's beds are to be converted. If some but not all 91035  
of the beds are to be converted, the notice shall specify how many 91036  
of the ~~facility's~~ ICF/MR's beds are to be converted and how many 91037  
of the beds are to continue to provide ICF/MR services. The notice 91038  
to the director of developmental disabilities shall specify 91039  
whether the operator wishes to surrender the ~~facility's~~ ICF/MR's 91040  
license as a residential facility under section 5123.19 of the 91041  
Revised Code. 91042

~~(E)~~(D)(1) If the director of developmental disabilities 91043  
approves a conversion under division ~~(C)~~(B) of this section, the 91044  
director of health shall do the following: 91045

(a) Terminate the ICF/MR's medicaid certification ~~of the~~ 91046  
~~intermediate care facility for the mentally retarded~~ if the notice 91047  
specifies that all of the ~~facility's~~ ICF/MR's beds are to be 91048  
converted; 91049

(b) Reduce the ~~facility's certified~~ ICF/MR's 91050  
medicaid-certified capacity by the number of beds being converted 91051  
if the notice specifies that some but not all of the beds are to 91052  
be converted. 91053

(2) The director of health shall notify the medicaid director 91054  
~~of job and family services~~ of the termination or reduction. On 91055  
receipt of the ~~director of health's~~ notice, the medicaid director 91056  
~~of job and family services~~ shall do the following: 91057

(a) Terminate the operator's medicaid provider agreement that 91058  
authorizes the operator to provide ICF/MR services at the ~~facility~~ 91059  
ICF/MR if the ~~facility's~~ ICF/MR's certification was terminated; 91060  
91061

(b) Amend the operator's medicaid provider agreement to 91062  
reflect the ~~facility's~~ ICF/MR's reduced ~~certified~~ 91063

~~medicaid-certified~~ capacity if the ~~facility's certified ICF/MR's~~ 91064  
~~medicaid-certified~~ capacity is reduced. 91065

(3) In the case of action taken under division ~~(E)(D)~~(2)(a) 91066  
of this section, the operator is not entitled to notice or a 91067  
hearing under Chapter 119. of the Revised Code before the medicaid 91068  
~~director of job and family services~~ terminates the medicaid 91069  
provider agreement. 91070

**Sec. ~~5111.875~~ 5124.61.** (A) For the purpose of increasing the 91071  
number of slots available for home and community-based services 91072  
and subject to sections ~~5111.877~~ 5124.63 and ~~5111.878~~ 5124.64 of 91073  
the Revised Code, a person who acquires, through a request for 91074  
proposals issued by the director of developmental disabilities, a 91075  
~~residential facility that is an intermediate care facility for the~~ 91076  
~~mentally retarded and an ICF/MR~~ for which a residential 91077  
facility license ~~as a residential facility~~ was previously 91078  
surrendered or revoked may convert some or all of the ~~facility's~~ 91079  
ICF/MR's beds from providing ICF/MR services to providing home and 91080  
community-based services if all of the following requirements are 91081  
met: 91082

(1) The person provides the directors of health, ~~job and~~ 91083  
~~family services,~~ and developmental disabilities and medicaid 91084  
director at least ninety days' notice of the person's intent to 91085  
make the conversion. 91086

(2) The person complies with the requirements of sections 91087  
~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding 91088  
a voluntary termination ~~as defined in section 5111.65 of the~~ 91089  
~~Revised Code~~ if those requirements are applicable. 91090

(3) If the person intends to convert all of the ~~facility's~~ 91091  
ICF/MR's beds, the person notifies each of the ~~facility's ICF/MR's~~ 91092  
residents that the ~~facility~~ ICF/MR is to cease providing ICF/MR 91093  
services and informs each resident that the resident may do either 91094

of the following: 91095

(a) Continue to receive ICF/MR services by transferring to 91096  
another ~~facility that is an intermediate care facility for the~~ 91097  
~~mentally retarded~~ ICF/MR willing and able to accept the resident 91098  
if the resident continues to qualify for ICF/MR services; 91099

(b) Begin to receive home and community-based services 91100  
instead of ICF/MR services from any provider of home and 91101  
community-based services that is willing and able to provide the 91102  
services to the resident if the resident is eligible for the 91103  
services and a slot for the services is available to the resident. 91104

(4) If the person intends to convert some but not all of the 91105  
~~facility's~~ ICF/MR's beds, the person notifies each of the 91106  
~~facility's~~ ICF/MR's residents that the ~~facility~~ ICF/MR is to 91107  
convert some of its beds from providing ICF/MR services to 91108  
providing home and community-based services and inform each 91109  
resident that the resident may do either of the following: 91110

(a) Continue to receive ICF/MR services from any ~~provider of~~ 91111  
~~ICF/MR services~~ that is willing and able to provide the services 91112  
to the resident if the resident continues to qualify for ICF/MR 91113  
services; 91114

(b) Begin to receive home and community-based services 91115  
instead of ICF/MR services from any provider of home and 91116  
community-based services that is willing and able to provide the 91117  
services to the resident if the resident is eligible for the 91118  
services and a slot for the services is available to the resident. 91119

(5) The person meets the requirements for providing home and 91120  
community-based services at a residential facility. 91121

(B) The notice provided to the directors under division 91122  
(A)(1) of this section shall specify whether some or all of the 91123  
~~facility's~~ ICF/MR's beds are to be converted. If some but not all 91124  
of the beds are to be converted, the notice shall specify how many 91125

of the ~~facility's~~ ICF/MR's beds are to be converted and how many 91126  
of the beds are to continue to provide ICF/MR services. 91127

(C) On receipt of a notice under division (A)(1) of this 91128  
section, the director of health shall do the following: 91129

(1) Terminate the ICF/MR's medicaid certification ~~of the~~ 91130  
~~intermediate care facility for the mentally retarded~~ if the notice 91131  
specifies that all of the facility's beds are to be converted; 91132

(2) Reduce the ~~facility's certified~~ ICF/MR's 91133  
medicaid-certified capacity by the number of beds being converted 91134  
if the notice specifies that some but not all of the beds are to 91135  
be converted. 91136

(D) The director of health shall notify the medicaid director 91137  
~~of job and family services~~ of the termination or reduction under 91138  
division (C) of this section. On receipt of the director of 91139  
health's notice, the medicaid director ~~of job and family services~~ 91140  
shall do the following: 91141

(1) Terminate the person's medicaid provider agreement that 91142  
authorizes the person to provide ICF/MR services at the ~~facility~~ 91143  
ICF/MR if the ~~facility's~~ ICF/MR's medicaid certification was 91144  
terminated; 91145

(2) Amend the person's medicaid provider agreement to reflect 91146  
the ~~facility's~~ ICF/MR's reduced ~~certified~~ medicaid-certified 91147  
capacity if the ~~facility's certified~~ ICF/MR's medicaid-certified 91148  
capacity is reduced. 91149

The person is not entitled to notice or a hearing under 91150  
Chapter 119. of the Revised Code before the medicaid director ~~of~~ 91151  
~~job and family services~~ terminates or amends the medicaid provider 91152  
agreement. 91153

**Sec. ~~5111.876~~ 5124.62.** Subject to section ~~5111.877~~ 5124.63 of 91154  
the Revised Code, the director of developmental disabilities may 91155

request that the medicaid director ~~of job and family services~~ seek 91156  
the approval of the United States secretary of health and human 91157  
services to increase the number of slots available for home and 91158  
community-based services by a number not exceeding the number of 91159  
beds that were part of the licensed capacity of a residential 91160  
facility that had its license revoked or surrendered under section 91161  
5123.19 of the Revised Code if the residential facility was an 91162  
~~intermediate care facility for the mentally retarded~~ ICF/MR at the 91163  
time of the license revocation or surrender. The revocation or 91164  
surrender may have occurred before, or may occur on or after, June 91165  
24, 2008. The request may include beds the director of 91166  
developmental disabilities removed from such a residential 91167  
facility's licensed capacity before transferring ownership or 91168  
operation of the residential facility pursuant to a request for 91169  
proposals. 91170

**Sec. ~~5111.877~~ 5124.63.** The medicaid director ~~of job and~~ 91171  
~~family services~~ may seek approval from the United States secretary 91172  
of health and human services for not more than a total of five 91173  
hundred slots for home and community-based services for the 91174  
purposes of sections ~~5111.874~~ 5124.60, ~~5111.875~~ 5124.61, and 91175  
~~5111.876~~ 5124.62 of the Revised Code. 91176

**Sec. ~~5111.878~~ 5124.64.** Not more than a total of five hundred 91177  
beds may be converted from providing ICF/MR services to providing 91178  
home and community-based services under sections ~~5111.874~~ 5124.60 91179  
and ~~5111.875~~ 5124.61 of the Revised Code. 91180

**Sec. ~~5111.879~~ 5124.65.** No person or government entity may 91181  
reconvert a bed to be used for ICF/MR services if the bed was 91182  
converted to use for home and community-based services under 91183  
section ~~5111.874~~ 5124.60 or ~~5111.875~~ 5124.61 of the Revised Code. 91184  
This prohibition applies regardless of either of the following: 91185

(A) The bed is part of the licensed capacity of a residential facility. 91186  
91187

(B) The bed has been sold, leased, or otherwise transferred to another person or government entity. 91188  
91189

**Sec. 5124.99.** Whoever violates section 5124.102 or division (E) of section 5124.08 of the Revised Code shall be fined not less than five hundred dollars nor more than one thousand dollars for the first offense and not less than one thousand dollars nor more than five thousand dollars for each subsequent offense. 91190  
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Fines paid under this section shall be deposited in the state treasury to the credit of the general revenue fund. 91195  
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**Sec. 5126.01.** As used in this chapter: 91197

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code. 91198  
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(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills. 91204  
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(2) "Adult services" includes all of the following: 91211

(a) Adult day habilitation services; 91212

(b) Adult day care; 91213

(c) Prevocational services; 91214

|                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (d) Sheltered employment;                                                                                                                                                                                                                                                                                                                                                                                                                                   | 91215                                                                |
| (e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;                                                                     | 91216<br>91217<br>91218<br>91219<br>91220<br>91221<br>91222          |
| (f) Community employment services and supported employment services.                                                                                                                                                                                                                                                                                                                                                                                        | 91223<br>91224                                                       |
| (B)(1) "Adult day habilitation services" means adult services that do the following:                                                                                                                                                                                                                                                                                                                                                                        | 91225<br>91226                                                       |
| (a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved; | 91227<br>91228<br>91229<br>91230<br>91231<br>91232<br>91233<br>91234 |
| (b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community.                                                                                                                                                                                                                                                        | 91235<br>91236<br>91237<br>91238                                     |
| (2) "Adult day habilitation services" includes all of the following:                                                                                                                                                                                                                                                                                                                                                                                        | 91239<br>91240                                                       |
| (a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services, educational services, community activities, and any other adult day habilitation services;                                                                                                                                                                                                                                        | 91241<br>91242<br>91243<br>91244                                     |



|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (b) Skilled services provided while receiving adult day            | 91245 |
| habilitation services, including such skilled services as behavior | 91246 |
| management intervention, occupational therapy, speech and language | 91247 |
| therapy, physical therapy, and nursing services;                   | 91248 |
| (c) Training and education in self-determination designed to       | 91249 |
| help the individual do one or more of the following: develop       | 91250 |
| self-advocacy skills, exercise the individual's civil rights,      | 91251 |
| acquire skills that enable the individual to exercise control and  | 91252 |
| responsibility over the services received, and acquire skills that | 91253 |
| enable the individual to become more independent, integrated, or   | 91254 |
| productive in the community;                                       | 91255 |
| (d) Recreational and leisure activities identified in the          | 91256 |
| individual's service plan as therapeutic in nature or assistive in | 91257 |
| developing or maintaining social supports;                         | 91258 |
| (e) Counseling and assistance provided to obtain housing,          | 91259 |
| including such counseling as identifying options for either rental | 91260 |
| or purchase, identifying financial resources, assessing needs for  | 91261 |
| environmental modifications, locating housing, and planning for    | 91262 |
| ongoing management and maintenance of the housing selected;        | 91263 |
| (f) Transportation necessary to access adult day habilitation      | 91264 |
| services;                                                          | 91265 |
| (g) Habilitation management, as described in section 5126.14       | 91266 |
| of the Revised Code.                                               | 91267 |
| (3) "Adult day habilitation services" does not include             | 91268 |
| activities that are components of the provision of residential     | 91269 |
| services, family support services, or supported living services.   | 91270 |
| (C) "Appointing authority" means the following:                    | 91271 |
| (1) In the case of a member of a county board of                   | 91272 |
| developmental disabilities appointed by, or to be appointed by, a  | 91273 |
| board of county commissioners, the board of county commissioners;  | 91274 |

(2) In the case of a member of a county board appointed by, 91275  
or to be appointed by, a senior probate judge, the senior probate 91276  
judge. 91277

(D) "Community employment," "competitive employment," and 91278  
"integrated setting" have the same meanings as in section 5123.022 91279  
of the Revised Code. 91280

(E) "Community employment services" or "supported employment 91281  
services" means job training and other services related to 91282  
employment outside a sheltered workshop. "Community employment 91283  
services" or "supported employment services" include all of the 91284  
following: 91285

(1) Job training resulting in the attainment of ~~competitive~~ 91286  
~~work~~ community employment, supported work in a typical work 91287  
environment, or self-employment; 91288

(2) Supervised work experience through an employer paid to 91289  
provide the supervised work experience; 91290

(3) Ongoing ~~work in a competitive work environment at a wage~~ 91291  
~~commensurate with workers without disabilities~~ community 91292  
employment; 91293

(4) Ongoing supervision by an employer paid to provide the 91294  
supervision. 91295

~~(E)~~(F) As used in this division, "substantial functional 91296  
limitation," "developmental delay," and "established risk" have 91297  
the meanings established pursuant to section 5123.011 of the 91298  
Revised Code. 91299

"Developmental disability" means a severe, chronic disability 91300  
that is characterized by all of the following: 91301

(1) It is attributable to a mental or physical impairment or 91302  
a combination of mental and physical impairments, other than a 91303  
mental or physical impairment solely caused by mental illness as 91304

|                                                                                                                                                                                                                                                                                                                                                                                                |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| defined in division (A) of section 5122.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                | 91305                                                       |
| (2) It is manifested before age twenty-two;                                                                                                                                                                                                                                                                                                                                                    | 91306                                                       |
| (3) It is likely to continue indefinitely;                                                                                                                                                                                                                                                                                                                                                     | 91307                                                       |
| (4) It results in one of the following:                                                                                                                                                                                                                                                                                                                                                        | 91308                                                       |
| (a) In the case of a person under age three, at least one developmental delay or an established risk;                                                                                                                                                                                                                                                                                          | 91309<br>91310                                              |
| (b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;                                                                                                                                                                                                                                                                    | 91311<br>91312                                              |
| (c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency. | 91313<br>91314<br>91315<br>91316<br>91317<br>91318<br>91319 |
| (5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.                                                                                                                                              | 91320<br>91321<br>91322<br>91323                            |
| <del>(F)</del> (G) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with mental retardation or other developmental disabilities who have not attained compulsory school age.                                                                                                                                                       | 91324<br>91325<br>91326<br>91327                            |
| <del>(G)</del> (H)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.        | 91328<br>91329<br>91330<br>91331<br>91332<br>91333          |
| (2) "Environmental modifications" includes such adaptations                                                                                                                                                                                                                                                                                                                                    | 91334                                                       |

as installation of ramps and grab-bars, widening of doorways, 91335  
modification of bathroom facilities, and installation of 91336  
specialized electric and plumbing systems necessary to accommodate 91337  
the individual's medical equipment and supplies. 91338

(3) "Environmental modifications" does not include physical 91339  
adaptations or improvements to the home that are of general 91340  
utility or not of direct medical or remedial benefit to the 91341  
individual, including such adaptations or improvements as 91342  
carpeting, roof repair, and central air conditioning. 91343

~~(H)~~(I) "Family support services" means the services provided 91344  
under a family support services program operated under section 91345  
5126.11 of the Revised Code. 91346

~~(I)~~(J) "Habilitation" means the process by which the staff of 91347  
the facility or agency assists an individual with mental 91348  
retardation or other developmental disability in acquiring and 91349  
maintaining those life skills that enable the individual to cope 91350  
more effectively with the demands of the individual's own person 91351  
and environment, and in raising the level of the individual's 91352  
personal, physical, mental, social, and vocational efficiency. 91353  
Habilitation includes, but is not limited to, programs of formal, 91354  
structured education and training. 91355

~~(J)~~(K) "Home and community-based services" ~~means~~ 91356  
~~medicaid funded home and community based services specified in~~ 91357  
~~division (B)(1) of section 5111.87 of the Revised Code and~~ 91358  
~~provided under the medicaid waiver components the department of~~ 91359  
~~developmental disabilities administers pursuant to~~ has the same 91360  
meaning as in section ~~5111.87~~ 5123.01 of the Revised Code. 91361  
~~However, home and community based services provided under the~~ 91362  
~~medicaid waiver component known as the transitions developmental~~ 91363  
~~disabilities waiver are to be considered to be home and~~ 91364  
~~community based services for the purposes of this chapter only to~~ 91365  
~~the extent, if any, provided by the contract required by section~~ 91366

~~5111.871 of the Revised Code regarding the waiver.~~ 91367

~~(K)(L) "ICF/MR" has the same meaning as in section 5124.01 of  
the Revised Code.~~ 91368  
91369

(M) "Immediate family" means parents, grandparents, brothers, 91370  
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 91371  
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 91372  
daughters-in-law. 91373

~~(L) "Medicaid" has the same meaning as in section 5111.01 of  
the Revised Code.~~ 91374  
91375

~~(M)(N) "Medicaid case management services" means case  
management services provided to an individual with mental  
retardation or other developmental disability that the state  
medicaid plan requires.~~ 91376  
91377  
91378  
91379

~~(N)(O) "Mental retardation" means a mental impairment  
manifested during the developmental period characterized by  
significantly subaverage general intellectual functioning existing  
concurrently with deficiencies in the effectiveness or degree with  
which an individual meets the standards of personal independence  
and social responsibility expected of the individual's age and  
cultural group.~~ 91380  
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91385  
91386

~~(O)(P) "Residential services" means services to individuals  
with mental retardation or other developmental disabilities to  
provide housing, food, clothing, habilitation, staff support, and  
related support services necessary for the health, safety, and  
welfare of the individuals and the advancement of their quality of  
life. "Residential services" includes program management, as  
described in section 5126.14 of the Revised Code.~~ 91387  
91388  
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91392  
91393

~~(P)(Q) "Resources" means available capital and other assets,  
including moneys received from the federal, state, and local  
governments, private grants, and donations; appropriately  
qualified personnel; and appropriate capital facilities and~~ 91394  
91395  
91396  
91397

equipment. 91398

~~(Q)~~(R) "Senior probate judge" means the current probate judge 91399  
of a county who has served as probate judge of that county longer 91400  
than any of the other current probate judges of that county. If a 91401  
county has only one probate judge, "senior probate judge" means 91402  
that probate judge. 91403

~~(R)~~(S) "Service and support administration" means the duties 91404  
performed by a service and support administrator pursuant to 91405  
section 5126.15 of the Revised Code. 91406

~~(S)~~(T)(1) "Specialized medical, adaptive, and assistive 91407  
equipment, supplies, and supports" means equipment, supplies, and 91408  
supports that enable an individual to increase the ability to 91409  
perform activities of daily living or to perceive, control, or 91410  
communicate within the environment. 91411

(2) "Specialized medical, adaptive, and assistive equipment, 91412  
supplies, and supports" includes the following: 91413

(a) Eating utensils, adaptive feeding dishes, plate guards, 91414  
mylatex straps, hand splints, reaches, feeder seats, adjustable 91415  
pointer sticks, interpreter services, telecommunication devices 91416  
for the deaf, computerized communications boards, other 91417  
communication devices, support animals, veterinary care for 91418  
support animals, adaptive beds, supine boards, prone boards, 91419  
wedges, sand bags, sidelayers, bolsters, adaptive electrical 91420  
switches, hand-held shower heads, air conditioners, humidifiers, 91421  
emergency response systems, folding shopping carts, vehicle lifts, 91422  
vehicle hand controls, other adaptations of vehicles for 91423  
accessibility, and repair of the equipment received. 91424

(b) Nondisposable items not covered by medicaid that are 91425  
intended to assist an individual in activities of daily living or 91426  
instrumental activities of daily living. 91427

~~(T)~~(U) "Supportive home services" means a range of services 91428

to families of individuals with mental retardation or other 91429  
developmental disabilities to develop and maintain increased 91430  
acceptance and understanding of such persons, increased ability of 91431  
family members to teach the person, better coordination between 91432  
school and home, skills in performing specific therapeutic and 91433  
management techniques, and ability to cope with specific 91434  
situations. 91435

~~(U)~~(V)(1) "Supported living" means services provided for as 91436  
long as twenty-four hours a day to an individual with mental 91437  
retardation or other developmental disability through any public 91438  
or private resources, including moneys from the individual, that 91439  
enhance the individual's reputation in community life and advance 91440  
the individual's quality of life by doing the following: 91441

(a) Providing the support necessary to enable an individual 91442  
to live in a residence of the individual's choice, with any number 91443  
of individuals who are not disabled, or with not more than three 91444  
individuals with mental retardation and developmental disabilities 91445  
unless the individuals are related by blood or marriage; 91446

(b) Encouraging the individual's participation in the 91447  
community; 91448

(c) Promoting the individual's rights and autonomy; 91449

(d) Assisting the individual in acquiring, retaining, and 91450  
improving the skills and competence necessary to live successfully 91451  
in the individual's residence. 91452

(2) "Supported living" includes the provision of all of the 91453  
following: 91454

(a) Housing, food, clothing, habilitation, staff support, 91455  
professional services, and any related support services necessary 91456  
to ensure the health, safety, and welfare of the individual 91457  
receiving the services; 91458

(b) A combination of lifelong or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;

(c) Personal care services and homemaker services;

(d) Household maintenance that does not include modifications to the physical structure of the residence;

(e) Respite care services;

(f) Program management, as described in section 5126.14 of the Revised Code.

**Sec. 5126.026.** Except as otherwise provided in this section and section 5126.0218 of the Revised Code, a member of a county board of developmental disabilities may be reappointed to the county board. Prior to making a reappointment, the appointing authority shall ascertain, through written communication with the board, that the member being considered for reappointment meets the requirements of sections 5126.022 and 5126.0218 of the Revised Code.

A member who has served during each of three consecutive terms shall not be reappointed for a subsequent term until two years after ceasing to be a member of the county board, except that a member who has served for ten years or less within three consecutive terms may be reappointed for a subsequent term before becoming ineligible for reappointment for two years.

If, however, a county board experiences extenuating circumstances that would severely restrict the board from being able to fill a pending vacancy of a board member who will become ineligible for service on the board after serving three consecutive terms, the appointing authority may request a waiver



from the director of developmental disabilities to allow that 91489  
member to serve an additional four-year term subsequent to serving 91490  
three consecutive four-year terms. The director shall determine if 91491  
the extenuating circumstances associated with the board warrant 91492  
the granting of such a waiver. 91493

**Sec. 5126.05.** (A) Subject to the rules established by the 91494  
director of developmental disabilities pursuant to Chapter 119. of 91495  
the Revised Code for programs and services offered pursuant to 91496  
this chapter, and subject to the rules established by the state 91497  
board of education pursuant to Chapter 119. of the Revised Code 91498  
for programs and services offered pursuant to Chapter 3323. of the 91499  
Revised Code, the county board of developmental disabilities 91500  
shall: 91501

(1) Administer and operate facilities, programs, and services 91502  
as provided by this chapter and Chapter 3323. of the Revised Code 91503  
and establish policies for their administration and operation; 91504

(2) Coordinate, monitor, and evaluate existing services and 91505  
facilities available to individuals with mental retardation and 91506  
developmental disabilities; 91507

(3) Provide early childhood services, supportive home 91508  
services, and adult services, according to the plan and priorities 91509  
developed under section 5126.04 of the Revised Code; 91510

(4) Provide or contract for special education services 91511  
pursuant to Chapters 3317. and 3323. of the Revised Code and 91512  
ensure that related services, as defined in section 3323.01 of the 91513  
Revised Code, are available according to the plan and priorities 91514  
developed under section 5126.04 of the Revised Code; 91515

(5) Adopt a budget, authorize expenditures for the purposes 91516  
specified in this chapter and do so in accordance with section 91517  
319.16 of the Revised Code, approve attendance of board members 91518

and employees at professional meetings and approve expenditures 91519  
for attendance, and exercise such powers and duties as are 91520  
prescribed by the director; 91521

(6) Submit annual reports of its work and expenditures, 91522  
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 91523  
the director, the superintendent of public instruction, and the 91524  
board of county commissioners at the close of the fiscal year and 91525  
at such other times as may reasonably be requested; 91526

(7) Authorize all positions of employment, establish 91527  
compensation, including but not limited to salary schedules and 91528  
fringe benefits for all board employees, approve contracts of 91529  
employment for management employees that are for a term of more 91530  
than one year, employ legal counsel under section 309.10 of the 91531  
Revised Code, and contract for employee benefits; 91532

(8) Provide service and support administration in accordance 91533  
with section 5126.15 of the Revised Code; 91534

(9) Certify respite care homes pursuant to rules adopted 91535  
under section 5123.171 of the Revised Code by the director of 91536  
developmental disabilities; 91537

(10) Implement an employment first policy that clearly 91538  
identifies community employment as the desired outcome for every 91539  
individual of working age who receives services from the board; 91540

(11) Set benchmarks for improving community employment 91541  
outcomes; 91542

(12) Establish a list of services, from least to most 91543  
integrated, that improve community employment outcomes. 91544

(B) To the extent that rules adopted under this section apply 91545  
to the identification and placement of children with disabilities 91546  
under Chapter 3323. of the Revised Code, they shall be consistent 91547  
with the standards and procedures established under sections 91548

3323.03 to 3323.05 of the Revised Code. 91549

(C) Any county board may enter into contracts with other such 91550  
boards and with public or private, nonprofit, or profit-making 91551  
agencies or organizations of the same or another county, to 91552  
provide the facilities, programs, and services authorized or 91553  
required, upon such terms as may be agreeable, and in accordance 91554  
with this chapter and Chapter 3323. of the Revised Code and rules 91555  
adopted thereunder and in accordance with sections 307.86 and 91556  
5126.071 of the Revised Code. 91557

(D) A county board may combine transportation for children 91558  
and adults enrolled in programs and services offered under Chapter 91559  
5126. of the Revised Code with transportation for children 91560  
enrolled in classes funded under ~~section~~ sections 3317.0213 and 91561  
3317.20 ~~or units approved under section 3317.05~~ of the Revised 91562  
Code. 91563

(E) A county board may purchase all necessary insurance 91564  
policies, may purchase equipment and supplies through the 91565  
department of administrative services or from other sources, and 91566  
may enter into agreements with public agencies or nonprofit 91567  
organizations for cooperative purchasing arrangements. 91568

(F) A county board may receive by gift, grant, devise, or 91569  
bequest any moneys, lands, or property for the benefit of the 91570  
purposes for which the board is established and hold, apply, and 91571  
dispose of the moneys, lands, and property according to the terms 91572  
of the gift, grant, devise, or bequest. All money received by 91573  
gift, grant, bequest, or disposition of lands or property received 91574  
by gift, grant, devise, or bequest shall be deposited in the 91575  
county treasury to the credit of such board and shall be available 91576  
for use by the board for purposes determined or stated by the 91577  
donor or grantor, but may not be used for personal expenses of the 91578  
board members. Any interest or earnings accruing from such gift, 91579  
grant, devise, or bequest shall be treated in the same manner and 91580

subject to the same provisions as such gift, grant, devise, or 91581  
bequest. 91582

(G) The board of county commissioners shall levy taxes and 91583  
make appropriations sufficient to enable the county board of 91584  
developmental disabilities to perform its functions and duties, 91585  
and may utilize any available local, state, and federal funds for 91586  
such purpose. 91587

**Sec. 5126.051.** (A) To the extent that resources are 91588  
available, a county board of developmental disabilities shall 91589  
provide for or arrange residential services and supported living 91590  
for individuals with mental retardation and developmental 91591  
disabilities. 91592

A county board may acquire, convey, lease, or sell property 91593  
for residential services and supported living and enter into loan 91594  
agreements, including mortgages, for the acquisition of such 91595  
property. A county board is not required to comply with provisions 91596  
of Chapter 307. of the Revised Code providing for competitive 91597  
bidding or sheriff sales in the acquisition, lease, conveyance, or 91598  
sale of property under this division, but the acquisition, lease, 91599  
conveyance, or sale must be at fair market value determined by 91600  
appraisal of one or more disinterested persons appointed by the 91601  
board. 91602

Any action taken by a county board under this division that 91603  
will incur debt on the part of the county shall be taken in 91604  
accordance with Chapter 133. of the Revised Code. A county board 91605  
shall not incur any debt on the part of the county without the 91606  
prior approval of the board of county commissioners. 91607

(B)(1) To the extent that resources are available, ~~in~~ 91608  
~~addition to sheltered employment and work activities provided as a~~ 91609  
county board shall provide or arrange for the provision of adult 91610  
services pursuant to division (A)(3) of section 5126.05 of the 91611

Revised Code, ~~a county board of developmental disabilities may~~ 91612  
~~provide or arrange for~~ including job training, vocational 91613  
evaluation, and community employment services to ~~mentally retarded~~ 91614  
~~and developmentally disabled~~ individuals who are age eighteen and 91615  
older and not enrolled in a program or service under Chapter 3323. 91616  
of the Revised Code or age sixteen or seventeen and eligible for 91617  
adult services under rules adopted by the director of 91618  
developmental disabilities under Chapter 119. of the Revised Code. 91619  
These services shall be provided in accordance with the 91620  
individual's individual service or habilitation plan and shall 91621  
include support services specified in the plan. 91622

(2) A county board may, in cooperation with the ~~Ohio~~ 91623  
rehabilitation services commission, seek federal funds for job 91624  
training and community employment services. 91625

(3) A county board may contract with any agency, board, or 91626  
other entity that is accredited by the commission on accreditation 91627  
of rehabilitation facilities to provide services. A county board 91628  
that is accredited by the commission on accreditation of 91629  
rehabilitation facilities may provide services for which it is 91630  
certified by the commission. 91631

(C) To the extent that resources are available, a county 91632  
board may provide services to an individual with mental 91633  
retardation or other developmental disability in addition to those 91634  
provided pursuant to this section, section 5126.05 of the Revised 91635  
Code, or any other section of this chapter. The services shall be 91636  
provided in accordance with the individual's habilitation or 91637  
service plan and may be provided in collaboration with other 91638  
entities of state or local government. 91639

**Sec. 5126.054.** (A) Each county board of developmental 91640  
disabilities shall, by resolution, develop a three-calendar year 91641  
plan that includes the following three components: 91642

(1) An assessment component that includes all of the 91643  
following: 91644

(a) The number of individuals with mental retardation or 91645  
other developmental disability residing in the county who need the 91646  
level of care provided by an ~~intermediate care facility for the~~ 91647  
~~mentally retarded~~ ICF/MR, may seek home and community-based 91648  
services, and are given priority on a waiting list established for 91649  
the services pursuant to section 5126.042 of the Revised Code; the 91650  
service needs of those individuals; and the projected annualized 91651  
cost for services; 91652

(b) The source of funds available to the county board to pay 91653  
the nonfederal share of medicaid expenditures that the county 91654  
board is required by sections 5126.059 and 5126.0510 of the 91655  
Revised Code to pay; 91656

(c) Any other applicable information or conditions that the 91657  
department of developmental disabilities requires as a condition 91658  
of approving the component under section 5123.046 of the Revised 91659  
Code. 91660

(2) A preliminary implementation component that specifies the 91661  
number of individuals to be provided, during the first year that 91662  
the plan is in effect, home and community-based services pursuant 91663  
to the waiting list priority given to them under section 5126.042 91664  
of the Revised Code and the types of home and community-based 91665  
services the individuals are to receive; 91666

(3) A component that provides for the implementation of 91667  
medicaid case management services and home and community-based 91668  
services for individuals who begin to receive the services on or 91669  
after the date the plan is approved under section 5123.046 of the 91670  
Revised Code. A county board shall include all of the following in 91671  
the component: 91672

(a) If the department of developmental disabilities or 91673

department of ~~job and family services~~ medicaid requires, an 91674  
agreement to pay the nonfederal share of medicaid expenditures 91675  
that the county board is required by sections 5126.059 and 91676  
5126.0510 of the Revised Code to pay; 91677

(b) How the services are to be phased in over the period the 91678  
plan covers, including how the county board will serve individuals 91679  
who have priority on a waiting list established under section 91680  
5126.042 of the Revised Code; 91681

(c) Any agreement or commitment regarding the county board's 91682  
funding of home and community-based services that the county board 91683  
has with the department at the time the county board develops the 91684  
component; 91685

(d) Assurances adequate to the department that the county 91686  
board will comply with all of the following requirements: 91687

(i) To provide the types of home and community-based services 91688  
specified in the preliminary implementation component required by 91689  
division (A)(2) of this section to at least the number of 91690  
individuals specified in that component; 91691

(ii) To use any additional funds the county board receives 91692  
for the services to improve the county board's resource 91693  
capabilities for supporting such services available in the county 91694  
at the time the component is developed and to expand the services 91695  
to accommodate the unmet need for those services in the county; 91696

(iii) To employ or contract with a business manager or enter 91697  
into an agreement with another county board of developmental 91698  
disabilities that employs or contracts with a business manager to 91699  
have the business manager serve both county boards. No 91700  
superintendent of a county board may serve as the county board's 91701  
business manager. 91702

(iv) To employ or contract with a medicaid services manager 91703  
or enter into an agreement with another county board of 91704

developmental disabilities that employs or contracts with a 91705  
medicaid services manager to have the medicaid services manager 91706  
serve both county boards. No superintendent of a county board may 91707  
serve as the county board's medicaid services manager. 91708

(e) Programmatic and financial accountability measures and 91709  
projected outcomes expected from the implementation of the plan; 91710

(f) Any other applicable information or conditions that the 91711  
department requires as a condition of approving the component 91712  
under section 5123.046 of the Revised Code. 91713

(B) A county board whose plan developed under division (A) of 91714  
this section is approved by the department under section 5123.046 91715  
of the Revised Code shall update and renew the plan in accordance 91716  
with a schedule the department shall develop. 91717

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of 91718  
the Revised Code, a county board of developmental disabilities has 91719  
medicaid local administrative authority to, and shall, do all of 91720  
the following for an individual with mental retardation or other 91721  
developmental disability who resides in the county that the county 91722  
board serves and seeks or receives home and community-based 91723  
services: 91724

(1) Perform assessments and evaluations of the individual. As 91725  
part of the assessment and evaluation process, the county board 91726  
shall do all of the following: 91727

(a) Make a recommendation to the department of developmental 91728  
disabilities on whether the department should approve or deny the 91729  
individual's application for the services, including on the basis 91730  
of whether the individual needs the level of care an ~~intermediate~~ 91731  
~~care facility for the mentally retarded~~ ICF/MR provides; 91732

(b) If the individual's application is denied because of the 91733  
county board's recommendation and the individual ~~requests a~~ 91734



~~hearing under~~ appeals pursuant to section ~~5101.35~~ 5160.31 of the 91735  
Revised Code, present, with the department of developmental 91736  
disabilities or department of ~~job and family services~~ medicaid, 91737  
whichever denies the application, the reasons for the 91738  
recommendation and denial at the hearing; 91739

(c) If the individual's application is approved, recommend to 91740  
the departments of developmental disabilities and ~~job and family~~ 91741  
~~services~~ medicaid the services that should be included in the 91742  
individual's individualized service plan and, if either department 91743  
approves, reduces, denies, or terminates a service included in the 91744  
individual's individualized service plan under section ~~5111.871~~ 91745  
5166.20 of the Revised Code because of the county board's 91746  
recommendation, present, with the department that made the 91747  
approval, reduction, denial, or termination, the reasons for the 91748  
recommendation and approval, reduction, denial, or termination at 91749  
a hearing held pursuant to an appeal made under section ~~5101.35~~ 91750  
5160.31 of the Revised Code. 91751

(2) Perform any duties assigned to the county board in rules 91752  
adopted under section 5126.046 of the Revised Code regarding the 91753  
individual's right to choose a qualified and willing provider of 91754  
the services and, at a hearing held pursuant to an appeal made 91755  
under section ~~5101.35~~ 5160.31 of the Revised Code, present 91756  
evidence of the process for appropriate assistance in choosing 91757  
providers; 91758

(3) If the county board is certified under section 5123.161 91759  
of the Revised Code to provide the services and agrees to provide 91760  
the services to the individual and the individual chooses the 91761  
county board to provide the services, furnish, in accordance with 91762  
the county board's medicaid provider agreement and for the 91763  
authorized reimbursement rate, the services the individual 91764  
requires; 91765

(4) Monitor the services provided to the individual and 91766

ensure the individual's health, safety, and welfare. The 91767  
monitoring shall include quality assurance activities. If the 91768  
county board provides the services, the department of 91769  
developmental disabilities shall also monitor the services. 91770

(5) Develop, with the individual and the provider of the 91771  
individual's services, an effective individualized service plan 91772  
that includes coordination of services, recommend that the 91773  
departments of developmental disabilities and ~~job and family~~ 91774  
~~services~~ medicaid approve the plan, and implement the plan unless 91775  
either department disapproves it. The individualized service plan 91776  
shall include a summary page, agreed to by the county board, 91777  
provider, and individual receiving services, that clearly outlines 91778  
the amount, duration, and scope of services to be provided under 91779  
the plan. 91780

(6) Have an investigative agent conduct investigations under 91781  
section 5126.313 of the Revised Code that concern the individual; 91782

(7) Have a service and support administrator perform the 91783  
duties under division (B)(9) of section 5126.15 of the Revised 91784  
Code that concern the individual. 91785

(B) A county board shall perform its medicaid local 91786  
administrative authority under this section in accordance with all 91787  
of the following: 91788

(1) The county board's plan that the department of 91789  
developmental disabilities approves under section 5123.046 of the 91790  
Revised Code; 91791

(2) All applicable federal and state laws; 91792

(3) All applicable policies of the departments of 91793  
developmental disabilities and ~~job and family services~~ medicaid 91794  
and the United States department of health and human services; 91795

(4) The department of ~~job and family services'~~ medicaid's 91796

supervision under its authority ~~under section 5111.01 of the~~ 91797  
~~Revised Code to act~~ as the single state medicaid agency; 91798

(5) The department of developmental disabilities' oversight. 91799

(C) The departments of developmental disabilities and ~~job and~~ 91800  
~~family services~~ medicaid shall communicate with and provide 91801  
training to county boards regarding medicaid local administrative 91802  
authority granted by this section. The communication and training 91803  
shall include issues regarding audit protocols and other standards 91804  
established by the United States department of health and human 91805  
services that the departments determine appropriate for 91806  
communication and training. County boards shall participate in the 91807  
training. The departments shall assess the county board's 91808  
compliance against uniform standards that the departments shall 91809  
establish. 91810

(D) A county board may not delegate its medicaid local 91811  
administrative authority granted under this section but may 91812  
contract with a person or government entity, including a council 91813  
of governments, for assistance with its medicaid local 91814  
administrative authority. A county board that enters into such a 91815  
contract shall notify the director of developmental disabilities. 91816  
The notice shall include the tasks and responsibilities that the 91817  
contract gives to the person or government entity. The person or 91818  
government entity shall comply in full with all requirements to 91819  
which the county board is subject regarding the person or 91820  
government entity's tasks and responsibilities under the contract. 91821  
The county board remains ultimately responsible for the tasks and 91822  
responsibilities. 91823

(E) A county board that has medicaid local administrative 91824  
authority under this section shall, through the departments of 91825  
developmental disabilities and ~~job and family services~~ medicaid, 91826  
reply to, and cooperate in arranging compliance with, a program or 91827  
fiscal audit or program violation exception that a state or 91828

federal audit or review discovers. The department of ~~job and family services~~ medicaid shall timely notify the department of developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of developmental disabilities, shall cooperate fully with the department of ~~job and family services~~ medicaid and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of developmental disabilities or department of ~~job and family services~~ medicaid determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with mental retardation or other developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with mental retardation or other developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

**Sec. 5126.131.** (A)(1) Each regional council established under section 5126.13 of the Revised Code shall file with the department of developmental disabilities an annual cost report detailing the regional council's income and expenditures.

(2) Each county board of developmental disabilities shall

file with the department an annual cost report detailing the 91860  
board's income and expenditures. 91861

(B)(1)(a) Unless the department establishes a later date for 91862  
all regional council cost reports, each council shall file its 91863  
cost report not later than the last day of April. At the written 91864  
request of a regional council, the department may grant a 91865  
fourteen-day extension for filing the cost report. 91866

(b) Unless the department establishes a later date for all 91867  
county board cost reports, each board shall file its cost report 91868  
not later than the last day of May. At the written request of a 91869  
board, the department may grant a fourteen-day extension for 91870  
filing the board's cost report. 91871

(2) The cost report shall contain information on the previous 91872  
calendar year's income and expenditures. Once filed by a regional 91873  
council or board, no changes may be made to the cost report, 91874  
including the submission of additional documentation, except as 91875  
otherwise provided in this section. 91876

(C) Each cost report filed under this section by a regional 91877  
council or board shall be audited by the department or an entity 91878  
designated by the department. The department or designated entity 91879  
shall notify the regional council or board of the date on which 91880  
the audit is to begin. The department may permit a regional 91881  
council or board to submit changes to the cost report before the 91882  
audit begins. 91883

If the department or designated entity determines that a 91884  
filed cost report is not auditable, it shall provide written 91885  
notification to the regional council or board of the cost report's 91886  
deficiencies and may request additional documentation. If the 91887  
department or designated entity requests additional documentation, 91888  
the regional council or board shall be given sixty days after the 91889  
request is made to provide the additional documentation. After 91890

sixty days, the department or designated entity shall determine 91891  
whether the cost report is auditable with any additional 91892  
documentation provided and shall notify the regional council or 91893  
board of its determination. The determination of the department or 91894  
designated entity is final. 91895

(D) The department or designated entity shall certify its 91896  
audit as complete and file a copy of the certified audit in the 91897  
office of the clerk of the governing body, executive officer of 91898  
the governing body, and chief fiscal officer of the audited 91899  
regional council or board. Changes may not be made to a cost 91900  
report once the department or designated entity files the 91901  
certified audit. The cost report is not a public record under 91902  
section 149.43 of the Revised Code until copies of the cost report 91903  
are filed pursuant to this section. 91904

(E) The department may withhold any funds that it distributes 91905  
to a regional council or board as subsidy payments if either of 91906  
the following is the case: 91907

(1) The cost report is not timely filed by the regional 91908  
council or board with the department in accordance with division 91909  
(B) of this section. 91910

(2) The cost report is determined not auditable under 91911  
division (C) of this section after the department or designated 91912  
entity gives the regional council or board sixty days to provide 91913  
additional documentation. 91914

(F) Cost reports shall be retained by regional councils and 91915  
boards for seven years. The department shall provide annual 91916  
training to regional council and board employees regarding cost 91917  
reports required by this section. 91918

(G) The department, in accordance with Chapter 119. of the 91919  
Revised Code, may adopt any rules necessary to implement this 91920  
section. 91921

**Sec. 5126.24.** (A) As used in this section: 91922

(1) "License" means an educator license issued by the state 91923  
board of education under section 3319.22 of the Revised Code or a 91924  
certificate issued by the department of developmental 91925  
disabilities. 91926

(2) "Teacher" means a person employed by a county board of 91927  
developmental disabilities in a position that requires a license. 91928

(3) "Nonteaching employee" means a person employed by a 91929  
county board of developmental disabilities in a position that does 91930  
not require a license. 91931

(4) "Years of service" includes all service described in 91932  
division (A) of section ~~3317.13~~ 3317.14 of the Revised Code. 91933

(B) Subject to rules established by the director of 91934  
developmental disabilities pursuant to Chapter 119. of the Revised 91935  
Code, each county board of developmental disabilities shall 91936  
annually adopt separate salary schedules for teachers and 91937  
nonteaching employees. 91938

(C) The teachers' salary schedule shall provide for 91939  
increments based on training and years of service. The board may 91940  
establish its own service requirements ~~provided no teacher~~ 91941  
~~receives less than the salary the teacher would be paid under~~ 91942  
~~section 3317.13 of the Revised Code if the teacher were employed~~ 91943  
~~by a school district board of education and~~ provided full credit 91944  
for a minimum of five years of actual teaching and military 91945  
experience as defined in division (A) of such section is given to 91946  
each teacher. 91947

Each teacher who has completed training that would qualify 91948  
the teacher for a higher salary bracket pursuant to this section 91949  
shall file by the fifteenth day of September with the fiscal 91950  
officer of the board, satisfactory evidence of the completion of 91951

such additional training. The fiscal officer shall then 91952  
immediately place the teacher, pursuant to this section, in the 91953  
proper salary bracket in accordance with training and years of 91954  
service. ~~No teacher shall be paid less than the salary to which~~ 91955  
~~the teacher would be entitled under section 3317.13 of the Revised~~ 91956  
~~Code if the teacher were employed by a school district board of~~ 91957  
~~education.~~ 91958

The superintendent of each county board, on or before the 91959  
fifteenth day of October of each year, shall certify to the state 91960  
board of education the name of each teacher employed, on an annual 91961  
salary, in each special education program operated pursuant to 91962  
section 3323.09 of the Revised Code during the first full school 91963  
week of October. The superintendent further shall certify, for 91964  
each teacher, the number of years of training completed at a 91965  
recognized college, the degrees earned from a college recognized 91966  
by the state board, the type of license held, the number of months 91967  
employed by the board, the annual salary, and other information 91968  
that the state board may request. 91969

(D) The nonteaching employees' salary schedule established by 91970  
the board shall be based on training, experience, and 91971  
qualifications with initial salaries no less than salaries in 91972  
effect on July 1, 1985. Each board shall prepare and may amend 91973  
from time to time, specifications descriptive of duties, 91974  
responsibilities, requirements, and desirable qualifications of 91975  
the classifications of employees required to perform the duties 91976  
specified in the salary schedule. All nonteaching employees shall 91977  
be notified of the position classification to which they are 91978  
assigned and the salary for the classification. The compensation 91979  
of all nonteaching employees working for a particular board shall 91980  
be uniform for like positions except as compensation would be 91981  
affected by salary increments based upon length of service. 91982

On the fifteenth day of October of each year the nonteaching 91983



employees' salary schedule and list of job classifications and 91984  
salaries in effect on that date shall be filed by each board with 91985  
the superintendent of public instruction. If such salary schedule 91986  
and classification plan is not filed, the superintendent of public 91987  
instruction shall order the board to file such schedule and list 91988  
forthwith. If this condition is not corrected within ten days 91989  
after receipt of the order from the superintendent, no money shall 91990  
be distributed to the board under Chapter 3317. of the Revised 91991  
Code until the superintendent has satisfactory evidence of the 91992  
board's full compliance with such order. 91993

**Sec. 5139.03.** The department of youth services shall control 91994  
and manage all state institutions or facilities established or 91995  
created for the training or rehabilitation of delinquent children 91996  
committed to the department, except where the control and 91997  
management of an institution or facility is vested by law in 91998  
another agency. The department shall employ, in addition to other 91999  
personnel authorized under Chapter 5139. of the Revised Code, 92000  
sufficient personnel to maintain food service and buildings and 92001  
grounds operations. 92002

The department of youth services shall, insofar as 92003  
practicable, purchase foods and other commodities incident to food 92004  
service operations from the department of ~~mental health~~ mental  
health and addiction services. The department of youth services 92006  
may enter into agreements with the department of ~~mental health~~ 92007  
mental health and addiction services providing for assistance and 92008  
consultation in the construction of, or major modifications to, 92009  
capital facilities of the department of youth services. 92010

The directors of ~~mental health~~ mental health and addiction 92011  
services and of youth services shall enter into written agreements 92012  
to implement this section. Such directors may, from time to time, 92013  
amend any agreements entered into under this section for the 92014

purposes of making more efficient use of personnel, taking 92015  
advantage of economies in quantity purchasing, or for any other 92016  
purpose which is mutually advantageous to both the department of 92017  
youth services and the department of ~~mental health~~ mental health 92018  
and addiction services. 92019

The department of youth services may transfer any of its 92020  
excess or surplus supplies to a community corrections facility. 92021  
These supplies shall remain the property of the department for a 92022  
period of five years from the date of the transfer. After the 92023  
five-year period, the supplies shall become the property of the 92024  
facility. 92025

**Sec. 5139.04.** The department of youth services shall do all 92026  
of the following: 92027

(A) Support service districts through a central 92028  
administrative office that shall have as its administrative head a 92029  
deputy director who shall be appointed by the director of the 92030  
department. When a vacancy occurs in the office of that deputy 92031  
director, an assistant deputy director shall act as that deputy 92032  
director until the vacancy is filled. The position of deputy 92033  
director and assistant deputy director described in this division 92034  
shall be in the unclassified civil service of the state. 92035

(B) Receive custody of all children committed to it under 92036  
Chapter 2152. of the Revised Code, cause a study to be made of 92037  
those children, and issue any orders, as it considers best suited 92038  
to the needs of any of those children and the interest of the 92039  
public, for the treatment of each of those children; 92040

(C) Obtain personnel necessary for the performance of its 92041  
duties; 92042

(D) Adopt rules that regulate its organization and operation, 92043  
that implement sections 5139.34 and 5139.41 to 5139.43 of the 92044

Revised Code, and that pertain to the administration of other 92045  
sections of this chapter; 92046

(E) Submit reports of its operations to the governor and the 92047  
general assembly by the thirty-first day of January of each 92048  
odd-numbered year; 92049

(F) Conduct a program of research in diagnosis, training, and 92050  
treatment of delinquent children to evaluate the effectiveness of 92051  
the department's services and to develop more adequate methods; 92052

(G) Develop a standard form for the disposition investigation 92053  
report that a juvenile court is required pursuant to section 92054  
2152.18 of the Revised Code to complete and provide to the 92055  
department when the court commits a child to the legal custody of 92056  
the department; 92057

(H) Allow the state public defender the access authorized 92058  
under division (I) of section 120.06 of the Revised Code in order 92059  
to fulfill the department's constitutional obligation to provide 92060  
juveniles who have been committed to the department's care access 92061  
to the courts. 92062

(I) Do all other acts necessary or desirable to carry out 92063  
this chapter. 92064

**Sec. 5139.08.** The department of youth services may enter into 92065  
an agreement with the director of rehabilitation and correction 92066  
pursuant to which the department of youth services, in accordance 92067  
with division (C)(2) of section 5139.06 and section 5120.162 of 92068  
the Revised Code, may transfer to a correctional medical center 92069  
established by the department of rehabilitation and correction, 92070  
children who are within its custody for diagnosis or treatment of 92071  
an illness, physical condition, or other medical problem. The 92072  
department of youth services may enter into any other agreements 92073  
with the director of job and family services, the director of 92074

~~mental health~~ mental health and addiction services, the director 92075  
of developmental disabilities, the director of rehabilitation and 92076  
correction, with the courts having probation officers or other 92077  
public officials, and with private agencies or institutions for 92078  
separate care or special treatment of children subject to the 92079  
control of the department of youth services. The department of 92080  
youth services may, upon the request of a juvenile court not 92081  
having a regular probation officer, provide probation services for 92082  
such court. 92083

Upon request by the department of youth services, any public 92084  
agency or group care facility established or administered by the 92085  
state for the care and treatment of children and youth shall, 92086  
consistent with its functions, accept and care for any child whose 92087  
custody is vested in the department in the same manner as it would 92088  
be required to do if custody had been vested by a court in such 92089  
agency or group care facility. If the department has reasonable 92090  
grounds to believe that any child or youth whose custody is vested 92091  
in it is mentally ill or mentally retarded, the department may 92092  
file an affidavit under section 5122.11 or 5123.76 of the Revised 92093  
Code. The department's affidavit for admission of a child or youth 92094  
to such institution shall be filed with the probate court of the 92095  
county from which the child was committed to the department. Such 92096  
court may request the probate court of the county in which the 92097  
child is held to conduct the hearing on the application, in which 92098  
case the court making such request shall bear the expenses of the 92099  
proceeding. If the department files such an affidavit, the child 92100  
or youth may be kept in such institution until a final decision on 92101  
the affidavit is made by the appropriate court. 92102

**Sec. 5139.34.** (A) Funds may be appropriated to the department 92103  
of youth services for the purpose of granting state subsidies to 92104  
counties. A county or the juvenile court that serves a county 92105  
shall use state subsidies granted to the county pursuant to this 92106

section only in accordance with divisions (B)(2)(a) and (3)(a) of 92107  
section 5139.43 of the Revised Code and the rules pertaining to 92108  
the state subsidy funds that the department adopts pursuant to 92109  
division (D) of section 5139.04 of the Revised Code. The 92110  
department shall not grant financial assistance pursuant to this 92111  
section for the provision of care and services for children in a 92112  
placement facility unless the facility has been certified, 92113  
licensed, or approved by a state or national agency with 92114  
certification, licensure, or approval authority, including, but 92115  
not limited to, the department of job and family services, 92116  
department of education, department of ~~mental health~~ mental health 92117  
and addiction services, department of developmental disabilities, 92118  
or American correctional association. For the purposes of this 92119  
section, placement facilities do not include a state institution 92120  
or a county or district children's home. 92121

The department also shall not grant financial assistance 92122  
pursuant to this section for the provision of care and services 92123  
for children, including, but not limited to, care and services in 92124  
a detention facility, in another facility, or in out-of-home 92125  
placement, unless the minimum standards applicable to the care and 92126  
services that the department prescribes in rules adopted pursuant 92127  
to division (D) of section 5139.04 of the Revised Code have been 92128  
satisfied. 92129

(B) The department of youth services shall apply the 92130  
following formula to determine the amount of the annual grant that 92131  
each county is to receive pursuant to division (A) of this 92132  
section, subject to the appropriation for this purpose to the 92133  
department made by the general assembly: 92134

(1) Each county shall receive a basic annual grant of fifty 92135  
thousand dollars. 92136

(2) The sum of the basic annual grants provided under 92137  
division (B)(1) of this section shall be subtracted from the total 92138

amount of funds appropriated to the department of youth services 92139  
for the purpose of making grants pursuant to division (A) of this 92140  
section to determine the remaining portion of the funds 92141  
appropriated. The remaining portion of the funds appropriated 92142  
shall be distributed on a per capita basis to each county that has 92143  
a population of more than twenty-five thousand for that portion of 92144  
the population of the county that exceeds twenty-five thousand. 92145

(C)(1) Prior to a county's receipt of an annual grant 92146  
pursuant to this section, the juvenile court that serves the 92147  
county shall prepare, submit, and file in accordance with division 92148  
(B)(3)(a) of section 5139.43 of the Revised Code an annual grant 92149  
agreement and application for funding that is for the combined 92150  
purposes of, and that satisfies the requirements of, this section 92151  
and section 5139.43 of the Revised Code. In addition to the 92152  
subject matters described in division (B)(3)(a) of section 5139.43 92153  
of the Revised Code or in the rules that the department adopts to 92154  
implement that division, the annual grant agreement and 92155  
application for funding shall address fiscal accountability and 92156  
performance matters pertaining to the programs, care, and services 92157  
that are specified in the agreement and application and for which 92158  
state subsidy funds granted pursuant to this section will be used. 92159

(2) The county treasurer of each county that receives an 92160  
annual grant pursuant to this section shall deposit the state 92161  
subsidy funds so received into the county's felony delinquent care 92162  
and custody fund created pursuant to division (B)(1) of section 92163  
5139.43 of the Revised Code. Subject to exceptions prescribed in 92164  
section 5139.43 of the Revised Code that may apply to the 92165  
disbursement, the department shall disburse the state subsidy 92166  
funds to which a county is entitled in a lump sum payment that 92167  
shall be made in July of each calendar year. 92168

(3) Upon an order of the juvenile court that serves a county 92169  
and subject to appropriation by the board of county commissioners 92170

of that county, a county treasurer shall disburse from the 92171  
county's felony delinquent care and custody fund the state subsidy 92172  
funds granted to the county pursuant to this section for use only 92173  
in accordance with this section, the applicable provisions of 92174  
section 5139.43 of the Revised Code, and the county's approved 92175  
annual grant agreement and application for funding. 92176

(4) The moneys in a county's felony delinquent care and 92177  
custody fund that represent state subsidy funds granted pursuant 92178  
to this section are subject to appropriation by the board of 92179  
county commissioners of the county; shall be disbursed by the 92180  
county treasurer as required by division (C)(3) of this section; 92181  
shall be used in the manners referred to in division (C)(3) of 92182  
this section; shall not revert to the county general fund at the 92183  
end of any fiscal year; shall carry over in the felony delinquent 92184  
care and custody fund from the end of any fiscal year to the next 92185  
fiscal year; shall be in addition to, and shall not be used to 92186  
reduce, any usual annual increase in county funding that the 92187  
juvenile court is eligible to receive or the current level of 92188  
county funding of the juvenile court and of any programs, care, or 92189  
services for alleged or adjudicated delinquent children, unruly 92190  
children, or juvenile traffic offenders or for children who are at 92191  
risk of becoming delinquent children, unruly children, or juvenile 92192  
traffic offenders; and shall not be used to pay for the care and 92193  
custody of felony ~~delinquents~~ delinquents who are in the care and 92194  
custody of an institution pursuant to a commitment, recommitment, 92195  
or revocation of a release on parole by the juvenile court of that 92196  
county or who are in the care and custody of a community 92197  
corrections facility pursuant to a placement by the department 92198  
with the consent of the juvenile court as described in division 92199  
(E) of section 5139.36 of the Revised Code. 92200

(5) As a condition of the continued receipt of state subsidy 92201  
funds pursuant to this section, each county and the juvenile court 92202

that serves each county that receives an annual grant pursuant to 92203  
this section shall comply with divisions (B)(3)(b), (c), and (d) 92204  
of section 5139.43 of the Revised Code. 92205

**Sec. 5145.162.** (A) There is hereby created the office of 92206  
enterprise development advisory council of directors for prison 92207  
labor-consisting board to advise and assist the department of 92208  
rehabilitation and correction with the creation of training 92209  
programs and jobs for inmates and releasees through partnerships 92210  
with private sector businesses. The board shall consist of at 92211  
least five appointed members and the executive director of the 92212  
office of the correctional institution inspection committee, who 92213  
shall serve as an ex officio member. Each member shall have 92214  
experience in labor relations, marketing, business management, or 92215  
business. The members and chairperson shall be appointed by the 92216  
governor director of the department of rehabilitation and 92217  
correction. Within thirty days after April 9, 1981, the governor 92218  
shall make the initial appointments to the council of directors. 92219  
Of the initial appointments made to the council of directors, two 92220  
shall be for a term ending one year after April 9, 1981, two shall 92221  
be for a term ending two years after that date, and one shall be 92222  
for a term ending three years after that date. After the 92223  
expiration of the initial terms, the terms of office for the 92224  
members shall be for three years, each term ending on the same day 92225  
of the same month of the year as did the term that it succeeds. 92226  
Each member shall hold office from the date of appointment until 92227  
the end of the term for which the member was appointed. Any 92228  
vacancy on the advisory council shall be filled by the governor. 92229  
Any member appointed to fill a vacancy occurring prior to the 92230  
expiration of the term for which the member's predecessor was 92231  
appointed shall hold office for the remainder of the predecessor's 92232  
term. Any member shall continue in office subsequent to the 92233  
expiration date of the member's term until a successor takes 92234



~~office, or until a period of sixty days has elapsed, whichever occurs first.~~ 92235  
92236

(B) Each member of the advisory ~~council, while engaged in the~~ 92237  
~~performance of the business of the advisory council, board~~ shall 92238  
~~receive no compensation but may~~ be reimbursed for expenses 92239  
actually and necessarily incurred in the performance of official 92240  
duties of the board. Members of the board who are state employees 92241  
shall be reimbursed for expenses pursuant to travel rules 92242  
promulgated by the office of budget and management. 92243

(C) The advisory ~~council board~~ shall adopt procedures for the 92244  
conduct of the board's meetings. The board shall meet within two 92245  
~~weeks after the initial members have been appointed at a time and~~ 92246  
~~place determined by the governor. At its first meeting, the~~ 92247  
~~advisory council shall elect a chairperson and shall adopt rules~~ 92248  
~~for its procedures. The advisory council shall elect a new~~ 92249  
~~chairperson annually at its January meeting. The advisory council~~ 92250  
~~shall meet at least once every January and at least once every two~~ 92251  
~~months thereafter~~ quarter, and otherwise shall meet at the call of 92252  
the chairperson or ~~upon the written request of at least a quorum~~ 92253  
~~of the members. Three~~ director of the department of rehabilitation 92254  
and correction. Sixty per cent of the members ~~constitutes shall~~ 92255  
constitute a quorum, ~~and no action. No transaction of the board's~~ 92256  
business shall be taken without the concurrence of a quorum of the 92257  
members. The board may have committees with persons who are not 92258  
members of the board but whose experience and expertise is 92259  
relevant and useful to the work of the committee. 92260

(D) The advisory ~~council board~~ shall ~~advise and assist the~~ 92261  
~~department of rehabilitation and correction when the department~~ 92262  
~~adopts rules pursuant to division (B) of section 5145.03 of the~~ 92263  
~~Revised Code, establishes prices for goods, products, services, or~~ 92264  
~~labor produced or supplied by prisoners, and otherwise establishes~~ 92265  
~~and administers the program for employment of prisoners~~ 92266

~~established by the department pursuant to division (A) of section 5145.16 of the Revised Code. The department shall consider the advice and assistance of the advisory council that is provided pursuant to this section, and shall cooperate with the advisory council. The advisory council may recommend have the following duties:~~ 92267  
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(1) Solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities for inmates and releasees; 92273  
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(2) Provide information and input to the office of enterprise development to support the job training and employment program of inmates and releasees and any additional, related duties as requested by the director of the department of rehabilitation and correction; 92276  
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(3) Recommend to the ~~general assembly~~ office of enterprise development any further legislation, administrative rule, or department policy change that ~~it~~ the board believes is necessary to implement the department's program of ~~employment of prisoners;~~ 92281  
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(4) Promote public awareness of the office of enterprise development and the office's employment program; 92285  
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(5) Familiarize itself and the public with avenues to access the office of enterprise development on employment program concerns; 92287  
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(6) Advocate for the needs and concerns of the office of enterprise development in local communities, counties, and the state; 92290  
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(7) Play an active role in the office of enterprise development's efforts to reduce recidivism in the state by doing all of the following: 92293  
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(a) Providing input and making recommendations for the 92296

|                                                                                   |       |
|-----------------------------------------------------------------------------------|-------|
| <u>office's consideration in monitoring employment program compliance</u>         | 92297 |
| <u>and effectiveness;</u>                                                         | 92298 |
| <u>(b) Making suggestions on the appropriate priorities for the</u>               | 92299 |
| <u>office's grant award criteria;</u>                                             | 92300 |
| <u>(c) Being a liaison between the office and constituents of</u>                 | 92301 |
| <u>the board's members;</u>                                                       | 92302 |
| <u>(d) Working to develop constituent groups interested in</u>                    | 92303 |
| <u>employment program issues;</u>                                                 | 92304 |
| <u>(8) Aid in the employment program development process by</u>                   | 92305 |
| <u>playing a leadership role in professional associations by</u>                  | 92306 |
| <u>discussing employment program issues.</u>                                      | 92307 |
| <u>(E) The department of rehabilitation and correction shall</u>                  | 92308 |
| <u>initially screen each proposal obtained under division (D)(1) of</u>           | 92309 |
| <u>this section to ensure that the proposal is a viable venture to</u>            | 92310 |
| <u>pursue. If the department determines that a proposal is a viable</u>           | 92311 |
| <u>venture to pursue, the department shall submit the proposal to the</u>         | 92312 |
| <u>board for objective review against established guidelines. The</u>             | 92313 |
| <u>board shall determine whether to recommend the implementation of</u>           | 92314 |
| <u>the program to the department.</u>                                             | 92315 |
| <b>Sec. 5145.18.</b> Any printing or binding performed in a state                 | 92316 |
| correctional institution may be performed for the use of the                      | 92317 |
| institution, the departments of <del>mental health</del> <u>mental health and</u> | 92318 |
| <u>addiction services</u> , developmental disabilities, and rehabilitation        | 92319 |
| and correction, the department of public safety in connection with                | 92320 |
| the registration of motor vehicles, and for any other purpose                     | 92321 |
| authorized by division (B) of section 5145.03 and by sections                     | 92322 |
| 5145.16 and 5145.161 of the Revised Code.                                         | 92323 |
| <b>Sec. 5153.16.</b> (A) Except as provided in section 2151.422 of                | 92324 |
| the Revised Code, in accordance with rules adopted under section                  | 92325 |
| 5153.166 of the Revised Code, and on behalf of children in the                    | 92326 |

county whom the public children services agency considers to be in 92327  
need of public care or protective services, the public children 92328  
services agency shall do all of the following: 92329

(1) Make an investigation concerning any child alleged to be 92330  
an abused, neglected, or dependent child; 92331

(2) Enter into agreements with the parent, guardian, or other 92332  
person having legal custody of any child, or with the department 92333  
of job and family services, department of ~~mental health~~ mental 92334  
health and addiction services, department of developmental 92335  
disabilities, other department, any certified organization within 92336  
or outside the county, or any agency or institution outside the 92337  
state, having legal custody of any child, with respect to the 92338  
custody, care, or placement of any child, or with respect to any 92339  
matter, in the interests of the child, provided the permanent 92340  
custody of a child shall not be transferred by a parent to the 92341  
public children services agency without the consent of the 92342  
juvenile court; 92343

(3) Accept custody of children committed to the public 92344  
children services agency by a court exercising juvenile 92345  
jurisdiction; 92346

(4) Provide such care as the public children services agency 92347  
considers to be in the best interests of any child adjudicated to 92348  
be an abused, neglected, or dependent child the agency finds to be 92349  
in need of public care or service; 92350

(5) Provide social services to any unmarried girl adjudicated 92351  
to be an abused, neglected, or dependent child who is pregnant 92352  
with or has been delivered of a child; 92353

(6) Make available to the bureau for children with medical 92354  
handicaps of the department of health at its request any 92355  
information concerning a crippled child found to be in need of 92356  
treatment under sections 3701.021 to 3701.028 of the Revised Code 92357

who is receiving services from the public children services 92358  
agency; 92359

(7) Provide temporary emergency care for any child considered 92360  
by the public children services agency to be in need of such care, 92361  
without agreement or commitment; 92362

(8) Find certified foster homes, within or outside the 92363  
county, for the care of children, including handicapped children 92364  
from other counties attending special schools in the county; 92365

(9) Subject to the approval of the board of county 92366  
commissioners and the state department of job and family services, 92367  
establish and operate a training school or enter into an agreement 92368  
with any municipal corporation or other political subdivision of 92369  
the county respecting the operation, acquisition, or maintenance 92370  
of any children's home, training school, or other institution for 92371  
the care of children maintained by such municipal corporation or 92372  
political subdivision; 92373

(10) Acquire and operate a county children's home, establish, 92374  
maintain, and operate a receiving home for the temporary care of 92375  
children, or procure certified foster homes for this purpose; 92376

(11) Enter into an agreement with the trustees of any 92377  
district children's home, respecting the operation of the district 92378  
children's home in cooperation with the other county boards in the 92379  
district; 92380

(12) Cooperate with, make its services available to, and act 92381  
as the agent of persons, courts, the department of job and family 92382  
services, the department of health, and other organizations within 92383  
and outside the state, in matters relating to the welfare of 92384  
children, except that the public children services agency shall 92385  
not be required to provide supervision of or other services 92386  
related to the exercise of parenting time rights granted pursuant 92387  
to section 3109.051 or 3109.12 of the Revised Code or 92388

companionship or visitation rights granted pursuant to section 92389  
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 92390  
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 92391  
a common pleas court, pursuant to division (E)(6) of section 92392  
3113.31 of the Revised Code, requires the provision of supervision 92393  
or other services related to the exercise of the parenting time 92394  
rights or companionship or visitation rights; 92395

(13) Make investigations at the request of any superintendent 92396  
of schools in the county or the principal of any school concerning 92397  
the application of any child adjudicated to be an abused, 92398  
neglected, or dependent child for release from school, where such 92399  
service is not provided through a school attendance department; 92400

(14) Administer funds provided under Title IV-E of the 92401  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 92402  
amended, in accordance with rules adopted under section 5101.141 92403  
of the Revised Code; 92404

(15) In addition to administering Title IV-E adoption 92405  
assistance funds, enter into agreements to make adoption 92406  
assistance payments under section 5153.163 of the Revised Code; 92407

(16) Implement a system of safety and risk assessment, in 92408  
accordance with rules adopted by the director of job and family 92409  
services, to assist the public children services agency in 92410  
determining the risk of abuse or neglect to a child; 92411

(17) Enter into a plan of cooperation with the board of 92412  
county commissioners under section 307.983 of the Revised Code and 92413  
comply with each fiscal agreement the board enters into under 92414  
section 307.98 of the Revised Code that include family services 92415  
duties of public children services agencies and contracts the 92416  
board enters into under sections 307.981 and 307.982 of the 92417  
Revised Code that affect the public children services agency; 92418

(18) Make reasonable efforts to prevent the removal of an 92419

alleged or adjudicated abused, neglected, or dependent child from 92420  
the child's home, eliminate the continued removal of the child 92421  
from the child's home, or make it possible for the child to return 92422  
home safely, except that reasonable efforts of that nature are not 92423  
required when a court has made a determination under division 92424  
(A)(2) of section 2151.419 of the Revised Code; 92425

(19) Make reasonable efforts to place the child in a timely 92426  
manner in accordance with the permanency plan approved under 92427  
division (E) of section 2151.417 of the Revised Code and to 92428  
complete whatever steps are necessary to finalize the permanent 92429  
placement of the child; 92430

(20) Administer a Title IV-A program identified under 92431  
division (A)(4)(c) or ~~(f)~~(g) of section 5101.80 of the Revised 92432  
Code that the department of job and family services provides for 92433  
the public children services agency to administer under the 92434  
department's supervision pursuant to section 5101.801 of the 92435  
Revised Code; 92436

(21) Administer the kinship permanency incentive program 92437  
created under section 5101.802 of the Revised Code under the 92438  
supervision of the director of job and family services; 92439

(22) Provide independent living services pursuant to sections 92440  
2151.81 to 2151.84 of the Revised Code; 92441

(23) File a missing child report with a local law enforcement 92442  
agency upon becoming aware that a child in the custody of the 92443  
public children services agency is or may be missing. 92444

(B) The public children services agency shall use the system 92445  
implemented pursuant to division (A)(16) of this section in 92446  
connection with an investigation undertaken pursuant to division 92447  
(F)(1) of section 2151.421 of the Revised Code to assess both of 92448  
the following: 92449

(1) The ongoing safety of the child; 92450

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case. 92451  
92452  
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(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following: 92454  
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(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code; 92460  
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92462  
92463

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties: 92464  
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92466

(i) County departments of job and family services; 92467

(ii) Boards of alcohol, drug addiction, and mental health services; 92468  
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(iii) County boards of developmental disabilities; 92470

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code; 92471  
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(v) Private and government providers of services; 92473

(vi) Managed care organizations and prepaid health plans. 92474

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules. 92475  
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(c) Only a county children services board appointed under 92480



section 5153.03 of the Revised Code that is a public children 92481  
services agency may contract under division (C)(2)(a) of this 92482  
section. If an entity specified in division (B) or (C) of section 92483  
5153.02 of the Revised Code is the public children services agency 92484  
for a county, the board of county commissioners may enter into 92485  
contracts pursuant to section 307.982 of the Revised Code 92486  
regarding the agency's duties. 92487

Sec. 5160.01. As used in this chapter: 92488

(A) "Dual eligible individual" has the same meaning as in the 92489  
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 92490  
1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid 92491  
enrollee (MME). 92492

(B) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 92493

(C) "Federal financial participation" means the federal 92494  
government's share of expenditures made by an entity in 92495  
implementing a medical assistance program. 92496

(D) "Medical assistance program" means all of the following: 92497

(1) The medicaid program; 92498

(2) The children's health insurance program; 92499

(3) The refugee medical assistance program; 92500

(4) Any other program that provides medical assistance and 92501  
state statutes authorize the department of medicaid to administer. 92502

(E) "Medical assistance recipient" means a recipient of a 92503  
medical assistance program. To the extent appropriate in the 92504  
context, "medical assistance recipient" includes an individual 92505  
applying for a medical assistance program, a former medical 92506  
assistance recipient, or both. 92507

(F) "Medicaid managed care organization" has the same meaning 92508  
as in section 5167.01 of the Revised Code. 92509

(G) "Refugee medical assistance program" means the program 92510  
that the department of medicaid administers pursuant to section 92511  
5160.50 of the Revised Code. 92512

Sec. 5160.011. References to the department or director of 92513  
public welfare, department or director of human services, 92514  
department or director of job and family services, office of 92515  
medical assistance, or medical assistance director in any statute, 92516  
rule, contract, grant, or other document is deemed to refer to the 92517  
department of medicaid or medicaid director, as the case may be, 92518  
to the extent the reference is about a duty or authority of the 92519  
department of medicaid or medicaid director regarding a medical 92520  
assistance program. 92521

Sec. 5160.02. The medicaid director shall adopt rules as 92522  
necessary to implement this chapter. 92523

Sec. 5160.021. (A) When the medicaid director is authorized 92524  
by a statute to adopt a rule, the director shall adopt the rule in 92525  
accordance with the following: 92526

(1) Chapter 119. of the Revised Code if either of the 92527  
following applies: 92528

(a) The statute authorizing the rule requires that the rule 92529  
be adopted in accordance with Chapter 119. of the Revised Code. 92530

(b) Unless division (A)(2)(b) of this section applies, the 92531  
statute authorizing the rule does not specify the procedure for 92532  
the rule's adoption. 92533

(2) Section 111.15 of the Revised Code, excluding divisions 92534  
(D) and (E) of that section, if either of the following applies: 92535

(a) The statute authorizing the rule requires that the rule 92536  
be adopted in accordance with section 111.15 of the Revised Code 92537  
and, by the terms of division (D) of that section, division (D) of 92538

that section does not apply to the rule. 92539

(b) The statute authorizing the rule does not specify the 92540  
procedure for the rule's adoption and the rule concerns the 92541  
day-to-day staff procedures and operations of the department of 92542  
medicaid or financial and operational matters between the 92543  
department and a person or government entity receiving a grant 92544  
from the department. 92545

(3) Section 111.15 of the Revised Code, including divisions 92546  
(D) and (E) of that section, if the statute authorizing the rule 92547  
requires that the rule be adopted in accordance with that section 92548  
and the rule is not exempt from the application of division (D) of 92549  
that section. 92550

(B) Except as otherwise required by a statute, the adoption 92551  
of a rule in accordance with Chapter 119. of the Revised Code does 92552  
not make the department of medicaid subject to the notice, 92553  
hearing, or other requirements of sections 119.06 to 119.13 of the 92554  
Revised Code. 92555

Sec. 5160.03. The medicaid director is the executive head of 92556  
the department of medicaid. All duties conferred on the department 92557  
by law or order of the director are under the director's control 92558  
and shall be performed in accordance with rules the director 92559  
adopts. 92560

Sec. 5160.04. The medicaid director shall appoint one 92561  
assistant director for the department of medicaid. The assistant 92562  
director shall exercise powers, and perform duties, as ordered by 92563  
the medicaid director. The assistant director shall act as the 92564  
medicaid director in the medicaid director's absence or disability 92565  
and when the position of medicaid director is vacant. 92566

Sec. 5160.05. The medicaid director may appoint such 92567

employees as are necessary for the efficient operation of the 92568  
department of medicaid. The director may prescribe the title and 92569  
duties of the employees. 92570

Sec. 5160.051. If the medicaid director determines that a 92571  
position with the department of medicaid can best be filled in 92572  
accordance with division (A)(2) of section 124.30 of the Revised 92573  
Code or without regard to a residency requirement established by a 92574  
rule adopted by the director of administrative services, the 92575  
medicaid director shall provide the director of administrative 92576  
services certification of the determination. 92577

Sec. 5160.052. The department of medicaid shall collaborate 92578  
with the superintendent of the bureau of criminal identification 92579  
and investigation to develop procedures and formats necessary to 92580  
produce the notices described in division (C) of section 109.5721 92581  
of the Revised Code in a format that is acceptable for use by the 92582  
department. The medicaid director may adopt rules under section 92583  
5160.02 of the Revised Code necessary for such collaboration. Any 92584  
such rules shall be adopted in accordance with section 111.15 of 92585  
the Revised Code as if they were internal management rules. 92586

The medicaid director may adopt rules under section 5160.02 92587  
of the Revised Code necessary for utilizing the information 92588  
received pursuant to section 109.5721 of the Revised Code. The 92589  
rules shall be adopted in accordance with Chapter 119. of the 92590  
Revised Code. 92591

Sec. 5160.06. The medicaid director may require any of the 92592  
employees of the department of medicaid who may be charged with 92593  
custody or control of any public money or property or who is 92594  
required to give bond, to give a bond, properly conditioned, in a 92595  
sum to be fixed by the director which when approved by the 92596

director, shall be filed in the office of the secretary of state. 92597  
The cost of such bonds, when approved by the director, shall be 92598  
paid from funds available for the department. The bonds required 92599  
or authorized by this section may, in the discretion of the 92600  
director, be individual, schedule, or blanket bonds. 92601

**Sec. 5160.10.** The medicaid director may expend funds 92602  
appropriated or available to the department of medicaid from 92603  
persons and government entities. For purposes of this section, the 92604  
director may enter into contracts or agreements with persons and 92605  
government entities and make grants to persons and government 92606  
entities. To the extent permitted by federal law, the director may 92607  
advance funds to a grantee when necessary for the grantee to 92608  
perform duties under the grant as specified by the director. 92609

The director may adopt rules under section 5160.02 of the 92610  
Revised Code as necessary to define terms and adopt procedures and 92611  
other provisions necessary to implement this section. 92612

**Sec. 5160.11.** The state health care grants fund is hereby 92613  
created in the state treasury. Money the department of medicaid 92614  
receives from private foundations in support of pilot projects 92615  
that promote exemplary programs that enhance programs the 92616  
department administers shall be credited to the fund. The 92617  
department may expend the money on such projects, may use the 92618  
money, to the extent allowable, to match federal financial 92619  
participation in support of such projects, and shall comply with 92620  
requirements the foundations have stipulated in their agreements 92621  
with the department as to the purposes for which the money may be 92622  
expended. 92623

**Sec. 5160.12.** (A) As used in this section, "entity" includes 92624  
an agency, board, commission, or department of the state or a 92625

political subdivision of the state; a private, nonprofit entity; a school district; a private school; or a public or private institution of higher education. 92626  
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(B) This section does not apply to contracts entered into under section 5162.32 or 5162.35 of the Revised Code. 92629  
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(C) At the request of any public entity having authority to implement a program administered by the department of medicaid or any private entity under contract with a public entity to implement a program administered by the department, the department may seek to obtain federal financial participation for costs incurred by the entity. Federal financial participation may be sought from programs operated pursuant to Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq., and any other statute or regulation under which federal financial participation may be available, except that federal financial participation may be sought only for expenditures made with funds for which federal financial participation is available under federal law. 92631  
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(D) All funds collected by the department pursuant to division (C) of this section shall be distributed to the entities that incurred the costs. 92643  
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(E) In distributing federal financial participation pursuant to this section, the department may either enter into an agreement with the entity that is to receive the funds or distribute the funds in accordance with rules authorized by division (H) of this section. If the department decides to enter into an agreement to distribute the funds, the agreement may include terms that do any of the following: 92646  
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(1) Provide for the whole or partial reimbursement of any cost incurred by the entity in implementing the program; 92653  
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(2) In the event that federal financial participation is 92655

disallowed or otherwise unavailable for any expenditure, require 92656  
the department or the entity, whichever party caused the 92657  
disallowance or unavailability of federal financial participation, 92658  
to assume responsibility for the expenditures; 92659

(3) Require the entity to certify to the department the 92660  
availability of sufficient unencumbered funds to match the federal 92661  
financial participation the entity receives under this section; 92662

(4) Establish the length of the agreement, which may be for a 92663  
fixed or a continuing period of time; 92664

(5) Establish any other requirements determined by the 92665  
department to be necessary for the efficient administration of the 92666  
agreement. 92667

(F) An entity that receives federal financial participation 92668  
pursuant to this section for a program aiding children and their 92669  
families shall establish a process for collaborative planning with 92670  
the department for the use of the funds to improve and expand the 92671  
program. 92672

(G) Federal financial participation received pursuant to this 92673  
section shall not be included in any calculation made under 92674  
section 5101.16 or 5101.161 of the Revised Code. 92675

(H) The medicaid director may adopt rules under section 92676  
5160.02 of the Revised Code as necessary to implement this 92677  
section, including rules for the distribution of federal financial 92678  
participation pursuant to this section. The rules shall be adopted 92679  
in accordance with Chapter 119. of the Revised Code. 92680

**Sec. 5160.13.** The department of medicaid may enter into 92681  
contracts with private entities to maximize federal revenue 92682  
without the expenditure of state money. In selecting private 92683  
entities with which to contract, the department shall engage in a 92684  
request for proposals process. The department, subject to the 92685

approval of the controlling board, may also directly enter into 92686  
contracts with public entities providing revenue maximization 92687  
services. 92688

Sec. 5160.16. The department of medicaid may appoint and 92689  
commission any competent person to serve as a special agent, 92690  
investigator, or representative to perform a designated duty for 92691  
and on behalf of the department. Specific credentials shall be 92692  
given by the department to each person so designated, and each 92693  
credential shall state the following: 92694

(A) The person's name; 92695

(B) The agency with which the person is connected; 92696

(C) The purpose of the appointment; 92697

(D) The date the appointment expires, if appropriate; 92698

(E) Such information as the department considers proper. 92699

Sec. 5160.20. (A) The department of medicaid may conduct any 92700  
audits or investigations that are necessary in the performance of 92701  
the department's duties, and to that end, the department has the 92702  
same power as a judge of a county court to administer oaths and to 92703  
enforce the attendance and testimony of witnesses and the 92704  
production of books or papers. 92705

The department shall keep a record of the department's audits 92706  
and investigations stating the time, place, charges, or subject; 92707  
witnesses summoned and examined; and the department's conclusions. 92708

Witnesses shall be paid the fees and mileage provided for 92709  
under section 119.094 of the Revised Code. 92710

(B) Any judge of any division of the court of common pleas, 92711  
on application of the department, may compel the attendance of 92712  
witnesses, the production of books or papers, and the giving of 92713



testimony before the department, by a judgment for contempt or 92714  
otherwise, in the same manner as in cases before those courts. 92715

(C) Until an audit report is formally released by the 92716  
department, the audit report or any working paper or other 92717  
document or record prepared by the department and related to the 92718  
audit that is the subject of the audit report is not a public 92719  
record under section 149.43 of the Revised Code. 92720

(D) The medicaid director may adopt rules under section 92721  
5160.02 of the Revised Code as necessary to implement this 92722  
section. The rules shall be adopted in accordance with section 92723  
111.15 of the Revised Code as if they were internal management 92724  
rules. 92725

Sec. 5160.21. On the request of the medicaid director, the 92726  
auditor of state may conduct an audit of any medical assistance 92727  
recipient. If the auditor decides to conduct an audit under this 92728  
section, the auditor shall enter into an interagency agreement 92729  
with the department of medicaid that specifies that the auditor 92730  
agrees to comply with section 5160.45 of the Revised Code with 92731  
respect to any information the auditor receives pursuant to the 92732  
audit. 92733

Sec. 5160.22. (A) The auditor of state and attorney general, 92734  
or their designees, may examine any records, whether in computer 92735  
or printed format, in the possession of the medicaid director or 92736  
any county director of job and family services, regarding medical 92737  
assistance programs. The auditor of state and attorney general 92738  
shall do both of the following regarding the records: 92739

(1) Provide safeguards that restrict access to the records to 92740  
purposes directly connected with an audit or investigation, 92741  
prosecution, or criminal or civil proceeding conducted in 92742  
connection with the administration of the programs; 92743

(2) Comply, and ensure that their designees comply, with section 5160.45 of the Revised Code and rules of the medicaid director restricting the disclosure of information regarding medical assistance recipients. 92744  
92745  
92746  
92747

(B) Any person who fails to comply with the restriction specified in division (A) of this section is disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency. 92748  
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Sec. 5160.23. The auditor of state is responsible for the costs the auditor incurs in carrying out the auditor's duties under sections 5160.21 and 5160.22 of the Revised Code. 92753  
92754  
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Sec. 5160.30. (A) Except as provided in divisions (B) and (C) of this section, the department of medicaid may accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for medical assistance programs. 92756  
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(B) The department may enter into agreements with one or more agencies of the federal government, the state, other states, and local governments of this or other states to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities on behalf of the department with respect to medical assistance programs. 92761  
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(C) If federal law requires a face-to-face interview to complete an eligibility determination for a medical assistance program, the department shall not conduct the face-to-face interview. 92767  
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92769  
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(D) Subject to division (C) of this section, if the department elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative 92771  
92772  
92773

activities for a medical assistance program, both of the following 92774  
apply: 92775

(1) An individual may apply for the medical assistance 92776  
program to the department or an agency authorized by an agreement 92777  
entered into under division (B) of this section to accept the 92778  
individual's application; 92779

(2) The department is subject to federal statutes and 92780  
regulations and state statutes and rules that require, permit, or 92781  
prohibit an action regarding accepting applications, determining 92782  
or redetermining eligibility, and performing related 92783  
administrative activities for the medical assistance program. 92784

Sec. 5160.31. (A) A medical assistance recipient may appeal a 92785  
decision regarding the recipient's eligibility for a medical 92786  
assistance program or services available to the recipient under a 92787  
medical assistance program. 92788

(B) Regarding appeals authorized by this section, the 92789  
department of medicaid shall do one or more of the following: 92790

(1) Administer an appeals process similar to the appeals 92791  
process established under section 5101.35 of the Revised Code; 92792

(2) Contract with the department of job and family services 92793  
pursuant to section 5162.35 of the Revised Code to provide for the 92794  
department of job and family services to hear the appeals in 92795  
accordance with section 5101.35 of the Revised Code; 92796

(3) Delegate authority to hear appeals to an exchange or 92797  
exchange appeals entity. 92798

(C) If a medical assistance recipient files an appeal as 92799  
authorized by this section, the department of medicaid may do 92800  
either or both of the following: 92801

(1) Take corrective action regarding the matter being 92802  
appealed before a hearing decision regarding the matter is issued; 92803

(2) If a hearing decision, administrative appeal decision, or court ruling is against the recipient, take action in favor of the recipient despite the contrary decision or ruling, unless, in the case of a court's ruling, the ruling prohibits the department from taking the action. 92804  
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92806  
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**Sec. ~~5101.571~~ 5160.35.** As used in sections ~~5101.571~~ 5160.35 92809  
to ~~5101.591~~ 5160.43 of the Revised Code: 92810

(A) "Information" means all of the following: 92811

(1) An individual's name, address, date of birth, and social security number; 92812  
92813

(2) The group or plan number, or other identifier, assigned by a third party to a policy held by an individual or a plan in which the individual participates and the nature of the coverage; 92814  
92815  
92816

(3) Any other data the medicaid director ~~of job and family services~~ specifies in rules ~~adopted under~~ authorized by section ~~5101.591~~ 5160.43 of the Revised Code. 92817  
92818  
92819

~~(B) "Medical assistance" means medical items or services provided under any of the following:~~ 92820  
92821

~~(1) Medicaid, as defined in section 5111.01 of the Revised Code;~~ 92822  
92823

~~(2) The children's health insurance program part I, part II, and part III established under sections 5101.50, 5101.51, and 5101.52 of the Revised Code.~~ 92824  
92825  
92826

~~(C) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency.~~ 92827  
92828  
92829

~~(D) "Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code.~~ 92830  
92831  
92832

~~(E)~~(C)(1) Subject to division ~~(E)~~(C)(2) of this section, and 92833  
except as provided in division ~~(E)~~(C)(3) of this section, "third 92834  
party" means all of the following: 92835

(a) A person authorized to engage in the business of sickness 92836  
and accident insurance under Title XXXIX of the Revised Code; 92837

(b) A person or governmental entity providing coverage for 92838  
medical services or items to individuals on a self-insurance 92839  
basis; 92840

(c) A health insuring corporation as defined in section 92841  
1751.01 of the Revised Code; 92842

(d) A group health plan as defined in 29 U.S.C. 1167; 92843

(e) A service benefit plan as referenced in 42 U.S.C. 92844  
1396a(a)(25); 92845

(f) A managed care organization; 92846

(g) A pharmacy benefit manager; 92847

(h) A third party administrator; 92848

(i) Any other person or governmental entity that is, by law, 92849  
contract, or agreement, responsible for the payment or processing 92850  
of a claim for a medical item or service for a public medical 92851  
assistance recipient ~~or participant~~. 92852

(2) Except when otherwise provided by the "Social Security 92853  
Act," section 1862(b), 42 U.S.C. 1395y(b), a person or 92854  
governmental entity listed in division ~~(E)~~(C)(1) of this section 92855  
is a third party even if the person or governmental entity limits 92856  
or excludes payments for a medical item or service in the case of 92857  
a public assistance recipient. 92858

(3) "Third party" does not include the program for medically 92859  
handicapped children established under section 3701.023 of the 92860  
Revised Code. 92861

Sec. 5160.36. Enrollment in a medical assistance program 92862  
gives a right of subrogation to the department of medicaid for any 92863  
workers' compensation benefits payable to a person who is subject 92864  
to a support order, as defined in section 3119.01 of the Revised 92865  
Code, on behalf of the medical assistance recipient, to the extent 92866  
of any payments made under the medical assistance program on the 92867  
recipient's behalf. If the department, in consultation with a 92868  
child support enforcement agency and the administrator of the 92869  
bureau of workers' compensation, determines that a person 92870  
responsible for support payments to a medical assistance recipient 92871  
is receiving workers' compensation, the department shall notify 92872  
the administrator of the amount of the benefit to be paid to the 92873  
department. 92874

Sec. ~~5101.58~~ 5160.37. (A) ~~The acceptance of public~~ A medical 92875  
assistance recipient's enrollment in a medical assistance program 92876  
gives an automatic right of recovery to the department of ~~job and~~ 92877  
~~family services~~ medicaid and a county department of job and family 92878  
services against the liability of a third party for the cost of 92879  
medical assistance paid on behalf of the ~~public assistance~~ 92880  
recipient ~~or participant~~. When an action or claim is brought 92881  
against a third party by a ~~public~~ medical assistance recipient ~~or~~ 92882  
~~participant~~, any payment, settlement or compromise of the action 92883  
or claim, or any court award or judgment, is subject to the 92884  
recovery right of the department of ~~job and family services~~ 92885  
medicaid or county department of ~~job and family services~~. Except 92886  
in the case of a medical assistance recipient ~~or participant~~ who 92887  
receives medical assistance through a medicaid managed care 92888  
organization, the department's or county department's claim shall 92889  
not exceed the amount of medical assistance paid by a the 92890  
department or county department on behalf of the recipient ~~or~~ 92891  
~~participant~~. A payment, settlement, compromise, judgment, or award 92892

that excludes the cost of medical assistance paid for by a the 92893  
department or county department shall not preclude a department 92894  
from enforcing its rights under this section. 92895

(B) In the case of a medical assistance recipient ~~or~~ 92896  
~~participant~~ who receives medical assistance through a medicaid 92897  
managed care organization, the amount of the department's or 92898  
county department's claim shall be the amount the medicaid managed 92899  
care organization pays for medical assistance rendered to the 92900  
recipient ~~or participant~~, even if that amount is more than the 92901  
amount a the department or county department pays to the medicaid 92902  
managed care organization for the recipient's ~~or participant's~~ 92903  
medical assistance. 92904

(C) A medical assistance recipient ~~or participant~~, and the 92905  
recipient's ~~or participant's~~ attorney, if any, shall cooperate 92906  
with the departments. In furtherance of this requirement, the 92907  
medical assistance recipient ~~or participant~~, or the recipient's ~~or~~ 92908  
~~participant's~~ attorney, if any, shall, not later than thirty days 92909  
after initiating informal recovery activity or filing a legal 92910  
recovery action against a third party, provide written notice of 92911  
the activity or action to the department of ~~job and family~~ 92912  
~~services when~~ medicaid or county department if it has paid for 92913  
medical assistance under ~~medicaid has been paid a medical~~ 92914  
assistance program. 92915

(D) The written notice that must be given under division (C) 92916  
of this section shall disclose the identity and address of any 92917  
third party against whom the medical assistance recipient ~~or~~ 92918  
~~participant~~ has or may have a right of recovery. 92919

(E) No settlement, compromise, judgment, or award or any 92920  
recovery in any action or claim by a medical assistance recipient 92921  
~~or participant~~ where the ~~departments have~~ department or county 92922  
department has a right of recovery shall be made final without 92923  
first giving the ~~appropriate departments~~ department or county 92924

department written notice as described in division (C) of this 92925  
section and a reasonable opportunity to perfect ~~their~~ its rights 92926  
of recovery. If the ~~departments are~~ department or county 92927  
department is not given the appropriate written notice, the 92928  
medical assistance recipient ~~or participant~~ and, if there is one, 92929  
the recipient's ~~or participant's~~ attorney, are liable to reimburse 92930  
the ~~departments~~ department or county department for the recovery 92931  
received to the extent of medical assistance payments made by the 92932  
~~departments~~ department or county department. 92933

(F) The ~~departments~~ department or county department shall be 92934  
permitted to enforce ~~their~~ its recovery rights against the third 92935  
party even though ~~they~~ it accepted prior payments in discharge of 92936  
~~their~~ its rights under this section if, at the time the 92937  
~~departments~~ department or county department received such 92938  
payments, ~~they were~~ it was not aware that additional medical 92939  
expenses had been incurred but had not yet been paid by the 92940  
~~departments~~ department or county department. The third party 92941  
becomes liable to the department ~~of job and family services~~ or 92942  
county department ~~of job and family services~~ as soon as the third 92943  
party is notified in writing of the valid claims for recovery 92944  
under this section. 92945

(G)(1) Subject to division (G)(2) of this section, the right 92946  
of recovery of ~~a~~ the department or county department does not 92947  
apply to that portion of any judgment, award, settlement, or 92948  
compromise of a claim, to the extent of attorneys' fees, costs, or 92949  
other expenses incurred by a medical assistance recipient ~~or~~ 92950  
~~participant~~ in securing the judgment, award, settlement, or 92951  
compromise, or to the extent of medical, surgical, and hospital 92952  
expenses paid by such recipient ~~or participant~~ from the 92953  
recipient's ~~or participant's~~ own resources. 92954

(2) Reasonable attorneys' fees, not to exceed one-third of 92955  
the total judgment, award, settlement, or compromise, plus costs 92956



and other expenses incurred by the medical assistance recipient ~~or~~ 92957  
~~participant~~ in securing the judgment, award, settlement, or 92958  
compromise, shall first be deducted from the total judgment, 92959  
award, settlement, or compromise. After fees, costs, and other 92960  
expenses are deducted from the total judgment, award, settlement, 92961  
or compromise, the department of ~~job and family services~~ medicaid 92962  
or ~~appropriate~~ county department of ~~job and family services~~ shall 92963  
receive no less than one-half of the remaining amount, or the 92964  
actual amount of medical assistance paid, whichever is less. 92965

(H) A right of recovery created by this section may be 92966  
enforced separately or jointly by the department of ~~job and family~~ 92967  
~~services~~ medicaid or the ~~appropriate~~ county department of ~~job and~~ 92968  
~~family services~~. To enforce ~~their~~ its recovery rights, the 92969  
~~departments~~ department or county department may do any of the 92970  
following: 92971

(1) Intervene or join in any action or proceeding brought by 92972  
the medical assistance recipient ~~or participant~~ or on the 92973  
recipient's ~~or participant's~~ behalf against any third party who 92974  
may be liable for the cost of medical assistance paid; 92975

(2) Institute and pursue legal proceedings against any third 92976  
party who may be liable for the cost of medical assistance paid; 92977

(3) Initiate legal proceedings in conjunction with any 92978  
injured, diseased, or disabled medical assistance recipient ~~or~~ 92979  
~~participant~~ or the recipient's ~~or participant's~~ attorney or 92980  
representative. 92981

(I) A medical assistance recipient ~~or participant~~ shall not 92982  
assess attorney fees, costs, or other expenses against the 92983  
department of ~~job and family services~~ medicaid or a county 92984  
department of ~~job and family services~~ when the department or 92985  
county department enforces its right of recovery created by this 92986  
section. 92987

(J) The right of recovery given to the department under this 92988  
section ~~does not include rights to support from any other person~~ 92989  
~~assigned to the state under sections 5107.20 and 5115.07 of the~~ 92990  
~~Revised Code, but~~ includes payments made by a third party under 92991  
contract with a person having a duty to support. 92992

(K) The department of medicaid may assign to a medical 92993  
assistance provider the right of recovery given to the department 92994  
under this section with respect to any claim for which the 92995  
department has notified the provider that the department intends 92996  
to recoup the department's prior payment for the claim. 92997

Sec. 5160.371. In addition to the requirement of division (C) 92998  
of section 5160.37 of the Revised Code to cooperate with the 92999  
department of medicaid and county department of job and family 93000  
services, a medical assistance recipient and the recipient's 93001  
attorney, if any, shall cooperate with each medical provider of 93002  
the recipient. Cooperation with a medical provider shall consist 93003  
of disclosing to the provider all information the recipient and 93004  
attorney, if any, possess that would assist the provider in 93005  
determining each third party that is responsible for the payment 93006  
or processing of a claim for medical assistance provided to the 93007  
recipient. If disclosure is not made in accordance with this 93008  
section, the recipient and the recipient's attorney, if any, are 93009  
liable to reimburse the department or county department for the 93010  
amount that would have been paid by a third party had the third 93011  
party been disclosed to the provider by the recipient or the 93012  
recipient's attorney. 93013

Sec. ~~5101.59~~ 5160.38. (A) The application for, or acceptance 93014  
of enrollment in, ~~public~~ a medical assistance program constitutes 93015  
an automatic assignment of ~~certain~~ rights specified in division 93016  
(B) of this section to the department of ~~job and family services~~ 93017  
medicaid. This assignment includes the rights of the applicant, 93018

medical assistance recipient, ~~or participant~~ and also the rights 93019  
of any other member of the assistance group for whom the 93020  
~~applicant, recipient, or participant~~ can legally make an 93021  
assignment. 93022

(B) Pursuant to this section, ~~the applicant, a medical~~ 93023  
assistance recipient, ~~or participant~~ assigns to the department any 93024  
rights to medical support available to the ~~applicant, recipient,~~ 93025  
~~or participant~~ or for other members of the recipient's assistance 93026  
group under an order of a court or administrative agency, and any 93027  
rights to payments by a liable third party for the cost of medical 93028  
assistance paid on behalf of a ~~public assistance~~ the recipient or 93029  
participant or other members of the assistance group. The 93030  
recipient ~~or participant~~ shall cooperate with the department in 93031  
obtaining such payments. 93032

Medicare benefits shall not be assigned pursuant to this 93033  
section. Benefits assigned to the department by operation of this 93034  
section are directly reimbursable to the department by liable 93035  
third parties. 93036

(C) Refusal by ~~the applicant, a medical assistance~~ recipient, ~~or~~ 93037  
~~participant~~ to cooperate in obtaining medical assistance paid 93038  
for self or any other member of the recipient's assistance group 93039  
renders the ~~applicant, recipient, or participant~~ ineligible for 93040  
~~public~~ a medical assistance program, unless cooperation is waived 93041  
by the department. Eligibility shall continue for any individual 93042  
who cannot legally assign the individual's own rights and who 93043  
would have been eligible for ~~public~~ a medical assistance program 93044  
but for the refusal to assign the individual's rights or to 93045  
cooperate as required by this section by another person legally 93046  
able to assign the individual's rights. 93047

(D) If ~~the applicant, a medical assistance~~ recipient, ~~or~~ 93048  
~~participant~~ or any member of the recipient's assistance group 93049  
becomes ineligible for ~~public~~ a medical assistance program, the 93050

department shall restore to the ~~applicant, recipient, participant,~~ 93051  
or ~~member of the~~ assistance group member any future rights to 93052  
benefits assigned under this section. 93053

~~(E) The rights of assignment given to the department under 93054  
this section do not include rights to support assigned under 93055  
section 5107.20 or 5115.07 of the Revised Code. 93056~~

**Sec. ~~5101.572~~ 5160.39.** (A) A third party shall cooperate with 93057  
the department of ~~job and family services~~ medicaid in identifying 93058  
individuals for the purpose of establishing third party liability 93059  
~~pursuant to Title XIX of the Social Security Act, as amended 93060  
regarding medical assistance programs. 93061~~

(B) In furtherance of the requirement in division (A) of this 93062  
section and to allow the department to determine any period that 93063  
the individual or the individual's spouse or dependent may have 93064  
been covered by the third party and the nature of the coverage, a 93065  
third party shall provide, as the department so chooses, 93066  
information or access to information, or both, in the third 93067  
party's electronic data system on the department's request and in 93068  
accordance with division (C) of this section. 93069

(C)(1) If the department chooses to receive information 93070  
directly, the third party shall provide the information under all 93071  
of the following circumstances: 93072

(a) In a medium, format, and manner prescribed ~~by the 93073  
director of job and family services~~ in rules ~~adopted under 93074  
authorized by~~ section ~~5101.591~~ 5160.43 of the Revised Code; 93075

(b) Free of charge; 93076

(c) Not later than the end of the thirtieth day after the 93077  
department makes its request, unless a different time is agreed to 93078  
by the director in writing. 93079

(2) If the department chooses to receive access to 93080

information, the third party shall provide access by a method 93081  
prescribed ~~by the director of job and family services~~ in rules 93082  
~~adopted under~~ authorized by section ~~5101.591~~ 5160.43 of the 93083  
Revised Code. In facilitating access, the department may enter 93084  
into a trading partner agreement with the third party to permit 93085  
the exchange of information via "ASC X 12N 270/271 Health Care 93086  
Eligibility Benefit Inquiry and Response" transactions. 93087

(D) All of the following apply with respect to information 93088  
provided by a third party to the department under this section: 93089

(1) The information is confidential and not a public record 93090  
under section 149.43 of the Revised Code. 93091

(2) The release of information to the department is not to be 93092  
considered a violation of any right of confidentiality or contract 93093  
that the third party may have with covered persons including, but 93094  
not limited to, contractees, beneficiaries, heirs, assignees, and 93095  
subscribers. 93096

(3) The third party is immune from any liability that it may 93097  
otherwise incur through its release of information to the 93098  
department. 93099

The department ~~of job and family services~~ shall limit its use 93100  
of information gained from third parties to purposes directly 93101  
connected with the administration of the medicaid program and the 93102  
child support program authorized by Title IV-D of the "Social 93103  
Security Act," 42 U.S.C. 651 et seq. 93104

(E) No third party shall disclose to other parties or make 93105  
use of any information regarding medical assistance recipients ~~of~~ 93106  
~~aid under Chapter 5107. or 5111. of the Revised Code~~ that it 93107  
obtains from the department, except in the manner provided ~~for by~~ 93108  
~~the director of job and family services~~ in administrative rules 93109  
authorized by section 5160.43 of the Revised Code. 93110

**Sec. ~~5101.573~~ 5160.40.** (A) Subject to divisions (B) and (C) 93111  
of this section, a third party shall do all of the following: 93112

(1) Accept the department of ~~job and family services~~ 93113  
medicaid's right of recovery under section ~~5101.58~~ 5160.37 of the 93114  
Revised Code and the assignment of rights to the department that 93115  
are described in section ~~5101.59~~ 5160.38 of the Revised Code; 93116

(2) Respond to an inquiry by the department regarding a claim 93117  
for payment of a medical item or service that was submitted to the 93118  
third party not later than six years after the date of the 93119  
provision of such medical item or service; 93120

(3) Not charge a fee to do either of the following for a 93121  
claim described in division (A)(2) of this section: 93122

(a) Determine whether the claim should be paid; 93123

(b) Process the claim. 93124

(4) Pay a claim described in division (A)(2) of this section; 93125

(5) Not deny a claim submitted by the department solely on 93126  
the basis of the date of submission of the claim, type or format 93127  
of the claim form, or a failure by the medical assistance 93128  
recipient who is the subject of the claim to present proper 93129  
documentation of coverage at the time of service, if both of the 93130  
following ~~are true~~ have occurred: 93131

(a) The claim was submitted by the department not later than 93132  
six years after the date of the provision of the medical item or 93133  
service. 93134

(b) An action by the department to enforce its right of 93135  
recovery under section ~~5101.58~~ 5160.37 of the Revised Code on the 93136  
claim was commenced not later than six years after the 93137  
department's submission of the claim. 93138

(6) Consider the department's payment of a claim for a 93139

medical item or service to be the equivalent of the medical 93140  
assistance recipient having obtained prior authorization for the 93141  
item or service from the third party; 93142

(7) Not deny a claim described in division (A)(6) of this 93143  
section that is submitted by the department solely on the basis of 93144  
the medical assistance recipient's failure to obtain prior 93145  
authorization for the medical item or service. 93146

(B) For purposes of the requirements in division (A) of this 93147  
section, a third party shall treat a medicaid managed care 93148  
organization as the department for a claim ~~in which both of the~~ 93149  
~~following are true:~~ 93150

~~(1) The if the individual who is the subject of the claim 93151  
received a medical item or service through a medicaid managed care 93152  
organization ~~that has entered into a contract with the department~~ 93153  
~~of job and family services under section 5111.17 of the Revised~~ 93154  
~~Code;~~ 93155~~

~~(2) The and the department has assigned its right of recovery 93156  
for the claim to the medicaid managed care organization. 93157~~

(C) If the department of medicaid, as permitted by division 93158  
(K) of section 5160.37 of the Revised Code, assigns to a medical 93159  
assistance provider the department's right of recovery for a claim 93160  
for which it has notified the provider that it intends to recoup 93161  
its prior payment for a claim, a third party shall treat the 93162  
provider as the department and shall pay the provider the greater 93163  
of the following: 93164

(1) The amount the department intends to recoup from the 93165  
provider for the claim. 93166

(2) If the third party and the provider have an agreement 93167  
that requires the third party to pay the provider at the time the 93168  
provider presents the claim to the third party, the amount that is 93169  
to be paid under that agreement. 93170

(D) The time limitations associated with the requirements in 93171  
divisions (A)(2) and (5) of this section apply only to submissions 93172  
of claims to, and payments of claims by, a health insurer to which 93173  
the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 93174  
1396a(a)(25)(I), applies. 93175

**Sec. ~~5101.574~~ 5160.41.** No third party shall consider whether 93176  
an individual is eligible for or ~~receives~~ enrolled in a medical 93177  
assistance program when either of the following applies: 93178

(A) The individual seeks to obtain a policy or enroll in a 93179  
plan or program operated or administered by the third party; 93180

(B) The individual, or a person or governmental entity on the 93181  
individual's behalf, seeks payment for a medical item or service 93182  
provided to the individual. 93183

**Sec. ~~5101.575~~ 5160.42.** (A) If a third party violates section 93184  
~~5101.572~~ 5160.39, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the 93185  
Revised Code, a governmental entity that is responsible for 93186  
issuing a license, certificate of authority, registration, or 93187  
approval that authorizes the third party to do business in this 93188  
state may impose a fine against the third party or deny, revoke, 93189  
or terminate the third party's license, certificate, registration, 93190  
or approval to do business in this state. The governmental entity 93191  
shall determine which sanction is to be imposed. All actions to 93192  
impose the sanction shall be taken in accordance with Chapter 119. 93193  
of the Revised Code. 93194

(B) In addition to the sanctions that may be imposed under 93195  
division (A) of this section for a violation of section ~~5101.572~~ 93196  
5160.39, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the Revised 93197  
Code, the attorney general may petition a court of common pleas to 93198  
enjoin the violation. 93199



~~Sec. 5101.591~~ 5160.43. (A) ~~Except as provided in division (B)~~ 93200  
~~of this section, the The medicaid director of job and family~~ 93201  
~~services may adopt rules in accordance with Chapter 119. under~~ 93202  
section 5160.02 of the Revised Code to implement sections ~~5101.571~~ 93203  
5160.35 to ~~5101.59~~ 5160.43 of the Revised Code, including rules 93204  
that specify what constitutes cooperating with efforts to obtain 93205  
support or payments, or medical assistance payments, and when 93206  
cooperation may be waived. 93207

(B) The department shall adopt rules ~~in accordance with~~ 93208  
~~Chapter 119. under section 5160.02~~ of the Revised Code to do all 93209  
of the following: 93210

(1) For purposes of the definition of "information" in 93211  
division (A) of section ~~5101.571~~ 5160.35 of the Revised Code, any 93212  
data other than the data specified in that division that should be 93213  
included in the definition. 93214

(2) For purposes of division (C)(1)(a) of section ~~5101.572~~ 93215  
5160.39 of the Revised Code, the medium, format, and manner in 93216  
which a third party must provide information to the department. 93217

(3) For purposes of division (C)(2) of section ~~5101.572~~ 93218  
5160.39 of the Revised Code, the method by which a third party 93219  
must provide the department with access to information. 93220

(C) Rules authorized by division (A) of this section may be 93221  
adopted in accordance with section 111.15 of the Revised Code. 93222  
Rules authorized by division (B) of this section shall be adopted 93223  
in accordance with Chapter 119. of the Revised Code. 93224

~~Sec. 5101.271~~ 5160.45. (A) As used in sections 5160.45 to 93225  
5160.481 of the Revised Code, "information" means all of the 93226  
following: 93227

(1) Records, as defined in section 149.011 of the Revised 93228  
Code; 93229

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <u>(2) Any other documents in any format;</u>                                                                                                                                                                                                                                                                                                                                                                                                                        | 93230                                                       |
| <u>(3) Data derived from records and documents that are generated, acquired, or maintained by the department of medicaid, a county department of job and family services, or an entity performing duties on behalf of the department or a county department.</u>                                                                                                                                                                                                     | 93231<br>93232<br>93233<br>93234<br>93235                   |
| <u>(B) Except as permitted by this section, section <del>5101.273</del> 5160.47, or rules adopted under <del>authorized by</del> section <del>5101.30</del> 5160.48 or 5160.481 of the Revised Code, or when required by federal law, no person or government entity shall use or disclose information regarding a medical assistance recipient for any purpose not directly connected with the administration of <del>the a</del> a medical assistance program.</u> | 93236<br>93237<br>93238<br>93239<br>93240<br>93241<br>93242 |
| <u><del>(B)</del>(C) Both of the following shall be considered to be purposes directly connected with the administration of <del>the a</del> a medical assistance program:</u>                                                                                                                                                                                                                                                                                       | 93243<br>93244<br>93245                                     |
| <u>(1) Treatment, payment, or other operations or activities authorized by 42 C.F.R. Chapter IV;</u>                                                                                                                                                                                                                                                                                                                                                                 | 93246<br>93247                                              |
| <u>(2) Any administrative function or duty the department of <del>job and family services</del> medicaid performs alone or jointly with a federal government entity, another state government entity, or a local government entity implementing a provision of federal law.</u>                                                                                                                                                                                      | 93248<br>93249<br>93250<br>93251                            |
| <u><del>(C)</del>(D) The department or a county <del>agency</del> <u>department of job and family services</u> may disclose information regarding a medical assistance recipient to any of the following:</u>                                                                                                                                                                                                                                                        | 93252<br>93253<br>93254                                     |
| <u>(1) The recipient or the recipient's authorized representative;</u>                                                                                                                                                                                                                                                                                                                                                                                               | 93255<br>93256                                              |
| <u>(2) The recipient's legal guardian in accordance with division (C) of section 2111.13 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                    | 93257<br>93258                                              |
| <u>(3) The attorney of the recipient, if the department or</u>                                                                                                                                                                                                                                                                                                                                                                                                       | 93259                                                       |

county ~~agency~~ department has obtained authorization from the 93260  
recipient, or the recipient's authorized representative, ~~or the~~ 93261  
~~recipient's~~ legal guardian that meets all requirements of the 93262  
Health Insurance Portability and Accountability Act of 1996, ~~Pub.~~ 93263  
~~L. 104 191, 110 Stat. 1955,~~ 42 U.S.C. 1320d et seq., ~~as amended,~~ 93264  
regulations promulgated by the United States department of health 93265  
and human services to implement the act, section ~~5101.272~~ 5160.46 93266  
of the Revised Code, and any rules ~~the director of job and family~~ 93267  
~~services adopts under~~ authorized by section ~~5101.30~~ 5160.48 of the 93268  
Revised Code; 93269

(4) A health information or health records management entity 93270  
that has executed with the department a business associate 93271  
agreement required by 45 C.F.R 164.502(e)(2) and has been 93272  
authorized by the recipient, or the recipient's authorized 93273  
representative, ~~or the recipient's~~ legal guardian to receive the 93274  
recipient's electronic health records in accordance with rules ~~the~~ 93275  
~~director of job and family services adopts under~~ authorized by 93276  
section ~~5101.30~~ 5160.48 of the Revised Code; 93277

(5) A court if pursuant to a written order of the court. 93278

~~(D)~~(E) The department may receive from county departments of 93279  
job and family services information regarding any medical 93280  
assistance recipient for purposes of training and verifying the 93281  
accuracy of eligibility determinations for a medical assistance 93282  
program. The department may assemble information received under 93283  
this division into a report if the report is in a form specified 93284  
by the department. Information received and assembled into a 93285  
report under this division shall remain confidential and not be 93286  
subject to disclosure pursuant to section 149.43 or 1347.08 of the 93287  
Revised Code. 93288

~~(E)~~(F) The department shall notify courts in this state 93289  
regarding its authority, under division ~~(C)~~(D)(5) of this section, 93290  
to disclose information regarding a medical assistance recipient 93291

pursuant to a written court order. 93292

Sec. 5160.46. (A) For the purposes of section 5160.45 of the Revised Code, an authorization shall be made on a form that uses language understandable to the average person and contains all of the following: 93293  
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93296

(1) A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion; 93297  
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(2) The name or other specific identification of the person or class of persons authorized to make the requested use or disclosure; 93300  
93301  
93302

(3) The name or other specific identification of the person or government entity to which the information may be released; 93303  
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(4) A description of each purpose of the requested use or disclosure of the information; 93305  
93306

(5) The date on which the authorization expires or an event related either to the individual who is the subject of the request or to the purposes of the requested use or disclosure, the occurrence of which will cause the authorization to expire; 93307  
93308  
93309  
93310

(6) A statement that the information used or disclosed pursuant to the authorization may be disclosed by the recipient of the information and may no longer be protected from disclosure; 93311  
93312  
93313

(7) The signature of the individual or the individual's authorized representative and the date on which the authorization was signed; 93314  
93315  
93316

(8) If signed by an authorized representative, a description of the representative's authority to act for the individual; 93317  
93318

(9) A statement of the individual or authorized representative's right to prospectively revoke the written 93319  
93320

authorization in writing, along with either of the following: 93321

(a) A description of how the individual or authorized representative may revoke the authorization: 93322

(b) If the department of medicaid has established a privacy notice that contains a description of how the individual or authorized representative may revoke the authorization, a reference to the privacy notice. 93323

(10) A statement that treatment, payment, enrollment, or eligibility for a medical assistance program cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the program. 93324

(B) An authorization for the release of information regarding a medical assistance recipient to the recipient's attorney under division (D)(3) of section 5160.45 of the Revised Code may include a provision specifically authorizing the release of the recipient's electronic health records, if any, in accordance with rules authorized by section 5160.48 or 5160.481 of the Revised Code. 93325

(C) When an individual requests information pursuant to section 5160.45 of the Revised Code regarding the individual's enrollment in a medical assistance program and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section. 93326

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Sec. 5160.47. The department of medicaid shall enter into any necessary agreements with the United States department of health and human services and neighboring states to join and participate as an active member in the public assistance reporting information system. The department may disclose information regarding a medical assistance recipient to the extent necessary to

participate as an active member in the system. 93351

Sec. 5160.48. (A) The medicaid director shall adopt rules 93352  
under section 5160.02 of the Revised Code implementing sections 93353  
5160.45 to 5160.481 of the Revised Code and governing the custody, 93354  
use, disclosure, and preservation of the information generated or 93355  
received by the department of medicaid, county departments of job 93356  
and family services, other state and county entities, contractors, 93357  
grantees, private entities, or officials participating in the 93358  
administration of medical assistance programs. The rules shall be 93359  
adopted in accordance with Chapter 119. of the Revised Code. The 93360  
rules may define who is an "authorized representative" for 93361  
purposes of sections 5160.45 and 5160.46 of the Revised Code. The 93362  
rules shall specify conditions and procedures for the release of 93363  
information, which may include both of the following: 93364

(1) Permitting a provider of a service under a medical 93365  
assistance program limited access to information that is essential 93366  
for the provider to render the service or to bill for the service 93367  
rendered; 93368

(2) Permitting a contractor, grantee, or other state or 93369  
county entity limited access to information that is essential for 93370  
the contractor, grantee, or entity to perform administrative or 93371  
other duties on behalf of the department or a county department. 93372

(B) The department of aging, when investigating a complaint 93373  
under section 173.20 of the Revised Code, shall be granted any 93374  
limited access permitted in the rules authorized by division 93375  
(A)(1) of this section. 93376

A contractor, grantee, or entity given access to information 93377  
pursuant to the rules authorized by division (A)(2) of this 93378  
section is bound by the director's rules. Disclosure of the 93379  
information by the contractor, grantee, or entity in a manner not 93380

authorized by the rules is a violation of section 5160.45 of the 93381  
Revised Code. 93382

Sec. 5160.481. Whenever names, addresses, or other 93383  
information relating to medical assistance recipients is held by 93384  
any agency other than the department of medicaid or a county 93385  
department of job and family services, that other agency shall 93386  
adopt rules consistent with sections 5160.45 to 5160.481 of the 93387  
Revised Code to prevent the publication or disclosure of names, 93388  
lists, or other information concerning those recipients. 93389

Sec. 5160.50. The department of medicaid shall administer the 93390  
refugee medical assistance program authorized by the "Immigration 93391  
and Nationality Act," section 412(e), 8 U.S.C. 1522(e). 93392  
93393

Sec. 5160.52. The medicaid director may provide for the 93394  
department of medicaid to develop, participate in the development 93395  
of, negotiate, and enter into one or more interstate compacts on 93396  
behalf of this state with agencies of any other states, for the 93397  
provision of medical assistance to children in relation to whom 93398  
all of the following apply: 93399

(A) They have special needs. 93400

(B) This state or another state that is a party to the 93401  
interstate compact is providing adoption assistance on their 93402  
behalf. 93403

(C) They move into this state from another state or move out 93404  
of this state to another state. 93405

Sec. 5160.99. Whoever violates division (B) of section 93406  
5160.45 of the Revised Code is guilty of a misdemeanor of the 93407  
first degree. 93408

Sec. 5161.01. (A) As used in the Revised Code, "children's health insurance program" and, when used as an acronym for the children's health insurance program, "CHIP" mean the program of child health assistance authorized by Title XXI of the "Social Security Act," 42 U.S.C. 1397aa et seq. CHIP part I, CHIP part II, and CHIP part III, as authorized by this chapter, are components of CHIP. Any reference in statute enacted by the general assembly to medicaid or the medicaid program also means CHIP to the extent, if any, that CHIP is provided under the medicaid program.

(B) As used in this chapter, "federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).

~~Sec. 5101.502~~ 5161.02. The medicaid director ~~of job and family services~~ may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the children's health insurance program ~~part I~~, including rules that establish all of the following:

(A) The conditions under which ~~health assistance services~~ the program will be ~~reimbursed~~ pay for health benefits coverage;

(B) The method of ~~reimbursement~~ applicable to services reimbursable under the program payment;

(C) The amount of ~~reimbursement~~ payment, or the method by which the amount is to be determined, for each ~~reimbursable~~ service included in the health benefits coverage.

~~Sec. 5101.50~~ 5161.05. (A) ~~As used in sections 5101.50 to~~



~~5101.529 of the Revised Code:~~ 93438

~~(1) "Children's health insurance program" means the program~~ 93439  
~~authorized by Title XXI of the "Social Security Act," 111 Stat.~~ 93440  
~~552 (1997), 42 U.S.C.A. 1397aa.~~ 93441

~~(2) "Federal poverty guidelines" has the same meaning as in~~ 93442  
~~section 5101.46 of the Revised Code.~~ 93443

~~(B) The medicaid director of job and family services may~~ 93444  
continue to operate the component of the children's health 93445  
insurance program initially authorized by an executive order 93446  
issued under section 107.17 of the Revised Code as long as federal 93447  
financial participation is available for the program. If operated, 93448  
the ~~program~~ component shall ~~provide health assistance to pay for~~ 93449  
part or all of the cost of health benefits coverage for uninsured 93450  
individuals under nineteen years of age with family incomes not 93451  
exceeding one hundred fifty per cent of the federal poverty 93452  
guidelines line. ~~In accordance with 42 U.S.C.A. 1397aa, the~~ 93453  
~~director may provide for the health assistance to meet the~~ 93454  
~~requirements of 42 U.S.C.A. 1397cc, to be provided under the~~ 93455  
~~medicaid program established under Chapter 5111. of the Revised~~ 93456  
~~Code, or to be a combination of both.~~ 93457

**Sec. ~~5101.501~~ 5161.06.** ~~Health assistance provided under The~~ 93458  
component of the children's health insurance program authorized by 93459  
section ~~5101.50~~ 5161.05 of the Revised Code shall be known as ~~the~~ 93460  
~~children's health insurance program~~ CHIP part I. 93461

**Sec. ~~5101.51~~ 5161.10.** In accordance with federal law 93462  
governing the children's health insurance program, the medicaid 93463  
director ~~of job and family services~~ may submit a state child 93464  
health plan to the United States secretary of health and human 93465  
services to ~~provide~~ pay, except as provided in section ~~5101.516~~ 93466  
5161.22 of the Revised Code, ~~health assistance to~~ for part or all 93467

~~of the cost of health benefits coverage for uninsured individuals~~ 93468  
~~under nineteen years of age with family incomes above one hundred~~ 93469  
~~fifty per cent of the federal poverty ~~guidelines~~ line but not~~ 93470  
~~exceeding two hundred per cent of the federal poverty ~~guidelines~~~~ 93471  
~~line. If the director submits the plan, the director shall ~~include~~~~ 93472  
~~~~both of the following~~ stipulate in the plan:~~ 93473

~~(A) The health assistance will not begin before January 1,~~ 93474
~~2000.~~ 93475

~~(B) The health assistance that the payments will be available~~ 93476
~~only while federal financial participation is available for ~~it~~~~ 93477
~~them.~~ 93478

Sec. ~~5101.511~~ 5161.11. ~~Health assistance provided under The~~ 93479
~~component of the children's health insurance program authorized by~~ 93480
~~section ~~5101.51~~ 5161.10 of the Revised Code shall be known as ~~the~~~~ 93481
~~~~children's health insurance program~~ CHIP part II.~~ 93482

**Sec. ~~5101.512~~ 5161.12.** ~~If the medicaid director ~~of job and~~~~ 93483  
~~~~family services~~ submits a state child health plan to the United~~ 93484  
~~States secretary of health and human services under section~~ 93485
~~~~5101.51~~ 5161.10 of the Revised Code and the secretary approves the~~ 93486  
~~plan, the director shall implement ~~the children's health insurance~~~~ 93487  
~~~~program~~ CHIP part II in accordance with the plan. ~~The director may~~~~ 93488  
~~~~adopt rules in accordance with Chapter 119. of the Revised Code as~~~~ 93489  
~~~~necessary for the efficient administration of the program,~~~~ 93490  
~~~~including rules that establish all of the following:~~~~ 93491

~~(A) The conditions under which health assistance services~~ 93492  
~~will be reimbursed;~~ 93493

~~(B) The method of reimbursement applicable to services~~ 93494  
~~reimbursable under the program;~~ 93495

~~(C) The amount of reimbursement, or the method by which the~~ 93496  
~~amount is to be determined, for each reimbursable service.~~ 93497

**Sec. ~~5101.52~~ 5161.15.** In accordance with federal law 93498  
governing the children's health insurance program, the medicaid 93499  
director ~~of job and family services~~ may submit a request for a 93500  
federal waiver to the United States secretary of health and human 93501  
services to provide pay, except as provided in section ~~5101.526~~ 93502  
5161.22 of the Revised Code, ~~health assistance to~~ for part or all 93503  
of the cost of health benefits coverage for individuals under 93504  
nineteen years of age with family incomes above two hundred per 93505  
cent of the federal poverty ~~guidelines~~ line but not exceeding 93506  
three hundred per cent of the federal poverty ~~guidelines~~ line. If 93507  
the director submits the ~~plan waiver request~~, the director shall 93508  
stipulate in the ~~plan request~~ that the ~~health assistance payments~~ 93509  
will be available only while federal financial participation is 93510  
available for it ~~and that health assistance shall not begin before~~ 93511  
~~January 1, 2008~~ them. 93512

**Sec. ~~5101.521~~ 5161.16.** ~~Health assistance provided under~~ The 93513  
component of the children's health insurance program authorized by 93514  
section ~~5101.52~~ 5161.15 of the Revised Code shall be known as ~~the~~ 93515  
~~children's health insurance program~~ CHIP part III. 93516

**Sec. ~~5101.522~~ 5161.17.** If the medicaid director ~~of job and~~ 93517  
~~family services~~ submits a waiver request to the United States 93518  
secretary of health and human services under section ~~5101.52~~ 93519  
5161.15 of the Revised Code and the secretary grants the waiver, 93520  
the director shall implement ~~the children's health insurance~~ 93521  
~~program~~ CHIP part III in accordance with the waiver. ~~The director~~ 93522  
~~may adopt rules in accordance with Chapter 119. of the Revised~~ 93523  
~~Code as necessary for the efficient administration of the program,~~ 93524  
~~including rules that establish all of the following:~~ 93525

~~(A) The conditions under which health assistance services~~ 93526  
~~will be reimbursed;~~ 93527

~~(B) The method of reimbursement applicable to services reimbursable under the program;~~ 93528  
93529

~~(C) The amount of reimbursement, or the method by which the amount is to be determined, for each reimbursable service.~~ 93530  
93531

**Sec. ~~5101.524~~ 5161.20.** In accordance with the "Social Security Act," section 2101, 42 U.S.C. 1397aa, ~~the director of job and family services shall provide for health assistance under the children's health insurance program part III to meet~~ shall provide payments for obtaining health benefits coverage through any of the following: 93532  
93533  
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(A) Obtaining coverage that meets the requirements the "Social Security Act," section 2103, of 42 U.S.C. 1397cc, ~~to be provided;~~ 93538  
93539  
93540

(B) Providing benefits under the medicaid program established under Chapter 5111. of the Revised Code, ~~or to be a;~~ 93541  
93542

(C) A combination of both divisions (A) and (B) of this section. 93543  
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**Sec. ~~5101.516~~ 5161.22.** If the medicaid ~~director of job and family services~~ determines that federal financial participation for ~~the children's health insurance program~~ CHIP part II, part III, or both parts is insufficient to ~~provide health assistance to~~ pay for part or all of the costs of health benefits coverage for all the individuals the director anticipates are eligible for the ~~program~~ part or parts, the director may refuse to accept new applications for the ~~program~~ part or parts or may make the ~~program's~~ eligibility requirements more restrictive for the part or parts. 93545  
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**Sec. ~~5101.517~~ 5161.24.** To the extent permitted by the "Social Security Act," section 2103(e), 42 U.S.C.A. 1397cc(e), the 93555  
93556

~~medicaid~~ director ~~of job and family services~~ may require an 93557  
individual ~~receiving health assistance under the children's health~~ 93558  
~~insurance program seeking to enroll, or who is enrolled, in CHIP~~ 93559  
part II to pay a premium, deductible, coinsurance payment, or 93560  
other cost-sharing expense. 93561

**Sec. ~~5101.527~~ 5161.25.** To the extent permitted by the "Social 93562  
Security Act," section 2103(e), 42 U.S.C. 1397cc(e), the medicaid 93563  
~~director of job and family services~~ shall require an individual 93564  
~~receiving health assistance under the children's health insurance~~ 93565  
~~program seeking to enroll, or who is enrolled, in CHIP~~ part III to 93566  
pay the following as a term of ~~participation in the program~~ 93567  
enrollment: 93568

(A) A premium of not less than forty dollars per month for a 93569  
family with one individual ~~receiving health assistance under~~ 93570  
seeking to enroll, or who is enrolled, in the program part; 93571

(B) A premium of not less than eighty dollars per month for a 93572  
family with two individuals ~~receiving health assistance under~~ 93573  
seeking to enroll, or who is enrolled, in the program part; 93574

(C) A premium of not less than one hundred twenty dollars per 93575  
month for a family with three or more individuals ~~receiving health~~ 93576  
~~assistance under seeking to enroll, or who are enrolled, in the~~ 93577  
program part. 93578

**Sec. ~~5101.519~~ 5161.27.** A completed application for ~~medical~~ 93579  
~~assistance under Chapter 5111. of the Revised Code~~ medicaid shall 93580  
be treated as an application for ~~health assistance under the~~ 93581  
children's health insurance program ~~part II~~ if the application is 93582  
for an assistance group that includes a child under nineteen years 93583  
of age and is denied. 93584

**Sec. ~~5101.513~~ 5161.30.** The medicaid director ~~of job and~~ 93585

~~family services~~ may contract with a government entity or person to 93586  
perform the director's administrative duties regarding ~~the~~ 93587  
~~children's health insurance program~~ CHIP part I, part II, part 93588  
III, two of the parts, or all three parts, other than the duty to 93589  
submit a state child health plan to the United States secretary of 93590  
health and human services under section ~~5101.51~~ 5161.10 of the 93591  
Revised Code, the duty to submit a waiver request under section 93592  
5161.15 of the Revised Code, and the duty to adopt rules under 93593  
section ~~5101.512~~ 5161.02 of the Revised Code. 93594

**Sec. ~~5101.5110~~ 5161.35.** (A) The medicaid director ~~of job and~~ 93595  
~~family services~~ may submit a waiver request to the United States 93596  
secretary of health and human services to provide health 93597  
assistance to any individual who meets all of the following 93598  
requirements: 93599

(1) Is the parent of a child who is under nineteen years of 93600  
age ~~who,~~ resides with the parent, and is ~~eligible for health~~ 93601  
~~assistance under~~ enrolled in the children's health insurance 93602  
program part I or II or the medicaid program ~~established under~~ 93603  
~~Chapter 5111. of the Revised Code;~~ 93604

(2) Is uninsured; 93605

(3) Has a family income that does not exceed one hundred per 93606  
cent of the federal poverty ~~guidelines~~ line. 93607

(B) A waiver request the director submits under division (A) 93608  
of this section may seek federal funds allotted to the state under 93609  
~~Title XXI of the "Social Security Act," 111 Stat. 558 (1997)~~ 93610  
section 2104, 42 U.S.C.A. 1397dd, as amended, that are not 93611  
otherwise used to fund the children's health insurance program 93612  
parts I and II. 93613

~~(C) If a waiver request the director submits under division~~ 93614  
~~(A) of this section is granted, the director may adopt rules in~~ 93615

~~accordance with Chapter 119. of the Revised Code as necessary for~~ 93616  
~~the efficient administration of the program authorization by the~~ 93617  
~~waiver.~~ 93618

Sec. 5162.01. (A) As used in the Revised Code: 93619

(1) "Medicaid" and "medicaid program" mean the program of 93620  
medical assistance established by Title XIX of the "Social 93621  
Security Act," 42 U.S.C. 1396 et seq., including any medical 93622  
assistance provided under the medicaid state plan or a federal 93623  
medicaid waiver granted by the United States secretary of health 93624  
and human services. 93625

(2) "Medicare" and "medicare program" mean the federal health 93626  
insurance program established by Title XVIII of the "Social 93627  
Security Act," 42 U.S.C. 1395 et seq. 93628

(B) As used in this chapter: 93629

(1) "Dual eligible individual" has the same meaning as in 93630  
section 5160.01 of the Revised Code. 93631

(2) "Federal financial participation" has the same meaning as 93632  
in section 5160.01 of the Revised Code. 93633

(3) "Federal poverty line" means the official poverty line 93634  
defined by the United States office of management and budget based 93635  
on the most recent data available from the United States bureau of 93636  
the census and revised by the United States secretary of health 93637  
and human services pursuant to the "Omnibus Budget Reconciliation 93638  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 93639

(4) "Healthy start component" means the component of the 93640  
medicaid program that covers pregnant women and children and is 93641  
identified in rules adopted under section 5162.02 of the Revised 93642  
Code as the healthy start component. 93643

(5) "ICF/MR" has the same meaning as in section 5124.01 of 93644  
the Revised Code. 93645

|                                                                                                                                                                                                                                                                                                                                                 |       |
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| <u>(6) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.</u>                                                                                                                                                                                                                                 | 93646 |
|                                                                                                                                                                                                                                                                                                                                                 | 93647 |
| <u>(7) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                  | 93648 |
|                                                                                                                                                                                                                                                                                                                                                 | 93649 |
| <u>(8) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                  | 93650 |
|                                                                                                                                                                                                                                                                                                                                                 | 93651 |
| <u>(9) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                   | 93652 |
|                                                                                                                                                                                                                                                                                                                                                 | 93653 |
| <u>(10) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.</u>                                                                                                   | 93654 |
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|                                                                                                                                                                                                                                                                                                                                                 | 93657 |
| <u>(11) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                   | 93658 |
|                                                                                                                                                                                                                                                                                                                                                 | 93659 |
| <u>(12) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                | 93660 |
|                                                                                                                                                                                                                                                                                                                                                 | 93661 |
| <u>(13) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:</u> | 93662 |
|                                                                                                                                                                                                                                                                                                                                                 | 93663 |
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|                                                                                                                                                                                                                                                                                                                                                 | 93666 |
|                                                                                                                                                                                                                                                                                                                                                 | 93667 |
| <u>(a) It holds a valid provider agreement.</u>                                                                                                                                                                                                                                                                                                 | 93668 |
| <u>(b) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules authorized by section 5162.364 of the Revised Code.</u>                                                                                                                                                    | 93669 |
|                                                                                                                                                                                                                                                                                                                                                 | 93670 |
|                                                                                                                                                                                                                                                                                                                                                 | 93671 |
| <u>(14) "State agency" means every organized body, office, or agency, other than the department of medicaid, established by the laws of the state for the exercise of any function of state government.</u>                                                                                                                                     | 93672 |
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(15) "Vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider. 93676  
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Sec. 5162.02. The medicaid director shall adopt rules as necessary to implement this chapter. 93679  
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Sec. 5162.021. The medicaid director shall adopt rules under sections 5160.02, 5162.02, 5163.03, 5164.04, 5165.05, 5166.02, and 5167.02 of the Revised Code as necessary to authorize the directors of other state agencies to adopt rules regarding medicaid components, or aspects of medicaid components, the other state agencies administer pursuant to contracts entered into under section 5162.35 of the Revised Code. 93681  
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Sec. 5162.022. The medicaid director's rules governing medicaid are binding on other state agencies and political subdivisions that administer one or more components of the medicaid program, or one or more aspects of a component, pursuant to contracts entered into under section 5162.35 of the Revised Code. No state agency or political subdivision may establish, by rule or otherwise, a policy governing medicaid that is inconsistent with a medicaid policy established, in rule or otherwise, by the director. 93688  
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Sec. ~~5111.01~~ 5162.03. (A) As used in this chapter: 93697

"Children's health insurance program" means the children's health insurance program part I, children's health insurance program part II, and children's health insurance program part III authorized by sections 5101.50 to 5101.529 of the Revised Code. 93698  
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"Medical assistance program" or "medicaid" means the program that is authorized by this chapter and provided by the office of medical assistance under this chapter, Title XIX of the "Social 93702  
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93704

~~Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, et seq., as 93705  
amended, and the waivers of Title XIX requirements granted to the 93706  
office by the centers for medicare and medicaid services of the 93707  
United States department of health and human services. 93708~~

~~(B) There is hereby established the office of medical 93709  
assistance as a work unit within the department of job and family 93710  
services. The chief of the office shall hold the title of medical 93711  
assistance director. Notwithstanding section 5101.06 of the 93712  
Revised Code, the governor shall appoint the medical assistance 93713  
director and the medical assistance director shall serve at the 93714  
governor's pleasure. The medical assistance director is not an 93715  
assistant director of the department of job and family services 93716  
for purposes of section 121.05 or 5101.03 of the Revised Code or 93717  
any other purpose. 93718~~

~~Subject to appropriations for the medicaid program and 93719  
children's health insurance program, the department of job and 93720  
family services shall provide staff and support services as 93721  
necessary for the operation of the office of medical assistance. 93722~~

~~If a statute, rule, contract, or other legal authority 93723  
requires the director of job and family services or department of 93724  
job and family services to take an action regarding the medicaid 93725  
program or children's health insurance program, the medical 93726  
assistance director or office of medical assistance shall take the 93727  
action in place of the director of job and family services or 93728  
department of job and family services. If a statute, rule, 93729  
contract, or other legal authority permits the director of job and 93730  
family services or department of job and family services to take 93731  
an action regarding the medicaid program or children's health 93732  
insurance program, the medical assistance director or office of 93733  
medical assistance shall take the action in place of the director 93734  
of job and family services or department of job and family 93735  
services if the action is to be taken. 93736~~

~~The office For the purpose of the "Social Security Act," section 1902(a)(5), 42 U.S.C. 1396a(a)(5), the department of medical assistance medicaid shall act as the single state agency to supervise the administration of the medicaid program. As the single state agency, the office department shall comply with 42 C.F.R. 431.10(e) and all other federal requirements applicable to the single state agency. The office's rules governing medicaid are binding on other agencies that administer components of the medicaid program. No agency may establish, by rule or otherwise, a policy governing medicaid that is inconsistent with a medicaid policy established, in rule or otherwise, by the medical assistance director.~~

~~(C) The office of medical assistance may provide medical assistance under the medicaid program as long as federal funds are provided for such assistance, to the following:~~

~~(1) Families with children that meet either of the following conditions:~~

~~(a) The family meets the income, resource, and family composition requirements in effect on July 16, 1996, for the former aid to dependent children program as those requirements were established by Chapter 5107. of the Revised Code, federal waivers granted pursuant to requests made under former section 5101.09 of the Revised Code, and rules adopted by the department or any changes the department makes to those requirements in accordance with paragraph (a)(2) of section 114 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of implementing section 5111.0120 of the Revised Code. An adult loses eligibility for medicaid under division (C)(1)(a) of this section pursuant to division (E) of section 5107.16 of the Revised Code.~~

~~(b) The family does not meet the requirements specified in division (C)(1)(a) of this section but is eligible for medicaid~~

~~pursuant to section 5101.18 of the Revised Code. 93769~~

~~(2) Aged, blind, and disabled persons who meet the following 93770~~  
~~conditions: 93771~~

~~(a) Receive federal aid under Title XVI of the "Social 93772~~  
~~Security Act," or are eligible for but are not receiving such aid, 93773~~  
~~provided that the income from all other sources for individuals 93774~~  
~~with independent living arrangements shall not exceed one hundred 93775~~  
~~seventy five dollars per month. The income standards hereby 93776~~  
~~established shall be adjusted annually at the rate that is used by 93777~~  
~~the United States department of health and human services to 93778~~  
~~adjust the amounts payable under Title XVI. 93779~~

~~(b) Do not receive aid under Title XVI, but meet any of the 93780~~  
~~following criteria: 93781~~

~~(i) Would be eligible to receive such aid, except that their 93782~~  
~~income, other than that excluded from consideration as income 93783~~  
~~under Title XVI, exceeds the maximum under division (C)(2)(a) of 93784~~  
~~this section, and incurred expenses for medical care, as 93785~~  
~~determined under federal regulations applicable to section 209(b) 93786~~  
~~of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 93787~~  
~~U.S.C. 1396a(f), as amended, equal or exceed the amount by which 93788~~  
~~their income exceeds the maximum under division (C)(2)(a) of this 93789~~  
~~section: 93790~~

~~(ii) Received aid for the aged, aid to the blind, or aid for 93791~~  
~~the permanently and totally disabled prior to January 1, 1974, and 93792~~  
~~continue to meet all the same eligibility requirements: 93793~~

~~(iii) Are eligible for medicaid pursuant to section 5101.18 93794~~  
~~of the Revised Code. 93795~~

~~(3) Persons to whom federal law requires, as a condition of 93796~~  
~~state participation in the medicaid program, that medicaid be 93797~~  
~~provided: 93798~~

~~(4) Persons under age twenty one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other eligibility requirements for the program. The medical assistance director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying which Ohio works first requirements shall be waived for the purpose of providing medicaid eligibility under division (C)(4) of this section.~~

~~(D) If sufficient funds are appropriated for the medicaid program, the office of medical assistance may provide medical assistance under the medicaid program to persons in groups designated by federal law as groups to which a state, at its option, may provide medical assistance under the medicaid program.~~

~~(E) The office of medical assistance may expand eligibility for the medicaid program to include individuals under age nineteen with family incomes at or below one hundred fifty per cent of the federal poverty guidelines, except that the eligibility expansion shall not occur unless the office receives the approval of the federal government. The office may implement the eligibility expansion authorized under this division on any date selected by the office, but not sooner than January 1, 1998.~~

~~(F) In addition to any other authority or requirement to adopt rules under this chapter, the medical assistance director may adopt rules in accordance with section 111.15 of the Revised Code as the director considers necessary to establish standards, procedures, and other requirements regarding the provision of medical assistance under the medicaid program. The rules may establish requirements to be followed in applying for medicaid, making determinations of eligibility for medicaid, and verifying eligibility for medicaid. The rules may include special conditions as the office determines appropriate for making applications, determining eligibility, and verifying eligibility for any medical~~

~~assistance that the office may provide under the medicaid program 93831~~  
~~pursuant to division (E) of this section and section 5111.014 or 93832~~  
~~5111.0120 of the Revised Code. 93833~~

**Sec. ~~5111.98~~ 5162.031.** (A) The medicaid director ~~of job and 93834~~  
~~family services~~ may do all of the following as necessary for the 93835  
department of ~~job and family services~~ medicaid to fulfill the 93836  
duties it has, as the single state agency for the medicaid 93837  
program, under the "Medicare Prescription Drug, Improvement, and 93838  
Modernization Act of 2003" Pub. L. No. 108-173, ~~117 Stat. 2066:~~ 93839

(1) Adopt rules in accordance with division (B) of this 93840  
section; 93841

(2) Assign duties to county departments of job and family 93842  
services; 93843

(3) Make payments to the United States department of health 93844  
and human services from appropriations made to the department of 93845  
~~job and family services~~ medicaid for this purpose. 93846

(B) Rules ~~adopted under~~ authorized by division (A)(1) of this 93847  
section shall be adopted as follows: 93848

(1) If the rules concern the department's duties regarding 93849  
~~service~~ medicaid providers, ~~in accordance with Chapter 119. under~~ 93850  
~~sections 5164.02 and 5165.02~~ of the Revised Code, as appropriate; 93851

(2) If the rules concern the department's duties concerning 93852  
individuals' eligibility for medicaid services, ~~in accordance with~~ 93853  
under section ~~111.15~~ 5163.02 of the Revised Code; 93854

(3) If the rules concern the department's duties concerning 93855  
financial and operational matters between the department and 93856  
county departments of job and family services, ~~in accordance with~~ 93857  
under section ~~111.15~~ 5162.02 of the Revised Code ~~as if the rules~~ 93858  
~~were internal management rules.~~ 93859

**Sec. ~~5111.102~~ 5162.04.** As used in this section, "state agency" has the same meaning as in section 9.23 of the Revised Code. 93860  
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No provision of Title LI of the Revised Code or any other law of this state that incorporates any provision of federal ~~Medicaid~~ medicaid law, ~~Title XIX of the Social Security Act, 79 Stat. 286 (1965), 42 U.S.C. 1396,~~ or that may be construed as requiring the state, a state agency, or any state official or employee to comply with that federal provision, shall be construed as creating a cause of action to enforce such state law beyond the causes of action available under federal law for enforcement of the provision of federal law. 93863  
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**Sec. 5162.05.** The medicaid program shall be implemented in accordance with all of the following: 93872  
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(A) The medicaid state plan approved by the United States secretary of health and human services, including amendments to the plan approved by the United States secretary; 93874  
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(B) Federal medicaid waivers granted by the United States secretary, including amendments to waivers approved by the United States secretary; 93877  
93878  
93879

(C) Other types of federal approval, including demonstration grants, that establish requirements for components of the medicaid program; 93880  
93881  
93882

(D) Except as otherwise authorized by a federal medicaid waiver granted by the United States secretary, all applicable federal statutes, regulations, and policy guidances; 93883  
93884  
93885

(E) All applicable state statutes. 93886

**Sec. 5162.06.** (A) Notwithstanding any other state statute, no component, or aspect of a component, of the medicaid program shall 93887  
93888

be implemented without all of the following: 93889

(1) Subject to division (B) of this section, if the component, or aspect of the component, requires federal approval, receipt of the federal approval; 93890  
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93892

(2) Sufficient federal financial participation for the component or aspect of the component; 93893  
93894

(3) Sufficient nonfederal funds for the component or aspect of the component that qualify as funds needed to obtain the federal financial participation. 93895  
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(B) A component, or aspect of a component, of the medicaid program that requires federal approval may begin to be implemented before receipt of the federal approval if federal law authorizes implementation to begin before receipt of the federal approval. Implementation shall cease if the federal approval is ultimately denied. 93898  
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**Sec. 5162.07.** The medicaid director shall seek federal approval for all components, and aspects of components, of the medicaid program for which federal approval is needed, except that the director is permitted rather than required to seek federal approval for components, and aspects of components, that state statutes permit rather than require be implemented. Federal approval shall be sought in the following forms as appropriate: 93904  
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(A) The medicaid state plan; 93911

(B) Amendments to the medicaid state plan; 93912

(C) Federal medicaid waivers; 93913

(D) Amendments to federal medicaid waivers; 93914

(E) Other types of federal approval, including demonstration grants. 93915  
93916



~~Sec. 5111.10~~ 5162.10. The medicaid director of ~~job and family services~~ may conduct reviews of the medicaid program. The reviews may include physical inspections of records and sites where ~~medicaid-funded~~ medicaid services are provided and interviews of medicaid providers and medicaid recipients ~~of the services~~. If the director determines pursuant to a review that a person or government entity has violated a rule governing the medicaid program, the director may establish a corrective action plan for the violator and impose fiscal, administrative, or both types of sanctions on the violator in accordance with rules ~~governing the medicaid program~~ adopted under section 5162.02 of the Revised Code.

~~Sec. 5111.915~~ 5162.11. (A) The department of ~~job and family services~~ medicaid shall enter into an agreement with the department of administrative services for the department of administrative services to contract through competitive selection pursuant to section 125.07 of the Revised Code with a vendor to perform an assessment of the data collection and data warehouse functions of the medicaid data warehouse system, including the ability to link the data sets of all agencies serving medicaid recipients.

The assessment of the data system shall include functions related to fraud and abuse detection, program management and budgeting, and performance measurement capabilities of all agencies serving medicaid recipients, including the departments of aging, ~~alcohol and drug addiction services~~, health, job and family services, medicaid, mental health mental health and addiction services, and developmental disabilities.

~~The department of administrative services shall enter into this contract within thirty days after September 29, 2005. The contract shall require the vendor to complete the assessment~~

~~within ninety days after September 29, 2005.~~ 93948

A qualified vendor with whom the department of administrative services contracts to assess the data system shall also assist the medicaid agencies in the definition of the requirements for an enhanced data system or a new data system and assist the department of administrative services in the preparation of a request for proposal to enhance or develop a data system. 93949  
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(B) Based on the assessment performed pursuant to division (A) of this section, the department of administrative services shall seek a qualified vendor through competitive selection pursuant to section 125.07 of the Revised Code to develop or enhance a data collection and data warehouse system for the department of ~~job and family services~~ medicaid and all agencies serving medicaid recipients. 93955  
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~~Within ninety days after September 29, 2005, the~~ The department of ~~job and family services~~ medicaid shall seek enhanced federal ~~funding~~ financial participation for ninety per cent of the funds required to establish or enhance the data system. The department of administrative services shall not award a contract for establishing or enhancing the data system until the department of ~~job and family services~~ medicaid receives approval from the ~~secretary of the~~ United States ~~department~~ secretary of health and human services for the ninety per cent federal ~~match~~ financial participation. 93962  
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Sec. 5162.12. (A) The medicaid director may enter into a contract with one or more persons to receive and process, on the director's behalf, requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data made by persons who intend to use the items for commercial or academic purposes. 93972  
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| <u>(B) At a minimum, a contract entered into under this section shall do both of the following:</u>                                                                                                                                                                                                                                                                         | 93979 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93980 |
| <u>(1) Authorize the contracting person to engage in the activities described in division (A) of this section for compensation, which must be stated as a percentage of the fees paid by persons who are provided the items;</u>                                                                                                                                            | 93981 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93982 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93983 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93984 |
| <u>(2) Specify the schedule of fees the contracting person is to charge for the items.</u>                                                                                                                                                                                                                                                                                  | 93985 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93986 |
| <u>(C) Except as required by federal or state law and subject to division (E) of this section, both of the following conditions apply with respect to a request for data described in division (A) of this section:</u>                                                                                                                                                     | 93987 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93988 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93989 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93990 |
| <u>(1) The request shall be made through a person who has entered into a contract with the medicaid director under this section.</u>                                                                                                                                                                                                                                        | 93991 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93992 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93993 |
| <u>(2) An item prepared pursuant to the request may be provided to the department of medicaid and is confidential and not subject to disclosure under section 149.43 or 1347.08 of the Revised Code.</u>                                                                                                                                                                    | 93994 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93995 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93996 |
| <u>(D) The medicaid director shall use fees the director receives pursuant to a contract entered into under this section to pay obligations specified in contracts entered under this section. Any money remaining after the obligations are paid shall be deposited in the health care services administration fund created under section 5162.54 of the Revised Code.</u> | 93997 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93998 |
|                                                                                                                                                                                                                                                                                                                                                                             | 93999 |
|                                                                                                                                                                                                                                                                                                                                                                             | 94000 |
|                                                                                                                                                                                                                                                                                                                                                                             | 94001 |
|                                                                                                                                                                                                                                                                                                                                                                             | 94002 |
| <u>(E) This section does not apply to requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data that are for any of the following purposes:</u>                                                                                        | 94003 |
|                                                                                                                                                                                                                                                                                                                                                                             | 94004 |
|                                                                                                                                                                                                                                                                                                                                                                             | 94005 |
|                                                                                                                                                                                                                                                                                                                                                                             | 94006 |
|                                                                                                                                                                                                                                                                                                                                                                             | 94007 |
| <u>(1) Treatment of medicaid recipients;</u>                                                                                                                                                                                                                                                                                                                                | 94008 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>(2) Payment of medicaid claims;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 94009                                                                                                                                                                            |
| <u>(3) Establishment or management of medicaid third party liability pursuant to sections 5160.35 to 5160.43 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 94010<br>94011<br>94012                                                                                                                                                          |
| <u>(4) Compliance with the terms of an agreement the medicaid director enters into for purposes of administering the medicaid program;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 94013<br>94014<br>94015                                                                                                                                                          |
| <u>(5) Compliance with an operating protocol the executive director of the office of health transformation or the executive director's designee adopts under division (D) of section 191.06 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 94016<br>94017<br>94018<br>94019                                                                                                                                                 |
| <b>Sec. <del>5111.09</del> <u>5162.13</u>.</b> On or before the first day of January of each year, the department of <del>job and family services</del> <u>medicaid</u> shall submit to the speaker and minority leader of the house of representatives and the president and minority leader of the senate, and shall make available to the public, a report on the effectiveness of the <del>Ohio works first program established under Chapter 5107. of the Revised Code and the medical assistance medicaid program established under this chapter</del> in meeting the health care needs of low-income pregnant women, infants, and children. The report shall include: the estimated number of <del>persons eligible for health care services to pregnant women, infants, and children under the programs</del> <u>eligible for the program;</u> the actual number of eligible persons <del>served</del> <u>enrolled in the program;</u> the number of prenatal, postpartum, and child health visits; a report on birth outcomes, including a comparison of low-birthweight births and infant mortality rates of <del>program participants</del> <u>medicaid recipients</u> with the general female child-bearing and infant population in this state; and a comparison of the prenatal, delivery, and child health costs of the <del>programs</del> <u>program</u> with such costs of similar programs in other | 94020<br>94021<br>94022<br>94023<br>94024<br>94025<br>94026<br>94027<br>94028<br>94029<br>94030<br>94031<br>94032<br>94033<br>94034<br>94035<br>94036<br>94037<br>94038<br>94039 |

states, where available. 94040

**Sec. ~~5111.091~~ 5162.131.** Semiannually, the medicaid director 94041  
~~of job and family services~~ shall submit to the president and 94042  
minority leader of the senate, speaker and minority leader of the 94043  
house of representatives, and the chairpersons of the standing 94044  
committees of the senate and house of representatives with primary 94045  
responsibility for legislation making biennial appropriations a 94046  
report on the establishment and implementation of programs 94047  
designed to control the increase of the cost of the medicaid 94048  
program, increase the efficiency of the medicaid program, and 94049  
promote better health outcomes. In each calendar year, one report 94050  
shall be submitted not later than the last day of June and the 94051  
subsequent report shall be submitted not later than the last day 94052  
of December. 94053

**Sec. ~~5111.092~~ 5162.132.** ~~(A) Not later than January 1, 2010,~~ 94054  
~~and each year thereafter~~ Annually, the department of ~~job and~~ 94055  
~~family services~~ medicaid shall prepare a report on the 94056  
department's efforts to minimize fraud, waste, and abuse in the 94057  
medicaid program. 94058

~~(B)~~ Each report shall be made available on the department's 94059  
web site. The department shall submit a copy of each report to the 94060  
governor and, in accordance with section 101.68 of the Revised 94061  
Code, the general assembly. Copies of the report also shall be 94062  
made available to the public on request. 94063

**Sec. ~~5111.101~~ 5162.15.** (A) As used in this section; 94064  
"Agent" and "contractor" include any agent, contractor, 94065  
subcontractor, or other person who, on behalf of an entity, 94066  
furnishes or authorizes the furnishing of ~~health care items or~~ 94067  
medicaid services ~~under the medicaid program~~, performs billing or 94068  
coding functions, or is involved in monitoring of health care that 94069

an entity provides. 94070

"Employee" includes any officer or employee (including 94071  
management employees) of an entity. 94072

"Entity" includes a governmental entity or an organization, 94073  
unit, corporation, partnership, or other business arrangement, 94074  
including any medicaid managed care organization, irrespective of 94075  
the form of business structure or arrangement by which it exists, 94076  
whether for-profit or not-for-profit. "Entity" does not include a 94077  
government entity that administers one or more components of the 94078  
medicaid program, unless the government entity receives medicaid 94079  
payments for providing ~~items or~~ medicaid services. 94080

"Federal health care programs" has the same meaning as in the 94081  
"Social Security Act," section 1128B, 42 U.S.C. 1320a-7b(f). 94082

(B) Each entity that receives or makes in a federal fiscal 94083  
year payments under the medicaid program, either through the 94084  
medicaid state ~~medicaid~~ plan or a federal medicaid waiver, 94085  
totaling at least five million dollars shall, as a condition of 94086  
receiving such payments, do all of the following not later than 94087  
the first day of the succeeding calendar year: 94088

(1) Establish written policies for all of the entity's 94089  
employees, contractors, and agents that provide detailed 94090  
information about the role of all of the following in preventing 94091  
and detecting fraud, waste, and abuse in federal health care 94092  
programs: 94093

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 94094

(b) Federal administrative remedies for false claims and 94095  
statements available under 31 U.S.C. 3801 to 3812; 94096

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 94097  
Revised Code and any other state laws pertaining to civil or 94098  
criminal penalties for false claims and statements; 94099

(d) Whistleblower protections under the laws specified in 94100  
divisions (B)(1)(a) to (c) of this section. 94101

(2) Include as part of the written policies required by 94102  
division (B)(1) of this section detailed provisions regarding the 94103  
entity's policies and procedures for preventing and detecting 94104  
fraud, waste, and abuse. 94105

(3) Disseminate the written policies required by division 94106  
(B)(1) of this section to each of the entity's employees, 94107  
contractors, and agents in a paper or electronic form and make the 94108  
written policies readily available to the entity's employees, 94109  
contractors, and agents. 94110

(4) If the entity has an employee handbook, include in the 94111  
employee handbook a specific discussion of the laws specified in 94112  
division (B)(1) of this section, the rights of employees to be 94113  
protected as whistleblowers, and the entity's policies and 94114  
procedures for preventing and detecting fraud, waste, and abuse. 94115

(5) Require the entity's contractors and agents to adopt the 94116  
entity's written policies required by division (B)(1) of this 94117  
section. 94118

(C) An entity that furnishes ~~items or~~ medicaid services at 94119  
multiple locations or under multiple contractual or other payment 94120  
arrangements is required to comply with division (B) of this 94121  
section if the entity receives in a federal fiscal year medicaid 94122  
payments totaling in the aggregate at least five million dollars. 94123  
This applies regardless of whether the entity submits claims for 94124  
medicaid payments using multiple provider identification or tax 94125  
identification numbers. 94126

**Sec. ~~5111.0112~~ 5162.20.** (A) The ~~director~~ department of job 94127  
~~and family services~~ medicaid shall institute a cost-sharing 94128  
~~program under~~ requirements for the medicaid program. ~~In~~ 94129

~~instituting the cost sharing program, the director shall comply~~ 94130  
~~with federal law. The cost-sharing program requirements shall~~ 94131  
~~establish~~ include a copayment requirement for at least dental 94132  
services, vision services, nonemergency emergency department 94133  
services, and ~~prescription~~ prescribed drugs, ~~other than generic~~ 94134  
~~drugs~~. The cost-sharing ~~program requirements also~~ shall ~~establish~~ 94135  
include requirements regarding premiums, enrollment fees, 94136  
deductions, and similar charges. ~~The director shall adopt rules~~ 94137  
~~under section 5111.02 of the Revised Code governing the~~ 94138  
~~cost sharing program.~~ 94139

~~(B) The cost sharing program shall, to the extent permitted~~ 94140  
~~by federal law, provide for all of the following with regard to~~ 94141  
~~any providers participating in the medicaid program:~~ 94142

(1) No provider shall refuse to provide a service to a 94143  
medicaid recipient who is unable to pay a required copayment for 94144  
the service. 94145

(2) Division (B)(1) of this section shall not be considered 94146  
to do either of the following with regard to a medicaid recipient 94147  
who is unable to pay a required copayment: 94148

(a) Relieve the medicaid recipient from the obligation to pay 94149  
a copayment; 94150

(b) Prohibit the provider from attempting to collect an 94151  
unpaid copayment. 94152

~~(3)(C)~~ (C) Except as provided in division ~~(C)(F)~~ (F) of this section, 94153  
no provider shall waive a medicaid recipient's obligation to pay 94154  
the provider a copayment. 94155

~~(4)(D)~~ (D) No provider or drug manufacturer, including the 94156  
manufacturer's representative, employee, independent contractor, 94157  
or agent, shall pay any copayment on behalf of a medicaid 94158  
recipient. 94159



~~(5)(E)~~ If it is the routine business practice of ~~the a~~ 94160  
provider to refuse service to any individual who owes an 94161  
outstanding debt to the provider, the provider may consider an 94162  
unpaid copayment imposed by the cost-sharing ~~program~~ requirements 94163  
as an outstanding debt and may refuse service to a medicaid 94164  
recipient who owes the provider an outstanding debt. If the 94165  
provider intends to refuse service to a medicaid recipient who 94166  
owes the provider an outstanding debt, the provider shall notify 94167  
the ~~individual recipient~~ of the provider's intent to refuse 94168  
~~services~~ service. 94169

~~(C)(F)~~ In the case of a provider that is a hospital, the 94170  
cost-sharing program shall permit the hospital to take action to 94171  
collect a copayment by providing, at the time services are 94172  
rendered to a medicaid recipient, notice that a copayment may be 94173  
owed. If the hospital provides the notice and chooses not to take 94174  
any further action to pursue collection of the copayment, the 94175  
prohibition against waiving copayments specified in division 94176  
~~(B)(3)(C)~~ of this section does not apply. 94177

~~(D)(G)~~ The department of ~~job and family services~~ medicaid may 94178  
~~work~~ collaborate with a state agency that is administering, 94179  
pursuant to a contract entered into under section ~~5111.91~~ 5162.35 94180  
of the Revised Code, one or more components ~~of the medicaid~~ 94181  
~~program~~, or one or more aspects of a component, of the medicaid 94182  
program as necessary for the state agency to apply the 94183  
cost-sharing ~~program~~ requirements to the components or aspects of 94184  
~~the medicaid program~~ a component that the state agency 94185  
administers. 94186

**Sec. ~~5111.11~~ 5162.21.** (A) As used in this section and section 94187  
~~5111.111~~ 5162.211 of the Revised Code: 94188

(1) "Estate" includes both of the following: 94189

(a) All real and personal property and other assets to be 94190

administered under Title XXI of the Revised Code and property that 94191  
would be administered under that title if not for section 2113.03 94192  
or 2113.031 of the Revised Code; 94193

(b) Any other real and personal property and other assets in 94194  
which an individual had any legal title or interest at the time of 94195  
death (to the extent of the interest), including assets conveyed 94196  
to a survivor, heir, or assign of the individual through joint 94197  
tenancy, tenancy in common, survivorship, life estate, living 94198  
trust, or other arrangement. 94199

(2) "Institution" means a nursing facility, ~~intermediate care~~ 94200  
~~facility for the mentally retarded~~ ICF/MR, or a medical 94201  
institution. 94202

(3) ~~"Intermediate care facility for the mentally retarded"~~ 94203  
~~and "nursing facility" have the same meanings as in section~~ 94204  
~~5111.20 of the Revised Code.~~ 94205

~~(4)~~ "Permanently institutionalized individual" means an 94206  
individual to whom all of the following apply: 94207

(a) Is an inpatient in an institution; 94208

(b) Is required, as a condition of the medicaid program 94209  
paying for the individual's services in the institution, to spend 94210  
for costs of medical or nursing care all of the individual's 94211  
income except for an amount for personal needs specified by the 94212  
department of ~~job and family services~~ medicaid; 94213

(c) Cannot reasonably be expected to be discharged from the 94214  
institution and return home as determined by the department of ~~job~~ 94215  
~~and family services~~ medicaid. 94216

~~(5)~~(4) "Qualified state long-term care insurance partnership 94217  
program" means the program established under section ~~5111.18~~ 94218  
5164.86 of the Revised Code. 94219

~~(6)~~(5) "Time of death" shall not be construed to mean a time 94220

after which a legal title or interest in real or personal property 94221  
or other asset may pass by survivorship or other operation of law 94222  
due to the death of the decedent or terminate by reason of the 94223  
decedent's death. 94224

(B) To the extent permitted by federal law, the department of 94225  
~~job and family services~~ medicaid shall institute a medicaid estate 94226  
recovery program under which the department shall, except as 94227  
provided in divisions (C) and (E) of this section, and subject to 94228  
division (D) of this section, do all of the following: 94229

(1) For the costs of medicaid services the medicaid program 94230  
correctly paid or will pay on behalf of a permanently 94231  
institutionalized individual of any age, seek adjustment or 94232  
recovery from the individual's estate or on the sale of property 94233  
of the individual or spouse that is subject to a lien imposed 94234  
under section ~~5111.111~~ 5162.211 of the Revised Code; 94235

(2) For the costs of medicaid services the medicaid program 94236  
correctly paid or will pay on behalf of an individual fifty-five 94237  
years of age or older who is not a permanently institutionalized 94238  
individual, seek adjustment or recovery from the individual's 94239  
estate; 94240

(3) Seek adjustment or recovery from the estate of other 94241  
individuals as permitted by federal law. 94242

(C)(1) No adjustment or recovery may be made under division 94243  
(B)(1) of this section from a permanently institutionalized 94244  
individual's estate or on the sale of property of a permanently 94245  
institutionalized individual that is subject to a lien imposed 94246  
under section ~~5111.111~~ 5162.211 of the Revised Code or under 94247  
division (B)(2) or (3) of this section from an individual's estate 94248  
while either of the following are alive: 94249

(a) The spouse of the permanently institutionalized 94250  
individual or individual; 94251

(b) The son or daughter of a permanently institutionalized individual or individual if the son or daughter is under age twenty-one or, under the "Social Security Act," section 1614, 42 U.S.C. 1382c, is considered blind or disabled.

(2) No adjustment or recovery may be made under division (B)(1) of this section from a permanently institutionalized individual's home that is subject to a lien imposed under section ~~5111.111~~ 5162.211 of the Revised Code while either of the following lawfully reside in the home:

(a) The permanently institutionalized individual's sibling who resided in the home for at least one year immediately before the date of the permanently institutionalized individual's admission to the institution and on a continuous basis since that time;

(b) The permanently institutionalized individual's son or daughter who provided care to the permanently institutionalized individual that delayed the permanently institutionalized individual's institutionalization and resided in the home for at least two years immediately before the date of the permanently institutionalized individual's admission to the institution and on a continuous basis since that time.

(D) In the case of a participant of the qualified state long-term care insurance partnership program, adjustment or recovery required by this section may be reduced in accordance with rules ~~adopted under~~ authorized by division (G) of this section.

(E) The department shall, in accordance with procedures and criteria established in rules ~~adopted under~~ authorized by division (G) of this section, waive seeking an adjustment or recovery otherwise required by this section if the medicaid director ~~of job and family services~~ determines that adjustment or recovery would

work an undue hardship. The department may limit the duration of 94283  
the waiver to the period during which the undue hardship exists. 94284

(F) For the purpose of determining whether an individual 94285  
meets the definition of "permanently institutionalized individual" 94286  
established for this section, a rebuttable presumption exists that 94287  
the individual cannot reasonably be expected to be discharged from 94288  
an institution and return home if either of the following is the 94289  
case: 94290

(1) The individual declares that he or she does not intend to 94291  
return home. 94292

(2) The individual has been an inpatient in an institution 94293  
for at least six months. 94294

~~(G) The director of job and family services shall adopt rules 94295  
in accordance with Chapter 119. of the Revised Code regarding the 94296  
medicaid estate recovery program, including rules that Rules 94297  
adopted under section 5162.02 of the Revised Code shall do both of 94298  
the following: 94299~~

(1) For the purpose of division (D) of this section and 94300  
consistent with the "Social Security Act," section 1917(b)(1)(C), 94301  
42 U.S.C. 1396p(b)(1)(C), provide for reducing an adjustment or 94302  
recovery in the case of a participant of the qualified state 94303  
long-term care insurance partnership program; 94304

(2) For the purpose of division (E) of this section and 94305  
consistent with the standards specified by the United States 94306  
secretary of health and human services under the "Social Security 94307  
Act," section 1917(b)(3), 42 U.S.C. 1396p(b)(3), establish 94308  
procedures and criteria for waiving adjustment or recovery due to 94309  
an undue hardship. 94310

**Sec. ~~5111.111~~ 5162.211.** (A) Except as provided in division 94311  
(B) of this section and section ~~5111.12~~ 5162.23 of the Revised 94312

Code, no lien may be imposed against the property of an individual 94313  
before the individual's death on account of medicaid services 94314  
correctly paid or to be paid on the individual's behalf. 94315

(B) Except as provided in division (C) of this section, the 94316  
department of ~~job and family services~~ medicaid may impose a lien 94317  
against the real property of a medicaid recipient who is a 94318  
permanently institutionalized individual and against the real 94319  
property of the recipient's spouse, including any real property 94320  
that is jointly held by the recipient and spouse. The lien may be 94321  
imposed on account of medicaid paid or to be paid on the 94322  
recipient's behalf. 94323

(C) No lien may be imposed under division (B) of this section 94324  
against the home of a medicaid recipient if any of the following 94325  
lawfully resides in the home: 94326

(1) The recipient's spouse; 94327

(2) The recipient's son or daughter who is under twenty-one 94328  
years of age or, under the "Social Security Act," section 1614, 42 94329  
U.S.C. 1382c, considered to be blind or disabled; 94330

(3) The recipient's sibling who has an equity interest in the 94331  
home and resided in the home for at least one year immediately 94332  
before the date of the recipient's admission to the institution. 94333

(D) The medicaid director ~~of job and family services~~ or a 94334  
person designated by the director shall sign a certificate to 94335  
effectuate a lien required to be imposed under this section. The 94336  
county department of job and family services shall file for 94337  
recording and indexing the certificate, or a certified copy, in 94338  
the real estate mortgage records in the office of the county 94339  
recorder in every county in which real property of the recipient 94340  
or spouse is situated. From the time of filing the certificate in 94341  
the office of the county recorder, the lien attaches to all real 94342  
property of the recipient or spouse described in the certificate 94343

for all amounts for which adjustment or recovery may be made under 94344  
section ~~5111.11~~ 5162.21 of the Revised Code and, except as 94345  
provided in division (E) of this section, shall remain a lien 94346  
until satisfied. 94347

Upon filing the certificate in the office of the recorder, 94348  
all persons are charged with notice of the lien and the rights of 94349  
the department of ~~job and family services~~ medicaid thereunder. 94350

The county recorder shall keep a record of every certificate 94351  
filed showing its date, the time of filing, the name and residence 94352  
of the recipient or spouse, and any release, waivers, or 94353  
satisfaction of the lien. 94354

The priority of the lien shall be established in accordance 94355  
with state and federal law. 94356

The department may waive the priority of its lien to provide 94357  
for the costs of the last illness as determined by the department, 94358  
administration, attorney fees, administrator fees, a sum for the 94359  
payment of the costs of burial, which shall be computed by 94360  
deducting from five hundred dollars whatever amount is available 94361  
for the same purpose from all other sources, and a similar sum for 94362  
the spouse of the decedent. 94363

(E) A lien imposed with respect to a medicaid recipient under 94364  
this section shall dissolve on the recipient's discharge from the 94365  
institution and return home. 94366

**Sec. ~~5111.112~~ 5162.212.** The department of ~~job and family~~ 94367  
~~services~~ medicaid shall certify amounts due under the medicaid 94368  
estate recovery program instituted under section ~~5111.11~~ 5162.21 94369  
of the Revised Code to the attorney general pursuant to section 94370  
131.02 of the Revised Code. The attorney general may enter into a 94371  
contract with any person or government entity to collect the 94372  
amounts due on behalf of the attorney general. 94373

The attorney general, in entering into a contract under this section, shall comply with all of the requirements that must be met for the state to receive federal financial participation for the costs incurred in entering into the contract and carrying out actions under the contract. The contract may provide for the person or government entity with which the attorney general contracts to be compensated from the property recovered under the medicaid estate recovery program or may provide for another manner of compensation agreed to by the parties to the contract.

Regardless of whether the attorney general collects the amounts due under the medicaid estate recovery program or contracts with a person or government entity to collect the amounts due on behalf of the attorney general, the amounts due shall be collected in accordance with applicable requirements of federal statutes and regulations and state statutes and rules.

**Sec. ~~5111.113~~ 5162.22.** (A) As used in this section:

(1) "Commissioner" means a person appointed by a probate court under division (E) of section 2113.03 of the Revised Code to act as a commissioner.

(2) "Home" has the same meaning as in section 3721.10 of the Revised Code.

(3) "Personal needs allowance account" means an account or petty cash fund that holds the money of a resident of ~~an adult care~~ a residential facility or home and that the facility or home manages for the resident.

(4) "Residential facility" means a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(B) Except as provided in divisions (C) and (D) of this



section, the owner or operator of a home or residential facility 94404  
shall transfer to the department of ~~job and family services~~ 94405  
medicaid the money in the personal needs allowance account of a 94406  
resident of the home or facility who was a medicaid recipient ~~of~~ 94407  
~~the medical assistance program~~ no earlier than sixty days but not 94408  
later than ninety days after the resident dies. The home or 94409  
facility shall transfer the money even though the owner or 94410  
operator of the facility or home has not been issued letters 94411  
testamentary or letters of administration concerning the 94412  
resident's estate. 94413

(C) If funeral or burial expenses for a resident of a home or 94414  
residential facility who has died have not been paid and the only 94415  
resource the resident had that could be used to pay for the 94416  
expenses is the money in the resident's personal needs allowance 94417  
account, or all other resources of the resident are inadequate to 94418  
pay the full cost of the expenses, the money in the resident's 94419  
personal needs allowance account shall be used to pay for the 94420  
expenses rather than being transferred to the department of ~~job~~ 94421  
~~and family services~~ medicaid pursuant to division (B) of this 94422  
section. 94423

(D) If, not later than sixty days after a resident of a home 94424  
or residential facility dies, letters testamentary or letters of 94425  
administration are issued, or an application for release from 94426  
administration is filed under section 2113.03 of the Revised Code, 94427  
concerning the resident's estate, the owner or operator of the 94428  
home or facility shall transfer the money in the resident's 94429  
personal needs allowance account to the administrator, executor, 94430  
commissioner, or person who filed the application for release from 94431  
administration. 94432

(E) The transfer or use of money in a resident's personal 94433  
needs allowance account in accordance with division (B), (C), or 94434  
(D) of this section discharges and releases the home or 94435

residential facility, and the owner or operator of the home, from 94436  
any claim for the money from any source. 94437

(F) If, sixty-one or more days after a resident of a home or 94438  
residential facility dies, letters testamentary or letters of 94439  
administration are issued, or an application for release from 94440  
administration under section 2113.03 of the Revised Code is filed, 94441  
concerning the resident's estate, the department of ~~job and family~~ 94442  
~~services~~ medicaid shall transfer the funds to the administrator, 94443  
executor, commissioner, or person who filed the application, 94444  
unless the department is entitled to recover the money under the 94445  
medicaid estate recovery program instituted under section ~~5111.11~~ 94446  
5162.21 of the Revised Code. 94447

**Sec. ~~5111.12~~ 5162.23.** (A) The medicaid director ~~of job and~~ 94448  
~~family services~~ shall ~~establish~~ adopt rules under ~~which~~ section 94449  
5162.02 of the Revised Code permitting county departments of job 94450  
and family services may to take action to recover benefits 94451  
incorrectly paid on behalf of medicaid recipients ~~of medical~~ 94452  
~~assistance~~. The rules shall provide for recovery by the following 94453  
methods: 94454

(1) Soliciting voluntary payments from recipients or from 94455  
persons holding property in which a recipient has a legal or 94456  
equitable interest; 94457

(2) Obtaining a lien on property pursuant to division (B) of 94458  
this section. 94459

(B) A county department of job and family services may bring 94460  
a civil action in a court of common pleas against a medicaid 94461  
recipient ~~of medical assistance~~ for the recovery of any ~~medical~~ 94462  
~~assistance benefits~~ medicaid payments determined by the court to 94463  
have been paid incorrectly on behalf of the recipient. All persons 94464  
holding property in which the recipient has a legal or equitable 94465  
interest may be joined as parties. The court may issue 94466

pre-judgment orders, including injunctive relief or attachment 94467  
under Chapter 2715. of the Revised Code, for the preservation of 94468  
real or personal property in which the recipient may have a legal 94469  
or equitable interest. If the court determines that ~~benefits~~ 94470  
medicaid payments were ~~paid~~ made incorrectly and issues a judgment 94471  
to that effect, the county department may obtain a lien upon 94472  
property of the recipient in accordance with Chapter 2329. of the 94473  
Revised Code. 94474

(C) The county department of job and family services shall 94475  
retain fifty per cent of the balance remaining after deduction 94476  
from the recovery of the amount required to be returned to the 94477  
federal government and shall pay the other fifty per cent of the 94478  
balance to the department of ~~job and family services~~ medicaid. 94479

(D) Recovery of ~~medical assistance benefits~~ medicaid payments 94480  
incorrectly ~~paid to~~ made on behalf of a medicaid recipient may not 94481  
be accomplished by reducing the amount of benefits the recipient 94482  
is entitled to receive under another government assistance 94483  
program. 94484

(E) The remedies provided pursuant to this section do not 94485  
affect any other remedies county departments of job and family 94486  
services may have to recover benefits incorrectly paid on behalf 94487  
of medicaid recipients ~~of medical assistance~~. 94488

**Sec. ~~5111.121~~ 5162.24.** (A) As used in this section, "third 94489  
party" has the same meaning as in section ~~5101.571~~ 5160.35 of the 94490  
Revised Code. 94491

(B) In addition to the authority granted under section 94492  
~~5101.59~~ 5160.38 of the Revised Code, the department of ~~job and~~ 94493  
~~family services~~ medicaid may, to the extent necessary to reimburse 94494  
its costs, garnish the wages, salary, or other employment income 94495  
of, and withhold amounts from state tax refunds to, any person to 94496  
whom both of the following apply: 94497

(1) The person is required by a court or administrative order 94498  
to provide coverage of the cost of health care services to a child 94499  
eligible for ~~medical assistance under this chapter~~ medicaid. 94500

(2) The person has received payment from a third party for 94501  
the costs of such services but has not used the payment to 94502  
reimburse either the other parent or guardian of the child or the 94503  
provider of the services. 94504

(C) Claims for current and past due child support shall take 94505  
priority over claims under division (B) of this section. 94506

Sec. 5162.31. Local funds, whether from public or private 94507  
sources, expended by a county department of job and family 94508  
services for administration of the healthy start component shall 94509  
be considered to have been expended by the state for the purpose 94510  
of determining the extent to which the state has complied with any 94511  
federal requirement that the state provide funds to match federal 94512  
financial participation for the medicaid program. This section 94513  
does not affect the amount of funds a county is entitled to 94514  
receive under sections 5101.16 and 5101.161 of the Revised Code. 94515

~~Sec. 5111.90 5162.32. (A) As used in sections 5111.90 to~~ 94516  
~~5111.93 of the Revised Code:~~ 94517

~~(1) "Political subdivision" means a municipal corporation,~~ 94518  
~~township, county, school district, or other body corporate and~~ 94519  
~~politic responsible for governmental activities only in a~~ 94520  
~~geographical area smaller than that of the state.~~ 94521

~~(2) "State agency" means every organized body, office, or~~ 94522  
~~agency, other than the department of job and family services,~~ 94523  
~~established by the laws of the state for the exercise of any~~ 94524  
~~function of state government.~~ 94525

~~(B) To the extent permitted by Title XIX of the "Social~~ 94526  
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended,~~ 94527

~~and regulations adopted under that title, the~~ The department of 94528  
~~job and family services~~ medicaid may enter into contracts with 94529  
political subdivisions to use funds of the political subdivision 94530  
to pay the nonfederal share of expenditures under the medicaid 94531  
program. The determination and provision of federal financial 94532  
~~reimbursement~~ participation to a subdivision entering into a 94533  
contract under this section shall be determined by the department, 94534  
subject to section ~~5111.92~~ 5162.40 of the Revised Code, ~~approval~~ 94535  
~~by the United States secretary of health and human services, and~~ 94536  
~~the availability of federal financial participation.~~ 94537

**Sec. ~~5111.91~~ 5162.35.** The department of ~~job and family~~ 94538  
~~services~~ medicaid may enter into contracts with one or more other 94539  
state agencies or political subdivisions to have the state agency 94540  
or political subdivision administer one or more components of the 94541  
medicaid program, or one or more aspects of a component, under the 94542  
department's supervision. A state agency or political subdivision 94543  
that enters into such a contract shall comply with the terms of 94544  
the contract and any rules the medicaid director ~~of job and family~~ 94545  
~~services~~ has adopted governing the component, or aspect of the 94546  
component, that the state agency or political subdivision is to 94547  
administer, including any rules establishing review, audit, and 94548  
corrective action plan requirements. A contract with a state 94549  
agency shall be in the form of an interagency agreement. 94550

A state agency or political subdivision that enters into a 94551  
contract with the department under this section shall reimburse 94552  
the department for the nonfederal share of the cost to the 94553  
department of performing, or contracting for the performance of, a 94554  
fiscal audit of the component of the medicaid program, or aspect 94555  
of the component, that the state agency or political subdivision 94556  
administers if rules governing the component, or aspect of the 94557  
component, require that a fiscal audit be conducted. 94558

~~There is hereby created in the state treasury the medicaid administrative reimbursement fund. The department shall use money in the fund to pay for the nonfederal share of the cost of a fiscal audit for which a state agency or political subdivision is required by this section to reimburse the department. The department shall deposit the reimbursements into the fund.~~

**Sec. ~~5111.71~~ 5162.36.** (A) ~~As used in sections 5111.71 to 5111.715 of the Revised Code, "qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:~~

~~(1) It holds a valid medicaid provider agreement.~~

~~(2) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules adopted under section 5111.715 of the Revised Code.~~

(B) The medicaid director of ~~job and family services~~ shall submit a state medicaid plan amendment to the United States secretary of health and human services for the purpose of ~~creating~~ create, in accordance with sections ~~5111.71~~ 5162.36 to ~~5111.715~~ 5162.364 of the Revised Code, the medicaid school component of the medicaid program. The director shall create the medicaid school component on receipt of the United States secretary's approval of the amendment.

**Sec. ~~5111.711~~ 5162.361.** A qualified medicaid school provider participating in the medicaid school component of the medicaid program may submit a claim to the department of ~~job and family services~~ medicaid for federal financial participation for providing, in schools, services covered by the medicaid school

component to medicaid recipients who are eligible for the 94589  
services. No qualified medicaid school provider may submit such a 94590  
claim before the provider incurs the cost of providing the 94591  
service. 94592

The claim shall include certification of the qualified 94593  
medicaid school provider's expenditures for the service. The 94594  
certification shall show that the money the qualified medicaid 94595  
school provider used for the expenditures was nonfederal money the 94596  
provider may legally use for providing the service and that the 94597  
amount of the expenditures was sufficient to pay the full cost of 94598  
the service. 94599

Except as otherwise provided in sections ~~5111.71~~ 5162.36 to 94600  
~~5111.715~~ 5162.364 of the Revised Code and rules ~~adopted under~~ 94601  
authorized by sections ~~5111.713~~ 5162.363 and ~~5111.715~~ 5162.364 of 94602  
the Revised Code, a qualified medicaid school provider is subject 94603  
to all conditions of participation in the medicaid program that 94604  
generally apply to providers of goods and services under the 94605  
medicaid program, including conditions regarding audits and 94606  
recovery of overpayments. 94607

**Sec. ~~5111.712~~ 5162.362.** The department of ~~job and family~~ 94608  
~~services~~ medicaid shall seek federal financial participation for 94609  
each claim a qualified medicaid school provider properly submits 94610  
to the department under section ~~5111.711~~ 5162.361 of the Revised 94611  
Code. The department shall disburse the federal financial 94612  
participation the department receives from the federal government 94613  
for such a claim to the qualified medicaid school provider that 94614  
submitted the claim. The department may not pay the qualified 94615  
medicaid school provider the nonfederal share of the cost of the 94616  
services for which the claim was submitted. 94617

**Sec. ~~5111.713~~ 5162.363.** The department of ~~job and family~~ 94618

~~services~~ medicaid shall enter into an interagency agreement with 94619  
the department of education under section ~~5111.91~~ 5162.35 of the 94620  
Revised Code that provides for the department of education to 94621  
administer the medicaid school component of the medicaid program 94622  
other than the aspects of the component that sections ~~5111.71~~ 94623  
5162.36 to ~~5111.715~~ 5162.364 of the Revised Code require the 94624  
department of ~~job and family services~~ medicaid to administer. The 94625  
interagency agreement may include a provision that provides for 94626  
the department of education to pay to the department of ~~job and~~ 94627  
~~family services~~ medicaid the nonfederal share of a portion of the 94628  
administrative expenses the department of ~~job and family services~~ 94629  
medicaid incurs in administering the aspects of the component that 94630  
the department of ~~job and family services~~ medicaid administers. 94631

The To the extent authorized by rules authorized by section 94632  
5162.021 of the Revised Code, the department of education shall 94633  
establish, in rules adopted under ~~Chapter 119.~~ section 5162.02 of 94634  
the Revised Code, a process by which qualified medicaid school 94635  
providers participating in the medicaid school component pay to 94636  
the department of education the nonfederal share of the 94637  
department's expenses incurred in administering the component. The 94638  
rules shall be adopted in accordance with Chapter 119. of the 94639  
Revised Code. 94640

**Sec. ~~5111.715~~ 5162.364.** The medicaid director of ~~job and~~ 94641  
~~family services~~ shall adopt rules under ~~Chapter 119.~~ section 94642  
5162.02 of the Revised Code as necessary to implement the medicaid 94643  
school component of the medicaid program, including rules that 94644  
establish or specify all of the following: 94645

(A) Conditions a board of education of a city, local, or 94646  
exempted school district, governing authority of a community 94647  
school established under Chapter 3314. of the Revised Code, the 94648  
state school for the deaf, and the state school for the blind must 94649



meet to participate in the component; 94650

(B) Services the component covers; 94651

(C) ~~Reimbursement~~ Payment rates for the services the 94652  
component covers. 94653

The rules shall be adopted in accordance with Chapter 119. of 94654  
the Revised Code. 94655

**Sec. ~~5111.911~~ 5162.37.** Any contract the department of ~~job and~~ 94656  
~~family services~~ medicaid enters into with the department of ~~mental~~ 94657  
~~health or department of alcohol and drug addiction services~~ mental 94658  
health and addiction services under section ~~5111.91~~ 5162.35 of the 94659  
Revised Code is subject to the approval of the director of budget 94660  
and management and shall require or specify all of the following: 94661

(A) ~~In the case of a contract with the department of mental~~ 94662  
~~health, that~~ That section ~~5111.912~~ 5162.371 of the Revised Code be 94663  
complied with; 94664

(B) ~~In the case of a contract with the department of alcohol~~ 94665  
~~and drug addiction services, that~~ section ~~5111.913~~ of the Revised 94666  
Code be complied with; 94667

~~(C)~~ How providers will be paid for providing the services; 94668

~~(D)~~(C) The department of ~~mental health's or department of~~ 94669  
~~alcohol and drug addiction services'~~ responsibilities of the 94670  
department of mental health and addiction services with regard to 94671  
providers, including program oversight and quality assurance. 94672

**Sec. ~~5111.912~~ 5162.371.** If the department of ~~job and family~~ 94673  
~~services~~ medicaid enters into a contract with the department of 94674  
~~mental health~~ mental health and addiction services under section 94675  
~~5111.91~~ 5162.35 of the Revised Code, the department of ~~job and~~ 94676  
~~family services~~ medicaid shall pay the nonfederal share of any 94677  
medicaid payment to a provider for services under the component, 94678

or aspect of the component, the department of ~~mental health~~ mental health and addiction services administers. ~~If necessary, the director of job and family services shall submit a medicaid state plan amendment to the United States secretary of health and human services regarding the department of job and family services' duty under this section.~~

**Sec. ~~5111.92~~ 5162.40.** (A)(1) Except as provided in division (B) of this section, if a state agency or political subdivision administers one or more components of the medicaid program that the United States department of health and human services approved, and for which federal financial participation was initially obtained, prior to January 1, 2002, or administers one or more aspects of such a component, the department of ~~job and family services~~ medicaid may retain or collect not more than ten per cent of the federal financial participation the state agency or political subdivision obtains through an approved, administrative claim regarding the component or aspect of the component. If the department retains or collects a percentage of such federal financial participation, the percentage the department retains or collects shall be specified in a contract the department enters into with the state agency or political subdivision under section ~~5111.91~~ 5162.35 of the Revised Code.

(2) Except as provided in division (B) of this section, if a state agency or political subdivision administers one or more components of the medicaid program that the United States department of health and human services approved on or after January 1, 2002, or administers one or more aspects of such a component, the department of ~~job and family services~~ medicaid shall retain or collect not less than three and not more than ten per cent of the federal financial participation the state agency or political subdivision obtains through an approved,

administrative claim regarding the component or aspect of the 94710  
component. The percentage the department retains or collects shall 94711  
be specified in a contract the department enters into with the 94712  
state agency or political subdivision under section ~~5111.91~~ 94713  
5162.35 of the Revised Code. 94714

~~(B) The department of job and family services may retain or 94715  
collect a percentage of federal financial participation under 94716  
divisions (A)(1) and (2) of this section only to the extent 94717  
permitted by federal statutes and regulations. 94718~~

~~(C)~~ All amounts the department retains or collects under this 94719  
section shall be deposited into the health care services 94720  
administration fund created under section ~~5111.94~~ 5162.54 of the 94721  
Revised Code. 94722

**Sec. ~~5111.93~~ 5162.41.** The department of ~~job and family 94723  
services~~ medicaid may retain or collect a percentage of the 94724  
federal financial participation included in a supplemental 94725  
medicaid payment to one or more medicaid providers owned or 94726  
operated by a state agency or political subdivision that brings 94727  
the payment to such provider or providers to the upper payment 94728  
limit established by 42 C.F.R. 447.272. If the department retains 94729  
or collects a percentage of that federal financial participation, 94730  
the ~~department~~ medicaid director shall adopt a rule under ~~Chapter 94731  
119.~~ section 5162.02 of the Revised Code specifying the percentage 94732  
the department is to retain or collect. All amounts the department 94733  
retains or collects under this section shall be deposited into the 94734  
health care services administration fund created under section 94735  
~~5111.94~~ 5162.54 of the Revised Code. 94736

**Sec. ~~5111.943~~ 5162.50.** (A) The health care - federal fund is 94737  
hereby created in the state treasury. All of the following shall 94738  
be credited to the fund: 94739

(1) Funds that division (B) of section ~~5112.18~~ 5168.11 of the Revised Code requires be credited to the fund; 94740  
94741

(2) The federal share of all rebates paid by drug manufacturers to the department of ~~job and family services~~ medicaid in accordance with a rebate agreement required by the "Social Security Act," section 1927, 42 U.S.C. 1396r-8; 94742  
94743  
94744  
94745

(3) The federal share of all supplemental rebates paid by drug manufacturers to the department of ~~job and family services~~ medicaid in accordance with the supplemental drug rebate program established under section ~~5111.081~~ 5164.755 of the Revised Code; 94746  
94747  
94748  
94749

(4) Except as otherwise provided by statute or as authorized by the controlling board, the federal share of all other medicaid-related revenues, collections, and recoveries. 94750  
94751  
94752

(B) All money credited to the health care - federal fund pursuant to division (B) of section ~~5112.18~~ 5168.11 of the Revised Code shall be used solely for distributing funds to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code. The department of ~~job and family services~~ medicaid shall use all other money credited to the fund to pay for other medicaid services and contracts. 94753  
94754  
94755  
94756  
94757  
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94759

**Sec. ~~5111.941~~ 5162.52.** (A) The health care/medicaid support and recoveries fund is hereby created in the state treasury. All of the following shall be credited to the fund: 94760  
94761  
94762

(1) Except as otherwise provided by statute or as authorized by the controlling board, the nonfederal share of all medicaid-related revenues, collections, and recoveries; 94763  
94764  
94765

(2) Federal reimbursement received for payment adjustments made pursuant to ~~section 1923~~ of the "Social Security Act," ~~101 Stat. 1330-148 (1987)~~ section 1923, 42 U.S.C. 1396r-4, ~~as amended~~, under the medicaid program to state mental health hospitals 94766  
94767  
94768  
94769

maintained and operated by the department of ~~mental health~~ mental health and addiction services under division (A) of section ~~5119.02~~ 5119.14 of the Revised Code; 94770  
94771  
94772

(3) Revenues the department of ~~job and family services~~ medicaid receives from another state agency for medicaid services pursuant to an interagency agreement, other than such revenues required to be deposited into the health care services administration fund created under section ~~5111.94~~ 5162.54 of the Revised Code; 94773  
94774  
94775  
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(4) The first seven hundred fifty thousand dollars the department receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304; 94779  
94780  
94781  
94782

(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by the "Social Security Act," section 1927, 42 U.S.C. 1396r-8; 94783  
94784  
94785  
94786

(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code. 94787  
94788  
94789  
94790

(B) The department of ~~job and family services~~ medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for medicaid services and contracts. 94791  
94792  
94793

**Sec. ~~5111.94~~ 5162.54.** (A) ~~As used in this section, "vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider.~~ 94794  
94795  
94796  
94797

~~(B)~~ There is hereby created in the state treasury the health care services administration fund. Except as provided in division 94798  
94799

(C) of this section, all the following shall be deposited into the fund: 94800  
94801

(1) Amounts deposited into the fund pursuant to sections 94802  
~~5111.92~~ 5162.12, 5162.40, and ~~5111.93~~ 5162.41 of the Revised Code; 94803

(2) The amount of the state share of all money the department 94804  
of ~~job and family services, in fiscal year 2003 and each fiscal~~ 94805  
~~year thereafter, medicaid~~ recovers each fiscal year pursuant to a 94806  
tort action under the department's right of recovery under section 94807  
~~5101.58~~ 5160.37 of the Revised Code that exceeds the state share 94808  
of all money the department, in fiscal year 2002, recovers 94809  
pursuant to a tort action under that right of recovery; 94810

(3) Subject to division ~~(D)~~(B) of this section, the amount of 94811  
the state share of all money the department of ~~job and family~~ 94812  
~~services medicaid~~, in fiscal year 2003 and each fiscal year 94813  
thereafter, recovers through audits of medicaid providers that 94814  
exceeds the state share of all money the department, in fiscal 94815  
year 2002, recovers through such audits; 94816

(4) Amounts from assessments on hospitals under section 94817  
~~5112.06~~ 5168.06 of the Revised Code and intergovernmental 94818  
transfers by governmental hospitals under section ~~5112.07~~ 5168.07 94819  
of the Revised Code that are deposited into the fund in accordance 94820  
with the law; 94821

(5) Amounts that the department of education pays to the 94822  
department of ~~job and family services medicaid~~, if any, pursuant 94823  
to an interagency agreement ~~entered into under~~ authorized by 94824  
section ~~5111.713~~ 5162.363 of the Revised Code; 94825

(6) The application fees charged to providers under section 94826  
~~5111.063~~ 5164.31 of the Revised Code; 94827

(7) The fines collected under section ~~5111.271~~ 5165.1010 of 94828  
the Revised Code; 94829

(8) Money the department receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304, other than the amounts of such money that are to be credited to the health care/medicaid support and recoveries fund under section 5162.52 of the Revised Code. 94830  
94831  
94832  
94833  
94834  
94835

~~(C) No funds shall be deposited into the health care services administration fund in violation of federal statutes or regulations.~~ 94836  
94837  
94838

~~(D)(B)~~ In determining under division ~~(B)(A)~~(3) of this section the amount of money the department, in a fiscal year, recovers through audits of medicaid providers, the amount recovered in the form of vendor offset shall be excluded. 94839  
94840  
94841  
94842

~~(E)(C)~~ The ~~director~~ department of ~~job and family services~~ medicaid shall use funds available in the health care services administration fund to pay for costs associated with the administration of the medicaid program. 94843  
94844  
94845  
94846

**Sec. 5111.945 5162.56.** There is created in the state treasury the health care special activities fund. The department of ~~job and family services~~ medicaid shall deposit all funds it receives pursuant to the administration of the medicaid program into the fund, other than any such funds that are required by law to be deposited into another fund. The department shall use the money in the fund to pay for expenses related to the services provided under, and the administration of, the medicaid program. 94847  
94848  
94849  
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94851  
94852  
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94854

**Sec. 5111.944 5162.58.** ~~(A) As used in this section:~~ 94855

~~"Dual eligible individual" has the same meaning as in section 1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010), 42 U.S.C. 1396n(h)(2)(B).~~ 94856  
94857  
94858

~~"Dual eligible integrated care demonstration project" means~~ 94859

~~the demonstration project authorized by section 5111.981 of the Revised Code.~~ 94860  
94861

~~"Medicare program" means the program created under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.~~ 94862  
94863  
94864

~~(B) There is created in the state treasury the integrated care delivery systems fund. If the terms of the federal approval for the dual eligible integrated care demonstration project authorized by section 5164.91 of the Revised Code provide for the state to receive a portion of the amounts that the demonstration project saves the medicare program, such amounts shall be deposited into the fund. The department of job and family services medicaid shall use the money in the fund to further develop integrated delivery systems and improved care coordination for dual eligible individuals.~~ 94865  
94866  
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Sec. 5162.60. (A) There is hereby created in the state treasury the managed care performance payment fund. The fund shall consist of all of the following: 94875  
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94877

(1) Amounts transferred to it by the director of budget and management for the purpose of the managed care performance payment program established under section 5167.30 of the Revised Code; 94878  
94879  
94880

(2) All fines imposed on and collected from medicaid managed care organizations for failure to meet performance standards or other requirements specified in provider agreements or rules adopted under section 5167.02 of the Revised Code; 94881  
94882  
94883  
94884

(3) All investment earnings of the fund. 94885

(B) Amounts in the fund may be used for the following: 94886

(1) To make performance payments to medicaid managed care organizations in accordance with section 5167.30 of the Revised Code; 94887  
94888  
94889



|                                                                                                                                                                                                                                                                                                                                                                                                                                          |       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(2) To meet obligations specified in the provider agreements;</u>                                                                                                                                                                                                                                                                                                                                                                     | 94890 |
| <u>(3) To pay for medicaid services provided by a medicaid managed care organization;</u>                                                                                                                                                                                                                                                                                                                                                | 94891 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94892 |
| <u>(4) To reimburse a medicaid managed care organization that has paid a fine for failure to meet performance standards or other requirements specified in provider agreements or rules adopted under section 5167.02 of the Revised Code if that organization comes into compliance with those standards or requirements.</u>                                                                                                           | 94893 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94894 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94895 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94896 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94897 |
| <u>Sec. 5162.62. There is hereby created in the state treasury the medicaid administrative reimbursement fund. The department of medicaid shall use money in the fund to pay for the nonfederal share of the cost of a fiscal audit for which a state agency or political subdivision is required by section 5162.35 of the Revised Code to reimburse the department. The department shall deposit the reimbursements into the fund.</u> | 94898 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94899 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94900 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94901 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94902 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94903 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94904 |
| <u>Sec. <del>5111.714</del> 5162.64. (A) There is hereby created in the state treasury the medicaid school program administrative fund.</u>                                                                                                                                                                                                                                                                                              | 94905 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94906 |
| <u>(B) Both of the following shall be deposited into the medicaid school program administrative fund:</u>                                                                                                                                                                                                                                                                                                                                | 94907 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94908 |
| <u>(1) The federal funds the department of education receives for the expenses the department incurs in administering the medicaid school component of the medicaid program <u>created under section 5162.36 of the Revised Code;</u></u>                                                                                                                                                                                                | 94909 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94910 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94911 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94912 |
| <u>(2) The money the department collects from qualified medicaid school providers in the process established in rules <del>adopted under</del> <u>authorized by section <del>5111.713</del> 5162.363 of the Revised Code.</u></u>                                                                                                                                                                                                        | 94913 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94914 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94915 |
| <u>(C) <del>No funds shall be deposited into the medicaid school program administrative fund in violation of federal statutes or regulations.</del></u>                                                                                                                                                                                                                                                                                  | 94916 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94917 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | 94918 |

~~(D)~~ The department of education shall use money in the 94919  
medicaid school program administrative fund for both of the 94920  
following purposes: 94921

(1) Paying for the expenses the department incurs in 94922  
administering the medicaid school component of the medicaid 94923  
program; 94924

(2) Paying a qualified medicaid school provider a refund for 94925  
any overpayment the provider makes to the department under the 94926  
process established in rules ~~adopted under~~ authorized by section 94927  
~~5111.713~~ 5162.363 of the Revised Code if the process results in an 94928  
overpayment. 94929

**Sec. ~~5111.62~~ 5162.66.** The As used in this section, 94930  
"deficiency" has the same meaning as in section 5165.60 of the 94931  
Revised Code. 94932

The proceeds of all fines, including interest, collected 94933  
under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised 94934  
Code shall be deposited in the state treasury to the credit of the 94935  
residents protection fund, which is hereby created. The proceeds 94936  
of all fines, including interest, collected under section 173.42 94937  
of the Revised Code shall be deposited in the state treasury to 94938  
the credit of the residents protection fund. 94939

Money in the fund shall be used for the protection of the 94940  
health or property of residents of nursing facilities in which the 94941  
department of health finds deficiencies, including payment for the 94942  
costs of relocation of residents to other facilities, maintenance 94943  
of operation of a facility pending correction of deficiencies or 94944  
closure, and reimbursement of residents for the loss of money 94945  
managed by the facility under section 3721.15 of the Revised Code. 94946  
Money in the fund may also be used to make payments under section 94947  
~~5111.511~~ 5165.78 of the Revised Code. 94948

The fund shall be maintained and administered by the 94949  
department of ~~job and family services~~ medicaid under rules 94950  
developed in consultation with the departments of health and aging 94951  
and adopted ~~by the director of job and family services~~ under 94952  
~~Chapter 119.~~ section 5162.02 of the Revised Code. The rules shall 94953  
be adopted in accordance with Chapter 119. of the Revised Code. 94954

Sec. 5163.01. As used in this chapter: 94955

"Federal financial participation" has the same meaning as in 94956  
section 5160.01 of the Revised Code. 94957

"Healthy start component" has the same meaning as in section 94958  
5162.01 of the Revised Code. 94959

"Intermediate care facility for the mentally retarded" and 94960  
"ICF/MR" have the same meanings as in section 5124.01 of the 94961  
Revised Code. 94962

"Mandatory eligibility groups" means the groups of 94963  
individuals that must be covered by the medicaid state plan as a 94964  
condition of the state receiving federal financial participation 94965  
for the medicaid program. 94966

"Medicaid services" has the same meaning as in section 94967  
5164.01 of the Revised Code. 94968

"Medicaid waiver component" has the same meaning as in 94969  
section 5166.01 of the Revised Code. 94970

"Nursing facility" and "nursing facility services" have the 94971  
same meanings as in section 5165.01 of the Revised Code. 94972

"Optional eligibility groups" means the groups of individuals 94973  
who may be covered by the medicaid state plan or a federal 94974  
medicaid waiver and for whom the medicaid program receives federal 94975  
financial participation. 94976

"Other medicaid-funded long-term care services" has the 94977

meaning specified in rules adopted under section 5163.02 of the Revised Code. 94978  
94979

"Supplemental security income program" means the program established by Title XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. 94980  
94981  
94982

**Sec. ~~5111.011~~ 5163.02.** ~~(A) The medicaid director of job and family services shall adopt rules establishing as necessary to implement this chapter. The rules shall establish eligibility requirements for the medicaid program. The rules may establish requirements for applying for medicaid and determining and verifying eligibility for medicaid. The rules shall be adopted pursuant to in accordance with section 111.15 of the Revised Code and shall be consistent with federal and state law. The rules shall include rules that do all of the following:~~ 94983  
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~~(1) Establish standards consistent with federal law for allocating income and resources as income and resources of the spouse, children, parents, or stepparents of a recipient of or applicant for medicaid;~~ 94992  
94993  
94994  
94995

~~(2) Define the term "resources" as used in division (A)(1) of this section;~~ 94996  
94997

~~(3) Specify the number of months that is to be used for the purpose of the term "look back date" used in section 5111.0116 of the Revised Code;~~ 94998  
94999  
95000

~~(4) Establish processes to be used to determine both of the following:~~ 95001  
95002

~~(a) The date an institutionalized individual's ineligibility for services under section 5111.0116 of the Revised Code is to begin;~~ 95003  
95004  
95005

~~(b) The number of months an institutionalized individual's ineligibility for such services is to continue.~~ 95006  
95007

~~(5) For the purpose of division (C) of section 5111.0116 of the Revised Code, establish procedures for granting waivers of all or a portion of the period of ineligibility that an institutionalized individual would otherwise be subject to under that section and additional reasons for which such waivers may be granted;~~

~~(6) Define the term "other medicaid funded long term care services" as used in sections 5111.0117 and 5111.0118 of the Revised Code;~~

~~(7) For the purpose of division (C)(2)(c) of section 5111.0117 of the Revised Code, establish the process to determine whether the child of an aged, blind, or disabled individual is financially dependent on the individual for housing.~~

~~(B) Notwithstanding any provision of state law, including statutes, administrative rules, common law, and court rules, regarding real or personal property or domestic relations, the standards established under rules adopted under division (A)(1) of this section shall be used to determine eligibility for medicaid.~~

Sec. 5163.03. (A) Subject to sections 5163.04 and 5163.05 of the Revised Code, the medicaid program shall cover all mandatory eligibility groups.

(B) The medicaid program shall cover all of the optional eligibility groups that state statutes require the medicaid program to cover.

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies:

(1) State statutes expressly permit the medicaid program to cover the optional eligibility group.

(2) State statutes do not address whether the medicaid program may cover the optional eligibility group.

(D) The medicaid program shall not cover any eligibility group that state statutes prohibit the medicaid program from covering. 95038  
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Sec. 5163.04. The medicaid program shall not cover the group described in the "Social Security Act," section 1902(a)(10)(A)(i)(VIII), 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 95041  
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This section does not affect the medicaid eligibility of any individual who enrolls in the metrohealth care plus medicaid waiver component on or after February 5, 2013. 95044  
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Sec. 5163.05. The medicaid program's eligibility requirements for aged, blind, and disabled individuals may be more restrictive than the eligibility requirements for the supplemental security income program. Any such more restrictive eligibility requirements shall be consistent with the 209(b) option described in the "Social Security Act," section 1902(f), 42 U.S.C. 1396a(f). 95047  
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Sec. 5163.06. Beginning January 1, 2014, the medicaid director may alter the eligibility requirements for, and terminate the medicaid program's coverage of, one or more optional eligibility groups or subgroups, including the following: 95053  
95054  
95055  
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(A) Children placed with adoptive parents who may be covered by medicaid pursuant to the "Social Security Act," section 1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 95057  
95058  
95059

(B) Low income women and children who may be covered by medicaid pursuant to the "Social Security Act," section 1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 95060  
95061  
95062

(C) Employed individuals with disabilities who may be covered by medicaid pursuant to the "Social Security Act," section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 95063  
95064  
95065

(D) Employed individuals with medically improved disabilities 95066

|                                                                                                                                                                                                                                                                                                                                                                                                   |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>who may be covered by medicaid pursuant to the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);</u>                                                                                                                                                                                                                                                 | 95067 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95068 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95069 |
| <u>(E) Independent foster care adolescents who may be covered by medicaid pursuant to the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII);</u>                                                                                                                                                                                                       | 95070 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95071 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95072 |
| <u>(F) Pregnant women who may be determined presumptively eligible for medicaid pursuant to the "Social Security Act," section 1920, 42 U.S.C. 1396r-1;</u>                                                                                                                                                                                                                                       | 95073 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95074 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95075 |
| <u>(G) Children who may be determined presumptively eligible for medicaid pursuant to the "Social Security Act," section 1920A, 42 U.S.C. 1396r-1a.</u>                                                                                                                                                                                                                                           | 95076 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95077 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95078 |
| <br><u>Sec. 5163.061. If the medicaid director alters the eligibility requirements for, or terminates the medicaid program's coverage of, an optional eligibility group or subgroup pursuant to section 5163.06 of the Revised Code, all of the following apply:</u>                                                                                                                              | 95079 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95080 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95081 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95082 |
| <u>(A) In the case of an optional eligibility group or subgroup for which the eligibility requirements are altered:</u>                                                                                                                                                                                                                                                                           | 95083 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95084 |
| <u>(1) No individual enrolled, before the effective date of the altered eligibility requirements, in medicaid as part of the group or subgroup shall remain enrolled in medicaid on and after that effective date unless the individual meets the altered eligibility requirements for the group or subgroup or meets the eligibility requirements for another eligibility group or subgroup.</u> | 95085 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95086 |
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|                                                                                                                                                                                                                                                                                                                                                                                                   | 95088 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95089 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95090 |
| <u>(2) Beginning on the effective date of the altered eligibility requirements, no individual may enroll in medicaid as part of the group or subgroup unless the individual meets the altered eligibility requirements for the group or subgroup or meets the eligibility requirements for another eligibility group or subgroup.</u>                                                             | 95091 |
|                                                                                                                                                                                                                                                                                                                                                                                                   | 95092 |
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|                                                                                                                                                                                                                                                                                                                                                                                                   | 95096 |

(B) In the case of an optional eligibility group or subgroup 95097  
whose medicaid coverage is terminated: 95098

(1) No individual enrolled, before the effective date of the 95099  
termination, in medicaid as part of the group or subgroup shall 95100  
remain enrolled in medicaid on and after that effective date 95101  
unless the individual meets the eligibility requirements for 95102  
another eligibility group or subgroup. 95103

(2) Beginning on the effective date of the termination, no 95104  
individual may enroll in medicaid as part of the group or subgroup 95105  
but may enroll in medicaid as part of another group or subgroup 95106  
for which the individual meets the eligibility requirements. 95107

(C) The department of medicaid shall take actions as the 95108  
department determines necessary, including requiring actions from 95109  
county departments of job and family services, to do both of the 95110  
following: 95111

(1) Inform medicaid recipients about the altered eligibility 95112  
requirements or termination of the medicaid program's coverage of 95113  
the group or subgroup; 95114

(2) In the case of medicaid recipients who will cease to be 95115  
eligible for medicaid as part of the group or subgroup because of 95116  
the altered eligibility requirements or termination of the group's 95117  
or subgroup's coverage, offer to assist the recipients with the 95118  
following: 95119

(a) To continue to be enrolled in medicaid as part of another 95120  
eligibility group or subgroup for which they meet the eligibility 95121  
requirements; 95122

(b) Transition to other health coverage options available to 95123  
them. 95124

(D) Regarding appeals authorized by section 5160.31 of the 95125  
Revised Code: 95126



(1) No individual may appeal a denial of medicaid eligibility as part of a group or subgroup whose medicaid coverage is terminated if the denial is for medicaid eligibility that would begin or continue on or after the effective date of the termination. 95127  
95128  
95129  
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95131

(2) An individual may initiate or continue, on or after the effective date of the termination, an appeal concerning the individual's eligibility for medicaid as part of the group or subgroup if the decision being appealed concerns the individual's eligibility for medicaid as part of the group or subgroup before the effective date of the termination. 95132  
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(3) An appeal initiated or continued pursuant to division (D)(2) of this section may not result in the appellant being enrolled, or continuing to be enrolled, in medicaid as part of the group or subgroup on or after the effective date of the termination. 95138  
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(E) The altered eligibility requirements or termination of the medicaid program's coverage of the group or subgroup has no effect on either of the following: 95143  
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95145

(1) An automatic right of recovery given under section 5160.37 of the Revised Code; 95146  
95147

(2) An automatic assignment of rights under section 5160.38 of the Revised Code. 95148  
95149

(F) All rules, standards, guidelines, or orders regarding the group or subgroup issued by the medicaid director before the effective date of the altered eligibility requirements or termination of the medicaid program's coverage of the group or subgroup shall be used for the purpose of determining the state's legal obligations for claims related to the group or subgroup that arise from any of the following: 95150  
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95156

(1) Eligibility determinations regarding enrollment in 95157

|                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>medicaid before that effective date;</u>                                                                                                                                                                                                                                                                                                                                                                                         | 95158 |
| <u>(2) Claims for payment for medicaid services provided before that effective date;</u>                                                                                                                                                                                                                                                                                                                                            | 95159 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95160 |
| <u>(3) Recoveries of erroneous medicaid payments.</u>                                                                                                                                                                                                                                                                                                                                                                               | 95161 |
| <br>                                                                                                                                                                                                                                                                                                                                                                                                                                |       |
| <b><u>Sec. 5163.07.</u></b> (A) <u>As used in this section, "actual income" means the amount of an individual's income before any disregarded amounts or other deductions are applied pursuant to an income eligibility methodology.</u>                                                                                                                                                                                            | 95162 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95163 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95164 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95165 |
| (B) <u>In transitioning to the use of modified adjusted gross income and household income methodologies to determine an individual's income eligibility for the medicaid program pursuant to the "Social Security Act," section 1902(e)(14), 42 U.S.C. 1396a(e)(14), and except as provided in division (C) of this section, the medicaid director shall provide for both of the following to qualify for the medicaid program:</u> | 95166 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95167 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95168 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95169 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95170 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95171 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95172 |
| (1) <u>All individuals who would qualify for medicaid pursuant to former section 5111.0110 or 5111.0120 of the Revised Code using the applicable income eligibility methodology in effect on the day immediately preceding the effective date of this section;</u>                                                                                                                                                                  | 95173 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95174 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95175 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95176 |
| (2) <u>All individuals who would qualify for medicaid pursuant to the optional eligibility group specified in the "Social Security Act," section 1902(a)(a)(10)(A)(ii)(XXI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI), using the applicable income eligibility methodology in effect on the day immediately preceding the effective date of this section.</u>                                                                             | 95177 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95178 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95179 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95180 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95181 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95182 |
| (C) <u>An individual whose actual income exceeds one hundred thirty-eight per cent of the federal poverty line may not qualify for medicaid pursuant to division (B) of this section.</u>                                                                                                                                                                                                                                           | 95183 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95184 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                     | 95185 |
| <br>                                                                                                                                                                                                                                                                                                                                                                                                                                |       |
| <b><u>Sec. 5163.08.</u></b> <u>The medicaid director shall implement the</u>                                                                                                                                                                                                                                                                                                                                                        | 95186 |

option authorized by the "Social Security Act," section 1925(a)(5), 42 U.S.C. 1396r-6(a)(5), regarding the single twelve-month eligibility period for transitional medicaid. 95187  
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**Sec. ~~5111.15~~ 5163.20.** If a medicaid recipient ~~of medical assistance~~ is the beneficiary of a trust created pursuant to section 5815.28 of the Revised Code, then, notwithstanding any contrary provision of this chapter or of a rule adopted ~~pursuant to this chapter~~ under section 5163.02 of the Revised Code, divisions (C) and (D) of that section shall apply in determining the assets or resources of the recipient, the recipient's estate, the settlor, or the settlor's estate and to claims arising under this chapter against the recipient, the recipient's estate, the settlor, or the settlor's estate. 95190  
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**Sec. ~~5111.151~~ 5163.21.** (A)(1) This section applies only to either of the following: 95200  
95201

(a) Initial eligibility determinations for the medicaid program ~~made by the department of job and family services pursuant to section 5101.47 of the Revised Code or by a county department of job and family services pursuant to section 5111.012 of the Revised Code;~~ 95202  
95203  
95204  
95205  
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(b) An appeal from a an initial eligibility determination ~~described in division (A)(1)(a) of this section~~ pursuant to section ~~5101.35~~ 5160.31 of the Revised Code. 95207  
95208  
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(2)(a) Except as provided in division (A)(2)(b) of this section, this section shall not be used by a court to determine the effect of a trust on an individual's initial eligibility for the medicaid program. 95210  
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(b) The prohibition in division (A)(2)(a) of this section does not apply to an appeal described in division (A)(1)(b) of 95214  
95215

|                                                                                                                                                                                                                                                                                                               |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| this section.                                                                                                                                                                                                                                                                                                 | 95216                                     |
| (B) As used in this section:                                                                                                                                                                                                                                                                                  | 95217                                     |
| (1) "Trust" means any arrangement in which a grantor transfers real or personal property to a trust with the intention that it be held, managed, or administered by at least one trustee for the benefit of the grantor or beneficiaries. "Trust" includes any legal instrument or device similar to a trust. | 95218<br>95219<br>95220<br>95221<br>95222 |
| (2) "Legal instrument or device similar to a trust" includes, but is not limited to, escrow accounts, investment accounts, partnerships, contracts, and other similar arrangements that are not called trusts under state law but are similar to a trust and to which all of the following apply:             | 95223<br>95224<br>95225<br>95226<br>95227 |
| (a) The property in the trust is held, managed, retained, or administered by a trustee.                                                                                                                                                                                                                       | 95228<br>95229                            |
| (b) The trustee has an equitable, legal, or fiduciary duty to hold, manage, retain, or administer the property for the benefit of the beneficiary.                                                                                                                                                            | 95230<br>95231<br>95232                   |
| (c) The trustee holds identifiable property for the beneficiary.                                                                                                                                                                                                                                              | 95233<br>95234                            |
| (3) "Grantor" is a person who creates a trust, including all of the following:                                                                                                                                                                                                                                | 95235<br>95236                            |
| (a) An individual;                                                                                                                                                                                                                                                                                            | 95237                                     |
| (b) An individual's spouse;                                                                                                                                                                                                                                                                                   | 95238                                     |
| (c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse;                                                                                                                                                      | 95239<br>95240<br>95241                   |
| (d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse.                                                                                                                                                                 | 95242<br>95243<br>95244                   |

- (4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust. 95245  
95246
- (5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries. 95247  
95248
- (6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association. 95249  
95250  
95251
- (7) "Applicant" is an individual who applies for medicaid or the individual's spouse. 95252  
95253
- (8) "Recipient" is an individual who receives medicaid or the individual's spouse. 95254  
95255
- (9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable: 95256  
95257  
95258
- (a) A trust that provides that the trust can be terminated only by a court; 95259  
95260
- (b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the grantor, beneficiary, or trustee. 95261  
95262  
95263
- (10) "Irrevocable trust" is a trust that cannot be revoked by the grantor or terminated by a court and that terminates only on the occurrence of an event outside of the control or direction of the beneficiary or grantor. 95264  
95265  
95266  
95267
- (11) "Payment" is any disbursement from the principal or income of the trust, including actual cash, noncash or property disbursements, or the right to use and occupy real property. 95268  
95269  
95270
- (12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient. 95271  
95272  
95273
- (13) "Testamentary trust" is a trust that is established by a 95274

will and does not take effect until after the death of the person 95275  
who created the trust. 95276

(C)(1) If an applicant or recipient is a beneficiary of a 95277  
trust, the applicant or recipient shall submit a complete copy of 95278  
the trust instrument to the county department of job and family 95279  
services and the department of medicaid. A copy shall be 95280  
considered complete if it contains all pages of the trust 95281  
instrument and all schedules, attachments, and accounting 95282  
statements referenced in or associated with the trust. The copy is 95283  
confidential and is not subject to disclosure under section 149.43 95284  
of the Revised Code. 95285

(2) On receipt of a copy of a trust instrument or otherwise 95286  
determining that an applicant or recipient is a beneficiary of a 95287  
trust, the county department of job and family services shall 95288  
determine what type of trust it is and shall treat the trust in 95289  
accordance with the appropriate provisions of this section and 95290  
rules adopted ~~by the department of job and family services under~~ 95291  
section 5163.02 of the Revised Code governing trusts. The county 95292  
department of job and family services may determine that any of 95293  
the following is the case regarding the trust or portion of the 95294  
trust: 95295

(a) ~~Is~~ It is a resource available to the applicant or 95296  
recipient; 95297

(b) ~~Contains~~ It contains income available to the applicant or 95298  
recipient; 95299

(c) ~~Constitutes both items described in divisions~~ Divisions 95300  
(C)~~(1)~~(2)(a) and (b) of this section are both applicable; 95301

(d) ~~Is neither an item described in~~ Neither division 95302  
(C)~~(1)~~(2)(a) nor ~~(C)~~(1)(b) of this section is applicable. 95303

~~(2)~~(3) Except as provided in division (F) of this section, a 95304  
trust or portion of a trust that is a resource available to the 95305

applicant or recipient or contains income available to the 95306  
applicant or recipient shall be counted for purposes of 95307  
determining medicaid eligibility. 95308

(D)(1) A trust or legal instrument or device similar to a 95309  
trust shall be considered a medicaid qualifying trust if all of 95310  
the following apply: 95311

(a) The trust was established on or prior to August 10, 1993. 95312

(b) The trust was not established by a will. 95313

(c) The trust was established by an applicant or recipient. 95314

(d) The applicant or recipient is or may become the 95315  
beneficiary of all or part of the trust. 95316

(e) Payment from the trust is determined by one or more 95317  
trustees who are permitted to exercise any discretion with respect 95318  
to the distribution to the applicant or recipient. 95319

(2) If a trust meets the requirement of division (D)(1) of 95320  
this section, the amount of the trust that is considered by the 95321  
county department of job and family services to be a resource 95322  
available to the applicant or recipient shall be the maximum 95323  
amount of payments permitted under the terms of the trust to be 95324  
distributed to the applicant or recipient, assuming the full 95325  
exercise of discretion by the trustee or trustees. The maximum 95326  
amount shall include only amounts that are permitted to be 95327  
distributed but are not distributed from either the income or 95328  
principal of the trust. 95329

(3) Amounts that are actually distributed from a medicaid 95330  
qualifying trust to a beneficiary for any purpose shall be treated 95331  
in accordance with rules adopted ~~by the department of job and~~ 95332  
~~family services~~ under section 5163.02 of the Revised Code 95333  
governing income. 95334

(4) Availability of a medicaid qualifying trust shall be 95335

considered without regard to any of the following: 95336

(a) Whether or not the trust is irrevocable or was 95337  
established for purposes other than to enable a grantor to qualify 95338  
for medicaid, ~~medical assistance for covered families and~~ 95339  
~~children, or as a qualified medicare beneficiary, specified~~ 95340  
~~low income medicare beneficiary, qualifying individual 1, or~~ 95341  
~~qualifying individual 2;~~ 95342

(b) Whether or not the trustee actually exercises discretion. 95343

(5) If any real or personal property is transferred to a 95344  
medicaid qualifying trust that is not distributable to the 95345  
applicant or recipient, the transfer shall be considered an 95346  
improper disposition of assets and shall be subject to section 95347  
~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that 95348  
section adopted under section ~~5111.011~~ 5163.02 of the Revised 95349  
Code. 95350

(6) The baseline date for the look-back period for 95351  
disposition of assets involving a medicaid qualifying trust shall 95352  
be the date on which the applicant or recipient is both 95353  
institutionalized and first applies for medicaid. 95354

(E)(1) A trust or legal instrument or device similar to a 95355  
trust shall be considered a self-settled trust if all of the 95356  
following apply: 95357

(a) The trust was established on or after August 11, 1993. 95358

(b) The trust was not established by a will. 95359

(c) The trust was established by an applicant or recipient, 95360  
spouse of an applicant or recipient, or a person, including a 95361  
court or administrative body, with legal authority to act in place 95362  
of or on behalf of an applicant, recipient, or spouse, or acting 95363  
at the direction or on request of an applicant, recipient, or 95364  
spouse. 95365



(2) A trust that meets the requirements of division (E)(1) of this section and is a revocable trust shall be treated by the county department of job and family services as follows:

(a) The corpus of the trust shall be considered a resource available to the applicant or recipient.

(b) Payments from the trust to or for the benefit of the applicant or recipient shall be considered unearned income of the applicant or recipient.

(c) Any other payments from the trust shall be considered an improper disposition of assets and shall be subject to section ~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that section adopted under section ~~5111.011~~ 5163.02 of the Revised Code.

(3) A trust that meets the requirements of division (E)(1) of this section and is an irrevocable trust shall be treated by the county department of job and family services as follows:

(a) If there are any circumstances under which payment from the trust could be made to or for the benefit of the applicant or recipient, including a payment that can be made only in the future, the portion from which payments could be made shall be considered a resource available to the applicant or recipient. The county department of job and family services shall not take into account when payments can be made.

(b) Any payment that is actually made to or for the benefit of the applicant or recipient from either the corpus or income shall be considered unearned income.

(c) If a payment is made to someone other than to the applicant or recipient and the payment is not for the benefit of the applicant or recipient, the payment shall be considered an improper disposition of assets and shall be subject to section ~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that

section adopted under section ~~5111.011~~ 5163.02 of the Revised Code. 95397  
95398

(d) The date of the disposition shall be the later of the date of establishment of the trust or the date of the occurrence of the event. 95399  
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(e) When determining the value of the disposed asset under this provision, the value of the trust shall be its value on the date payment to the applicant or recipient was foreclosed. 95402  
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95404

(f) Any income earned or other resources added subsequent to the foreclosure date shall be added to the total value of the trust. 95405  
95406  
95407

(g) Any payments to or for the benefit of the applicant or recipient after the foreclosure date but prior to the application date shall be subtracted from the total value. Any other payments shall not be subtracted from the value. 95408  
95409  
95410  
95411

(h) Any addition of assets after the foreclosure date shall be considered a separate disposition. 95412  
95413

(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing trusts shall apply only to the portion of the trust attributable to the applicant or recipient. 95414  
95415  
95416  
95417  
95418  
95419

(5) The availability of a self-settled trust shall be considered without regard to any of the following: 95420  
95421

(a) The purpose for which the trust is established; 95422

(b) Whether the trustees have exercised or may exercise discretion under the trust; 95423  
95424

(c) Any restrictions on when or whether distributions may be made from the trust; 95425  
95426

(d) Any restrictions on the use of distributions from the trust. 95427  
95428

(6) The baseline date for the look-back period for dispositions of assets involving a self-settled trust shall be the date on which the applicant or recipient is both institutionalized and first applies for medicaid. 95429  
95430  
95431  
95432

(F) The principal or income from any of the following shall not be a resource available to the applicant or recipient: 95433  
95434

(1)(a) A special needs trust that meets all of the following requirements: 95435  
95436

(i) The trust contains assets of an applicant or recipient under sixty-five years of age and may contain the assets of other individuals. 95437  
95438  
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(ii) The applicant or recipient is disabled as defined in rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code. 95440  
95441  
95442

(iii) The trust is established for the benefit of the applicant or recipient by a parent, grandparent, legal guardian, or a court. 95443  
95444  
95445

(iv) The trust requires that on the death of the applicant or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medicaid ~~paid~~ payments made on behalf of the applicant or recipient. 95446  
95447  
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95449

(b) If a special needs trust meets the requirements of division (F)(1)(a) of this section and has been established for a disabled applicant or recipient under sixty-five years of age, the exemption for the trust granted pursuant to division (F) of this section shall continue after the disabled applicant or recipient becomes sixty-five years of age if the applicant or recipient continues to be disabled as defined in rules adopted ~~by the~~ 95450  
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~~department of job and family services under section 5163.02 of the~~ 95457  
Revised Code. Except for income earned by the trust, the grantor 95458  
shall not add to or otherwise augment the trust after the 95459  
applicant or recipient attains sixty-five years of age. An 95460  
addition or augmentation of the trust by the applicant or 95461  
recipient with the applicant's own assets after the applicant or 95462  
recipient attains sixty-five years of age shall be treated as an 95463  
improper disposition of assets. 95464

(c) Cash distributions to the applicant or recipient shall be 95465  
counted as unearned income. All other distributions from the trust 95466  
shall be treated as provided in rules adopted ~~by the department of~~ 95467  
~~job and family services under section 5163.02 of the Revised Code~~ 95468  
governing in-kind income. 95469

(d) Transfers of assets to a special needs trust shall not be 95470  
treated as an improper transfer of resources. An asset held prior 95471  
to the transfer to the trust shall be considered as a resource 95472  
available to the applicant or recipient, income available to the 95473  
applicant or recipient, or both a resource and income available to 95474  
the individual. 95475

(2)(a) A qualifying income trust that meets all of the 95476  
following requirements: 95477

(i) The trust is composed only of pension, social security, 95478  
and other income to the applicant or recipient, including 95479  
accumulated interest in the trust. 95480

(ii) The income is received by the individual and the right 95481  
to receive the income is not assigned or transferred to the trust. 95482

(iii) The trust requires that on the death of the applicant 95483  
or recipient the state will receive all amounts remaining in the 95484  
trust up to an amount equal to the total amount of medicaid ~~paid~~ 95485  
payments made on behalf of the applicant or recipient. 95486

(b) No resources shall be used to establish or augment the 95487

trust. 95488

(c) If an applicant or recipient has irrevocably transferred 95489  
or assigned the applicant's or recipient's right to receive income 95490  
to the trust, the trust shall not be considered a qualifying 95491  
income trust by the county department of job and family services. 95492

(d) Income placed in a qualifying income trust shall not be 95493  
counted in determining an applicant's or recipient's eligibility 95494  
for medicaid. The recipient of the funds may place any income 95495  
directly into a qualifying income trust without those funds 95496  
adversely affecting the applicant's or recipient's eligibility for 95497  
medicaid. Income generated by the trust that remains in the trust 95498  
shall not be considered as income to the applicant or recipient. 95499

(e) All income placed in a qualifying income trust shall be 95500  
combined with any income available to the individual that is not 95501  
placed in the trust to arrive at a base income figure to be used 95502  
for spend down calculations. 95503

(f) The base income figure shall be used for post-eligibility 95504  
deductions, including personal needs allowance, monthly income 95505  
allowance, family allowance, and medical expenses not subject to 95506  
third party payment. Any income remaining shall be used toward 95507  
payment of patient liability. Payments made from a qualifying 95508  
income trust shall not be combined with the base income figure for 95509  
post-eligibility calculations. 95510

(g) The base income figure shall be used when determining the 95511  
spend down budget for the applicant or recipient. Any income 95512  
remaining after allowable deductions are permitted as provided 95513  
under rules adopted ~~by the department of job and family services~~ 95514  
under section 5163.02 of the Revised Code shall be considered the 95515  
applicant's or recipient's spend down liability. 95516

(3)(a) A pooled trust that meets all of the following 95517  
requirements: 95518

(i) The trust contains the assets of the applicant or 95519  
recipient of any age who is disabled as defined in rules adopted 95520  
~~by the department of job and family services~~ under section 5163.02 95521  
of the Revised Code. 95522

(ii) The trust is established and managed by a nonprofit 95523  
organization. 95524

(iii) A separate account is maintained for each beneficiary 95525  
of the trust but, for purposes of investment and management of 95526  
funds, the trust pools the funds in these accounts. 95527

(iv) Accounts in the trust are established by the applicant 95528  
or recipient, the applicant's or recipient's parent, grandparent, 95529  
or legal guardian, or a court solely for the benefit of 95530  
individuals who are disabled. 95531

(v) The trust requires that, to the extent that any amounts 95532  
remaining in the beneficiary's account on the death of the 95533  
beneficiary are not retained by the trust, the trust pay to the 95534  
state the amounts remaining in the trust up to an amount equal to 95535  
the total amount of medicaid ~~paid~~ payments made on behalf of the 95536  
beneficiary. 95537

(b) Cash distributions to the applicant or recipient shall be 95538  
counted as unearned income. All other distributions from the trust 95539  
shall be treated as provided in rules adopted ~~by the department of~~ 95540  
~~job and family services~~ under section 5163.02 of the Revised Code 95541  
governing in-kind income. 95542

(c) Transfers of assets to a pooled trust shall not be 95543  
treated as an improper disposition of assets. An asset held prior 95544  
to the transfer to the trust shall be considered as a resource 95545  
available to the applicant or recipient, income available to the 95546  
applicant or recipient, or both a resource and income available to 95547  
the applicant or recipient. 95548

(4) A supplemental services trust that meets the requirements 95549

of section 5815.28 of the Revised Code and to which all of the following apply:

(a) A person may establish a supplemental services trust pursuant to section 5815.28 of the Revised Code only for another person who is eligible to receive services through one of the following agencies:

(i) The department of developmental disabilities;

(ii) A county board of developmental disabilities;

(iii) The department of ~~mental health~~ mental health and addiction services;

(iv) A board of alcohol, drug addiction, and mental health services.

(b) A county department of job and family services shall not determine eligibility for another agency's program. An applicant or recipient shall do one of the following:

(i) Provide documentation from one of the agencies listed in division (F)(4)(a) of this section that establishes that the applicant or recipient was determined to be eligible for services from the agency at the time of the creation of the trust;

(ii) Provide an order from a court of competent jurisdiction that states that the applicant or recipient was eligible for services from one of the agencies listed in division (F)(4)(a) of this section at the time of the creation of the trust.

(c) At the time the trust is created, the trust principal does not exceed the maximum amount permitted. The maximum amount permitted in calendar year 2006 is two hundred twenty-two thousand dollars. Each year thereafter, the maximum amount permitted is the prior year's amount plus two thousand dollars.

(d) A county department of job and family services shall review the trust to determine whether it complies with the

provisions of section 5815.28 of the Revised Code. 95580

(e) Payments from supplemental services trusts shall be 95581  
exempt as long as the payments are for supplemental services as 95582  
defined in rules adopted ~~by the department of job and family~~ 95583  
~~services~~ under section 5163.02 of the Revised Code. All 95584  
supplemental services shall be purchased by the trustee and shall 95585  
not be purchased through direct cash payments to the beneficiary. 95586

(f) If a trust is represented as a supplemental services 95587  
trust and a county department of job and family services 95588  
determines that the trust does not meet the requirements provided 95589  
in division (F)(4) of this section and section 5815.28 of the 95590  
Revised Code, the county department of job and family services 95591  
shall not consider it an exempt trust. 95592

(G)(1) A trust or legal instrument or device similar to a 95593  
trust shall be considered a trust established by an individual for 95594  
the benefit of the applicant or recipient if all of the following 95595  
apply: 95596

(a) The trust is created by a person other than the applicant 95597  
or recipient. 95598

(b) The trust names the applicant or recipient as a 95599  
beneficiary. 95600

(c) The trust is funded with assets or property in which the 95601  
applicant or recipient has never held an ownership interest prior 95602  
to the establishment of the trust. 95603

(2) Any portion of a trust that meets the requirements of 95604  
division (G)(1) of this section shall be a resource available to 95605  
the applicant or recipient only if the trust permits the trustee 95606  
to expend principal, corpus, or assets of the trust for the 95607  
applicant's or recipient's medical care, care, comfort, 95608  
maintenance, health, welfare, general well being, or any 95609  
combination of these purposes. 95610



(3) A trust that meets the requirements of division (G)(1) of this section shall be considered a resource available to the applicant or recipient even if the trust contains any of the following types of provisions:

(a) A provision that prohibits the trustee from making payments that would supplant or replace medicaid or other public assistance;

(b) A provision that prohibits the trustee from making payments that would impact or have an effect on the applicant's or recipient's right, ability, or opportunity to receive medicaid or other public assistance;

(c) A provision that attempts to prevent the trust or its corpus or principal from being a resource available to the applicant or recipient.

(4) A trust that meets the requirements of division (G)(1) of this section shall not be counted as a resource available to the applicant or recipient if at least one of the following circumstances applies:

(a) If a trust contains a clear statement requiring the trustee to preserve a portion of the trust for another beneficiary or remainderman, that portion of the trust shall not be counted as a resource available to the applicant or recipient. Terms of a trust that grant discretion to preserve a portion of the trust shall not qualify as a clear statement requiring the trustee to preserve a portion of the trust.

(b) If a trust contains a clear statement requiring the trustee to use a portion of the trust for a purpose other than medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, that portion of the trust shall not be counted as a resource available to the applicant or recipient. Terms of a trust that grant discretion to limit the use

of a portion of the trust shall not qualify as a clear statement 95642  
requiring the trustee to use a portion of the trust for a 95643  
particular purpose. 95644

(c) If a trust contains a clear statement limiting the 95645  
trustee to making fixed periodic payments, the trust shall not be 95646  
counted as a resource available to the applicant or recipient and 95647  
payments shall be treated in accordance with rules adopted ~~by the~~ 95648  
~~department of job and family services~~ under section 5163.02 of the 95649  
Revised Code governing income. Terms of a trust that grant 95650  
discretion to limit payments shall not qualify as a clear 95651  
statement requiring the trustee to make fixed periodic payments. 95652

(d) If a trust contains a clear statement that requires the 95653  
trustee to terminate the trust if it is counted as a resource 95654  
available to the applicant or recipient, the trust shall not be 95655  
counted as such. Terms of a trust that grant discretion to 95656  
terminate the trust do not qualify as a clear statement requiring 95657  
the trustee to terminate the trust. 95658

(e) If a person obtains a judgment from a court of competent 95659  
jurisdiction that expressly prevents the trustee from using part 95660  
or all of the trust for the medical care, care, comfort, 95661  
maintenance, welfare, or general well being of the applicant or 95662  
recipient, the trust or that portion of the trust subject to the 95663  
court order shall not be counted as a resource available to the 95664  
applicant or recipient. 95665

(f) If a trust is specifically exempt from being counted as a 95666  
resource available to the applicant or recipient by a provision of 95667  
the Revised Code, rules, or federal law, the trust shall not be 95668  
counted as such. 95669

(g) If an applicant or recipient presents a final judgment 95670  
from a court demonstrating that the applicant or recipient was 95671  
unsuccessful in a civil action against the trustee to compel 95672

payments from the trust, the trust shall not be counted as a 95673  
resource available to the applicant or recipient. 95674

(h) If an applicant or recipient presents a final judgment 95675  
from a court demonstrating that in a civil action against the 95676  
trustee the applicant or recipient was only able to compel limited 95677  
or periodic payments, the trust shall not be counted as a resource 95678  
available to the applicant or recipient and payments shall be 95679  
treated in accordance with rules adopted ~~by the department of job~~ 95680  
~~and family services~~ under section 5163.02 of the Revised Code 95681  
governing income. 95682

(i) If an applicant or recipient provides written 95683  
documentation showing that the cost of a civil action brought to 95684  
compel payments from the trust would be cost prohibitive, the 95685  
trust shall not be counted as a resource available to the 95686  
applicant or recipient. 95687

(5) Any actual payments to the applicant or recipient from a 95688  
trust that meet the requirements of division (G)(1) of this 95689  
section, including trusts that are not counted as a resource 95690  
available to the applicant or recipient, shall be treated as 95691  
provided in rules adopted ~~by the department of job and family~~ 95692  
~~services~~ under section 5163.02 of the Revised Code governing 95693  
income. Payments to any person other than the applicant or 95694  
recipient shall not be considered income to the applicant or 95695  
recipient. Payments from the trust to a person other than the 95696  
applicant or recipient shall not be considered an improper 95697  
disposition of assets. 95698

**Sec. ~~5111.181~~ 5163.22.** (A) The general assembly hereby finds 95699  
that the state has an insurable interest in ~~medical assistance~~ 95700  
medicaid recipients because of the state's statutory right to 95701  
recover from the estate of a recipient state funds used to provide 95702  
the recipient with ~~medical care and~~ medicaid services. 95703

(B) As used in this section: 95704

(1) "Beneficiary" means the person or entity designated in a 95705  
life insurance policy to receive the proceeds of the policy on the 95706  
death of the insured or maturity of the policy. 95707

(2) "Owner" means the person who has the right to designate 95708  
the beneficiary of a life insurance policy and to change the 95709  
designation. 95710

(C) ~~Notwithstanding section 5111.011 of the Revised Code, the~~ 95711  
The value of a life insurance policy that would otherwise be 95712  
considered a resource in determining eligibility for the ~~medical~~ 95713  
~~assistance~~ medicaid program shall be excluded from any 95714  
determination of a person's eligibility for the ~~medical assistance~~ 95715  
medicaid program if the owner designates the department of ~~job and~~ 95716  
~~family services~~ medicaid as beneficiary of the policy. The 95717  
department may pay premiums to keep the policy in force. Premiums 95718  
paid by the department are ~~medical assistance~~ medicaid payments 95719  
correctly paid on behalf of a ~~medical assistance~~ medicaid 95720  
recipient and subject to recovery under section ~~5111.11~~ 5162.21 of 95721  
the Revised Code. 95722

(D) The medicaid director ~~of job and family services~~ shall 95723  
deposit the proceeds of a life insurance policy that do not exceed 95724  
the amount the department may recover against the property and 95725  
estate of the owner under section ~~5111.11~~ 5162.21 of the Revised 95726  
Code into the general revenue fund. The director shall pay any 95727  
remaining proceeds to the person designated by the owner. If the 95728  
owner failed to designate a person, the director shall pay the 95729  
remaining proceeds to the surviving spouse, or, if there is no 95730  
surviving spouse, to the estate of the owner. 95731

(E) If the owner designates the department of ~~job and family~~ 95732  
~~services~~ medicaid as the policy's beneficiary, the department 95733  
shall notify the owner that the owner may designate a person to 95734

receive proceeds of the policy that exceed the amount the 95735  
department may recover against the owner's property and estate 95736  
under section ~~5111.11~~ 5162.21 of the Revised Code. The designation 95737  
shall be made on a form provided by the department. 95738

~~(F) The department of job and family services shall not 95739  
implement this section if implementation would violate any federal 95740  
requirement unless the department receives a waiver of the 95741  
requirement from the United States department of health and human 95742  
services. 95743~~

**Sec. ~~5111.0116~~ 5163.30.** (A) As used in this section: 95744

(1) "Assets" include all of an individual's income and 95745  
resources and those of the individual's spouse, including any 95746  
income or resources the individual or spouse is entitled to but 95747  
does not receive because of action by any of the following: 95748

(a) The individual or spouse; 95749

(b) A person or government entity, including a court or 95750  
administrative agency, with legal authority to act in place of or 95751  
on behalf of the individual or spouse; 95752

(c) A person or government entity, including a court or 95753  
administrative agency, acting at the direction or on the request 95754  
of the individual or spouse. 95755

(2) "Home and community-based services" means home and 95756  
community-based services furnished under a medicaid waiver granted 95757  
by the United States secretary of health and human services under 95758  
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 95759  
1396n(c) or (d). 95760

(3) "Institutionalized individual" means a resident of a 95761  
nursing facility, an inpatient in a medical institution for whom a 95762  
payment is made based on a level of care provided in a nursing 95763  
facility, or an individual described in the "Social Security Act," 95764

section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 95765

(4) "Look-back date" means the date that is a number of 95766  
months specified in rules adopted under section ~~5111.011~~ 5163.02 95767  
of the Revised Code immediately before either of the following: 95768

(a) The date an individual becomes an institutionalized 95769  
individual if the individual is eligible for medicaid on that 95770  
date; 95771

(b) The date an individual applies for medicaid while an 95772  
institutionalized individual. 95773

(5) ~~"Nursing facility" has the same meaning as in section~~ 95774  
~~5111.20 of the Revised Code.~~ 95775

~~(6)~~ "Nursing facility equivalent services" means services 95776  
that are covered by the medicaid program, equivalent to nursing 95777  
facility services, provided by an institution that provides the 95778  
same level of care as a nursing facility, and provided to an 95779  
inpatient of the institution who is a medicaid recipient eligible 95780  
for medicaid-covered nursing facility equivalent services. 95781

~~(7) "Nursing facility services" means nursing facility~~ 95782  
~~services covered by the medicaid program that a nursing facility~~ 95783  
~~provides to a resident of the nursing facility who is a medicaid~~ 95784  
~~recipient eligible for medicaid-covered nursing facility services.~~ 95785

~~(8)~~(6) "Undue hardship" means being deprived of either of the 95786  
following: 95787

(a) Medical care such that an individual's health or life is 95788  
endangered; 95789

(b) Food, clothing, shelter, or other necessities of life. 95790

(B) Except as provided in division (C) of this section and 95791  
rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code, 95792  
an institutionalized individual is ineligible for nursing facility 95793  
services, nursing facility equivalent services, and home and 95794

community-based services if the individual or individual's spouse 95795  
disposes of assets for less than fair market value on or after the 95796  
look-back date. The institutionalized individual's ineligibility 95797  
shall begin on a date determined in accordance with rules adopted 95798  
under section ~~5111.011~~ 5163.02 of the Revised Code and shall 95799  
continue for a number of months determined in accordance with such 95800  
rules. 95801

(C) An institutionalized individual may be granted a waiver 95802  
of all or a portion of the period of ineligibility to which the 95803  
individual would otherwise be subjected under division (B) of this 95804  
section if the ineligibility would cause an undue hardship for the 95805  
individual. An institutionalized individual shall be granted a 95806  
waiver of all or a portion of the period of ineligibility if the 95807  
administrator of the nursing facility in which the individual 95808  
resides has notified the individual of a proposed transfer or 95809  
discharge under section 3721.16 of the Revised Code due to failure 95810  
to pay for the care the nursing facility has provided to the 95811  
individual, the individual or the individual's sponsor requests a 95812  
hearing on the proposed transfer or discharge in accordance with 95813  
section 3721.161 of the Revised Code, and the transfer or 95814  
discharge is upheld by a final determination that is not subject 95815  
to further appeal. Waivers shall be granted in accordance with 95816  
rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code. 95817

(D) To secure compliance with this section, the medicaid 95818  
~~director of job and family services~~ may require an individual, as 95819  
a condition of initial or continued eligibility for medicaid, to 95820  
provide documentation of the individual's assets up to five years 95821  
before the date the individual becomes an institutionalized 95822  
individual if the individual is eligible for medicaid on that date 95823  
or the date the individual applies for medicaid while an 95824  
institutionalized individual. Documentation may include tax 95825  
returns, records from financial institutions, and real property 95826

records. 95827

~~Sec. 5111.0117 5163.31.~~ (A) ~~As used in this section and~~ 95828  
~~section 5111.0118 of the Revised Code.~~ 95829

~~(1) "ICF/MR services" means intermediate care facility for~~ 95830  
~~the mentally retarded services covered by the medicaid program~~ 95831  
~~that an intermediate care facility for the mentally retarded~~ 95832  
~~provides to a resident of the facility who is a medicaid recipient~~ 95833  
~~eligible for medicaid covered intermediate care facility for the~~ 95834  
~~mentally retarded services.~~ 95835

~~(2) "Intermediate care facility for the mentally retarded"~~ 95836  
~~has the same meaning as in section 5111.20 of the Revised Code.~~ 95837

~~(3) "Nursing facility" has the same meaning as in section~~ 95838  
~~5111.20 of the Revised Code.~~ 95839

~~(4) "Nursing facility services" means nursing facility~~ 95840  
~~services covered by the medicaid program that a nursing facility~~ 95841  
~~provides to a resident of the nursing facility who is a medicaid~~ 95842  
~~recipient eligible for medicaid covered nursing facility services.~~ 95843

~~(5) "Other medicaid funded long term care services" has the~~ 95844  
~~meaning specified in rules adopted under section 5111.011 of the~~ 95845  
~~Revised Code.~~ 95846

~~(B)~~ Except as provided by division ~~(C)~~(A) of this section and 95847  
for the purpose of determining whether an aged, blind, or disabled 95848  
individual is eligible for nursing facility services, ICF/MR 95849  
services, or other medicaid-funded long-term care services, the 95850  
medicaid director ~~of job and family services~~ may consider an aged, 95851  
blind, or disabled individual's real property to not be the 95852  
individual's homestead or principal place of residence once the 95853  
individual has resided in a nursing facility, ~~intermediate care~~ 95854  
~~facility for the mentally retarded~~ ICF/MR, or other medical 95855  
institution for at least thirteen months. 95856



~~(C)~~(B) Division ~~(B)~~(A) of this section does not apply to an individual if any of the following reside in the individual's real property that, because of this division, continues to be considered the individual's homestead or principal place of residence:

(1) The individual's spouse;

(2) The individual's child if any of the following apply:

(a) The child is under twenty-one years of age.

(b) The child is considered blind or disabled under the "Social Security Act," section 1614, 42 U.S.C. 1382c.

(c) The child is financially dependent on the individual for housing as determined in accordance with rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code.

(3) The individual's sibling if the sibling has a verified equity interest in the real property and resided in the real property for at least one year immediately before the date the individual was admitted to the nursing facility, ~~intermediate-care facility for the mentally retarded~~ ICF/MR, or other medical institution.

**Sec. ~~5111.0118~~ 5163.32.** (A) Except as otherwise provided by this section, no individual shall qualify for nursing facility services or other medicaid-funded long-term care services if the individual's equity interest in the individual's home exceeds five hundred thousand dollars. The medicaid director ~~of job and family services~~ shall increase this amount effective January 1, 2011, and the first day of each year thereafter, by the percentage increase in the consumer price index for all urban consumers (all items; United States city average), rounded to the nearest one thousand dollars.

(B) This section does not apply to an individual if either of

the following applies: 95887

(1) Either of the following lawfully reside in the 95888  
individual's home: 95889

(a) The individual's spouse; 95890

(b) The individual's child if the child is under twenty-one 95891  
years of age or, under the "Social Security Act," section 1614, 42 95892  
U.S.C. 1382c, considered blind or disabled. 95893

(2) The individual qualifies, pursuant to the process 95894  
established under division (C) of this section, for a waiver of 95895  
this section due to a demonstrated hardship. 95896

(C) The director shall establish a process by which 95897  
individuals may obtain a waiver of this section due to a 95898  
demonstrated hardship. The process shall be consistent with the 95899  
process for such waivers established by the United States 95900  
secretary of health and human services under the "Social Security 95901  
Act," section 1917(f)(4), 42 U.S.C. 1396p(f)(4). 95902

(D) Nothing in this section shall be construed as preventing 95903  
an individual from using a reverse mortgage or home equity loan to 95904  
reduce the individual's total equity interest in the home. 95905

~~Sec. 5111.114 5163.33. As used in this section, "nursing 95906  
facility" and "intermediate care facility for the mentally 95907  
retarded" have the same meanings as in section 5111.20 of the 95908  
Revised Code. 95909~~

(A) In determining the amount of income that a medicaid 95910  
recipient ~~of medical assistance~~ must apply monthly toward payment 95911  
of the cost of care in a nursing facility or ~~intermediate care~~ 95912  
~~facility for the mentally retarded ICF/MR,~~ a county department 95913  
of job and family services shall deduct from the recipient's 95914  
monthly income a monthly personal needs allowance in accordance 95915  
with ~~section 1902 of the "Social Security Act," 49 Stat. 620~~ 95916

~~(1935) section 1902(q), 42 U.S.C.A. 1396a, as amended 1396a(q).~~ 95917

~~For (B) In the case of a resident of a nursing facility, the~~ 95918  
~~monthly personal needs allowance shall be as follows:~~ 95919

~~(1) Prior to January 1, 2014, not less than forty dollars for~~ 95920  
~~an individual resident and not less than eighty dollars for a~~ 95921  
~~married couple if both spouses are residents of a nursing facility~~ 95922  
~~and their incomes are considered available to each other in~~ 95923  
~~determining eligibility;~~ 95924

~~(2) For calendar year 2014, not less than forty-five dollars~~ 95925  
~~for an individual resident and not less than ninety dollars for a~~ 95926  
~~married couple if both spouses are residents of a nursing facility~~ 95927  
~~and their incomes are considered available to each other in~~ 95928  
~~determining eligibility;~~ 95929

~~(3) For calendar year 2015 and each calendar year thereafter,~~ 95930  
~~not less than fifty dollars for an individual resident and not~~ 95931  
~~less than one hundred dollars for a married couple if both spouses~~ 95932  
~~are residents of a nursing facility and their incomes are~~ 95933  
~~considered available to each other in determining eligibility.~~ 95934

~~For (C) In the case of a resident of an intermediate care~~ 95935  
~~facility for the mentally retarded ICF/MR, the monthly personal~~ 95936  
~~needs allowance shall be forty dollars unless the resident has~~ 95937  
~~earned income, in which case the monthly personal needs allowance~~ 95938  
~~shall be determined by the state department of job and family~~ 95939  
~~services medicaid, or the department's designee, but shall not~~ 95940  
~~exceed one hundred five dollars.~~ 95941

~~**Sec. 5111.013 5163.40.** (A) The provision of medical~~ 95942  
~~assistance to pregnant women and young children who are eligible~~ 95943  
~~for medical assistance under division (C)(3) of section 5111.01 of~~ 95944  
~~the Revised Code, but who are not otherwise eligible for medical~~ 95945  
~~assistance under that section, shall be known as the healthy start~~ 95946

~~program.~~ 95947

(B) The department of ~~job and family services~~ medicaid shall 95948  
do all of the following with regard to the application procedures 95949  
for the healthy start component of the medicaid program: 95950

(1) Establish a short application form for the ~~program~~ 95951  
component that requires the applicant to provide no more 95952  
information than is necessary for making determinations of 95953  
eligibility for the ~~healthy start program~~ component, except that 95954  
the form may require applicants to provide their social security 95955  
numbers. The form shall include a statement, which must be signed 95956  
by the applicant, indicating that she does not choose at the time 95957  
of making application for the ~~program~~ component to apply for 95958  
assistance provided under any other program administered by the 95959  
department or the department of job and family services and that 95960  
she understands that she is permitted at any other time to apply 95961  
at the county department of job and family services of the county 95962  
in which she resides for ~~any~~ other assistance administered by the 95963  
department or the department of job and family services. 95964

(2) ~~To the extent permitted by federal law, do~~ Do one or both 95965  
of the following: 95966

(a) Distribute the application form for the ~~program~~ component 95967  
to each public or private entity that serves as a women, infants, 95968  
and children clinic or as a child and family health clinic and to 95969  
each administrative body for such clinics and train employees of 95970  
each such ~~agency~~ clinic or ~~entity~~ administrative body to provide 95971  
applicants assistance in completing the form; 95972

(b) In cooperation with the department of health, develop 95973  
arrangements under which employees of county departments of job 95974  
and family services are stationed at public or private ~~agencies or~~ 95975  
entities selected by the department of ~~job and family services~~ 95976  
medicaid that serve as women, infants, and children clinics; child 95977

and family health clinics; or administrative bodies for such 95978  
clinics for the purpose both of assisting applicants for the 95979  
~~program~~ component in completing the application form and of making 95980  
determinations at that location of eligibility for the ~~program~~ 95981  
component. 95982

(3) Establish performance standards by which a county 95983  
department of job and family services' level of enrollment of 95984  
persons potentially eligible for the ~~program~~ component can be 95985  
measured, and establish acceptable levels of enrollment for each 95986  
county department. 95987

(4) Direct any county department of job and family services 95988  
whose rate of enrollment of potentially eligible enrollees in the 95989  
~~program~~ component is below acceptable levels established under 95990  
division ~~(B)~~(A)(3) of this section to implement corrective action. 95991  
Corrective action may include but is not limited to any one or 95992  
more of the following ~~to the extent permitted by federal law:~~ 95993

(a) Establishing formal referral and outreach methods with 95995  
local health departments and local entities receiving funding 95996  
through the bureau of maternal and child health; 95997

(b) Designating a specialized intake unit within the county 95998  
department for healthy start applicants; 95999

(c) Establishing abbreviated timeliness requirements to 96000  
shorten the time between receipt of an application and the 96001  
scheduling of an initial application interview; 96002

(d) Establishing a system for telephone scheduling of intake 96003  
interviews for applicants; 96004

(e) Establishing procedures to minimize the time an applicant 96005  
must spend in completing the application and eligibility 96006  
determination process, including permitting applicants to complete 96007  
the process at times other than the regular business hours of the 96008

county department and at locations other than the offices of the 96009  
county department. 96010

~~(C) To the extent permitted by federal law, local funds, 96011  
whether from public or private sources, expended by a county 96012  
department for administration of the healthy start program shall 96013  
be considered to have been expended by the state for the purpose 96014  
of determining the extent to which the state has complied with any 96015  
federal requirement that the state provide funds to match federal 96016  
funds for medical assistance, except that this division shall not 96017  
affect the amount of funds the county is entitled to receive under 96018  
section 5101.16, 5101.161, or 5111.012 of the Revised Code. 96019~~

~~(D)~~(B) A county department of job and family services that 96020  
maintains offices at more than one location shall accept 96021  
applications for the healthy start ~~program~~ component at all of 96022  
those locations. 96023

~~(E) The director of job and family services shall adopt rules 96024  
in accordance with section 111.15 of the Revised Code as necessary 96025  
to implement this section. 96026~~

**Sec. ~~5111.0119~~ 5163.45.** (A)(1) As used in this section, 96027  
subject to division (A)(2) of this section, "state or local 96028  
correctional facility" means any of the following: 96029

(a) A "state correctional institution," as defined in section 96030  
2967.01 of the Revised Code; 96031

(b) A "local correctional facility," as defined in section 96032  
2903.13 of the Revised Code; 96033

(c) A correctional facility that is privately operated and 96034  
managed pursuant to section 9.06 of the Revised Code. 96035

(2) "State or local correctional facility" does not include 96036  
any facility operated directly by or at the direction of the 96037  
department of youth services. 96038

(B) If a person who is confined in a state or local  
correctional facility was a medicaid recipient immediately prior  
to being confined in the facility, all of the following apply:

(1) The person's eligibility for medicaid while so confined  
shall be suspended due to the confinement.

(2) No medicaid payment shall be made for any care, services,  
or supplies provided to the person during the suspension described  
in division (B)(1) of this section.

(3) The suspension described in division (B)(1) of this  
section shall end upon the release of the person from the  
confinement.

(4) Except as provided in division (C) of this section, the  
person shall not be required to reapply or undergo a  
redetermination of eligibility for medicaid when the suspension  
described in division (B)(1) of this section ends.

(C) A person may be disenrolled from medicaid any time after  
the suspension described in division (B)(1) of this section ends  
if the person is no longer eligible for medicaid. A person may be  
required to undergo a redetermination of eligibility for medicaid  
any time after the suspension described in division (B)(1) of this  
section ends if it is time or past time for the person's  
eligibility redetermination or the person's circumstances have  
changed in a manner warranting a redetermination.

~~(D) The department of job and family services shall take the  
steps necessary to begin implementation of this section not later  
than September 1, 2009.~~

**Sec. 5164.01. As used in this chapter:**

(A) "Early and periodic screening, diagnostic, and treatment  
services" has the same meaning as in the "Social Security Act,"  
section 1905(r), 42 U.S.C. 1396d(r).

(B) "Federal financial participation" has the same meaning as 96069  
in section 5160.01 of the Revised Code. 96070

(C) "Healthcheck" means the component of the medicaid program 96071  
that provides early and periodic screening, diagnostic, and 96072  
treatment services. 96073

(D) "Home and community-based services medicaid waiver 96074  
component" has the same meaning as in section 5166.01 of the 96075  
Revised Code. 96076

(E) "Hospital" has the same meaning as in section 3727.01 of 96077  
the Revised Code. 96078

(F) "ICF/MR" has the same meaning as in section 5124.01 of 96079  
the Revised Code. 96080

(G) "Mandatory services" means the health care services and 96081  
items that must be covered by the medicaid state plan as a 96082  
condition of the state receiving federal financial participation 96083  
for the medicaid program. 96084

(H) "Medicaid managed care organization" has the same meaning 96085  
as in section 5167.01 of the Revised Code. 96086

(I) "Medicaid provider" means a person or government entity 96087  
with a valid provider agreement to provide medicaid services to 96088  
medicaid recipients. To the extent appropriate in the context, 96089  
"medicaid provider" includes a person or government entity 96090  
applying for a provider agreement, a former medicaid provider, or 96091  
both. 96092

(J) "Medicaid services" means either or both of the 96093  
following: 96094

(1) Mandatory services; 96095

(2) Optional services that the medicaid program covers. 96096

(K) "Nursing facility" has the same meaning as in section 96097  
5165.01 of the Revised Code. 96098



(L) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation. 96099  
96100  
96101  
96102

(M) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120. 96103  
96104

(N) "Provider agreement" means an agreement to which all of the following apply: 96105  
96106

(1) It is between a medicaid provider and the department of medicaid; 96107  
96108

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients; 96109  
96110

(3) It complies with 42 C.F.R. 431.107(b). 96111

(O) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code. 96112  
96113

**Sec. ~~5111.02~~ 5164.02.** ~~(A) The director of job and family services shall adopt, and may amend or rescind, rules under medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code establishing the amount, duration, and scope of medicaid services. The rules shall be consistent with federal and state law. The rules may be different for different medicaid services. The~~ 96114  
96115  
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96121

(B) The rules shall establish all of the following: 96122

~~(A) The conditions under which the medicaid program shall cover and reimburse medicaid services;~~ 96123  
96124

~~(B) The method of reimbursement applicable to each medicaid service~~ (1) The amount, duration, and scope of the medicaid services covered by the medicaid program; 96125  
96126  
96127

~~(C)~~(2) The payment amount of reimbursement for each medicaid service or, in lieu of amounts the payment amount, methods the method by which amounts are the payment amount is to be determined for each medicaid service; 96128  
96129  
96130  
96131

~~(D)~~(3) Procedures for enforcing the rules adopted under this section that provide due process protections, including procedures for corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules. 96132  
96133  
96134  
96135  
96136

(C) The rules may be different for different medicaid services. 96137  
96138

(D) The medicaid director is not required to adopt a rule establishing the payment amount for a medicaid service if the director adopts a rule establishing the method by which the payment amount is to be determined for the medicaid service and makes the payment amount available on the internet web site maintained by the department of medicaid. 96139  
96140  
96141  
96142  
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**Sec. 5164.03.** (A) The medicaid program shall cover all mandatory services. 96145  
96146

(B) The medicaid program shall cover all of the optional services that state statutes require the medicaid program to cover. 96147  
96148  
96149

(C) The medicaid program may cover any of the optional services to which either of the following applies: 96150  
96151

(1) State statutes expressly permit the medicaid program to cover the optional service; 96152  
96153

(2) State statutes do not address whether the medicaid program may cover the optional service. 96154  
96155

(D) The medicaid program shall not cover any optional services that state statutes prohibit the medicaid program from 96156  
96157

covering. 96158

**Sec. ~~5111.04~~ 5164.05.** (A) As used in this section: 96159

(1) "Outpatient health facility" means a facility that 96160  
provides comprehensive primary health services by or under the 96161  
direction of a physician at least five days per week on a 96162  
forty-hour per week basis to outpatients, is operated by the board 96163  
of health of a city or general health district or another public 96164  
agency or by a nonprofit private agency or organization under the 96165  
direction and control of a governing board that has no 96166  
health-related responsibilities other than the direction and 96167  
control of one or more such outpatient health facilities, and 96168  
receives at least seventy-five per cent of its operating funds 96169  
from public sources, except that it does not include an outpatient 96170  
hospital facility or a federally qualified health center as 96171  
defined in ~~Sec. 1905(1)(2)(B)~~ of the "Social Security Act," ~~103~~ 96172  
~~Stat. 2264 (1989)~~ section 1905(1)(2)(B), 42 U.S.C.A. 96173  
1396d(1)(2)(B). 96174

(2) "Comprehensive primary health services" means preventive, 96175  
diagnostic, therapeutic, rehabilitative, or palliative items or 96176  
services that include all of the following: 96177

(a) Services of physicians, physician assistants, and 96178  
certified nurse practitioners; 96179

(b) Diagnostic laboratory and radiological services; 96180

(c) Preventive health services, such as children's eye and 96181  
ear examinations, perinatal services, well child services, and 96182  
family planning services; 96183

(d) Arrangements for emergency medical services; 96184

(e) Transportation services. 96185

(3) "Certified nurse practitioner" has the same meaning as in 96186  
section 4723.01 of the Revised Code. 96187

(B) ~~Outpatient~~ Subject to division (C) of this section, the 96188  
medicaid program shall cover comprehensive primary health services 96189  
provided by outpatient health facilities are a separate category 96190  
of medical care provider under the rules governing the 96191  
administration of the medical assistance program established under 96192  
section 5111.01 of the Revised Code with valid provider 96193  
agreements. Rates of reimbursement for items and services provided 96194  
by an outpatient health facility under this section shall be 96195  
prospectively determined by the ~~The~~ department of job and family 96196  
services medicaid shall prospectively determine the medicaid 96197  
payment rates for such comprehensive primary health services not 96198  
less often than once each year~~7~~. The rates shall not be subject to 96199  
retroactive adjustment based on actual costs incurred~~7~~, and. The 96200  
rates shall not exceed the maximum fee schedule or rates of 96201  
payment, limitations based on reasonable costs or customary 96202  
charges, and limitations based on combined payments received for 96203  
furnishing comparable services, as are applicable to outpatient 96204  
hospital facilities under ~~Title XVIII of the "Social Security Act~~ 96205  
medicare program." In determining ~~rates of reimbursement an~~ 96206  
outpatient health facility's rate prospectively, the department 96207  
shall take into account the historic expenses of the facility, the 96208  
operating requirements and services offered by the facility, and 96209  
the geographical location of the facility, shall provide 96210  
incentives for the efficient and economical utilization of the 96211  
facility's resources, and shall ensure that the facility does not 96212  
discriminate between classes of persons for whom or by whom 96213  
payment for ~~items and~~ the services is made. 96214

(C) ~~A~~ An outpatient health facility does not qualify for 96215  
classification as an outpatient health facility medicaid payments 96216  
under this section unless it: 96217

(1) Has health and medical care policies developed with the 96218  
advice of and subject to review by an advisory committee of 96219

professional personnel, including one or more physicians, one or 96220  
more dentists if dental care is provided, and one or more 96221  
registered nurses; 96222

(2) Has a medical director, a dental director, if dental care 96223  
is provided, and a nursing director responsible for the execution 96224  
of such policies, and has physicians, dentists, nursing, and 96225  
ancillary staff appropriate to the scope of services provided; 96226

(3) Requires that the care of every patient be under the 96227  
supervision of a physician, provides for medical care in case of 96228  
emergency, has in effect a written agreement with one or more 96229  
hospitals and one or more other outpatient facilities, and has an 96230  
established system for the referral of patients to other resources 96231  
and a utilization review plan and program; 96232

(4) Maintains clinical records on all patients; 96233

(5) Provides nursing services and other therapeutic services 96234  
in compliance with applicable laws and rules and under the 96235  
supervision of a registered nurse, and has a registered nurse on 96236  
duty at all times when the facility is in operation; 96237

(6) Follows approved methods and procedures for the 96238  
dispensing and administration of drugs and biologicals; 96239

(7) Maintains the accounting and record-keeping system 96240  
required under federal laws and regulations for the determination 96241  
of reasonable and allowable costs. 96242

**Sec. ~~5111.029~~ 5164.06.** The medicaid program shall cover 96243  
occupational therapy services provided by an occupational 96244  
therapist licensed under section 4755.08 of the Revised Code. 96245  
Coverage shall not be limited to services provided in a hospital 96246  
or nursing facility. Any licensed occupational therapist may enter 96247  
into a ~~medicaid~~ provider agreement with the department of ~~job and~~ 96248  
~~family services~~ medicaid to provide occupational therapy services 96249

under the medicaid program. 96250

**Sec. ~~5111.018~~ 5164.07.** (A) The ~~provision of medical~~ 96251  
~~assistance under this chapter~~ medicaid program shall include 96252  
coverage of inpatient care and follow-up care for a mother and her 96253  
newborn as follows: 96254

(1) The ~~medical assistance~~ medicaid program shall cover a 96255  
minimum of forty-eight hours of inpatient care following a normal 96256  
vaginal delivery and a minimum of ninety-six hours of inpatient 96257  
care following a cesarean delivery. Services covered as inpatient 96258  
care shall include medical, educational, and any other services 96259  
that are consistent with the inpatient care recommended in the 96260  
protocols and guidelines developed by national organizations that 96261  
represent pediatric, obstetric, and nursing professionals. 96262

(2) The ~~medical assistance~~ medicaid program shall cover a 96263  
physician-directed source of follow-up care. Services covered as 96264  
follow-up care shall include physical assessment of the mother and 96265  
newborn, parent education, assistance and training in breast or 96266  
bottle feeding, assessment of the home support system, performance 96267  
of any medically necessary and appropriate clinical tests, and any 96268  
other services that are consistent with the follow-up care 96269  
recommended in the protocols and guidelines developed by national 96270  
organizations that represent pediatric, obstetric, and nursing 96271  
professionals. The coverage shall apply to services provided in a 96272  
medical setting or through home health care visits. The coverage 96273  
shall apply to a home health care visit only if the health care 96274  
professional who conducts the visit is knowledgeable and 96275  
experienced in maternity and newborn care. 96276

When a decision is made in accordance with division (B) of 96277  
this section to discharge a mother or newborn prior to the 96278  
expiration of the applicable number of hours of inpatient care 96279  
required to be covered, the coverage of follow-up care shall apply 96280

to all follow-up care that is provided within forty-eight hours 96281  
after discharge. When a mother or newborn receives at least the 96282  
number of hours of inpatient care required to be covered, the 96283  
coverage of follow-up care shall apply to follow-up care that is 96284  
determined to be medically necessary by the health care 96285  
professionals responsible for discharging the mother or newborn. 96286

(B) Any decision to shorten the length of inpatient stay to 96287  
less than that specified under division (A)(1) of this section 96288  
shall be made by the physician attending the mother or newborn, 96289  
except that if a nurse-midwife is attending the mother in 96290  
collaboration with a physician, the decision may be made by the 96291  
nurse-midwife. Decisions regarding early discharge shall be made 96292  
only after conferring with the mother or a person responsible for 96293  
the mother or newborn. For purposes of this division, a person 96294  
responsible for the mother or newborn may include a parent, 96295  
guardian, or any other person with authority to make medical 96296  
decisions for the mother or newborn. 96297

(C) The department of ~~job and family services~~ medicaid, in 96298  
administering the ~~medical assistance~~ medicaid program, may not do 96299  
either of the following: 96300

(1) Terminate the ~~participation~~ provider agreement of a 96301  
health care professional or health care facility ~~as a provider~~ 96302  
~~under the program~~ solely for making recommendations for inpatient 96303  
or follow-up care for a particular mother or newborn that are 96304  
consistent with the care required to be covered by this section; 96305

(2) Establish or offer monetary or other financial incentives 96306  
for the purpose of encouraging a person to decline the inpatient 96307  
or follow-up care required to be covered by this section. 96308

(D) This section does not do any of the following: 96309

(1) Require the ~~medical assistance~~ medicaid program to cover 96310  
inpatient or follow-up care that is not received in accordance 96311

with the program's terms pertaining to the health care 96312  
professionals and facilities from which ~~an individual~~ a medicaid 96313  
recipient is authorized to receive health care services. 96314

(2) Require a mother or newborn to stay in a hospital or 96315  
other inpatient setting for a fixed period of time following 96316  
delivery; 96317

(3) Require a child to be delivered in a hospital or other 96318  
inpatient setting; 96319

(4) Authorize a nurse-midwife to practice beyond the 96320  
authority to practice nurse-midwifery in accordance with Chapter 96321  
4723. of the Revised Code; 96322

(5) Establish minimum standards of medical diagnosis, care, 96323  
or treatment for inpatient or follow-up care for a mother or 96324  
newborn. A deviation from the care required to be covered under 96325  
this section shall not, on the basis of this section, give rise to 96326  
a medical claim or derivative medical claim, as those terms are 96327  
defined in section 2305.113 of the Revised Code. 96328

**Sec. ~~5111.024~~ 5164.08.** (A) As used in this section, 96329  
"screening mammography" means a radiologic examination utilized to 96330  
detect unsuspected breast cancer at an early stage in asymptomatic 96331  
women and includes the x-ray examination of the breast using 96332  
equipment that is dedicated specifically for mammography, 96333  
including the x-ray tube, filter, compression device, screens, 96334  
film, and cassettes, and that has an average radiation exposure 96335  
delivery of less than one rad mid-breast. "Screening mammography" 96336  
includes two views for each breast. The term also includes the 96337  
professional interpretation of the film. 96338

"Screening mammography" does not include diagnostic 96339  
mammography. 96340

(B) ~~In addition to any other services required to be included~~ 96341



~~in the program or for which federal approval is received, the~~ 96342  
~~medical assistance~~ The medicaid program shall include cover both 96343  
of the following ~~if approval for use of federal funds is granted~~ 96344  
~~to the department by the federal agency responsible for~~ 96345  
~~distributing funds under Title XIX of the "Social Security Act,"~~ 96346  
~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended:~~ 96347

(1) ~~Effective July 1, 1993, screening~~ Screening mammography 96348  
to detect the presence of breast cancer in adult women; 96349

(2) ~~Effective January 1, 1993, cytologic~~ Cytologic screening 96350  
for the presence of cervical cancer. 96351

(C) ~~The service provided under medicaid program's coverage of~~ 96352  
screening mammography pursuant to division (B)(1) of this section 96353  
shall be provided in accordance with all of the following: 96354

(1) If a woman is at least thirty-five years of age but under 96355  
forty years of age, one screening mammography; 96356

(2) If a woman is at least forty years of age but under fifty 96357  
years of age, either of the following: 96358

(a) One screening mammography every two years; 96359

(b) If a licensed physician has determined that the woman has 96360  
risk factors to breast cancer, one screening mammography every 96361  
year. 96362

(3) If a woman is at least fifty years of age but under 96363  
sixty-five years of age, one screening mammography every year. 96364

(D) ~~The service provided under medicaid program's coverage of~~ 96365  
screening mammographies pursuant to division (B)(1) of this 96366  
section shall be provided only for screening mammographies that 96367  
are performed in a facility or mobile mammography screening unit 96368  
that is accredited under the American college of radiology 96369  
mammography accreditation program or in a hospital as defined in 96370  
section 3727.01 of the Revised Code. 96371

(E) The ~~service provided under~~ medicaid program's coverage of 96372  
cytologic screenings pursuant to division (B)(2) of this section 96373  
shall be provided only for cytologic screenings that are processed 96374  
and interpreted in a laboratory certified by the college of 96375  
American pathologists or in a hospital as defined in section 96376  
3727.01 of the Revised Code. 96377

**Sec. ~~5111.023~~ 5164.15.** (A) As used in this section: 96378

(1) "Community mental health ~~agency~~ services provider or 96379  
facility" means a community mental health ~~agency~~ services provider 96380  
or facility that has its community mental health services 96381  
certified by the department of ~~mental health~~ mental health and 96382  
addiction services under section ~~5119.611~~ 5119.36 of the Revised 96383  
Code or by the department of job and family services under section 96384  
5103.03 of the Revised Code. 96385

(2) "Mental health professional" means a person qualified to 96386  
work with mentally ill persons under the standards established by 96387  
the director of ~~mental health~~ mental health and addiction services 96388  
pursuant to section ~~5119.611~~ 5119.36 of the Revised Code. 96389

(B) The ~~state~~ medicaid plan program may ~~include provision of~~ 96390  
cover the following mental health services when provided by 96391  
community mental health ~~agencies~~ services providers or facilities: 96392

(1) Outpatient mental health services, including, but not 96393  
limited to, preventive, diagnostic, therapeutic, rehabilitative, 96394  
and palliative interventions rendered to individuals in an 96395  
individual or group setting by a mental health professional in 96396  
accordance with a plan of treatment appropriately established, 96397  
monitored, and reviewed; 96398

(2) Partial-hospitalization mental health services rendered 96399  
by persons directly supervised by a mental health professional; 96400

(3) Unscheduled, emergency mental health services of a kind 96401

ordinarily provided to persons in crisis when rendered by persons 96402  
supervised by a mental health professional; 96403

(4) ~~Subject to receipt of federal approval, assertive~~ 96404  
Assertive community treatment and intensive home-based mental 96405  
health services. 96406

(C) The department of ~~job and family services~~ medicaid shall 96407  
enter into a separate contract with the department of ~~mental~~ 96408  
~~health~~ mental health and addiction services under section ~~5111.91~~ 96409  
5162.35 of the Revised Code with regard to the ~~component of~~ mental 96410  
health services the medicaid program ~~provided for by~~ covers 96411  
pursuant to this section. 96412

**Sec. ~~5111.027~~ 5164.20.** ~~If the medicaid program provides~~ 96413  
~~prescription drug services to medicaid recipients, the~~ The 96414  
medicaid program shall not ~~provide reimbursement for~~ prescription 96415  
cover prescribed drugs for treatment of erectile dysfunction. 96416

**Sec. ~~5111.042~~ 5164.25.** The departments of developmental 96417  
disabilities and ~~job and family services~~ medicaid may approve, 96418  
reduce, deny, or terminate a medicaid service included in the 96419  
individualized service plan developed for a medicaid recipient 96420  
with mental retardation or other developmental disability who is 96421  
eligible for medicaid case management services. If either 96422  
department approves, reduces, denies, or terminates a service, 96423  
that department shall timely notify the medicaid recipient that 96424  
the recipient may ~~request a hearing under~~ appeal pursuant to 96425  
section ~~5101.35~~ 5160.31 of the Revised Code. 96426

**Sec. ~~5111.016~~ 5164.26.** ~~(A) As used in this section,~~ 96427  
~~"healthcheck" has the same meaning as in section 3313.714 of the~~ 96428  
~~Revised Code.~~ 96429

~~(B)~~ The department of ~~job and family services~~ medicaid shall 96430

~~adopt rules in accordance with Chapter 119. of the Revised Code~~ 96431  
~~establishing~~ establish a combination of written and oral methods 96432  
designed to provide information about healthcheck to all persons 96433  
eligible for the program or their parents or guardians. The 96434  
department shall ensure that its methods of providing information 96435  
are effective. ~~The methods shall comply with federal law and~~ 96436  
~~regulations.~~ 96437

~~Each county department of job and family services or other~~ 96438  
~~entity that distributes or accepts applications for medical~~ 96439  
~~assistance~~ medicaid shall prominently display a notice that 96440  
complies with the ~~rules adopted~~ methods of providing information 96441  
about healthcheck established under this ~~division~~ section. 96442

Sec. 5164.30. No person or government entity may participate 96443  
in the medicaid program as a medicaid provider without a valid 96444  
provider agreement with the department of medicaid. 96445

~~Sec. 5111.053~~ 5164.301. (A) As used in this section, "group 96446  
practice" has the same meaning as in section 4731.65 of the 96447  
Revised Code. 96448

(B) The department of ~~job and family services~~ medicaid shall 96449  
establish a process by which a physician assistant may enter into 96450  
a ~~medicaid~~ provider agreement. 96451

(C)(1) Subject to division (C)(2) of this section, a claim 96452  
for ~~reimbursement~~ medicaid payment for a medicaid service provided 96453  
by a physician assistant to a medicaid recipient may be submitted 96454  
by the physician assistant who provided the service or the 96455  
physician, group practice, clinic, or other health care facility 96456  
that employs the physician assistant. 96457

(2) A claim for ~~reimbursement~~ medicaid payment may be 96458  
submitted by the physician assistant who provided the service only 96459  
if the physician assistant has a valid provider agreement. When 96460

submitting the claim, the physician assistant shall use only the  
medicaid provider number the department has assigned to the  
physician assistant.

~~(D) The director of job and family services may adopt rules  
under section 5111.02 of the Revised Code to implement this  
section.~~

**Sec. ~~5111.063~~ 5164.31.** (A) For the purpose of raising funds  
necessary to pay the expenses of implementing the provider  
screening requirements of subpart E of 42 C.F.R. Part 455 and  
except as provided in division (B) of this section, the department  
of ~~job and family services~~ medicaid shall ~~charge~~ collect an  
application fee ~~to~~ from a medicaid provider ~~seeking to enter into~~  
~~or renew a medicaid provider agreement, unless the provider is~~  
~~exempt from paying the application fee under 42 C.F.R. 455.460(a)~~  
before doing any of the following:

(1) Entering into a provider agreement with a medicaid  
provider that seeks initial enrollment as a provider;

(2) Entering into a provider agreement with a former medicaid  
provider that seeks re-enrollment as a provider;

(3) Revalidating a medicaid provider's continued enrollment  
as a provider. The

(B) The department is not to collect an application fee from  
a medicaid provider that is exempt from paying the fee under 42  
C.F.R. 455.460(a).

(C) The application fees shall be deposited into the health  
care services administration fund created under section ~~5111.94~~  
5162.54 of the Revised Code. Application fees are nonrefundable  
when collected in accordance with 42 C.F.R. 455.460(a).

(D) The medicaid director of job and family services shall  
adopt rules in accordance with Chapter 119. under section 5164.02

of the Revised Code as necessary to implement this section, 96491  
including a rule establishing the amount of the application fee 96492  
~~that is charged to be collected~~ under this section. The amount of 96493  
the application fee shall not be set at an amount that is more 96494  
than necessary to pay for the expenses of implementing the 96495  
provider screening requirements. 96496

~~Sec. 5111.028 5164.32.~~ (A) Pursuant to section 5111.02 of the 96497  
Revised Code, the director of job and family services shall adopt 96498  
rules establishing procedures for the use of time limited provider 96499  
agreements under the medicaid program. Except as provided in 96500  
division (E) of this section, all provider agreements shall be 96501  
time limited in accordance with the procedures established in the 96502  
rules. 96503

~~The department of job and family services shall phase in the 96504  
use of time limited provider agreements pursuant to this section 96505  
during a period commencing not later than January 1, 2008, and 96506  
ending January 1, 2015. 96507~~

~~(B) In the use of time limited provider agreements pursuant 96508  
to this section, all of the following apply: 96509~~

~~(1) Each medicaid provider agreement shall expire not later 96510  
than ~~seven~~ five years from the its effective date of the 96511  
agreement. 96512~~

~~(2) During the phase in period specified in division (A) of 96513  
this section, the department may provide for the conversion of. If 96514  
a provider agreement without a time limit entered into before the 96515  
effective date of this amendment does not have a time limit, the 96516  
department of medicaid shall convert the agreement to a provider 96517  
agreement with a time limit. ~~The department may take an action to 96518  
convert the provider agreement by sending a notice by regular mail 96519  
to the address of the provider on record with the department 96520  
advising the provider of the conversion. 96521~~~~

~~(3) The department may make the effective date of a provider agreement retroactive for a period not to exceed one year from the date of the provider's application for the agreement, as long as the provider met all medicaid program requirements during that period.~~ 96522  
96523  
96524  
96525  
96526

(C)(B) The medicaid director shall adopt rules under section 5164.02 of the Revised Code as necessary to implement this section. The rules for use of time limited provider agreements pursuant to this section shall be consistent with subpart E of 42 C.F.R. Part 455 and include a process for re-enrollment of providers revalidating medicaid providers' continued enrollments as providers. All of the following apply to the re-enrollment revalidation process: 96527  
96528  
96529  
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96531  
96532  
96533  
96534

~~(1) The department of job and family services may terminate a time limited provider agreement or deny re-enrollment shall refuse to revalidate a provider's provider agreement when a the provider fails to file an do either of the following:~~ 96535  
96536  
96537  
96538

(a) File a complete application for re-enrollment revalidation within the time and in the manner required under the re-enrollment revalidation process; 96539  
96540  
96541

(b) Provide required supporting documentation not later than thirty days after the date the provider timely applies for revalidation. 96542  
96543  
96544

~~(2) If a provider files an application for re-enrollment revalidation within the time and in the manner required under the re-enrollment revalidation process and timely provides required supporting documentation, but the provider agreement expires before the department acts on the application or before the effective date of the department's decision on the application, the provider, subject to division (B)(3) of this section, may continue operating under the terms of the expired provider~~ 96545  
96546  
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96552

agreement until the effective date of the department's decision. 96553

~~(3) A decision by the department to approve an application 96554  
for re-enrollment becomes effective on the date of the 96555  
department's decision. A decision by the department to deny 96556  
re-enrollment shall take effect not sooner than thirty days after 96557  
the date the department mails written notice of the decision to 96558  
the provider. The department shall specify in the notice the date 96559  
on which the provider is required to cease operating under the 96560  
provider agreement. If a provider continues operating under the 96561  
terms of an expired provider agreement pursuant to division (B)(2) 96562  
of this section and the department denies the provider's 96563  
application for revalidation, medicaid payments shall not be made 96564  
for services or items the provider provides during the period 96565  
beginning on the date the provider agreement expired and ending on 96566  
the effective date of a subsequent provider agreement, if any, the 96567  
department enters into with the provider. 96568~~

~~(D) Pursuant to section 5111.06 of the Revised Code, the 96569  
department is not required to take the actions specified in 96570  
division (C)(1) of this section by issuing an order pursuant to an 96571  
adjudication conducted in accordance with Chapter 119. of the 96572  
Revised Code. 96573~~

~~(E) The use of time limited provider agreements pursuant to 96574  
this section does not apply to provider agreements issued to the 96575  
following, including any provider agreements issued to the 96576  
following that are otherwise time limited under the medicaid 96577  
program. 96578~~

~~(1) A managed care organization under contract with the 96579  
department pursuant to section 5111.17 of the Revised Code; 96580~~

~~(2) A nursing facility, as defined in section 5111.20 of the 96581  
Revised Code; 96582~~

~~(3) An intermediate care facility for the mentally retarded, 96583~~



as defined in section 5111.20 of the Revised Code; 96584

(4) A hospital. 96585

Sec. 5164.33. (A) The medicaid director may do the following 96586  
for any reason permitted or required by federal law: 96587

(1) Deny or terminate a provider agreement; 96588

(2) Exclude an individual, provider of services or goods, or 96589  
other entity from participation in the medicaid program. 96590

(B) No individual, provider, or entity excluded from 96591  
participation in the medicaid program under this section shall do 96592  
any of the following: 96593

(1) Own, or provide services to, any other medicaid provider 96594  
or risk contractor; 96595

(2) Arrange for, render, or order services for medicaid 96596  
recipients during the period of exclusion; 96597

(3) During the period of exclusion, receive direct payments 96598  
under the medicaid program or indirect payments of medicaid funds 96599  
in the form of salary, shared fees, contracts, kickbacks, or 96600  
rebates from or through any other medicaid provider or risk 96601  
contractor. 96602

(C) An individual, provider, or entity excluded from 96603  
participation in the medicaid program under this section may 96604  
request a reconsideration of the exclusion. The director shall 96605  
adopt rules under section 5164.02 of the Revised Code governing 96606  
the process for requesting a reconsideration. 96607

(D) Nothing in this section limits the applicability of 96608  
section 5164.38 of the Revised Code to a medicaid provider. 96609

**Sec. ~~5111.032~~ 5164.34.** (A) As used in this section: 96610

(1) "Criminal records check" has the same meaning as in 96611

section 109.572 of the Revised Code. 96612

(2) "Disqualifying offense" means any of the offenses listed 96613  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 96614  
the Revised Code. 96615

(3) "Owner" means a person who has an ownership interest in a 96616  
medicaid provider ~~or applicant to be a provider~~ in an amount 96617  
designated in rules ~~adopted under~~ authorized by this section. 96618

(4) "Person subject to the criminal records check 96619  
requirement" means the following: 96620

(a) A medicaid provider ~~or applicant to be a provider~~ who is 96621  
notified under division (E)(1) of this section that the provider 96622  
~~or applicant~~ is subject to a criminal records check; 96623

(b) An owner or prospective owner, officer or prospective 96624  
officer, or board member or prospective board member of a medicaid 96625  
provider ~~or applicant to be a provider~~ if, pursuant to division 96626  
(E)(1)(a) of this section, the owner or prospective owner, officer 96627  
or prospective officer, or board member or prospective board 96628  
member is specified in information given to the provider ~~or~~ 96629  
~~applicant~~ under division (E)(1) of this section; 96630

(c) An employee or prospective employee of a medicaid 96631  
provider ~~or applicant to be a provider~~ if both of the following 96632  
apply: 96633

(i) The employee or prospective employee is specified, 96634  
pursuant to division (E)(1)(b) of this section, in information 96635  
given to the provider ~~or applicant~~ under division (E)(1) of this 96636  
section. 96637

(ii) The provider ~~or applicant~~ is not prohibited by division 96638  
(D)(3)(b) of this section from employing the employee or 96639  
prospective employee. 96640

(5) ~~"Provider" means a person, institution, or entity that~~ 96641

~~has a medicaid provider agreement with the department of job and family services.~~ 96642  
96643

(6) "Responsible entity" means the following: 96644

(a) With respect to a criminal records check required under 96645  
this section for a medicaid provider ~~or applicant to be a~~ 96646  
~~provider~~, the department of ~~job and family services~~ medicaid or 96647  
the department's designee; 96648

(b) With respect to a criminal records check required under 96649  
this section for an owner or prospective owner, officer or 96650  
prospective officer, board member or prospective board member, or 96651  
employee or prospective employee of a medicaid provider ~~or~~ 96652  
~~applicant to be a provider~~, the provider ~~or applicant~~. 96653

(B) This section does not apply to any individual who is 96654  
subject to a criminal records check under section 3712.09, 96655  
3721.121, ~~5111.034~~, 5123.081, ~~or~~ 5123.169, or 5164.341 of the 96656  
Revised Code or any individual who is subject to a database review 96657  
or criminal records check under section ~~173.394~~ 173.38, 3701.881, 96658  
or ~~5111.033~~ 5164.342 of the Revised Code. 96659

(C) The department of ~~job and family services~~ medicaid may do 96660  
any of the following: 96661

(1) Require that any medicaid provider ~~or applicant to be a~~ 96662  
~~provider~~ submit to a criminal records check as a condition of 96663  
~~having~~ obtaining or maintaining a medicaid provider agreement; 96664

(2) Require that any medicaid provider ~~or applicant to be a~~ 96665  
~~provider~~ require an owner or prospective owner, officer or 96666  
prospective officer, or board member or prospective board member 96667  
of the provider ~~or applicant~~ submit to a criminal records check as 96668  
a condition of being an owner, officer, or board member of the 96669  
provider ~~or applicant~~; 96670

(3) Require that any medicaid provider ~~or applicant to be a~~ 96671

~~provider~~ do the following: 96672

(a) If so required by rules ~~adopted under~~ authorized by this 96673  
section, determine pursuant to a database review conducted under 96674  
division (F)(1)(a) of this section whether any employee or 96675  
prospective employee of the provider ~~or applicant~~ is included in a 96676  
database; 96677

(b) Unless the provider ~~or applicant~~ is prohibited by 96678  
division (D)(3)(b) of this section from employing the employee or 96679  
prospective employee, require the employee or prospective employee 96680  
to submit to a criminal records check as a condition of being an 96681  
employee of the provider ~~or applicant~~. 96682

(D)(1) The department or the department's designee shall deny 96683  
or terminate a medicaid provider's ~~medicaid~~ provider agreement ~~or~~ 96684  
~~deny an applicant's application for a medicaid provider agreement~~ 96685  
if the provider ~~or applicant~~ is a person subject to the criminal 96686  
records check requirement and either of the following applies: 96687

(a) The provider ~~or applicant~~ fails to obtain the criminal 96688  
records check after being given the information specified in 96689  
division (G)(1) of this section. 96690

(b) Except as provided in rules ~~adopted under~~ authorized by 96691  
this section, the provider ~~or applicant~~ is found by the criminal 96692  
records check to have been convicted of, or have pleaded guilty 96693  
to, ~~or been found eligible for intervention in lieu of conviction~~ 96694  
~~for~~ a disqualifying offense, regardless of the date of the 96695  
conviction, or the date of entry of the guilty plea, ~~or the date~~ 96696  
~~the applicant or provider was found eligible for intervention in~~ 96697  
~~lieu of conviction.~~ 96698

(2) No medicaid provider ~~or applicant to be a provider~~ shall 96699  
permit a person to be an owner, officer, or board member of the 96700  
provider ~~or applicant~~ if the person is a person subject to the 96701  
criminal records check requirement and either of the following 96702

applies: 96703

(a) The person fails to obtain the criminal records check 96704  
after being given the information specified in division (G)(1) of 96705  
this section. 96706

(b) Except as provided in rules ~~adopted under~~ authorized by 96707  
this section, the person is found by the criminal records check to 96708  
have been convicted of, or have pleaded guilty to, ~~or been found~~ 96709  
~~eligible for intervention in lieu of conviction for a~~ 96710  
disqualifying offense, regardless of the date of the conviction, 96711  
or the date of entry of the guilty plea, ~~or the date the person~~ 96712  
~~was found eligible for intervention in lieu of conviction.~~ 96713

(3) No medicaid provider ~~or applicant to be a provider~~ shall 96714  
employ a person if any of the following apply: 96715

(a) The person has been excluded from ~~providing services or~~ 96716  
~~items under the being a~~ medicaid program provider, ~~the a medicare~~ 96717  
~~program operated pursuant to Title XVIII of the "Social Security~~ 96718  
~~Act~~ provider,<sup>4</sup> or provider for any other federal health care 96719  
program. 96720

(b) If the person is subject to a database review conducted 96721  
under division (F)(1)(a) of this section, the person is found by 96722  
the database review to be included in a database and the rules 96723  
~~adopted under~~ authorized by this section regarding the database 96724  
review prohibit the provider ~~or applicant~~ from employing a person 96725  
included in the database. 96726

(c) If the person is a person subject to the criminal records 96727  
check requirement, either of the following applies: 96728

(i) The person fails to obtain the criminal records check 96729  
after being given the information specified in division (G)(1) of 96730  
this section. 96731

(ii) Except as provided in rules ~~adopted under~~ authorized by 96732

this section, the person is found by the criminal records check to 96733  
have been convicted of, or have pleaded guilty to, ~~or been found~~ 96734  
~~eligible for intervention in lieu of conviction for a~~ 96735  
disqualifying offense, regardless of the date of the conviction, 96736  
or the date of entry of the guilty plea, ~~or the date the person~~ 96737  
~~was found eligible for intervention in lieu of conviction.~~ 96738

(E)(1) The department or the department's designee shall 96739  
inform each medicaid provider ~~or applicant to be a provider~~ 96740  
whether the provider ~~or applicant~~ is subject to a criminal records 96741  
check. For providers with valid provider agreements, the 96742  
information shall be given at times designated in rules ~~adopted~~ 96743  
~~under~~ authorized by this section. For ~~applicants~~ providers 96744  
applying to be medicaid providers, the information shall be given 96745  
at the time of initial application. When the information is given, 96746  
the department or the department's designee shall specify the 96747  
following: 96748

(a) Which of the provider's ~~or applicant's~~ owners or 96749  
prospective owners, officers or prospective officers, or board 96750  
members or prospective board members are subject to a criminal 96751  
records check; 96752

(b) Which of the provider's ~~or applicant's~~ employees or 96753  
prospective employees are subject to division (C)(3) of this 96754  
section. 96755

(2) At times designated in rules ~~adopted under~~ authorized by 96756  
this section, a medicaid provider ~~or applicant to be a provider~~ 96757  
that is a person subject to the criminal records check requirement 96758  
shall do the following: 96759

(a) Inform each person specified under division (E)(1)(a) of 96760  
this section that the person is required to submit to a criminal 96761  
records check as a condition of being an owner, officer, or board 96762  
member of the provider ~~or applicant~~; 96763

(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section. 96764  
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(F)(1) If a medicaid provider ~~or applicant to be a provider~~ is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider ~~or applicant to be a provider~~ shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider ~~or applicant to be a provider~~ shall do the following: 96767  
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(a) If rules ~~adopted under~~ authorized by this section require the provider ~~or applicant~~ to conduct a database review to determine whether the employee or prospective employee is included in a database, conduct the database review in accordance with the rules; 96778  
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(b) Unless the provider ~~or applicant~~ is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the conduct of a criminal records check of the employee or prospective employee by the superintendent. 96783  
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(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the person from the federal bureau of investigation in a criminal records check, the responsible entity shall require the person to request that the superintendent obtain 96788  
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information from the federal bureau of investigation as part of 96796  
the criminal records check of the person. Even if the person 96797  
presents proof of having been a resident of this state for the 96798  
five-year period, the responsible entity may require that the 96799  
person request that the superintendent obtain information from the 96800  
federal bureau of investigation and include it in the criminal 96801  
records check of the person. 96802

(G) Criminal records checks required by this section shall be 96803  
obtained as follows: 96804

(1) The responsible entity shall provide each person subject 96805  
to the criminal records check requirement information about 96806  
accessing and completing the form prescribed pursuant to division 96807  
(C)(1) of section 109.572 of the Revised Code and the standard 96808  
impression sheet prescribed pursuant to division (C)(2) of that 96809  
section. 96810

(2) The person subject to the criminal records check 96811  
requirement shall submit the required form and one complete set of 96812  
the person's fingerprint impressions directly to the 96813  
superintendent for purposes of conducting the criminal records 96814  
check using the applicable methods prescribed by division (C) of 96815  
section 109.572 of the Revised Code. The person shall pay all fees 96816  
associated with obtaining the criminal records check. 96817

(3) The superintendent shall conduct the criminal records 96818  
check in accordance with section 109.572 of the Revised Code. The 96819  
person subject to the criminal records check requirement shall 96820  
instruct the superintendent to submit the report of the criminal 96821  
records check directly to the responsible entity. If the 96822  
department or the department's designee is not the responsible 96823  
entity, the department or designee may require the responsible 96824  
entity to submit the report to the department or designee. 96825

(H)(1) A medicaid provider ~~or applicant to be a provider~~ may 96826



employ conditionally a person for whom a criminal records check is 96827  
required by this section prior to obtaining the results of the 96828  
criminal records check if both of the following apply: 96829

(a) The provider ~~or applicant~~ is not prohibited by division 96830  
(D)(3)(b) of this section from employing the person. 96831

(b) The person submits a request for the criminal records 96832  
check not later than five business days after the person begins 96833  
conditional employment. 96834

(2) A medicaid provider ~~or applicant to be a provider~~ that 96835  
employs a person conditionally under division (H)(1) of this 96836  
section shall terminate the person's employment if the results of 96837  
the criminal records check request are not obtained within the 96838  
period ending sixty days after the date the request is made. 96839  
Regardless of when the results of the criminal records check are 96840  
obtained, if the results indicate that the person has been 96841  
convicted of, or has pleaded guilty to, ~~or has been found eligible~~ 96842  
~~for intervention in lieu of conviction for~~ a disqualifying 96843  
offense, the provider ~~or applicant~~ shall terminate the person's 96844  
employment unless circumstances specified in rules ~~adopted under~~ 96845  
authorized by this section exist that permit the provider ~~or~~ 96846  
~~applicant~~ to employ the person and the provider ~~or applicant~~ 96847  
chooses to employ the person. 96848

(I) The report of a criminal records check conducted pursuant 96849  
to this section is not a public record for the purposes of section 96850  
149.43 of the Revised Code and shall not be made available to any 96851  
person other than the following: 96852

(1) The person who is the subject of the criminal records 96853  
check or the person's representative; 96854

(2) The medicaid director ~~of job and family services~~ and the 96855  
staff of the department who are involved in the administration of 96856  
the medicaid program; 96857

- (3) The department's designee; 96858
- (4) The medicaid provider ~~or applicant to be a provider~~ who 96859  
required the person who is the subject of the criminal records 96860  
check to submit to the criminal records check; 96861
- (5) An individual receiving or deciding whether to receive, 96862  
from the subject of the criminal records check, home and 96863  
community-based services available under the medicaid state plan; 96864
- (6) A court, hearing officer, or other necessary individual 96865  
involved in a case dealing with any of the following: 96866
- (a) The denial or termination of a ~~medicaid~~ provider 96867  
agreement; 96868
- (b) A person's denial of employment, termination of 96869  
employment, or employment or unemployment benefits; 96870
- (c) A civil or criminal action regarding the medicaid 96871  
program. 96872
- (J) The medicaid director ~~of job and family services~~ may 96873  
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 96874  
of the Revised Code to implement this section. If the director 96875  
adopts such rules, the rules shall designate the times at which a 96876  
criminal records check must be conducted under this section. The 96877  
rules may do any of the following: 96878
- (1) Designate the categories of persons who are subject to a 96879  
criminal records check under this section; 96880
- (2) Specify circumstances under which the department or the 96881  
department's designee may continue a ~~medicaid~~ provider agreement 96882  
or issue a ~~medicaid~~ provider agreement ~~to an applicant~~ when the 96883  
medicaid provider ~~or applicant~~ is found by a criminal records 96884  
check to have been convicted of, pleaded guilty to, or been found 96885  
eligible for intervention in lieu of conviction for a 96886  
disqualifying offense; 96887

(3) Specify circumstances under which a medicaid provider ~~or applicant to be a provider~~ may permit a person to be an employee, owner, officer, or board member of the provider ~~or applicant~~, when the person is found by a criminal records check conducted pursuant to this section to have been convicted of, or have pleaded guilty to, ~~or been found eligible for intervention in lieu of conviction for~~ a disqualifying offense; 96888  
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(4) Specify all of the following: 96895

(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider ~~or applicant to be a provider~~ is included in a database; 96896  
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(b) The procedures for conducting the database review; 96900

(c) The databases that are to be checked; 96901

(d) The circumstances under which a medicaid provider ~~or applicant to be a provider~~ is prohibited from employing a person who is found by the database review to be included in a database. 96902  
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**Sec. ~~5111.034~~ 5164.341.** (A) As used in this section: 96905

"Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after September 26, 2003. 96906  
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"Applicant" means a person who has applied for a ~~medicaid~~ provider agreement to provide home and community-based services as an independent provider under a home and community-based medicaid waiver component administered by the department of ~~job and family services~~ medicaid. 96909  
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"Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 96914  
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"Disqualifying offense" means any of the offenses listed or 96916

described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 96917  
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"Independent provider" means a person who has a ~~medicaid~~ provider agreement to provide home and community-based services as an independent provider in a home and community-based services ~~medicaid~~ waiver component administered by the department of ~~job and family services~~ medicaid. 96919  
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~~"Home and community based services medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 96924  
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(B) The department of ~~job and family services~~ medicaid or the department's designee shall deny an applicant's application for a ~~medicaid~~ provider agreement and shall terminate an independent provider's ~~medicaid~~ provider agreement if either of the following applies: 96926  
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(1) After the applicant or independent provider is given the information and notification required by divisions (D)(2)(a) and (b) of this section, the applicant or independent provider fails to do either of the following: 96931  
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(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section; 96935  
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(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the department or the department's designee. 96940  
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(2) Except as provided in rules ~~adopted under~~ authorized by this section, the applicant or independent provider is found by a criminal records check required by this section to have been convicted of, or have pleaded guilty to, ~~or been found eligible for intervention in lieu of conviction for~~ a disqualifying 96943  
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offense, regardless of the date of the conviction, or the date of 96948  
entry of the guilty plea, ~~or the date the applicant or independent~~ 96949  
~~provider was found eligible for intervention in lieu of~~ 96950  
~~conviction.~~ 96951

(C)(1) The department or the department's designee shall 96952  
inform each applicant, at the time of initial application for a 96953  
~~medicaid~~ provider agreement, that the applicant is required to 96954  
provide a set of the applicant's fingerprint impressions and that 96955  
a criminal records check is required to be conducted as a 96956  
condition of the department's approving the application. 96957

(2) Beginning on September 26, 2003, the department or the 96958  
department's designee shall inform each independent provider on or 96959  
before the time of the anniversary date of the ~~medicaid~~ provider 96960  
agreement that the independent provider is required to provide a 96961  
set of the independent provider's fingerprint impressions and that 96962  
a criminal records check is required to be conducted. 96963

(D)(1) The department or the department's designee shall 96964  
require an applicant to complete a criminal records check prior to 96965  
entering into a ~~medicaid~~ provider agreement with the applicant. 96966  
The department or the department's designee shall require an 96967  
independent provider to complete a criminal records check at least 96968  
annually. If an applicant or independent provider for whom a 96969  
criminal records check is required by this section does not 96970  
present proof of having been a resident of this state for the 96971  
five-year period immediately prior to the date the criminal 96972  
records check is requested or provide evidence that within that 96973  
five-year period the superintendent of the bureau of criminal 96974  
identification and investigation has requested information about 96975  
the applicant or independent provider from the federal bureau of 96976  
investigation in a criminal records check, the department or the 96977  
department's designee shall request that the applicant or 96978  
independent provider obtain through the superintendent a criminal 96979

records request from the federal bureau of investigation as part 96980  
of the criminal records check of the applicant or independent 96981  
provider. Even if an applicant or independent provider for whom a 96982  
criminal records check request is required by this section 96983  
presents proof of having been a resident of this state for the 96984  
five-year period, the department or the department's designee may 96985  
request that the applicant or independent provider obtain 96986  
information through the superintendent from the federal bureau of 96987  
investigation in the criminal records check. 96988

(2) The department or the department's designee shall provide 96989  
the following to each applicant and independent provider for whom 96990  
a criminal records check is required by this section: 96991

(a) Information about accessing, completing, and forwarding 96992  
to the superintendent of the bureau of criminal identification and 96993  
investigation the form prescribed pursuant to division (C)(1) of 96994  
section 109.572 of the Revised Code and the standard impression 96995  
sheet prescribed pursuant to division (C)(2) of that section; 96996

(b) Written notification that the applicant or independent 96997  
provider is to instruct the superintendent to submit the completed 96998  
report of the criminal records check directly to the department or 96999  
the department's designee. 97000

(3) Each applicant and independent provider for whom a 97001  
criminal records check is required by this section shall pay to 97002  
the bureau of criminal identification and investigation the fee 97003  
prescribed pursuant to division (C)(3) of section 109.572 of the 97004  
Revised Code for the criminal records check conducted of the 97005  
applicant or independent provider. 97006

(E) The report of any criminal records check conducted by the 97007  
bureau of criminal identification and investigation in accordance 97008  
with section 109.572 of the Revised Code and pursuant to a request 97009  
made under this section is not a public record for the purposes of 97010

section 149.43 of the Revised Code and shall not be made available 97011  
to any person other than the following: 97012

(1) The person who is the subject of the criminal records 97013  
check or the person's representative; 97014

(2) The medicaid director ~~of job and family services~~ and the 97015  
staff of the department who are involved in the administration of 97016  
the medicaid program; 97017

(3) The department's designee; 97018

(4) An individual ~~who receives~~ receiving or deciding whether 97019  
to receive home and community-based services from the person who 97020  
is the subject of the criminal records check; 97021

(5) A court, hearing officer, or other necessary individual 97022  
involved in a case dealing with either of the following: 97023

(a) A denial or termination of a provider agreement related 97024  
to the criminal records check; 97025

(b) A civil or criminal action regarding the medicaid 97026  
program. 97027

(F) The medicaid director ~~of job and family services~~ shall 97028  
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 97029  
of the Revised Code to implement this section. The rules shall 97030  
specify circumstances under which the department or the 97031  
department's designee may either approve an applicant's 97032  
application or allow an independent provider to maintain an 97033  
existing ~~medicaid~~ provider agreement even though the applicant or 97034  
independent provider is found by a criminal records check required 97035  
by this section to have been convicted of, or have pleaded guilty 97036  
to, ~~or been found eligible for intervention in lieu of conviction~~ 97037  
~~for~~ a disqualifying offense. 97038

**Sec. ~~5111.033~~ 5164.342.** (A) As used in this section: 97039

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.-

~~"Community-based long-term care agency provider" has the same meaning~~ means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

~~"Home and community based services medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of ~~job and family services~~ medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section ~~5111.034~~ 5164.341 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code. If a waiver agency also is a



community-based long-term care ~~agency~~ provider or community-based 97070  
long-term care subcontractor, the waiver agency may provide for 97071  
applicants and employees to undergo database reviews and criminal 97072  
records checks in accordance with section ~~173.394~~ 173.38 of the 97073  
Revised Code rather than this section. 97074

(C) No waiver agency shall employ an applicant or continue to 97075  
employ an employee in a position that involves providing home and 97076  
community-based services if any of the following apply: 97077

(1) A review of the databases listed in division (E) of this 97078  
section reveals any of the following: 97079

(a) That the applicant or employee is included in one or more 97080  
of the databases listed in divisions (E)(1) to (5) of this 97081  
section; 97082

(b) That there is in the state nurse aide registry 97083  
established under section 3721.32 of the Revised Code a statement 97084  
detailing findings by the director of health that the applicant or 97085  
employee neglected or abused a long-term care facility or 97086  
residential care facility resident or misappropriated property of 97087  
such a resident; 97088

(c) That the applicant or employee is included in one or more 97089  
of the databases, if any, specified in rules ~~adopted under~~ 97090  
authorized by this section and the rules prohibit the waiver 97091  
agency from employing an applicant or continuing to employ an 97092  
employee included in such a database in a position that involves 97093  
providing home and community-based services. 97094

(2) After the applicant or employee is given the information 97095  
and notification required by divisions (F)(2)(a) and (b) of this 97096  
section, the applicant or employee fails to do either of the 97097  
following: 97098

(a) Access, complete, or forward to the superintendent of the 97099  
bureau of criminal identification and investigation the form 97100

prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules ~~adopted under~~ authorized by this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, ~~or have pleaded guilty to, or been found eligible for intervention in lieu of conviction for~~ a disqualifying offense, regardless of the date of the conviction, or date of entry of the guilty plea, ~~or the date the applicant or employee was found eligible for intervention in lieu of conviction.~~

(D) At the time of each applicant's initial application for employment in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following:

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

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

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules ~~adopted under~~

authorized by this section. If rules ~~adopted under~~ authorized by 97132  
this section so require, the chief administrator of a waiver 97133  
agency shall conduct a database review of an employee in 97134  
accordance with the rules as a condition of continuing to employ 97135  
the employee in a position that involves providing home and 97136  
community-based services. A database review shall determine 97137  
whether the applicant or employee is included in any of the 97138  
following: 97139

(1) The excluded parties list system that is maintained by 97140  
the United States general services administration pursuant to 97141  
subpart 9.4 of the federal acquisition regulation and available at 97142  
the federal web site known as the system for award management; 97143

(2) The list of excluded individuals and entities maintained 97144  
by the office of inspector general in the United States department 97145  
of health and human services pursuant to ~~section 1128 of the~~ 97146  
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 97147  
1156, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156 of the~~ 97148  
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as~~ 97149  
~~amended;~~ 97150

(3) The registry of MR/DD employees established under section 97151  
5123.52 of the Revised Code; 97152

(4) The internet-based sex offender and child-victim offender 97153  
database established under division (A)(11) of section 2950.13 of 97154  
the Revised Code; 97155

(5) The internet-based database of inmates established under 97156  
section 5120.66 of the Revised Code; 97157

(6) The state nurse aide registry established under section 97158  
3721.32 of the Revised Code; 97159

(7) Any other database, if any, specified in rules ~~adopted~~ 97160  
~~under~~ authorized by this section. 97161

(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules ~~adopted under~~ authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall require the applicant or employee to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may require the applicant or employee to request that the superintendent include information from the federal bureau of investigation in the criminal records check.

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(2) The chief administrator shall provide the following to 97194

each applicant and employee for whom a criminal records check is required by this section: 97195  
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(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section; 97197  
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(b) Written notification that the applicant or employee is to instruct the superintendent to submit the completed report of the criminal records check directly to the chief administrator. 97202  
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(3) A waiver agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for any criminal records check required by this section. However, a waiver agency may require an applicant to pay to the bureau the fee for a criminal records check of the applicant. If the waiver agency pays the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment. 97205  
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(G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply: 97217  
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(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services. 97221  
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(b) The chief administrator of the waiver agency requires the applicant to request a criminal records check regarding the 97224  
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applicant in accordance with division (F)(1) of this section not 97226  
later than five business days after the applicant begins 97227  
conditional employment. 97228

(2) A waiver agency that employs an applicant conditionally 97229  
under division (G)(1) of this section shall terminate the 97230  
applicant's employment if the results of the criminal records 97231  
check, other than the results of any request for information from 97232  
the federal bureau of investigation, are not obtained within the 97233  
period ending sixty days after the date the request for the 97234  
criminal records check is made. Regardless of when the results of 97235  
the criminal records check are obtained, if the results indicate 97236  
that the applicant has been convicted of, or has pleaded guilty 97237  
to, ~~or has been found eligible for intervention in lieu of~~ 97238  
~~conviction for~~ a disqualifying offense, the waiver agency shall 97239  
terminate the applicant's employment unless circumstances 97240  
specified in rules ~~adopted under~~ authorized by this section exist 97241  
that permit the waiver agency to employ the applicant and the 97242  
waiver agency chooses to employ the applicant. 97243

(H) The report of any criminal records check conducted 97244  
pursuant to a request made under this section is not a public 97245  
record for the purposes of section 149.43 of the Revised Code and 97246  
shall not be made available to any person other than the 97247  
following: 97248

(1) The applicant or employee who is the subject of the 97249  
criminal records check or the representative of the applicant or 97250  
employee; 97251

(2) The chief administrator of the waiver agency that 97252  
requires the applicant or employee to request the criminal records 97253  
check or the administrator's representative; 97254

(3) The medicaid director ~~of job and family services~~ and the 97255  
staff of the department who are involved in the administration of 97256

|                                                                                     |       |
|-------------------------------------------------------------------------------------|-------|
| the medicaid program;                                                               | 97257 |
| (4) The director of aging or the director's designee if the                         | 97258 |
| waiver agency also is a community-based long-term care <del>agency</del>            | 97259 |
| <u>provider or community-based long-term care subcontractor</u> ;                   | 97260 |
| (5) <u>An individual receiving or deciding whether to receive</u>                   | 97261 |
| <u>home and community-based services from the subject of the criminal</u>           | 97262 |
| <u>records check</u> ;                                                              | 97263 |
| (6) A court, hearing officer, or other necessary individual                         | 97264 |
| involved in a case dealing with any of the following:                               | 97265 |
| (a) A denial of employment of the applicant or employee;                            | 97266 |
| (b) Employment or unemployment benefits of the applicant or                         | 97267 |
| employee;                                                                           | 97268 |
| (c) A civil or criminal action regarding the medicaid                               | 97269 |
| program.                                                                            | 97270 |
| (I) The <u>medicaid</u> director <del>of job and family services</del> shall        | 97271 |
| adopt rules <del>in accordance with Chapter 119.</del> <u>under section 5164.02</u> | 97272 |
| of the Revised Code to implement this section.                                      | 97273 |
| (1) The rules may do the following:                                                 | 97274 |
| (a) Require employees to undergo database reviews and                               | 97275 |
| criminal records checks under this section;                                         | 97276 |
| (b) If the rules require employees to undergo database                              | 97277 |
| reviews and criminal records checks under this section, exempt one                  | 97278 |
| or more classes of employees from the requirements;                                 | 97279 |
| (c) For the purpose of division (E)(7) of this section,                             | 97280 |
| specify other databases that are to be checked as part of a                         | 97281 |
| database review conducted under this section.                                       | 97282 |
| (2) The rules shall specify all of the following:                                   | 97283 |
| (a) The procedures for conducting a database review under                           | 97284 |
| this section;                                                                       | 97285 |

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;

(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, or have pleaded guilty to, ~~or been found eligible for intervention in lieu of conviction for~~ a disqualifying offense.

(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of ~~job and family services~~ medicaid from taking action against a person for failure to comply with former division (H) of this section as that division existed on the day preceding ~~the effective date of this amendment~~ January 1, 2013.

**Sec. ~~5111.03~~ 5164.35.** (A) As used in this section, "owner" means any person having at least five per cent ownership in a medicaid provider.

(B)(1) No medicaid provider ~~of services or goods contracting with the department of job and family services pursuant to the medicaid program~~ shall, by do any of the following:

(a) By deception, obtain or attempt to obtain payments under ~~this chapter~~ the medicaid program to which the provider is not entitled pursuant to the provider's provider agreement, or the rules of the federal government or the ~~department of job and~~



~~family services~~ medicaid director relating to the program. ~~No~~ 97316  
~~provider shall willfully;~~ 97317

(b) Willfully receive payments to which the provider is not 97318  
entitled, ~~or willfully;~~ 97319

(c) Willfully receive payments in a greater amount than that 97320  
to which the provider is entitled; ~~nor shall any provider falsify~~ 97321

(d) Falsify any report or document required by state or 97322  
federal law, rule, or provider agreement relating to medicaid 97323  
payments. ~~As used in this section, a~~ 97324

(2) A medicaid provider engages in "deception" for the 97325  
purpose of this section when the provider, acting with actual 97326  
knowledge of the representation or information involved, acting in 97327  
deliberate ignorance of the truth or falsity of the representation 97328  
or information involved, or acting in reckless disregard of the 97329  
truth or falsity of the representation or information involved, 97330  
deceives another or causes another to be deceived by any false or 97331  
misleading representation, by withholding information, by 97332  
preventing another from acquiring information, or by any other 97333  
conduct, act, or omission that creates, confirms, or perpetuates a 97334  
false impression in another, including a false impression as to 97335  
law, value, state of mind, or other objective or subjective fact. 97336  
No proof of specific intent to defraud is required to show, for 97337  
purposes of this section, that a medicaid provider has engaged in 97338  
deception. 97339

~~(B)~~(C) Any medicaid provider who violates division ~~(A)~~(B) of 97340  
this section shall be liable, in addition to any other penalties 97341  
provided by law, for all of the following civil penalties: 97342

(1) Payment of interest on the amount of the excess payments 97343  
at the maximum interest rate allowable for real estate mortgages 97344  
under section 1343.01 of the Revised Code on the date the payment 97345  
was made to the provider for the period from the date upon which 97346

payment was made, to the date upon which repayment is made to the state; 97347  
97348

(2) Payment of an amount equal to three times the amount of any excess payments; 97349  
97350

(3) Payment of a sum of not less than five thousand dollars and not more than ten thousand dollars for each deceptive claim or falsification; 97351  
97352  
97353

(4) All reasonable expenses which the court determines have been necessarily incurred by the state in the enforcement of this section. 97354  
97355  
97356

~~(C) As used in this division, "intermediate care facility for the mentally retarded" and "nursing facility" have the same meanings given in section 5111.20 of the Revised Code.~~ 97357  
97358  
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(D) In addition to the civil penalties provided in division ~~(B)~~(C) of this section, the medicaid director of ~~job and family services~~, upon the conviction of, or the entry of a judgment in either a criminal or civil action against, a medicaid provider or its owner, officer, authorized agent, associate, manager, or employee in an action brought pursuant to section 109.85 of the Revised Code, shall terminate the provider's provider agreement ~~between the department and the provider~~ and stop ~~reimbursement payment~~ to the provider for medicaid services rendered from the date of conviction or entry of judgment. ~~As used in this division, "owner" means any person having at least five per cent ownership in the medicaid provider.~~ No such medicaid provider, owner, officer, authorized agent, associate, manager, or employee shall own or provide medicaid services to any other medicaid provider or risk contractor or arrange for, render, or order medicaid services for medicaid recipients, nor shall such provider, owner, officer, authorized agent, associate, manager, or employee receive ~~reimbursement in the form of direct payments from the department~~ 97360  
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under the medicaid program or indirect payments of medicaid funds 97378  
in the form of salary, shared fees, contracts, kickbacks, or 97379  
rebates from or through any ~~participating~~ other medicaid provider 97380  
or risk contractor. The provider agreement shall not be terminated 97381  
~~or reimbursement, and payment shall not be~~ terminated, if the 97382  
medicaid provider or owner can demonstrate that the provider or 97383  
owner did not directly or indirectly sanction the action of its 97384  
authorized agent, associate, manager, or employee that resulted in 97385  
the conviction or entry of a judgment in a criminal or civil 97386  
action brought pursuant to section 109.85 of the Revised Code. 97387  
Nothing in this division prohibits any owner, officer, authorized 97388  
agent, associate, manager, or employee of a medicaid provider from 97389  
entering into a ~~medicaid~~ provider agreement if the person can 97390  
demonstrate that the person had no knowledge of an action of the 97391  
medicaid provider the person was formerly associated with that 97392  
resulted in the conviction or entry of a judgment in a criminal or 97393  
civil action brought pursuant to section 109.85 of the Revised 97394  
Code. 97395

Nursing facility ~~or intermediate care facility for the~~ 97396  
~~mentally retarded and ICF/MR~~ providers whose provider agreements 97397  
are terminated pursuant to this section may continue to receive 97398  
~~reimbursement~~ medicaid payments for up to thirty days after the 97399  
effective date of the termination if the provider makes reasonable 97400  
efforts to transfer medicaid recipients to another facility or to 97401  
alternate care and if federal ~~funds are~~ financial participation is 97402  
provided for ~~such reimbursement~~ the payments. 97403

~~(D) For any reason permitted or required by federal law, the~~ 97404  
~~director of job and family services may deny a provider agreement~~ 97405  
~~or terminate a provider agreement.~~ 97406

~~For any reason permitted or required by federal law, the~~ 97407  
~~director may exclude an individual, provider of services or goods,~~ 97408  
~~or other entity from participation in the medicaid program. No~~ 97409

~~individual, provider, or entity excluded under this division shall own or provide services to any other medicaid provider or risk contractor or arrange for, render, or order services for medicaid recipients during the period of exclusion, nor, during the period of exclusion, shall such individual, provider, or entity receive reimbursement in the form of direct payments from the department or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any participating provider or risk contractor. An excluded individual, provider, or entity may request a reconsideration of the exclusion. The director shall adopt rules in accordance with Chapter 119. of the Revised Code governing the process for requesting a reconsideration.~~

~~Nothing in this division limits the applicability of section 5111.06 of the Revised Code to a medicaid provider.~~

~~(E) Any provider of services or goods contracting with the department of job and family services pursuant to Title XIX of the "Social Security Act," who, without intent, obtains payments under this chapter in excess of the amount to which the provider is entitled, thereby becomes liable for payment of interest on the amount of the excess payments at the maximum real estate mortgage rate on the date the payment was made to the provider for the period from the date upon which payment was made to the date upon which repayment is made to the state.~~

~~(F)~~(E) The attorney general on behalf of the state may commence proceedings to enforce this section in any court of competent jurisdiction; and the attorney general may settle or compromise any case brought under this section with the approval of the department of ~~job and family services~~ medicaid. Notwithstanding any other provision of law providing a shorter period of limitations, the attorney general may commence a proceeding to enforce this section at any time within six years

after the conduct in violation of this section terminates. 97442

~~(G) The authority, under state and federal law, of the 97443  
department of job and family services or a county department of 97444  
job and family services to recover excess payments made to a 97445  
provider is not limited by the availability of remedies under 97446  
sections 5111.11 and 5111.12 of the Revised Code for recovering 97447  
benefits paid on behalf of recipients of medical assistance. 97448~~

~~The penalties under this chapter apply to any overpayment, 97449  
billing, or falsification occurring on and after April 24, 1978. 97450~~

~~(F) All moneys collected by the state pursuant to this section 97451  
shall be deposited in the state treasury to the credit of the 97452  
general revenue fund. 97453~~

**Sec. 5111.035 5164.36.** (A) As used in this section: 97454

(1) "~~Creditable~~ Credible allegation of fraud" has the same 97455  
meaning as in 42 C.F.R. 455.2, except that for purposes of this 97456  
section any reference in that regulation to the "state" or the 97457  
"state medicaid agency" means the department of ~~job and family 97458  
services~~ medicaid. 97459

~~(2) "Provider" has the same meaning as in section 5111.032 of 97460  
the Revised Code. 97461~~

~~(3) "Owner" has the same meaning as in section 5111.031 97462  
5164.37 of the Revised Code. 97463~~

(B)(1) Except as provided in division (C) of this section and 97464  
in rules ~~adopted~~ authorized by the ~~department of job and family 97465  
services under division (J)~~ of this section, on determining there 97466  
is a ~~creditable~~ credible allegation of fraud for which an 97467  
investigation is pending under the medicaid program against a 97468  
medicaid provider, the department of medicaid shall suspend the 97469  
provider agreement held by the provider. Subject to division (C) 97470  
of this section, the department shall also terminate medicaid 97471

~~reimbursement payments~~ to the provider for services rendered. 97472

(2)(a) The suspension shall continue in effect until either 97473  
of the following is the case: 97474

(i) The department or a prosecuting authority determines that 97475  
there is insufficient evidence of fraud by the medicaid provider; 97476

(ii) The proceedings in any related criminal case are 97477  
completed through dismissal of the indictment or through 97478  
conviction, entry of a guilty plea, or finding of not guilty. 97479

(b) If the department commences a process to terminate the 97480  
suspended provider agreement, the suspension shall also continue 97481  
in effect until the termination process is concluded. 97482

~~(3) Pursuant to section 5111.06 of the Revised Code, the 97483  
department is not required to take action under division (B)(1) of 97484  
this section by issuing an order pursuant to an adjudication in 97485  
accordance with Chapter 119. of the Revised Code. 97486~~

~~(4) When subject to a suspension under this section, a 97487  
medicaid provider, owner, officer, authorized agent, associate, 97488  
manager, or employee shall not own or provide services to any 97489  
other medicaid provider or risk contractor or arrange for, render, 97490  
or order services to any other medicaid provider or risk 97491  
contractor or arrange for, render, or order services for medicaid 97492  
recipients during the period of suspension. During the period of 97493  
suspension, the provider, owner, officer, authorized agent, 97494  
associate, manager, or employee shall not receive ~~reimbursement in 97495  
the form of~~ direct payments ~~from the department~~ under the medicaid 97496  
program or indirect payments of medicaid funds in the form of 97497  
salary, shared fees, contracts, kickbacks, or rebates from or 97498  
through any ~~participating~~ other medicaid provider or risk 97499  
contractor. 97500~~

(C) The department shall not suspend a provider agreement or 97501  
terminate medicaid ~~reimbursement payments~~ under division (B) of 97502

this section if the medicaid provider or owner can demonstrate 97503  
through the submission of written evidence that the provider or 97504  
owner did not directly or indirectly sanction the action of its 97505  
authorized agent, associate, manager, or employee that resulted in 97506  
the ~~creditable~~ credible allegation of fraud. 97507

(D) The termination of ~~medicaid reimbursement~~ payment under 97508  
division (B) of this section applies only to payments for medicaid 97509  
services rendered subsequent to the date on which the notice 97510  
required by division (E) of this section is sent. Claims for 97511  
~~reimbursement~~ payment of medicaid services rendered by the 97512  
medicaid provider prior to the issuance of the notice may be 97513  
subject to prepayment review procedures whereby the department 97514  
reviews claims to determine whether they are supported by 97515  
sufficient documentation, are in compliance with state and federal 97516  
statutes and rules, and are otherwise complete. 97517

(E) After suspending a provider agreement under division (B) 97518  
of this section, the department shall, as specified in 42 C.F.R. 97519  
455.23(b), send notice of the suspension to the affected medicaid 97520  
provider or owner in accordance with the following timeframes: 97521

(1) Not later than five days after the suspension, unless a 97522  
law enforcement agency makes a written request to temporarily 97523  
delay the notice; 97524

(2) If a law enforcement agency makes a written request to 97525  
temporarily delay the notice, not later than thirty days after the 97526  
suspension occurs subject to the conditions specified in division 97527  
(F) of this section. 97528

(F) A written request for a temporary delay described in 97529  
division (E)(2) of this section may be renewed in writing by a law 97530  
enforcement agency not more than two times except that under no 97531  
circumstances shall the notice be issued more than ninety days 97532  
after the suspension occurs. 97533

(G) The notice required by division (E) of this section shall do all of the following:

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23;

(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation;

(3) State that the suspension continues to be in effect until either of the following is the case:

(a) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the provider;

(b) The proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded.

(4) Specify, if applicable, the type or types of medicaid claims or business units of the medicaid provider that are affected by the suspension;

(5) Inform the medicaid provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for reconsideration of the suspension in accordance with division (H) of this section.

(H)(1) Pursuant to the procedure specified in division (H)(2) of this section, a medicaid provider or owner subject to a suspension under this section may request a reconsideration of the suspension. The request shall be made not later than thirty days after receipt of a notice required by division (E) of this section. The reconsideration is not subject to an adjudication



hearing pursuant to Chapter 119. of the Revised Code. 97564

(2) In requesting a reconsideration, the medicaid provider or 97565  
owner shall submit written information and documents to the 97566  
department. The information and documents may pertain to any of 97567  
the following issues: 97568

(a) Whether the determination to suspend the provider 97569  
agreement was based on a mistake of fact, other than the validity 97570  
of an indictment in a related criminal case. 97571

(b) If there has been an indictment in a related criminal 97572  
case, whether any offense charged in the indictment resulted from 97573  
an offense specified in division (E) of section ~~5111.031~~ 5164.37 97574  
of the Revised Code. 97575

(c) Whether the provider or owner can demonstrate that the 97576  
provider or owner did not directly or indirectly sanction the 97577  
action of its authorized agent, associate, manager, or employee 97578  
that resulted in the suspension under this section or an 97579  
indictment in a related criminal case. 97580

(I) The department shall review the information and documents 97581  
submitted in a request made under division (H) of this section for 97582  
reconsideration of a suspension. After the review, the suspension 97583  
may be affirmed, reversed, or modified, in whole or in part. The 97584  
department shall notify the affected provider or owner of the 97585  
results of the review. The review and notification of its results 97586  
shall be completed not later than forty-five days after receiving 97587  
the information and documents submitted in a request for 97588  
reconsideration. 97589

(J) ~~The department may adopt rules in accordance with Chapter~~ 97590  
~~119. of the Revised Code to implement this section. The rules~~ 97591  
Rules adopted under section 5164.02 of the Revised Code may 97592  
specify circumstances under which the department would not suspend 97593  
a provider agreement pursuant to this section. 97594

**Sec. ~~5111.031~~ 5164.37.** (A) As used in this section: 97595

(1) "Independent provider" has the same meaning as in section 97596  
~~5111.034~~ 5164.341 of the Revised Code. 97597

(2) "~~Intermediate care facility for the mentally retarded~~" 97598  
and "~~nursing facility~~" have the same meanings as in section 97599  
~~5111.20 of the Revised Code.~~ 97600

~~(3)~~ "Noninstitutional medicaid provider" means any person or 97601  
entity with a ~~medicaid~~ provider agreement other than a hospital, 97602  
nursing facility, or ~~intermediate care facility for the mentally~~ 97603  
~~retarded~~ ICF/MR. 97604

~~(4)~~(3) "Owner" means any person having at least five per cent 97605  
ownership in a noninstitutional medicaid provider. 97606

(B) Notwithstanding any provision of this chapter to the 97607  
contrary, the department of ~~job and family services~~ medicaid shall 97608  
take action under this section against a noninstitutional medicaid 97609  
provider or its owner, officer, authorized agent, associate, 97610  
manager, or employee. 97611

(C) Except as provided in division (D) of this section and in 97612  
rules ~~adopted~~ authorized by the ~~department under division (H) of~~ 97613  
this section, on receiving notice and a copy of an indictment that 97614  
is issued on or after September 29, 2007, and charges a 97615  
noninstitutional medicaid provider or its owner, officer, 97616  
authorized agent, associate, manager, or employee with committing 97617  
an offense specified in division (E) of this section, the 97618  
department shall suspend the provider agreement held by the 97619  
noninstitutional medicaid provider. Subject to division (D) of 97620  
this section, the department shall also terminate medicaid 97621  
~~reimbursement~~ payments to the provider for medicaid services 97622  
rendered. 97623

The suspension shall continue in effect until the proceedings 97624

in the criminal case are completed through dismissal of the 97625  
indictment or through conviction, entry of a guilty plea, or 97626  
finding of not guilty. If the department commences a process to 97627  
terminate the suspended provider agreement, the suspension shall 97628  
also continue in effect until the termination process is 97629  
concluded. 97630

~~Pursuant to section 5111.06 of the Revised Code, the 97631  
department is not required to take action under this division by 97632  
issuing an order pursuant to an adjudication conducted in 97633  
accordance with Chapter 119. of the Revised Code. 97634~~

When subject to a suspension under this division, a provider, 97635  
owner, officer, authorized agent, associate, manager, or employee 97636  
shall not own or provide medicaid services to any other medicaid 97637  
provider or risk contractor or arrange for, render, or order 97638  
medicaid services for medicaid recipients during the period of 97639  
suspension. During the period of suspension, the provider, owner, 97640  
officer, authorized agent, associate, manager, or employee shall 97641  
not receive ~~reimbursement in the form of~~ direct payments ~~from~~ 97642  
under the department medicaid program or indirect payments of 97643  
medicaid funds in the form of salary, shared fees, contracts, 97644  
kickbacks, or rebates from or through any ~~participating other~~ 97645  
medicaid provider or risk contractor. 97646

(D)(1) The department shall not suspend a provider agreement 97647  
or terminate medicaid ~~reimbursement~~ payments under division (C) of 97648  
this section if the provider or owner can demonstrate through the 97649  
submission of written evidence that the provider or owner did not 97650  
directly or indirectly sanction the action of its authorized 97651  
agent, associate, manager, or employee that resulted in the 97652  
indictment. 97653

(2) The termination of medicaid ~~reimbursement~~ payments 97654  
applies only to payments for medicaid services rendered subsequent 97655  
to the date on which the notice required under division (F) of 97656

this section is sent. Claims for ~~reimbursement~~ payment for 97657  
medicaid services rendered by the provider prior to the issuance 97658  
of the notice may be subject to prepayment review procedures 97659  
whereby the department reviews claims to determine whether they 97660  
are supported by sufficient documentation, are in compliance with 97661  
state and federal statutes and rules, and are otherwise complete. 97662

(E)(1) In the case of a noninstitutional medicaid provider 97663  
that is not an independent provider, the suspension of a provider 97664  
agreement under division (C) of this section applies when an 97665  
indictment charges a person with committing an act that would be a 97666  
felony or misdemeanor under the laws of this state and the act 97667  
relates to or results from either of the following: 97668

(a) Furnishing or billing for ~~medical care,~~ medicaid 97669  
~~services, or supplies~~ under the medicaid program; 97670

(b) Participating in the performance of management or 97671  
administrative services relating to furnishing ~~medical care,~~ 97672  
medicaid ~~services, or supplies~~ under the medicaid program. 97673

(2) In the case of a noninstitutional medicaid provider that 97674  
is an independent provider, the suspension of a provider agreement 97675  
under division (C) of this section applies when an indictment 97676  
charges a person with committing an act that would constitute a 97677  
disqualifying offense as defined in section ~~5111.032~~ 5164.34 of 97678  
the Revised Code. 97679

(F) Not later than five days after suspending a provider 97680  
agreement under division (C) of this section, the department shall 97681  
send notice of the suspension to the affected provider or owner. 97682  
In providing the notice, the department shall do all of the 97683  
following: 97684

(1) Describe the indictment that was the cause of the 97685  
suspension, without necessarily disclosing specific information 97686  
concerning any ongoing civil or criminal investigation; 97687

(2) State that the suspension will continue in effect until 97688  
the proceedings in the criminal case are completed through 97689  
dismissal of the indictment or through conviction, entry of a 97690  
guilty plea, or finding of not guilty and, if the department 97691  
commences a process to terminate the suspended provider agreement, 97692  
until the termination process is concluded; 97693

(3) Inform the provider or owner of the opportunity to submit 97694  
to the department, not later than thirty days after receiving the 97695  
notice, a request for a reconsideration pursuant to division (G) 97696  
of this section. 97697

(G)(1) Pursuant to the procedure specified in division (G)(2) 97698  
of this section, a noninstitutional medicaid provider or owner 97699  
subject to a suspension under this section may request a 97700  
reconsideration. The request shall be made not later than thirty 97701  
days after receipt of the notice provided under division (F) of 97702  
this section. The reconsideration is not subject to an 97703  
adjudication hearing pursuant to Chapter 119. of the Revised Code. 97704

(2) In requesting a reconsideration, the provider or owner 97705  
shall submit written information and documents to the department. 97706  
The information and documents may pertain to any of the following 97707  
issues: 97708

(a) Whether the determination to suspend the provider 97709  
agreement was based on a mistake of fact, other than the validity 97710  
of the indictment; 97711

(b) Whether any offense charged in the indictment resulted 97712  
from an offense specified in division (E) of this section; 97713

(c) Whether the provider or owner can demonstrate that the 97714  
provider or owner did not directly or indirectly sanction the 97715  
action of its authorized agent, associate, manager, or employee 97716  
that resulted in the indictment. 97717

(3) The department shall review the information and documents 97718

submitted in a request for reconsideration. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.

~~(H) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules Rules adopted under section 5164.02 of the Revised Code may specify circumstances under which the department would not suspend a provider agreement pursuant to this section.~~

**Sec. 5111.06 5164.38.** ~~(A)(1) As used in this section and in sections 5111.061 and 5111.063 of the Revised Code:~~

~~(a) "Provider" means any person, institution, or entity that furnishes medicaid services under a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~

~~(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.~~

~~(e)(1) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.~~

(2) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.

(3) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.

(B) This section does not apply to either of the following:

~~(a)~~(1) Any action taken or decision made by the department of 97749  
~~job and family services~~ medicaid with respect to entering into or 97750  
refusing to enter into a contract with a managed care organization 97751  
pursuant to section ~~5111.17~~ 5167.10 of the Revised Code; 97752

~~(b)~~(2) Any action taken by the department under sections 97753  
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. 97754

~~(B)~~(C) Except as provided in division ~~(D)~~(E) of this section 97755  
and section ~~5111.914~~ 5164.58 of the Revised Code, the department 97756  
shall do ~~either~~ any of the following by issuing an order pursuant 97757  
to an adjudication conducted in accordance with Chapter 119. of 97758  
the Revised Code: 97759

(1) Enter into or refuse to enter into a provider agreement 97760  
with a medicaid provider, ~~or suspend,~~ 97761

(2) Revalidate or refuse to revalidate a medicaid provider's 97762  
provider agreement; 97763

(3) Suspend or terminate, ~~renew, or refuse to renew an~~ 97764  
~~existing a medicaid provider's~~ provider agreement with a provider; 97765

~~(2)~~(4) Take any action based upon a final fiscal audit of a 97766  
medicaid provider. 97767

~~(C)~~(D) Any party who is adversely affected by the issuance of 97768  
an adjudication order under division ~~(B)~~(C) of this section may 97769  
appeal to the court of common pleas of Franklin county in 97770  
accordance with section 119.12 of the Revised Code. 97771

~~(D)~~(E) The department is not required to comply with division 97772  
~~(B)~~(C)(1), (2), or (3) of this section whenever any of the 97773  
following occur: 97774

(1) The terms of a provider agreement require the medicaid 97775  
provider to hold a license, permit, or certificate or maintain a 97776  
certification issued by an official, board, commission, 97777  
department, division, bureau, or other agency of state or federal 97778

government other than the department of ~~job and family services~~ 97779  
medicaid, and the license, permit, certificate, or certification 97780  
has been denied, revoked, not renewed, suspended, or otherwise 97781  
limited. 97782

(2) The terms of a provider agreement require the medicaid 97783  
provider to hold a license, permit, or certificate or maintain 97784  
certification issued by an official, board, commission, 97785  
department, division, bureau, or other agency of state or federal 97786  
government other than the department of ~~job and family services~~ 97787  
medicaid, and the provider has not obtained the license, permit, 97788  
certificate, or certification. 97789

(3) The medicaid provider's application for a provider 97790  
agreement is denied, or the provider's provider agreement is 97791  
~~terminated,~~ or not ~~renewed due~~ revalidated, because of or pursuant 97792  
to ~~the~~ any of the following: 97793

(a) The termination, refusal to renew, or denial of a 97794  
license, permit, certificate, or certification by an official, 97795  
board, commission, department, division, bureau, or other agency 97796  
of this state other than the department of ~~job and family services~~ 97797  
medicaid, notwithstanding the fact that the provider may hold a 97798  
license, permit, certificate, or certification from an official, 97799  
board, commission, department, division, bureau, or other agency 97800  
of another state. 97801

~~(4) The provider agreement is denied, terminated, or not~~ 97802  
~~renewed pursuant to division (C);~~ 97803

(b) Division (D) or (F)(E) of section 5111.03 5164.35 of the 97804  
Revised Code. 97805

~~(5) The provider agreement is denied, terminated, or not~~ 97806  
~~renewed due to the;~~ 97807

(c) The provider's termination, suspension, or exclusion from 97808  
the medicare program ~~established under Title XVIII of the "Social~~ 97809



~~Security Act" or from another state's medicaid program and, in either case, the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program in this state-~~ 97810  
97811  
97812  
97813

~~(6) The provider agreement is denied, terminated, or not renewed due to the;~~ 97814  
97815

(d) The provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program; 97816  
97817  
97818

(e) The provider or its owner, officer, authorized agent, associate, manager, or employee having been convicted of one of the offenses that caused the provider's provider agreement to be suspended pursuant to section 5164.36 of the Revised Code; 97819  
97820  
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97822

(f) The provider's failure to provide the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408. 97823  
97824  
97825

~~(7)(4) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated, or suspended, as a result of action by the United States department of health and human services and that action is binding on the provider's medicaid participation ~~in the medicaid program.~~~~ 97826  
97827  
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~~(8)(5) Pursuant to either section ~~5111.031~~ 5164.36 or ~~5111.035~~ 5164.37 of the Revised Code, the medicaid provider's provider agreement is suspended and payments to the provider are suspended pending indictment of the provider.~~ 97832  
97833  
97834  
97835

~~(9) The provider agreement is denied, terminated, or not renewed because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of one of the offenses that caused the provider agreement to be suspended pursuant to section ~~5111.031~~ of the Revised Code-~~ 97836  
97837  
97838  
97839  
97840

~~(10)(6)~~ The medicaid provider's application for a provider agreement is denied because the provider's application was not complete; 97841  
97842  
97843

(7) The medicaid provider's provider agreement is converted under section ~~5111.028~~ 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited. 97844  
97845  
97846  
97847

~~(11) The provider agreement is terminated or an application for re-enrollment is denied because the provider has failed to apply for re-enrollment within the time or in the manner specified for re-enrollment~~ (8) Unless the medicaid provider is a nursing facility or ICF/MR, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section ~~5111.028~~ 5164.32 of the Revised Code. 97848  
97849  
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97851  
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~~(12)(9)~~ The medicaid provider's provider agreement is suspended or, terminated, or an application for enrollment or re-enrollment is denied, for any not revalidated because of either of the following: 97855  
97856  
97857  
97858

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450- 97859  
97860  
97861

~~(13) The provider agreement is terminated or not renewed because the;~~ 97862  
97863

(b) The provider has not billed or otherwise submitted a medicaid claim to the department for two years or longer. 97864  
97865

~~(14) The provider agreement is denied, terminated, or not renewed because the provider fails to provide to the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.~~ 97866  
97867  
97868  
97869

(F) In the case of a medicaid provider described in division 97870

~~(D)(13)(E)(3)(f), (6), (7), or (14)(9)(b)~~ of this section, the 97871  
department may take its ~~proposed~~ action against a provider 97872  
~~agreement~~ by sending a notice explaining the ~~proposed~~ action to 97873  
the provider. The notice shall be sent to the medicaid provider's 97874  
address on record with the department. The notice may be sent by 97875  
regular mail. 97876

~~(E)(G)~~ The department may withhold payments for medicaid 97877  
services rendered by a medicaid provider ~~under the medicaid~~ 97878  
~~program~~ during the pendency of proceedings initiated under 97879  
division ~~(B)(C)(1), (2), or (3)~~ of this section. If the 97880  
proceedings are initiated under division ~~(B)(2)(C)(4)~~ of this 97881  
section, the department may withhold payments only to the extent 97882  
that they equal amounts determined in a final fiscal audit as 97883  
being due the state. This division does not apply if the 97884  
department fails to comply with section 119.07 of the Revised 97885  
Code, requests a continuance of the hearing, or does not issue a 97886  
decision within thirty days after the hearing is completed. This 97887  
division does not apply to nursing facilities and ~~intermediate~~ 97888  
~~care facilities for the mentally retarded as defined in section~~ 97889  
~~5111.20 of the Revised Code ICFs/MR.~~ 97890

**Sec. ~~5111.062~~ 5164.39.** In any action taken by the department 97891  
of ~~job and family services~~ medicaid under section ~~5111.06~~ 5164.38 97892  
or ~~5111.061~~ 5164.57 of the Revised Code or any other ~~provision of~~ 97893  
~~this chapter~~ state statute governing the medicaid program that 97894  
requires the department to give notice of an opportunity for a 97895  
hearing in accordance with Chapter 119. of the Revised Code, if 97896  
the department gives notice of the opportunity for a hearing but 97897  
the medicaid provider or other entity subject to the notice does 97898  
not request a hearing or timely request a hearing in accordance 97899  
with section 119.07 of the Revised Code, the department is not 97900  
required to hold a hearing. The medicaid director ~~of job and~~ 97901  
~~family service~~ may proceed by issuing a final adjudication order 97902

in accordance with Chapter 119. of the Revised Code. 97903

**Sec. ~~5111.05~~ 5164.45.** (A) The department of ~~job and family~~ 97904  
~~services~~ medicaid may contract with any person or persons as a 97905  
fiscal agent for the examination, processing, and determination of 97906  
~~medical assistance~~ medicaid claims ~~under this chapter~~. The 97907  
contracting party may provide any of the following services, as 97908  
required by the contract: 97909

(1) Design and operate medicaid management information 97910  
systems, including the provision of data processing services; 97911

(2) Determine the amounts of payments to be made upon claims 97912  
for ~~medical assistance~~ medicaid; 97913

(3) Prepare and furnish to the department lists and computer 97914  
tapes of such claims for payment; 97915

(4) In addition to audits which may be conducted by the 97916  
department and by the auditor of state, make audits of providers 97917  
and the claims of medicaid providers ~~of medical assistance~~ 97918  
according to the standards set forth in the contract; 97919

(5) Assist medicaid providers ~~of medical assistance~~ in the 97920  
development of procedures relating to utilization practices, make 97921  
studies of the effectiveness of such procedures and methods for 97922  
their improvement, implement and enforce standards of medical 97923  
policy, and assist in the application of safeguards against 97924  
unnecessary utilization; 97925

(6) Assist any institution, facility, or agency to qualify as 97926  
a medicaid provider ~~of medical assistance~~; 97927

(7) Establish and maintain fiscal records for the ~~medical~~ 97928  
~~assistance~~ medicaid program; 97929

(8) Perform statistical and research studies; 97930

(9) Develop and implement programs for ~~medical assistance~~ 97931

medicaid cost containment; 97932

(10) Perform such other duties as are necessary to carry out 97933  
the ~~medical assistance~~ medicaid program. 97934

(B) The department ~~of job and family services~~ may contract 97935  
with any person or persons as an insuring agent for the 97936  
examination, processing, and determination of ~~medical assistance~~ 97937  
medicaid claims, as provided in division (A) of this section, and 97938  
for the payment of ~~medical assistance~~ medicaid claims through an 97939  
underwritten program in which the state pays the insuring agent a 97940  
monthly premium and the insuring agent pays for ~~medical~~ medicaid 97941  
services ~~authorized under the state's medical assistance program~~. 97942  
The person with whom the department contracts, with respect to the 97943  
awarding, provisions, and performance of such contract, shall not 97944  
be subject to the provisions of Title XXXIX of the Revised Code or 97945  
to regulation by the department of insurance, nor to taxation as 97946  
an insurance company pursuant to section 5725.18 or 5729.03 of the 97947  
Revised Code. A contract with an insuring agent shall specify the 97948  
qualifications, including capital and surplus requirements, and 97949  
other conditions with which the insuring agent must comply. 97950

(C) In entering into a contract under this section, the 97951  
department, in cooperation with the director of budget and 97952  
management, shall determine that the contracting party is 97953  
qualified to perform the required services and shall follow 97954  
applicable procedures required of the department of administrative 97955  
services in sections 125.07 to 125.11 of the Revised Code. A 97956  
contract shall be awarded to the bidder who, with due 97957  
consideration to the bidder's experience and financial capability, 97958  
offers the lowest and best bid to the state for control of the 97959  
costs of the ~~medical assistance~~ medicaid program consistent with 97960  
meeting the obligations under that program for fair and equitable 97961  
treatment of medicaid recipients and medicaid providers ~~of medical~~ 97962  
~~services~~. Any arrangement whereby funds are paid to an insuring or 97963

fiscal agent for administrative functions under this section 97964  
shall, for the purposes of section 125.081 of the Revised Code, be 97965  
deemed to be a contract or purchase by the department of 97966  
administrative services; however, money to be used by an insuring 97967  
agent to pay for ~~medical~~ medicaid services ~~authorized under the~~ 97968  
~~state's medical assistance program~~ shall not be deemed a contract 97969  
or purchase within the meaning of such section. 97970

**Sec. ~~5111.052~~ 5164.46.** (A) As used in this section, 97971  
"electronic claims submission process" means any of the following: 97972

(1) Electronic interchange of data; 97973

(2) Direct entry of data through an internet-based mechanism 97974  
implemented by the department of ~~job and family services~~ medicaid; 97975

(3) Any other process for the electronic submission of claims 97976  
that is specified in rules adopted under ~~this~~ section 5162.02 of 97977  
the Revised Code. 97978

(B) Not later than January 1, 2013, and except as provided in 97979  
division (C) of this section, each medicaid provider ~~of services~~ 97980  
~~to medicaid recipients~~ shall do both of the following: 97981

(1) Use only an electronic claims submission process to 97982  
submit to the department of ~~job and family services~~ medicaid 97983  
claims for medicaid ~~reimbursement~~ payment for medicaid services 97984  
provided to medicaid recipients; 97985

(2) Arrange to receive medicaid ~~reimbursement~~ payment from 97986  
the department by means of electronic funds transfer. 97987

(C) Division (B) of this section does not apply to any of the 97988  
following: 97989

(1) A nursing facility, ~~as defined in section 5111.20 of the~~ 97990  
~~Revised Code~~; 97991

(2) An ~~intermediate care facility for the mentally retarded,~~ 97992

~~as defined in section 5111.20 of the Revised Code ICF/MR;~~ 97993

(3) A medicaid managed care organization ~~under contract with~~ 97994  
~~the department pursuant to section 5111.17 of the Revised Code;~~ 97995

(4) Any other medicaid provider or type of medicaid provider 97996  
designated in rules adopted under ~~this~~ section 5162.02 of the 97997  
Revised Code. 97998

(D) The department shall not process a medicaid claim 97999  
submitted on or after January 1, 2013, unless the claim is 98000  
submitted through an electronic claims submission process in 98001  
accordance with this section. 98002

~~(E) The director of job and family services may adopt rules~~ 98003  
~~in accordance with Chapter 119. of the Revised Code as the~~ 98004  
~~director considers necessary to implement this section.~~ 98005

**Sec. ~~5111.054~~ 5164.47.** (A) As used in this section: 98006

~~(1) "Federal financial participation" means the federal~~ 98007  
~~government's share of expenditures made by an entity in~~ 98008  
~~implementing the medicaid program.~~ 98009

~~(2)~~ "OCHSPS" means the private, not-for-profit corporation 98010  
known as the Ohio children's hospital solutions for patient 98011  
safety, which was formed for the purpose of improving pediatric 98012  
patient care in this state, which performs functions that are 98013  
included within the functions of a peer review committee as 98014  
defined in section 2305.25 of the Revised Code, and which consists 98015  
of all of the following members: Akron children's hospital, 98016  
Cincinnati children's hospital medical center, Cleveland clinic 98017  
children's hospital, Dayton children's medical center, mercy 98018  
children's hospital, nationwide children's hospital, rainbow 98019  
babies & children's hospital, and Toledo children's hospital. 98020

(B) If, as authorized by section ~~5101.10~~ 5160.10 of the 98021  
Revised Code, the ~~department of job and family services~~ medicaid 98022

director chooses to contract with a person to perform either or 98023  
both of the following services, ~~it~~ the director may contract with 98024  
any qualified person, including OCHSPS, to perform the service or 98025  
services on ~~the department's~~ behalf of the department of medicaid: 98026

(1) Review and analyze claims for ~~medical assistance made~~ 98027  
~~under this chapter~~ medicaid services provided to children in 98028  
accordance with all state and federal laws governing the 98029  
confidentiality of patient-identifying information; 98030

(2) Perform quality assurance and quality review functions, 98031  
other than those described in division (B)(1) of this section, 98032  
related to ~~medical assistance made under this chapter~~ medicaid 98033  
services provided to children. 98034

The functions specified in division (B)(2) of this section 98035  
may include those recommended by the best evidence for advancing 98036  
child health in Ohio now (BEACON) council. 98037

(C) If the ~~department~~ director enters into a contract with 98038  
OCHSPS for OCHSPS to perform either or both of the services 98039  
described in division (B) of this section, OCHSPS shall, only for 98040  
purposes of section ~~5101.11~~ 5160.12 of the Revised Code, be 98041  
considered a public entity and the ~~department~~ director shall seek 98042  
federal financial participation for costs incurred by OCHSPS in 98043  
performing the service or services. 98044

**Sec. ~~5111.051~~ 5164.48.** The medicaid director ~~of job and~~ 98045  
~~family services~~ may ~~submit a medicaid state plan amendment or~~ 98046  
~~request for a federal waiver to the United States secretary of~~ 98047  
~~health and human services as necessary to implement, at the~~ 98048  
~~director's discretion,~~ a system under which medicaid payments for 98049  
~~medical assistance provided under the~~ medicaid program services 98050  
are made to an organization on behalf of ~~the~~ medicaid providers ~~of~~ 98051  
~~the medical assistance.~~ The system may not provide for an 98052  
organization to receive an amount that exceeds, in aggregate, the 98053



amount the ~~department~~ medicaid program would have paid directly to 98054  
the medicaid providers if not for this section. 98055

Sec. 5164.55. The department of medicaid may conduct final 98056  
fiscal audits of medicaid providers in accordance with the 98057  
applicable requirements set forth in federal laws and regulations 98058  
and determine any amounts the provider may owe the state. When 98059  
conducting final fiscal audits, the department shall consider 98060  
generally accepted auditing standards, which include the use of 98061  
statistical sampling. 98062

~~Sec. 5111.022~~ 5164.56. Under the medicaid program, any amount 98063  
determined to be owed the state by a final fiscal audit conducted 98064  
pursuant to ~~division (D) of section 5111.021~~ 5164.55 of the 98065  
Revised Code, upon the issuance of an adjudication order pursuant 98066  
to Chapter 119. of the Revised Code that contains a finding that 98067  
there is a preponderance of the evidence that ~~the~~ a medicaid 98068  
provider will liquidate assets or file bankruptcy in order to 98069  
prevent payment of the amount determined to be owed the state, 98070  
becomes a lien upon the real and personal property of the 98071  
provider. Upon failure of the provider to pay the amount to the 98072  
state, the medicaid director ~~of job and family services~~ shall file 98073  
notice of the lien, for which there shall be no charge, in the 98074  
office of the county recorder of the county in which it is 98075  
ascertained that the provider owns real or personal property. The 98076  
director shall notify the provider by mail of the lien, but 98077  
absence of proof that the notice was sent does not affect the 98078  
validity of the lien. The lien is not valid as against the claim 98079  
of any mortgagee, pledgee, purchaser, judgment creditor, or other 98080  
lienholder of record at the time the notice is filed. 98081

If the provider acquires real or personal property after 98082  
notice of the lien is filed, the lien shall not be valid as 98083

against the claim of any mortgagee, pledgee, subsequent bona fide purchaser for value, judgment creditor, or other lienholder of record to such after-acquired property unless the notice of lien is refiled after the property is acquired by the provider and before the competing lien attaches to the after-acquired property or before the conveyance to the subsequent bona fide purchaser for value.

When the amount has been paid, the provider may record with the recorder notice of the payment. For recording such notice of payment, the recorder shall charge and receive from the provider a base fee of one dollar for services and a housing trust fund fee of one dollar pursuant to section 317.36 of the Revised Code.

In the event of a distribution of a the provider's assets pursuant to an order of any court under the law of this state including any receivership, assignment for benefit of creditors, adjudicated insolvency, or similar proceedings, amounts then or thereafter due the state under ~~this chapter~~ the medicaid program have the same priority as provided by law for the payment of taxes due the state and shall be paid out of the receivership trust fund or other such trust fund in the same manner as provided for claims for unpaid taxes due the state.

If the attorney general finds after investigation that any amount due the state under ~~this chapter~~ the medicaid program is uncollectable, in whole or in part, the attorney general shall recommend to the director the cancellation of all or part of the claim. The director may thereupon effect the cancellation.

**Sec. ~~5111.061~~ 5164.57.** (A) As used in this section, "adjudication" has the same meaning as in section 119.01 of the Revised Code.

(B)(1) Except as provided in division ~~(A)~~(B)(2) of this section, the department of ~~job and family services~~ medicaid may

recover a medicaid payment or portion of a payment made to a 98115  
medicaid provider to which the provider is not entitled if the 98116  
department notifies the provider of the overpayment during the 98117  
five-year period immediately following the end of the state fiscal 98118  
year in which the overpayment was made. 98119

(2) In the case of a hospital medicaid provider, if the 98120  
department determines as a result of a medicare or medicaid cost 98121  
report settlement that the provider received an amount under the 98122  
medicaid program to which the provider is not entitled, the 98123  
department may recover the overpayment if the department notifies 98124  
the provider of the overpayment during the later of the following: 98125

(a) The five-year period immediately following the end of the 98126  
state fiscal year in which the overpayment was made; 98127

(b) The one-year period immediately following the date the 98128  
department receives from the United States centers for medicare 98129  
and medicaid services a completed, audited, medicare cost report 98130  
for the provider that applies to the state fiscal year in which 98131  
the overpayment was made. 98132

~~(B)~~(C) Among the overpayments that may be recovered under 98133  
this section are the following: 98134

(1) Payment for a medicaid service, or a day of service, not 98135  
rendered; 98136

(2) Payment for a day of service at a full per diem rate that 98137  
should have been paid at a percentage of the full per diem rate; 98138

(3) Payment for a medicaid service, or day of service, that 98139  
was paid by, or partially paid by, a third party, as defined in 98140  
section ~~5101.571~~ 5160.35 of the Revised Code, and the third 98141  
party's payment or partial payment was not offset against the 98142  
amount paid by the medicaid program to reduce or eliminate the 98143  
amount that was paid by the medicaid program; 98144

(4) Payment when a medicaid recipient's responsibility for payment was understated and resulted in an overpayment to the provider. 98145  
98146  
98147

~~(C)~~(D) The department may recover an overpayment under this section prior to or after any of the following: 98148  
98149

(1) Adjudication of a final fiscal audit that section ~~5111.06~~ 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code; 98150  
98151  
98152

(2) Adjudication of a finding under any other provision of ~~this chapter~~ state statutes governing the medicaid program or the rules adopted under ~~it~~ those statutes; 98153  
98154  
98155

(3) Expiration of the time to issue a final fiscal audit that section ~~5111.06~~ 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code; 98156  
98157  
98158

(4) Expiration of the time to issue a finding under any other provision of ~~this chapter~~ state statutes governing the medicaid program or the rules adopted under ~~it~~ those statutes. 98159  
98160  
98161

~~(D)~~(E)(1) Subject to division ~~(D)~~(E)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following: 98162  
98163  
98164

(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section ~~5111.06~~ 5164.38 of the Revised Code; 98165  
98166  
98167

(b) Issuing a finding under any other provision of ~~this chapter~~ state statutes governing the medicaid program or the rules adopted under ~~it~~ those statutes. 98168  
98169  
98170

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate. 98171  
98172  
98173

~~(E)~~(F) Nothing in this section limits the department's 98174

authority to recover overpayments pursuant to any other provision 98175  
of the Revised Code. 98176

**Sec. ~~5111.914~~ 5164.58.** (A) ~~As used in this section,~~ 98177  
~~"provider" has the same meaning as in section 5111.06 of the~~ 98178  
~~Revised Code.~~ 98179

~~(B)~~ If a state agency that enters into a contract with the 98180  
department of ~~job and family services~~ medicaid under section 98181  
~~5111.91~~ 5162.35 of the Revised Code identifies that a medicaid 98182  
overpayment has been made to a medicaid provider, the state agency 98183  
may commence actions to recover the overpayment on behalf of the 98184  
department. 98185

~~(C)~~(B) In recovering an overpayment pursuant to this section, 98186  
a state agency shall comply with the following procedures: 98187

(1) The state agency shall attempt to recover the overpayment 98188  
by notifying the medicaid provider of the overpayment and 98189  
requesting voluntary repayment. Not later than five business days 98190  
after notifying the medicaid provider, the state agency shall 98191  
notify the department in writing of the overpayment. The state 98192  
agency may negotiate a settlement of the overpayment and notify 98193  
the department of the settlement. A settlement negotiated by the 98194  
state agency is not valid and shall not be implemented until the 98195  
department has given its written approval of the settlement. 98196

(2) If the state agency is unable to obtain voluntary 98197  
repayment of an overpayment, the agency shall give the medicaid 98198  
provider notice of an opportunity for a hearing in accordance with 98199  
Chapter 119. of the Revised Code. If the medicaid provider timely 98200  
requests a hearing in accordance with section 119.07 of the 98201  
Revised Code, the state agency shall conduct the hearing to 98202  
determine the legal and factual validity of the overpayment. On 98203  
completion of the hearing, the state agency shall submit its 98204  
hearing officer's report and recommendation and the complete 98205

record of proceedings, including all transcripts, to the medicaid 98206  
~~director of job and family services~~ for final adjudication. The 98207  
director may issue a final adjudication order in accordance with 98208  
Chapter 119. of the Revised Code. The state agency shall pay any 98209  
attorney's fees imposed under section 119.092 of the Revised Code. 98210  
The department of ~~job and family services~~ medicaid shall pay any 98211  
attorney's fees imposed under section 2335.39 of the Revised Code. 98212

~~(D)~~(C) In any action taken by a state agency under this 98213  
section that requires the agency to give notice of an opportunity 98214  
for a hearing in accordance with Chapter 119. of the Revised Code, 98215  
if the agency gives notice of the opportunity for a hearing but 98216  
the medicaid provider subject to the notice does not request a 98217  
hearing or timely request a hearing in accordance with section 98218  
119.07 of the Revised Code, the agency is not required to hold a 98219  
hearing. The agency may request that the medicaid director of ~~job~~ 98220  
~~and family services~~ issue a final adjudication order in accordance 98221  
with Chapter 119. of the Revised Code. 98222

~~(E)~~(D) This section does not preclude the department of ~~job~~ 98223  
~~and family services~~ medicaid from adjudicating a final fiscal 98224  
audit under section ~~5111.06~~ 5164.38 of the Revised Code, 98225  
recovering overpayments under section ~~5111.061~~ 5164.57 of the 98226  
Revised Code, or making findings or taking other actions 98227  
authorized by ~~this chapter~~ state statutes governing the medicaid 98228  
program. 98229

Sec. 5164.59. The department of medicaid may deduct from 98230  
medicaid payments for medicaid services rendered by a medicaid 98231  
provider any amounts the provider owes the state as the result of 98232  
incorrect medicaid payments the department has made to the 98233  
provider. 98234

Sec. 5164.60. Any medicaid provider who, without intent, 98235

obtains payments under the medicaid program in excess of the 98236  
amount to which the provider is entitled is liable for payment of 98237  
interest on the amount of the excess payments at the maximum 98238  
interest rate allowable for real estate mortgages under section 98239  
1343.01 of the Revised Code on the date the payment was made to 98240  
the provider for the period from the date on which payment was 98241  
made to the date on which repayment is made to the state. 98242

Sec. 5164.61. The authority, under state and federal law, of 98243  
the department of medicaid or a county department of job and 98244  
family services to recover excess medicaid payments made to a 98245  
medicaid provider is not limited by the availability of remedies 98246  
under sections 5162.21 and 5162.23 of the Revised Code for 98247  
recovering benefits paid on behalf of medicaid recipients. 98248

~~Sec. 5111.021~~ 5164.70. Under the medicaid program: 98249

~~(A)~~ Except as otherwise required by federal statute or 98250  
regulation, ~~the department of job and family services shall not~~ 98251  
~~reimburse a medical provider no medicaid payment~~ for any medical 98252  
~~assistance rendered under the program an amount that exceeds~~ 98253  
~~medicaid service shall exceed the following:~~ 98254

~~(1)(A)~~ If the medicaid provider is a hospital, nursing 98255  
facility, or ~~intermediate care facility for the mentally retarded~~ 98256  
ICF/MR, the limits established under Subpart C of 42 C.F.R. Part 98257  
447; 98258

~~(2)(B)~~ If the medicaid provider is other than a provider 98259  
described in division (A)~~(1)~~ of this section, the authorized 98260  
~~reimbursement~~ payment limits for the same service under the 98261  
medicare program ~~established under Title XVIII of the "Social~~ 98262  
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.~~ 98263

~~(B) Reimbursement for freestanding medical laboratory charges~~ 98264

~~shall not exceed the customary and usual fee for laboratory profiles.~~ 98265  
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~~(C) The department may deduct from payments for services rendered by a medicaid provider under the medicaid program any amounts the provider owes the state as the result of incorrect medicaid payments the department has made to the provider.~~ 98267  
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~~(D) The department may conduct final fiscal audits in accordance with the applicable requirements set forth in federal laws and regulations and determine any amounts the provider may owe the state. When conducting final fiscal audits, the department shall consider generally accepted auditing standards, which include the use of statistical sampling.~~ 98271  
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~~(E) The number of days of inpatient hospital care for which reimbursement is made on behalf of a medicaid recipient to a hospital that is not paid under a diagnostic related group prospective payment system shall not exceed thirty days during a period beginning on the day of the recipient's admission to the hospital and ending sixty days after the termination of that hospital stay, except that the department may make exceptions to this limitation. The limitation does not apply to children participating in the program for medically handicapped children established under section 3701.023 of the Revised Code.~~ 98277  
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~~(F) The division of any reimbursement between a collaborating physician or podiatrist and a clinical nurse specialist, certified nurse midwife, or certified nurse practitioner for services performed by the nurse shall be determined and agreed on by the nurse and collaborating physician or podiatrist. In no case shall reimbursement exceed the payment that the physician or podiatrist would have received had the physician or podiatrist provided the entire service.~~ 98287  
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Sec. 5164.71. Medicaid payments for freestanding medical 98295



laboratory charges shall not exceed the customary and usual fee 98296  
for laboratory profiles. 98297

Sec. 5164.72. The number of days of inpatient hospital care 98298  
for which a medicaid payment is made on behalf of a medicaid 98299  
recipient to a hospital that is not paid under a 98300  
diagnostic-related-group prospective payment system shall not 98301  
exceed thirty days during a period beginning on the day of the 98302  
recipient's admission to the hospital and ending sixty days after 98303  
the termination of that hospital stay, except that the department 98304  
of medicaid may make exceptions to this limitation. The limitation 98305  
does not apply to children participating in the program for 98306  
medically handicapped children established under section 3701.023 98307  
of the Revised Code. 98308

Sec. 5164.73. The division of any medicaid payment between a 98309  
collaborating physician or podiatrist and a clinical nurse 98310  
specialist, certified nurse-midwife, or certified nurse 98311  
practitioner for services performed by the nurse shall be 98312  
determined and agreed on by the nurse and collaborating physician 98313  
or podiatrist. In no case shall the medicaid payment exceed the 98314  
medicaid payment that the physician or podiatrist would have 98315  
received had the physician or podiatrist provided the entire 98316  
service. 98317

Sec. ~~5111.19~~ 5164.74. The medicaid director of job and family 98318  
services shall adopt rules under section 5164.02 of the Revised 98319  
Code governing the calculation and payment of, and the allocation 98320  
of payments for, graduate medical education costs associated with 98321  
medicaid services rendered to medicaid recipients after June 30, 98322  
1994. Subject to section ~~5111.191~~ 5164.741 of the Revised Code, 98323  
the rules shall provide for reimbursement payment of graduate 98324  
medical education costs associated with medicaid services rendered 98325

to medicaid recipients, including recipients enrolled in a 98326  
medicaid managed care organization ~~under contract with the~~ 98327  
~~department office under section 5111.17 of the Revised Code~~, that 98328  
the department of medicaid determines are allowable and 98329  
reasonable. 98330

~~If the department requires a managed care organization to pay~~ 98331  
~~a provider for graduate medical education costs associated with~~ 98332  
~~the delivery of services to medicaid recipients enrolled in the~~ 98333  
~~organization, the department shall include in its payment to the~~ 98334  
~~organization an amount sufficient for the organization to pay such~~ 98335  
~~costs. If the department does not include in its payments to the~~ 98336  
~~managed care organization amounts for graduate medical education~~ 98337  
~~costs of providers, all of the following apply:~~ 98338

~~(A) Except as provided in section 5111.191 of the Revised~~ 98339  
~~Code, the department shall pay the provider for graduate medical~~ 98340  
~~education costs associated with the delivery of services to~~ 98341  
~~medicaid recipients enrolled in the organization;~~ 98342

~~(B) No provider shall seek reimbursement from the~~ 98343  
~~organization for such costs;~~ 98344

~~(C) The organization is not required to pay providers for~~ 98345  
~~such costs.~~ 98346

**Sec. ~~5111.191~~ 5164.741.** (A) Except as provided in division 98347  
(B) of this section, the department of ~~job and family services~~ 98348  
medicaid may deny medicaid payment to a hospital for direct 98349  
graduate medical education costs associated with the delivery of 98350  
medicaid services to any medicaid recipient if the hospital 98351  
refuses without good cause to contract with a medicaid managed 98352  
care organization that ~~serves participants in the care management~~ 98353  
~~system established under section 5111.16 of the Revised Code who~~ 98354  
~~are required to be enrolled in a managed care organization and the~~ 98355  
~~managed care organization serves the area in which the hospital is~~ 98356

located. 98357

(B) A hospital is not subject to division (A) of this section 98358  
if all of the following are the case: 98359

(1) The hospital is located in a county in which participants 98360  
in the care management system are required before January 1, 2006, 98361  
to be enrolled in a medicaid managed care organization that is a 98362  
health insuring corporation. 98363

(2) The hospital has entered into a contract before January 98364  
1, 2006, with at least one health insuring corporation serving the 98365  
participants specified in division (B)(1) of this section. 98366

(3) The hospital remains under contract with at least one 98367  
health insuring corporation serving participants in the care 98368  
management system who are required to be enrolled in a health 98369  
insuring corporation. 98370

(C) The medicaid director ~~of job and family services~~ shall 98371  
specify in the rules adopted under section ~~5111.19~~ 5164.02 of the 98372  
Revised Code what constitutes good cause for a hospital to refuse 98373  
to contract with a medicaid managed care organization. 98374

**Sec. ~~5111.086~~ 5164.75.** As used in this section, "federal 98375  
upper reimbursement limit" means the limit established pursuant to 98376  
~~section 1927(e) of the "Social Security Act," 104 Stat. 1388-151~~ 98377  
~~(1990) section 1927(e), 42 U.S.C. 1396r-8(e), as amended.~~ 98378

The medicaid payment for a drug that is subject to a federal 98379  
upper reimbursement limit shall not exceed, in the aggregate, the 98380  
federal upper reimbursement limit for the drug. ~~The director of~~ 98381  
~~job and family services shall adopt rules under section 5111.02 of~~ 98382  
~~the Revised Code as necessary to implement this section.~~ 98383

**Sec. ~~5111.082~~ 5164.751.** (A) As used in this section+ 98384

(1) ~~"State, "state~~ maximum allowable cost" means the per unit 98385  
amount the ~~department of job and family services reimburses~~ 98386  
medicaid program pays a terminal distributor of dangerous drugs 98387  
for a ~~prescription~~ prescribed drug included in the state maximum 98388  
allowable cost program established under division (B) of this 98389  
section. "State maximum allowable cost" excludes dispensing fees 98390  
and copayments, coinsurance, or other cost-sharing charges, if 98391  
any. 98392

(2) ~~"Terminal distributor of dangerous drugs" has the same~~ 98393  
~~meaning as in section 4729.01 of the Revised Code.~~ 98394

(B) The medicaid director ~~of job and family services~~ shall 98395  
establish a state maximum allowable cost program for purposes of 98396  
managing ~~reimbursement~~ medicaid payments to terminal distributors 98397  
of dangerous drugs for ~~prescription~~ prescribed drugs identified by 98398  
the director pursuant to this division. The director shall do all 98399  
of the following with respect to the program: 98400

(1) Identify and create a list of ~~prescription~~ prescribed 98401  
drugs to be included in the program. 98402

(2) Update the list of ~~prescription~~ prescribed drugs 98403  
described in division (B)(1) of this section on a weekly basis. 98404

(3) Review the state maximum allowable cost for each 98405  
prescribed drug included on the list described in division (B)(1) 98406  
of this section on a weekly basis. 98407

(C) ~~The director may adopt rules in accordance with Chapter~~ 98408  
~~119. of the Revised Code to implement this section.~~ 98409

**Sec. ~~5111.07~~ 5164.752.** ~~Commencing in In July, 1986, and of~~ 98410  
every ~~second July thereafter~~ even-numbered year, the department of 98411  
~~job and family services~~ medicaid shall initiate a ~~private~~ 98412  
confidential survey of ~~retail pharmacy operations~~ the cost of 98413  
dispensing drugs incurred by terminal distributors of dangerous 98414

~~drugs in the this state. The survey shall be used as the basis for~~ 98415  
~~establishing a current maximum the medicaid program's dispensing~~ 98416  
~~fee for licensed pharmacists who are providers of drugs under this~~ 98417  
~~chapter. The terminal distributors in accordance with section~~ 98418  
~~5164.753 of the Revised Code. The survey shall be completed and~~ 98419  
~~its results published not later than the last day of October of~~ 98420  
~~the year in which it is conducted.~~ 98421

~~Each terminal distributor that is a provider of drugs under~~ 98422  
~~the medicaid program shall participate in the survey. Except as~~ 98423  
~~necessary to publish the survey's results, a terminal~~ 98424  
~~distributor's responses to the survey are confidential and not a~~ 98425  
~~public record under section 149.43 of the Revised Code.~~ 98426

~~The survey shall be conducted in conformance with the~~ 98427  
~~requirements set forth in 42 C.F.R. 447.331 through 447.333, as~~ 98428  
~~amended or superseded, and 447.500 to 447.518. The survey shall~~ 98429  
~~include operational data and direct prescription expenses,~~ 98430  
~~professional services and personnel costs, and usual and customary~~ 98431  
~~overhead expenses, and profit data of the retail pharmacies~~ 98432  
~~terminal distributors surveyed. The survey shall be completed and~~ 98433  
~~its results published no later than the last day of October of the~~ 98434  
~~year in which the survey is conducted, and the survey shall~~ 98435  
~~compute and report the cost of dispensing fees on a basis of the~~ 98436  
~~usual and customary charges by retail pharmacies terminal~~ 98437  
~~distributors to their customers for dispensing drugs. The director~~ 98438  
~~of job and family services shall take into account the results of~~ 98439  
~~the survey in establishing a dispensing fee.~~ 98440

~~Sec. 5111.071 5164.753. Commencing in In December, 1986, and~~ 98441  
~~of every second December thereafter even-numbered year, the~~ 98442  
~~medicaid director of job and family services shall establish a~~ 98443  
~~dispensing fee, effective the following January July, for licensed~~ 98444  
~~pharmacists terminal distributors of dangerous drugs who are~~ 98445

providers of drugs under ~~this chapter~~ the medicaid program. The In 98446  
establishing the dispensing fee, the director shall take into 98447  
consideration the results of the survey conducted under section 98448  
~~5111.07~~ 5164.752 of the Revised Code and the extent to which each 98449  
terminal distributor participates in the medicaid program as a 98450  
provider of drugs. 98451

**Sec. ~~5111.0114~~ 5164.754.** (A) As used in this section, 98452  
"dangerous drug" and "manufacturer of dangerous drugs" have the 98453  
same meaning as in section 4729.01 of the Revised Code. 98454

(B) The medicaid director ~~of job and family services~~ may 98455  
enter into or administer an agreement or cooperative arrangement 98456  
with other states to create or join a multiple-state prescription 98457  
drug purchasing program for the purpose of negotiating with 98458  
manufacturers of dangerous drugs to receive discounts or rebates 98459  
for dangerous drugs ~~dispensed under~~ covered by the medicaid 98460  
program. 98461

**Sec. ~~5111.081~~ 5164.755.** The medicaid director ~~of job and~~ 98462  
~~family services~~, in rules adopted under section ~~5111.02~~ 5164.02 of 98463  
the Revised Code, may establish and implement a supplemental drug 98464  
rebate program under which drug manufacturers may be required to 98465  
provide the department of ~~job and family services~~ medicaid a 98466  
supplemental rebate as a condition of having the drug 98467  
manufacturers' drug products covered by the medicaid program 98468  
without prior approval. The department may receive a supplemental 98469  
rebate negotiated under the program for a drug dispensed to a 98470  
medicaid recipient pursuant to a prescription or a drug purchased 98471  
by a medicaid provider for administration to a medicaid recipient 98472  
in the provider's primary place of business. ~~If necessary, the~~ 98473  
~~director may apply to the United States secretary of health and~~ 98474  
~~human services for a waiver of federal statutes and regulations to~~ 98475  
~~establish the supplemental drug rebate program.~~ 98476

If the director establishes a supplemental drug rebate program, the director shall consult with drug manufacturers regarding the establishment and implementation of the program. 98477  
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**Sec. ~~5101.31~~ 5164.756.** Any record, data, pricing information, or other information regarding a drug rebate agreement or a supplemental drug rebate agreement for the medicaid program established under ~~Chapter 5111. of the Revised Code~~ that the department of ~~job and family services~~ medicaid receives from a pharmaceutical manufacturer or creates pursuant to negotiation of the agreement is not a public record under section 149.43 of the Revised Code and shall be treated by the department as confidential information. 98480  
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**Sec. ~~5111.083~~ 5164.757.** (A) As used in this section, "licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code. 98489  
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(B) The medicaid director ~~of job and family services~~ may ~~establish an~~ acquire or specify technologies to provide information regarding medicaid recipient eligibility, claims history, and drug coverage to medicaid providers through electronic health record and e-prescribing system for the medicaid program under which applications. 98492  
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If such technologies are acquired or specified, the e-prescribing applications shall enable a medicaid provider who is a licensed health professional authorized to prescribe drugs ~~shall~~ to use an electronic system to prescribe a drug for a medicaid recipient ~~when required to do so by division (C) of this section.~~ 98498  
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director also shall provide such medicaid providers with an 98507  
up-to-date, clinically relevant drug information database and a 98508  
system of electronically monitoring medicaid recipients' medical 98509  
history, drug regimen compliance, and fraud and abuse. 98510

~~(C) If the director establishes an e-prescribing system under 98511  
division (B) of this section, the director shall do all of the 98512  
following:~~ 98513

~~(1) Require that a medicaid provider who is a licensed health 98514  
professional authorized to prescribe drugs use the e-prescribing 98515  
system during a fiscal year if the medicaid provider was one of 98516  
the ten medicaid providers who, during the calendar year that 98517  
precedes that fiscal year, issued the most prescriptions for 98518  
medicaid recipients receiving hospital services;~~ 98519

~~(2) Before the beginning of each fiscal year, determine the 98520  
ten medicaid providers that issued the most prescriptions for 98521  
medicaid recipients receiving hospital services during the 98522  
calendar year that precedes the upcoming fiscal year and notify 98523  
those medicaid providers that they must use the e-prescribing 98524  
system for the upcoming fiscal year;~~ 98525

~~(3) Seek the most federal financial participation available 98526  
for the development and implementation of the e-prescribing 98527  
system.~~ 98528

**Sec. 5111.085 5164.758.** ~~Not later than July 1, 2012, the 98529  
department of job and family services The medicaid director shall 98530  
adopt rules in accordance with Chapter 119. under section 5164.02 98531  
of the Revised Code to implement a coordinated services program 98532  
for medicaid recipients who are found to have obtained 98533  
prescription prescribed drugs under the medicaid program at a 98534  
frequency or in an amount that is not medically necessary. The 98535  
program shall be implemented in a manner that is consistent with 98536  
~~section 1915(a)(2) of the "Social Security Act," 95 Stat. 810~~ 98537~~



~~(1981)~~ section 1915(a)(2), 42 U.S.C. 1396n(a)(2), ~~as amended~~, and 98538  
42 C.F.R. 431.54(e). 98539

**Sec. ~~5111.08~~ 5164.759.** In accordance with ~~subsection (g) of~~ 98540  
~~section 1927 of~~ the "Social Security Act," ~~49 Stat. 320 (1935)~~ 98541  
section 1927(g), 42 U.S.C.A. 1396r-8(g), ~~as amended~~, the 98542  
department of ~~job and family services~~ medicaid shall establish an 98543  
outpatient drug use review program to assure that prescriptions 98544  
obtained by medicaid recipients ~~of medical assistance under this~~ 98545  
~~chapter~~ are appropriate, medically necessary, and unlikely to 98546  
cause adverse medical results. 98547

**Sec. ~~5111.084~~ 5164.7510.** (A) There is hereby established the 98548  
pharmacy and therapeutics committee of the department of ~~job and~~ 98549  
~~family services~~ medicaid. The committee shall assist the 98550  
department with developing and maintaining a preferred drug list 98551  
for the medicaid program. 98552

The committee shall review and recommend to the medicaid 98553  
director ~~of job and family services~~ the drugs that should be 98554  
included on the preferred drug list. The recommendations shall be 98555  
made based on the evaluation of competent evidence regarding the 98556  
relative safety, efficacy, and effectiveness of ~~prescription~~ 98557  
prescribed drugs within a class or classes of ~~prescription~~ 98558  
prescribed drugs. 98559

(B) The committee shall consist of ten members and shall be 98560  
appointed by the medicaid director ~~of job and family services~~. The 98561  
director shall seek recommendations for membership from relevant 98562  
professional organizations. A candidate for membership recommended 98563  
by a professional organization shall have professional experience 98564  
working with medicaid recipients. 98565

The membership of the committee shall include: 98566

(1) Three pharmacists licensed under Chapter 4729. of the 98567

Revised Code; 98568

(2) Two doctors of medicine and two doctors of osteopathy who 98569  
hold certificates to practice issued under Chapter 4731. of the 98570  
Revised Code, one of whom is a family practice physician; 98571

(3) A registered nurse licensed under Chapter 4723. of the 98572  
Revised Code; 98573

(4) A pharmacologist who has a doctoral degree; 98574

(5) A psychiatrist who holds a certificate to practice issued 98575  
under Chapter 4731. of the Revised Code and specializes in 98576  
psychiatry. 98577

(C) The committee shall elect from among its members a 98578  
chairperson. Five committee members constitute a quorum. 98579

The committee shall establish guidelines necessary for the 98580  
committee's operation. 98581

The committee may establish one or more subcommittees to 98582  
investigate and analyze issues consistent with the duties of the 98583  
committee under this section. The subcommittees may submit 98584  
proposals regarding the issues to the committee and the committee 98585  
may adopt, reject, or modify the proposals. 98586

A vote by a majority of a quorum is necessary to make 98587  
recommendations to the director. In the case of a tie, the 98588  
chairperson shall decide the outcome. 98589

(D) The director shall act on the committee's recommendations 98590  
not later than thirty days after the recommendation is posted on 98591  
the department's web site under division (F) of this section. If 98592  
the director does not accept a recommendation of the committee, 98593  
the director shall present the basis for this determination not 98594  
later than fourteen days after making the determination or at the 98595  
next scheduled meeting of the committee, whichever is sooner. 98596

(E) An interested party may request, and shall be permitted, 98597

to make a presentation or submit written materials to the 98598  
committee during a committee meeting. The presentation or other 98599  
materials shall be relevant to an issue under consideration by the 98600  
committee and any written material, including a transcript of 98601  
testimony to be given on the day of the meeting, may be submitted 98602  
to the committee in advance of the meeting. 98603

(F) The department shall post the following on the 98604  
department's web site: 98605

(1) Guidelines established by the committee under division 98606  
(C) of this section; 98607

(2) A detailed committee agenda not later than fourteen days 98608  
prior to the date of a regularly scheduled meeting and not later 98609  
than seventy-two hours prior to the date of a special meeting 98610  
called by the committee; 98611

(3) Committee recommendations not later than seven days after 98612  
the meeting at which the recommendation was approved; 98613

(4) The director's final determination as to the 98614  
recommendations made by the committee under this section. 98615

**Sec. ~~5111.025~~ 5164.76.** (A) In rules adopted under section 98616  
~~5111.02~~ 5164.02 of the Revised Code, the medicaid director ~~of job~~ 98617  
~~and family services~~ shall modify the manner or establish a new 98618  
manner in which the following are paid under medicaid: 98619

(1) Community mental health ~~agencies~~ service providers or 98620  
facilities for providing community mental health services ~~included~~ 98621  
~~in covered by~~ the ~~state~~ medicaid plan program pursuant to section 98622  
~~5111.023~~ 5164.15 of the Revised Code; 98623

(2) Providers of alcohol and drug addiction services for 98624  
providing alcohol and drug addiction services ~~included in covered~~ 98625  
~~by~~ the medicaid program ~~pursuant to rules adopted under section~~ 98626  
~~5111.02~~ of the Revised Code. 98627

(B) The director's authority to modify the manner, or to establish a new manner, for medicaid to pay for the services specified in division (A) of this section is not limited by any rules adopted under section ~~5111.02 or 5119.61~~ 5119.22 or 5164.02 of the Revised Code that are in effect on June 26, 2003, and govern the way medicaid pays for those services. This is the case regardless of what state agency adopted the rules.

**Sec. ~~5111.0213~~ 5164.77.** (A) As used in this section:

(1) "Aide services" means all of the following:

(a) Home health aide services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(2);

(b) Home care attendant services available under a home and community-based services medicaid waiver component;

(c) Personal care aide services available under a home and community-based services medicaid waiver component.

(2) ~~"Home and community based services medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

~~(3)~~ "Independent provider" means an individual who personally provides aide services or nursing services and is not employed by, under contract with, or affiliated with another entity that provides those services.

~~(4)~~(3) "Nursing services" means all of the following:

(a) Nursing services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(1);

(b) Private duty nursing services as defined in 42 C.F.R. 440.80;

(c) Nursing services available under a home and community-based services medicaid waiver component.

(B) The department of ~~job and family services~~ medicaid shall 98657  
do ~~both~~ all of the following: 98658

(1) Effective October 1, 2011, reduce the medicaid program's 98659  
first-hour-unit price for aide services to ninety-seven per cent 98660  
of the price paid on June 30, 2011, and for nursing services to 98661  
ninety-five per cent of the price paid on June 30, 2011; 98662

(2) Effective October 1, 2011, pay for a service that is an 98663  
aide service or a nursing service provided by an independent 98664  
provider eighty per cent of the price it pays for the same service 98665  
provided by a provider that is not an independent provider; 98666

(3) Not sooner than July 1, 2012, adjust the medicaid 98667  
~~reimbursement~~ payment rates for aide services and nursing services 98668  
in a manner that reflects, at a minimum, labor market data, 98669  
education and licensure status, home health agency and independent 98670  
provider status, and length of service visit. 98671

(C) The department shall strive to have the adjustment made 98672  
under division (B)(3) of this section go into effect on July 1, 98673  
2012. The reductions made under divisions (B)(1) and (2) of this 98674  
section shall remain in effect until the adjustment made under 98675  
division (B)(3) of this section goes into effect. 98676

~~(D) The director of job and family services shall adopt rules 98677  
under sections 5111.02 and 5111.85 of the Revised Code as 98678  
necessary to implement this section. 98679~~

**Sec. ~~5111.0212~~ 5164.80.** As necessary to comply with ~~section 98680  
1902(a)(13)(A) of the "Social Security Act," 111 Stat. 507 (1997)~~ 98681  
section 1902(a)(13)(A), 42 U.S.C. 1396a(a)(13)(A), as amended, and 98682  
any other federal law that requires public notice of proposed 98683  
changes to ~~reimbursement~~ payment rates for ~~medical assistance 98684  
provided under the medicaid program~~ services, the medicaid 98685  
~~director of job and family services~~ shall give public notice in 98686

the register of Ohio of any change to a method or standard used to 98687  
determine the medicaid ~~reimbursement~~ payment rate for ~~medical~~ 98688  
~~assistance~~ a medicaid service. 98689

**Sec. ~~5111.0214~~ 5164.82.** The department of ~~job and family~~ 98690  
~~services~~ medicaid shall not knowingly make a medicaid payment for 98691  
a provider-preventable condition for which federal financial 98692  
participation is prohibited by regulations adopted under ~~section~~ 98693  
~~2702~~ of the "Patient Protection and Affordable Care Act," ~~124~~ 98694  
~~Stat. 318 (2010)~~ section 2702, 42 U.S.C. 1396b-1. ~~The director of~~ 98695  
~~job and family services shall adopt rules under section 5111.02 of~~ 98696  
~~the Revised Code as necessary to implement this section.~~ 98697

**Sec. 5164.83.** (A) As used in this section: 98698

(1) "Core competencies," "direct care services," and "direct 98699  
care worker" have the same meanings as in section 191.061 of the 98700  
Revised Code. 98701

(2) "Direct payment" means payment by the medicaid program 98702  
for direct care services provided by a direct care worker to a 98703  
medicaid recipient that is delivered directly to the worker. 98704

(3) "Indirect payment" means payment by the medicaid program 98705  
for direct care services provided by a direct care worker to a 98706  
medicaid recipient that is delivered to a third party but later 98707  
transferred to the worker. 98708

(B) The department of medicaid shall not do either of the 98709  
following unless a direct care worker demonstrates core 98710  
competencies in accordance with section 191.061 of the Revised 98711  
Code: 98712

(1) Permit a direct or indirect payment to be made to the 98713  
worker for a direct care service provided by the worker on or 98714  
after October 1, 2015; 98715

(2) Enter into a provider agreement with the direct care worker on or after October 1, 2015. 98716  
98717

**Sec. ~~5111.13~~ 5164.85.** (A) As used in this section, 98718  
"cost-effective" and "group health plan" have the same meanings as 98719  
in ~~section 1906~~ of the "Social Security Act," ~~104 Stat. 1388-161~~ 98720  
~~(1990)~~ section 1906, 42 U.S.C. 1396e, ~~as amended~~, and any 98721  
regulations adopted under that section. 98722

(B) The department of ~~job and family services~~ medicaid may 98723  
~~submit a medicaid state plan amendment to the United States~~ 98724  
~~secretary of health and human services for the purpose of~~ 98725  
~~implementing~~ implement a program pursuant to ~~section 1906~~ of the 98726  
"Social Security Act," ~~104 Stat. 1388-161 (1990)~~ section 1906, 42 98727  
U.S.C. 1396e, ~~as amended~~, for the enrollment of medicaid-eligible 98728  
individuals in group health plans when the department determines 98729  
that enrollment is cost-effective. 98730

~~(C) The director of job and family services may adopt rules~~ 98731  
~~in accordance with Chapter 119. of the Revised Code as necessary~~ 98732  
~~to implement this section.~~ 98733

**Sec. ~~5111.18~~ 5164.86.** ~~Not later than September 1, 2007, the~~ 98734  
~~The medicaid~~ director of ~~job and family services~~ shall establish a 98735  
qualified state long-term care insurance partnership program 98736  
consistent with the definition of that term in the "Social 98737  
Security Act," section 1917(b)(1)(C)(iii), 42 U.S.C. 98738  
1396p(b)(1)(C)(iii). An individual participating in the program 98739  
who is subject to the medicaid estate recovery program instituted 98740  
under section ~~5111.11~~ 5162.21 of the Revised Code shall be 98741  
eligible for the reduced adjustment or recovery under division (D) 98742  
of that section. 98743

~~The director of job and family services may adopt rules in~~ 98744  
~~accordance with Chapter 119. of the Revised Code as necessary to~~ 98745

~~implement this section.~~ 98746

**Sec. ~~5111.14~~ 5164.88.** The medicaid director ~~of job and family~~ 98747  
~~services~~ may ~~submit to the United States secretary of health and~~ 98748  
~~human services an amendment to the medicaid state plan in order to~~ 98749  
implement within the medicaid program a system under which 98750  
medicaid recipients with chronic conditions are provided with 98751  
coordinated care through health homes, as authorized by ~~section~~ 98752  
~~1945~~ of the "Social Security Act," ~~124 Stat. 319 (2010)~~ section 98753  
1945, 42 U.S.C. 1396w-4. 98754

~~The director may adopt rules under section 5111.02 of the~~ 98755  
~~Revised Code to implement this section.~~ 98756

**Sec. ~~5111.141~~ 5164.89.** The department of ~~job and family~~ 98757  
~~services~~ medicaid may require county departments of job and family 98758  
services to provide case management of nonemergency transportation 98759  
services provided under the ~~medical assistance~~ medicaid program. 98760  
County departments shall provide the case management if required 98761  
by the department in accordance with rules adopted ~~by the director~~ 98762  
~~of job and family services~~ under section 5164.02 of the Revised 98763  
Code. 98764

The department shall determine, for the purposes of claiming 98765  
federal ~~reimbursement under the medical assistance program~~ 98766  
financial participation, whether it will claim expenditures for 98767  
nonemergency transportation services as administrative or program 98768  
expenditures. 98769

**Sec. ~~5111.96~~ 5164.90.** (A) As used in this section, "MFP 98770  
demonstration project" means a money follows the person 98771  
demonstration project that the United States secretary of health 98772  
and human services is authorized to award under section 6071 of 98773  
the "Deficit Reduction Act of 2005" (Pub. L. No. 109-171, as 98774  
amended). 98775



(B) To the extent funds are available under an MFP 98776  
demonstration project awarded to the department of ~~job and family~~ 98777  
~~services~~ medicaid, the director of ~~job and family services~~ 98778  
medicaid may operate the helping Ohioans move, expanding (HOME) 98779  
choice demonstration component of the medicaid program to 98780  
transition medicaid recipients who qualify for the demonstration 98781  
component to community settings. ~~The director may adopt rules in~~ 98782  
~~accordance with Chapter 119. of the Revised Code for the~~ 98783  
~~administration and operation of the demonstration component.~~ 98784

**Sec. ~~5111.981~~ 5164.91.** (A) ~~As used in this section and~~ 98785  
~~section 5111.982 of the Revised Code:~~ 98786

"Dual eligible individual" has the same meaning as in the 98787  
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 98788  
~~1396n(h)(2)(B).~~ 98789

"Medicare" means the program created in the "Social Security 98790  
Act," Title XVIII, 42 U.S.C. 1395 et seq., as amended. 98791

(B) ~~Subject to division (C) of this section, the medical~~ 98792  
~~assistance~~ The medicaid director may implement a demonstration 98793  
project called the integrated care delivery system to test and 98794  
evaluate the integration of the care that dual eligible 98795  
individuals receive under medicare and medicaid. No provision of 98796  
Title LI of the Revised Code applies to the integrated care 98797  
delivery system if that provision implements or incorporates a 98798  
provision of federal law governing medicaid and that provision of 98799  
federal law does not apply to the system. 98800

(C) ~~Before implementing the integrated care delivery system~~ 98801  
~~under division (B) of this section, the director shall obtain the~~ 98802  
~~approval of the United States secretary of health and human~~ 98803  
~~services in the form of a federal medicaid waiver, medicaid state~~ 98804  
~~plan amendment, or demonstration grant. The director is required~~ 98805  
~~to seek the federal approval only if the director seeks to~~ 98806

~~implement the integrated care delivery system. The director shall 98807  
implement the integrated care delivery system in accordance with 98808  
the terms of the federal approval, including the terms regarding 98809  
the duration of the system. 98810~~

**Sec. ~~5111.0210~~ 5164.92.** As used in this section, "advanced 98811  
diagnostic imaging services" means magnetic resonance imaging 98812  
services, computed tomography services, positron emission 98813  
tomography services, cardiac nuclear medicine services, and 98814  
similar imaging services. 98815

~~Not later than January 1, 2010, the~~ The department of ~~job and 98816  
family services~~ medicaid shall implement evidence-based, best 98817  
practice guidelines or protocols and decision support tools for 98818  
advanced diagnostic imaging services ~~available under~~ covered by 98819  
the fee-for-service component of the medicaid program. 98820

**Sec. ~~5111.0215~~ 5164.93.** (A) The department of ~~job and family 98821  
services~~ medicaid may establish a program under which it provides 98822  
incentive payments, as authorized by the "~~Health Information 98823  
Technology for Economic and Clinical Health~~ Social Security Act," 98824  
~~123 Stat. 489 (2009)~~ section 1903(a)(3)(F) and (t), 42 U.S.C. 98825  
~~1396b(a)(3)(F) and 1396b(t), as amended,~~ to encourage the adoption 98826  
and use of electronic health record technology by medicaid 98827  
providers who are identified under that federal law as eligible 98828  
professionals. 98829

(B) After the department has made a determination regarding 98830  
the amount of a medicaid provider's electronic health record 98831  
incentive payment or the denial of an incentive payment, the 98832  
department shall notify the provider. The provider may request 98833  
that the department reconsider its determination. 98834

A request for reconsideration shall be submitted in writing 98835  
to the department not later than fifteen days after the provider 98836

receives notification of the determination. The request shall be 98837  
accompanied by written materials setting forth the basis for, and 98838  
supporting, the reconsideration request. 98839

On receipt of a timely request, the department shall 98840  
reconsider the determination. On the basis of the written 98841  
materials accompanying the request, the department may uphold, 98842  
reverse, or modify its original determination. The department 98843  
shall mail to the provider by certified mail a written notice of 98844  
the reconsideration decision. 98845

In accordance with Chapter 2505. of the Revised Code, the 98846  
medicaid provider may appeal the reconsideration decision by 98847  
filing a notice of appeal with the court of common pleas of 98848  
Franklin county. The notice shall identify the decision being 98849  
appealed and the specific grounds for the appeal. The notice of 98850  
appeal shall be filed not later than fifteen days after the 98851  
department mails its notice of the reconsideration decision. A 98852  
copy of the notice of appeal shall be filed with the department 98853  
not later than three days after the notice is filed with the 98854  
court. 98855

(C) The medicaid director ~~of job and family services~~ may 98856  
adopt rules ~~in accordance with Chapter 119.~~ under section 5162.02 98857  
of the Revised Code as necessary to implement this section. The 98858  
rules, if any, shall be adopted in accordance with Chapter 119. of 98859  
the Revised Code. 98860

**Sec. ~~5111.20~~ 5165.01.** As used in ~~sections 5111.20 to 5111.331~~ 98861  
~~of the Revised Code~~ this chapter: 98862

(A) "Affiliated operator" means an operator affiliated with 98863  
either of the following: 98864

(1) The exiting operator for whom the affiliated operator is 98865  
to assume liability for the entire amount of the exiting 98866

operator's debt under the medicaid program or the portion of the 98867  
debt that represents the franchise permit fee the exiting operator 98868  
owes; 98869

(2) The entering operator involved in the change of operator 98870  
with the exiting operator specified in division (A)(1) of this 98871  
section. 98872

(B) "Allowable costs" are those a nursing facility's costs 98873  
determined by that the department of job and family services to be 98874  
medicaid determines are reasonable and do not include fines. Fines 98875  
paid under sections ~~5111.35~~ 5165.60 to ~~5111.61~~ 5165.89 and section 98876  
~~5111.99~~ 5165.99 of the Revised Code are not allowable costs. 98877

~~(B)~~(C) "Ancillary and support costs" means all reasonable 98878  
costs incurred by a nursing facility other than direct care costs, 98879  
tax costs, or capital costs. "Ancillary and support costs" 98880  
includes, but is not limited to, costs of activities, social 98881  
services, pharmacy consultants, habilitation supervisors, 98882  
qualified mental retardation professionals, program directors, 98883  
medical and habilitation records, program supplies, incontinence 98884  
supplies, food, enterals, dietary supplies and personnel, laundry, 98885  
housekeeping, security, administration, medical equipment, 98886  
utilities, liability insurance, bookkeeping, purchasing 98887  
department, human resources, communications, travel, dues, license 98888  
fees, subscriptions, home office costs not otherwise allocated, 98889  
legal services, accounting services, minor equipment, maintenance 98890  
and repairs, help-wanted advertising, informational advertising, 98891  
start-up costs, organizational expenses, other interest, property 98892  
insurance, employee training and staff development, employee 98893  
benefits, payroll taxes, and workers' compensation premiums or 98894  
costs for self-insurance claims and related costs as specified in 98895  
rules adopted by the director of job and family services under 98896  
section ~~5111.02~~ 5165.02 of the Revised Code, for personnel listed 98897  
in this division. "Ancillary and support costs" also means the 98898

cost of equipment, including vehicles, acquired by operating lease 98899  
executed before December 1, 1992, if the costs are reported as 98900  
administrative and general costs on the nursing facility's cost 98901  
report for the cost reporting period ending December 31, 1992. 98902

~~(C)(D)(1)~~ "Capital costs" means ~~costs of ownership and, in~~ 98903  
~~the case of an intermediate care facility for the mentally~~ 98904  
~~retarded, costs of nonextensive renovation~~ the actual expense 98905  
incurred by a nursing facility for all of the following: 98906

(a) Depreciation and interest on any capital assets that cost 98907  
five hundred dollars or more per item, including the following: 98908

(i) Buildings; 98909

(ii) Building improvements; 98910

(iii) Except as provided in division (C) of this section, 98911  
equipment; 98912

(iv) Transportation equipment. 98913

(b) Amortization and interest on land improvements and 98914  
leasehold improvements; 98915

(c) Amortization of financing costs; 98916

(d) Lease and rent of land, buildings, and equipment. 98917

(2) The costs of capital assets of less than five hundred 98918  
dollars per item may be considered capital costs in accordance 98919  
with a provider's practice. 98920

~~(1) "Cost of ownership" means the actual expense incurred for~~ 98921  
~~all of the following:~~ 98922

~~(a) Depreciation and interest on any capital assets that cost~~ 98923  
~~five hundred dollars or more per item, including the following:~~ 98924

~~(i) Buildings;~~ 98925

~~(ii) Building improvements that are not approved as~~ 98926  
~~nonextensive renovations under section 5111.251 of the Revised~~ 98927

|                                                                                                                                                                                                                                                                                                    |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Code:                                                                                                                                                                                                                                                                                              | 98928                                     |
| <del>(iii) Except as provided in division (B) of this section,<br/>equipment;</del>                                                                                                                                                                                                                | 98929<br>98930                            |
| <del>(iv) In the case of an intermediate care facility for the<br/>mentally retarded, extensive renovations;</del>                                                                                                                                                                                 | 98931<br>98932                            |
| <del>(v) Transportation equipment.</del>                                                                                                                                                                                                                                                           | 98933                                     |
| <del>(b) Amortization and interest on land improvements and<br/>leasehold improvements;</del>                                                                                                                                                                                                      | 98934<br>98935                            |
| <del>(c) Amortization of financing costs;</del>                                                                                                                                                                                                                                                    | 98936                                     |
| <del>(d) Except as provided in division (K) of this section, lease<br/>and rent of land, building, and equipment.</del>                                                                                                                                                                            | 98937<br>98938                            |
| <del>The costs of capital assets of less than five hundred dollars<br/>per item may be considered capital costs in accordance with a<br/>provider's practice.</del>                                                                                                                                | 98939<br>98940<br>98941                   |
| <del>(2) "Costs of nonextensive renovation" means the actual<br/>expense incurred by an intermediate care facility for the mentally<br/>retarded for depreciation or amortization and interest on<br/>renovations that are not extensive renovations.</del>                                        | 98942<br>98943<br>98944<br>98945          |
| <del>(D)(E) "Capital lease" and "operating lease" shall be<br/>construed in accordance with generally accepted accounting<br/>principles.</del>                                                                                                                                                    | 98946<br>98947<br>98948                   |
| <del>(E) "Case mix score" means the measure determined under<br/>section 5111.232 of the Revised Code of the relative direct care<br/>resources needed to provide care and habilitation to a resident of<br/>a nursing facility or intermediate care facility for the mentally<br/>retarded.</del> | 98949<br>98950<br>98951<br>98952<br>98953 |
| <del>(F) <u>"Case-mix score" means a measure determined under section<br/>5165.192 of the Revised Code of the relative direct-care resources<br/>needed to provide care and habilitation to a nursing facility<br/>resident.</u></del>                                                             | 98954<br>98955<br>98956<br>98957          |

|                                                                                                                                                                                                                                                                                             |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(G) "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.</u>                                                                                                                                                | 98958 |
|                                                                                                                                                                                                                                                                                             | 98959 |
|                                                                                                                                                                                                                                                                                             | 98960 |
| <u>(1) Actions that constitute a change of operator include the following:</u>                                                                                                                                                                                                              | 98961 |
|                                                                                                                                                                                                                                                                                             | 98962 |
| <u>(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;</u>                                                                                                                                | 98963 |
|                                                                                                                                                                                                                                                                                             | 98964 |
|                                                                                                                                                                                                                                                                                             | 98965 |
| <u>(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred;</u> | 98966 |
|                                                                                                                                                                                                                                                                                             | 98967 |
|                                                                                                                                                                                                                                                                                             | 98968 |
|                                                                                                                                                                                                                                                                                             | 98969 |
|                                                                                                                                                                                                                                                                                             | 98970 |
| <u>(c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's lease;</u>                                                                                                                                                  | 98971 |
|                                                                                                                                                                                                                                                                                             | 98972 |
|                                                                                                                                                                                                                                                                                             | 98973 |
| <u>(d) If the exiting operator is a partnership, dissolution of the partnership;</u>                                                                                                                                                                                                        | 98974 |
|                                                                                                                                                                                                                                                                                             | 98975 |
| <u>(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:</u>                                                                                                                                                         | 98976 |
|                                                                                                                                                                                                                                                                                             | 98977 |
| <u>(i) The change in composition does not cause the partnership's dissolution under state law.</u>                                                                                                                                                                                          | 98978 |
|                                                                                                                                                                                                                                                                                             | 98979 |
| <u>(ii) The partners agree that the change in composition does not constitute a change in operator.</u>                                                                                                                                                                                     | 98980 |
|                                                                                                                                                                                                                                                                                             | 98981 |
| <u>(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.</u>                                       | 98982 |
|                                                                                                                                                                                                                                                                                             | 98983 |
|                                                                                                                                                                                                                                                                                             | 98984 |
|                                                                                                                                                                                                                                                                                             | 98985 |
| <u>(2) The following, alone, do not constitute a change of operator:</u>                                                                                                                                                                                                                    | 98986 |
|                                                                                                                                                                                                                                                                                             | 98987 |

|                                                                                                                                                                                                                                                                                                                                      |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;</u>                                                                                                                                                            | 98988 |
|                                                                                                                                                                                                                                                                                                                                      | 98989 |
|                                                                                                                                                                                                                                                                                                                                      | 98990 |
| <u>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;</u>                                                                                                    | 98991 |
|                                                                                                                                                                                                                                                                                                                                      | 98992 |
|                                                                                                                                                                                                                                                                                                                                      | 98993 |
|                                                                                                                                                                                                                                                                                                                                      | 98994 |
| <u>(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.</u>                                                                                    | 98995 |
|                                                                                                                                                                                                                                                                                                                                      | 98996 |
|                                                                                                                                                                                                                                                                                                                                      | 98997 |
|                                                                                                                                                                                                                                                                                                                                      | 98998 |
| <u>(H) "Cost center" means the following:</u>                                                                                                                                                                                                                                                                                        | 98999 |
| <u>(1) Ancillary and support costs;</u>                                                                                                                                                                                                                                                                                              | 99000 |
| <u>(2) Capital costs;</u>                                                                                                                                                                                                                                                                                                            | 99001 |
| <u>(3) Direct care costs;</u>                                                                                                                                                                                                                                                                                                        | 99002 |
| <u>(4) Tax costs.</u>                                                                                                                                                                                                                                                                                                                | 99003 |
| <u>(I) "Custom wheelchair" means a wheelchair to which both of the following apply:</u>                                                                                                                                                                                                                                              | 99004 |
|                                                                                                                                                                                                                                                                                                                                      | 99005 |
| <u>(1) It has been measured, fitted, or adapted in consideration of either of the following:</u>                                                                                                                                                                                                                                     | 99006 |
|                                                                                                                                                                                                                                                                                                                                      | 99007 |
| <u>(a) The body size or disability of the individual who is to use the wheelchair;</u>                                                                                                                                                                                                                                               | 99008 |
|                                                                                                                                                                                                                                                                                                                                      | 99009 |
| <u>(b) The individual's period of need for, or intended use of, the wheelchair.</u>                                                                                                                                                                                                                                                  | 99010 |
|                                                                                                                                                                                                                                                                                                                                      | 99011 |
| <u>(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the supplier who assembled the wheelchair, or the manufacturer from which the wheelchair was ordered, added or made in accordance with the instructions of the physician of the individual who is to use</u> | 99012 |
|                                                                                                                                                                                                                                                                                                                                      | 99013 |
|                                                                                                                                                                                                                                                                                                                                      | 99014 |
|                                                                                                                                                                                                                                                                                                                                      | 99015 |
|                                                                                                                                                                                                                                                                                                                                      | 99016 |



the wheelchair. 99017

(J)(1) "Date of licensure," for a means the following: 99018

(a) In the case of a nursing facility originally that was 99019  
required by law to be licensed as a nursing home under Chapter 99020  
3721. of the Revised Code when it originally began to be operated 99021  
as a nursing home, means the date specific beds were the nursing 99022  
facility was originally so licensed as nursing home beds under 99023  
that chapter, regardless of whether they were subsequently 99024  
licensed as residential facility beds under section 5123.19 of the 99025  
Revised Code. For a facility originally licensed as a residential 99026  
facility under section 5123.19 of the Revised Code, "date of 99027  
licensure" means the date specific beds were originally licensed 99028  
as residential facility beds under that section.; 99029

If (b) In the case of a nursing home beds licensed under 99030  
Chapter 3721. of the Revised Code or residential facility beds 99031  
licensed under section 5123.19 of the Revised Code were facility 99032  
that was not required by law to be licensed as a nursing home when 99033  
they were it originally used to provide began to be operated as a 99034  
nursing home or residential facility services, "date of licensure" 99035  
means the date the beds it first were used to provide began to be 99036  
operated as a nursing home or residential facility services, 99037  
regardless of the date the present provider obtained licensure 99038  
nursing facility was first licensed as a nursing home. 99039

(2) If a facility adds, after a nursing facility's original 99040  
date of licensure, more nursing home beds or residential facility 99041  
beds or extensively renovates all or part of the facility after 99042  
its original date of licensure are added to the nursing facility, 99043  
it will have the nursing facility has a different date of 99044  
licensure for the additional beds or extensively renovated portion 99045  
of the facility, unless the beds are added in a space. This does 99046  
not apply, however, to additional beds when both of the following 99047  
apply: 99048

(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the previously licensed continuing beds but already located in that part of the nursing facility; 99049  
99050  
99051  
99052

(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility at a time when the nursing facility was not required by law to be licensed under Chapter 3721, or section 5123.19 of the Revised Code at that time as a nursing home. 99053  
99054  
99055  
99056  
99057

~~(2)~~(3) The definition of "date of licensure" in this section applies in determinations of the nursing facilities' medicaid reimbursement rate for a nursing facility or intermediate care facility for the mentally retarded payment rates but does not apply in determinations of the nursing facilities' franchise permit fee for a nursing facility or intermediate care facility for the mentally retarded fees. 99058  
99059  
99060  
99061  
99062  
99063  
99064

~~(G)~~(K) "Desk-reviewed" means that a nursing facility's costs as reported on a cost report submitted under section ~~5111.26~~ 5165.10 of the Revised Code have been subjected to a desk review under ~~division (A) of section 5111.27~~ 5165.108 of the Revised Code and preliminarily determined to be allowable costs. 99065  
99066  
99067  
99068  
99069

~~(H)~~(L) "Direct care costs" means all of the following costs incurred by a nursing facility: 99070  
99071

(1)~~(a)~~ Costs for registered nurses, licensed practical nurses, and nurse aides employed by the nursing facility; 99072  
99073

~~(b)~~(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division ~~(H)~~(2)~~(L)~~(8) of this section, other persons holding degrees qualifying them to provide therapy; 99074  
99075  
99076  
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~~(e)~~(3) Costs of purchased nursing services; 99078

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <del>(d)</del> (4) Costs of quality assurance;                                                                                                                                                                                                                                                                                                                                                                                                                             | 99079                                                       |
| <del>(e)</del> (5) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted by the director of job and family services in accordance with Chapter 119, under section 5165.02 of the Revised Code, for personnel listed in divisions <del>(H)</del> (L)(1)(a), <del>(b)</del> (2), and <del>(d)</del> (4), and (8) of this section; | 99080<br>99081<br>99082<br>99083<br>99084<br>99085<br>99086 |
| <del>(f)</del> (6) Costs of consulting and management fees related to direct care;                                                                                                                                                                                                                                                                                                                                                                                         | 99087<br>99088                                              |
| <del>(g)</del> (7) Allocated direct care home office costs-                                                                                                                                                                                                                                                                                                                                                                                                                | 99089                                                       |
| <del>(2) In addition to the costs specified in division (H)(1) of this section, for nursing facilities only, direct care costs include costs;</del>                                                                                                                                                                                                                                                                                                                        | 99090<br>99091<br>99092                                     |
| <u>(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, oxygen, over-the-counter pharmacy products, behavioral and mental health services, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, wheelchairs, resident transportation, and universal precautions supplies;</u>                                           | 99093<br>99094<br>99095<br>99096<br>99097<br>99098<br>99099 |
| <del>(3) In addition to the costs specified in division (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:</del>                                                                                                                                                                                                                                                                    | 99100<br>99101<br>99102                                     |
| <del>(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified mental retardation professionals, program directors, social services staff, activities staff, off-site day programming, psychologists and psychology assistants, and social workers and counselors;</del>                         | 99103<br>99104<br>99105<br>99106<br>99107<br>99108<br>99109 |

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| <del>(b) Costs of training and staff development, employee</del>             | 99110 |
| <del>benefits, payroll taxes, and workers' compensation premiums or</del>    | 99111 |
| <del>costs for self insurance claims and related costs as specified in</del> | 99112 |
| <del>rules adopted under section 5111.02 of the Revised Code, for</del>      | 99113 |
| <del>personnel listed in division (H)(3)(a) of this section.</del>           | 99114 |
| <u>(4)(9) Costs of wheelchairs other than the following:</u>                 | 99115 |
| <u>(a) Custom wheelchairs;</u>                                               | 99116 |
| <u>(b) Repairs to and replacements of custom wheelchairs and</u>             | 99117 |
| <u>parts that are made in accordance with the instructions of the</u>        | 99118 |
| <u>physician of the individual who uses the custom wheelchair.</u>           | 99119 |
| <u>(10) Costs of other direct-care resources that are specified</u>          | 99120 |
| <u>as direct care costs in rules adopted under section 5111.02</u>           | 99121 |
| <u>5165.02 of the Revised Code.</u>                                          | 99122 |
| <u>(I)(M) "Dual eligible individual" has the same meaning as in</u>          | 99123 |
| <u>section 5160.01 of the Revised Code.</u>                                  | 99124 |
| <u>(N) "Effective date of a change of operator" means the day</u>            | 99125 |
| <u>the entering operator becomes the operator of the nursing</u>             | 99126 |
| <u>facility.</u>                                                             | 99127 |
| <u>(O) "Effective date of a facility closure" means the last day</u>         | 99128 |
| <u>that the last of the residents of the nursing facility resides in</u>     | 99129 |
| <u>the nursing facility.</u>                                                 | 99130 |
| <u>(P) "Effective date of an involuntary termination" means the</u>          | 99131 |
| <u>date the department of medicaid terminates the operator's provider</u>    | 99132 |
| <u>agreement for the nursing facility.</u>                                   | 99133 |
| <u>(Q) "Effective date of a voluntary withdrawal of</u>                      | 99134 |
| <u>participation" means the day the nursing facility ceases to accept</u>    | 99135 |
| <u>new medicaid residents other than the individuals who reside in</u>       | 99136 |
| <u>the nursing facility on the day before the effective date of the</u>      | 99137 |
| <u>voluntary withdrawal of participation.</u>                                | 99138 |
| <u>(R) "Entering operator" means the person or government entity</u>         | 99139 |

that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination. 99140  
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(S) "Exiting operator" means any of the following: 99142

(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator; 99143  
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(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure; 99145  
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(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation; 99147  
99148

(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination. 99149  
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(T)(1) Subject to divisions (T)(2) and (3) of this section, "facility closure" means either of the following: 99151  
99152

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents; 99153  
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(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use. 99157  
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(2) A facility closure occurs regardless of any of the following: 99163  
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(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility; 99165  
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(b) The nursing facility's residents relocating to another of 99169

|                                                                              |       |
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| <u>the operator's nursing facilities;</u>                                    | 99170 |
| <u>(c) Any action the department of health takes regarding the</u>           | 99171 |
| <u>nursing facility's medicaid certification that may result in the</u>      | 99172 |
| <u>transfer of part of the nursing facility's survey findings to</u>         | 99173 |
| <u>another of the operator's nursing facilities;</u>                         | 99174 |
| <u>(d) Any action the department of health takes regarding the</u>           | 99175 |
| <u>nursing facility's license under Chapter 3721. of the Revised</u>         | 99176 |
| <u>Code.</u>                                                                 | 99177 |
| <u>(3) A facility closure does not occur if all of the nursing</u>           | 99178 |
| <u>facility's residents are relocated due to an emergency evacuation</u>     | 99179 |
| <u>and one or more of the residents return to a medicaid-certified</u>       | 99180 |
| <u>bed in the nursing facility not later than thirty days after the</u>      | 99181 |
| <u>evacuation occurs.</u>                                                    | 99182 |
| <u>(U) "Fiscal year" means the fiscal year of this state, as</u>             | 99183 |
| <u>specified in section 9.34 of the Revised Code.</u>                        | 99184 |
| <del>(J)(V) "Franchise permit fee" means the following:</del>                | 99185 |
| <del>(1) In the context of nursing facilities, the fee imposed by</del>      | 99186 |
| <del>sections 3721.50 5168.40 to 3721.58 5168.56 of the Revised Code:</del>  | 99187 |
| <del>(2) In the context of intermediate care facilities for the</del>        | 99188 |
| <del>mentally retarded, the fee imposed by sections 5112.30 to 5112.39</del> | 99189 |
| <del>of the Revised Code.</del>                                              | 99190 |
| <del>(K) "Indirect care costs" means all reasonable costs incurred</del>     | 99191 |
| <del>by an intermediate care facility for the mentally retarded other</del>  | 99192 |
| <del>than direct care costs, other protected costs, or capital costs.</del>  | 99193 |
| <del>"Indirect care costs" includes but is not limited to costs of</del>     | 99194 |
| <del>habilitation supplies, pharmacy consultants, medical and</del>          | 99195 |
| <del>habilitation records, program supplies, incontinence supplies,</del>    | 99196 |
| <del>food, enterals, dietary supplies and personnel, laundry,</del>          | 99197 |
| <del>housekeeping, security, administration, liability insurance,</del>      | 99198 |
| <del>bookkeeping, purchasing department, human resources,</del>              | 99199 |

~~communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help wanted advertising, informational advertising, start up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in this division. Notwithstanding division (C)(1) of this section, "indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the facility's cost report for the cost reporting period ending December 31, 1992.~~

~~(L)(W) "Inpatient days" means the following:~~

~~(1) In the context of a nursing facility, both of the following:~~

~~(a)(1) All days during which a resident, regardless of payment source, occupies a bed in a nursing facility that is included in the nursing facility's ~~certified~~ medicaid-certified capacity under Title XIX;~~

~~(b)(2) Fifty per cent of the days for which payment is made under section ~~5111.331~~ 5165.34 of the Revised Code.~~

~~(2) In the context of an intermediate care facility for the mentally retarded, both of the following:~~

~~(a) All days during which a resident, regardless of payment source, occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;~~

~~(b) All days for which payment is made under section 5111.33~~

~~of the Revised Code.~~ 99231

~~(M) "Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded certified as in compliance with applicable standards for the medicaid program by the director of health in accordance with Title XIX.~~ 99232  
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~~(N)(X) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request.~~ 99237  
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~~(Y) "Low resource utilization resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment rate for direct care costs, is placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data.~~ 99241  
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~~(Z) "Maintenance and repair expenses" means, except as provided in division (BB)(2) of this section, a nursing facility's expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes but is not limited to the ~~cost~~ costs of ordinary repairs such as painting and wallpapering.~~ 99248  
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~~(O)(AA) "Medicaid-certified capacity" means the number of a nursing facility's beds that are certified for participation in medicaid as nursing facility beds.~~ 99255  
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~~(BB) "Medicaid days" means the following:~~ 99258

~~(1) In the context of a nursing facility, both of the following:~~ 99259  
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~~(a)(1)~~ All days during which a resident who is a medicaid recipient eligible for nursing facility services occupies a bed in a nursing facility that is included in the nursing facility's ~~certified~~ medicaid-certified capacity ~~under Title XIX;~~

~~(b)(2)~~ Fifty per cent of the days for which payment is made under section ~~5111.331~~ 5165.34 of the Revised Code.

~~(2)~~ ~~In the context of an intermediate care facility for the mentally retarded, both of the following:~~

~~(a)~~ All days during which a resident who is a medicaid recipient eligible for intermediate care facility for the mentally retarded services occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;

~~(b)~~ All days for which payment is made under section ~~5111.33~~ of the Revised Code.

~~(P)(CC)(1)~~ "New nursing facility" means a nursing facility for which the provider obtains an initial provider agreement following medicaid certification of the nursing facility by the director of health, including such a nursing facility that replaces one or more nursing facilities for which a provider previously held a provider agreement.

(2) "New nursing facility" does not mean a nursing facility for which the entering operator seeks a provider agreement pursuant to section 5165.511 or 5165.512 or (pursuant to section 5165.515) section 5165.07 of the Revised Code.

~~(DD)~~ ~~"Nursing facility" means a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is not an intermediate care facility for the mentally retarded. "Nursing facility" includes a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health~~

~~in accordance with Title XIX and is certified as a skilled nursing facility by the director in accordance with Title XVIII has the same meaning as in the "Social Security Act," section 1919(a), 42 U.S.C. 1396r(a).~~ 99292  
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~~(Q)(EE) "Nursing facility services" has the same meaning as in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f).~~ 99296  
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~~(FF) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.~~ 99298  
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~~(GG) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility or intermediate care facility for the mentally retarded.~~ 99300  
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~~(R) "Other protected costs" means costs incurred by an intermediate care facility for the mentally retarded for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5111.02 of the Revised Code.~~ 99304  
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~~(S)(HH)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility or intermediate care facility for the mentally retarded:~~ 99311  
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(a) The land on which the nursing facility is located; 99316

(b) The structure in which the nursing facility is located; 99317

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the nursing facility is located; 99318  
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(d) Any lease or sublease of the land or structure on or in 99321

which the nursing facility is located. 99322

(2) "Owner" does not mean a holder of a debenture or bond 99323  
related to the nursing facility ~~or intermediate care facility for~~ 99324  
~~the mentally retarded~~ and purchased at public issue or a regulated 99325  
lender that has made a loan related to the nursing facility unless 99326  
the holder or lender operates the nursing facility directly or 99327  
through a subsidiary. 99328

~~(T) "Patient" includes "resident."~~ 99329

~~(U) Except as provided in divisions (U)(1) and (2) of this~~ 99330  
~~section, "per (II) "Per diem" means a nursing facility's or~~ 99331  
~~intermediate care facility for the mentally retarded's~~ actual, 99332  
allowable costs in a given cost center in a cost reporting period, 99333  
divided by the nursing facility's inpatient days for that cost 99334  
reporting period. 99335

~~(1) When calculating indirect care costs for the purpose of~~ 99336  
~~establishing rates under section 5111.241 of the Revised Code,~~ 99337  
~~"per diem" means an intermediate care facility for the mentally~~ 99338  
~~retarded's actual, allowable indirect care costs in a cost~~ 99339  
~~reporting period divided by the greater of the facility's~~ 99340  
~~inpatient days for that period or the number of inpatient days the~~ 99341  
~~facility would have had during that period if its occupancy rate~~ 99342  
~~had been eighty five per cent.~~ 99343

~~(2) When calculating capital costs for the purpose of~~ 99344  
~~establishing rates under section 5111.251 of the Revised Code,~~ 99345  
~~"per diem" means a facility's actual, allowable capital costs in a~~ 99346  
~~cost reporting period divided by the greater of the facility's~~ 99347  
~~inpatient days for that period or the number of inpatient days the~~ 99348  
~~facility would have had during that period if its occupancy rate~~ 99349  
~~had been ninety five per cent.~~ 99350

~~(V)(JJ) "Provider" means an operator with a provider~~ 99351  
agreement. 99352

~~(W)~~(KK) "Provider agreement" means a ~~contract~~ provider 99353  
agreement, as defined in section 5164.01 of the Revised Code, that 99354  
is between the department of ~~job and family services~~ medicaid and 99355  
the operator of a nursing facility ~~or intermediate care facility~~ 99356  
~~for the mentally retarded~~ for the provision of nursing facility 99357  
services ~~or intermediate care facility services for the mentally~~ 99358  
~~retarded~~ under the medicaid program. 99359

~~(X)~~(LL) "Purchased nursing services" means services that are 99360  
provided in a nursing facility by registered nurses, licensed 99361  
practical nurses, or nurse aides who are not employees of the 99362  
nursing facility. 99363

~~(Y)~~(MM) "Reasonable" means that a cost is an actual cost that 99364  
is appropriate and helpful to develop and maintain the operation 99365  
of patient care facilities and activities, including normal 99366  
standby costs, and that does not exceed what a prudent buyer pays 99367  
for a given item or services. Reasonable costs may vary from 99368  
provider to provider and from time to time for the same provider. 99369

~~(Z)~~(NN) "Related party" means an individual or organization 99370  
that, to a significant extent, has common ownership with, is 99371  
associated or affiliated with, has control of, or is controlled 99372  
by, the provider. 99373

(1) An individual who is a relative of an owner is a related 99374  
party. 99375

(2) Common ownership exists when an individual or individuals 99376  
possess significant ownership or equity in both the provider and 99377  
the other organization. Significant ownership or equity exists 99378  
when an individual or individuals possess five per cent ownership 99379  
or equity in both the provider and a supplier. Significant 99380  
ownership or equity is presumed to exist when an individual or 99381  
individuals possess ten per cent ownership or equity in both the 99382  
provider and another organization from which the provider 99383

purchases or leases real property. 99384

(3) Control exists when an individual or organization has the 99385  
power, directly or indirectly, to significantly influence or 99386  
direct the actions or policies of an organization. 99387

(4) An individual or organization that supplies goods or 99388  
services to a provider shall not be considered a related party if 99389  
all of the following conditions are met: 99390

(a) The supplier is a separate bona fide organization. 99391

(b) A substantial part of the supplier's business activity of 99392  
the type carried on with the provider is transacted with others 99393  
than the provider and there is an open, competitive market for the 99394  
types of goods or services the supplier furnishes. 99395

(c) The types of goods or services are commonly obtained by 99396  
other nursing facilities ~~or intermediate care facilities for the~~ 99397  
~~mentally retarded~~ from outside organizations and are not a basic 99398  
element of patient care ordinarily furnished directly to patients 99399  
by ~~the~~ nursing facilities. 99400

(d) The charge to the provider is in line with the charge for 99401  
the goods or services in the open market and no more than the 99402  
charge made under comparable circumstances to others by the 99403  
supplier. 99404

~~(AA)~~(OO) "Relative of owner" means an individual who is 99405  
related to an owner of a nursing facility ~~or intermediate care~~ 99406  
~~facility for the mentally retarded~~ by one of the following 99407  
relationships: 99408

(1) Spouse; 99409

(2) Natural parent, child, or sibling; 99410

(3) Adopted parent, child, or sibling; 99411

(4) Stepparent, stepchild, stepbrother, or stepsister; 99412

|                                                                              |       |
|------------------------------------------------------------------------------|-------|
| (5) Father-in-law, mother-in-law, son-in-law,                                | 99413 |
| daughter-in-law, brother-in-law, or sister-in-law;                           | 99414 |
| (6) Grandparent or grandchild;                                               | 99415 |
| (7) Foster caregiver, foster child, foster brother, or foster                | 99416 |
| sister.                                                                      | 99417 |
| <del>(BB) "Renovation" and "extensive renovation" mean:</del>                | 99418 |
| <del>(1) Any betterment, improvement, or restoration of an</del>             | 99419 |
| <del>intermediate care facility for the mentally retarded started</del>      | 99420 |
| <del>before July 1, 1993, that meets the definition of a renovation or</del> | 99421 |
| <del>extensive renovation established in rules adopted by the director</del> | 99422 |
| <del>of job and family services in effect on December 22, 1992.</del>        | 99423 |
| <del>(2) In the case of betterments, improvements, and</del>                 | 99424 |
| <del>restorations of intermediate care facilities for the mentally</del>     | 99425 |
| <del>retarded started on or after July 1, 1993:</del>                        | 99426 |
| <del>(a) "Renovation" means the betterment, improvement, or</del>            | 99427 |
| <del>restoration of an intermediate care facility for the mentally</del>     | 99428 |
| <del>retarded beyond its current functional capacity through a</del>         | 99429 |
| <del>structural change that costs at least five hundred dollars per</del>    | 99430 |
| <del>bed. A renovation may include betterment, improvement,</del>            | 99431 |
| <del>restoration, or replacement of assets that are affixed to the</del>     | 99432 |
| <del>building and have a useful life of at least five years. A</del>         | 99433 |
| <del>renovation may include costs that otherwise would be considered</del>   | 99434 |
| <del>maintenance and repair expenses if they are an integral part of</del>   | 99435 |
| <del>the structural change that makes up the renovation project.</del>       | 99436 |
| <del>"Renovation" does not mean construction of additional space for</del>   | 99437 |
| <del>beds that will be added to a facility's licensed or certified</del>     | 99438 |
| <del>capacity.</del>                                                         | 99439 |
| <del>(b) "Extensive renovation" means a renovation that costs more</del>     | 99440 |
| <del>than sixty five per cent and no more than eighty five per cent of</del> | 99441 |
| <del>the cost of constructing a new bed and that extends the useful</del>    | 99442 |
| <del>life of the assets for at least ten years.</del>                        | 99443 |

~~For the purposes of division (BB)(2) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.~~

~~The department of job and family services may treat a renovation that costs more than eighty five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.~~

~~(CC)(PP) "Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code.~~

~~(OO) "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).~~

~~(RR) "Sponsor" has the same meaning as in section 3721.10 of the Revised Code.~~

~~(SS) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.~~

~~(DD)(TT) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended et seq.~~

~~(EE)(UU) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended et seq.~~

~~(VV) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to~~

provide service of the type provided by a nursing facility. 99474

**Sec. ~~5111.201~~ 5165.011.** Whenever (A) Except as provided in 99475  
division (B) of this section, whenever "skilled nursing facility," 99476  
"intermediate care facility," or "dual skilled nursing and 99477  
intermediate care facility" is referred to or designated in any 99478  
statute, rule, contract, provider agreement, or other document 99479  
pertaining to the ~~medical assistance~~ medicaid program, the 99480  
reference or designation is deemed to refer to a nursing facility, 99481  
~~except that a.~~ 99482

(B) A reference to or designation of an "intermediate care 99483  
facility for the mentally retarded" or "ICF/MR" is not deemed to 99484  
refer to a nursing facility. 99485

**Sec. 5165.02.** The medicaid director shall adopt rules as 99486  
necessary to implement this chapter. The rules shall be adopted in 99487  
accordance with Chapter 119. of the Revised Code. 99488

**Sec. ~~5111.202~~ 5165.03.** (A) As used in this section: 99489

(1) "Dementia" includes Alzheimer's disease or a related 99490  
disorder. 99491

(2) "Serious mental illness" means "serious mental illness," 99492  
as defined by the United States department of health and human 99493  
services in regulations adopted under ~~section 1919(e)(7)(G)(i) of~~ 99494  
the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 99495  
1919(e)(7)(G)(i), 42 U.S.C.A. 301, as amended 1396r(e)(7)(G)(i). 99496

(3) "Mentally ill individual" means an individual who has a 99497  
serious mental illness other than either of the following: 99498

(a) A primary diagnosis of dementia; 99499

(b) A primary diagnosis that is not a primary diagnosis of 99500  
dementia and a primary diagnosis of something other than a serious 99501



mental illness. 99502

(4) "Mentally retarded individual" means an individual who is 99503  
mentally retarded or has a related condition, as described in 99504  
~~section 1905(d) of the "Social Security Act,"~~ section 1905(d), 42 99505  
U.S.C. 1396d(d). 99506

(5) "Specialized services" means the services specified by 99507  
the United States department of health and human services in 99508  
regulations adopted under ~~section 1919(e)(7)(G)(iii) of the~~ 99509  
"Social Security Act," section 1919(e)(7)(G)(iii), 42 U.S.C. 99510  
1396r(e)(7)(G)(iii). 99511

(B)(1) Except as provided in division (D) of this section, no 99512  
nursing facility shall admit as a resident any mentally ill 99513  
individual unless the facility has received evidence that the 99514  
department of ~~mental health~~ mental health and addiction services 99515  
has determined both of the following under ~~section 5119.061~~ 99516  
5119.40 of the Revised Code: 99517

(a) That the individual requires the level of services 99518  
provided by a nursing facility because of the individual's 99519  
physical and mental condition; 99520

(b) Whether the individual requires specialized services for 99521  
mental illness. 99522

(2) Except as provided in division (D) of this section, no 99523  
nursing facility shall admit as a resident any mentally retarded 99524  
individual unless the facility has received evidence that the 99525  
department of developmental disabilities has determined both of 99526  
the following under section 5123.021 of the Revised Code: 99527

(a) That the individual requires the level of services 99528  
provided by a nursing facility because of the individual's 99529  
physical and mental condition; 99530

(b) Whether the individual requires specialized services for 99531

mental retardation. 99532

(C) The department of ~~job and family services~~ medicaid shall 99533  
not make medicaid payments ~~under the medical assistance program~~ to 99534  
a nursing facility on behalf of any individual who is admitted to 99535  
the facility in violation of division (B) of this section for the 99536  
period beginning on the date of admission and ending on the date 99537  
the requirements of division (B) of this section are met. 99538

(D) A determination under division (B) of this section is not 99539  
required for any individual who is exempted from the requirement 99540  
that a determination be made by division (B)(2) of section 99541  
~~5119.061~~ 5119.40 of the Revised Code or rules adopted by the 99542  
department of ~~mental health~~ mental health and addiction services 99543  
under division (E)(3) of that section, or by division (B)(2) of 99544  
section 5123.021 of the Revised Code or rules adopted by the 99545  
department of developmental disabilities under division (E)(3) of 99546  
that section. 99547

**Sec. ~~5111.203~~ 5165.031.** ~~Regardless of whether or not an~~ 99548  
~~applicant~~ An individual who applies for admission to a ~~nursing~~ 99549  
~~facility or resident of~~ resides in a nursing facility ~~is an~~ 99550  
~~applicant for or recipient of medical assistance, the department~~ 99551  
~~of job and family services shall provide notice and an opportunity~~ 99552  
~~for a hearing to any applicant for admission to a nursing facility~~ 99553  
~~or resident of a nursing facility who is~~ may appeal if adversely 99554  
affected by a determination made by the department of ~~mental~~ 99555  
~~health~~ mental health and addiction services under section ~~5119.061~~ 99556  
5119.40 of the Revised Code or by the department of developmental 99557  
disabilities under section 5123.021 of the Revised Code. ~~The~~ 99558  
~~hearing shall be conducted in the same manner as hearings~~ 99559  
~~conducted under~~ If the individual is an applicant for or recipient 99560  
of medicaid, the individual may appeal pursuant to section 5160.31 99561  
of the Revised Code. If the individual is not an applicant for or 99562

recipient of medicaid, the individual may appeal pursuant to a 99563  
process the department of medicaid shall establish, which shall be 99564  
similar to the appeals process established by section 5101.35 of 99565  
the Revised Code. The department of medicaid shall provide notice 99566  
of the right to appeal to individuals adversely affected by 99567  
determinations made under sections 5119.40 and 5123.021 of the 99568  
Revised Code. Any decision made ~~by the department of job and~~ 99569  
~~family services~~ on the basis of ~~the hearing~~ such an appeal is 99570  
binding on the department of ~~mental health~~ mental health and 99571  
addiction services and the department of developmental 99572  
disabilities. 99573

**Sec. ~~5111.204~~ 5165.04.** (A) As used in this section, 99574  
"representative" means a person acting on behalf of an applicant 99575  
for or recipient of medicaid. A representative may be a family 99576  
member, attorney, hospital social worker, or any other person 99577  
chosen to act on behalf of an applicant or recipient. 99578

(B) The department of ~~job and family services~~ medicaid may 99579  
require each applicant for or recipient of medicaid who applies or 99580  
intends to apply for admission to a nursing facility or resides in 99581  
a nursing facility to undergo an assessment to determine whether 99582  
the applicant or recipient needs the level of care provided by a 99583  
nursing facility. The assessment may be performed concurrently 99584  
with a long-term care consultation provided under section 173.42 99585  
of the Revised Code. 99586

To the maximum extent possible, the assessment shall be based 99587  
on information from the resident assessment instrument specified 99588  
in rules ~~adopted~~ authorized by ~~the director of job and family~~ 99589  
~~services under division (E) of~~ section ~~5111.232~~ 5165.191 of the 99590  
Revised Code. The assessment shall also be based on criteria and 99591  
procedures established in rules ~~adopted under~~ authorized by 99592  
division (F) of this section and information provided by the 99593

person being assessed or the person's representative. 99594

The department of ~~job and family services~~ medicaid, or if the 99595  
assessment is performed by an agency under contract with the 99596  
department pursuant to division (G) of this section, the agency, 99597  
shall, not later than the time the level of care determination 99598  
based on the assessment is required to be provided under division 99599  
(C) of this section, give written notice of its conclusions and 99600  
the basis for them to the person assessed and, if the department 99601  
~~of job and family services~~ or agency under contract with the 99602  
department has been informed that the person has a representative, 99603  
to the representative. 99604

(C) The department ~~of job and family services~~ or agency under 99605  
contract with the department, whichever performs the assessment, 99606  
shall provide a level of care determination based on the 99607  
assessment as follows: 99608

(1) In the case of a person applying or intending to apply 99609  
for admission to a nursing facility while hospitalized, not later 99610  
than one of the following: 99611

(a) One working day after the person or the person's 99612  
representative submits the application or notifies the department 99613  
of the person's intention to apply and submits all information 99614  
required for providing the level of care determination, as 99615  
specified in rules ~~adopted under~~ authorized by division (F)(2) of 99616  
this section; 99617

(b) A later date requested by the person or the person's 99618  
representative. 99619

(2) In the case of a person applying or intending to apply 99620  
for admission to a nursing facility who is not hospitalized, not 99621  
later than one of the following: 99622

(a) Five calendar days after the person or the person's 99623  
representative submits the application or notifies the department 99624

of the person's intention to apply and submits all information 99625  
required for providing the level of care determination, as 99626  
specified in rules ~~adopted under~~ authorized by division (F)(2) of 99627  
this section; 99628

(b) A later date requested by the person or the person's 99629  
representative. 99630

(3) In the case of a person who resides in a nursing 99631  
facility, not later than one of the following: 99632

(a) Five calendar days after the person or the person's 99633  
representative submits an application for ~~medical assistance~~ 99634  
medicaid and submits all information required for providing the 99635  
level of care determination, as specified in rules ~~adopted under~~ 99636  
authorized by division (F)(2) of this section; 99637

(b) A later date requested by the person or the person's 99638  
representative. 99639

(4) In the case of an emergency, as specified in rules 99640  
~~adopted under~~ authorized by division (F)(4) of this section, 99641  
within the number of days specified in the rules. 99642

(D) A person assessed under this section or the person's 99643  
representative may ~~request a state hearing to dispute~~ appeal the 99644  
conclusions reached by the department ~~of job and family services~~ 99645  
or agency under contract with the department on the basis of the 99646  
assessment. The ~~request for a state hearing~~ appeal shall be made 99647  
~~in accordance with~~ pursuant to section ~~5101.35~~ 5160.31 of the 99648  
Revised Code. The department ~~of job and family services~~ or agency 99649  
under contract with the department shall provide to the person or 99650  
the person's representative and the nursing facility written 99651  
notice of the person's right to request a state hearing. The 99652  
notice shall include an explanation of the procedure for 99653  
requesting a state hearing. If a state hearing is requested, the 99654  
state shall be represented in the hearing by the department ~~of job~~ 99655

~~and family services~~ or the agency under contract with the 99656  
department, whichever performed the assessment. 99657

(E) A nursing facility that admits or retains a person 99658  
determined pursuant to an assessment required under this section 99659  
not to need the level of care provided by the nursing facility 99660  
shall not be ~~reimbursed~~ paid under the medicaid program for the 99661  
person's care. 99662

(F) The medicaid director ~~of job and family services~~ shall 99663  
adopt rules ~~in accordance with Chapter 119.~~ under section 5165.02 99664  
of the Revised Code to implement and administer this section. The 99665  
rules shall include all of the following: 99666

(1) Criteria and procedures to be used in determining whether 99667  
admission to a nursing facility or continued stay in a nursing 99668  
facility is appropriate for the person being assessed; 99669

(2) Information the person being assessed or the person's 99670  
representative must provide to the department or agency under 99671  
contract with the department for purposes of the assessment and 99672  
providing a level of care determination based on the assessment; 99673

(3) Circumstances under which a person is not required to be 99674  
assessed; 99675

(4) Circumstances that constitute an emergency for purposes 99676  
of division (C)(4) of this section and the number of days within 99677  
which a level of care determination must be provided in the case 99678  
of an emergency. 99679

(G) Pursuant to section ~~5111.91~~ 5162.35 of the Revised Code, 99680  
the department of ~~job and family services~~ medicaid may enter into 99681  
contracts in the form of interagency agreements with one or more 99682  
other state agencies to perform the assessments required under 99683  
this section. The interagency agreements shall specify the 99684  
responsibilities of each agency in the performance of the 99685  
assessments. 99686

~~Sec. 5111.21 5165.06.~~ ~~(A) In order to be~~ Subject to section 99687  
5165.072 of the Revised Code, an operator is eligible for medicaid 99688  
~~payments, the operator of~~ to enter into a provider agreement for a 99689  
~~nursing facility or intermediate care facility for the mentally~~ 99690  
~~retarded shall do~~ if all of the following apply: 99691

~~(1) Enter into a provider agreement with the department as~~ 99692  
~~provided in section 5111.22, 5111.671, or 5111.672 of the Revised~~ 99693  
~~Code~~ (A) The nursing facility is certified by the director of 99694  
health for participation in medicaid; 99695

~~(2) Apply for and maintain a valid license to operate~~ (B) The 99696  
nursing facility is licensed by the director of health as a 99697  
nursing home if so required by law; 99698

~~(3) Subject to division (B) of this section,~~ (C) The operator 99699  
and nursing facility comply with all applicable state and federal 99700  
laws and rules. 99701

~~(B) A state rule that requires the operator of an~~ 99702  
~~intermediate care facility for the mentally retarded to have~~ 99703  
~~received approval of a plan for the proposed facility pursuant to~~ 99704  
~~section 5123.042 of the Revised Code as a condition of the~~ 99705  
~~operator being eligible for medicaid payments for the facility~~ 99706  
~~does not apply if, under former section 5123.193 of the Revised~~ 99707  
~~Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly~~ 99708  
~~or section 5123.197 of the Revised Code, a residential facility~~ 99709  
~~license was obtained or modified for the facility without~~ 99710  
~~obtaining approval of such a plan.~~ 99711

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 99712  
~~the operator of a nursing facility that elects to obtain and~~ 99713  
~~maintain eligibility for payments under the medicaid program shall~~ 99714  
~~qualify all of the facility's medicaid certified beds in the~~ 99715  
~~medicare program established by Title XVIII. The director of job~~ 99716  
~~and family services may adopt rules under section 5111.02 of the~~ 99717

~~Revised Code to establish the time frame in which a nursing facility must comply with this requirement.~~ 99718  
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~~(2) The department of veterans services is not required to qualify all of the medicaid certified beds in a nursing facility the agency maintains and operates under section 5907.01 of the Revised Code in the medicare program.~~ 99720  
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**Sec. 5111.22 5165.07.** (A) Except as provided in section 5165.072 of the Revised Code, the department of medicaid shall enter into a provider agreement with a nursing facility operator who applies, and is eligible, for the provider agreement. 99724  
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~~(B) A provider agreement between the department of job and family services and the provider of a nursing facility or intermediate care facility for the mentally retarded shall contain require the following provisions:~~ 99728  
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~~(A) The department agrees to make medicaid payments to the provider, as provided in sections 5111.20 to 5111.331 of the Revised Code, in accordance with this chapter for medicaid covered nursing facility services the nursing facility provides to a resident of the its residents who are medicaid recipients eligible for nursing facility who is a medicaid recipient services. No payment shall be made for the day a medicaid recipient is discharged from the facility. 99732  
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~~(B) The~~ (C) A provider agreement shall require the provider agrees to do all of the following: 99740  
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(1) Maintain eligibility for the provider agreement as provided in section ~~5111.21~~ 5165.06 of the Revised Code; 99742  
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(2) Keep records relating to a cost reporting period for the greater of seven years after the cost report is filed or, if the department issues an audit report in accordance with ~~division (B) of section 5111.27~~ 5165.109 of the Revised Code, six years after 99744  
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all appeal rights relating to the audit report are exhausted; 99748

(3) File reports as required by the department; 99749

(4) Open all records relating to the costs of ~~its~~ the nursing 99750  
facility's services for inspection and audit by the department; 99751

(5) Open its premises for inspection by the department, the 99752  
department of health, and any other state or local authority 99753  
having authority to inspect; 99754

(6) Supply to the department such information as it requires 99755  
concerning the nursing facility's services to residents who are, 99756  
or are eligible to be, medicaid recipients; 99757

(7) Comply with section ~~5111.31~~ 5165.08 of the Revised Code. 99758

~~The~~ (D) A provider agreement may contain other provisions 99759  
that are consistent with law and considered necessary by the 99760  
department. 99761

~~A provider agreement shall be effective for no longer than~~ 99762  
~~twelve months, except that if federal statute or regulations~~ 99763  
~~authorize a longer term, it may be effective for a longer term so~~ 99764  
~~authorized. A provider agreement may be renewed only if the~~ 99765  
~~facility is certified by the department of health for~~ 99766  
~~participation in the medicaid program.~~ 99767

~~The department of job and family services, in accordance with~~ 99768  
~~rules adopted under section 5111.02 of the Revised Code, may elect~~ 99769  
~~not to enter into, not to renew, or to terminate a provider~~ 99770  
~~agreement when the department determines that such an agreement~~ 99771  
~~would not be in the best interests of medicaid recipients or of~~ 99772  
~~the state.~~ 99773

**Sec. ~~5111.223~~ 5165.071.** ~~The~~ A nursing facility operator ~~of a~~ 99774  
~~nursing facility or intermediate care facility for the mentally~~ 99775  
~~retarded~~ may enter into provider agreements for more than one 99776  
~~nursing facility or intermediate care facility for the mentally~~ 99777

retarded. 99778

Sec. 5165.072. The department of medicaid, in accordance with 99779  
rules adopted under section 5165.02 of the Revised Code, may elect 99780  
not to enter into, not to revalidate, or to terminate a nursing 99781  
facility provider agreement when the department determines that 99782  
such an agreement would not be in the best interests of medicaid 99783  
recipients or the state. The department shall not revalidate a 99784  
nursing facility provider agreement if the provider fails to 99785  
maintain eligibility for the provider agreement as provided in 99786  
section 5165.06 of the Revised Code. 99787

Sec. ~~5111.30~~ 5165.073. The department of ~~job and family~~ 99788  
~~services~~ medicaid shall terminate the provider agreement with a 99789  
nursing facility provider that does not comply with the 99790  
requirements of section 3721.071 of the Revised Code for the 99791  
installation of fire extinguishing and fire alarm systems. 99792

Sec. ~~5111.31~~ 5165.08. (A) Every provider agreement with ~~the a~~ 99793  
nursing facility provider ~~of a nursing facility or intermediate~~ 99794  
~~care facility for the mentally retarded~~ shall do both of the 99795  
following: 99796

(1) Except as provided by division (B)(1) of this section, 99797  
include any part of the nursing facility that meets federal and 99798  
state standards for medicaid certification; 99799

(2) Prohibit the provider from doing either of the following: 99800

(a) Discriminating against a resident on the basis of race, 99801  
color, sex, creed, or national origin; 99802

(b) Subject to division (D) of this section, failing or 99803  
refusing to ~~retain~~ do either of the following: 99804

(i) Except as otherwise prohibited under section 5165.82 of 99805  
the Revised Code, admit as a resident of the nursing facility an 99806

individual because the individual is, or may (as a resident of the nursing facility) become, a medicaid recipient if less than eighty per cent of the nursing facility's residents are medicaid recipients; 99807  
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(ii) Retain as a patient any person resident of the nursing facility an individual because the person individual is, becomes, or may (as a resident of the nursing facility) become, as a patient in the facility, become a medicaid recipient. For the purposes of this division, a medicaid recipient who is a patient in a facility shall be considered a patient in the facility during any hospital stays totaling less than twenty five days during any twelve month period. Recipients who have been identified by the department of job and family services or its designee as requiring the level of care of an intermediate care facility for the mentally retarded shall not be subject to a maximum period of absences during which they are considered patients if prior authorization of the department for visits with relatives and friends and participation in therapeutic programs is obtained under rules adopted under section 5111.02 of the Revised Code. 99811  
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(2) Except as provided by division (B)(1) of this section, include any part of the facility that meets standards for certification of compliance with federal and state laws and rules for participation in the medicaid program. 99826  
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(3) Prohibit the provider from discriminating against any patient on the basis of race, color, sex, creed, or national origin. 99830  
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(4) Except as otherwise prohibited under section 5111.55 of the Revised Code, prohibit the provider from failing or refusing to accept a patient because the patient is, becomes, or may, as a patient in the facility, become a medicaid recipient if less than eighty per cent of the patients in the facility are medicaid recipients. 99833  
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(B)(1) Except as provided by division (B)(2) of this section, 99839  
~~the following beds added during the period beginning July 1, 1987,~~ 99840  
~~and ending July 1, 1993, to a nursing home licensed under Chapter~~ 99841  
~~3721. of the Revised Code~~ are not required to be included in a 99842  
provider agreement unless otherwise required by federal law. 99843

~~(a) Beds added during the period beginning July 1, 1987, and~~ 99844  
~~ending July 1, 1993, to a nursing home licensed under Chapter~~ 99845  
~~3721. of the Revised Code;~~ 99846

~~(b) Beds in an intermediate care facility for the mentally~~ 99847  
~~retarded that are designated for respite care under a medicaid~~ 99848  
~~waiver component operated pursuant to a waiver sought under~~ 99849  
~~section 5111.87 of the Revised Code.~~ 99850

(2) If a provider chooses to include a bed specified in 99851  
division (B)(1)(a) of this section in a provider agreement, the 99852  
bed may not be removed from the provider agreement unless the 99853  
provider withdraws the nursing facility in which the bed is 99854  
located from the medicaid program. 99855

(C) For the purpose of division (A)(2)(b)(ii) of this 99856  
section, a medicaid recipient who is a resident of a nursing 99857  
facility shall be considered a resident of the nursing facility 99858  
during any hospital stays totaling less than twenty-five days 99859  
during any twelve-month period. 99860

(D) Nothing in this section shall bar a provider that from 99861  
doing any of the following: 99862

(1) If the provider is a religious organization operating a 99863  
religious or denominational nursing facility or intermediate care 99864  
facility for the mentally retarded from giving preference to 99865  
persons of the same religion or denomination. Nothing in this 99866  
section shall bar any provider from giving; 99867

(2) Giving preference to persons with whom the provider has 99868  
contracted to provide continuing care. 99869

~~(D) Nothing in this section shall bar the provider of;~~ 99870

(3) If the nursing facility is a county home organized under 99871  
Chapter 5155. of the Revised Code ~~from,~~ admitting residents 99872  
exclusively from the county in which the county home is located. 99873

~~(E) No provider of a nursing facility or intermediate care~~ 99874  
~~facility for the mentally retarded for which a provider agreement~~ 99875  
~~is in effect shall violate the provider contract obligations~~ 99876  
~~imposed under this section.~~ 99877

~~(F) Nothing in divisions (A) and (C) of this section shall~~ 99878  
~~bar a provider from retaining patients;~~ 99879

(4) Retaining residents who have resided in the provider's 99880  
nursing facility for not less than one year as private pay 99881  
patients and who subsequently become medicaid recipients, but 99882  
refusing to accept as a ~~patient~~ resident any person who is, or 99883  
may, ~~(as a patient in resident of the nursing facility,~~) become a 99884  
medicaid recipient, if all of the following apply: 99885

~~(1)(a)~~ (a) The provider does not refuse to retain any ~~patient~~ 99886  
resident who has resided in the provider's nursing facility for 99887  
not less than one year as a private pay ~~patient~~ resident because 99888  
the ~~patient~~ resident becomes a medicaid recipient, except as 99889  
necessary to comply with division ~~(F)(2)(D)(4)(b)~~ of this section; 99890

~~(2)(b)~~ (b) The number of medicaid recipients retained under ~~this~~ 99891  
division (D)(4) of this section does not at any time exceed ten 99892  
per cent of all the ~~patients~~ residents in the nursing facility; 99893

~~(3)(c)~~ (c) On July 1, 1980, all the ~~patients~~ residents in the 99894  
nursing facility were private pay ~~patients~~ residents. 99895

(E) No provider shall violate the provider agreement 99896  
obligations imposed by this section. 99897

**Sec. ~~5111.32~~ 5165.081.** Any patient A nursing facility 99898  
resident has a cause of action against ~~the~~ a nursing facility 99899

provider of a nursing facility or intermediate care facility for 99900  
the mentally retarded for breach of the provider agreement 99901  
obligations or other duties imposed by section ~~5111.31~~ 5165.08 of 99902  
the Revised Code. The action may be commenced by the ~~patient~~ 99903  
resident, or on the ~~patient's~~ resident's behalf by the ~~patient's~~ 99904  
resident's sponsor or a residents' rights advocate, ~~as either is~~ 99905  
~~defined under section 3721.10 of the Revised Code,~~ by the filing 99906  
of a civil action in the court of common pleas of the county in 99907  
which the nursing facility is located, or in the court of common 99908  
pleas of Franklin county. 99909

If ~~the~~ a court of common pleas finds that a ~~breach of the~~ 99910  
provider has breached a provider agreement obligations obligation 99911  
or other duty imposed by section ~~5111.31~~ 5165.08 of the Revised 99912  
Code ~~has occurred~~, the court may ~~enjoin~~ do one or more of the 99913  
following: 99914

(A) Enjoin the provider from engaging in the practice, ~~order;~~ 99915

(B) Order such affirmative relief as may be necessary, ~~and~~ 99916  
~~award;~~ 99917

(C) Award to ~~the patient~~ a resident and a ~~person~~ sponsor or 99918  
~~public agency government entity~~ that brings ~~an~~ the action on 99919  
behalf of a ~~patient~~ resident actual damages, costs, and reasonable 99920  
attorney's fees. 99921

**Sec. 5165.082.** (A) Except as provided in division (B) of this 99922  
section, the operator of a nursing facility that elects to have 99923  
the nursing facility participate in the medicaid program shall 99924  
qualify all of the nursing facility's medicaid-certified beds in 99925  
the medicare program. The medicaid director may adopt rules under 99926  
section 5165.02 of the Revised Code to establish the time frame in 99927  
which a nursing facility must comply with this requirement. 99928

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(B) The department of veterans services is not required to 99930  
qualify all of the medicaid-certified beds in a nursing facility 99931  
the department maintains and operates under section 5907.01 of the 99932  
Revised Code in the medicare program. 99933

**Sec. ~~5111.26~~ 5165.10.** (A)~~(1)(a)~~ Except as provided in 99934  
division ~~(A)(1)(b)~~(D) of this section, each nursing facility 99935  
provider shall file with the department of ~~job and family services~~ 99936  
medicaid an annual cost report for each of the provider's nursing 99937  
facilities ~~and intermediate care facilities for the mentally~~ 99938  
~~retarded~~ that participate in the medicaid program. ~~A provider~~ 99939  
~~shall prepare the reports in accordance with guidelines~~ 99940  
~~established by the department. A~~ The cost report for a year shall 99941  
~~cover a~~ the calendar year or the portion of a the calendar year 99942  
during which the nursing facility participated in the medicaid 99943  
program. ~~A provider shall file the reports within~~ Except as 99944  
provided in division (E) of this section, the cost report is due 99945  
not later than ninety days after the end of the calendar year, or 99946  
portion of the calendar year, that the cost report covers. The 99947  
~~department, for good cause, may grant a fourteen day extension of~~ 99948  
~~the time for filing cost reports upon written request from a~~ 99949  
~~provider. The director of job and family services shall prescribe,~~ 99950  
~~in rules adopted under section 5111.02 of the Revised Code, the~~ 99951  
~~cost reporting form and a uniform chart of accounts for the~~ 99952  
~~purpose of cost reporting, and shall distribute cost reporting~~ 99953  
~~forms or computer software for electronic submission of the cost~~ 99954  
~~report to each provider at least sixty days before the reporting~~ 99955  
~~date.~~ 99956

~~(b) If rates for a provider's nursing facility or~~ 99957  
~~intermediate care facility for the mentally retarded were most~~ 99958  
~~recently established under section 5111.254 or 5111.255 of the~~ 99959  
~~Revised Code, the provider shall submit a cost report for that~~ 99960  
~~facility no later than ninety days after the end of the facility's~~ 99961

~~first three full calendar months of operation. If a nursing 99962  
facility or intermediate care facility for the mentally retarded 99963  
undergoes a change of provider that the department determines, in 99964  
accordance with rules adopted under section 5111.02 of the Revised 99965  
Code, is an arm's length transaction, the new provider shall 99966  
submit a cost report for that facility not later than ninety days 99967  
after the end of the facility's first three full calendar months 99968  
of operation under the new provider. The provider of a facility 99969  
that opens or undergoes a change of provider that is an arm's 99970  
length transaction after the first day of October in any calendar 99971  
year is not required to file a cost report for that calendar year. 99972~~

~~(e)(B) If a nursing facility undergoes a change of provider 99973  
that the department determines, in accordance with rules adopted 99974  
under section 5111.02 5165.02 of the Revised Code, is not an ~~arms~~ 99975  
arm's length transaction, the new provider shall file a the 99976  
nursing facility's cost report ~~under~~ in accordance with division 99977  
(A)(1)(a) of this section ~~for the facility. The~~ and the cost 99978  
report shall cover the portion of the calendar year during which 99979  
the new provider operated the nursing facility and the portion of 99980  
the calendar year during which the previous provider operated the 99981  
nursing facility. 99982~~

~~(2) If a provider required to submit a cost report for a 99983  
nursing facility or intermediate care facility for the mentally 99984  
retarded does not file the report within the required time period 99985  
or within fourteen days thereafter if an extension is granted 99986  
under division (A)(1)(a) of this section, or files an incomplete 99987  
or inadequate report for the facility, the department shall 99988  
provide immediate written notice to the provider that the provider 99989  
agreement for the facility will be terminated in thirty days 99990  
unless the provider submits a complete and adequate cost report 99991  
for the facility within thirty days. During the thirty day 99992  
termination period or any additional time allowed for an appeal of 99993~~



~~the proposed termination of a provider agreement, the provider 99994  
shall be paid the facility's then current per resident per day 99995  
rate, minus two dollars. On July 1, 1994, the department shall 99996  
adjust the two dollar reduction to reflect the rate of inflation 99997  
during the preceding twelve months, as shown in the consumer price 99998  
index for all items for all urban consumers for the north central 99999  
region, published by the United States bureau of labor statistics. 100000  
On July 1, 1995, and the first day of July of each year 100001  
thereafter, the department shall adjust the amount of the 100002  
reduction in effect during the previous twelve months to reflect 100003  
the rate of inflation during the preceding twelve months, as shown 100004  
in the same index. 100005~~

~~(B) No provider shall report fines paid under sections 100006  
5111.35 to 5111.62 or section 5111.99 of the Revised Code in any 100007  
cost report filed under this section. 100008~~

~~(C) The department shall develop an addendum to the cost 100009  
report form that a provider may use to set forth costs that the 100010  
provider believes may be disputed by the department. Any costs 100011  
reported by the provider on the addendum may be considered by the 100012  
department in setting the facility's rate. If the department does 100013  
not consider the costs listed on the addendum in setting the 100014  
facility's rate, the provider may seek reconsideration of that 100015  
determination under section 5111.29 of the Revised Code. If the 100016  
department subsequently includes the costs listed in the addendum 100017  
in the facility's rate, the department shall pay the provider 100018  
interest at a reasonable rate established in rules adopted under 100019  
section 5111.02 of the Revised Code for the time that the rate 100020  
paid excluded the costs. If the medicaid payment rate for a new 100021  
nursing facility was most recently determined in accordance with 100022  
section 5165.151 of the Revised Code, the provider shall file with 100023  
the department a cost report for the new nursing facility not 100024  
later than, except as provided in division (E) of this section, 100025~~

ninety days after the end of the new nursing facility's first 100026  
three full calendar months of operation. The cost report shall 100027  
cover the period that begins with the nursing facility's first day 100028  
of operation and ends on the first day of the month immediately 100029  
following the first three full months of operation. 100030

(D) A nursing facility provider is not required to file a 100031  
cost report for a nursing facility for a calendar year in 100032  
accordance with division (A) of this section if the provider files 100033  
a cost report for the nursing facility under division (C) of this 100034  
section and that cost report covers a period that begins after the 100035  
first day of October of that calendar year. The provider shall 100036  
file a cost report for the nursing facility in accordance with 100037  
division (A) of this section for the immediately following 100038  
calendar year. 100039

(E) The department may grant to a provider a fourteen-day 100040  
extension to file a cost report under this section if the provider 100041  
provides the department a written request for the extension and 100042  
the department determines that there is good cause for the 100043  
extension. 100044

**Sec. ~~5111.266~~ 5165.101.** A nursing facility provider of a 100045  
nursing facility filing the nursing facility's cost report with 100046  
the department of job and family services medicaid under section 100047  
5111.26 5165.10 or 5165.522 of the Revised Code shall report as a 100048  
nonreimbursable expense the cost of the nursing facility's 100049  
franchise permit fee. 100050

**Sec. 5165.102.** No nursing facility provider shall report 100051  
finest paid under sections 5165.60 to 5165.89 or section 5165.99 of 100052  
the Revised Code in a cost report filed under section 5165.10 or 100053  
5165.522 of the Revised Code. 100054

**Sec. 5165.103.** Cost reports shall be completed using the form 100055

prescribed under section 5165.104 of the Revised Code and in 100056  
accordance with the guidelines established under that section. 100057

Sec. 5165.104. The department of medicaid shall do all of the 100058  
following: 100059

(A) Prescribe the form to be used for completing a cost 100060  
report and a uniform chart of accounts for the purpose of 100061  
reporting costs on the form; 100062

(B) Distribute a paper copy of the form, or computer software 100063  
for electronic submission of the form, to each provider at least 100064  
sixty days before the date the cost report is due; 100065

(C) Establish guidelines for completing the form. 100066

Sec. 5165.105. The department of medicaid shall develop an 100067  
addendum to the cost report form that a nursing facility provider 100068  
may use to set forth costs that the provider believes the 100069  
department may dispute. The department may consider such costs in 100070  
determining a nursing facility's medicaid payment rate. If the 100071  
department does not consider such costs in determining a nursing 100072  
facility's medicaid payment rate, the provider may seek 100073  
reconsideration of the determination in accordance with section 100074  
5165.38 of the Revised Code. If the department subsequently 100075  
includes such costs in a nursing facility's medicaid payment rate, 100076  
the department shall pay the provider interest at a reasonable 100077  
rate established in rules adopted under section 5165.02 of the 100078  
Revised Code for the period that the rate excluded the costs. 100079

Sec. 5165.106. If a nursing facility provider required by 100080  
section 5165.10 of the Revised Code to file a cost report for the 100081  
nursing facility fails to file the cost report by the date it is 100082  
due or the date, if any, to which the due date is extended 100083  
pursuant to division (E) of that section, or files an incomplete 100084

or inadequate report for the nursing facility under that section, 100085  
the department of medicaid shall provide immediate written notice 100086  
to the provider that the provider agreement for the nursing 100087  
facility will be terminated in thirty days unless the provider 100088  
submits a complete and adequate cost report for the nursing 100089  
facility within thirty days. During the thirty-day termination 100090  
period or any additional time allowed for an appeal of the 100091  
proposed termination of a provider agreement, the provider shall 100092  
be paid the nursing facility's then current per medicaid day 100093  
payment rate, minus the dollar amount by which nursing facility's 100094  
per medicaid day payment rates are reduced during fiscal year 2013 100095  
in accordance with division (A)(2) of section 5111.26 of the 100096  
Revised Code (renumbered as section 5165.10 of the Revised Code by 100097  
H.B. 59 of the 130th general assembly) as that section existed on 100098  
the day immediately preceding the effective date of this section. 100099  
On the first day of each July, the department shall adjust the 100100  
amount of the reduction in effect during the previous twelve 100101  
months to reflect the rate of inflation during the preceding 100102  
twelve months, as shown in the consumer price index for all items 100103  
for all urban consumers for the north central region, published by 100104  
the United States bureau of labor statistics. 100105

**Sec. ~~5111.261~~ 5165.107.** (A) Except as provided in division 100106  
(B) of this section and not later than three years after a nursing 100107  
facility provider files a cost report with the department of ~~job~~ 100108  
~~and family services~~ medicaid under section ~~5111.26~~ 5165.10 of the 100109  
Revised Code, the provider may amend the cost report if the 100110  
provider discovers a material error in the cost report or 100111  
additional information to be included in the cost report. The 100112  
department shall review the amended cost report for accuracy and 100113  
notify the provider of its determination. 100114

(B) A provider may not amend a cost report if the department 100115

has notified the provider that an audit of the cost report or a cost report of the provider for a subsequent cost reporting period is to be conducted under section ~~5111.27~~ 5165.109 of the Revised Code. The provider may, however, provide the department information that affects the costs included in the cost report. Such information may not be provided after the adjudication of the final settlement of the cost report.

**Sec. ~~5111.27~~ 5165.108.** (A) The department of ~~job and family services~~ medicaid shall conduct a desk review of each cost report it receives under section ~~5111.26~~ 5165.10 or 5165.522 of the Revised Code. Based on the desk review, the department shall make a preliminary determination of whether the reported costs are allowable costs. The department shall notify each nursing facility provider of whether any of the reported costs are preliminarily determined not to be allowable, the medicaid payment rate calculation determined under ~~sections 5111.20 to 5111.331~~ of the ~~Revised Code~~ this chapter that results from that determination, and the reasons for the determination and resulting rate. The department shall allow the provider to verify the calculation and submit additional information.

~~(B) The department may conduct an audit, as defined by rule adopted under section 5111.02 of the Revised Code, of any cost report. The decision whether to conduct an audit and the scope of the audit, which may be a desk or field audit, may be determined based on prior performance of the provider, a risk analysis, or other evidence that gives the department reason to believe that the provider has reported costs improperly. A desk or field audit may be performed annually, but is required whenever a provider does not pass the risk analysis tolerance factors. An audit shall be conducted by auditors under contract with or employed by the department. The department shall notify a provider of the findings of an audit by issuing an audit report. An audit report regarding~~

~~a nursing facility shall include notice of any fine imposed under section 5111.271 of the Revised Code. The department shall issue the audit report no later than three years after the cost report is filed, or upon the completion of a desk or field audit on the report or a report for a subsequent cost reporting period, whichever is earlier.~~

~~The department may establish a contract for the auditing of facilities by outside firms. Each contract entered into by bidding shall be effective for one to two years. The department shall establish an audit manual and program which shall require that all field audits, conducted either pursuant to a contract or by department employees:~~

~~(1) Comply with the applicable rules prescribed pursuant to Titles XVIII and XIX;~~

~~(2) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants;~~

~~(3) Include a written summary as to whether the costs included in the report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care;~~

~~(4) Are conducted by accounting firms or auditors who, during the period of the auditors' professional engagement or employment and during the period covered by the cost reports, do not have nor are committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of a nursing facility or intermediate care facility for the mentally retarded in this state;~~

~~(5) Are conducted by accounting firms or auditors who, as a condition of the contract or employment, shall not audit any facility that has been a client of the firm or auditor;~~

~~(6) Are conducted by auditors who are otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office;~~ 100179  
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~~(7) Are completed within the time period specified by the department;~~ 100183  
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~~(8) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's facility is entitled.~~ 100185  
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~~For the purposes of division (B)(4) of this section, employment of a member of an auditor's family by a nursing facility or intermediate care facility for the mentally retarded that the auditor does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the facility.~~ 100192  
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~~(C) The department, pursuant to rules adopted under section 5111.02 of the Revised Code, may conduct an exception review of assessment data submitted under section 5111.232 of the Revised Code. The department may conduct an exception review based on the findings of a certification survey conducted by the department of health, a risk analysis, or prior performance of the provider.~~ 100198  
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~~Exception reviews shall be conducted at the facility by appropriate health professionals under contract with or employed by the department of job and family services. The professionals may review resident assessment forms and supporting documentation, conduct interviews, and observe residents to identify any patterns or trends of inaccurate assessments and resulting inaccurate~~ 100204  
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~~ease mix scores.~~ 100210

~~The rules shall establish an exception review program that~~ 100211  
~~requires that exception reviews do all of the following:~~ 100212

~~(1) Comply with Titles XVIII and XIX;~~ 100213

~~(2) Provide a written summary that states whether the~~ 100214  
~~resident assessment forms have been completed accurately;~~ 100215

~~(3) Are conducted by health professionals who, during the~~ 100216  
~~period of their professional engagement or employment with the~~ 100217  
~~department, neither have nor are committed to acquire any direct~~ 100218  
~~or indirect financial interest in the ownership, financing, or~~ 100219  
~~operation of a nursing facility or intermediate care facility for~~ 100220  
~~the mentally retarded in this state;~~ 100221

~~(4) Are conducted by health professionals who, as a condition~~ 100222  
~~of their engagement or employment with the department, shall not~~ 100223  
~~review any provider that has been a client of the professional.~~ 100224

~~For the purposes of division (C)(3) of this section,~~ 100225  
~~employment of a member of a health professional's family by a~~ 100226  
~~nursing facility or intermediate care facility for the mentally~~ 100227  
~~retarded that the professional does not review does not constitute~~ 100228  
~~a direct or indirect financial interest in the ownership,~~ 100229  
~~financing, or operation of the facility.~~ 100230

~~If an exception review is conducted before the effective date~~ 100231  
~~of the rate that is based on the case mix data subject to the~~ 100232  
~~review and the review results in findings that exceed tolerance~~ 100233  
~~levels specified in the rules adopted under this division, the~~ 100234  
~~department, in accordance with those rules, may use the findings~~ 100235  
~~to recalculate individual resident case mix scores, quarterly~~ 100236  
~~average facility case mix scores, and annual average facility~~ 100237  
~~ease mix scores. The department may use the recalculated quarterly~~ 100238  
~~and annual facility average case mix scores to calculate the~~ 100239  
~~facility's rate for direct care costs for the appropriate calendar~~ 100240



~~quarter or quarters.~~ 100241

~~(D) The department shall prepare a written summary of any  
audit disallowance or exception review finding that is made after  
the effective date of the rate that is based on the cost or  
case mix data. Where the provider is pursuing judicial or  
administrative remedies in good faith regarding the disallowance  
or finding, the department shall not withhold from the provider's  
current payments any amounts the department claims to be due from  
the provider pursuant to section 5111.28 of the Revised Code.~~ 100242  
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~~(E) The department shall not reduce rates calculated under  
sections 5111.20 to 5111.331 of the Revised Code on the basis that  
the provider charges a lower rate to any resident who is not  
eligible for the medicaid program.~~ 100250  
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~~(F) The department shall adjust the rates calculated under  
sections 5111.20 to 5111.331 of the Revised Code to account for  
reasonable additional costs that must be incurred by intermediate  
care facilities for the mentally retarded to comply with  
requirements of federal or state statutes, rules, or policies  
enacted or amended after January 1, 1992, or with orders issued by  
state or local fire authorities.~~ 100254  
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**Sec. 5165.109.** (A) The department of medicaid may conduct an  
audit, as defined in rules adopted under section 5165.02 of the  
Revised Code, of any cost report filed under section 5165.10 or  
5165.522 of the Revised Code. The decision whether to conduct an  
audit and the scope of the audit, which may be a desk or field  
audit, may be determined based on prior performance of the  
provider, a risk analysis, or other evidence that gives the  
department reason to believe that the provider has reported costs  
improperly. A desk or field audit may be performed annually, but  
is required whenever a provider does not pass the risk analysis  
tolerance factors. 100261  
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(B) Audits shall be conducted by auditors under contract with the department, auditors working for firms under contract with the department, or auditors employed by the department. 100272  
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The department may establish a contract for the auditing of nursing facilities by outside firms. Each contract entered into by bidding shall be effective for one to two years. 100275  
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(C) The department shall notify a provider of the findings of an audit of a cost report by issuing an audit report. The audit report shall include notice of any fine imposed under section 5165.1010 of the Revised Code. The department shall issue the audit report not later than three years after the earlier of the following: 100278  
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(1) The date the cost report is filed; 100284

(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed. 100285  
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(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the rate that is based on the cost. Where the provider is pursuing judicial or administrative remedies in good faith regarding the disallowance, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5165.41 of the Revised Code. 100287  
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(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: 100295  
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(a) Require each field audit to be conducted by an auditor to 100302

whom all of the following apply: 100303

(i) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of nursing facilities in this state. 100304  
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(ii) The auditor does not audit any provider that has been a client of the auditor or the auditor's firm. 100309  
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(iii) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office. 100311  
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(b) Require each auditor conducting a field audit to do all of the following: 100315  
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(i) Comply with applicable rules prescribed pursuant to Title XVIII and Title XIX; 100317  
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(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants; 100319  
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(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care; 100322  
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(iv) Complete the audit within the time period specified by the department; 100328  
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(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and 100330  
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departmental policies, with explanations and examples, that are 100333  
sufficient to permit the provider to calculate with reasonable 100334  
certainty those costs that are allowable and the rate to which the 100335  
provider's nursing facility is entitled. 100336

(2) For the purpose of division (E)(1)(a)(i) of this section, 100337  
employment of a member of an auditor's family by a nursing 100338  
facility that the auditor does not audit does not constitute a 100339  
direct or indirect financial interest in the ownership, financing, 100340  
or operation of the nursing facility. 100341

**Sec. ~~5111.271~~ 5165.1010.** (A) Subject to division (D) of this 100342  
section, the department of ~~job and family services~~ medicaid shall 100343  
fine the provider of a nursing facility if the report of an audit 100344  
conducted under ~~division (B) of section 5111.27~~ 5165.109 of the 100345  
Revised Code regarding a cost report for the nursing facility 100346  
includes either of the following: 100347

(1) Adverse findings that exceed three per cent of the total 100348  
amount of ~~medicaid-reimbursable~~ medicaid-allowable costs reported 100349  
in the cost report; 100350

(2) Adverse findings that exceed twenty per cent of 100351  
~~medicaid-reimbursable~~ medicaid-allowable costs for a particular 100352  
cost center reported in the cost report. 100353

(B) A fine issued under this section shall equal the greatest 100354  
of the following: 100355

(1) If the adverse findings exceed three per cent but do not 100356  
exceed ten per cent of the total amount of ~~medicaid-reimbursable~~ 100357  
medicaid-allowable costs reported in the cost report, the greater 100358  
of three per cent of those reported costs or ten thousand dollars; 100359

(2) If the adverse findings exceed ten per cent but do not 100360  
exceed twenty per cent of the total amount of 100361  
~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 100362

cost report, the greater of six per cent of those reported costs 100363  
or twenty-five thousand dollars; 100364

(3) If the adverse findings exceed twenty per cent of the 100365  
total amount of ~~medicaid-reimbursable~~ medicaid-allowable costs 100366  
reported in the cost report, the greater of ten per cent of those 100367  
reported costs or fifty thousand dollars; 100368

(4) If the adverse findings exceed twenty per cent but do not 100369  
exceed twenty-five per cent of ~~medicaid-reimbursable~~ 100370  
medicaid-allowable costs for a particular cost center reported in 100371  
the cost report, the greater of three per cent of the total amount 100372  
of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 100373  
cost report or ten thousand dollars; 100374

(5) If the adverse findings exceed twenty-five per cent but 100375  
do not exceed thirty per cent of ~~medicaid-reimbursable~~ 100376  
medicaid-allowable costs for a particular cost center reported in 100377  
the cost report, the greater of six per cent of the total amount 100378  
of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 100379  
cost report or twenty-five thousand dollars; 100380

(6) If the adverse findings exceed thirty per cent of 100381  
~~medicaid-reimbursable~~ medicaid-allowable costs for a particular 100382  
cost center reported in the cost report, the greater of ten per 100383  
cent of the total amount of ~~medicaid-reimbursable~~ 100384  
medicaid-allowable costs reported in the cost report or fifty 100385  
thousand dollars. 100386

(C) Fines paid under this section shall be deposited into the 100387  
health care services administration fund created under section 100388  
~~5111.94~~ 5162.54 of the Revised Code. 100389

(D) The department may not collect a fine under this section 100390  
until all appeal rights relating to the audit report that is the 100391  
basis for the fine are exhausted. 100392

~~Sec. 5111.222 5165.15.~~ (A) ~~As used in this section, "low resource utilization resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid reimbursement rate for direct care costs, is placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data.~~

~~(B)~~ Except as otherwise provided by sections ~~5111.20~~ 5165.151 to ~~5111.331~~ 5165.156 and 5165.34 of the Revised Code ~~and by division (C) of this section,~~ the total per medicaid day payment rate that the department of job and family services medicaid shall agree to pay for a fiscal year to the provider of a nursing facility ~~pursuant to a provider agreement~~ provider for nursing facility services the provider's nursing facility provides during a fiscal year shall equal the sum of all of the following:

~~(1) The rate for direct care costs determined for the nursing facility under section 5111.231 of the Revised Code;~~

~~(2)~~ The per medicaid day payment rate for ancillary and support costs determined for the nursing ~~facility's ancillary and support cost peer group~~ facility under section ~~5111.24~~ 5165.16 of the Revised Code;

~~(3)~~(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code;

(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code;

(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section ~~5111.242~~ 5165.21 of the Revised Code;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <del>(4) The quality incentive payment paid to the nursing facility under section 5111.244 of the Revised Code;</del>                                                                                                                                                                                                                                                                                                                                                                                                                            | 100423 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 100424 |
| (5) If the nursing facility qualifies as a critical access nursing facility, the <u>nursing facility's</u> critical access incentive payment paid <del>to the nursing facility</del> under section 5111.246 <u>5165.23</u> of the Revised Code;                                                                                                                                                                                                                                                                                                  | 100425 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 100428 |
| (6) The <del>rate for capital costs determined for the nursing facility's capital costs peer group under section 5111.25</del> <u>quality incentive payment paid to the nursing facility under section 5165.25</u> of the Revised Code.                                                                                                                                                                                                                                                                                                          | 100429 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 100431 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 100432 |
| <del>(C) The total rate determined under division (B) of this section shall not be paid for nursing facility services provided to low resource utilization residents. Instead, the total rate for nursing facility services that a nursing facility provides to low resource utilization residents shall be one hundred thirty dollars per medicaid day.</del>                                                                                                                                                                                   | 100433 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 100438 |
| <del>(D)</del> <u>(B)</u> In addition to paying a nursing facility provider the nursing facility's total rate determined under division <del>(B)</del> <u>or</u> <del>(C)</del> <u>(A)</u> of this section for a fiscal year, the department shall pay the provider a quality bonus under section 5111.245 <u>5165.26</u> of the Revised Code for that fiscal year if the provider's nursing facility is a qualifying nursing facility, as defined in that section, for that fiscal year. The quality bonus shall not be part of the total rate. | 100439 |
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| <b>Sec. 5111.254 5165.151.</b> <del>(A) The department of job and family services shall establish initial rates for a nursing facility with a first date of licensure that is on or after July 1, 2006, including a facility that replaces one or more existing facilities, or for a nursing facility with a first date of licensure before that date that was initially certified for the medicaid program on or after that date, total per medicaid day</del>                                                                                  | 100447 |
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payment rate determined under section 5165.15 of the Revised Code 100454  
shall not be the initial rate for nursing facility services 100455  
provided by a new nursing facility. Instead, the initial total per 100456  
medicaid day payment rate for nursing facility services provided 100457  
by a new nursing facility shall be determined in the following 100458  
manner: 100459

(1) The initial rate for ancillary and support costs shall be 100460  
the rate for the new nursing facility's peer group determined 100461  
under division (D) of section 5165.16 of the Revised Code. 100462

(2) The initial rate for capital costs shall be the rate for 100463  
the new nursing facility's peer group determined under division 100464  
(D) of section 5165.17 of the Revised Code; 100465

(3) The initial rate for direct care costs shall be the 100466  
product of the cost per case-mix unit determined under division 100467  
(D) of section ~~5111.231~~ 5165.19 of the Revised Code for the new 100468  
nursing facility's peer group and the new nursing facility's 100469  
case-mix score determined under division (B) of this section. ~~For~~ 100470  
~~the purpose of division (A)(1) of this section, the nursing~~ 100471  
~~facility's case mix score shall be the following:~~ 100472

~~(a) Unless the nursing facility replaces an existing nursing~~ 100473  
~~facility that participated in the medicaid program immediately~~ 100474  
~~before the replacement nursing facility begins participating in~~ 100475  
~~the medicaid program, the median annual average case mix score for~~ 100476  
~~the nursing facility's peer group;~~ 100477

~~(b) If the nursing facility replaces an existing nursing~~ 100478  
~~facility that participated in the medicaid program immediately~~ 100479  
~~before the replacement nursing facility begins participating in~~ 100480  
~~the medicaid program, the semiannual case mix score most recently~~ 100481  
~~determined under section 5111.232 of the Revised Code for the~~ 100482  
~~replaced nursing facility as adjusted, if necessary, to reflect~~ 100483  
~~any difference in the number of beds in the replaced and~~ 100484



~~replacement nursing facilities.~~ 100485

~~(2) The rate for ancillary and support costs shall be the rate for the facility's peer group determined under division (D) of section 5111.24 of the Revised Code.~~ 100486  
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~~(3) The rate for capital costs shall be the rate for the facility's peer group determined under division (D) of section 5111.25 of the Revised Code.~~ 100489  
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(4) The initial rate for tax costs shall be the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (C) of section ~~5111.24~~ 5165.16 of the Revised Code. 100492  
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(5) The quality incentive payment shall be the mean payment made to nursing facilities under section ~~5111.244~~ 5165.25 of the Revised Code. 100496  
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(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following: 100499  
100500

(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group; 100501  
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(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities. 100506  
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(C) Subject to division ~~(C)~~(D) of this section, the 100514

department shall adjust the rates established under division (A) 100515  
of this section effective the first day of July, to reflect new 100516  
rate calculations for all nursing facilities under ~~sections~~ 100517  
~~5111.20 to 5111.331 of the Revised Code~~ this chapter. 100518

~~(C)~~(D) If a rate for direct care costs is determined under 100519  
this section for a new nursing facility using the median annual 100520  
average case-mix score for the new nursing facility's peer group, 100521  
the rate shall be redetermined to reflect the ~~replacement~~ new 100522  
nursing facility's actual semiannual average case-mix score 100523  
determined under section ~~5111.232~~ 5165.192 of the Revised Code 100524  
after the new nursing facility submits its first two quarterly 100525  
assessment data that qualify for use in calculating a case-mix 100526  
score in accordance with rules authorized by ~~division (E) of~~ 100527  
section ~~5111.232~~ 5165.192 of the Revised Code. If the new nursing 100528  
facility's quarterly submissions do not qualify for use in 100529  
calculating a case-mix score, the department shall continue to use 100530  
the median annual average case-mix score for the new nursing 100531  
facility's peer group in lieu of the new nursing facility's 100532  
semiannual case-mix score until the new nursing facility submits 100533  
two consecutive quarterly assessment data that qualify for use in 100534  
calculating a case-mix score. 100535

Sec. 5165.152. The total per medicaid day payment rate 100536  
determined under section 5165.15 of the Revised Code shall not be 100537  
paid for nursing facility services provided to low resource 100538  
utilization residents. Instead, the total rate for such nursing 100539  
facility services shall be one hundred thirty dollars per medicaid 100540  
day. 100541

~~Sec. 5111.258~~ 5165.153. (A) ~~Notwithstanding sections 5111.20~~ 100542  
~~to 5111.331 of the Revised Code (except section 5111.259 of the~~ 100543  
~~Revised Code), the director of job and family services shall adopt~~ 100544  
~~rules under section 5111.02 of the Revised Code that establish a~~ 100545

~~methodology for calculating the prospective rates that will be~~ 100546  
~~paid each fiscal year to a provider for each of the provider's~~ 100547  
~~eligible nursing facilities and intermediate care facilities for~~ 100548  
~~the mentally retarded, and discrete units of the provider's~~ 100549  
~~nursing facilities or intermediate care facilities for the~~ 100550  
~~mentally retarded, that serve residents who have diagnoses~~ The 100551  
total per medicaid day payment rate determined under section 100552  
5165.15 of the Revised Code shall not be paid for nursing facility 100553  
services provided by a nursing facility, or discrete unit of a 100554  
nursing facility, designated by the department of medicaid as an 100555  
outlier nursing facility or unit. Instead, the provider of a 100556  
designated outlier nursing facility or unit shall be paid each 100557  
fiscal year a total per medicaid day payment rate that the 100558  
department shall prospectively determine in accordance with a 100559  
methodology established in rules authorized by this section. 100560

(B) The department may designate a nursing facility, or 100561  
discrete unit of a nursing facility, as an outlier nursing 100562  
facility or unit if the nursing facility or unit serves residents 100563  
who have either of the following: 100564

(1) Diagnoses or special care needs that require direct care 100565  
resources that are not measured adequately by the ~~applicable~~ 100566  
resident assessment instrument specified in rules authorized by 100567  
section ~~5111.232~~ 5165.191 of the Revised Code, ~~or who have~~ 100568  
diagnoses; 100569

(2) Diagnoses or special care needs specified in ~~the~~ rules 100570  
authorized by this section as otherwise qualifying for 100571  
consideration under this section. ~~The facilities and units of~~ 100572  
~~facilities whose rates are established under this division may~~ 100573  
~~include, but shall not be limited to, any of the following:~~ 100574

~~(1) In the case of nursing facilities, facilities and units~~ 100575  
~~of facilities that serve medically fragile pediatric residents,~~ 100576  
~~residents who are dependent on ventilators, or residents who have~~ 100577

~~severe traumatic brain injury, end stage Alzheimer's disease, or  
end stage acquired immunodeficiency syndrome;~~ 100578  
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~~(2) In the case of intermediate care facilities for the  
mentally retarded, facilities and units of facilities that serve  
residents who have complex medical conditions or severe behavioral  
problems.~~ 100580  
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~~The department shall use the methodology established under  
this division to pay for services rendered by such facilities and  
units after June 30, 1993.~~ 100584  
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(C) Notwithstanding any other provision of this chapter  
(except section 5165.156 of the Revised Code), the costs incurred  
by a designated outlier nursing facility or unit shall not be  
considered in establishing medicaid payment rates for other  
nursing facilities or units. 100587  
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(D) The medicaid director shall adopt rules under section  
5165.02 of the Revised Code as necessary to implement this  
section. 100592  
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(1)(a) The rules authorized by this division shall specify do  
both of the following: 100595  
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(i) Specify the criteria and procedures the department will  
apply when designating facilities and units that qualify for  
calculation of rates under this division a nursing facility, or  
discrete unit of a nursing facility, as an outlier nursing  
facility or unit; 100597  
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(ii) Establish a methodology for prospectively determining  
the total per medicaid day payment rate that will be paid each  
fiscal year for nursing facility services provided by a designated  
outlier nursing facility or unit. The criteria shall include 100602  
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(b) The rules authorized by division (D)(1)(a)(i) of this  
section regarding the criteria for designating outlier nursing 100606  
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facilities and units shall do both of the following: 100608

(i) Provide for consideration of whether all of the allowable costs of ~~the a nursing facility,~~ or discrete unit of a nursing facility, would be paid by ~~rates established~~ a rate determined under ~~sections 5111.20 to 5111.331~~ section 5165.15 of the Revised Code, ~~and shall establish a;~~

(ii) Specify the minimum ~~bed size for a number of nursing facility beds that a nursing facility,~~ or discrete unit to qualify to of a nursing facility, must have its rates established under ~~this division to be designated an outlier nursing facility or unit, which may vary based on the diagnoses or special care needs of the residents served by the nursing facility or unit.~~ The criteria shall not be designed to require that residents be served only in

(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall not limit the designation to nursing facilities, or discrete units of nursing facilities, located in large cities. The

(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier nursing facilities and units shall provide for the methodology established by the rules shall to consider the historical costs of providing ~~care~~ nursing facility services to the residents of ~~the~~ designated outlier nursing facilities or ~~and~~ units.

(2)(a) The rules may ~~require~~ do both of the following:

(i) Include for designation as an outlier nursing facility or unit, a nursing facility, or discrete unit of a nursing facility, that serves medically fragile pediatric residents; residents who are dependent on ventilators; residents who have severe traumatic

brain injury, end-stage Alzheimer's disease, or end-stage acquired immunodeficiency syndrome; or residents with other diagnoses or special care needs specified in the rules; 100639  
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(ii) Require that a designated outlier nursing facility designated under this division or containing a unit designated under this division receive authorization from the department to admit before admitting or retain retaining a resident to the facility or unit and. 100642  
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(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier nursing facility or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting that authorization. 100647  
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Notwithstanding any other provision of sections 5111.20 to 5111.331 of the Revised Code (except section 5111.259 of the Revised Code), the costs incurred by facilities or units whose rates are established under this division shall not be considered in establishing payment rates for other facilities or units. 100652  
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(B) The director may adopt rules under section 5111.02 of the Revised Code under which the department, notwithstanding any other provision of sections 5111.20 to 5111.331 of the Revised Code (except section 5111.259 of the Revised Code), may adjust the rates determined under sections 5111.20 to 5111.331 of the Revised Code for a facility that serves a resident who has a diagnosis or special care need that, in the rules authorized by division (A) of this section, would qualify a facility or unit of a facility to have its rate determined under that division, but who is not in such a unit. The rules may require that a facility that qualifies for a rate adjustment under this division receive authorization from the department to admit or retain a resident who qualifies the facility for the rate adjustment and shall specify the criteria and procedures the department will apply when granting 100657  
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~~that authorization.~~ 100671

Sec. 5165.154. (A) To the extent, if any, provided for in 100672  
rules authorized by this section, the total per medicaid day 100673  
payment rate determined under section 5165.15 of the Revised Code 100674  
shall not be paid for nursing facility services that a nursing 100675  
facility not designated as an outlier nursing facility or unit 100676  
provides to a resident who meets the criteria for admission to a 100677  
designated outlier nursing facility or unit, as specified in rules 100678  
authorized by section 5165.153 of the Revised Code. Instead, the 100679  
provider of a nursing facility providing nursing facility services 100680  
to such a resident shall be paid each fiscal year a total per 100681  
medicaid day payment rate that the department of medicaid shall 100682  
prospectively determine in accordance with a methodology 100683  
established in rules authorized by this section. 100684

(B) The medicaid director may adopt rules under section 100685  
5165.02 of the Revised Code to implement this section. The rules 100686  
may require that a nursing facility receive authorization from the 100687  
department before admitting or retaining a resident who meets the 100688  
criteria for admission to a designated outlier nursing facility or 100689  
unit. If the director adopts such rules, the rules shall specify 100690  
the criteria and procedures the department will apply when 100691  
granting the authorization. 100692

Sec. 5111.225 5165.155. (A) As used in this section+ 100693

~~"Dual eligible individual" has the same meaning as in section~~ 100694  
~~1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010),~~ 100695  
~~42 U.S.C. 1396n(h)(2)(B).~~ 100696

~~"Medicaid, "medicaid maximum allowable amount" means one~~ 100697  
~~hundred per cent of a nursing facility's total per diem medicaid~~ 100698  
~~day payment rate for a medicaid day.~~ 100699

(B) The Instead of paying the total per medicaid day payment 100700

rate determined under section 5165.15 of the Revised Code, the 100701  
department of ~~job and family services~~ medicaid shall pay the 100702  
provider of a nursing facility the lesser of the following for 100703  
nursing facility services the nursing facility provides on or 100704  
after January 1, 2012, to a dual eligible individual who is 100705  
eligible for nursing facility services under the medicaid program 100706  
and post-hospital extended care services under Part A of Title 100707  
XVIII: 100708

(1) The coinsurance amount for the services as provided under 100709  
Part A of Title XVIII; 100710

(2) The medicaid maximum allowable amount for the services, 100711  
less the amount paid under Part A of Title XVIII for the services. 100712

**Sec. ~~5111.259~~ 5165.156.** The medicaid director ~~of job and~~ 100713  
~~family services~~ may ~~submit a request to the United States~~ 100714  
~~secretary of health and human services for approval to~~ establish a 100715  
centers of excellence component of the medicaid program. The 100716  
purpose of the centers of excellence component is to increase the 100717  
efficiency and quality of nursing facility services provided to 100718  
medicaid recipients with complex nursing facility service needs. 100719  
~~If federal approval for the centers of excellence component is~~ 100720  
~~granted, the~~ The director may adopt rules under section ~~5111.02~~ 100721  
5165.02 of the Revised Code governing the component, including 100722  
rules that establish a method of determining the medicaid 100723  
~~reimbursement~~ payment rates for nursing facilities providing 100724  
nursing facility services to medicaid recipients participating in 100725  
the component. The rules may specify the extent to which, if any, 100726  
of the provisions of ~~section 5111.258~~ sections 5165.153 and 100727  
5165.154 of the Revised Code are to apply to the centers of 100728  
excellence component. If such rules are adopted, the nursing 100729  
facilities that provide nursing facility services to medicaid 100730  
recipients participating in the centers of excellence component 100731



shall be paid for those services in accordance with the method 100732  
established in the rules ~~notwithstanding anything to the contrary~~ 100733  
~~in sections 5111.20 to 5111.331~~ instead of the total per medicaid 100734  
day payment rate determined under section 5165.15 of the Revised 100735  
Code. 100736

**Sec. ~~5111.24~~ 5165.16.** (A) As used in this section: 100737

(1) "Applicable calendar year" means the following: 100738

(a) For the purpose of the department of ~~job and family~~ 100739  
~~services~~ medicaid's initial determination under division (D) of 100740  
this section of each peer group's rate for ancillary and support 100741  
costs, calendar year 2003; 100742

(b) For the purpose of the department's rebasings, the 100743  
calendar year the department selects. 100744

(2) "Rebasing" means a redetermination under division (D) of 100745  
this section of each peer ~~groups~~ group's rate for ancillary and 100746  
support costs using information from cost reports for an 100747  
applicable calendar year that is later than the applicable 100748  
calendar year used for the previous determination of such rates. 100749

(B) The department of ~~job and family services~~ medicaid shall 100750  
~~pay a provider for~~ determine each of the provider's eligible 100751  
~~nursing facilities~~ a facility's per ~~resident per~~ medicaid day 100752  
payment rate for ancillary and support costs ~~determined for the.~~ A 100753  
nursing facility's ~~peer group~~ rate shall be the rate determined 100754  
under division (D) of this section for the nursing facility's peer 100755  
group. However, for the period beginning October 1, 2013, and 100756  
ending on the first day of the first rebasing, the rate for a 100757  
nursing facility located in Mahoning or Stark county shall be the 100758  
rate determined for the following: 100759

(1) If the nursing facility has fewer than one hundred beds, 100760  
the nursing facilities in peer group three; 100761

(2) If the nursing facility has one hundred or more beds, the nursing facilities in peer group four. 100762  
100763

(C) For the purpose of determining nursing facilities' ~~rate~~ rates for ancillary and support costs, the department shall establish six peer groups. 100764  
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~~Each~~ (1) Until the first rebasing occurs, the peer groups shall be composed as follows: 100767  
100768

(a) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two. 100769  
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(b) Each nursing facility located in any of the following counties shall be placed in peer group three or four: Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, and Wood. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group three. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group four. 100776  
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(c) Each nursing facility located in any of the following counties shall be placed in peer group five or six: Adams, Allen, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 100787  
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Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 100793  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 100794  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 100795  
located in any of those counties that has fewer than one hundred 100796  
beds shall be placed in peer group five. Each nursing facility 100797  
located in any of those counties that has one hundred or more beds 100798  
shall be placed in peer group six. 100799

(2) Beginning with the first rebasing, the peer groups shall 100800  
be composed as they are under division (C)(1) of this section 100801  
except as follows: 100802

(a) Each nursing facility that has fewer than one hundred 100803  
beds and is located in Mahoning or Stark county shall be placed in 100804  
peer group three rather than peer group five. 100805

(b) Each nursing facility that has one hundred or more beds 100806  
and is located in Mahoning or Stark county shall be placed in peer 100807  
group four rather than peer group six. 100808

(D)(1) The department shall determine the rate for ancillary 100809  
and support costs for each peer group established under division 100810  
(C) of this section. The department is not required to conduct a 100811  
rebasings more than once every ten years. Except as necessary to 100812  
implement the amendments made to this section by Am. Sub. H.B. 153 100813  
and Sub. H.B. 303, both of the 129th general assembly, the rate 100814  
for ancillary and support costs determined under this division for 100815  
a peer group shall be used for subsequent years until the 100816  
department conducts a rebasing. To determine a peer group's rate 100817  
for ancillary and support costs, the department shall do all of 100818  
the following: 100819

(a) Subject to division (D)(2) of this section, determine the 100820  
rate for ancillary and support costs for each nursing facility in 100821  
the peer group for the applicable calendar year by using the 100822  
greater of the nursing facility's actual inpatient days for the 100823

applicable calendar year or the inpatient days the nursing 100824  
facility would have had for the applicable calendar year if its 100825  
occupancy rate had been ninety per cent; 100826

(b) Subject to division (D)(3) of this section, identify 100827  
which nursing facility in the peer group is at the twenty-fifth 100828  
percentile of the rate for ancillary and support costs for the 100829  
applicable calendar year determined under division (D)(1)(a) of 100830  
this section; 100831

(c) Multiply the rate for ancillary and support costs 100832  
determined under division (D)(1)(a) of this section for the 100833  
nursing facility identified under division (D)(1)(b) of this 100834  
section by the rate of inflation for the eighteen-month period 100835  
beginning on the first day of July of the applicable calendar year 100836  
and ending the last day of December of the calendar year 100837  
immediately following the applicable calendar year using the 100838  
following: 100839

(i) Until the first rebasing occurs, the consumer price index 100840  
for all items for all urban consumers for the north central 100841  
region, published by the United States bureau of labor statistics, 100842  
as that index existed on July 1, 2005; 100843

(ii) Effective with the first rebasing and except as provided 100844  
in division (D)(1)(c)(iii) of this section, the consumer price 100845  
index for all items for all urban consumers for the midwest 100846  
region, published by the United States bureau of labor statistics; 100847

(iii) If the United States bureau of labor statistics ceases 100848  
to publish the index specified in division (D)(1)(c)(ii) of this 100849  
section, the index the bureau subsequently publishes that covers 100850  
urban consumers' prices for items for the region that includes 100851  
this state. 100852

(d) Until the first rebasing occurs, increase the amount 100853  
calculated under division (D)(1)(c) of this section by five and 100854

eight hundredths per cent. 100855

(2) For the purpose of determining a nursing facility's 100856  
occupancy rate under division (D)(1)(a) of this section, the 100857  
department shall include any beds that the nursing facility 100858  
removes from its medicaid-certified capacity unless the nursing 100859  
facility also removes the beds from its licensed bed capacity. 100860

(3) In making the identification under division (D)(1)(b) of 100861  
this section, the department shall exclude both of the following: 100862

(a) Nursing facilities that participated in the medicaid 100863  
program under the same provider for less than twelve months in the 100864  
applicable calendar year; 100865

(b) Nursing facilities whose ancillary and support costs are 100866  
more than one standard deviation from the mean desk-reviewed, 100867  
actual, allowable, per diem ancillary and support cost for all 100868  
nursing facilities in the nursing facility's peer group for the 100869  
applicable calendar year. 100870

(4) The department shall not redetermine a peer group's rate 100871  
for ancillary and support costs under this division based on 100872  
additional information that it receives after the rate is 100873  
determined. The department shall redetermine a peer group's rate 100874  
for ancillary and support costs only if the department made an 100875  
error in determining the rate based on information available to 100876  
the department at the time of the original determination. 100877

**Sec. ~~5111.25~~ 5165.17.** (A) As used in this section: 100878

(1) "Applicable calendar year" means the following: 100879

(a) For the purpose of the department of ~~job and family~~ 100880  
~~services~~ medicaid's initial determination under division (D) of 100881  
this section of each peer group's rate for capital costs, calendar 100882  
year 2003; 100883

(b) For the purpose of the department's rebasings, the 100884

calendar year the department selects. 100885

(2) "Rebasing" means a redetermination under division (D) of 100886  
this section of each peer ~~groups'~~ group's rate for capital costs 100887  
using information from cost reports for an applicable calendar 100888  
year that is later than the applicable calendar year used for the 100889  
previous determination of such rates. 100890

(B) The department of ~~job and family services~~ medicaid shall 100891  
~~pay a provider for~~ determine each of the provider's eligible 100892  
nursing facilities ~~a~~ facility's per resident per medicaid day 100893  
payment rate for capital costs ~~determined for the.~~ A nursing 100894  
facility's ~~peer group~~ rate shall be the rate determined under 100895  
division (D) of this section. However, for the period beginning 100896  
October 1, 2013, and ending on the first day of the first 100897  
rebasing, the rate for a nursing facility located in Mahoning or 100898  
Stark county shall be the rate determined for the following: 100899

(1) If the nursing facility has fewer than one hundred beds, 100900  
the nursing facilities in peer group three; 100901

(2) If the nursing facility has one hundred or more beds, the 100902  
nursing facilities in peer group four. 100903

(C) For the purpose of determining nursing facilities' ~~rate~~ 100904  
rates for capital costs, the department shall establish six peer 100905  
groups. 100906

~~Each~~ (1) Until the first rebasing occurs, the peer groups 100907  
shall be composed as follows: 100908

(a) Each nursing facility located in any of the following 100909  
counties shall be placed in peer group one or two: Brown, Butler, 100910  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 100911  
located in any of those counties that has fewer than one hundred 100912  
beds shall be placed in peer group one. Each nursing facility 100913  
located in any of those counties that has one hundred or more beds 100914  
shall be placed in peer group two. 100915

(b) Each nursing facility located in any of the following 100916  
counties shall be placed in peer group three or four: Ashtabula, 100917  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 100918  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 100919  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 100920  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 100921  
Union, and Wood. Each nursing facility located in any of those 100922  
counties that has fewer than one hundred beds shall be placed in 100923  
peer group three. Each nursing facility located in any of those 100924  
counties that has one hundred or more beds shall be placed in peer 100925  
group four. 100926

(c) Each nursing facility located in any of the following 100927  
counties shall be placed in peer group five or six: Adams, Allen, 100928  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 100929  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 100930  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 100931  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 100932  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 100933  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 100934  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 100935  
located in any of those counties that has fewer than one hundred 100936  
beds shall be placed in peer group five. Each nursing facility 100937  
located in any of those counties that has one hundred or more beds 100938  
shall be placed in peer group six. 100939

(2) Beginning with the first rebasing, the peer groups shall 100940  
be composed as they are under division (C)(1) of this section 100941  
except as follows: 100942

(a) Each nursing facility that has fewer than one hundred 100943  
beds and is located in Mahoning or Stark county shall be placed in 100944  
peer group three rather than peer group five. 100945

(b) Each nursing facility that has one hundred or more beds 100946  
and is located in Mahoning or Stark county shall be placed in peer 100947

group four rather than peer group six. 100948

(D)(1) The department shall determine the rate for capital 100949  
costs for each peer group established under division (C) of this 100950  
section. The department is not required to conduct a rebasing more 100951  
than once every ten years. Except as necessary to implement the 100952  
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 100953  
303, both of the 129th general assembly, the rate for capital 100954  
costs determined under this division for a peer group shall be 100955  
used for subsequent years until the department conducts a 100956  
rebasings. To determine a peer group's rate for capital costs, the 100957  
department shall do both of the following: 100958

(a) Determine the rate for capital costs for the nursing 100959  
facility in the peer group that is at the twenty-fifth percentile 100960  
of the rate for capital costs for the applicable calendar year; 100961

(b) Until the first rebasing occurs, increase the amount 100962  
calculated under division (D)(1)(a) of this section by five and 100963  
eight hundredths per cent. 100964

(2) To identify the nursing facility in a peer group that is 100965  
at the twenty-fifth percentile of the rate for capital costs for 100966  
the applicable calendar year, the department shall do both of the 100967  
following: 100968

(a) Subject to division (D)(3) of this section, use the 100969  
greater of each nursing facility's actual inpatient days for the 100970  
applicable calendar year or the inpatient days the nursing 100971  
facility would have had for the applicable calendar year if its 100972  
occupancy rate had been one hundred per cent; 100973

(b) Exclude both of the following: 100974

(i) Nursing facilities that participated in the medicaid 100975  
program under the same provider for less than twelve months in the 100976  
applicable calendar year; 100977



(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) For the purpose of determining a nursing facility's occupancy rate under division (D)(2)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity.

(4) The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

(E) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section ~~5111.02~~ 5165.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in capital costs unless that part of the payment under ~~sections 5111.20 to 5111.331 of the Revised Code~~ this chapter is used to reimburse the government agency.

(F) The capital cost basis of nursing facility assets shall

be determined in the following manner: 101010

(1) Except as provided in division (F)(3) of this section, 101011  
for purposes of calculating the rates to be paid for facilities 101012  
with dates of licensure on or before June 30, 1993, the capital 101013  
cost basis of each asset shall be equal to the desk-reviewed, 101014  
actual, allowable, capital cost basis that is listed on the 101015  
facility's cost report for the calendar year preceding the fiscal 101016  
year during which the rate will be paid. 101017

(2) For facilities with dates of licensure after June 30, 101018  
1993, the capital cost basis shall be determined in accordance 101019  
with the principles of the medicare program ~~established under~~ 101020  
~~Title XVIII~~, except as otherwise provided in ~~sections 5111.20 to~~ 101021  
~~5111.331 of the Revised Code~~ this chapter. 101022

(3) Except as provided in division (F)(4) of this section, if 101023  
a provider transfers an interest in a facility to another provider 101024  
after June 30, 1993, there shall be no increase in the capital 101025  
cost basis of the asset if the providers are related parties or 101026  
the provider to which the interest is transferred authorizes the 101027  
provider that transferred the interest to continue to operate the 101028  
facility under a lease, management agreement, or other 101029  
arrangement. If the previous sentence does not prohibit the 101030  
adjustment of the capital cost basis under this division, the 101031  
basis of the asset shall be adjusted by one-half of the change in 101032  
the consumer price index for all items for all urban consumers, as 101033  
published by the United States bureau of labor statistics, during 101034  
the time that the transferor held the asset. 101035

(4) If a provider transfers an interest in a facility to 101036  
another provider who is a related party, the capital cost basis of 101037  
the asset shall be adjusted as specified in division (F)(3) of 101038  
this section if all of the following conditions are met: 101039

(a) The related party is a relative of owner; 101040

(b) Except as provided in division (F)(4)(c)(ii) of this section, the provider making the transfer retains no ownership interest in the facility;

(c) The department ~~of job and family services~~ determines that the transfer is an arm's length transaction pursuant to rules adopted under section ~~5111.02~~ 5165.02 of the Revised Code. The rules shall provide that a transfer is an arm's length transaction if all of the following apply:

(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.

(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The transfer satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (F)(4) of this section or actual, allowable ~~cost of ownership~~ capital costs was determined most recently under division (G)(9) of this section.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| (G) As used in this division:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 101072                                                                                                     |
| "Imputed interest" means the lesser of the prime rate plus<br>two per cent or ten per cent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 101073<br>101074                                                                                           |
| "Lease expense" means lease payments in the case of an<br>operating lease and depreciation expense and interest expense in<br>the case of a capital lease.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 101075<br>101076<br>101077                                                                                 |
| "New lease" means a lease, to a different lessee, of a<br>nursing facility that previously was operated under a lease.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 101078<br>101079                                                                                           |
| (1) Subject to division (B) of this section, for a lease of a<br>facility that was effective on May 27, 1992, the entire lease<br>expense is an actual, allowable capital cost during the term of<br>the existing lease. The entire lease expense also is an actual,<br>allowable capital cost if a lease in existence on May 27, 1992, is<br>renewed under either of the following circumstances:                                                                                                                                                                                                                                                                                                     | 101080<br>101081<br>101082<br>101083<br>101084<br>101085                                                   |
| (a) The renewal is pursuant to a renewal option that was in<br>existence on May 27, 1992;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 101086<br>101087                                                                                           |
| (b) The renewal is for the same lease payment amount and<br>between the same parties as the lease in existence on May 27,<br>1992.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 101088<br>101089<br>101090                                                                                 |
| (2) Subject to division (B) of this section, for a lease of a<br>facility that was in existence but not operated under a lease on<br>May 27, 1992, actual, allowable capital costs shall include the<br>lesser of the annual lease expense or the annual depreciation<br>expense and imputed interest expense that would be calculated at<br>the inception of the lease using the lessor's entire historical<br>capital asset cost basis, adjusted by one-half of the change in<br>the consumer price index for all items for all urban consumers, as<br>published by the United States bureau of labor statistics, during<br>the time the lessor held each asset until the beginning of the<br>lease. | 101091<br>101092<br>101093<br>101094<br>101095<br>101096<br>101097<br>101098<br>101099<br>101100<br>101101 |

(3) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of financing costs and interest expense at the inception of the lease or the imputed interest expense calculated at the inception of the lease using seventy per cent of the lessor's historical capital asset cost basis.

(4) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that was not initially operated under a lease and has been in existence for ten years, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the entire historical capital asset cost basis of one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(5) Subject to division (B) of this section, for a new lease of a facility that was operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the

annual new lease expense or the annual old lease payment. If the 101134  
old lease was in effect for ten years or longer, the old lease 101135  
payment from the beginning of the old lease shall be adjusted by 101136  
one-half of the change in the consumer price index for all items 101137  
for all urban consumers, as published by the United States bureau 101138  
of labor statistics, from the beginning of the old lease to the 101139  
beginning of the new lease. 101140

(6) Subject to division (B) of this section, for a new lease 101141  
of a facility that was not in existence or that was in existence 101142  
but not operated under a lease on May 27, 1992, actual, allowable 101143  
capital costs shall include the lesser of annual new lease expense 101144  
or the annual amount calculated for the old lease under division 101145  
(G)(2), (3), (4), or (6) of this section, as applicable. If the 101146  
old lease was in effect for ten years or longer, the lessor's 101147  
historical capital asset cost basis shall be, for purposes of 101148  
calculating the annual amount under division (G)(2), (3), (4), or 101149  
(6) of this section, adjusted by one-half of the change in the 101150  
consumer price index for all items for all urban consumers, as 101151  
published by the United States bureau of labor statistics, from 101152  
the beginning of the old lease to the beginning of the new lease. 101153

In the case of a lease under division (G)(3) of this section 101154  
of a facility for which a substantial commitment of money was made 101155  
after December 22, 1992, and before July 1, 1993, the old lease 101156  
payment shall be adjusted for the purpose of determining the 101157  
annual amount. 101158

(7) For any revision of a lease described in division (G)(1), 101159  
(2), (3), (4), (5), or (6) of this section, or for any subsequent 101160  
lease of a facility operated under such a lease, other than 101161  
execution of a new lease, the portion of actual, allowable capital 101162  
costs attributable to the lease shall be the same as before the 101163  
revision or subsequent lease. 101164

(8) Except as provided in division (G)(9) of this section, if 101165

a provider leases an interest in a facility to another provider 101166  
who is a related party or previously operated the facility, the 101167  
related party's or previous operator's actual, allowable capital 101168  
costs shall include the lesser of the annual lease expense or the 101169  
reasonable cost to the lessor. 101170

(9) If a provider leases an interest in a facility to another 101171  
provider who is a related party, regardless of the date of the 101172  
lease, the related party's actual, allowable capital costs shall 101173  
include the annual lease expense, subject to the limitations 101174  
specified in divisions (G)(1) to (7) of this section, if all of 101175  
the following conditions are met: 101176

(a) The related party is a relative of owner; 101177

(b) If the lessor retains an ownership interest, it is, 101178  
except as provided in division (G)(9)(c)(ii) of this section, in 101179  
only the real property and any improvements on the real property; 101180

(c) The department ~~of job and family services~~ determines that 101181  
the lease is an arm's length transaction pursuant to rules adopted 101182  
under section ~~5111.02~~ 5165.02 of the Revised Code. The rules shall 101183  
provide that a lease is an arm's length transaction if all of the 101184  
following apply: 101185

(i) Once the lease goes into effect, the lessor has no direct 101186  
or indirect interest in the lessee or, except as provided in 101187  
division (G)(9)(b) of this section, the facility itself, including 101188  
interest as an owner, officer, director, employee, independent 101189  
contractor, or consultant, but excluding interest as a lessor. 101190

(ii) The lessor does not reacquire an interest in the 101191  
facility except through the exercise of a lessor's rights in the 101192  
event of a default. If the lessor reacquires an interest in the 101193  
facility in this manner, the department shall treat the facility 101194  
as if the lease never occurred when the department calculates its 101195  
reimbursement rates for capital costs. 101196

(iii) The lease satisfies any other criteria specified in the rules. 101197  
101198

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (F)(4) of this section or actual, allowable capital costs were determined most recently under division (G)(9) of this section. 101199  
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(10) This division does not apply to leases of specific items of equipment. 101206  
101207

**Sec. ~~5111.231~~ 5165.19.** (A) As used in this section: 101208

(1) "Applicable calendar year" means the following: 101209

(a) For the purpose of the department of ~~job and family services~~ medicaid's initial determination under division (D) of this section of each peer group's cost per case-mix unit, calendar year 2003; 101210  
101211  
101212  
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(b) For the purpose of the department's rebasings, the calendar year the department selects. 101214  
101215

(2) "Rebasing" means a redetermination under division (D) of this section of each peer ~~groups'~~ group's cost per case-mix unit using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such costs. 101216  
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(B) ~~The~~ Semiannually, the department of ~~job and family services~~ medicaid shall ~~pay a provider for~~ determine each of the ~~provider's eligible nursing facilities a~~ facility's per resident ~~per~~ medicaid day payment rate for direct care costs ~~determined~~ semiannually by multiplying ~~the cost per case mix unit determined~~ under division (D) of this section for the facility's peer group 101221  
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by the facility's semiannual case-mix score determined under 101227  
section ~~5111.232~~ 5165.192 of the Revised Code by the cost per 101228  
case-mix unit determined under division (D) of this section for 101229  
the facility's peer group. However, for the period beginning 101230  
October 1, 2013, and ending on the first day of the first 101231  
rebasing, the rate for a nursing facility located in Mahoning or 101232  
Stark county shall be determined semiannually by multiplying the 101233  
facility's semiannual case-mix score determined under section 101234  
5165.192 of the Revised Code by the cost per case-mix unit 101235  
determined under division (D) of this section for the nursing 101236  
facilities in peer group two. 101237

(C) For the purpose of determining nursing facilities' ~~rate~~ 101238  
rates for direct care costs, the department shall establish three 101239  
peer groups. 101240

~~Each~~ (1) Until the first rebasing occurs, the peer groups 101241  
shall be composed as follows: 101242

(a) Each nursing facility located in any of the following 101243  
counties shall be placed in peer group one: Brown, Butler, 101244  
Clermont, Clinton, Hamilton, and Warren. 101245

(b) Each nursing facility located in any of the following 101246  
counties shall be placed in peer group two: Ashtabula, Champaign, 101247  
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 101248  
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 101249  
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 101250  
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 101251  
and Wood. 101252

(c) Each nursing facility located in any of the following 101253  
counties shall be placed in peer group three: Adams, Allen, 101254  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 101255  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 101256  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 101257

Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 101258  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 101259  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 101260  
Washington, Wayne, Williams, and Wyandot. 101261

(2) Beginning with the first rebasing, the peer groups shall 101262  
be composed as they are under division (C)(1) of this section 101263  
except that each nursing facility located in Mahoning or Stark 101264  
county shall be placed in peer group two rather than peer group 101265  
three. 101266

(D)(1) The department shall determine a cost per case-mix 101267  
unit for each peer group established under division (C) of this 101268  
section. The department is not required to conduct a rebasing more 101269  
than once every ten years. Except as necessary to implement the 101270  
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 101271  
303, both of the 129th general assembly, and H.B... of the 130th 101272  
general assembly, the cost per case-mix unit determined under this 101273  
division for a peer group shall be used for subsequent years until 101274  
the department conducts a rebasing. To determine a peer group's 101275  
cost per case-mix unit, the department shall do all of the 101276  
following: 101277

(a) Determine the cost per case-mix unit for each nursing 101278  
facility in the peer group for the applicable calendar year by 101279  
dividing each facility's desk-reviewed, actual, allowable, per 101280  
diem direct care costs for the applicable calendar year by the 101281  
facility's annual average case-mix score determined under section 101282  
~~5111.232~~ 5165.192 of the Revised Code for the applicable calendar 101283  
year; 101284

(b) Subject to division (D)(2) of this section, identify 101285  
which nursing facility in the peer group is at the twenty-fifth 101286  
percentile of the cost per case-mix units determined under 101287  
division (D)(1)(a) of this section; 101288

|                                                                               |        |
|-------------------------------------------------------------------------------|--------|
| (c) Calculate the amount that is two per cent above the cost                  | 101289 |
| per case-mix unit determined under division (D)(1)(a) of this                 | 101290 |
| section for the nursing facility identified under division                    | 101291 |
| (D)(1)(b) of this section;                                                    | 101292 |
| (d) Using the index specified in division (D)(3) of this                      | 101293 |
| section, multiply the rate of inflation for the eighteen-month                | 101294 |
| period beginning on the first day of July of the applicable                   | 101295 |
| calendar year and ending the last day of December of the calendar             | 101296 |
| year immediately following the applicable calendar year by the                | 101297 |
| amount calculated under division (D)(1)(c) of this section;                   | 101298 |
| (e) Until the first rebasing occurs, add one dollar and                       | 101299 |
| <del>eighty-eight</del> <u>fifty-six</u> cents to the amount calculated under | 101300 |
| division (D)(1)(d) of this section;                                           | 101301 |
| (f) Until the first rebasing occurs, increase the amount                      | 101302 |
| calculated under division (D)(1)(e) of this section by five and               | 101303 |
| eight hundredths per cent.                                                    | 101304 |
| (2) In making the identification under division (D)(1)(b) of                  | 101305 |
| this section, the department shall exclude both of the following:             | 101306 |
| (a) Nursing facilities that participated in the medicaid                      | 101307 |
| program under the same provider for less than twelve months in the            | 101308 |
| applicable calendar year;                                                     | 101309 |
| (b) Nursing facilities whose cost per case-mix unit is more                   | 101310 |
| than one standard deviation from the mean cost per case-mix unit              | 101311 |
| for all nursing facilities in the nursing facility's peer group               | 101312 |
| for the applicable calendar year.                                             | 101313 |
| (3) The following index shall be used for the purpose of the                  | 101314 |
| calculation made under division (D)(1)(d) of this section:                    | 101315 |
| (a) Until the first rebasing occurs, the employment cost                      | 101316 |
| index for total compensation, health services component, published            | 101317 |
| by the United States bureau of labor statistics, as the index                 | 101318 |

existed on July 1, 2005; 101319

(b) Effective with the first rebasing and except as provided 101320  
in division (D)(3)(c) of this section, the employment cost index 101321  
for total compensation, nursing and residential care facilities 101322  
occupational group, published by the United States bureau of labor 101323  
statistics; 101324

(c) If the United States bureau of labor statistics ceases to 101325  
publish the index specified in division (D)(3)(b) of this section, 101326  
the index the bureau subsequently publishes that covers nursing 101327  
facilities' staff costs. 101328

(4) The department shall not redetermine a peer group's cost 101329  
per case-mix unit under this division based on additional 101330  
information that it receives after the peer group's per case-mix 101331  
unit is determined. The department shall redetermine a peer 101332  
group's cost per case-mix unit only if it made an error in 101333  
determining the peer group's cost per case-mix unit based on 101334  
information available to the department at the time of the 101335  
original determination. 101336

Sec. 5165.191. Each calendar quarter, each nursing facility 101337  
provider shall compile complete assessment data for each resident 101338  
of each of the provider's nursing facilities, regardless of 101339  
payment source, who is in the nursing facility, or on hospital or 101340  
therapeutic leave from the nursing facility, on the last day of 101341  
the quarter. A resident assessment instrument specified in rules 101342  
authorized by this section shall be used to compile the resident 101343  
assessment data. Each provider shall submit the resident 101344  
assessment data to the department of health and, if required by 101345  
the rules, the department of medicaid. The resident assessment 101346  
data shall be submitted not later than fifteen days after the end 101347  
of the calendar quarter for which the data is compiled. If the 101348  
resident assessment data is to be submitted to the department of 101349

medicaid, it shall be submitted to the department through the 101350  
medium or media specified in the rules. 101351

Rules adopted under section 5165.02 of the Revised Code shall 101352  
do all of the following: 101353

(A) In a manner consistent with the "Social Security Act," 101354  
section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident 101355  
assessment instrument to be used by nursing facility providers 101356  
under this section; 101357

(B) Specify whether nursing facility providers must submit 101358  
the resident assessment data to the department of medicaid; 101359

(C) If the rules specify that nursing facility providers must 101360  
submit the resident assessment data to the department, specify the 101361  
medium or media through which the data is to be submitted. 101362

**Sec. ~~5111.232~~ 5165.192.** (A)(1) The ~~Except as provided in~~ 101363  
division (B) of this section and in accordance with the process 101364  
specified in rules authorized by this section, the department of 101365  
job and family services ~~medicaid~~ shall do all of the following: 101366

(a) Every quarter, determine the following two case-mix 101367  
scores for each nursing facility: 101368

(i) A quarterly case-mix score that includes each resident 101369  
who is a medicaid recipient and is not a low resource utilization 101370  
resident; 101371

(ii) A quarterly case-mix score that includes each resident 101372  
regardless of payment source. 101373

(b) ~~Every six months,~~ determine a semiannual ~~and annual~~ 101374  
average case-mix ~~scores~~ score for ~~each~~ nursing ~~facilities~~ facility 101375  
by using ~~all of the following:~~ quarterly case-mix scores 101376  
determined for the nursing facility pursuant to division 101377  
(A)(1)(a)(i) of this section; 101378

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section. 101379  
101380  
101381  
101382

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following: 101383  
101384

(a) Data from a resident assessment instrument specified in rules ~~adopted under~~ authorized by section ~~5111.02~~ 5165.191 of the Revised Code ~~pursuant to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following residents:~~ 101385  
101386  
101387  
101388  
101389

~~(i) When determining semiannual case mix scores for fiscal year 2012, each resident who is a medicaid recipient;~~ 101390  
101391

~~(ii) When determining semiannual case mix scores for fiscal year 2013 and thereafter, each resident who is a medicaid recipient and not placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data;~~ 101392  
101393  
101394  
101395  
101396  
101397

~~(iii) When determining annual average case mix scores, each resident regardless of payment source.~~ 101398  
101399

(b) Except as provided in rules authorized by ~~divisions (A)(2)(a) and (b) of~~ this section, the case-mix values established by the United States department of health and human services; 101400  
101401  
101402

(c) Except as modified in rules authorized by ~~division (A)(2)(c) of~~ this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program ~~established by Title XVIII.~~ 101403  
101404  
101405  
101406  
101407

~~(2) The director of job and family services may adopt rules~~ 101408

~~under section 5111.02 of the Revised Code that do any of the following:~~ 101409  
101410

~~(a) Adjust the case mix values specified in division (A)(1)(b) of this section to reflect changes in relative wage differentials that are specific to this state;~~ 101411  
101412  
101413

~~(b) Express all of those case mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case mix values to one another;~~ 101414  
101415  
101416  
101417

~~(c) Modify the grouper methodology specified in division (A)(1)(c) of this section as follows:~~ 101418  
101419

~~(i) Establish a different hierarchy for assigning residents to case mix categories under the methodology;~~ 101420  
101421

~~(ii) Prohibit the use of the index maximizer element of the methodology;~~ 101422  
101423

~~(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;~~ 101424  
101425  
101426

~~(iv) Make other changes the department determines are necessary.~~ 101427  
101428

~~(B) The department shall determine case mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident assessment instrument and grouper methodology prescribed in rules adopted under section 5111.02 of the Revised Code and expressed in case mix values established by the department in those rules.~~ 101429  
101430  
101431  
101432  
101433  
101434

~~(C) Each calendar quarter, each provider shall compile complete assessment data, from the resident assessment instrument specified in rules authorized by division (A) or (B) of this section, for each resident of each of the provider's facilities,~~ 101435  
101436  
101437  
101438

~~regardless of payment source, who was in the facility or on 101439  
hospital or therapeutic leave from the facility on the last day of 101440  
the quarter. Providers of a nursing facility shall submit the data 101441  
to the department of health and, if required by rules, the 101442  
department of job and family services. Providers of an 101443  
intermediate care facility for the mentally retarded shall submit 101444  
the data to the department of job and family services. The data 101445  
shall be submitted not later than fifteen days after the end of 101446  
the calendar quarter for which the data is compiled. 101447~~

~~Except as provided in division (D) of this section, the 101448  
department, every six months and after the end of each calendar 101449  
year, shall calculate a semiannual and annual average case mix 101450  
score for each nursing facility using the facility's quarterly 101451  
case mix scores for that six month period or calendar year. Also 101452  
except as provided in division (D) of this section, the 101453  
department, after the end of each calendar year, shall calculate 101454  
an annual average case mix score for each intermediate care 101455  
facility for the mentally retarded using the facility's quarterly 101456  
case mix scores for that calendar year. The department shall make 101457  
the calculations pursuant to procedures specified in rules adopted 101458  
under section 5111.02 of the Revised Code. 101459~~

~~(D)(1) If a Subject to division (B)(2) of this section, the 101460  
department, for one or more months of a calendar quarter, may 101461  
assign to a nursing facility a case-mix score that is five per 101462  
cent less than the nursing facility's case-mix score for the 101463  
immediately preceding calendar quarter if any of the following 101464  
apply: 101465~~

~~(a) The provider does not timely submit information complete 101466  
and accurate resident assessment data necessary to determine the 101467  
nursing facility's case-mix score for a the calendar quarter 101468  
necessary to calculate a facility's case mix score, or submits 101469  
incomplete or inaccurate information for a calendar quarter, the 101470~~



~~department may assign the facility a quarterly average case mix score that is five per cent less than the facility's quarterly average case mix score for the preceding calendar quarter. If the;~~ 101471  
101472  
101473

(b) The nursing facility was subject to an exception review 101474  
under ~~division (C) of section 5111.27 5165.193~~ of the Revised Code 101475  
for the immediately preceding calendar quarter, ~~the department may~~ 101476  
~~assign a quarterly average case mix score that is five per cent~~ 101477  
~~less than the score determined by the exception review. If the;~~ 101478

(c) The nursing facility was assigned a ~~quarterly average~~ 101479  
case-mix score for the immediately preceding calendar quarter, ~~the~~ 101480  
~~department may assign a quarterly average case mix score that is~~ 101481  
~~five per cent less than that score assigned for the preceding~~ 101482  
~~quarter.~~ 101483

~~The department may use a quarterly average case mix score~~ 101484  
~~assigned under division (D)(1) of this section, instead of a~~ 101485  
~~quarterly average case mix score calculated based on the~~ 101486  
~~provider's submitted information, to calculate the facility's rate~~ 101487  
~~for direct care costs being established under section 5111.23 or~~ 101488  
~~5111.231 of the Revised Code for one or more months, as specified~~ 101489  
~~in rules authorized by division (E) of this section, of the~~ 101490  
~~quarter for which the rate established under section 5111.23 or~~ 101491  
~~5111.231 of the Revised Code will be paid.~~ 101492

(2) Before taking action under division (D)(1) of this 101493  
section assigning a case-mix score to a nursing facility due to 101494  
the submission of incorrect resident assessment data, the 101495  
department shall permit the provider a ~~reasonable period of time,~~ 101496  
~~specified in rules authorized by division (E) of this section, to~~ 101497  
correct the information data. In the ~~case of an intermediate care~~ 101498  
~~facility for the mentally retarded, the department shall not~~ 101499  
~~assign a quarterly average case mix score due to late submission~~ 101500  
~~of corrections to assessment information unless the provider fails~~ 101501  
~~to submit corrected information prior to the eighty first day~~ 101502

after the end of the calendar quarter to which the information 101503  
pertains. In the case of a nursing facility, the ~~The~~ department 101504  
~~shall not~~ may assign a ~~quarterly average~~ the case-mix score ~~due to~~ 101505  
~~late submission of corrections to assessment information unless if~~ 101506  
the provider fails to submit the corrected information ~~prior to~~ 101507  
resident assessment data not later than the earlier of the 101508  
~~forty-sixth~~ forty-fifth day after the end of the calendar quarter 101509  
to which the ~~information~~ data pertains or the deadline for 101510  
submission of such corrections established by regulations adopted 101511  
by the United States department of health and human services under 101512  
~~Titles~~ Title XVIII and Title XIX. 101513

~~(2)~~(3) If, for more than six months in a calendar year, a 101514  
provider is paid a rate determined for a nursing facility 101515  
~~calculated~~ using a ~~quarterly average~~ case-mix score assigned to 101516  
the nursing facility under division ~~(D)~~(B)(1) of this section ~~for~~ 101517  
~~more than six months in a calendar year~~, the department may assign 101518  
the nursing facility a cost per case-mix unit that is five per 101519  
cent less than the nursing facility's actual or assigned cost per 101520  
case-mix unit for the immediately preceding calendar year. The 101521  
department may use the assigned cost per case-mix unit, instead of 101522  
~~calculating~~ determining the nursing facility's actual cost per 101523  
case-mix unit in accordance with section ~~5111.23 or 5111.231~~ 101524  
5165.19 of the Revised Code, to establish the nursing facility's 101525  
rate for direct care costs for the ~~following~~ fiscal year 101526  
immediately following the calendar year for which the cost per 101527  
case-mix unit is assigned. 101528

~~(3)~~(4) The department shall take action under division 101529  
~~(D)~~(B)(1) ~~or~~, (2), or (3) of this section only in accordance with 101530  
rules authorized by ~~division (E)~~ of this section. The department 101531  
shall not take an action that affects rates for prior payment 101532  
periods except in accordance with sections ~~5111.27~~ 5165.41 and 101533  
~~5111.28~~ 5165.42 of the Revised Code. 101534

~~(E)(C)~~ The medicaid director shall adopt rules under section 101535  
~~5111.02~~ 5165.02 of the Revised Code ~~that~~ as necessary to implement 101536  
this section. 101537

(1) The rules shall do all of the following: 101538

~~(1) Specify whether providers of a nursing facility must~~ 101539  
~~submit the assessment data to the department of job and family~~ 101540  
~~services;~~ 101541

~~(2) Specify the medium or media through which the completed~~ 101542  
~~assessment data shall be submitted;~~ 101543

~~(3)(a)~~ Specify the process for determining the semiannual and 101544  
annual average case-mix scores for nursing facilities; 101545

(b) Adjust the case-mix values specified in division 101546  
(A)(2)(b) of this section to reflect changes in relative wage 101547  
differentials that are specific to this state; 101548

(c) Express all of those case-mix values in numeric terms 101549  
that are different from the terms specified by the United States 101550  
department of health and human services but that do not alter the 101551  
relationship of the case-mix values to one another; 101552

(d) Modify the grouper methodology specified in division 101553  
(A)(2)(c) of this section as follows: 101554

(i) Establish a different hierarchy for assigning residents 101555  
to case-mix categories under the methodology; 101556

(ii) Prohibit the use of the index maximizer element of the 101557  
methodology; 101558

(iii) Incorporate changes to the methodology the United 101559  
States department of health and human services makes after June 101560  
30, 1999; 101561

(iv) Make other changes the department determines are 101562  
necessary. 101563

(e) Establish procedures under which ~~the~~ resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;

~~(4)~~(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections ~~by providers of nursing facilities~~ in the manner required by regulations adopted by the United States department of health and human services under ~~Titles~~ Title XVIII and Title XIX.

~~(5)~~(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division ~~(D)~~(B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. ~~Notwithstanding~~

(2) Notwithstanding any other provision of ~~sections 5111.20 to 5111.331 of the Revised Code~~ this chapter, the rules ~~also~~ may provide for the following:

~~(a) Exclusion of case mix scores assigned under division (D) of this section from calculation of an intermediate care facility for the mentally retarded's annual average case mix score and the maximum cost per case mix unit for the facility's peer group;~~

~~(b) Exclusion~~ exclusion of case-mix scores assigned to a nursing facility under division ~~(D)~~(B) of this section from ~~ealculation~~ the determination of a the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

Sec. 5165.193. (A) The department of medicaid may, pursuant to rules authorized by this section, conduct an exception review

of resident assessment data submitted by a nursing facility 101594  
provider under section 5165.191 of the Revised Code. The 101595  
department may conduct an exception review based on the findings 101596  
of a medicaid certification survey conducted by the department of 101597  
health, a risk analysis, or prior performance of the provider. 101598

Exception reviews shall be conducted at the nursing facility 101599  
by appropriate health professionals under contract with or 101600  
employed by the department. The professionals may review resident 101601  
assessment forms and supporting documentation, conduct interviews, 101602  
and observe residents to identify any patterns or trends of 101603  
inaccurate resident assessments and resulting inaccurate case-mix 101604  
scores. 101605

(B) If an exception review is conducted before the effective 101606  
date of a nursing facility's rate for direct care costs that is 101607  
based on the resident assessment data being reviewed and the 101608  
review results in findings that exceed tolerance levels specified 101609  
in the rules authorized by this section, the department, in 101610  
accordance with those rules, may use the findings to redetermine 101611  
individual resident case-mix scores, the nursing facility's 101612  
case-mix score for the quarter, and the nursing facility's annual 101613  
average case-mix score. The department may use the nursing 101614  
facility's redetermined quarterly and annual average case-mix 101615  
scores to determine the nursing facility's rate for direct care 101616  
costs for the appropriate calendar quarter or quarters. 101617

(C) The department shall prepare a written summary of any 101618  
exception review finding that is made after the effective date of 101619  
a nursing facility's rate for direct care costs that is based on 101620  
the resident assessment data that was reviewed. Where the provider 101621  
is pursuing judicial or administrative remedies in good faith 101622  
regarding the finding, the department shall not withhold from the 101623  
provider's current payments any amounts the department claims to 101624

be due from the provider pursuant to section 5165.41 of the 101625  
Revised Code. 101626

(D)(1) The medicaid director shall adopt rules under section 101627  
5165.02 of the Revised Code as necessary to implement this 101628  
section. The rules shall establish an exception review program 101629  
that does all of the following: 101630

(a) Requires each exception review to comply with Title XVIII 101631  
and Title XIX; 101632

(b) Requires a written summary for each exception review that 101633  
states whether resident assessment forms have been completed 101634  
accurately; 101635

(c) Prohibits each health professional who conducts an 101636  
exception review from doing either of the following: 101637

(i) During the period of the professional's contract or 101638  
employment with the department, having or being committed to 101639  
acquire any direct or indirect financial interest in the 101640  
ownership, financing, or operation of nursing facilities in this 101641  
state; 101642

(ii) Reviewing any provider that has been a client of the 101643  
professional. 101644

(2) For the purposes of division (D)(1)(c)(i) of this 101645  
section, employment of a member of a health professional's family 101646  
by a nursing facility that the professional does not review does 101647  
not constitute a direct or indirect financial interest in the 101648  
ownership, financing, or operation of the nursing facility. 101649

**Sec. ~~5111.242~~ 5165.21.** (A) As used in this section: 101650

(1) "Applicable calendar year" means the following: 101651

(a) For the purpose of the department of ~~job and family~~ 101652  
~~services~~ medicaid's initial determination under this section of 101653

nursing facilities' rate for tax costs, calendar year 2003; 101654

(b) For the purpose of the department's rebasings, the 101655  
calendar year the department selects. 101656

(2) "Rebasing" means a redetermination under division ~~(C)~~(B) 101657  
of this section of each nursing facility's rate for tax costs 101658  
using information from cost reports for an applicable calendar 101659  
year that is later than the applicable calendar year used for the 101660  
previous determination of such rates. 101661

~~(B) The department of job and family services shall pay a 101662  
provider for each of the provider's eligible nursing facilities a 101663  
per resident per day rate for tax costs determined under division 101664  
~~(C)~~ of this section. 101665~~

~~(C)~~ The department of medicaid shall determine ~~the~~ each 101666  
nursing facility's per medicaid day payment rate for tax costs ~~for~~ 101667  
~~each nursing facility~~. The department is not required to conduct a 101668  
rebasings more than once every ten years. Except as necessary to 101669  
implement the amendments made to this section by Sub. H.B. 303 of 101670  
the 129th general assembly, the rate for tax costs determined 101671  
under this division for a nursing facility shall be used for 101672  
subsequent years until the department conducts a rebasing. To 101673  
determine a nursing facility's rate for tax costs and except as 101674  
provided in division ~~(D)~~(C) of this section, the department shall 101675  
do both of the following: 101676

(1) Divide the nursing facility's desk-reviewed, actual, 101677  
allowable tax costs paid for the applicable calendar year by the 101678  
number of inpatient days the nursing facility would have had if 101679  
its occupancy rate had been one hundred per cent during the 101680  
applicable calendar year; 101681

(2) Until the first rebasing occurs, increase the amount 101682  
calculated under division ~~(C)~~(B)(1) of this section by five and 101683  
eight hundredths per cent. 101684

~~(D)~~(C) If a nursing facility had a credit regarding its real estate taxes reflected on its cost report for calendar year 2003, the department shall determine, as follows, its rate for tax costs for the period beginning on July 1, 2010, and ending on the first day of the fiscal year for which the department first conducts a rebasing:

(1) Divide the nursing facility's desk-reviewed, actual, allowable tax costs paid for calendar year 2004 by the number of inpatient days the nursing facility would have had if its occupancy rate had been one hundred per cent during calendar year 2004;

(2) Until the first rebasing occurs, increase the amount calculated under division ~~(D)~~(C)(1) of this section by five and eight hundredths per cent.

**Sec. ~~5111.246~~ 5165.23.** (A) Each fiscal year, the department of ~~job and family services~~ medicaid shall ~~pay a~~ determine the critical access incentive payment ~~to the provider of~~ for each nursing facility that qualifies as a critical access nursing facility. To qualify as a critical access nursing facility for a fiscal year, a nursing facility must meet all of the following requirements:

(1) The nursing facility must be located in an area that, on December 31, 2011, was designated an empowerment zone under ~~section 1391~~ of the "Internal Revenue Code of 1986," ~~107 Stat. 543~~ section 1391, 26 U.S.C. 1391, ~~as amended~~.

(2) The nursing facility must have an occupancy rate of at least eighty-five per cent as of the last day of the calendar year immediately preceding the fiscal year.

(3) The nursing facility must have a medicaid utilization rate of at least sixty-five per cent as of the last day of the



calendar year immediately preceding the fiscal year. 101715

(4) The nursing facility must have been awarded at least five points for meeting accountability measures under section 5165.25 of the Revised Code for the fiscal year and at least one of the five points must have been awarded for meeting the following: 101716  
101717  
101718  
101719

(a) For fiscal year 2014, the accountability measures identified in divisions (C)(10), (11), (12), and (13) of section 5165.25 of the Revised Code; 101720  
101721  
101722

(b) For fiscal year 2015 and each fiscal year thereafter, the accountability measures identified in divisions (D)(9), (10), (11), (12), and (14) of section 5165.25 of the Revised Code. 101723  
101724  
101725

(B) A critical access nursing facility's critical access incentive payment for a fiscal year shall equal five per cent of the portion of the nursing facility's total rate for the fiscal year that is the sum of the rates and payment identified in divisions ~~(B)~~(A)(1) to (4) and (6) of section ~~5111.222~~ 5165.15 of the Revised Code. 101726  
101727  
101728  
101729  
101730  
101731

**Sec. ~~5111.244~~ 5165.25.** (A) As used in this section: 101732

~~(1) "Applicable percentage" means, for the accountability measures identified in divisions (C)(10) to (13) of this section, the following:~~ 101733  
101734  
101735

~~(a) For fiscal year 2013, whichever of the following applies:~~ 101736

~~(i) The percentage that the department of job and family services specifies for an accountability measure pursuant to division (E)(1)(b) or (E)(2)(a)(ii) of this section;~~ 101737  
101738  
101739

~~(ii) The percentage specified for an accountability measure in division (E)(2)(b), (ii), (iii), (iv), or (v) of this section.~~ 101740  
101741

~~(b) For fiscal year 2014, whichever of the following applies:~~ 101742

~~(i) The percentage used pursuant to division (F)(2) of this~~ 101743

~~section:~~ 101744

~~(ii) The percentage that the department specifies for an~~ 101745  
~~accountability measure pursuant to division (F)(3)(a) of this~~ 101746  
~~section.~~ 101747

~~(c) For fiscal year 2015 and thereafter, whichever of the~~ 101748  
~~following applies:~~ 101749

~~(i) The percentage used pursuant to division (F)(2) of this~~ 101750  
~~section:~~ 101751

~~(ii) The percentage used pursuant to division (F)(3)(b) of~~ 101752  
~~this section.~~ 101753

~~(2) "Complaint surveys" has the same meaning as in 42 C.F.R.~~ 101754  
~~488.30.~~ 101755

~~(3)(2) "Customer satisfaction survey" means the annual survey~~ 101756  
~~of long-term care facilities required by section 173.47 of the~~ 101757  
~~Revised Code.~~ 101758

~~(4)(3) "Deficiency" has the same meaning as in 42 C.F.R.~~ 101759  
~~488.301.~~ 101760

~~(4) "Exempted hospital discharge" has the same meaning as in~~ 101761  
~~42 C.F.R. 483.106(b)(2)(i).~~ 101762

(5) "Family satisfaction survey" means a customer 101763  
satisfaction survey, or part of a customer satisfaction survey, 101764  
that contains the results of information obtained from the 101765  
families of a nursing facility's residents. 101766

(6) "Minimum data set" means the standardized, uniform 101767  
comprehensive assessment of nursing facility residents that is 101768  
used to identify potential problems, strengths, and preferences of 101769  
residents and is part of the resident assessment instrument 101770  
required by ~~section 1919(e)(5) of the "Social Security Act," 101~~ 101771  
~~Stat. 1330-197 (1987)~~ section 1919(e)(5), 42 U.S.C. 1396r(e)(5),  
as amended. 101772  
101773

|                                                                                                                                                                                                                                                                          |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <del>(7) "National voluntary consensus standards for nursing homes" means measures used to determine the quality of care provided by nursing facilities as endorsed by the national quality forum.</del>                                                                 | 101774 |
| <del>homes" means measures used to determine the quality of care provided by nursing facilities as endorsed by the national quality forum.</del>                                                                                                                         | 101775 |
| <del>provided by nursing facilities as endorsed by the national quality forum.</del>                                                                                                                                                                                     | 101776 |
| <del>forum.</del>                                                                                                                                                                                                                                                        | 101777 |
| <del>(8) "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code.</del>                                                                                                                                                                              | 101778 |
| <del>of the Revised Code.</del>                                                                                                                                                                                                                                          | 101779 |
| <del>(9)(8) "Resident satisfaction survey" means a customer satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from a nursing facility's residents.</del>                                                 | 101780 |
| <del>(9)(8) "Resident satisfaction survey" means a customer satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from a nursing facility's residents.</del>                                                 | 101781 |
| <del>satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from a nursing facility's residents.</del>                                                                                                        | 101782 |
| <del>facility's residents.</del>                                                                                                                                                                                                                                         | 101783 |
| <del>(10)(9) "Room mirror" means a mirror that is located in either of the following rooms:</del>                                                                                                                                                                        | 101784 |
| <del>either of the following rooms:</del>                                                                                                                                                                                                                                | 101785 |
| <del>(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom;</del>                                                                                                                             | 101786 |
| <del>the resident uses the resident bathroom is in the resident bathroom;</del>                                                                                                                                                                                          | 101787 |
| <del>bathroom;</del>                                                                                                                                                                                                                                                     | 101788 |
| <del>(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room.</del>                                                                                                                                 | 101789 |
| <del>the resident uses the resident bathroom is in the resident's room.</del>                                                                                                                                                                                            | 101790 |
| <del>(11)(10) "Room sink" means a sink that is located in either of the following rooms:</del>                                                                                                                                                                           | 101791 |
| <del>of the following rooms:</del>                                                                                                                                                                                                                                       | 101792 |
| <del>(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom;</del>                                                                                                                             | 101793 |
| <del>the resident uses the resident bathroom is in the resident bathroom;</del>                                                                                                                                                                                          | 101794 |
| <del>bathroom;</del>                                                                                                                                                                                                                                                     | 101795 |
| <del>(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room.</del>                                                                                                                                 | 101796 |
| <del>the resident uses the resident bathroom is in the resident's room.</del>                                                                                                                                                                                            | 101797 |
| <del>(12)(11) "Standard survey" has the same meaning as in 42 C.F.R. 488.301.</del>                                                                                                                                                                                      | 101798 |
| <del>C.F.R. 488.301.</del>                                                                                                                                                                                                                                               | 101799 |
| <del>(12) "Special focus facility list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program required by the "Social Security Act," section 1919(f)(10), 42 U.S.C.</del> | 101800 |
| <del>facilities that the United States department of health and human services creates under the special focus facility program required by the "Social Security Act," section 1919(f)(10), 42 U.S.C.</del>                                                              | 101801 |
| <del>services creates under the special focus facility program required by the "Social Security Act," section 1919(f)(10), 42 U.S.C.</del>                                                                                                                               | 101802 |
| <del>by the "Social Security Act," section 1919(f)(10), 42 U.S.C.</del>                                                                                                                                                                                                  | 101803 |

1396r(f)(10). 101804

(13) "Substantial wall" means a permanent structure that reaches from floor to ceiling and divides a semiprivate room into two distinct living spaces, each with its own window. 101805  
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(14) "Table B of the special focus facility list" means the table included in the special focus facility list that identifies nursing facilities that have not improved. 101808  
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(B)(1) Each fiscal year, the department of ~~job and family services~~ medicaid shall ~~pay a~~ determine each nursing facility's quality incentive payment ~~to the provider of each nursing facility that is awarded one or more points for meeting accountability measures under division (C) of this section.~~ Subject to ~~division~~ divisions (B)(2) and (3) of this section, the per medicaid day amount of a quality incentive payment paid to a nursing facility provider shall be the product of the following: 101811  
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(a) The number of points the provider's nursing facility is awarded for meeting accountability measures under ~~division (C) of~~ this section; 101819  
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(b) Three dollars and twenty-nine cents. 101822

(2) The maximum quality incentive payment that may be paid to ~~the provider of~~ a nursing facility provider for a fiscal year 2014 shall be sixteen dollars and forty-four cents per medicaid day. 101823  
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(3) The maximum quality incentive payment that may be paid to a nursing facility provider for fiscal year 2015 and each fiscal year thereafter shall be the following: 101826  
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(a) Sixteen dollars and forty-four cents if at least one of the points awarded to the nursing facility for meeting accountability measures is for an accountability measure identified in division (D)(9), (10), (11), (12), or (14) of this section; 101829  
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| <u>(b) Thirteen dollars and sixteen cents if division (B)(3)(a)</u>       | 101834 |
| <u>of this section does not apply.</u>                                    | 101835 |
| (C) <u>Subject For fiscal year 2014 only and subject to</u>               | 101836 |
| <u>divisions (D), division (E), and (F)</u> of this section, the          | 101837 |
| department shall award each nursing facility participating in the         | 101838 |
| medicaid program one point for each of the following                      | 101839 |
| accountability measures the facility meets:                               | 101840 |
| (1) The facility's overall score on its resident satisfaction             | 101841 |
| survey is at least eighty-six.                                            | 101842 |
| (2) The facility's overall score on its family satisfaction               | 101843 |
| survey is at least eighty-eight.                                          | 101844 |
| (3) The facility satisfies the requirements for participation             | 101845 |
| in the advancing excellence in America's nursing homes campaign.          | 101846 |
| (4) The facility had neither of the following on the                      | 101847 |
| facility's most recent standard survey conducted not later than           | 101848 |
| the last day of the calendar year <u>immediately</u> preceding the fiscal | 101849 |
| year for which the point is to be awarded or any complaint surveys        | 101850 |
| conducted in the calendar year <u>immediately</u> preceding the fiscal    | 101851 |
| year for which the point is to be awarded:                                | 101852 |
| (a) A health deficiency with a scope and severity level                   | 101853 |
| greater than F;                                                           | 101854 |
| (b) A deficiency that constitutes a substandard quality of                | 101855 |
| care.                                                                     | 101856 |
| (5) The facility offers at least fifty per cent of its                    | 101857 |
| residents at least one of the following dining choices for at             | 101858 |
| least one meal each day:                                                  | 101859 |
| (a) Restaurant-style dining in which food is brought from the             | 101860 |
| food preparation area to residents per the residents' orders;             | 101861 |
| (b) Buffet-style dining in which residents obtain their own               | 101862 |
| food, or have the facility's staff bring food to them per the             | 101863 |

|                                                                                                                                                                            |                            |
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| residents' directions, from the buffet;                                                                                                                                    | 101864                     |
| (c) Family-style dining in which food is customarily served on a serving dish and shared by residents;                                                                     | 101865<br>101866           |
| (d) Open dining in which residents have at least a two-hour period to choose when to have a meal;                                                                          | 101867<br>101868           |
| (e) Twenty-four-hour dining in which residents may order meals from the facility any time of the day.                                                                      | 101869<br>101870           |
| (6) At least fifty per cent of the facility's residents are able to take a bath or shower as often as they choose.                                                         | 101871<br>101872           |
| (7) The facility has at least both of the following scores on its resident satisfaction survey:                                                                            | 101873<br>101874           |
| (a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-nine;                               | 101875<br>101876<br>101877 |
| (b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-six.                          | 101878<br>101879<br>101880 |
| (8) The facility has at least both of the following scores on its family satisfaction survey:                                                                              | 101881<br>101882           |
| (a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-eight;                              | 101883<br>101884<br>101885 |
| (b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-five.                         | 101886<br>101887<br>101888 |
| (9) All of the following apply to the facility:                                                                                                                            | 101889                     |
| (a) At least seventy-five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their | 101890<br>101891<br>101892 |

individual plans of care, to discuss their goals for the care they 101893  
are to receive at the facility, including their preferences for 101894  
advance care planning, with a member of the residents' ~~healthcare~~ 101895  
health care teams that the facility, residents, and residents' 101896  
sponsors consider appropriate. 101897

(b) The facility records the residents' care goals, including 101898  
the residents' advance care planning preferences, in their medical 101899  
records. 101900

(c) The facility uses the residents' care goals, including 101901  
the residents' advance care planning preferences, in the 101902  
development of the residents' individual plans of care. 101903

(10) Not more than ~~the applicable percentage~~ thirteen and 101904  
thirty-five hundredths per cent of the facility's long-stay 101905  
residents report severe to moderate pain during the minimum data 101906  
set assessment process. 101907

(11) Not more than ~~the applicable percentage~~ five and 101908  
seventy-three hundredths per cent of the facility's long-stay, 101909  
high-risk residents have been assessed as having one or more stage 101910  
two, three, or four pressure ulcers during the minimum data set 101911  
assessment process. 101912

(12) Not more than ~~the applicable percentage~~ one and 101913  
fifty-two hundredths per cent of the facility's long-stay 101914  
residents were physically restrained as reported during the 101915  
minimum data set assessment process. 101916

(13) Less than ~~the applicable percentage~~ seven and 101917  
seventy-eight hundredths per cent of the facility's long-stay 101918  
residents had a urinary tract infection as reported during the 101919  
minimum data set assessment process. 101920

(14) The facility uses a tool for tracking residents' 101921  
admissions to hospitals. 101922

(15) An average of at least fifty per cent of the facility's  
medicaid-certified beds are in private rooms.

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(16) The facility has accessible resident bathrooms, all of  
which meet at least two of the following standards and at least  
some of which meet all of the following standards:

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(a) There are room mirrors that are accessible to residents  
in wheelchairs, can be adjusted so as to be visible to residents  
who are seated or standing, or both.

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(b) There are room sinks that are accessible to residents in  
wheelchairs and have clearance for wheelchairs.

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101932

(c) There are room sinks that have faucets with adaptive or  
easy-to-use lever or paddle handles.

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(17) The facility does both of the following:

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(a) Maintains a written policy that prohibits the use of  
overhead paging systems or limits the use of overhead paging  
systems to emergencies, as defined in the policy;

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(b) Communicates the policy to its staff, residents, and  
families of residents.

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(18) The facility has a score of at least ninety on its  
resident satisfaction survey with regard to the question in the  
survey regarding residents' ability to personalize their rooms  
with personal belongings.

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(19) The facility has a score of at least ninety-five on its  
family satisfaction survey with regard to the question in the  
survey regarding residents' ability to personalize their rooms  
with personal belongings.

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101946  
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(20) The facility does both of the following:

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(a) Maintains a written policy that requires consistent  
assignment of nurse aides and specifies the goal of having a  
resident receive nurse aide care from not more than eight

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different nurse aides during a thirty-day period; 101953

(b) Communicates the policy to its staff, residents, and 101954  
families of residents. 101955

(21) The facility's staff retention rate is at least 101956  
seventy-five per cent. 101957

(22) The facility's turnover rate for nurse aides is not 101958  
higher than sixty-five per cent. 101959

(23) For at least fifty per cent of the resident care 101960  
conferences in the facility, a nurse aide who is a primary 101961  
caregiver for the resident attends and participates in the 101962  
conference. 101963

(D) For fiscal year 2015 and each fiscal year thereafter and 101964  
subject to division (E) of this section, the department shall 101965  
award each nursing facility participating in the medicaid program 101966  
one point for each of the following accountability measures the 101967  
facility meets: 101968

(1) The facility's overall score on its resident satisfaction 101969  
survey is at least eighty-seven and five-tenths. 101970

(2) The facility's overall score on its family satisfaction 101971  
survey is at least eighty-five and nine-tenths. 101972

(3) The facility satisfies the requirements for participation 101973  
in the advancing excellence in America's nursing homes campaign. 101974

(4) Both of the following apply to the facility: 101975

(a) The facility had not been listed on table B of the 101976  
special focus facility list for eighteen or more consecutive 101977  
months during any time during the calendar year immediately 101978  
preceding the fiscal year for which the point is to be awarded. 101979

(b) The facility had neither of the following on the 101980  
facility's most recent standard survey conducted not later than 101981  
the last day of the calendar year immediately preceding the fiscal 101982

|                                                                           |        |
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| <u>year for which the point is to be awarded or any complaint surveys</u> | 101983 |
| <u>conducted in the calendar year immediately preceding the fiscal</u>    | 101984 |
| <u>year for which the point is to be awarded:</u>                         | 101985 |
| <u>(i) A health deficiency with a scope and severity level</u>            | 101986 |
| <u>greater than F;</u>                                                    | 101987 |
| <u>(ii) A deficiency that constitutes a substandard quality of</u>        | 101988 |
| <u>care.</u>                                                              | 101989 |
| <u>(5) The facility does all of the following:</u>                        | 101990 |
| <u>(a) Offers at least fifty per cent of its residents at least</u>       | 101991 |
| <u>one of the following dining choices for at least two meals each</u>    | 101992 |
| <u>day:</u>                                                               | 101993 |
| <u>(i) Restaurant-style dining in which food is brought from the</u>      | 101994 |
| <u>food preparation area to residents per the residents' orders;</u>      | 101995 |
| <u>(ii) Buffet-style dining in which residents obtain their own</u>       | 101996 |
| <u>food, or have the facility's staff bring food to them per the</u>      | 101997 |
| <u>residents' directions, from the buffet;</u>                            | 101998 |
| <u>(iii) Family-style dining in which food is customarily served</u>      | 101999 |
| <u>on a serving dish and shared by residents;</u>                         | 102000 |
| <u>(iv) Open dining in which residents have at least a two-hour</u>       | 102001 |
| <u>period to choose when to have a meal;</u>                              | 102002 |
| <u>(v) Twenty-four-hour dining in which residents may order</u>           | 102003 |
| <u>meals from the facility any time of the day.</u>                       | 102004 |
| <u>(b) Maintains a written policy specifying the manner or</u>            | 102005 |
| <u>manners in which residents' dining choices for meals are offered;</u>  | 102006 |
| <u>(c) Communicates the policy to its staff, residents, and</u>           | 102007 |
| <u>families of residents.</u>                                             | 102008 |
| <u>(6) The facility does all of the following:</u>                        | 102009 |
| <u>(a) Enables at least fifty per cent of the facility's</u>              | 102010 |
| <u>residents to take a bath or shower when they choose;</u>               | 102011 |

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| <u>(b) Maintains a written policy regarding residents' choices</u>       | 102012 |
| <u>in bathing;</u>                                                       | 102013 |
| <u>(c) Communicates the policy to its staff, residents, and</u>          | 102014 |
| <u>families of residents.</u>                                            | 102015 |
| <u>(7) The facility has at least both of the following scores on</u>     | 102016 |
| <u>its resident satisfaction survey:</u>                                 | 102017 |
| <u>(a) With regard to the question in the survey regarding</u>           | 102018 |
| <u>residents' ability to choose when to go to bed in the evening, at</u> | 102019 |
| <u>least eighty-nine;</u>                                                | 102020 |
| <u>(b) With regard to the question in the survey regarding</u>           | 102021 |
| <u>residents' ability to choose when to get out of bed in the</u>        | 102022 |
| <u>morning, at least seventy-six.</u>                                    | 102023 |
| <u>(8) The facility has at least both of the following scores on</u>     | 102024 |
| <u>its family satisfaction survey:</u>                                   | 102025 |
| <u>(a) With regard to the question in the survey regarding</u>           | 102026 |
| <u>residents' ability to choose when to go to bed in the evening, at</u> | 102027 |
| <u>least eighty-eight;</u>                                               | 102028 |
| <u>(b) With regard to the question in the survey regarding</u>           | 102029 |
| <u>residents' ability to choose when to get out of bed in the</u>        | 102030 |
| <u>morning, at least seventy-five.</u>                                   | 102031 |
| <u>(9) Not more than thirteen and thirty-five hundredths per</u>         | 102032 |
| <u>cent of the facility's long-stay residents report severe to</u>       | 102033 |
| <u>moderate pain during the minimum data set assessment process.</u>     | 102034 |
| <u>(10) Not more than five and sixteen hundredths per cent of</u>        | 102035 |
| <u>the facility's long-stay, high-risk residents have been assessed</u>  | 102036 |
| <u>as having one or more stage two, three, or four pressure ulcers</u>   | 102037 |
| <u>during the minimum data set assessment process.</u>                   | 102038 |
| <u>(11) Not more than one and fifty-two hundredths per cent of</u>       | 102039 |
| <u>the facility's long-stay residents were physically restrained as</u>  | 102040 |
| <u>reported during the minimum data set assessment process.</u>          | 102041 |

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| <u>(12) Less than seven per cent of the facility's long-stay residents had a urinary tract infection as reported during the minimum data set assessment process.</u>                                                               | 102042 |
|                                                                                                                                                                                                                                    | 102043 |
|                                                                                                                                                                                                                                    | 102044 |
| <u>(13) The facility does both of the following:</u>                                                                                                                                                                               | 102045 |
| <u>(a) Uses a tool for tracking residents' admissions to hospitals;</u>                                                                                                                                                            | 102046 |
|                                                                                                                                                                                                                                    | 102047 |
| <u>(b) Annually reports to the department data on hospital admissions by month for all residents.</u>                                                                                                                              | 102048 |
|                                                                                                                                                                                                                                    | 102049 |
| <u>(14) Both of the following apply:</u>                                                                                                                                                                                           | 102050 |
| <u>(a) At least ninety-five per cent of the facility's long-stay residents are vaccinated against pneumococcal pneumonia, decline the vaccination, or are not vaccinated because the vaccination is medically contraindicated.</u> | 102051 |
|                                                                                                                                                                                                                                    | 102052 |
|                                                                                                                                                                                                                                    | 102053 |
|                                                                                                                                                                                                                                    | 102054 |
| <u>(b) At least ninety-three per cent of the facility's long-stay residents are vaccinated against seasonal influenza, decline the vaccination, or are not vaccinated because the vaccination is medically contraindicated.</u>    | 102055 |
|                                                                                                                                                                                                                                    | 102056 |
|                                                                                                                                                                                                                                    | 102057 |
|                                                                                                                                                                                                                                    | 102058 |
| <u>(15) An average of at least fifty per cent of the facility's medicaid-certified beds are in either, or in a combination of both, of the following:</u>                                                                          | 102059 |
|                                                                                                                                                                                                                                    | 102060 |
|                                                                                                                                                                                                                                    | 102061 |
| <u>(a) Private rooms;</u>                                                                                                                                                                                                          | 102062 |
| <u>(b) Semiprivate rooms to which all of the following apply:</u>                                                                                                                                                                  | 102063 |
| <u>(i) Each room provides a distinct territory for each resident occupying the room.</u>                                                                                                                                           | 102064 |
|                                                                                                                                                                                                                                    | 102065 |
| <u>(ii) Each distinct territory has a window and is separated by a substantial wall from the other distinct territories in the room.</u>                                                                                           | 102066 |
|                                                                                                                                                                                                                                    | 102067 |
|                                                                                                                                                                                                                                    | 102068 |
| <u>(iii) Each resident is able to enter and exit the distinct territory of the resident's room without entering or exiting</u>                                                                                                     | 102069 |
|                                                                                                                                                                                                                                    | 102070 |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <u>another resident's distinct territory.</u>                                                                                                                                                                                                                                                                                                                                                                                                       | 102071                                                             |
| <u>(iv) Complete visual privacy for each distinct territory may be obtained by drawing a curtain or other screen.</u>                                                                                                                                                                                                                                                                                                                               | 102072<br>102073                                                   |
| <u>(16) The facility obtains at least a ninety-five per cent compliance rate with requesting resident reviews required by 42 C.F.R. 483.106(b)(2)(ii) for individuals who are exempted hospital discharges.</u>                                                                                                                                                                                                                                     | 102074<br>102075<br>102076<br>102077                               |
| <u>(17) The facility does both of the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                | 102078                                                             |
| <u>(a) Maintains a written policy that requires consistent assignment of nurse aides and specifies the goal of having a resident receive nurse aide care from not more than twelve different nurse aides during a thirty-day period;</u>                                                                                                                                                                                                            | 102079<br>102080<br>102081<br>102082                               |
| <u>(b) Communicates the policy to its staff, residents, and families of residents.</u>                                                                                                                                                                                                                                                                                                                                                              | 102083<br>102084                                                   |
| <u>(18) The facility's staff retention rate is at least seventy-five per cent.</u>                                                                                                                                                                                                                                                                                                                                                                  | 102085<br>102086                                                   |
| <u>(19) The facility's turnover rate for nurse aides is not higher than sixty-five per cent.</u>                                                                                                                                                                                                                                                                                                                                                    | 102087<br>102088                                                   |
| <u>(20) For at least fifty per cent of the resident care conferences in the facility, a nurse aide who is a primary caregiver for the resident attends and participates in the conference.</u>                                                                                                                                                                                                                                                      | 102089<br>102090<br>102091<br>102092                               |
| <u>(21) All of the following apply to the facility:</u>                                                                                                                                                                                                                                                                                                                                                                                             | 102093                                                             |
| <u>(a) At least seventy-five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors</u> | 102094<br>102095<br>102096<br>102097<br>102098<br>102099<br>102100 |

consider appropriate. 102101

(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records. 102102  
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(c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care. 102105  
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(22) The facility does both of the following: 102108

(a) Maintains a written policy that prohibits the use of overhead paging systems or limits the use of overhead paging systems to emergencies, as defined in the policy; 102109  
102110  
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(b) Communicates the policy to its staff, residents, and families of residents. 102112  
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(E)(1) To be awarded a point for meeting an accountability measure under division (C) or (D) of this section other than the accountability measure identified in ~~division~~ divisions (C)(4) and (D)(4)(b) of this section, a nursing facility must meet the accountability measure in the calendar year immediately preceding the fiscal year for which the point is to be awarded. ~~However, a nursing facility must meet the accountability measures specified in divisions (C)(3), (5), (6), (9), (14) to (17), (20), (22), and (23) of this section in the period beginning January 1, 2012, and ending March 31, 2012, to be awarded points for those accountability measures for fiscal year 2013.~~ 102114  
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(2) The department shall award points pursuant to ~~division~~ divisions (C)(1), (7), ~~or~~ and (18) and (D)(1) and (7) of this section to a nursing facility only if a resident satisfaction survey was initiated under section 173.47 of the Revised Code for the nursing facility in the calendar year immediately preceding the fiscal year for which the points are to be awarded. 102125  
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(3) The department shall award points pursuant to ~~division~~ 102131  
~~divisions~~ (C)(2), (8), ~~or~~ and (19) and (D)(2) and (8) of this 102132  
section to a nursing facility only if a family satisfaction survey 102133  
was initiated under section 173.47 of the Revised Code for the 102134  
nursing facility in the calendar year immediately preceding the 102135  
fiscal year for which the points are to be awarded. 102136

(4) The department shall award points pursuant to divisions 102137  
(D)(21) and (22) of this section only for fiscal year 2015. 102138

(5) Not later than July 1, 2013, the department shall adjust 102139  
the score used for the purpose of division (C)(8)(b) of this 102140  
section in a manner that causes at least fifty per cent of nursing 102141  
facilities to meet division (C)(8)(b) of this section. 102142

~~(E) For the purposes of awarding points under divisions~~ 102143  
~~(C)(10) to (13) of this section for fiscal year 2013, the~~ 102144  
~~following apply:~~ 102145

~~(1) If, by July 1, 2012, the United States centers for~~ 102146  
~~medicare and medicaid services makes calculations using the 3.0~~ 102147  
~~version of the minimum data set that indicate whether nursing~~ 102148  
~~facilities meet those accountability measures, the department~~ 102149  
~~shall do both of the following:~~ 102150

~~(a) Rely on those calculations;~~ 102151

~~(b) Specify the percentages to be used for the purposes of~~ 102152  
~~those accountability measures and, in specifying the percentages,~~ 102153  
~~provide for at least fifty per cent of nursing facilities to earn~~ 102154  
~~points for meeting those accountability measures.~~ 102155

~~(2) If, by July 1, 2012, the United States centers for~~ 102156  
~~medicare and medicaid services does not make calculations using~~ 102157  
~~the 3.0 version of the minimum data set that indicate whether~~ 102158  
~~nursing facilities meet those accountability measures, the~~ 102159  
~~department shall do either of the following:~~ 102160

|                                                                                                                                                                                                                                                              |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <del>(a) Do both of the following:</del>                                                                                                                                                                                                                     | 102161 |
| <del>(i) Make the calculations using the 3.0 version of the minimum data set in accordance with the national voluntary consensus standards for nursing homes;</del>                                                                                          | 102162 |
|                                                                                                                                                                                                                                                              | 102163 |
|                                                                                                                                                                                                                                                              | 102164 |
| <del>(ii) Specify the percentages to be used for the purposes of those accountability measures and, in specifying the percentages, provide for at least fifty per cent of nursing facilities to earn points for meeting those accountability measures.</del> | 102165 |
|                                                                                                                                                                                                                                                              | 102166 |
|                                                                                                                                                                                                                                                              | 102167 |
|                                                                                                                                                                                                                                                              | 102168 |
| <del>(b) Do all of the following:</del>                                                                                                                                                                                                                      | 102169 |
| <del>(i) Rely on the most recent calculations the United States centers for medicare and medicaid services made using the 2.0 version of the minimum data set that indicate whether nursing facilities meet those accountability measures;</del>             | 102170 |
|                                                                                                                                                                                                                                                              | 102171 |
|                                                                                                                                                                                                                                                              | 102172 |
|                                                                                                                                                                                                                                                              | 102173 |
| <del>(ii) Use four per cent as the applicable percentage for the accountability measure identified in division (C)(10) of this section;</del>                                                                                                                | 102174 |
|                                                                                                                                                                                                                                                              | 102175 |
|                                                                                                                                                                                                                                                              | 102176 |
| <del>(iii) Use nine per cent as the applicable percentage for the accountability measure identified in division (C)(11) of this section;</del>                                                                                                               | 102177 |
|                                                                                                                                                                                                                                                              | 102178 |
|                                                                                                                                                                                                                                                              | 102179 |
| <del>(iv) Use two per cent as the applicable percentage for the accountability measure identified in division (C)(12) of this section;</del>                                                                                                                 | 102180 |
|                                                                                                                                                                                                                                                              | 102181 |
|                                                                                                                                                                                                                                                              | 102182 |
| <del>(v) Use ten per cent as the applicable percentage for the accountability measure identified in division (C)(13) of this section.</del>                                                                                                                  | 102183 |
|                                                                                                                                                                                                                                                              | 102184 |
|                                                                                                                                                                                                                                                              | 102185 |
| <del>(F) For the purposes of awarding points under divisions (C)(10) to (13) of this section for fiscal year 2014 and thereafter, the department shall do the following:</del>                                                                               | 102186 |
|                                                                                                                                                                                                                                                              | 102187 |
|                                                                                                                                                                                                                                                              | 102188 |
| <del>(1) Rely on calculations the United States centers for medicare and medicaid services makes using the 3.0 version of the</del>                                                                                                                          | 102189 |
|                                                                                                                                                                                                                                                              | 102190 |



~~minimum data set that indicate whether nursing facilities meet those accountability measures;~~ 102191  
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~~(2) If the department takes action pursuant to division (E)(1) of this section for fiscal year 2013, continue to use the percentages the department specifies pursuant to division (E)(1)(b) of this section for the purposes of those accountability measures;~~ 102193  
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~~(3) If the department takes action pursuant to division (E)(2) of this section for fiscal year 2013, do the following:~~ 102198  
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~~(a) For fiscal year 2014, specify the percentages to be used for the purposes of those accountability measures and, in specifying the percentages, provide for at least fifty per cent of nursing facilities to earn points for meeting those accountability measures;~~ 102200  
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~~(b) For fiscal year 2015 and thereafter, continue to use the percentages the department specifies pursuant to division (F)(3)(a) of this section for the purposes of those accountability measures. Not later than July 1, 2014, the department shall submit, in accordance with section 101.68 of the Revised Code, recommendations to the general assembly for accountability measures to replace the accountability measures identified in divisions (D)(21) and (22) of this section.~~ 102205  
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~~(G) The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.~~ 102213  
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~~The rules Rules adopted under section 5165.02 of the Revised Code may specify what is meant by "some" as that word is used in division (C)(16) of this section.~~ 102216  
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**Sec. 5111.245 5165.26.** (A) As used in this section: 102219

(1) "Budgeted amount for quality incentive payments for a 102220

|                                                                                             |        |
|---------------------------------------------------------------------------------------------|--------|
| <u>fiscal year" means the amount determined for a fiscal year as</u>                        | 102221 |
| <u>follows:</u>                                                                             | 102222 |
| <u>(a) Multiply the total number of medicaid days in the</u>                                | 102223 |
| <u>immediately preceding fiscal year by sixteen dollars and</u>                             | 102224 |
| <u>forty-four cents;</u>                                                                    | 102225 |
| <u>(b) Determine the total amount of quality incentive payments</u>                         | 102226 |
| <u>that was paid under section 5165.25 of the Revised Code to all</u>                       | 102227 |
| <u>nursing facility providers for the immediately preceding fiscal</u>                      | 102228 |
| <u>year;</u>                                                                                | 102229 |
| <u>(c) Subtract the amount determined under division (A)(1)(b)</u>                          | 102230 |
| <u>of this section from the product calculated under division</u>                           | 102231 |
| <u>(A)(1)(a) of this section;</u>                                                           | 102232 |
| <u>(d) Add thirty million dollars to the difference calculated</u>                          | 102233 |
| <u>under division (A)(1)(c) of this section.</u>                                            | 102234 |
| <u>(2) "Point days for a fiscal year" means the product of the</u>                          | 102235 |
| <u>following:</u>                                                                           | 102236 |
| (a) A qualifying nursing facility's quality bonus points for                                | 102237 |
| the fiscal year;                                                                            | 102238 |
| (b) The number of the qualifying nursing facility's medicaid                                | 102239 |
| days in the <u>immediately preceding</u> fiscal year.                                       | 102240 |
| <del>(2)</del> <u>(3) "Qualifying nursing facility" means a nursing facility</u>            | 102241 |
| that qualifies for a quality bonus for a fiscal year as determined                          | 102242 |
| under division (B) of this section.                                                         | 102243 |
| <del>(3)</del> <u>(4) "Quality bonus points for a fiscal year" means the</u>                | 102244 |
| amount determined by subtracting five from the number of points                             | 102245 |
| awarded to a qualifying nursing facility <u>for meeting</u>                                 | 102246 |
| <u>accountability measures</u> under <del>division (C)</del> of section <del>5111.244</del> | 102247 |
| <u>5165.25</u> of the Revised Code for a fiscal year.                                       | 102248 |
| <del>(4) "Residual budgeted amount for quality incentive payments</del>                     | 102249 |
| <del>for a fiscal year" means the amount determined for a fiscal year</del>                 | 102250 |

|                                                                                                                                                                                                                                             |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| as follows:                                                                                                                                                                                                                                 | 102251                               |
| <del>(a) Multiply the total number of medicaid days in the fiscal year by sixteen dollars and forty four cents;</del>                                                                                                                       | 102252<br>102253                     |
| <del>(b) Determine the total amount of quality incentive payments that was paid under section 5111.244 of the Revised Code to all nursing facility providers for the fiscal year;</del>                                                     | 102254<br>102255<br>102256           |
| <del>(c) Subtract the amount determined under division (A)(4)(b) of this section from the product calculated under division (A)(4)(a) of this section.</del>                                                                                | 102257<br>102258<br>102259           |
| (B) <u>The Not later than the first day of November of each fiscal year, the department of job and family services medicaid shall pay a nursing facility provider a quality bonus for a the fiscal year if both of the following apply:</u> | 102260<br>102261<br>102262<br>102263 |
| <del>(1) The provider's nursing facility is awarded more than five points for meeting accountability measures under division (C) of section 5111.244 5165.25 of the Revised Code for the fiscal year and the following applies:</del>       | 102264<br>102265<br>102266<br>102267 |
| <u>(1) For fiscal year 2014, at least two of the points are awarded to the nursing facility pursuant to division (C)(10), (11), (12), (13), or (14) of section 5165.25 of the Revised Code.</u>                                             | 102268<br>102269<br>102270           |
| <u>(2) For fiscal year 2015 and each fiscal year thereafter, at least two of the points are awarded to the nursing facility pursuant to division (D)(9), (10), (11), (12), (13), or (14) of section 5165.25 of the Revised Code.</u>        | 102271<br>102272<br>102273<br>102274 |
| <del>(2) The residual budgeted amount for quality incentive payments for the fiscal year is greater than zero.</del>                                                                                                                        | 102275<br>102276                     |
| (C) The total quality bonus to be paid to the provider of a qualifying nursing facility for a fiscal year shall equal the product of the following:                                                                                         | 102277<br>102278<br>102279           |
| (1) The quality bonus per medicaid day for the fiscal year                                                                                                                                                                                  | 102280                               |

|                                                                                     |        |
|-------------------------------------------------------------------------------------|--------|
| determined for the provider's qualifying nursing facility under                     | 102281 |
| division (D) of this section;                                                       | 102282 |
| (2) The number of the qualifying nursing facility's medicaid                        | 102283 |
| days in the <u>immediately preceding</u> fiscal year.                               | 102284 |
| (D) A qualifying nursing facility's quality bonus per                               | 102285 |
| medicaid day for a fiscal year shall be the product of the                          | 102286 |
| following:                                                                          | 102287 |
| (1) The nursing facility's quality bonus points for the                             | 102288 |
| fiscal year;                                                                        | 102289 |
| (2) The quality bonus per point for the fiscal year                                 | 102290 |
| determined under division (E) of this section.                                      | 102291 |
| (E) The quality bonus per point for a fiscal year shall be                          | 102292 |
| determined as follows:                                                              | 102293 |
| (1) Determine the number of each qualifying nursing                                 | 102294 |
| facility's point days for the fiscal year;                                          | 102295 |
| (2) Determine the sum of all qualifying nursing facilities'                         | 102296 |
| point days for the fiscal year;                                                     | 102297 |
| (3) Divide the <del>residual</del> budgeted amount for quality incentive            | 102298 |
| payments for the fiscal year by the sum determined under division                   | 102299 |
| (E)(2) of this section.                                                             | 102300 |
| (F) The calculation of a qualifying nursing facility's bonus                        | 102301 |
| payment is not subject to appeal under Chapter 119. of the Revised                  | 102302 |
| Code.                                                                               | 102303 |
| <del>(G) The director of job and family services may adopt rules</del>              | 102304 |
| <del>under section 5111.02 of the Revised Code as necessary to</del>                | 102305 |
| <del>implement this section.</del>                                                  | 102306 |
| <b>Sec. <del>5111.257</del> <u>5165.28</u>.</b> If a provider of a nursing facility | 102307 |
| adds or replaces one or more medicaid certified beds to or at the                   | 102308 |
| nursing facility, or renovates one or more of the nursing                           | 102309 |

facility's beds, the medicaid payment rate for the added, 102310  
replaced, or renovated beds shall be the same as the medicaid 102311  
payment rate for the nursing facility's existing beds. 102312

**Sec. ~~5111.265~~ 5165.29.** If one or more medicaid-certified beds 102313  
are relocated from one nursing facility to another nursing 102314  
facility owned by a different person or government entity and the 102315  
application for the certificate of need authorizing the relocation 102316  
is filed with the director of health on or after ~~the effective~~ 102317  
~~date of this section~~ July 1, 2005, amortization of the cost of 102318  
acquiring operating rights for the relocated beds is not an 102319  
allowable cost for the purpose of determining the nursing 102320  
facility's medicaid ~~reimbursement~~ payment rate. 102321

**Sec. ~~5111.264~~ 5165.30.** Except as provided in section ~~5111.25~~ 102322  
~~or 5111.251~~ 5165.17 of the Revised Code, the costs of goods, 102323  
services, and facilities, furnished to a nursing facility provider 102324  
by a related party are includable in the allowable costs of the 102325  
provider at the reasonable cost to the related party. 102326

**Sec. 5165.32.** The department of medicaid shall not reduce a 102327  
nursing facility's medicaid payment rate determined under this 102328  
chapter on the basis that the provider charges a lower rate to any 102329  
resident who is not eligible for medicaid. 102330

**Sec. 5165.33.** No medicaid payment shall be made to a nursing 102331  
facility provider for the day a medicaid recipient is discharged 102332  
from the nursing facility. 102333

**Sec. ~~5111.331~~ 5165.34.** (A) The department of ~~job and family~~ 102334  
~~services~~ medicaid may make medicaid payments to a nursing facility 102335  
provider ~~of a nursing facility~~ under ~~sections 5111.20 to 5111.331~~ 102336  
~~of the Revised Code~~ this chapter to reserve a bed for a recipient 102337

during a temporary absence under conditions prescribed by the 102338  
department, to include hospitalization for an acute condition, 102339  
visits with relatives and friends, and participation in 102340  
therapeutic programs outside the facility, when the resident's 102341  
plan of care provides for such absence and federal financial 102342  
participation ~~in~~ for the payments is available. 102343

(B) The maximum period for which payments may be made to 102344  
reserve a bed in a nursing facility shall not exceed thirty days 102345  
in a calendar year. 102346

(C) The department shall establish the per ~~diem~~ medicaid day 102347  
payment rates ~~to be paid to providers of nursing facilities~~ for 102348  
reserving beds under this section. In establishing the per ~~diem~~ 102349  
medicaid day payment rates, the department shall ~~do the following:~~ 102350

~~(1) In the case of a payment to reserve a bed for a day 102351  
during calendar year 2011, set the per diem rate at an amount not 102352  
exceeding fifty per cent of the per diem rate the provider would 102353  
be paid if the recipient were not absent from the nursing facility 102354  
that day;~~ 102355

~~(2) In the case of a payment to reserve a bed for a day 102356  
during calendar year 2012 and each calendar year thereafter, set 102357  
the per ~~diem~~ medicaid day payment rate at an amount equal to the 102358  
following:~~ 102359

~~(a)(1) In the case of a nursing facility that had an 102360  
occupancy rate ~~in the preceding calendar year~~ exceeding 102361  
ninety-five per cent, an amount not exceeding fifty per cent of 102362  
the per ~~diem~~ medicaid day payment rate the provider would be paid 102363  
if the recipient were not absent from the nursing facility that 102364  
day;~~ 102365

~~(b)(2) In the case of a nursing facility that had an 102366  
occupancy rate ~~in the preceding calendar year~~ not exceeding 102367~~

ninety-five per cent, an amount not exceeding eighteen per cent of 102368  
the per diem medicaid day payment rate the provider would be paid 102369  
if the recipient were not absent from the nursing facility that 102370  
day. 102371

(D) For the purpose of setting a nursing facility's per 102372  
medicaid day payment rate to reserve a bed for a day during the 102373  
period beginning on the effective date of this amendment and 102374  
ending December 31, 2013, the department shall determine the 102375  
nursing facility's occupancy rate by using information reported on 102376  
the nursing facility's cost report for calendar year 2012. For the 102377  
purpose of setting a nursing facility's per medicaid day payment 102378  
rate to reserve a bed for January 1, 2014, or thereafter, the 102379  
department shall determine the nursing facility's occupancy rate 102380  
by using information reported on the nursing facility's cost 102381  
report for the calendar year preceding the fiscal year in which 102382  
the reservation falls. 102383

~~Sec. 5111.212 5165.35. As used in this section, "effective 102384  
date of an involuntary termination" and "involuntary termination" 102385  
have the same meanings as in section 5111.65 of the Revised Code. 102386~~

Medicaid payments may be made for nursing facility services 102387  
~~and intermediate care facility for the mentally retarded services 102388~~  
provided not later than thirty days after the effective date of an 102389  
involuntary termination of the nursing facility that provides the 102390  
services if the services are provided to a medicaid recipient who 102391  
is eligible for the services and resided in the nursing facility 102392  
before the effective date of the involuntary termination. 102393

~~Sec. 5111.221 5165.37. The department of job and family 102394  
services medicaid shall make its best efforts each year to 102395  
calculate nursing facilities' medicaid payment rates under 102396  
sections 5111.20 to 5111.331 of the Revised Code this chapter in 102397~~

time to ~~use them to make~~ pay the ~~payments due to providers~~ rates 102398  
by the fifteenth day of August of each fiscal year. If the 102399  
department is unable to calculate the rates so that they can be 102400  
paid by that date, the department shall pay each provider the rate 102401  
calculated for the provider's nursing facilities ~~and intermediate~~ 102402  
~~care facilities for the mentally retarded under those sections~~ 102403  
this chapter at the end of the previous fiscal year. If the 102404  
department also is unable to calculate the rates to ~~make the~~ 102405  
~~payments due~~ pay the rates by the fifteenth day of September and 102406  
the fifteenth day of October, the department shall pay the 102407  
previous fiscal year's rate to make those payments. The department 102408  
may increase by five per cent the previous fiscal year's rate paid 102409  
for any nursing facility pursuant to this section at the request 102410  
of the provider. The department shall use rates calculated for the 102411  
current fiscal year to make the payments due by the fifteenth day 102412  
of November. 102413

If the rate paid to a provider for a nursing facility 102414  
pursuant to this section is lower than the rate calculated for the 102415  
nursing facility for the current fiscal year, the department shall 102416  
pay the provider the difference between the two rates for the 102417  
number of days for which the provider was paid for the nursing 102418  
facility pursuant to this section. If the rate paid for a nursing 102419  
facility pursuant to this section is higher than the rate 102420  
calculated for it for the current fiscal year, the provider shall 102421  
refund to the department the difference between the two rates for 102422  
the number of days for which the provider was paid for the nursing 102423  
facility pursuant to this section. 102424

**Sec. ~~5111.29~~ 5165.38.** (A) The medicaid director ~~of job and~~ 102425  
~~family services~~ shall adopt rules under section ~~5111.02~~ 5165.02 of 102426  
the Revised Code that establish a process under which a nursing 102427  
facility provider, or a group or association of nursing facility 102428  
providers, may seek reconsideration of medicaid payment rates 102429



established under ~~sections 5111.20 to 5111.331 of the Revised Code~~ 102430  
this chapter, including a rate for direct care costs recalculated 102431  
before the effective date of the rate as a result of an exception 102432  
review of resident assessment ~~information~~ data conducted under 102433  
section ~~5111.27~~ 5165.193 of the Revised Code. The 102434

~~(1) Except as provided in divisions (A)(2) to (4) of this~~ 102435  
~~section, the~~ only issue that a provider, group, or association may 102436  
raise in the rate reconsideration shall be whether the rate was 102437  
calculated in accordance with ~~sections 5111.20 to 5111.331 of the~~ 102438  
~~Revised Code~~ this chapter and the rules adopted under section 102439  
~~5111.02~~ 5165.02 of the Revised Code. ~~The rules shall permit a~~ 102440  
provider, group, or association ~~to~~ may submit written arguments or 102441  
other materials that support its position. ~~The rules shall specify~~ 102442  
provider, group, or association and department of medicaid shall 102443  
take actions regarding the rate reconsideration within time frames 102444  
~~within which the provider, group, or association and the~~ 102445  
~~department must act~~ specified in rules authorized by this section. 102446  
~~if~~ 102447

If the department determines, as a result of the rate 102448  
reconsideration, that the rate ~~established~~ determined for one or 102449  
more nursing facilities ~~of a provider~~ is less than the rate to 102450  
which the nursing facility is entitled, the department shall 102451  
increase the rate. If the department has paid the incorrect rate 102452  
for a period of time, the department shall pay the provider the 102453  
difference between the amount the provider was paid for that 102454  
period for the nursing facility and the amount the provider should 102455  
have been paid for the nursing facility. 102456

~~(2) The rules shall provide that during a fiscal year, the~~ 102457  
~~department, by means of the rate reconsideration process, may~~ 102458  
~~increase the rate determined for an intermediate care facility for~~ 102459  
~~the mentally retarded as calculated under sections 5111.20 to~~ 102460  
~~5111.331 of the Revised Code if the provider of the facility~~ 102461

demonstrates that the facility's actual, allowable costs have 102462  
increased because of extreme circumstances. A facility may qualify 102463  
for a rate increase only if the facility's per diem, actual, 102464  
allowable costs have increased to a level that exceeds its total 102465  
rate. The rules shall specify the circumstances that would justify 102466  
a rate increase under division (A)(2) of this section. The rules 102467  
shall provide that the extreme circumstances include natural 102468  
disasters, renovations approved under division (D) of section 102469  
5111.251 of the Revised Code, an increase in workers' compensation 102470  
experience rating of greater than five per cent for a facility 102471  
that has an appropriate claims management program, increased 102472  
security costs for an inner city facility, and a change of 102473  
ownership that results from bankruptcy, foreclosure, or findings 102474  
of violations of certification requirements by the department of 102475  
health. An increase under division (A)(2) of this section is 102476  
subject to any rate limitations or maximum rates established by 102477  
sections 5111.20 to 5111.331 of the Revised Code for specific cost 102478  
centers. Any rate increase granted under division (A)(2) of this 102479  
section shall take effect on the first day of the first month 102480  
after the department receives the request. 102481

(3) The rules shall provide that the department, through the 102482  
rate reconsideration process, may increase an intermediate care 102483  
facility for the mentally retarded's rate as calculated under 102484  
sections 5111.20 to 5111.331 of the Revised Code if the 102485  
department, in the department's sole discretion, determines that 102486  
the rate as calculated under those sections works an extreme 102487  
hardship on the facility. 102488

(4) The rules shall provide that when beds certified for the 102489  
medicaid program are added to an existing intermediate care 102490  
facility for the mentally retarded or replaced at the same site, 102491  
the department, through the rate reconsideration process, shall 102492  
increase the intermediate care facility for the mentally 102493

~~retarded's rate for capital costs proportionately, as limited by 102494  
any applicable limitation under section 5111.251 of the Revised 102495  
Code, to account for the costs of the beds that are added or 102496  
replaced. The department shall make this increase one month after 102497  
the first day of the month after the department receives 102498  
sufficient documentation of the costs. Any rate increase granted 102499  
under division (A)(4) of this section after June 30, 1993, shall 102500  
remain in effect until the effective date of a rate calculated 102501  
under section 5111.251 of the Revised Code that includes costs 102502  
incurred for a full calendar year for the bed addition or bed 102503  
replacement. The facility shall report double accumulated 102504  
depreciation in an amount equal to the depreciation included in 102505  
the rate adjustment on its cost report for the first year of 102506  
operation. During the term of any loan used to finance a project 102507  
for which a rate adjustment is granted under division (A)(4) of 102508  
this section, if the facility is operated by the same provider, 102509  
the provider shall subtract from the interest costs it reports on 102510  
its cost report an amount equal to the difference between the 102511  
following:~~ 102512

~~(a) The actual, allowable interest costs for the loan during 102513  
the calendar year for which the costs are being reported; 102514~~

~~(b) The actual, allowable interest costs attributable to the 102515  
loan that were used to calculate the rates paid to the provider 102516  
for the facility during the same calendar year. 102517~~

~~(5) The department's decision at the conclusion of the 102518  
reconsideration process shall not be subject to any administrative 102519  
proceedings under Chapter 119. or any other provision of the 102520  
Revised Code. 102521~~

~~(B) All of the following are subject to an adjudication 102522  
conducted in accordance with Chapter 119. of the Revised Code: 102523~~

~~(1) Any audit disallowance that the department makes as the 102524~~

~~result of an audit under section 5111.27 of the Revised Code;~~ 102525

~~(2) Any adverse finding that results from an exception review~~ 102526  
~~of resident assessment information conducted under section 5111.27~~ 102527  
~~of the Revised Code after the effective date of the facility's~~ 102528  
~~rate that is based on the assessment information;~~ 102529

~~(3) Any medicaid payment deemed an overpayment under section~~ 102530  
~~5111.683 of the Revised Code;~~ 102531

~~(4) Any penalty the department imposes under division (C) of~~ 102532  
~~section 5111.28 of the Revised Code or section 5111.683 of the~~ 102533  
~~Revised Code.~~ 102534

**Sec. 5111.28 5165.40.** (A) If a nursing facility provider 102535  
properly amends ~~its~~ a cost report for the nursing facility under 102536  
section ~~5111.261~~ 5165.107 of the Revised Code and the amended 102537  
report shows that the provider received a lower medicaid payment 102538  
rate under the original cost report than ~~it~~ the provider was 102539  
entitled to receive, the department of ~~job and family services~~ 102540  
medicaid shall adjust the provider's rate for the nursing facility 102541  
prospectively to reflect the corrected information. The department 102542  
shall pay the adjusted rate beginning two months after the first 102543  
day of the month after the provider files the amended cost report. 102544  
~~if~~ 102545

If the department finds, from an exception review of resident 102546  
assessment ~~information~~ data conducted pursuant to section 5165.193 102547  
of the Revised Code after the effective date of ~~the~~ a nursing 102548  
facility's rate for direct care costs that is based on the 102549  
resident assessment information data, that inaccurate resident 102550  
assessment ~~information~~ data resulted in the provider receiving a 102551  
lower rate for the nursing facility than it was entitled to 102552  
receive, the department prospectively shall adjust the provider's 102553  
rate accordingly and. The department shall make payments to the 102554  
provider using the adjusted rate for the remainder of the ~~calendar~~ 102555

~~quarter six-month period~~ for which the ~~resident~~ assessment information ~~data~~ is used to determine the rate, beginning one month after the first day of the month after the exception review is completed.

~~(B) If the provider properly amends its cost report under section 5111.261 of the Revised Code, the department makes a finding based on an audit under section 5111.27 of the Revised Code, or the department makes a finding based on an exception review of resident assessment information conducted under section 5111.27 of the Revised Code after the effective date of the rate for direct care costs that is based on the assessment information, any of which results in a determination that the provider has received a higher rate than it was entitled to receive, the department shall recalculate the provider's rate using the revised information. The department shall apply the recalculated rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment.~~

~~In addition to requiring a refund under this division, the department may charge the provider interest at the applicable rate specified in this division from the time the overpayment was made.~~

~~(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be no greater than one and one-half times the average bank prime rate.~~

~~(2) If the overpayment resulted from costs reported for subsequent calendar years:~~

~~(a) The interest shall be no greater than two times the average bank prime rate if the overpayment was equal to or less than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.~~

~~(b) The interest shall be no greater than two and one half times the current average bank prime rate if the overpayment was greater than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.~~

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~~(C) The department also may impose the following penalties:~~

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~~(1) If a provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, no more than the greater of one thousand dollars per audit or twenty five per cent of the cumulative amount by which the costs for which documentation was not furnished increased the total medicaid payments to the provider during the fiscal year for which the costs were used to establish a rate;~~

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~~(2) If an exiting operator or owner fails to provide notice of a facility closure, voluntary termination, or voluntary withdrawal of participation in the medicaid program as required by section 5111.66 of the Revised Code, or an exiting operator or owner and entering operator fail to provide notice of a change of operator as required by section 5111.67 of the Revised Code, no more than the current average bank prime rate plus four per cent of the last two monthly payments.~~

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~~(D) If the provider continues to participate in the medicaid program, the department shall deduct any amount that the provider is required to refund under this section, and the amount of any interest charged or penalty imposed under this section, from the next available payment from the department to the provider. The department and the provider may enter into an agreement under which the amount, together with interest, is deducted in installments from payments from the department to the provider.~~

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~~(E) The department shall transmit refunds and penalties to~~

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~~the treasurer of state for deposit in the general revenue fund.~~ 102618

~~(F) For the purpose of this section, the department shall 102619  
determine the average bank prime rate using statistical release 102620  
H.15, "selected interest rates," a weekly publication of the 102621  
federal reserve board, or any successor publication. If 102622  
statistical release H.15, or its successor, ceases to contain the 102623  
bank prime rate information or ceases to be published, the 102624  
department shall request a written statement of the average bank 102625  
prime rate from the federal reserve bank of Cleveland or the 102626  
federal reserve board. 102627~~

Sec. 5165.41. (A) The department of medicaid shall 102628  
redetermine a provider's medicaid payment rate for a nursing 102629  
facility using revised information if any of the following results 102630  
in a determination that the provider received a higher medicaid 102631  
payment rate for the nursing facility than the provider was 102632  
entitled to receive: 102633

(1) The provider properly amends a cost report for the 102634  
nursing facility under section 5165.107 of the Revised Code; 102635

(2) The department makes a finding based on an audit under 102636  
section 5165.109 of the Revised Code; 102637

(3) The department makes a finding based on an exception 102638  
review of resident assessment data conducted under section 102639  
5165.193 of the Revised Code after the effective date of the 102640  
nursing facility's rate for direct care costs that is based on the 102641  
resident assessment data; 102642

(4) The department makes a finding based on a post-payment 102643  
review conducted under section 5165.49 of the Revised Code. 102644

(B) The department shall apply the redetermined rate to the 102645  
periods when the provider received the incorrect rate to determine 102646  
the amount of the overpayment. The provider shall refund the 102647

amount of the overpayment. The department may charge the provider 102648  
the following amount of interest from the time the overpayment was 102649  
made: 102650

(1) If the overpayment resulted from costs reported for 102651  
calendar year 1993, the interest shall be no greater than one and 102652  
one-half times the current average bank prime rate. 102653

(2) If the overpayment resulted from costs reported for a 102654  
subsequent calendar year: 102655

(a) The interest shall be no greater than two times the 102656  
current average bank prime rate if the overpayment was no more 102657  
than one per cent of the total medicaid payments to the provider 102658  
for the fiscal year for which the overpayment was made. 102659

(b) The interest shall be no greater than two and one-half 102660  
times the current average bank prime rate if the overpayment was 102661  
more than one per cent of the total medicaid payments to the 102662  
provider for the fiscal year for which the overpayment was made. 102663

**Sec. 5165.42.** In addition to the other penalties authorized 102664  
by this chapter, the department of medicaid may impose the 102665  
following penalties on a nursing facility provider: 102666

(A) If the provider does not furnish invoices or other 102667  
documentation that the department requests during an audit within 102668  
sixty days after the request, a fine of no more than the greater 102669  
of the following: 102670

(1) One thousand dollars per audit; 102671

(2) Twenty-five per cent of the cumulative amount by which 102672  
the costs for which documentation was not furnished increased the 102673  
total medicaid payments to the provider during the fiscal year for 102674  
which the costs were used to determine a rate. 102675

(B) If an exiting operator or owner fails to provide notice 102676  
of a facility closure or voluntary withdrawal of participation in 102677



the medicaid program as required by section 5165.50 of the Revised Code, or an exiting operator or owner and entering operator fail to provide notice of a change of operator as required by section 5165.51 of the Revised Code, a fine of not more than the current average bank prime rate plus four per cent of the last two monthly payments. 102678  
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Sec. 5165.43. For the purposes of sections 5165.41 and 5165.42 of the Revised Code, the department of medicaid shall determine the current average bank prime rate using statistical release H.15, "selected interest rates," a weekly publication of the federal reserve board, or any successor publication. If statistical release H.15, or its successor, ceases to contain the bank prime rate information or ceases to be published, the department shall request a written statement of the average bank prime rate from the federal reserve bank of Cleveland or the federal reserve board. 102684  
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Sec. 5165.44. (A) Except as provided in division (B) of this section, the department of medicaid shall deduct the following from the next available medicaid payment the department makes to a nursing facility provider who continues to participate in medicaid: 102694  
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102696  
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(1) Any amount the provider is required to refund, and any interest charged, under section 5165.41 of the Revised Code; 102699  
102700

(2) The amount of any penalty imposed on the provider under section 5165.42 of the Revised Code. 102701  
102702

(B) The department and a nursing facility provider may enter into an agreement under which a deduction required by division (A) of this section is taken in installments from payments the department makes to the provider. 102703  
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|                                                                                                |        |
|------------------------------------------------------------------------------------------------|--------|
| <u>Sec. 5165.45.</u> The department of medicaid shall transmit to                              | 102707 |
| <u>the treasurer of state for deposit in the general revenue fund</u>                          | 102708 |
| <u>amounts collected from the following:</u>                                                   | 102709 |
| <u>(A) Refunds required by, and interest charged under, section</u>                            | 102710 |
| <u>5165.41 of the Revised Code;</u>                                                            | 102711 |
| <u>(B) Amounts collected from penalties imposed under section</u>                              | 102712 |
| <u>5165.42 of the Revised Code.</u>                                                            | 102713 |
| <br>                                                                                           |        |
| <u>Sec. 5165.46.</u> All of the following are subject to an                                    | 102714 |
| <u>adjudication conducted in accordance with Chapter 119. of the</u>                           | 102715 |
| <u>Revised Code:</u>                                                                           | 102716 |
| <u>(A) Any audit disallowance that the department of medicaid</u>                              | 102717 |
| <u>makes as the result of an audit under section 5165.109 of the</u>                           | 102718 |
| <u>Revised Code;</u>                                                                           | 102719 |
| <u>(B) Any adverse finding that results from an exception review</u>                           | 102720 |
| <u>of resident assessment data conducted for a nursing facility under</u>                      | 102721 |
| <u>section 5165.193 of the Revised Code after the effective date of</u>                        | 102722 |
| <u>the nursing facility's medicaid payment rate for direct care costs</u>                      | 102723 |
| <u>that is based on the resident assessment data;</u>                                          | 102724 |
| <u>(C) Any medicaid payment deemed an overpayment under section</u>                            | 102725 |
| <u>5165.523 of the Revised Code;</u>                                                           | 102726 |
| <u>(D) Any penalty the department imposes under section 5165.42</u>                            | 102727 |
| <u>of the Revised Code or section 5165.523 of the Revised Code.</u>                            | 102728 |
| <br>                                                                                           |        |
| <u>Sec. <del>5111.262</del> 5165.47.</u> No person, other than <del>the</del> <u>a nursing</u> | 102729 |
| <u>facility provider of a nursing facility</u> , shall submit a claim for                      | 102730 |
| medicaid <del>reimbursement</del> <u>payment</u> for a service provided to a nursing           | 102731 |
| facility resident if the service is included in a medicaid payment                             | 102732 |
| made to the <u>nursing facility provider of a nursing facility</u> under                       | 102733 |
| <del>sections 5111.20 to 5111.33 of the Revised Code</del> <u>this chapter</u> or in           | 102734 |
| the <del>reimbursable</del> <u>allowable</u> expenses reported on a provider's cost            | 102735 |

report for a nursing facility. No ~~nursing facility~~ provider of a 102736  
~~nursing facility~~ shall submit a separate claim for medicaid 102737  
~~reimbursement payment~~ for a service provided to a resident of the 102738  
nursing facility if the service is included in a medicaid payment 102739  
made to the provider under ~~sections 5111.20 to 5111.331 of the~~ 102740  
~~Revised Code~~ this chapter or in the ~~reimbursable allowable~~ 102741  
expenses on the provider's cost report for the nursing facility. 102742  
102743

**Sec. ~~5111.0211~~ 5165.48.** ~~As used in this section, "nursing~~ 102744  
~~facility" and "provider" have the same meanings as in section~~ 102745  
~~5111.20 of the Revised Code.~~ 102746

The provider of a nursing facility is not required to submit 102747  
a claim to the department of ~~job and family services~~ medicaid 102748  
regarding the medicare cost-sharing expenses of a resident of the 102749  
nursing facility who, under federal law, is eligible to have the 102750  
medicaid program pay for a part of the cost-sharing expenses if 102751  
the provider determines that, under rules adopted under section 102752  
~~5111.02~~ 5165.02 of the Revised Code, the nursing facility would 102753  
not receive a medicaid payment for any part of the medicare 102754  
cost-sharing expenses. In such a situation, a claim for the 102755  
medicare cost-sharing expenses shall be considered to have been 102756  
adjudicated at no payment. 102757

**Sec. 5165.49.** The department of medicaid may conduct a 102758  
post-payment review of a claim submitted by a nursing facility 102759  
provider and paid by the medicaid program to determine whether the 102760  
provider was overpaid. The department shall provide the provider a 102761  
written summary of the review's results. The review's results are 102762  
not subject to an adjudication under Chapter 119. of the Revised 102763  
Code; however, the provider may request that the medicaid director 102764  
reconsider the review's results. The director shall reconsider the 102765  
review's results on receipt of a request made in good faith. The 102766

department shall not deduct any amounts the department claims to 102767  
be due from the provider as a result of the review from the 102768  
provider's medicaid payments pursuant to section 5165.44 of the 102769  
Revised Code until the conclusion of the director's 102770  
reconsideration, if any, of the review. 102771

**Sec. ~~5111.66~~ 5165.50.** An exiting operator or owner of a 102772  
nursing facility ~~or intermediate care facility for the mentally~~ 102773  
~~retarded~~ participating in the medicaid program shall provide the 102774  
department of ~~job and family services~~ medicaid written notice of a 102775  
facility closure, ~~voluntary termination,~~ or voluntary withdrawal 102776  
of participation not less than ninety days before the effective 102777  
date of the facility closure, ~~voluntary termination,~~ or voluntary 102778  
withdrawal of participation. The written notice shall be provided 102779  
to the department in accordance with the method specified in rules 102780  
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 102781  
Revised Code. 102782

The written notice shall include all of the following: 102783

(A) The name of the exiting operator and, if any, the exiting 102784  
operator's authorized agent; 102785

(B) The name of the nursing facility ~~or intermediate care~~ 102786  
~~facility for the mentally retarded~~ that is the subject of the 102787  
written notice; 102788

(C) The exiting operator's medicaid provider agreement number 102789  
for the nursing facility that is the subject of the written 102790  
notice; 102791

(D) The effective date of the facility closure, ~~voluntary~~ 102792  
~~termination,~~ or voluntary withdrawal of participation; 102793

(E) The signature of the exiting operator's or owner's 102794  
representative. 102795

**Sec. ~~5111.661~~ 5165.501.** An operator shall comply with ~~section~~ 102796  
~~1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965)~~ 102797  
section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F) if the operator's 102798  
nursing facility undergoes a voluntary withdrawal of 102799  
participation. 102800

**Sec. ~~5111.67~~ 5165.51.** (A) An exiting operator or owner and 102801  
entering operator shall provide the department of ~~job and family~~ 102802  
~~services~~ medicaid written notice of a change of operator if the 102803  
nursing facility ~~or intermediate care facility for the mentally~~ 102804  
~~retarded~~ participates in the medicaid program and the entering 102805  
operator seeks to continue the nursing facility's participation. 102806  
The written notice shall be provided to the department in 102807  
accordance with the method specified in rules ~~adopted under~~ 102808  
authorized by section ~~5111.689~~ 5165.53 of the Revised Code. The 102809  
written notice shall be provided to the department not later than 102810  
forty-five days before the effective date of the change of 102811  
operator if the change of operator does not entail the relocation 102812  
of residents. The written notice shall be provided to the 102813  
department not later than ninety days before the effective date of 102814  
the change of operator if the change of operator entails the 102815  
relocation of residents. 102816

The written notice shall include all of the following: 102817

(1) The name of the exiting operator and, if any, the exiting 102818  
operator's authorized agent; 102819

(2) The name of the nursing facility ~~or intermediate care~~ 102820  
~~facility for the mentally retarded~~ that is the subject of the 102821  
change of operator; 102822

(3) The exiting operator's seven-digit medicaid legacy number 102823  
and ten-digit national provider identifier number for the nursing 102824  
facility that is the subject of the change of operator; 102825

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (4) The name of the entering operator;                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 102826                                                                       |
| (5) The effective date of the change of operator;                                                                                                                                                                                                                                                                                                                                                                                                                                          | 102827                                                                       |
| (6) The manner in which the entering operator becomes the <u>nursing</u> facility's operator, including through sale, lease, merger, or other action;                                                                                                                                                                                                                                                                                                                                      | 102828<br>102829<br>102830                                                   |
| (7) If the manner in which the entering operator becomes the <u>nursing</u> facility's operator involves more than one step, a description of each step;                                                                                                                                                                                                                                                                                                                                   | 102831<br>102832<br>102833                                                   |
| (8) Written authorization from the exiting operator or owner and entering operator for the department to process a provider agreement for the entering operator;                                                                                                                                                                                                                                                                                                                           | 102834<br>102835<br>102836                                                   |
| (9) The names and addresses of the persons to whom the department should send initial correspondence regarding the change of operator;                                                                                                                                                                                                                                                                                                                                                     | 102837<br>102838<br>102839                                                   |
| (10) If the nursing facility also participates in the medicare program, notification of whether the entering operator intends to accept assignment of the exiting operator's medicare provider agreement;                                                                                                                                                                                                                                                                                  | 102840<br>102841<br>102842<br>102843                                         |
| (11) The signature of the exiting operator's or owner's representative.                                                                                                                                                                                                                                                                                                                                                                                                                    | 102844<br>102845                                                             |
| (B) An exiting operator or owner and entering operator immediately shall provide the department written notice of any changes to information included in a written notice of a change of operator that occur after that notice is provided to the department. The notice of the changes shall be provided to the department in accordance with the method specified in rules <del>adopted under</del> <u>authorized by</u> section <del>5111.689</del> <u>5165.53</u> of the Revised Code. | 102846<br>102847<br>102848<br>102849<br>102850<br>102851<br>102852<br>102853 |
| <b>Sec. <del>5111.671</del> <u>5165.511</u>.</b> The department of <del>job and family services</del> <u>medicaid</u> may enter into a provider agreement with an                                                                                                                                                                                                                                                                                                                          | 102854<br>102855                                                             |

entering operator that goes into effect at 12:01 a.m. on the 102856  
effective date of the change of operator if all of the following 102857  
requirements are met: 102858

(A) The department receives a properly completed written 102859  
notice required by section ~~5111.67~~ 5165.51 of the Revised Code on 102860  
or before the date required by that section. 102861

(B) The department receives both of the following in 102862  
accordance with the method specified in rules ~~adopted under~~ 102863  
authorized by section ~~5111.689~~ 5165.53 of the Revised Code and not 102864  
later than ten days after the effective date of the change of 102865  
operator: 102866

(1) From the entering operator, a completed application for a 102867  
provider agreement and all other forms and documents specified in 102868  
rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 102869  
Revised Code; 102870

(2) From the exiting operator or owner, all forms and 102871  
documents specified in rules ~~adopted under~~ authorized by section 102872  
~~5111.689~~ 5165.53 of the Revised Code. 102873

(C) The entering operator is eligible for medicaid payments 102874  
as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 102875

**Sec. ~~5111.672~~ 5165.512.** (A) The department of ~~job and family~~ 102876  
~~services~~ medicaid may enter into a provider agreement with an 102877  
entering operator that goes into effect at 12:01 a.m. on the date 102878  
determined under division (B) of this section if all of the 102879  
following are the case: 102880

(1) The department receives a properly completed written 102881  
notice required by section ~~5111.67~~ 5165.51 of the Revised Code. 102882

(2) The department receives, from the entering operator and 102883  
in accordance with the method specified in rules ~~adopted under~~ 102884

authorized by section ~~5111.689~~ 5165.53 of the Revised Code, a 102885  
completed application for a provider agreement and all other forms 102886  
and documents specified in rules adopted under that section. 102887

(3) The department receives, from the exiting operator or 102888  
owner and in accordance with the method specified in rules ~~adopted~~ 102889  
~~under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code, 102890  
all forms and documents specified in rules adopted under that 102891  
section. 102892

(4) One or more of the following apply: 102893

(a) The requirement of division (A)(1) of this section is met 102894  
after the time required by section ~~5111.67~~ 5165.51 of the Revised 102895  
Code; 102896

(b) The requirement of division (A)(2) of this section is met 102897  
more than ten days after the effective date of the change of 102898  
operator; 102899

(c) The requirement of division (A)(3) of this section is met 102900  
more than ten days after the effective date of the change of 102901  
operator. 102902

(5) The entering operator is eligible for medicaid payments 102903  
as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 102904

(B) The department shall determine the date a provider 102905  
agreement entered into under this section is to go into effect as 102906  
follows: 102907

(1) The effective date shall give the department sufficient 102908  
time to process the change of operator, assure no duplicate 102909  
payments are made, and make the withholding required by section 102910  
~~5111.681~~ 5165.521 of the Revised Code. 102911

(2) The effective date shall be not earlier than the latest 102912  
of the following: 102913

(a) The effective date of the change of operator; 102914



(b) The date that the entering operator complies with section 102915  
~~5111.67~~ 5165.51 of the Revised Code and division (A)(2) of this 102916  
section; 102917

(c) The date that the exiting operator or owner complies with 102918  
section ~~5111.67~~ 5165.51 of the Revised Code and division (A)(3) of 102919  
this section. 102920

(3) The effective date shall be not later than the following 102921  
after the later of the dates specified in division (B)(2) of this 102922  
section: 102923

(a) Forty-five days if the change of operator does not entail 102924  
the relocation of residents; 102925

(b) Ninety days if the change of operator entails the 102926  
relocation of residents. 102927

**Sec. ~~5111.673~~ 5165.513.** A provider that enters into a 102928  
provider agreement with the department of ~~job and family services~~ 102929  
medicaid under section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of 102930  
the Revised Code shall do all of the following: 102931

(A) Comply with all applicable federal statutes and 102932  
regulations; 102933

(B) Comply with section ~~5111.22~~ 5165.07 of the Revised Code 102934  
and all other applicable state statutes and rules; 102935

(C) Comply with all the terms and conditions of the exiting 102936  
operator's provider agreement, including, but not limited to, all 102937  
of the following: 102938

(1) Any plan of correction; 102939

(2) Compliance with health and safety standards; 102940

(3) Compliance with the ownership and financial interest 102941  
disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3; 102942

(4) Compliance with the civil rights requirements of 45 102943

C.F.R. parts 80, 84, and 90; 102944

(5) Compliance with additional requirements imposed by the 102945  
department; 102946

(6) Any sanctions relating to remedies for violation of the 102947  
provider agreement, including deficiencies, compliance periods, 102948  
accountability periods, monetary penalties, notification for 102949  
correction of contract violations, and history of deficiencies. 102950

**Sec. ~~5111.674~~ 5165.514.** In the case of a change of operator, 102951  
the exiting operator shall be considered to be the operator of the 102952  
nursing facility ~~or intermediate care facility for the mentally~~ 102953  
~~retarded~~ for purposes of the medicaid program, including medicaid 102954  
payments, until the effective date of the entering operator's 102955  
provider agreement if the provider agreement is entered into under 102956  
section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of the Revised 102957  
Code. 102958

**Sec. ~~5111.675~~ 5165.515.** The department of ~~job and family~~ 102959  
~~services~~ medicaid may enter into a provider agreement as provided 102960  
in section ~~5111.22~~ 5165.07 of the Revised Code, rather than 102961  
section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of the Revised 102962  
Code, with an entering operator if the entering operator does not 102963  
agree to a provider agreement that satisfies the requirements of 102964  
division (C) of section ~~5111.673~~ 5165.513 of the Revised Code. The 102965  
department may not enter into the provider agreement unless the 102966  
department of health certifies the nursing facility ~~or~~ 102967  
~~intermediate care facility for the mentally retarded under Title~~ 102968  
~~XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.~~ 102969  
~~1396, as amended for participation in medicaid.~~ The effective date 102970  
of the provider agreement shall not precede any of the following: 102971

(A) The date that the department of health certifies the 102972  
nursing facility; 102973

(B) The effective date of the change of operator; 102974

(C) The date the requirement of section ~~5111.67~~ 5165.51 of 102975  
the Revised Code is satisfied. 102976

**Sec. ~~5111.676~~ 5165.516.** The medicaid director ~~of job and~~ 102977  
~~family services~~ may adopt rules ~~in accordance with Chapter 119.~~ 102978  
under section 5165.02 of the Revised Code governing adjustments to 102979  
the medicaid reimbursement payment rate for a nursing facility ~~or~~ 102980  
~~intermediate care facility for the mentally retarded~~ that 102981  
undergoes a change of operator. No rate adjustment resulting from 102982  
a change of operator shall be effective before the effective date 102983  
of the entering operator's provider agreement. This is the case 102984  
regardless of whether the provider agreement is entered into under 102985  
section ~~5111.671~~ 5165.511, section ~~5111.672~~ 5165.512, or, pursuant 102986  
to section ~~5111.675~~ 5165.515, section ~~5111.22~~ 5165.07 of the 102987  
Revised Code. 102988

**Sec. ~~5111.677~~ 5165.517.** ~~Neither of the following~~ The 102989  
department of health's determination that a change of operator has 102990  
or has not occurred for purposes of licensure under Chapter 3721. 102991  
of the Revised Code shall not affect the department of ~~job and~~ 102992  
~~family services'~~ medicaid's determination of whether or when a 102993  
change of operator occurs or the effective date of an entering 102994  
operator's provider agreement under section ~~5111.671~~ 5165.511, 102995  
section ~~5111.672~~ 5165.512, or, pursuant to section ~~5111.675~~ 102996  
5165.515, section ~~5111.22~~ 5165.07 of the Revised Code~~;~~ 102997

~~(A) The department of health's determination that a change of~~ 102998  
~~operator has or has not occurred for purposes of licensure under~~ 102999  
~~Chapter 3721. of the Revised Code;~~ 103000

~~(B) The department of developmental disabilities'~~ 103001  
~~determination that a change of operator has or has not occurred~~ 103002  
~~for purposes of licensure under section 5123.19 of the Revised~~ 103003

Code. 103004

**Sec. ~~5111.68~~ 5165.52.** (A) On receipt of a written notice 103005  
under section ~~5111.66~~ 5165.50 of the Revised Code of a facility 103006  
closure, ~~voluntary termination~~, or voluntary withdrawal of 103007  
participation, on receipt of a written notice under section 103008  
~~5111.67~~ 5165.51 of the Revised Code of a change of operator, or on 103009  
the effective date of an involuntary termination, the department 103010  
of ~~job and family services~~ medicaid shall estimate the amount of 103011  
any overpayments made under the medicaid program to the exiting 103012  
operator, including overpayments the exiting operator disputes, 103013  
and other actual and potential debts the exiting operator owes or 103014  
may owe to the department and United States centers for medicare 103015  
and medicaid services under the medicaid program, including a 103016  
franchise permit fee. 103017

(B) In estimating the exiting operator's other actual and 103018  
potential debts to the department and the United States centers 103019  
for medicare and medicaid services under the medicaid program, the 103020  
department shall use a debt estimation methodology the medicaid 103021  
director of ~~job and family services~~ shall establish in rules 103022  
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 103023  
Revised Code. The methodology shall provide for estimating all of 103024  
the following that the department determines are applicable: 103025

(1) Refunds due the department under section ~~5111.27~~ 5165.41 103026  
of the Revised Code; 103027

(2) Interest owed to the department and United States centers 103028  
for medicare and medicaid services; 103029

(3) Final civil monetary and other penalties for which all 103030  
right of appeal has been exhausted; 103031

(4) Money owed the department and United States centers for 103032  
medicare and medicaid services from any outstanding final fiscal 103033

audit, including a final fiscal audit for the last fiscal year or 103034  
portion thereof in which the exiting operator participated in the 103035  
medicaid program; 103036

(5) Other amounts the department determines are applicable. 103037

(C) The department shall provide the exiting operator written 103038  
notice of the department's estimate under division (A) of this 103039  
section not later than thirty days after the department receives 103040  
the notice under section ~~5111.66~~ 5165.50 of the Revised Code of 103041  
the facility closure, ~~voluntary termination~~, or voluntary 103042  
withdrawal of participation; the department receives the notice 103043  
under section ~~5111.67~~ 5165.51 of the Revised Code of the change of 103044  
operator; or the effective date of the involuntary termination. 103045  
The department's written notice shall include the basis for the 103046  
estimate. 103047

**Sec. ~~5111.681~~ 5165.521.** (A) Except as provided in divisions 103048  
(B), (C), and (D) of this section, the department of ~~job and~~ 103049  
~~family services~~ medicaid may withhold from payment due an exiting 103050  
operator under the medicaid program the total amount specified in 103051  
the notice provided under division (C) of section ~~5111.68~~ 5165.52 103052  
of the Revised Code that the exiting operator owes or may owe to 103053  
the department and United States centers for medicare and medicaid 103054  
services under the medicaid program. 103055

(B) In the case of a change of operator and subject to 103056  
division (E) of this section, the following shall apply regarding 103057  
a withholding under division (A) of this section if the exiting 103058  
operator or entering operator or an affiliated operator executes a 103059  
successor liability agreement meeting the requirements of division 103060  
(F) of this section: 103061

(1) If the exiting operator, entering operator, or affiliated 103062  
operator assumes liability for the total, actual amount of debt 103063  
the exiting operator owes the department and the United States 103064

centers for medicare and medicaid services under the medicaid 103065  
program as determined under section ~~5111.685~~ 5165.525 of the 103066  
Revised Code, the department shall not make the withholding. 103067

(2) If the exiting operator, entering operator, or affiliated 103068  
operator assumes liability for only the portion of the amount 103069  
specified in division (B)(1) of this section that represents the 103070  
franchise permit fee the exiting operator owes, the department 103071  
shall withhold not more than the difference between the total 103072  
amount specified in the notice provided under division (C) of 103073  
section ~~5111.68~~ 5165.52 of the Revised Code and the amount for 103074  
which the exiting operator, entering operator, or affiliated 103075  
operator assumes liability. 103076

(C) In the case of a ~~voluntary termination~~, voluntary 103077  
withdrawal of participation, or facility closure and subject to 103078  
division (E) of this section, the following shall apply regarding 103079  
a withholding under division (A) of this section if the exiting 103080  
operator or an affiliated operator executes a successor liability 103081  
agreement meeting the requirements of division (F) of this 103082  
section: 103083

(1) If the exiting operator or affiliated operator assumes 103084  
liability for the total, actual amount of debt the exiting 103085  
operator owes the department and the United States centers for 103086  
medicare and medicaid services under the medicaid program as 103087  
determined under section ~~5111.685~~ 5165.525 of the Revised Code, 103088  
the department shall not make the withholding. 103089

(2) If the exiting operator or affiliated operator assumes 103090  
liability for only the portion of the amount specified in division 103091  
(C)(1) of this section that represents the franchise permit fee 103092  
the exiting operator owes, the department shall withhold not more 103093  
than the difference between the total amount specified in the 103094  
notice provided under division (C) of section ~~5111.68~~ 5165.52 of 103095  
the Revised Code and the amount for which the exiting operator or 103096

affiliated operator assumes liability. 103097

(D) In the case of an involuntary termination and subject to 103098  
division (E) of this section, the following shall apply regarding 103099  
a withholding under division (A) of this section if the exiting 103100  
operator, the entering operator, or an affiliated operator 103101  
executes a successor liability agreement meeting the requirements 103102  
of division (F) of this section and the department approves the 103103  
successor liability agreement: 103104

(1) If the exiting operator, entering operator, or affiliated 103105  
operator assumes liability for the total, actual amount of debt 103106  
the exiting operator owes the department and the United States 103107  
centers for medicare and medicaid services under the medicaid 103108  
program as determined under section ~~5111.685~~ 5165.525 of the 103109  
Revised Code, the department shall not make the withholding. 103110

(2) If the exiting operator, entering operator, or affiliated 103111  
operator assumes liability for only the portion of the amount 103112  
specified in division (D)(1) of this section that represents the 103113  
franchise permit fee the exiting operator owes, the department 103114  
shall withhold not more than the difference between the total 103115  
amount specified in the notice provided under division (C) of 103116  
section ~~5111.68~~ 5165.52 of the Revised Code and the amount for 103117  
which the exiting operator, entering operator, or affiliated 103118  
operator assumes liability. 103119

(E) For an exiting operator or affiliated operator to be 103120  
eligible to enter into a successor liability agreement under 103121  
division (B), (C), or (D) of this section, both of the following 103122  
must apply: 103123

(1) The exiting operator or affiliated operator must have one 103124  
or more valid provider agreements, other than the provider 103125  
agreement for the nursing facility ~~or intermediate care facility~~ 103126  
~~for the mentally retarded~~ that is the subject of the involuntary 103127

termination, ~~voluntary termination~~, voluntary withdrawal of 103128  
participation, facility closure, or change of operator; 103129

(2) During the twelve-month period preceding either the 103130  
effective date of the involuntary termination or the month in 103131  
which the department receives the notice of the ~~voluntary~~ 103132  
~~termination~~, voluntary withdrawal of participation, or facility 103133  
closure under section ~~5111.66~~ 5165.50 of the Revised Code or the 103134  
notice of the change of operator under section ~~5111.67~~ 5165.51 of 103135  
the Revised Code, the average monthly medicaid payment made to the 103136  
exiting operator or affiliated operator pursuant to the exiting 103137  
operator's or affiliated operator's one or more provider 103138  
agreements, other than the provider agreement for the nursing 103139  
facility ~~or intermediate care facility for the mentally retarded~~ 103140  
that is the subject of the involuntary termination, ~~voluntary~~ 103141  
~~termination~~, voluntary withdrawal of participation, facility 103142  
closure, or change of operator, must equal at least ninety per 103143  
cent of the sum of the following: 103144

(a) The average monthly medicaid payment made to the exiting 103145  
operator pursuant to the exiting operator's provider agreement for 103146  
the nursing facility ~~or intermediate care facility for the~~ 103147  
~~mentally retarded~~ that is the subject of the involuntary 103148  
termination, ~~voluntary termination~~, voluntary withdrawal of 103149  
participation, facility closure, or change of operator; 103150

(b) Whichever of the following apply: 103151

(i) If the exiting operator or affiliated operator has 103152  
assumed liability under one or more other successor liability 103153  
agreements, the total amount for which the exiting operator or 103154  
affiliated operator has assumed liability under the other 103155  
successor liability agreements; 103156

(ii) If the exiting operator or affiliated operator has not 103157  
assumed liability under any other successor liability agreements, 103158



zero. 103159

(F) A successor liability agreement executed under this 103160  
section must comply with all of the following: 103161

(1) It must provide for the operator who executes the 103162  
successor liability agreement to assume liability for either of 103163  
the following as specified in the agreement: 103164

(a) The total, actual amount of debt the exiting operator 103165  
owes the department and the United States centers for medicare and 103166  
medicaid services under the medicaid program as determined under 103167  
section ~~5111.685~~ 5165.525 of the Revised Code; 103168

(b) The portion of the amount specified in division (F)(1)(a) 103169  
of this section that represents the franchise permit fee the 103170  
exiting operator owes. 103171

(2) It may not require the operator who executes the 103172  
successor liability agreement to furnish a surety bond. 103173

(3) It must provide that the department, after determining 103174  
under section ~~5111.685~~ 5165.525 of the Revised Code the actual 103175  
amount of debt the exiting operator owes the department and United 103176  
States centers for medicare and medicaid services under the 103177  
medicaid program, may deduct the lesser of the following from 103178  
medicaid payments made to the operator who executes the successor 103179  
liability agreement: 103180

(a) The total, actual amount of debt the exiting operator 103181  
owes the department and the United States centers for medicare and 103182  
medicaid services under the medicaid program as determined under 103183  
section ~~5111.685~~ 5165.525 of the Revised Code; 103184

(b) The amount for which the operator who executes the 103185  
successor liability agreement assumes liability under the 103186  
agreement. 103187

(4) It must provide that the deductions authorized by 103188

division (F)(3) of this section are to be made for a number of 103189  
months, not to exceed six, agreed to by the operator who executes 103190  
the successor liability agreement and the department or, if the 103191  
operator who executes the successor liability agreement and 103192  
department cannot agree on a number of months that is less than 103193  
six, a greater number of months determined by the attorney general 103194  
pursuant to a claims collection process authorized by statute of 103195  
this state. 103196

(5) It must provide that, if the attorney general determines 103197  
the number of months for which the deductions authorized by 103198  
division (F)(3) of this section are to be made, the operator who 103199  
executes the successor liability agreement shall pay, in addition 103200  
to the amount collected pursuant to the attorney general's claims 103201  
collection process, the part of the amount so collected that, if 103202  
not for division (H) of this section, would be required by section 103203  
109.081 of the Revised Code to be paid into the attorney general 103204  
claims fund. 103205

(G) Execution of a successor liability agreement does not 103206  
waive an exiting operator's right to contest the amount specified 103207  
in the notice the department provides the exiting operator under 103208  
division (C) of section ~~5111.68~~ 5165.52 of the Revised Code. 103209

(H) Notwithstanding section 109.081 of the Revised Code, the 103210  
entire amount that the attorney general, whether by employees or 103211  
agents of the attorney general or by special counsel appointed 103212  
pursuant to section 109.08 of the Revised Code, collects under a 103213  
successor liability agreement, other than the additional amount 103214  
the operator who executes the agreement is required by division 103215  
(F)(5) of this section to pay, shall be paid to the department of 103216  
~~job and family services~~ medicaid for deposit into the appropriate 103217  
fund. The additional amount that the operator is required to pay 103218  
shall be paid into the state treasury to the credit of the 103219  
attorney general claims fund created under section 109.081 of the 103220

Revised Code. 103221

**Sec. ~~5111.682~~ 5165.522.** (A) Except as provided in division 103222  
(B) of this section, an exiting operator shall file with the 103223  
department of ~~job and family services~~ medicaid a cost report not 103224  
later than ninety days after the last day the exiting operator's 103225  
provider agreement is in effect or, in the case of a voluntary 103226  
withdrawal of participation, the effective date of the voluntary 103227  
withdrawal of participation. The cost report shall cover the 103228  
period that begins with the day after the last day covered by the 103229  
operator's most recent previous cost report required by section 103230  
~~5111.26~~ 5165.10 of the Revised Code and ends on the last day the 103231  
exiting operator's provider agreement is in effect or, in the case 103232  
of a voluntary withdrawal of participation, the effective date of 103233  
the voluntary withdrawal of participation. The cost report shall 103234  
include, as applicable, all of the following: 103235

(1) The sale price of the nursing facility ~~or intermediate~~ 103236  
~~care facility for the mentally retarded~~; 103237

(2) A final depreciation schedule that shows which assets are 103238  
transferred to the buyer and which assets are not transferred to 103239  
the buyer; 103240

(3) Any other information the department requires. 103241

(B) The department, at its sole discretion, may waive the 103242  
requirement that an exiting operator file a cost report in 103243  
accordance with division (A) of this section. 103244

**Sec. ~~5111.683~~ 5165.523.** If an exiting operator required by 103245  
section ~~5111.682~~ 5165.522 of the Revised Code to file a cost 103246  
report with the department of ~~job and family services~~ medicaid 103247  
fails to file the cost report in accordance with that section, all 103248  
payments under the medicaid program for the period the cost report 103249  
is required to cover are deemed overpayments until the date the 103250

department receives the properly completed cost report. The 103251  
department may impose on the exiting operator a penalty of one 103252  
hundred dollars for each calendar day the properly completed cost 103253  
report is late. 103254

**Sec. ~~5111.684~~ 5165.524.** The department of ~~job and family~~ 103255  
~~services~~ medicaid may not provide an exiting operator final 103256  
payment under the medicaid program until the department receives 103257  
all properly completed cost reports the exiting operator is 103258  
required to file under sections ~~5111.26~~ 5165.10 and ~~5111.682~~ 103259  
5165.522 of the Revised Code. 103260

**Sec. ~~5111.685~~ 5165.525.** The department of ~~job and family~~ 103261  
~~services~~ medicaid shall determine the actual amount of debt an 103262  
exiting operator owes the department and the United States centers 103263  
for medicare and medicaid services under the medicaid program by 103264  
completing all final fiscal audits not already completed and 103265  
performing all other appropriate actions the department determines 103266  
to be necessary. The department shall issue an initial debt 103267  
summary report on this matter not later than sixty days after the 103268  
date the exiting operator files the properly completed cost report 103269  
required by section ~~5111.682~~ 5165.522 of the Revised Code with the 103270  
department or, if the department waives the cost report 103271  
requirement for the exiting operator, sixty days after the date 103272  
the department waives the cost report requirement. The initial 103273  
debt summary report becomes the final debt summary report 103274  
thirty-one days after the department issues the initial debt 103275  
summary report unless the exiting operator, or an affiliated 103276  
operator who executes a successor liability agreement under 103277  
section ~~5111.681~~ 5165.521 of the Revised Code, requests a review 103278  
before that date. 103279

The exiting operator, and an affiliated operator who executes 103280

a successor liability agreement under section ~~5111.681~~ 5165.521 of 103281  
the Revised Code, may request a review to contest any of the 103282  
department's findings included in the initial debt summary report. 103283  
The request for the review must be submitted to the department not 103284  
later than thirty days after the date the department issues the 103285  
initial debt summary report. The department shall conduct the 103286  
review on receipt of a timely request and issue a revised debt 103287  
summary report. If the department has withheld money from payment 103288  
due the exiting operator under division (A) of section ~~5111.681~~ 103289  
5165.521 of the Revised Code, the department shall issue the 103290  
revised debt summary report not later than ninety days after the 103291  
date the department receives the timely request for the review 103292  
unless the department and exiting operator or affiliated operator 103293  
agree to a later date. The exiting operator or affiliated operator 103294  
may submit information to the department explaining what the 103295  
operator contests before and during the review, including 103296  
documentation of the amount of any debt the department owes the 103297  
operator. The exiting operator or affiliated operator may submit 103298  
additional information to the department not later than thirty 103299  
days after the department issues the revised debt summary report. 103300  
The revised debt summary report becomes the final debt summary 103301  
report thirty-one days after the department issues the revised 103302  
debt summary report unless the exiting operator or affiliated 103303  
operator timely submits additional information to the department. 103304  
If the exiting operator or affiliated operator timely submits 103305  
additional information to the department, the department shall 103306  
consider the additional information and issue a final debt summary 103307  
report not later than sixty days after the department issues the 103308  
revised debt summary report unless the department and exiting 103309  
operator or affiliated operator agree to a later date. 103310

Each debt summary report the department issues under this 103311  
section shall include the department's findings and the amount of 103312  
debt the department determines the exiting operator owes the 103313

department and United States centers for medicare and medicaid 103314  
services under the medicaid program. The department shall explain 103315  
its findings and determination in each debt summary report. 103316

The exiting operator, and an affiliated operator who executes 103317  
a successor liability agreement under section ~~5111.681~~ 5165.521 of 103318  
the Revised Code, may request, in accordance with Chapter 119. of 103319  
the Revised Code, an adjudication regarding a finding in a final 103320  
debt summary report that pertains to an audit or alleged 103321  
overpayment made under the medicaid program to the exiting 103322  
operator. The adjudication shall be consolidated with any other 103323  
uncompleted adjudication that concerns a matter addressed in the 103324  
final debt summary report. 103325

**Sec. ~~5111.686~~ 5165.526.** The department of ~~job and family~~ 103326  
~~services~~ medicaid shall release the actual amount withheld under 103327  
division (A) of section ~~5111.681~~ 5165.521 of the Revised Code, 103328  
less any amount the exiting operator owes the department and 103329  
United States centers for medicare and medicaid services under the 103330  
medicaid program, as follows: 103331

(A) Unless the department issues the initial debt summary 103332  
report required by section ~~5111.685~~ 5165.525 of the Revised Code 103333  
not later than sixty days after the date the exiting operator 103334  
files the properly completed cost report required by section 103335  
~~5111.682~~ 5165.522 of the Revised Code, sixty-one days after the 103336  
date the exiting operator files the properly completed cost 103337  
report; 103338

(B) If the department issues the initial debt summary report 103339  
required by section ~~5111.685~~ 5165.525 of the Revised Code not 103340  
later than sixty days after the date the exiting operator files a 103341  
properly completed cost report required by section ~~5111.682~~ 103342  
5165.522 of the Revised Code, not later than the following: 103343

(1) Thirty days after the deadline for requesting an 103344

adjudication under section ~~5111.685~~ 5165.525 of the Revised Code 103345  
regarding the final debt summary report if the exiting operator, 103346  
and an affiliated operator who executes a successor liability 103347  
agreement under section ~~5111.681~~ 5165.521 of the Revised Code, 103348  
fail to request the adjudication on or before the deadline; 103349

(2) Thirty days after the completion of an adjudication of 103350  
the final debt summary report if the exiting operator, or an 103351  
affiliated operator who executes a successor liability agreement 103352  
under section ~~5111.681~~ 5165.521 of the Revised Code, requests the 103353  
adjudication on or before the deadline for requesting the 103354  
adjudication. 103355

(C) Unless the department issues the initial debt summary 103356  
report required by section ~~5111.685~~ 5165.525 of the Revised Code 103357  
not later than sixty days after the date the department waives the 103358  
cost report requirement of section ~~5111.682~~ 5165.522 of the 103359  
Revised Code, sixty-one days after the date the department waives 103360  
the cost report requirement; 103361

(D) If the department issues the initial debt summary report 103362  
required by section ~~5111.685~~ 5165.525 of the Revised Code not 103363  
later than sixty days after the date the department waives the 103364  
cost report requirement of section ~~5111.682~~ 5165.522 of the 103365  
Revised Code, not later than the following: 103366

(1) Thirty days after the deadline for requesting an 103367  
adjudication under section ~~5111.685~~ 5165.525 of the Revised Code 103368  
regarding the final debt summary report if the exiting operator, 103369  
and an affiliated operator who executes a successor liability 103370  
agreement under section ~~5111.681~~ 5165.521 of the Revised Code, 103371  
fail to request the adjudication on or before the deadline; 103372

(2) Thirty days after the completion of an adjudication of 103373  
the final debt summary report if the exiting operator, or an 103374  
affiliated operator who executes a successor liability agreement 103375

under section ~~5111.681~~ 5165.521 of the Revised Code, requests the 103376  
adjudication on or before the deadline for requesting the 103377  
adjudication. 103378

**Sec. ~~5111.687~~ 5165.527.** The department of ~~job and family~~ 103379  
~~services~~ medicaid, at its sole discretion, may release the amount 103380  
withheld under division (A) of section ~~5111.681~~ 5165.521 of the 103381  
Revised Code if the exiting operator submits to the department 103382  
written notice of a postponement of a change of operator, facility 103383  
closure, ~~voluntary termination~~, or voluntary withdrawal of 103384  
participation and the transactions leading to the change of 103385  
operator, facility closure, ~~voluntary termination~~, or voluntary 103386  
withdrawal of participation are postponed for at least thirty days 103387  
but less than ninety days after the date originally proposed for 103388  
the change of operator, facility closure, ~~voluntary termination~~, 103389  
or voluntary withdrawal of participation as reported in the 103390  
written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 103391  
5165.51 of the Revised Code. The department shall release the 103392  
amount withheld if the exiting operator submits to the department 103393  
written notice of a cancellation or postponement of a change of 103394  
operator, facility closure, ~~voluntary termination~~, or voluntary 103395  
withdrawal of participation and the transactions leading to the 103396  
change of operator, facility closure, ~~voluntary termination~~, or 103397  
voluntary withdrawal of participation are canceled or postponed 103398  
for more than ninety days after the date originally proposed for 103399  
the change of operator, facility closure, ~~voluntary termination~~, 103400  
or voluntary withdrawal of participation as reported in the 103401  
written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 103402  
5165.51 of the Revised Code. A written notice shall be provided to 103403  
the department in accordance with the method specified in rules 103404  
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 103405  
Revised Code. 103406

After the department receives a written notice regarding a 103407



cancellation or postponement of a facility closure, ~~voluntary~~ 103408  
~~termination~~, or voluntary withdrawal of participation, the exiting 103409  
operator or owner shall provide new written notice to the 103410  
department under section ~~5111.66~~ 5165.50 of the Revised Code 103411  
regarding any transactions leading to a facility closure, 103412  
~~voluntary termination~~, or voluntary withdrawal of participation at 103413  
a future time. After the department receives a written notice 103414  
regarding a cancellation or postponement of a change of operator, 103415  
the exiting operator or owner and entering operator shall provide 103416  
new written notice to the department under section ~~5111.67~~ 5165.51 103417  
of the Revised Code regarding any transactions leading to a change 103418  
of operator at a future time. 103419

**Sec. ~~5111.688~~ 5165.528.** (A) All amounts withheld under 103420  
section ~~5111.681~~ 5165.521 of the Revised Code from payment due an 103421  
exiting operator under the medicaid program shall be deposited 103422  
into the medicaid payment withholding fund created by the 103423  
controlling board pursuant to section 131.35 of the Revised Code. 103424  
Money in the fund shall be used as follows: 103425

(1) To pay an exiting operator when a withholding is released 103426  
to the exiting operator under section ~~5111.686~~ 5165.526 or 103427  
~~5111.687~~ 5165.527 of the Revised Code; 103428

(2) To pay the department of ~~job and family services~~ medicaid 103429  
and United States centers for medicare and medicaid services the 103430  
amount an exiting operator owes the department and United States 103431  
centers under the medicaid program. 103432

(B) Amounts paid from the medicaid payment withholding fund 103433  
pursuant to division (A)(2) of this section shall be deposited 103434  
into the appropriate department fund. 103435

**Sec. ~~5111.689~~ 5165.53.** The medicaid director ~~of job and~~ 103436  
~~family services~~ shall adopt rules under section ~~5111.02~~ 5165.02 of 103437

the Revised Code to implement sections ~~5111.65~~ 5165.50 to ~~5111.689~~ 103438  
5165.53 of the Revised Code, including rules applicable to an 103439  
exiting operator that provides written notification under section 103440  
~~5111.66~~ 5165.50 of the Revised Code of a voluntary withdrawal of 103441  
participation. Rules adopted under this section shall comply with 103442  
~~section 1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286~~ 103443  
~~(1965)~~ section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F), regarding 103444  
restrictions on transfers or discharges of nursing facility 103445  
residents in the case of a voluntary withdrawal of participation. 103446  
The rules may prescribe a medicaid ~~reimbursement~~ payment 103447  
methodology and other procedures that are applicable after the 103448  
effective date of a voluntary withdrawal of participation that 103449  
differ from the ~~reimbursement~~ payment methodology and other 103450  
procedures that would otherwise apply. The rules shall specify all 103451  
of the following: 103452

(A) The method by which written notices to the department 103453  
required by sections ~~5111.65~~ 5165.50 to ~~5111.689~~ 5165.53 of the 103454  
Revised Code are to be provided; 103455

(B) The forms and documents that are to be provided to the 103456  
department of medicaid under sections ~~5111.671~~ 5165.511 and 103457  
~~5111.672~~ 5165.512 of the Revised Code, which shall include, in the 103458  
case of such forms and documents provided by entering operators, 103459  
all the fully executed leases, management agreements, merger 103460  
agreements and supporting documents, and fully executed sales 103461  
contracts and any other supporting documents culminating in the 103462  
change of operator; 103463

(C) The method by which the forms and documents identified in 103464  
division (B) of this section are to be provided to the department. 103465

**Sec. ~~5111.35~~ 5165.60.** As used in this section, "a resident's 103466  
rights" means the rights of a nursing facility resident under 103467  
sections 3721.10 to 3721.17 of the Revised Code ~~and subsection (e)~~ 103468

~~of section 1819 or 1919 of,~~ the "Social Security Act," 49 Stat. 103469  
~~620 (1935) sections 1819(c) and 1919(c),~~ 42 U.S.C.A. 301, as 103470  
~~amended 1395i-3(c) and 1396r(c),~~ and federal regulations issued 103471  
under those ~~subsections~~ sections of the "Social Security Act." 103472

As used in sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 103473  
Revised Code: 103474

(A) "Certification requirements" means the requirements for 103475  
nursing facilities established under ~~sections 1819 and 1919 of the~~ 103476  
"Social Security Act-," sections 1819 and 1919, 42 U.S.C. 1395i-3 103477  
and 1396r. 103478

(B) "Compliance" means substantially meeting all applicable 103479  
certification requirements. 103480

(C) "Contracting agency" means a state agency that has 103481  
entered into a contract with the department of ~~job and family~~ 103482  
~~services~~ medicaid under section ~~5111.38~~ 5165.63 of the Revised 103483  
Code. 103484

(D)(1) "Deficiency" means a finding cited by the department 103485  
of health during a survey, on the basis of one or more actions, 103486  
practices, situations, or incidents occurring at a nursing 103487  
facility, that constitutes a severity level three finding, 103488  
severity level four finding, scope level three finding, or scope 103489  
level four finding. Whenever the finding is a repeat finding, 103490  
"deficiency" also includes any finding that is a severity level 103491  
two and scope level one finding, a severity level two and scope 103492  
level two finding, or a severity level one and scope level two 103493  
finding. 103494

(2) "Cluster of deficiencies" means deficiencies that result 103495  
from noncompliance with two or more certification requirements and 103496  
are causing or resulting from the same action, practice, 103497  
situation, or incident. 103498

(E) "Emergency" means either of the following: 103499

|                                                                                                                                                                                                                                                                                                                                                                   |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (1) A deficiency or cluster of deficiencies that creates a condition of immediate jeopardy;                                                                                                                                                                                                                                                                       | 103500<br>103501                                         |
| (2) An unexpected situation or sudden occurrence of a serious or urgent nature that creates a substantial likelihood that one or more residents of a nursing facility may be seriously harmed if allowed to remain in the facility, including the following:                                                                                                      | 103502<br>103503<br>103504<br>103505                     |
| (a) A flood or other natural disaster, civil disaster, or similar event;                                                                                                                                                                                                                                                                                          | 103506<br>103507                                         |
| (b) A labor strike that suddenly causes the number of staff members in a nursing facility to be below that necessary for resident care.                                                                                                                                                                                                                           | 103508<br>103509<br>103510                               |
| (F) "Finding" means a finding of noncompliance with certification requirements determined by the department of health under section <del>5111.41</del> <u>5165.66</u> of the Revised Code.                                                                                                                                                                        | 103511<br>103512<br>103513                               |
| (G) "Immediate jeopardy" means that one or more residents of a nursing facility are in imminent danger of serious physical or life-threatening harm.                                                                                                                                                                                                              | 103514<br>103515<br>103516                               |
| (H) "Medicaid eligible resident" means a person who is a resident of a nursing facility, or is applying for admission to a nursing facility, and is eligible <del>to receive financial assistance for nursing facility services</del> <u>under the medical assistance</u> <del>medicaid</del> <u>program for the care the person receives in such a facility.</u> | 103517<br>103518<br>103519<br>103520<br>103521<br>103522 |
| (I) "Noncompliance" means failure to substantially meet all applicable certification requirements.                                                                                                                                                                                                                                                                | 103523<br>103524                                         |
| (J) "Nursing facility" <del>has the same meaning as in section 5111.20 of the Revised Code</del> <u>includes a skilled nursing facility to the extent the context requires.</u>                                                                                                                                                                                   | 103525<br>103526<br>103527                               |
| (K) <del>"Provider" means a person, institution, or entity that furnishes nursing facility services under a medical assistance</del>                                                                                                                                                                                                                              | 103528<br>103529                                         |

~~program provider agreement.~~ 103530

~~(L) "Provider agreement" means a contract between the 103531  
department of job and family services and a provider for the 103532  
provision of nursing facility services under the medicaid program.~~ 103533

~~(M) "Repeat finding" or "repeat deficiency" means a finding 103534  
or deficiency cited pursuant to a survey, to which both of the 103535  
following apply: 103536~~

(1) The finding or deficiency involves noncompliance with the 103537  
same certification requirement, and the same kind of actions, 103538  
practices, situations, or incidents caused by or resulting from 103539  
the noncompliance, as were cited in the immediately preceding 103540  
standard survey or another survey conducted subsequent to the 103541  
immediately preceding standard survey of the facility. For 103542  
purposes of this division, actions, practices, situations, or 103543  
incidents may be of the same kind even though they involve 103544  
different residents, staff, or parts of the facility. 103545

(2) The finding or deficiency is cited subsequent to a 103546  
determination by the department of health that the finding or 103547  
deficiency cited on the immediately preceding standard survey, or 103548  
another survey conducted subsequent to the immediately preceding 103549  
standard survey, had been corrected. 103550

~~(N)~~(L)(1) "Scope level one finding" means a finding of 103551  
noncompliance by a nursing facility in which the actions, 103552  
situations, practices, or incidents causing or resulting from the 103553  
noncompliance affect one or a very limited number of facility 103554  
residents and involve one or a very limited number of facility 103555  
staff members. 103556

(2) "Scope level two finding" means a finding of 103557  
noncompliance by a nursing facility in which the actions, 103558  
situations, practices, or incidents causing or resulting from the 103559  
noncompliance affect more than a limited number of facility 103560

residents or involve more than a limited number of facility staff 103561  
members, but the number or percentage of facility residents 103562  
affected or staff members involved and the number or frequency of 103563  
the actions, situations, practices, or incidents in short 103564  
succession does not establish any reasonable degree of 103565  
predictability of similar actions, situations, practices, or 103566  
incidents occurring in the future. 103567

(3) "Scope level three finding" means a finding of 103568  
noncompliance by a nursing facility in which the actions, 103569  
situations, practices, or incidents causing or resulting from the 103570  
noncompliance affect more than a limited number of facility 103571  
residents or involve more than a limited number of facility staff 103572  
members, and the number or percentage of facility residents 103573  
affected or staff members involved or the number or frequency of 103574  
the actions, situations, practices, or incidents in short 103575  
succession establishes a reasonable degree of predictability of 103576  
similar actions, situations, practices, or incidents occurring in 103577  
the future. 103578

(4) "Scope level four finding" means a finding of 103579  
noncompliance by a nursing facility causing or resulting from 103580  
actions, situations, practices, or incidents that involve a 103581  
sufficient number or percentage of facility residents or staff 103582  
members or occur with sufficient regularity over time that the 103583  
noncompliance can be considered systemic or pervasive in the 103584  
facility. 103585

~~(O)~~(M)(1) "Severity level one finding" means a finding of 103586  
noncompliance by a nursing facility that has not caused and, if 103587  
continued, is unlikely to cause physical harm to a facility 103588  
resident, mental or emotional harm to a resident, or a violation 103589  
of a resident's rights that results in physical, mental, or 103590  
emotional harm to the resident. 103591

(2) "Severity level two finding" means a finding of 103592

noncompliance by a nursing facility that, if continued over time, 103593  
will cause, or is likely to cause, physical harm to a facility 103594  
resident, mental or emotional harm to a resident, or a violation 103595  
of a resident's rights that results in physical, mental, or 103596  
emotional harm to the resident. 103597

(3) "Severity level three finding" means a finding of 103598  
noncompliance by a nursing facility that has caused physical harm 103599  
to a facility resident, mental or emotional harm to a resident, or 103600  
a violation of a resident's rights that results in physical, 103601  
mental, or emotional harm to the resident. 103602

(4) "Severity level four finding" means a finding of 103603  
noncompliance by a nursing facility that has caused 103604  
life-threatening harm to a facility resident or caused a 103605  
resident's death. 103606

~~(P)~~(N) "State agency" has the same meaning as in section 1.60 103607  
of the Revised Code. 103608

~~(Q)~~(O) "Substandard care" means care furnished in a facility 103609  
in which the department of health has cited a deficiency or 103610  
deficiencies that constitute one of the following: 103611

(1) A severity level four finding, regardless of scope; 103612

(2) A severity level three and scope level four finding, in 103613  
the quality of care provided to residents; 103614

(3) A severity level three and scope level three finding, in 103615  
the quality of care provided to residents. 103616

~~(R)~~(P)(1) "Survey" means a survey of a nursing facility 103617  
conducted under section ~~5111.39~~ 5165.64 of the Revised Code. 103618

(2) "Standard survey" means a survey conducted by the 103619  
department of health under division (A) of section ~~5111.39~~ 5165.64 103620  
of the Revised Code and includes an extended survey. 103621

(3) "Follow-up survey" means a survey conducted by the 103622

department of health to determine whether a nursing facility has 103623  
substantially corrected deficiencies cited in a previous survey. 103624

**Sec. ~~5111.36~~ 5165.61.** The medicaid director of ~~job and family~~ 103625  
~~services~~ may adopt rules under ~~Chapter 119.~~ section 5165.02 of the 103626  
Revised Code that are consistent with regulations, guidelines, and 103627  
procedures issued by the United States secretary of health and 103628  
human services under ~~sections 1819 and 1919~~ of the "Social 103629  
Security Act," ~~49 Stat. 620 (1935)~~ sections 1819 and 1919, 42 103630  
U.S.C.A. ~~301, as amended 1395i-3 and 1396r~~, and necessary for 103631  
administration and enforcement of sections ~~5111.35~~ 5165.60 to 103632  
~~5111.62~~ 5165.89 of the Revised Code. If the secretary does not 103633  
issue appropriate regulations for enforcement of those sections 103634  
~~1819 and 1919~~ of the "Social Security Act" on or before December 103635  
13, 1990, the medicaid director of ~~job and family services~~ may 103636  
adopt, under ~~Chapter 119.~~ section 5165.02 of the Revised Code, 103637  
rules that are consistent with those sections and with sections 103638  
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. 103639

**Sec. ~~5111.37~~ 5165.62.** The department of ~~job and family~~ 103640  
~~services~~ medicaid is hereby authorized to enforce sections ~~5111.35~~ 103641  
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. The department may 103642  
enforce the sections directly or through contracting agencies. The 103643  
department and agencies shall enforce the sections in accordance 103644  
with the requirements of ~~sections 1819 and 1919~~ of the "Social 103645  
Security Act," ~~49 Stat. 620 (1935)~~ sections 1819 and 1919, 42 103646  
U.S.C.A. ~~301, as amended 1395i-3 and 1396r~~, that apply to nursing 103647  
facilities; with regulations, guidelines, and procedures adopted 103648  
by the United States secretary of health and human services for 103649  
the enforcement of those sections ~~1819 and 1919~~ of the "Social 103650  
Security Act"; and with the rules ~~adopted under~~ authorized by 103651  
section ~~5111.36~~ 5165.61 of the Revised Code. The department and 103652  
agencies shall enforce sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 103653



of the Revised Code for purposes of the medicare program, ~~Title~~ 103654  
~~XVIII of the "Social Security Act,"~~ only to the extent prescribed 103655  
by the regulations, guidelines, and procedures issued by the 103656  
secretary under ~~section 1819 of that act~~ the "Social Security 103657  
Act," section 1819, 42 U.S.C. 1395i-3. 103658

**Sec. ~~5111.38~~ 5165.63.** The department of ~~job and family~~ 103659  
~~services~~ medicaid may enter into contracts with other state 103660  
agencies pursuant to section 5162.35 of the Revised Code that 103661  
authorize the agencies to perform all or part of the duties 103662  
assigned to the department of ~~job and family services~~ medicaid 103663  
under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised 103664  
Code. Each contract shall specify the duties the agency is 103665  
authorized to perform and the sections of the Revised Code under 103666  
which the agency is authorized to perform those duties. 103667

**Sec. ~~5111.39~~ 5165.64.** (A) The department of health shall 103668  
conduct a survey, titled a standard survey, of every nursing 103669  
facility in this state on a statewide average of not more than 103670  
once every twelve months. Each nursing facility shall undergo a 103671  
standard survey at least once every fifteen months as a condition 103672  
of meeting certification requirements. The department may extend a 103673  
standard survey; such a survey is titled an extended survey. 103674

(B) The department may conduct surveys in addition to 103675  
standard surveys when it considers them necessary. 103676

(C) The department shall conduct surveys in accordance with 103677  
the regulations, guidelines, and procedures issued by the United 103678  
States secretary of health and human services under ~~Titles~~ Title 103679  
~~XVIII and Title XIX of the "Social Security Act," 49 Stat. 620~~ 103680  
~~(1935), 42 U.S.C.A. 301, as amended,~~ sections ~~5111.40~~ 5165.65 to 103681  
~~5111.42~~ 5165.68 of the Revised Code, and rules adopted under 103682  
section 3721.022 of the Revised Code. 103683

**Sec. ~~5111.40~~ 5165.65.** (A) At the conclusion of each survey, 103684  
the department of health survey team shall conduct an exit 103685  
interview with the administrator or other person in charge of the 103686  
nursing facility and any other facility staff members designated 103687  
by the administrator or person in charge of the facility. During 103688  
the exit interview, at the request of the administrator or other 103689  
person in charge of the facility, the survey team shall provide 103690  
one of the following, as selected by the survey team: 103691

(1) Copies of all survey notes and any other written 103692  
materials created during the survey; 103693

(2) A written summary of the survey team's recommendations 103694  
regarding findings of noncompliance with certification 103695  
requirements; 103696

(3) An audio or audiovisual recording of the interview. If 103697  
the survey team selects this option, at least two copies of the 103698  
recording shall be made and the survey team shall select one copy 103699  
to be kept by the survey team for use by the department of health. 103700

(B) All expenses of copying under division (A)(1) of this 103701  
section or recording under division (A)(3) of this section, 103702  
including the cost of the copy of the recording kept by the survey 103703  
team, shall be paid by the facility. 103704

**Sec. ~~5111.41~~ 5165.66.** (A) Except as provided in section 103705  
3721.17 of the Revised Code, a finding shall be cited only on the 103706  
basis of a survey and a determination that one or more actions, 103707  
practices, situations, or incidents at a nursing facility caused 103708  
or resulted from the facility's failure to comply with one or more 103709  
certification requirements. The department of health shall 103710  
determine whether the actions, practices, situations, or incidents 103711  
can be justified by either of the following: 103712

(1) The actions, practices, situations, or incidents resulted 103713

from a resident exercising the resident's rights guaranteed under 103714  
the laws of the United States or of this state; 103715

(2) The actions, practices, situations, or incidents resulted 103716  
from a facility following the orders of a person licensed under 103717  
Chapter 4731. of the Revised Code to practice medicine or surgery 103718  
or osteopathic medicine and surgery. 103719

(B) If the department of health determines both that the 103720  
actions, practices, situations, or incidents cannot be justified 103721  
by the factors identified in division (A) of this section and that 103722  
one or more of the following are applicable, the department shall 103723  
declare that the actions, practices, situations, or incidents 103724  
constitute a finding: 103725

(1) The actions, practices, situations, or incidents could 103726  
have been prevented by one or more persons involved in the 103727  
facility's operation; 103728

(2) No person involved in the facility's operation identified 103729  
the actions, practices, situations, or incidents prior to the 103730  
survey; 103731

(3) Prior to the survey, no person involved in the facility's 103732  
operation initiated action to correct the noncompliance caused by 103733  
or resulting in the actions, practices, situations, or incidents; 103734

(4) The facility does not have in effect, if needed, a 103735  
contingency plan that is reasonably calculated to prevent 103736  
physical, mental, or emotional harm to residents while permanent 103737  
corrective action is being taken. 103738

(C) The department of health shall determine the severity 103739  
level and scope level of each finding. 103740

(D) A deficiency that is substantially corrected within the 103741  
time limits specified in sections ~~5111.52~~ 5165.79 to 103742  
~~5111.56~~5165.83 of the Revised Code and for which no remedy is 103743

imposed, shall be counted as a deficiency for the purpose of 103744  
determining whether a deficiency is a repeat deficiency. 103745

(E) Whenever the department of health determines that during 103746  
the period between two surveys a finding existed at the facility, 103747  
but the facility substantially corrected it prior to the second 103748  
survey, the department shall cite it. However, the department of 103749  
~~job and family services~~ medicaid or a contracting agency shall 103750  
impose a remedy only as provided in division (C) of section 103751  
~~5111.46~~ 5165.72 of the Revised Code. 103752

(F) Immediately upon determining the severity and scope of a 103753  
finding at a nursing facility, the department of health shall 103754  
notify the department of ~~job and family services~~ medicaid and any 103755  
contracting agency of the finding, the severity and scope of the 103756  
finding, and whether the finding creates immediate jeopardy. 103757  
Immediately upon determining that an emergency exists at a 103758  
facility that does not result from a deficiency that creates 103759  
immediate jeopardy, the department of health shall notify the 103760  
department of ~~job and family services~~ medicaid and any contracting 103761  
agency. 103762

**Sec. ~~5111.411~~ 5165.67.** The results of a survey of a nursing 103763  
facility that is conducted under section ~~5111.39~~ 5165.64 of the 103764  
Revised Code, including any statement of deficiencies and all 103765  
findings and deficiencies cited in the statement on the basis of 103766  
the survey, shall be used solely to determine the nursing 103767  
facility's compliance with certification requirements or with this 103768  
chapter or another chapter of the Revised Code. Those results of a 103769  
survey, that statement of deficiencies, and the findings and 103770  
deficiencies cited in that statement shall not be used in any 103771  
court or in any action or proceeding that is pending in any court 103772  
and are not admissible in evidence in any action or proceeding 103773  
unless that action or proceeding is an appeal of an administrative 103774

action by the department of ~~job and family services~~ medicaid or 103775  
contracting agency under this chapter or is an action by any 103776  
department or agency of the state to enforce this chapter or 103777  
another chapter of the Revised Code. 103778

Nothing in this section prohibits the results of a survey, a 103779  
statement of deficiencies, or the findings and deficiencies cited 103780  
in that statement on the basis of the survey under this section 103781  
from being used in a criminal investigation or prosecution. 103782

**Sec. ~~5111.42~~ 5165.68.** (A) Not later than ten days after an 103783  
exit interview, the department of health shall deliver to the 103784  
nursing facility a detailed statement, titled a statement of 103785  
deficiencies, setting forth all findings and deficiencies cited on 103786  
the basis of the survey, including any finding cited pursuant to 103787  
division (E) of section ~~5111.41~~ 5165.66 of the Revised Code. The 103788  
statement shall indicate the severity and scope level of each 103789  
finding and fully describe the incidents or other facts that form 103790  
the basis of the department's determination of the existence of 103791  
each finding and deficiency. A failure by the survey team to 103792  
completely disclose in the exit interview every finding that may 103793  
result from the survey does not affect the validity of any finding 103794  
or deficiency cited in the statement of deficiencies. On request 103795  
of the facility, the department shall provide a copy of any 103796  
written worksheet or other document produced by the survey team in 103797  
making recommendations regarding scope and severity levels of 103798  
findings and deficiencies. 103799

(B) At the same time the department of health delivers a 103800  
statement of deficiencies, it also shall deliver to the facility a 103801  
separate written notice that states all of the following: 103802

(1) That the department of ~~job and family services~~ medicaid 103803  
or a contracting agency will issue an order under section ~~5111.57~~ 103804  
5165.84 of the Revised Code denying payment for any medicaid 103805

eligible residents admitted on and after the effective date of the 103806  
order if the facility does not substantially correct, within 103807  
ninety days after the exit interview, the deficiency or 103808  
deficiencies cited in the statement of deficiencies in accordance 103809  
with the plan of correction it submitted under section ~~5111.43~~ 103810  
5165.69 of the Revised Code; 103811

(2) If a condition of substandard care has been cited on the 103812  
basis of a standard survey and a condition of substandard care was 103813  
also cited on the immediately preceding standard survey, that the 103814  
department of ~~job and family services~~ medicaid or a contracting 103815  
agency will issue an order under section ~~5111.57~~ 5165.84 of the 103816  
Revised Code denying payment for any medicaid eligible residents 103817  
admitted on and after the effective date of the order if a 103818  
condition of substandard care is cited on the basis of the next 103819  
standard survey; 103820

(3) That the department of ~~job and family services~~ medicaid 103821  
or a contracting agency will issue an order under section ~~5111.58~~ 103822  
5165.88 of the Revised Code terminating the facility's 103823  
participation in the ~~medical assistance~~ medicaid program if either 103824  
of the following applies: 103825

(a) The facility does not substantially correct the 103826  
deficiency or deficiencies in accordance with the plan of 103827  
correction it submitted under section ~~5111.43~~ 5165.69 of the 103828  
Revised Code within six months after the exit interview. 103829

(b) The facility substantially corrects the deficiency or 103830  
deficiencies within the six-month period, but after correcting it, 103831  
the department of health, based on a follow-up survey conducted 103832  
during the remainder of the six-month period, determines that the 103833  
facility has failed to maintain compliance with certification 103834  
requirements. 103835

**Sec. ~~5111.43~~ 5165.69.** (A) Whenever a nursing facility 103836

receives a statement of deficiencies under section ~~5111.42~~ 5165.68 103837  
of the Revised Code, the facility shall submit to the department 103838  
of health for its approval a plan of correction for each finding 103839  
cited in the statement. The plan shall ~~describe~~ include all of the 103840  
following: 103841

(1) Detailed descriptions of the actions the facility will 103842  
take to correct each finding and specify the, including actions 103843  
the facility will take to protect residents situated similarly to 103844  
the residents affected by the causes of the findings; 103845

(2) The date by which each finding will be corrected. ~~In the~~ 103846  
~~case of;~~ 103847

(3) A detailed description of an ongoing monitoring and 103848  
improvement process to be used at the facility that is focused on 103849  
preventing any recurrence of the causes of the findings; 103850

(4) If the plan concerns a finding assigned a severity level 103851  
indicating that a resident was harmed or immediate jeopardy 103852  
exists, all of the following: 103853

(a) Detailed analyses of the facts and circumstances of the 103854  
finding, including identification of its root cause; 103855

(b) A detailed explanation of how the corrective actions 103856  
described pursuant to division (A)(1) of this section relate to 103857  
the root cause of the finding identified pursuant to division 103858  
(A)(4)(a) of this section; 103859

(c) A detailed explanation of the relationship between the 103860  
ongoing monitoring and improvement process described pursuant to 103861  
division (A)(3) of this section and the root cause of the finding 103862  
identified pursuant to division (A)(4)(a) of this section. 103863

(5) If the plan concerns a finding cited pursuant to division 103864  
(E) of section ~~5111.41~~ 5165.66 of the Revised Code, the plan shall 103865  
describe a description of the actions the facility took to correct 103866

the finding and the date on which it was corrected. 103867

(B)(1) The department shall approve any plan, and any 103868  
modification of an existing plan a nursing facility submits to the 103869  
department, that ~~conforms~~ does both of the following: 103870

(a) Conforms to the requirements for approval of plans of 103871  
corrections, and modifications, established in the regulations, 103872  
guidelines, and procedures issued by the United States secretary 103873  
of health and human services under ~~Titles~~ Title XVIII and Title 103874  
XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 103875  
301, as amended; 103876

(b) Includes all the information required by division (A) of 103877  
this section. ~~The department also shall approve any modification~~ 103878  
~~of an existing plan submitted by a facility, if the plan as~~ 103879  
~~modified conforms to those regulations, guidelines, and~~ 103880  
~~procedures. The~~ 103881

(2) The department shall consult with the department of 103882  
medicaid, department of aging, and office of the state long-term 103883  
care ombudsman program when determining whether a plan, or 103884  
modification of an existing plan, to which division (A)(4) of this 103885  
section applies conforms to the requirements for approval. The 103886  
department shall not reject a facility's plan of correction or 103887  
modification on the ground that the facility disputes the finding, 103888  
if the plan or modification is reasonably calculated to correct 103889  
the finding. 103890

(C) A facility that complies with this section shall not be 103891  
considered to have admitted the existence of a finding cited by 103892  
the department. 103893

**Sec. ~~5111.44~~ 5165.70.** The department of health may appoint 103894  
employees of the department to conduct on-site monitoring of a 103895  
nursing facility whenever a finding is cited, including any 103896



finding cited pursuant to division (E) of section ~~5111.41~~ 5165.66 103897  
of the Revised Code, or an emergency is found to exist. 103898  
Appointment of monitors under this section is not subject to 103899  
appeal under section ~~5111.60~~ 5165.87 or any other section of the 103900  
Revised Code. No employee of a facility for which monitors are 103901  
appointed, no person employed by the facility within the previous 103902  
two years, and no person who currently has a consulting or other 103903  
contract with the department or the facility, shall be appointed 103904  
as a monitor under this section. Every monitor appointed under 103905  
this section shall have the professional qualifications necessary 103906  
to monitor correction of the finding or elimination of the 103907  
emergency. 103908

**Sec. ~~5111.45~~ 5165.71.** (A) If the department of health cites a 103909  
deficiency or deficiencies that was not substantially corrected 103910  
before a survey and that does not constitute a severity level four 103911  
finding or create immediate jeopardy, the department of ~~job and~~ 103912  
~~family services~~ medicaid or a contracting agency shall permit the 103913  
nursing facility to continue participating in the ~~medical~~ 103914  
~~assistance~~ medicaid program for up to six months after the exit 103915  
interview, if all of the following apply: 103916

(1) The facility meets the requirements, established in 103917  
regulations issued by the United States secretary of health and 103918  
human services under Title XIX ~~of the "Social Security Act,"~~ 49 103919  
~~Stat. 620 (1935),~~ 42 U.S.C.A. 301, ~~as amended,~~ for certification 103920  
of nursing facilities that have a deficiency. 103921

(2) The department of health has approved a plan of 103922  
correction submitted by the facility under section ~~5111.43~~ 5165.69 103923  
of the Revised Code for each deficiency. 103924

(3) The provider agrees to repay the department of ~~job and~~ 103925  
~~family services~~ medicaid, in accordance with section ~~5111.58~~ 103926  
5165.85 of the Revised Code, the federal share of all payments 103927

made by the department to the facility during the six-month period 103928  
following the exit interview if the facility does not within the 103929  
six-month period substantially correct the deficiency or 103930  
deficiencies in accordance with the plan of correction submitted 103931  
under section ~~5111.43~~ 5165.69 of the Revised Code. 103932

(B) If any of the conditions in divisions (A)(1) to (3) of 103933  
this section do not apply, the department of ~~job and family~~ 103934  
~~services~~ medicaid or contracting agency shall issue an order 103935  
terminating the facility's participation in the ~~medical assistance~~ 103936  
medicaid program. An order issued under this division is subject 103937  
to appeal under Chapter 119. of the Revised Code. The order shall 103938  
not take effect prior to the later of the thirtieth day after it 103939  
is delivered to the facility or, if the order is appealed, the 103940  
date on which a final adjudication order upholding the termination 103941  
becomes effective pursuant to Chapter 119. of the Revised Code. 103942

(C) At the time the department of ~~job and family services~~ 103943  
medicaid or contracting agency issues an order under division (B) 103944  
of this section terminating a nursing facility's participation in 103945  
the ~~medical assistance~~ medicaid program, it may also impose, 103946  
subject to section ~~5111.50~~ 5165.76 of the Revised Code, other 103947  
remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 of the 103948  
Revised Code. 103949

**Sec. ~~5111.46~~ 5165.72.** (A) If the department of health cites a 103950  
deficiency, or cluster of deficiencies, that was not substantially 103951  
corrected before a survey and constitutes a severity level four 103952  
finding, the department of ~~job and family services~~ medicaid or 103953  
contracting agency shall, subject to sections ~~5111.52~~ 5165.79 to 103954  
~~5111.56~~ 5165.83 of the Revised Code, impose a remedy for the 103955  
deficiency or cluster of deficiencies. The department or agency 103956  
may act under either division (A)(1) or (2) of this section: 103957

103958

- (1) The department or agency may impose one or more of the following remedies: 103959  
103960
- (a) Issue an order terminating the nursing facility's participation in the ~~medical assistance~~ medicaid program. 103961  
103962
- (b) Do either of the following: 103963
- (i) Regardless of whether the provider consents, appoint a temporary manager of the facility. 103964  
103965
- (ii) Apply to the common pleas court of the county in which the facility is located for such injunctive or other equitable relief as is necessary for the appointment of a special master with such powers and authority over the facility and length of appointment as the court considers necessary. 103966  
103967  
103968  
103969  
103970
- (c) Do either of the following: 103971
- (i) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for all medicaid eligible residents admitted after the effective date of the order; 103972  
103973  
103974
- (ii) Impose a fine. 103975
- (d) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for medicaid eligible residents admitted after the effective date of the order who have certain diagnoses or special care needs specified by the department or agency. 103976  
103977  
103978  
103979  
103980
- (2) The department or agency may impose one or more of the following remedies: 103981  
103982
- (a) Appoint, subject to the continuing consent of the provider, a temporary manager of the facility; 103983  
103984
- (b) Do either of the following: 103985
- (i) Regardless of whether the provider consents, appoint a temporary manager of the facility; 103986  
103987

(ii) Apply to the common pleas court of the county in which the facility is located for such injunctive or other equitable relief as is necessary for the appointment of a special master with such powers and authority over the facility and length of appointment as the court considers necessary.

(c) Do either of the following:

(i) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for all medicaid eligible residents admitted after the effective date of the order;

(ii) Impose a fine.

(d) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for medicaid eligible residents admitted after the effective date of the order who have certain diagnoses or special care needs specified by the department or agency;

(e) Issue an order requiring the facility to correct the deficiency or cluster of deficiencies under the plan of correction submitted by the facility and approved by the department of health under section ~~5111.43~~ 5165.69 of the Revised Code.

(B) The department of ~~job and family services~~ medicaid or contracting agency shall deliver a written order issued under division (A)(1) of this section terminating a nursing facility's participation in the ~~medical assistance~~ medicaid program to the facility within five days after the exit interview. If the facility alleges, at any time prior to the later of the twentieth day after the exit interview or the fifteenth day after it receives the order, that the deficiency or cluster of deficiencies for which the order was issued has been substantially corrected, the department of health shall conduct a follow-up survey to determine whether the deficiency or cluster of deficiencies has been substantially corrected. The order shall take effect and the

facility's participation shall terminate on the twentieth day 104019  
after the exit interview, unless the facility has substantially 104020  
corrected the deficiency or cluster of deficiencies that 104021  
constituted a severity level four finding or did not receive 104022  
notice from the department of ~~job and family services~~ medicaid or 104023  
contracting agency within five days after the exit interview. In 104024  
the latter case, the order shall take effect and the facility's 104025  
participation shall terminate on the fifteenth day after the 104026  
facility received the order. 104027

(C) If the department of health cites a deficiency or cluster 104028  
of deficiencies pursuant to division (E) of section ~~5111.41~~ 104029  
5165.66 of the Revised Code that constituted a severity level four 104030  
finding, the department of ~~job and family services~~ medicaid or a 104031  
contracting agency shall, subject to section ~~5111.56~~ 5165.83 of 104032  
the Revised Code, impose a fine. The fine shall be in effect for a 104033  
period equal to the number of days the deficiency or cluster of 104034  
deficiencies existed at the facility. 104035

**Sec. ~~5111.47~~ 5165.73.** If the department of health cites a 104036  
deficiency, or cluster of deficiencies, that was not substantially 104037  
corrected before a survey and constitutes a severity level three 104038  
and scope level three or four finding, the department of ~~job and~~ 104039  
~~family services~~ medicaid or a contracting agency may, subject to 104040  
sections ~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, 104041  
impose one or more of the following remedies: 104042

(A) Do either of the following: 104043

(1) Issue an order denying ~~payment~~ medicaid payments to the 104044  
facility ~~under the medical assistance program~~ for all medicaid 104045  
eligible residents admitted after the effective date of the order; 104046

(2) Impose a fine. 104047

(B) Issue an order denying ~~payment~~ medicaid payments to the 104048

facility ~~under the medical assistance program~~ for medicaid 104049  
eligible residents admitted after the effective date of the order 104050  
who have certain diagnoses or special care needs specified by the 104051  
department or agency; 104052

(C) Issue an order requiring the facility to correct the 104053  
deficiency or cluster of deficiencies under the plan of correction 104054  
submitted by the facility and approved by the department of health 104055  
under section ~~5111.43~~ 5165.69 of the Revised Code. 104056

**Sec. ~~5111.48~~ 5165.74.** (A) If the department of health cites a 104057  
deficiency, or cluster of deficiencies, that was not substantially 104058  
corrected before a survey and constitutes a severity level three 104059  
and scope level two finding, the department of ~~job and family~~ 104060  
~~services~~ medicaid or a contracting agency may, subject to sections 104061  
~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose 104062  
one or more of the following remedies: 104063

(1) Do either of the following: 104064

(a) Issue an order denying ~~payment~~ medicaid payments to the 104065  
facility ~~under the medical assistance program~~ for all medicaid 104066  
eligible residents admitted after the effective date of the order; 104067

(b) Impose a fine. 104068

(2) Issue an order denying ~~payment~~ medicaid payments to the 104069  
facility ~~under the medical assistance program~~ for medicaid 104070  
eligible residents admitted after the effective date of the order 104071  
who have certain diagnoses or special care needs specified by the 104072  
department or agency; 104073

(3) Issue an order requiring the facility to correct the 104074  
deficiency or cluster of deficiencies under the plan of correction 104075  
proposed by the facility and approved by the department of health 104076  
under section ~~5111.43~~ 5165.69 of the Revised Code. 104077

(B) If the department of health cites a deficiency, or 104078

cluster of deficiencies, that was not substantially corrected 104079  
before a survey and constitutes a severity level three and scope 104080  
level one finding, the department of ~~job and family services~~ 104081  
medicaid or a contracting agency may, subject to sections ~~5111.55~~ 104082  
5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose one or 104083  
more of the following remedies: 104084

(1) Impose a fine; 104085

(2) Issue an order denying ~~payment~~ medicaid payments to the 104086  
facility ~~under the medical assistance program~~ for medicaid 104087  
eligible residents admitted after the effective date of the order 104088  
who have certain diagnoses or special care needs specified by the 104089  
department or agency; 104090

(3) Issue an order requiring the facility to correct the 104091  
deficiency or cluster of deficiencies under the plan of correction 104092  
proposed by the facility and approved by the department of health 104093  
under section ~~5111.43~~ 5165.69 of the Revised Code. 104094

(C) If the department of health cites a deficiency, or 104095  
cluster of deficiencies, that was not substantially corrected 104096  
before a survey and constitutes a severity level two and a scope 104097  
level three or four finding, the department of ~~job and family~~ 104098  
~~services~~ medicaid or a contracting agency may, subject to sections 104099  
~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose 104100  
one or more of the following remedies: 104101

(1) Impose a fine; 104102

(2) Issue an order denying ~~payment~~ medicaid payments to the 104103  
facility ~~under the medical assistance program~~ for medicaid 104104  
eligible residents admitted after the effective date of the order 104105  
who have certain diagnoses or special care needs specified by the 104106  
department or agency; 104107

(3) Issue an order requiring the facility to correct the 104108  
deficiency or cluster of deficiencies under the plan of correction 104109

submitted by the facility and approved by the department of health 104110  
under section ~~5111.43~~ 5165.69 of the Revised Code. 104111

(D) If the department of health cites a deficiency, or 104112  
cluster of deficiencies, that was not substantially corrected 104113  
before a survey, constitutes a severity level two and scope level 104114  
one or two finding, and is a repeat finding, the department of ~~job~~ 104115  
~~and family services~~ medicaid or a contracting agency may issue an 104116  
order requiring the facility to correct the deficiency or cluster 104117  
of deficiencies under the plan of correction submitted by the 104118  
facility and approved by the department of health under section 104119  
~~5111.43~~ 5165.69 of the Revised Code. 104120

(E) If the department of health cites a deficiency, or 104121  
cluster of deficiencies, that was not substantially corrected 104122  
before a survey and constitutes a severity level one and scope 104123  
level three or four finding, the department of ~~job and family~~ 104124  
~~services~~ medicaid or a contracting agency may issue an order 104125  
requiring the facility to correct the deficiency or cluster of 104126  
deficiencies under the plan of correction submitted by the 104127  
facility and approved by the department of health under section 104128  
~~5111.43~~ 5165.69 of the Revised Code. 104129

(F) If the department of health cites a deficiency, or 104130  
cluster of deficiencies, that was not substantially corrected 104131  
before a survey, constitutes a severity level one and scope level 104132  
two finding, and is a repeat finding, the department of ~~job and~~ 104133  
~~family services~~ medicaid or a contracting agency may issue an 104134  
order requiring the facility to correct the deficiency or cluster 104135  
of deficiencies under the plan of correction submitted by the 104136  
facility and approved by the department of health under section 104137  
~~5111.43~~ 5165.69 of the Revised Code. 104138

**Sec. ~~5111.49~~ 5165.75.** (A) In determining which remedies to 104139  
impose under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 104140



5165.74 of the Revised Code, including whether a fine should be imposed, the department of ~~job and family services~~ medicaid or a contracting agency shall do both of the following:

(1) Impose the remedies that are most likely to achieve correction of deficiencies, encourage sustained compliance with certification requirements, and protect the health, safety, and rights of facility residents, but that are not directed at punishment of the facility;

(2) Consider all of the following:

(a) The presence or absence of immediate jeopardy;

(b) The relationships of groups of deficiencies to each other;

(c) The facility's history of compliance with certification requirements generally and in the specific area of the deficiency or deficiencies;

(d) Whether the deficiency or deficiencies are directly related to resident care;

(e) The corrective, long-term compliance, resident protective, and nonpunitive outcomes sought by the department or agency;

(f) The nature, scope, and duration of the noncompliance with certification requirements;

(g) The existence of repeat deficiencies;

(h) The category of certification requirements with which the facility is out of compliance;

(i) Any period of noncompliance with certification requirements that occurred between two certifications by the department of health that the facility was in compliance with certification requirements;

|                                                                                                                                                                                                                                                                                                                                                           |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (j) The facility's degree of culpability;                                                                                                                                                                                                                                                                                                                 | 104170                                         |
| (k) The accuracy, extent, and availability of facility records;                                                                                                                                                                                                                                                                                           | 104171<br>104172                               |
| (l) The facility's financial condition, exclusive of any moneys donated to a facility that is an organization described in subsection 501(c)(3) and is tax exempt under subsection 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1;                                                                                          | 104173<br>104174<br>104175<br>104176<br>104177 |
| (m) Any adverse effect that the action or fine would have on the health and safety of facility residents;                                                                                                                                                                                                                                                 | 104178<br>104179                               |
| (n) If the noncompliance that resulted in the citation of a deficiency or cluster of deficiencies existed before a change in ownership of the facility, whether the new owner or owners have had sufficient time to correct the noncompliance.                                                                                                            | 104180<br>104181<br>104182<br>104183           |
| (B) Whenever the department or agency imposes remedies under section <del>5111.46</del> <u>5165.72</u> , <del>5111.47</del> <u>5165.73</u> , or <del>5111.48</del> <u>5165.74</u> of the Revised Code, it shall provide a written statement to the nursing facility that specifies all of the following:                                                  | 104184<br>104185<br>104186<br>104187           |
| (1) The effective date of each remedy;                                                                                                                                                                                                                                                                                                                    | 104188                                         |
| (2) The deficiency or cluster of deficiencies for which each remedy is imposed;                                                                                                                                                                                                                                                                           | 104189<br>104190                               |
| (3) The severity and scope of the deficiency or cluster of deficiencies;                                                                                                                                                                                                                                                                                  | 104191<br>104192                               |
| (4) The rationale, including all applicable factors specified in division (A) of this section, for imposing the remedies.                                                                                                                                                                                                                                 | 104193<br>104194                               |
| <b>Sec. <del>5111.50</del> <u>5165.76</u>.</b> At the time the department of <del>job and family services</del> <u>medicaid</u> or a contracting agency, under section <del>5111.45</del> <u>5165.71</u> , <del>5111.46</del> <u>5165.72</u> , or <del>5111.51</del> <u>5165.77</u> of the Revised Code, issues an order terminating a nursing facility's | 104195<br>104196<br>104197<br>104198           |

participation in the ~~medical assistance~~ medicaid program, the 104199  
department or agency may also impose a fine, in accordance with 104200  
sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 and ~~5111.56~~ 5165.83 of 104201  
the Revised Code, to be collected in the event the termination 104202  
order does not take effect. The department or agency shall not 104203  
collect this fine if the termination order takes effect. 104204

**Sec. ~~5111.51~~ 5165.77.** (A) If the department of health finds 104205  
during a survey that an emergency exists at a nursing facility, as 104206  
the result of a deficiency or cluster of deficiencies that creates 104207  
immediate jeopardy, the department of ~~job and family services~~ 104208  
medicaid or a contracting agency shall impose one or more of the 104209  
remedies described in division (A)(1) of this section and, in 104210  
addition, may take one or both of the actions described in 104211  
division (A)(2) of this section. 104212

(1) The department or agency shall impose one or more of the 104213  
following remedies: 104214

(a) Appoint, subject to the continuing consent of the 104215  
provider, a temporary manager of the facility; 104216

(b) Apply to the common pleas court of the county in which 104217  
the facility is located for a temporary restraining order, 104218  
preliminary injunction, or such other injunctive or equitable 104219  
relief as is necessary to close the facility, transfer one or more 104220  
residents to other nursing facilities or other appropriate care 104221  
settings, or otherwise eliminate the condition of immediate 104222  
jeopardy. If the court grants such an order, injunction, or 104223  
relief, it may appoint a special master empowered to implement the 104224  
court's judgment under the court's direct supervision. 104225

(c) Issue an order terminating the facility's participation 104226  
in the ~~medical assistance~~ medicaid program; 104227

(d) Regardless of whether the provider consents, appoint a 104228

temporary manager of the facility. 104229

(2) The department or agency may do one or both of the 104230  
following: 104231

(a) Issue an order denying ~~payment~~ medicaid payments to the 104232  
facility for all medicaid eligible residents admitted after the 104233  
effective date of the order; 104234

(b) Impose remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 104235  
5165.74 of the Revised Code appropriate to the severity and scope 104236  
of the deficiency or cluster of deficiencies, except that the 104237  
department or agency shall not impose a fine for the same 104238  
deficiency for which the department or agency has issued an order 104239  
under division (A)(2)(a) of this section. 104240

(B) If the department of health, department of ~~job and family~~ 104241  
~~services~~ medicaid, or a contracting agency finds on the basis of a 104242  
survey or other visit to the facility by representatives of that 104243  
department or agency that an emergency exists at a facility that 104244  
is not the result of a deficiency or cluster of deficiencies that 104245  
constitutes immediate jeopardy, the department of ~~job and family~~ 104246  
~~services~~ medicaid or contracting agency may do either of the 104247  
following: 104248

(1) Appoint, subject to the continuing consent of the 104249  
provider, a temporary manager of the facility; 104250

(2) Apply to the common pleas court of the county in which 104251  
the facility is located for a temporary restraining order, 104252  
preliminary injunction, or such other injunctive or equitable 104253  
relief as is necessary to close the facility, transfer one or more 104254  
residents to other nursing facilities or other appropriate care 104255  
settings, or otherwise eliminate the emergency. If the court 104256  
grants such an order, injunction, or relief, it may appoint a 104257  
special master empowered to implement the court's judgment under 104258  
the court's direct supervision. 104259

(C)(1) Prior to acting under division (A)(1)(b), (c), (d), or 104260  
(2), or (B)(2) of this section, the department of ~~job and family~~ 104261  
~~services~~ medicaid or contracting agency shall give written notice 104262  
to the facility specifying all of the following: 104263

(a) The nature of the emergency, including the nature of any 104264  
deficiency or deficiencies that caused the emergency; 104265

(b) The nature of the action the department or agency intends 104266  
to take unless the department of health determines that the 104267  
facility, in the absence of state intervention, possesses the 104268  
capacity to eliminate the emergency; 104269

(c) The rationale for taking the action. 104270

(2) If the department of health determines that the facility 104271  
does not possess the capacity to eliminate the emergency in the 104272  
absence of state intervention, the department of ~~job and family~~ 104273  
~~services~~ medicaid or contracting agency may immediately take 104274  
action under division (A) or (B) of this section. If the 104275  
department of health determines that the facility possesses the 104276  
capacity to eliminate the emergency, the department of ~~job and~~ 104277  
~~family services~~ medicaid or contracting agency shall direct the 104278  
facility to eliminate the emergency within five days after the 104279  
facility's receipt of the notice. At the end of the five-day 104280  
period, the department of health shall conduct a follow-up survey 104281  
that focuses on the emergency. If the department of health 104282  
determines that the facility has eliminated the emergency within 104283  
the time period, the department of ~~job and family services~~ 104284  
medicaid or contracting agency shall not act under division 104285  
(A)(1)(b), (c), (d), or (2)(a), or (B)(2) of this section. If the 104286  
department of health determines that the facility has failed to 104287  
eliminate the emergency within the five-day period, the department 104288  
of ~~job and family services~~ medicaid or contracting agency shall 104289  
take appropriate action under division (A)(1)(b), (c), (d), or 104290  
(2), or (B)(2) of this section. 104291

(3) Until the written notice required by division (C)(1) of 104292  
this section is actually delivered, no action taken by the 104293  
department of ~~job and family services~~ medicaid or contracting 104294  
agency under division (A)(1)(b), (c), (d), or (2), or (B)(2) of 104295  
this section shall have any legal effect. In addition to the 104296  
written notice, the department of health survey team shall give 104297  
oral notice to the facility, at the time of the survey, concerning 104298  
any recommendations the survey team intends to make that could 104299  
form the basis of a determination that an emergency exists. 104300

(D) The department of ~~job and family services~~ medicaid or 104301  
contracting agency shall deliver a written order issued under 104302  
division (A)(1) of this section terminating a nursing facility's 104303  
participation in the ~~medical assistance~~ medicaid program to the 104304  
facility within five days after the exit interview. If the 104305  
facility alleges, at any time prior to the later of the twentieth 104306  
day after the exit interview or the fifteenth day after it 104307  
receives the order, that the condition of immediate jeopardy for 104308  
which the order was issued has been eliminated, the department of 104309  
health shall conduct a follow-up survey to determine whether the 104310  
immediate jeopardy has been eliminated. The order shall take 104311  
effect and the facility's participation shall terminate on the 104312  
twentieth day after the exit interview, unless the facility has 104313  
eliminated the immediate jeopardy or did not receive notice from 104314  
the department of ~~job and family services~~ medicaid or contracting 104315  
agency within five days after the exit interview. In the latter 104316  
case, the order shall take effect and the facility's participation 104317  
shall terminate on the fifteenth day after the facility received 104318  
the order. 104319

(E) Any action taken by the department of ~~job and family~~ 104320  
~~services~~ medicaid or a contracting agency under division 104321  
(A)(1)(c), (d), or (2)(a) of this section is subject to appeal 104322  
under Chapter 119. of the Revised Code, except that the department 104323

or agency may take such action prior to and during the pendency of 104324  
any proceeding under that chapter. No action taken by a facility 104325  
under division (C) of this section to eliminate an emergency cited 104326  
by the department of health shall be considered an admission by 104327  
the facility of the existence of an emergency. 104328

Sec. 5165.771. (A) As used in this section: 104329

"SFF list" means the list of nursing facilities that the 104330  
United States department of health and human services creates 104331  
under the special focus facility program. 104332

"Special focus facility program" means the program conducted 104333  
by the United States secretary of health and human services 104334  
pursuant to the "Social Security Act," section 1919(f)(10), 42 104335  
U.S.C. 1396r(f)(10). 104336

"Table A" means the table included in the SFF list that 104337  
identifies nursing facilities that are newly added to the SFF 104338  
list. 104339

"Table B" means the table included in the SFF list that 104340  
identifies nursing facilities that have not improved. 104341

"Table C" means the table included in the SFF list that 104342  
identifies nursing facilities that have shown improvement. 104343

"Table D" means the table included in the SFF list that 104344  
identifies nursing facilities that have recently graduated from 104345  
the special focus facility program. 104346

(B) The department of medicaid shall issue an order 104347  
terminating a nursing facility's participation in the medicaid 104348  
program if any of the following apply: 104349

(1) The nursing facility is listed in table A or table B on 104350  
the effective date of this section and fails to be placed in table 104351  
C not later than twelve months after the effective date of this 104352  
section; 104353

(2) The nursing facility is listed in table A, table B, or table C on the effective date of this section and fails to be placed in table D not later than twenty-four months after the effective date of this section; 104354  
104355  
104356  
104357

(3) The nursing facility is placed in table A after the effective date of this section and fails to be placed in table C not later than twelve months after the nursing facility is placed in table A; 104358  
104359  
104360  
104361

(4) The nursing facility is placed in table A after the effective date of this section and fails to be placed in table D not later than twenty-four months after the nursing facility is placed in table A. 104362  
104363  
104364  
104365

(C) An order issued under this section is not subject to appeal under Chapter 119. of the Revised Code. 104366  
104367

(D) To help a nursing facility avoid having its participation in the medicaid program terminated pursuant to division (B) of this section, the department of aging shall provide the nursing facility technical assistance through the nursing home quality initiative established under section 173.60 of the Revised Code at least four months before the department of medicaid would be required to terminate the nursing facility's participation. 104368  
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**Sec. ~~5111.511~~ 5165.78.** (A) If the department of ~~job and family services~~ medicaid determines that a nursing facility is experiencing or is likely to experience a serious financial loss or failure that jeopardizes or is likely to jeopardize the health, safety, and welfare of its residents, the department, subject to the provider's consent, may appoint a temporary resident safety assurance manager in the nursing facility to take actions the department determines are appropriate to ensure the health, safety, and welfare of the residents. 104375  
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(B) A temporary resident safety assurance manager appointed 104384  
under this section is vested with the authority necessary to take 104385  
actions the department of ~~job and family services~~ medicaid 104386  
determines are appropriate to ensure the health, safety, and 104387  
welfare of the residents. 104388

(C) A temporary resident safety assurance manager appointed 104389  
under this section may use any of the following funds to pay for 104390  
costs the manager incurs on behalf of the nursing facility: 104391

(1) Medicaid payments made in accordance with the provider 104392  
agreement for the nursing facility; 104393

(2) Funds from the residents protection fund that the 104394  
department provides the manager under section ~~5111.62~~ 5162.66 of 104395  
the Revised Code; 104396

(3) Other funds the department determines are appropriate if 104397  
such use of the funds is consistent with the appropriations that 104398  
authorize the use of the funds and all other state and federal 104399  
laws governing the use of the funds. 104400

(D) The provider is liable to the department for the amount 104401  
of any payments the department makes to the temporary resident 104402  
safety assurance manager, other than payments specified in 104403  
division (C)(1) of this section. The department may recover the 104404  
amount the provider owes the department by doing any of the 104405  
following: 104406

(1) Offsetting medicaid payments made to the provider in 104407  
accordance with the provider agreement; 104408

(2) Placing a lien on any of the provider's real and personal 104409  
property; 104410

(3) Initiating other collection actions. 104411

(E) No action the department takes under this section is 104412  
subject to appeal under Chapter 119. of the Revised Code. 104413

(F) In rules ~~adopted under~~ authorized by section ~~5111.36~~ 104414  
~~5165.61~~ of the Revised Code, the medicaid director ~~of job and~~ 104415  
~~family services~~ may establish all of the following: 104416

(1) Qualifications persons must meet to be appointed 104417  
temporary resident safety assurance managers under this section; 104418

(2) Procedures for maintaining a list of qualified temporary 104419  
resident safety assurance managers; 104420

(3) Procedures consistent with federal law for paying for the 104421  
services of temporary resident safety assurance managers; 104422

(4) Accounting and reporting requirements for temporary 104423  
resident safety assurance managers; 104424

(5) Other procedures and requirements the director determines 104425  
are necessary to implement this section. 104426

**Sec. ~~5111.52~~ 5165.79.** (A) As used in this section, 104427  
"terminating" includes not renewing. 104428

(B) A nursing facility's participation in the ~~medical~~ 104429  
~~assistance~~ medicaid program shall be terminated under sections 104430  
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code as follows: 104431  
104432

(1) If the department of ~~job and family services~~ medicaid is 104433  
terminating the facility's participation, it shall issue an order 104434  
terminating the facility's provider agreement. 104435

(2) If the department of health, acting as a contracting 104436  
agency, is terminating the facility's participation, it shall 104437  
issue an order terminating certification of the facility's 104438  
compliance with certification requirements. When the department of 104439  
health terminates certification, the department of ~~job and family~~ 104440  
~~services~~ medicaid shall terminate the facility's provider 104441  
agreement. The department of ~~job and family services~~ medicaid is 104442  
not required to provide an adjudication hearing when it terminates 104443

a provider agreement following termination of certification by the department of health.

(3) If a state agency other than the department of health, acting as a contracting agency, is terminating the facility's participation, it shall notify the department of ~~job and family services~~ medicaid, and the department of ~~job and family services~~ medicaid shall issue an order terminating the facility's provider agreement. The contracting agency shall conduct any administrative proceedings concerning the order.

(C) If the following conditions are met, the department of ~~job and family services~~ medicaid may make ~~medical assistance~~ medicaid payments to a nursing facility for a period not exceeding thirty days after the effective date of termination under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code of the facility's participation in the ~~medical assistance~~ medicaid program:

(1) The payments are for medicaid eligible residents admitted to the facility prior to the effective date of the termination;

(2) The provider is making reasonable efforts to transfer medicaid eligible residents to other care settings.

The period during which payments may be made under this division begins on the later of the effective date of the termination or, if the facility has appealed a termination order, the date of issuance of the adjudication order upholding termination.

**Sec. ~~5111.53~~ 5165.80.** (A) Whenever a nursing facility is closed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department of ~~job and family services~~ medicaid or contracting agency shall arrange for the safe and orderly transfer of all residents, including residents who are not

medicaid eligible residents, to other appropriate care settings. 104474  
Whenever a nursing facility's participation in the ~~medical~~ 104475  
~~assistance~~ medicaid program is terminated under sections ~~5111.35~~ 104476  
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department or 104477  
agency shall arrange for the safe and orderly transfer of all 104478  
medicaid eligible residents or, if the termination results in the 104479  
closure of the facility, of all residents. The provider and all 104480  
persons involved in the facility's operation shall cooperate with 104481  
and assist in the transfer of residents. 104482

(B) After a nursing facility's participation in the ~~medical~~ 104483  
~~assistance~~ medicaid program is terminated under section ~~5111.45~~ 104484  
5165.71, ~~5111.46~~ 5165.72, ~~5111.51~~ 5165.77, 5165.771, or ~~5111.58~~ 104485  
5165.85 of the Revised Code, the department of ~~job and family~~ 104486  
~~services~~ medicaid or contracting agency may appoint a temporary 104487  
manager subject to the continuing consent of the provider, or may 104488  
apply to the common pleas court of the county in which the 104489  
facility is located for such injunctive relief as is necessary for 104490  
the appointment of a special master, to ensure the transfer of 104491  
medicaid eligible residents to other appropriate care settings 104492  
and, if applicable, the orderly closure of the facility. 104493

**Sec. ~~5111.54~~ 5165.81.** (A) A temporary manager of a nursing 104494  
facility appointed by the department of ~~job and family services~~ 104495  
medicaid or a contracting agency under sections ~~5111.35~~ 5165.60 to 104496  
~~5111.62~~ 5165.89 of the Revised Code shall meet all of the 104497  
following qualifications: 104498

(1) Be licensed as a nursing home administrator under Chapter 104499  
4751. of the Revised Code; 104500

(2) Have demonstrated competence as a nursing home 104501  
administrator; 104502

(3) Have had no disciplinary action taken against the 104503  
temporary manager by any licensing board or professional society 104504

in this state. 104505

(B) The salary of a temporary manager or special master 104506  
appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 104507  
Revised Code shall be paid by the facility and set by the 104508  
department of ~~job and family services~~ medicaid or contracting 104509  
agency, in the case of a temporary manager, or by the court, in 104510  
the case of a special master, at a rate not to exceed the maximum 104511  
allowable compensation for an administrator under the ~~medical~~ 104512  
~~assistance~~ medicaid program. The extent to which this compensation 104513  
is allowable under the ~~medical-assistance~~ medicaid program is 104514  
subject to and limited by this chapter and rules ~~of the department~~ 104515  
adopted under section 5165.02 of the Revised Code. 104516

Subject to division (C) of this section, any costs incurred 104517  
on behalf of a nursing facility by a temporary manager or special 104518  
master appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 104519  
of the Revised Code shall be paid by the facility. The 104520  
allowability of these costs under the ~~medical-assistance~~ medicaid 104521  
program shall be subject to and governed by this chapter and ~~the~~ 104522  
~~rules of the department~~ adopted under section 5165.02 of the 104523  
Revised Code. This division does not prohibit a facility from 104524  
applying for or receiving any waiver of cost ceilings available 104525  
under the rules ~~of the department.~~ 104526

(C) No temporary manager or special master appointed under 104527  
sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code 104528  
shall enter into any employment contract on behalf of a facility, 104529  
or purchase any capital goods using facility funds totaling more 104530  
than ten thousand dollars, unless the temporary manager or special 104531  
master has obtained prior approval for the contract or purchase 104532  
from either the provider or the court. 104533

(D)(1) A temporary manager appointed for a nursing facility 104534  
under section ~~5111.46~~ 5165.72 of the Revised Code is hereby 104535  
vested, subject to division (C) of this section, with the legal 104536

authority necessary to correct any deficiency or cluster of 104537  
deficiencies at a facility, bring the facility into compliance 104538  
with certification requirements, and otherwise ensure the health 104539  
and safety of the residents. 104540

(2) A temporary manager appointed under section ~~5111.51~~ 104541  
5165.77 of the Revised Code is hereby vested, subject to division 104542  
(C) of this section, with the authority necessary to eliminate the 104543  
emergency, bring the facility into compliance with certification 104544  
requirements, and otherwise ensure the health and safety of the 104545  
residents. 104546

(3) A temporary manager appointed under section ~~5111.53~~ 104547  
5165.80 of the Revised Code is hereby vested, subject to division 104548  
(C) of this section, with the authority necessary to ensure the 104549  
transfer of medicaid eligible residents to other appropriate care 104550  
settings and, if applicable, the orderly closure of the facility, 104551  
and to otherwise ensure the health and safety of the residents. 104552

(E) Prior to acting under division (A)(1)(b) or (2)(b) of 104553  
section ~~5111.46~~ 5165.72 of the Revised Code to appoint a temporary 104554  
manager or apply for a special master, the department of ~~job and~~ 104555  
~~family services~~ medicaid or contracting agency shall order the 104556  
facility to substantially correct the deficiency or deficiencies 104557  
within five days after receiving the statement and inform the 104558  
facility, in the statement it provides pursuant to division (B) of 104559  
section ~~5111.49~~ 5165.75 of the Revised Code, of the order and that 104560  
it will not take that action unless the facility fails to 104561  
substantially correct the deficiency or deficiencies within that 104562  
five-day period. At the end of the five-day period, the department 104563  
of health shall conduct a follow-up survey that focuses on the 104564  
deficiency or deficiencies. If the department of health determines 104565  
that the facility has substantially corrected the deficiency or 104566  
deficiencies within that time, the department of ~~job and family~~ 104567  
~~services~~ medicaid or contracting agency shall not appoint a 104568

temporary manager or apply for a special master. If the department 104569  
of health determines that the facility has failed to substantially 104570  
correct the deficiency or deficiencies within that time, the 104571  
department of ~~job and family services~~ medicaid or contracting 104572  
agency may proceed with appointment of the temporary manager or 104573  
application for a special master. Until the statement required 104574  
under division (B) of section ~~5111.49~~ 5165.75 of the Revised Code 104575  
is actually delivered, no action taken by the department or agency 104576  
to appoint a temporary manager or apply for a temporary manager 104577  
under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 of 104578  
the Revised Code shall have any legal effect. No action taken by a 104579  
facility under this division to substantially correct a deficiency 104580  
or deficiencies shall be considered an admission by the facility 104581  
of the existence of a deficiency or deficiencies. 104582

(F) Appointment of a temporary manager under division 104583  
(A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 or division 104584  
(A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code shall 104585  
expire at the end of the seventh day following the appointment. If 104586  
the department of ~~job and family services~~ medicaid or contracting 104587  
agency finds that the deficiency or deficiencies that prompted the 104588  
appointment under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 104589  
5165.72 of the Revised Code cannot be substantially corrected, or 104590  
the condition of immediate jeopardy that prompted the appointment 104591  
under division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised 104592  
Code cannot be eliminated, prior to the expiration of the 104593  
appointment, it may take one of the following actions: 104594

(1) Appoint, subject to the continuing consent of the 104595  
provider, a temporary manager for the facility; 104596

(2) Apply to the common pleas court of the county in which 104597  
the facility is located for an order appointing a special master 104598  
who, under the authority and direct supervision of the court and 104599  
subject to divisions (B) and (C) of this section, may take such 104600

additional actions as are necessary to correct the deficiency or 104601  
deficiencies or eliminate the condition of immediate jeopardy and 104602  
bring the facility into compliance with certification 104603  
requirements. 104604

(G) The court, on finding that the deficiency or deficiencies 104605  
for which a special master was appointed under division (F)(2) of 104606  
this section or division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 104607  
5165.72 of the Revised Code has been substantially corrected, or 104608  
the emergency for which a special master was appointed under 104609  
division (F)(2) of this section or division (A)(1)(b) or (B)(2) of 104610  
section ~~5111.51~~ 5165.77 of the Revised Code has been eliminated, 104611  
that the facility has been brought into compliance with 104612  
certification requirements, and that the provider has established 104613  
the management capability to ensure continued compliance with the 104614  
certification requirements, shall immediately terminate its 104615  
jurisdiction over the facility and return control and management 104616  
of the facility to the provider. If the deficiency or deficiencies 104617  
cannot be substantially corrected, or the emergency cannot be 104618  
eliminated practicably within a reasonable time following 104619  
appointment of the special master, the court may order the special 104620  
master to close the facility and transfer all residents to other 104621  
nursing facilities or other appropriate care settings. 104622

(H) This section does not apply to temporary resident safety 104623  
assurance managers appointed under section ~~5111.511~~ 5165.78 of the 104624  
Revised Code. 104625

**Sec. ~~5111.55~~ 5165.82.** (A) An order issued under section 104626  
~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 104627  
5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ 104628  
medicaid payments to a nursing facility for all medicaid eligible 104629  
residents admitted after its effective date, or an order issued 104630  
under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 104631



of the Revised Code denying ~~payment~~ medicaid payments to a nursing 104632  
facility for medicaid eligible residents admitted after the 104633  
effective date of the order who have specified diagnoses or 104634  
special care needs, shall also apply to individuals admitted to 104635  
the facility on and after the effective date of the order who are 104636  
not medicaid eligible residents but become medicaid eligible 104637  
residents after admission. Such an order shall not apply to any of 104638  
the following: 104639

(1) An individual who was a medicaid eligible resident of the 104640  
facility on the day immediately preceding the effective date of 104641  
the order and continues to be a medicaid eligible resident on and 104642  
after that date; 104643

(2) An individual who was a resident of the facility on the 104644  
day immediately preceding the effective date of the order, 104645  
continues to be a resident on and after that date, and becomes 104646  
medicaid eligible on or after that date; 104647

(3) An individual who was a medicaid eligible resident of the 104648  
facility prior to the effective date of the order, is temporarily 104649  
absent from the facility on that or a subsequent date due to 104650  
hospitalization or participation in therapeutic programs outside 104651  
the facility, and chooses to return to the facility; 104652

(4) An individual who was a resident of the facility prior to 104653  
the effective date of the order, is temporarily absent from the 104654  
facility on that or a subsequent date due to hospitalization or 104655  
participation in therapeutic programs outside the facility, 104656  
becomes medicaid eligible on or after that date, and chooses to 104657  
return to the facility. 104658

(B) An order issued under section ~~5111.46~~ 5165.72 of the 104659  
Revised Code denying ~~payment~~ medicaid payments to a nursing 104660  
facility for all medicaid eligible residents admitted after its 104661  
effective date, or denying ~~payment~~ medicaid payments to a facility 104662

for medicaid eligible residents admitted after the effective date 104663  
of the order who have specified diagnoses or special care needs 104664  
shall not take effect prior to the fifth day after the order is 104665  
delivered to the facility. Such an order issued under section 104666  
~~5111.47~~ 5165.73 or ~~5111.48~~ 5165.74 of the Revised Code shall not 104667  
take effect prior to the twentieth day after it is delivered to 104668  
the facility. 104669

(C) No nursing facility that has received an order under 104670  
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 104671  
5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ 104672  
medicaid payments for all new admissions of medicaid eligible 104673  
residents shall admit a medicaid eligible resident on or after the 104674  
effective date of the order, unless the resident is described in 104675  
division (A)(3) or (4) of this section, until the order is 104676  
terminated pursuant to this section. No nursing facility that has 104677  
received an order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, 104678  
or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ medicaid 104679  
payments to a nursing facility for new admissions of medicaid 104680  
eligible residents with specified diagnoses or special care needs 104681  
shall admit such a resident on or after the effective date of the 104682  
order, unless the resident is described in division (A)(3) or (4) 104683  
of this section, until the order is terminated pursuant to this 104684  
section. 104685

(D) In the case of an order imposed under division (B) of 104686  
section ~~5111.57~~ 5165.84 of the Revised Code, the department or 104687  
agency shall appoint monitors in accordance with section ~~5111.44~~ 104688  
5165.70 of the Revised Code to conduct on-site monitoring. 104689

(E)(1) A facility may give written notice to the department 104690  
of health whenever any of the following apply: 104691

(a) With respect to an order denying payment issued under 104692  
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 104693  
the Revised Code, either of the following is the case: 104694

(i) The facility has completed implementation of the plan of correction it submitted under section ~~5111.43~~ 5165.69 of the Revised Code and substantially corrected all deficiencies for which the order was issued.

(ii) The facility has reduced the severity or scope of all of the deficiencies to a level at which sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 of the Revised Code do not authorize the order.

(b) With respect to an order denying payment issued under section ~~5111.51~~ 5165.77 of the Revised Code, the facility has eliminated the immediate jeopardy.

(c) With respect to an order denying ~~payment~~ medicaid payments issued under division (A) of section ~~5111.57~~ 5165.84 of the Revised Code, the facility has completed implementation of the plan of correction it submitted under section ~~5111.43~~ 5165.69 of the Revised Code and substantially corrected all deficiencies for which the order was issued.

(d) With respect to an order denying ~~payment~~ medicaid payments issued under division (B) of section ~~5111.57~~ 5165.84 of the Revised Code, both of the following are the case:

(i) The facility has completed implementation of the plan of correction it submitted under section ~~5111.43~~ 5165.69 of the Revised Code and substantially corrected all deficiencies for which the order was issued.

(ii) The facility is in compliance with certification requirements and has provided adequate assurance that it will remain in compliance with them.

(2) Within ten working days after it receives the notice under division (E)(1) of this section, the department of health shall conduct a follow-up survey that focuses on the cited deficiency or deficiencies, unless the department is able to determine, on the basis of documentation provided by the facility,

that the facility has completed the applicable action described in 104726  
divisions (E)(1)(a) to (d) of this section. If the department of 104727  
health makes that determination on the basis of the documentation, 104728  
the department of ~~job and family services~~ medicaid or contracting 104729  
agency shall terminate the order denying ~~payment~~ medicaid payments 104730  
as of the date the facility completed the applicable action, as 104731  
subsequently verified by the department of health. If the 104732  
department of health conducts a follow-up survey, the department 104733  
of ~~job and family services~~ medicaid or contracting agency shall 104734  
terminate the order denying ~~payment~~ medicaid payments as of the 104735  
date the department of health makes the determination that the 104736  
facility completed the applicable action. 104737

(F) The department of ~~job and family services~~ medicaid or 104738  
contracting agency shall provide public notice implementing an 104739  
order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 104740  
5165.74, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of the Revised Code 104741  
denying ~~payment~~ medicaid payments to a nursing facility ~~under the~~ 104742  
~~medical assistance program~~ for all medicaid eligible residents by 104743  
publishing in a newspaper of general circulation in the county in 104744  
which the facility is located an announcement stating: "By order 104745  
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 104746  
name of contracting agency), effective on and after (effective 104747  
date of order), (name of facility) is no longer authorized to 104748  
admit Medicaid eligible residents." Immediately following 104749  
termination of any such order, the department or agency shall 104750  
publish in a newspaper of general circulation in the county in 104751  
which the facility is located an announcement stating: "By order 104752  
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 104753  
name of contracting agency), effective on and after (effective 104754  
date of termination), (name of facility) is hereby authorized to 104755  
admit Medicaid eligible residents." Neither the department nor the 104756  
contracting agency shall issue public notice of an order under 104757  
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 104758

the Revised Code denying payment to a nursing facility for 104759  
medicaid eligible residents with specified diagnoses or special 104760  
care needs; public notice is not required for such an order to 104761  
take effect. 104762

(G) A facility that complies with division (E) of this 104763  
section shall not be considered to have admitted to the existence 104764  
of the deficiency that constitutes the basis of the department's 104765  
or agency's order. 104766

**Sec. ~~5111.56~~ 5165.83.** (A) As used in this section, "certified 104767  
beds" means beds certified under Title XVIII or Title XIX ~~of the~~ 104768  
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as~~ 104769  
~~amended.~~ 104770

(B) If the department of ~~job and family services~~ medicaid or 104771  
a contracting agency imposes a fine on a nursing facility under 104772  
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 104773  
the Revised Code, it may impose one or more of the following: 104774

(1) One hundred sixty per cent of the amount calculated under 104775  
division (C) of this section for any deficiency or cluster of 104776  
deficiencies that constitutes a severity level four and scope 104777  
level four finding; 104778

(2) One hundred forty per cent of the amount calculated under 104779  
division (C) of this section for any deficiency or cluster of 104780  
deficiencies that constitutes a severity level four and scope 104781  
level three finding; 104782

(3) One hundred twenty per cent of the amount calculated 104783  
under division (C) of this section for any deficiency or cluster 104784  
of deficiencies that constitutes a severity level four and scope 104785  
level two finding; 104786

(4) The amount calculated under division (C) of this section 104787  
for any deficiency or cluster of deficiencies that constitutes a 104788

severity level four and scope level one finding or any deficiency 104789  
or cluster of deficiencies that constitutes a severity level three 104790  
and scope level four finding; 104791

(5) Ninety per cent of the amount calculated under division 104792  
(C) of this section for any deficiency or cluster of deficiencies 104793  
that constitutes a severity level three and scope level three 104794  
finding; 104795

(6) Eighty per cent of the amount calculated under division 104796  
(C) of this section for any deficiency or cluster of deficiencies 104797  
that constitutes a severity level three and scope level two 104798  
finding; 104799

(7) Seventy per cent of the amount calculated under division 104800  
(C) of this section for any deficiency or cluster of deficiencies 104801  
that constitutes a severity level three and scope level one 104802  
finding; 104803

(8) Fifty per cent of the amount calculated under division 104804  
(C) of this section for any deficiency or cluster of deficiencies 104805  
that constitutes a severity level two and scope level four 104806  
finding; 104807

(9) Forty per cent of the amount calculated under division 104808  
(C) of this section for any deficiency or cluster of deficiencies 104809  
that constitutes a severity level two and scope level three 104810  
finding. 104811

(C) The amount subject to division (B) of this section shall 104812  
be the product of multiplying two dollars and fifty cents for each 104813  
day the fine is in effect by the total number of licensed nursing 104814  
home beds or certified beds, whichever is greater, in the facility 104815  
as of the date the deficiency or cluster of deficiencies that is 104816  
the reason for the fine was cited. 104817

(D)(1) The department of ~~job and family services~~ medicaid or 104818  
contracting agency shall not impose on a facility, at any one 104819

time, more than four fines as a result of any one survey. 104820

(2) The department of ~~job and family services~~ medicaid or 104821  
contracting agency shall not impose more than one fine based on a 104822  
deficiency or cluster of deficiencies. However, if the department 104823  
of health, in a follow-up or other subsequent survey, finds a 104824  
change in the scope or severity of the deficiency or cluster of 104825  
deficiencies, the department of ~~job and family services~~ medicaid 104826  
or contracting agency may increase or decrease the fine in 104827  
accordance with division (B) of this section to reflect the change 104828  
in scope or severity. The department or agency shall give the 104829  
facility written notice of the change in the amount of the fine. 104830  
The change shall take effect on the date the follow-up or other 104831  
subsequent survey is completed. 104832

If the department of health finds that a deficiency is a 104833  
repeat deficiency, the department of ~~job and family services~~ 104834  
medicaid or contracting agency may impose a fine that is one 104835  
hundred per cent greater than the fine specified in division (B) 104836  
of this section for the deficiency. 104837

(E) The total amount of fines the department of ~~job and~~ 104838  
~~family services~~ medicaid or contracting agency may impose on a 104839  
facility in a single calendar year shall not exceed five hundred 104840  
dollars for each licensed nursing home bed or certified bed, 104841  
whichever is greater in number, in the facility. 104842

(F)(1) Except as provided in division (F)(2) of this section, 104843  
the department of ~~job and family services~~ medicaid or contracting 104844  
agency shall not impose a fine under section ~~5111.46~~ 5165.72, 104845  
~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code if the 104846  
deficiency or cluster of deficiencies is substantially corrected 104847  
within twenty days after the nursing facility receives the 104848  
statement provided under division (B) of section ~~5111.49~~ 5165.75 104849  
of the Revised Code. The department or agency shall inform the 104850  
nursing facility in that statement that the fine will not be 104851

imposed if the deficiency or cluster of deficiencies is 104852  
substantially corrected within the twenty-day period. 104853

(2) If a nursing facility has substantially corrected a 104854  
deficiency or cluster of deficiencies within six months after the 104855  
exit interview of a survey that was the basis for citing a 104856  
deficiency or cluster of deficiencies, but after correcting it has 104857  
been cited for the same deficiency or cluster of deficiencies by 104858  
the department of health on the basis of a subsequent survey 104859  
conducted during the remainder of the six-month period, the 104860  
department of ~~job and family services~~ medicaid or contracting 104861  
agency may impose a fine beginning on the date of the exit 104862  
interview of the subsequent survey. 104863

(G) Whenever a facility believes that it has completed 104864  
implementation of the plan of correction it submitted under 104865  
section ~~5111.43~~ 5165.69 of the Revised Code and substantially 104866  
corrected the cited deficiency or cluster of deficiencies that is 104867  
the basis for a fine, it may give written notice to that effect to 104868  
the department of health. After receiving the notice, the 104869  
department shall conduct a follow-up survey of the facility that 104870  
focuses on the deficiency or cluster, unless the department is 104871  
able to determine, on the basis of documentation provided by the 104872  
facility, that the facility has substantially corrected the 104873  
deficiency or cluster. If, based on the follow-up survey, the 104874  
department establishes that the facility had not completed 104875  
implementation of the plan of correction at the time the 104876  
department received the notice, any fine based on the deficiency 104877  
or cluster shall be doubled effective from the date the department 104878  
received the notice. A facility that complies with this division 104879  
shall not be considered to have admitted the existence of the 104880  
deficiency or cluster that is the basis for the fine. 104881

(H) Except for a fine imposed under division (C) of section 104882  
~~5111.46~~ 5165.72 of the Revised Code and as provided in division 104883



(F)(2) of this section, the department of ~~job and family services~~ 104884  
medicaid or contracting agency shall impose a fine only if the 104885  
facility fails to give notice under division (G) of this section 104886  
within twenty days after it receives the statement required by 104887  
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code or if 104888  
the department of health determines, based on a follow-up survey, 104889  
that the deficiency or cluster of deficiencies for which the fine 104890  
is proposed has not been substantially corrected within the 104891  
twenty-day period. The fine shall be imposed effective on the 104892  
twenty-first day after the facility receives the statement under 104893  
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code. The 104894  
fine shall remain in effect until the earliest of the following: 104895

(1) The date the department of health receives notice under 104896  
division (G) of this section, unless the department determines, on 104897  
the basis of a follow-up survey, that the deficiency or cluster of 104898  
deficiencies that is the basis for the fine has not been 104899  
substantially corrected as of that date; 104900

(2) The date on which the department of health makes a 104901  
determination, on the basis of a follow-up survey, that the 104902  
deficiency or cluster of deficiencies has been substantially 104903  
corrected; 104904

(3) The date the facility substantially corrected the 104905  
deficiency or cluster, as subsequently determined by the 104906  
department of health on the basis of documentation provided by the 104907  
facility. 104908

(I) Any fine imposed by the department of ~~job and family~~ 104909  
~~services~~ medicaid or contracting agency under this section is 104910  
subject to appeal under Chapter 119. of the Revised Code. If the 104911  
facility does not request a hearing under Chapter 119. of the 104912  
Revised Code and either pays or agrees in writing to pay the fine 104913  
when payment becomes due under division (J) of this section, the 104914  
department or agency shall reduce the fine by fifty per cent. The 104915

department or agency may compromise any claim for payment of a 104916  
fine under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 104917  
Revised Code. 104918

(J) The department of ~~job and family services~~ medicaid or 104919  
contracting agency shall collect interest on fines, at the rate 104920  
per calendar month that equals one-twelfth of the rate per year 104921  
prescribed by section 5703.47 of the Revised Code for the calendar 104922  
year that includes the month for which the interest charge 104923  
accrues. Payment of a fine is due, and interest begins to accrue 104924  
on the unpaid fine or balance, on the thirty-first day after the 104925  
department or agency issues a final adjudication order imposing 104926  
the fine. If the deficiency or deficiencies on which the fine is 104927  
based have not been corrected when the final adjudication order is 104928  
issued, the payment is due, and interest begins to accrue on the 104929  
unpaid fine or balance, on the thirty-first day after the 104930  
deficiency or deficiencies are corrected and the department or 104931  
agency mails a notice specifying the amount of the fine to the 104932  
facility. 104933

(K) The department of ~~job and family services~~ medicaid or 104934  
contracting agency shall collect fines and interest imposed under 104935  
this section through one of the following means: 104936

(1) A lump sum payment from the provider; 104937

(2) Periodic payments for a period not to exceed twelve 104938  
months, in accordance with a schedule approved by the department 104939  
or agency; 104940

(3) Appropriately reducing the amounts of medicaid payments 104941  
made to the facility for ~~care~~ nursing facility services provided 104942  
to medicaid eligible residents for a period not to exceed twelve 104943  
months following the date on which payment of the fine becomes due 104944  
under division (J) of this section. An amount equal to the amount 104945  
by which each payment is reduced shall be deposited to the credit 104946

of the residents protection fund in accordance with section 104947  
~~5111.62~~ 5162.66 of the Revised Code. 104948

**Sec. ~~5111.57~~ 5165.84.** (A) The department of ~~job and family~~ 104949  
~~services~~ medicaid or a contracting agency shall issue an order 104950  
denying ~~payment~~ medicaid payments to a nursing facility for all 104951  
medicaid eligible residents admitted to the facility on or after 104952  
the effective date of the order, if the facility has failed to 104953  
substantially correct within ninety days after the exit interview 104954  
a deficiency or cluster of deficiencies in accordance with the 104955  
plan of correction it submitted under section ~~5111.43~~ 5165.69 of 104956  
the Revised Code, as determined by the department of health on the 104957  
basis of a follow-up survey. 104958

(B) The department of ~~job and family services~~ medicaid or 104959  
contracting agency shall issue an order denying ~~payment~~ medicaid 104960  
payments to a nursing facility for all medicaid eligible residents 104961  
admitted to the facility on or after the effective date of the 104962  
order, if during three consecutive standard surveys conducted 104963  
after December 13, 1990, the department of health has found a 104964  
condition of substandard care in a facility. 104965

(C) An order issued under division (A) or (B) of this section 104966  
shall take effect on the later of the date the facility receives 104967  
the order or the date the public notice required under division 104968  
(F) of section ~~5111.55~~ 5165.82 of the Revised Code is published. 104969  
The order is subject to appeal under Chapter 119. of the Revised 104970  
Code; however the order may take effect prior to or during the 104971  
pendency of any hearing under that chapter. In that case, the 104972  
department or agency shall provide the facility an opportunity for 104973  
a hearing in accordance with section ~~5111.60~~ 5165.87 of the 104974  
Revised Code. 104975

**Sec. ~~5111.58~~ 5165.85.** (A) If a nursing facility notifies the 104976

department of ~~job and family services~~ medicaid or a contracting 104977  
agency, at any time during the six-month period following the exit 104978  
interview of a survey that was the basis for citing a deficiency 104979  
or deficiencies, that the deficiency or deficiencies have been 104980  
substantially corrected in accordance with the plan of correction 104981  
submitted and approved under section ~~5111.43~~ 5165.69 of the 104982  
Revised Code, the department of health shall conduct a follow-up 104983  
survey to determine whether the deficiency or deficiencies have 104984  
been substantially corrected in accordance with the plan. 104985

(B) The department of ~~job and family services~~ medicaid or a 104986  
contracting agency shall terminate a nursing facility's 104987  
participation in the ~~medical assistance~~ medicaid program whenever 104988  
the facility has not substantially corrected, within six months 104989  
after the exit interview of the survey on the basis of which it 104990  
was cited, a deficiency or deficiencies in accordance with the 104991  
plan of correction submitted under section ~~5111.43~~ 5165.69 of the 104992  
Revised Code, as determined by the department of health on the 104993  
basis of a follow-up survey. 104994

(C) Unless the facility has substantially corrected the 104995  
deficiency or deficiencies in accordance with the plan of 104996  
correction, as determined by the department of health on the basis 104997  
of a follow-up survey, the department of ~~job and family services~~ 104998  
medicaid or contracting agency shall deliver to the facility, at 104999  
least thirty days prior to the day that is six months after the 105000  
exit interview, a written order terminating the facility's 105001  
participation in the ~~medical assistance~~ medicaid program. The 105002  
order shall take effect and the facility's participation shall 105003  
terminate on the day that is six months after the exit interview. 105004  
The order shall not take effect if, after it is delivered to the 105005  
facility and prior to the effective date of the order, the 105006  
department of health determines on the basis of a follow-up survey 105007  
that the facility has corrected the deficiency or deficiencies. 105008

An order issued under this section is subject to appeal under 105009  
Chapter 119. of the Revised Code; however, the order may take 105010  
effect prior to or during the pendency of any hearing under that 105011  
chapter. In that case, the department of ~~job and family services~~ 105012  
medicaid or contracting agency shall provide the facility an 105013  
opportunity for a hearing in accordance with section ~~5111.60~~ 105014  
5165.87 of the Revised Code. 105015

(D) Except as provided in division (E) of this section, 105016  
whenever the department of ~~job and family services~~ medicaid or a 105017  
contracting agency terminates a facility's participation in the 105018  
~~medical assistance~~ medicaid program pursuant to this section, the 105019  
provider shall repay the department the federal share of all 105020  
medicaid payments made by the department to the facility ~~under the~~ 105021  
~~medical assistance program~~ during the six-month period following 105022  
the exit interview of the survey that was the basis for citing the 105023  
deficiency or cluster of deficiencies. The provider shall repay 105024  
the department within thirty days after the department repays to 105025  
the federal government the federal share of medicaid payments made 105026  
to the facility during that six-month period. 105027

(E) A provider is not required to repay the department of ~~job~~ 105028  
~~and family services~~ medicaid if either of the following is the 105029  
case: 105030

(1) The facility has brought an appeal under Chapter 119. of 105031  
the Revised Code of termination of its participation in the 105032  
~~medical assistance~~ medicaid program, except that the provider 105033  
shall repay the department of ~~job and family services~~ medicaid 105034  
within thirty days after the facility exhausts its right to appeal 105035  
under that chapter. 105036

(2) The facility complied with the plan of correction 105037  
approved by the department of health and the obligation to repay 105038  
resulted from the department's failure to provide timely 105039  
verification to the United States department of health and human 105040

services of the facility's compliance with the plan of correction. 105041

(F) If a provider's obligation to repay the department of ~~job~~ 105042  
~~and family services~~ medicaid under division (D) of this section 105043  
results from disallowance of federal financial participation by 105044  
the United States department of health and human services, the 105045  
provider shall not be required to repay the department of ~~job and~~ 105046  
~~family services~~ medicaid until the federal disallowance becomes 105047  
final. 105048

(G) Any fines paid under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 105049  
5165.89 of the Revised Code during any period for which the 105050  
facility is required to repay the department of ~~job and family~~ 105051  
~~services~~ medicaid under division (D) of this section shall be 105052  
offset against the amount the provider is required to repay the 105053  
department for that period. 105054

(H) Prior to a change of ownership of a facility for which a 105055  
provider has an obligation to repay the department of ~~job and~~ 105056  
~~family services~~ medicaid under division (D) of this section that 105057  
has not become final, or has become final but not been paid, the 105058  
department may do one or more of the following: 105059

(1) Require the provider to place money in escrow, or obtain 105060  
a bond, in sufficient amount to indemnify the state against the 105061  
provider's failure to repay the department after the change of 105062  
ownership occurs; 105063

(2) Place a lien on the facility's real property; 105064

(3) Use any method to recover the medicaid payments that is 105065  
available to the attorney general to recover payments on behalf of 105066  
the department of ~~job and family services~~ medicaid. 105067

**Sec. ~~5111.59~~ 5165.86.** The department of ~~job and family~~ 105068  
~~services~~ medicaid, the department of health, and any contracting 105069  
agency shall deliver a written notice, statement, or order to a 105070

nursing facility under sections ~~5111.35~~ 5165.60 to ~~5111.41~~ 5165.66 105071  
and ~~5111.43~~ 5165.69 to ~~5111.62~~ 5165.89 of the Revised Code by 105072  
certified mail or hand delivery. If the notice, statement, or 105073  
order is mailed, it shall be addressed to the administrator of the 105074  
facility as indicated in the department's or agency's records. If 105075  
it is hand delivered, it shall be delivered to a person at the 105076  
facility who would appear to the average prudent person to have 105077  
authority to accept it. 105078

Delivery of written notice by a nursing facility to the 105079  
department of health, the department of ~~job and family services~~ 105080  
medicaid, or a contracting agency under sections ~~5111.35~~ 5165.60 105081  
to ~~5111.62~~ 5165.89 of the Revised Code shall be by certified mail 105082  
or hand delivery to the appropriate department or the agency. 105083

**Sec. ~~5111.60~~ 5165.87.** (A) Except as provided in division (B) 105084  
of this section, the following remedies are subject to appeal 105085  
under Chapter 119. of the Revised Code: 105086

(1) An order issued under section ~~5111.45~~ 5165.71, ~~5111.46~~ 105087  
5165.72, ~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 105088  
terminating a nursing facility's participation in the ~~medical~~ 105089  
assistance medicaid program; 105090

(2) Appointment of a temporary manager of a facility under 105091  
division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72, or 105092  
division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code; 105093

(3) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 105094  
5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of 105095  
the Revised Code denying ~~payment~~ medicaid payments to a facility 105096  
~~under the medical assistance program~~ for all medicaid eligible 105097  
residents admitted after the effective date of the order; 105098

(4) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 105099  
5165.73, or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ 105100

~~medicaid payments~~ to a facility ~~under the medical assistance~~ 105101  
~~program~~ for medicaid eligible residents admitted after the 105102  
effective date of the order who have certain diagnoses or special 105103  
care needs specified by the department or agency; 105104

(5) A fine imposed under section ~~5111.46~~ 5165.72, ~~5111.47~~ 105105  
5165.73, or ~~5111.48~~ 5165.74 of the Revised Code. 105106

(B) The department of ~~job and family services~~ medicaid or 105107  
contracting agency may do any of the following prior to or during 105108  
the pendency of any proceeding under Chapter 119. of the Revised 105109  
Code: 105110

(1) Issue and execute an order under section ~~5111.46~~ 5165.72, 105111  
~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 105112  
terminating a nursing facility's participation in the ~~medical~~ 105113  
~~assistance~~ medicaid program; 105114

(2) Appoint a temporary manager under division (A)(1)(b) or 105115  
(2)(b) of section ~~5111.46~~ 5165.72 or division (A)(1)(d) of section 105116  
~~5111.51~~ 5165.77 of the Revised Code; 105117

(3) Issue and execute an order under section ~~5111.46~~ 5165.72, 105118  
~~5111.47~~ 5165.73, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of the 105119  
Revised Code denying ~~payment~~ medicaid payments to a facility for 105120  
all medicaid eligible residents admitted after the effective date 105121  
of the order; 105122

(4) Issue and execute an order under section ~~5111.46~~ 5165.72 105123  
or ~~5111.47~~ 5165.73 or division (A), (B), or (C) of section ~~5111.48~~ 105124  
5165.74 of the Revised Code denying ~~payment~~ medicaid payments to a 105125  
facility for medicaid eligible residents admitted after the 105126  
effective date of the order who have specified diagnoses or 105127  
special care needs. 105128

(C) Whenever the department or agency imposes a remedy listed 105129  
in division (B) of this section prior to or during the pendency of 105130  
a proceeding, all of the following apply: 105131



(1) The provider against whom the action is taken shall have ten days after the date the facility actually receives the notice specified in section 119.07 of the Revised Code to request a hearing.

(2) The hearing shall commence within thirty days after the date the department or agency receives the provider's request for a hearing.

(3) The hearing shall continue uninterrupted from day to day, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the department or agency.

(4) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations within ten days after the close of the hearing.

(5) The provider shall have five days after the date the hearing officer files the report and recommendations within which to file objections to the report and recommendations.

(6) Not later than fifteen days after the date the hearing officer files the report and recommendations, the medicaid director ~~of job and family services~~ or the director of the contracting agency shall issue an order approving, modifying, or disapproving the report and recommendations of the hearing examiner.

(D) If the department or agency imposes more than one remedy as the result of deficiencies cited in a single survey, the proceedings for all of the remedies shall be consolidated. If any of the remedies are imposed during the pendency of a hearing, as permitted by division (B) of this section, the consolidated hearing shall be conducted in accordance with division (C) of this section. The consolidation of the remedies for purposes of a hearing does not affect the effective dates prescribed in sections

~~5111.35~~ 5165.60 to ~~5111.58~~ 5168.85 of the Revised Code. 105163

(E) If a contracting agency conducts administrative 105164  
proceedings pertaining to remedies imposed under sections ~~5111.35~~ 105165  
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department of 105166  
~~job and family services~~ medicaid shall not be considered a party 105167  
to the proceedings. 105168

**Sec. ~~5111.61~~ 5165.88.** (A)(1) Except as required by court 105169  
order, as necessary for the administration or enforcement of any 105170  
statute relating to nursing facilities, or as provided in division 105171  
(C) of this section, the department of ~~job and family services~~ 105172  
medicaid and any contracting agency shall not release any of the 105173  
following information without the permission of the individual or 105174  
the individual's legal representative: 105175

(a) The identity of any resident of a nursing facility; 105176

(b) The identity of any individual who submits a complaint 105177  
about a nursing facility; 105178

(c) The identity of any individual who provides the 105179  
department or agency with information about a nursing facility and 105180  
has requested confidentiality; 105181

(d) Any information that reasonably would tend to disclose 105182  
the identity of any individual described in division (A)(1)(a) to 105183  
(c) of this section. 105184

(2) An agency or individual to whom the department or 105185  
contracting agency is required, by court order or for the 105186  
administration or enforcement of a statute relating to nursing 105187  
facilities, to release information described in division (A)(1) of 105188  
this section shall not release the information without the 105189  
permission of the individual who would be or would reasonably tend 105190  
to be identified, or of the individual's legal representative, 105191  
unless the agency or individual is required to release it by 105192

division (C) of this section, by court order, or for the 105193  
administration or enforcement of a statute relating to nursing 105194  
facilities. 105195

(B) Except as provided in division (C) of this section, any 105196  
record that identifies an individual described in division (A)(1) 105197  
of this section or that reasonably would tend to identify such an 105198  
individual is not a public record for the purposes of section 105199  
149.43 of the Revised Code, and is not subject to inspection and 105200  
copying under section 1347.08 of the Revised Code. 105201

(C) If the department or a contracting agency, or an agency 105202  
or individual to whom the department or contracting agency was 105203  
required by court order or for administration or enforcement of a 105204  
statute relating to nursing facilities to release information 105205  
described in division (A)(1) of this section, uses information in 105206  
any administrative or judicial proceeding against a facility that 105207  
reasonably would tend to identify an individual described in 105208  
division (A)(1) of this section, the department, agency, or 105209  
individual shall disclose that information to the facility. 105210  
However, the department, agency, or individual shall not disclose 105211  
information that directly identifies an individual described in 105212  
divisions (A)(1)(a) to (c) of this section, unless the individual 105213  
is to testify in the proceedings. 105214

(D) No person shall knowingly register a false complaint 105215  
about a nursing facility with the department or a contracting 105216  
agency, or knowingly swear or affirm the truth of a false 105217  
complaint, when the allegation is made for the purpose of 105218  
incriminating another. 105219

~~Sec. 5111.63 5165.89. For the purposes of this section,~~ 105220  
~~"facility," "medicare," and "medicaid" have the same meanings as~~ 105221  
~~in section 3721.10 of the Revised Code.~~ 105222

The department of health shall be the designee of the 105223

department of ~~job and family services~~ medicaid for the purpose of 105224  
conducting a hearing pursuant to section 3721.162 of the Revised 105225  
Code concerning a nursing facility's decision to transfer or 105226  
discharge a resident if the resident is a medicaid recipient or 105227  
medicare beneficiary. 105228

**Sec. ~~5111.99~~ 5165.99.** (A) Whoever violates ~~division (B) of~~ 105229  
section ~~5111.26~~ 5165.102 or division (E) of section ~~5111.31~~ 105230  
5165.08 of the Revised Code shall be fined not less than five 105231  
hundred dollars nor more than one thousand dollars for the first 105232  
offense and not less than one thousand dollars nor more than five 105233  
thousand dollars for each subsequent offense. Fines paid under 105234  
this section shall be deposited in the state treasury to the 105235  
credit of the general revenue fund. 105236

(B) Whoever violates division (D) of section ~~5111.64~~ 5165.88 105237  
of the Revised Code is guilty of registering a false complaint, a 105238  
misdemeanor of the first degree. 105239

**Sec. 5166.01.** As used in this chapter: 105240

"Administrative agency" means, with respect to a home and 105241  
community-based services medicaid waiver component, the department 105242  
of medicaid or, if a state agency or political subdivision 105243  
contracts with the department under section 5162.35 of the Revised 105244  
Code to administer the component, that state agency or political 105245  
subdivision. 105246

"Dual eligible individual" has the same meaning as in section 105247  
5160.01 of the Revised Code. 105248

"Home and community-based services medicaid waiver component" 105249  
means a medicaid waiver component under which home and 105250  
community-based services are provided as an alternative to 105251  
hospital services, nursing facility services, or ICF/MR services. 105252

"Hospital" has the same meaning as in section 3727.01 of the 105253

|                                                                                                                                                                                                                                                                                                                                                                                                |        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                           | 105254 |
| <u>"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.</u>                                                                                                                                                                                                                                                                                          | 105255 |
| <u>"ICDS participant" means a dual eligible individual who participates in the integrated care delivery system.</u>                                                                                                                                                                                                                                                                            | 105256 |
| <u>"ICF/MR" and "ICF/MR services" have the same meanings as in section 5124.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                        | 105257 |
| <u>"ICF/MR" and "ICF/MR services" have the same meanings as in section 5124.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                        | 105258 |
| <u>"ICF/MR" and "ICF/MR services" have the same meanings as in section 5124.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                        | 105259 |
| <u>"ICF/MR" and "ICF/MR services" have the same meanings as in section 5124.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                        | 105260 |
| <u>"Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.</u>                                                                                                                                                                                                                                                          | 105261 |
| <u>"Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.</u>                                                                                                                                                                                                                                                          | 105262 |
| <u>"Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.</u>                                                                                                                                                                                                                                                          | 105263 |
| <u>"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/MR and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/MR services if not for a home and community-based services medicaid waiver component.</u> | 105264 |
| <u>"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/MR and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/MR services if not for a home and community-based services medicaid waiver component.</u> | 105265 |
| <u>"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/MR and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/MR services if not for a home and community-based services medicaid waiver component.</u> | 105266 |
| <u>"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/MR and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/MR services if not for a home and community-based services medicaid waiver component.</u> | 105267 |
| <u>"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/MR and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/MR services if not for a home and community-based services medicaid waiver component.</u> | 105268 |
| <u>"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/MR and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/MR services if not for a home and community-based services medicaid waiver component.</u> | 105269 |
| <u>"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                     | 105270 |
| <u>"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                     | 105271 |
| <u>"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code.</u>          | 105272 |
| <u>"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code.</u>          | 105273 |
| <u>"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code.</u>          | 105274 |
| <u>"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code.</u>          | 105275 |
| <u>"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code.</u>          | 105276 |
| <u>"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code.</u>          | 105277 |
| <u>"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                    | 105278 |
| <u>"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                    | 105279 |
| <u>"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.</u>                                                                                                                                                                                  | 105280 |
| <u>"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.</u>                                                                                                                                                                                  | 105281 |
| <u>"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.</u>                                                                                                                                                                                  | 105282 |
| <u>"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.</u>                                                                                                                                                                                  | 105283 |

"Ohio transitions II aging carve-out program" means the home and community-based services medicaid waiver component that is known as Ohio transitions II aging carve-out and was created pursuant to section 5166.11 of the Revised Code. 105284  
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"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 105288  
105289

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds. 105290  
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"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 105298  
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"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code. 105300  
105301  
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~~Sec. 5111.85 5166.02. (A) As used in this section and sections 5111.851 to 5111.856 of the Revised Code:~~ 105303  
105304

~~"Home and community based services medicaid waiver component" means a medicaid waiver component under which home and community based services are provided as an alternative to hospital, nursing facility, or intermediate care facility for the mentally retarded services.~~ 105305  
105306  
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~~"Hospital" has the same meaning as in section 3727.01 of the Revised Code.~~ 105310  
105311

~~"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.~~ 105312  
105313

~~"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5111.16 of the Revised Code.~~

~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~

~~(B) The medicaid director of job and family services may shall adopt rules under in accordance with Chapter 119. of the Revised Code governing medicaid waiver components ~~that.~~ The rules may establish all of the following:~~

(1) Eligibility requirements for the medicaid waiver components;

(2) The type, amount, duration, and scope of medicaid services the medicaid waiver components ~~provide cover;~~

(3) The conditions under which the medicaid waiver components cover medicaid services;

(4) The ~~amount~~ amounts the medicaid waiver components pay for medicaid services or the ~~method~~ methods by which the ~~amount is~~ amounts are determined;

(5) The ~~manner~~ manners in which the medicaid waiver components pay for medicaid services;

(6) Safeguards for the health and welfare of medicaid recipients receiving medicaid services under a medicaid waiver component;

(7) Procedures for prioritizing and approving for enrollment individuals who are eligible for a home and community-based services medicaid waiver component and choose to be enrolled in

the component; 105344

(8) Procedures for enforcing the rules, including 105345  
establishing corrective action plans for, and imposing financial 105346  
and administrative sanctions on, persons and government entities 105347  
that violate the rules. Sanctions shall include terminating 105348  
~~medicaid~~ provider agreements. The procedures shall include due 105349  
process protections. 105350

(9) Other policies necessary for the efficient administration 105351  
of the medicaid waiver components. 105352

~~(C)~~(B) The director ~~of job and family services~~ may adopt 105353  
different rules for the different medicaid waiver components. The 105354  
rules shall be consistent with the terms of the waiver authorizing 105355  
the medicaid waiver component. 105356

~~(D)~~(C) The following apply to procedures established under 105357  
division ~~(B)~~(A)(7) of this section: 105358

(1) Any such procedures established for the medicaid-funded 105359  
component of the PASSPORT program shall be consistent with section 105360  
~~173.401~~ 173.521 of the Revised Code. 105361

(2) Any such procedures established for the medicaid-funded 105362  
component of the assisted living program shall be consistent with 105363  
section 173.542 of the Revised Code. 105364

(3) Any such procedures established for the Ohio home care 105365  
waiver program shall be consistent with section ~~5111.862~~ 5166.121 105366  
of the Revised Code. 105367

~~(3)~~(4) Any such procedures established for the unified 105368  
long-term services and support medicaid waiver program shall be 105369  
consistent with section ~~5111.865~~ 5166.141 of the Revised Code. 105370

~~(4)~~ Any such procedures established for the medicaid-funded 105371  
~~component of the assisted living program shall be consistent with~~ 105372  
~~section 5111.894 of the Revised Code.~~ 105373



~~Sec. 5111.84~~ 5166.03. The medicaid director of ~~job and family~~ 105374  
~~services~~ may not submit a request to the United States secretary 105375  
of health and human services for a medicaid waiver under ~~section~~ 105376  
~~1115~~ of the "Social Security Act of 1935," section 1115, 42 U.S.C. 105377  
1315, unless the director provides the speaker of the house of 105378  
representatives and president of the senate written notice of the 105379  
director's intent to submit the request at least ten days before 105380  
the date the director submits the request to the United States 105381  
secretary. The notice shall include a detailed explanation of the 105382  
medicaid waiver the director proposes to seek. 105383

~~Sec. 5111.851~~ 5166.04. (A) ~~As used in sections 5111.851 to~~ 105384  
~~5111.855 of the Revised Code:~~ 105385

~~"Administrative agency" means, with respect to a home and~~ 105386  
~~community based services medicaid waiver component, the department~~ 105387  
~~of job and family services or, if a state agency or political~~ 105388  
~~subdivision contracts with the department under section 5111.91 of~~ 105389  
~~the Revised Code to administer the component, that state agency or~~ 105390  
~~political subdivision.~~ 105391

~~"Level of care determination" means a determination of~~ 105392  
~~whether an individual needs the level of care provided by a~~ 105393  
~~hospital, nursing facility, or intermediate care facility for the~~ 105394  
~~mentally retarded and whether the individual, if determined to~~ 105395  
~~need that level of care, would receive hospital, nursing facility,~~ 105396  
~~or intermediate care facility for the mentally retarded services~~ 105397  
~~if not for a home and community based services medicaid waiver~~ 105398  
~~component.~~ 105399

~~"Medicaid buy in for workers with disabilities program" means~~ 105400  
~~the component of the medicaid program established under sections~~ 105401  
~~5111.70 to 5111.7011 of the Revised Code.~~ 105402

~~"Skilled nursing facility" means a facility certified as a~~ 105403

~~skilled nursing facility under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.~~ 105404  
105405

~~(B)~~ The following requirements apply to each home and community-based services medicaid waiver component: 105406  
105407

~~(1)~~(A) Only an individual who qualifies for a component shall receive that component's medicaid services. 105408  
105409

~~(2)~~(B) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed. 105410  
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~~(3)~~(C) A written plan of care or individual service plan based on an individual assessment of the medicaid services that an individual needs to avoid needing admission to a hospital, nursing facility, or ~~intermediate care facility for the mentally retarded~~ ICF/MR shall be created for each individual determined eligible for a component. 105416  
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~~(4)~~(D) Each individual determined eligible for a component shall receive that component's medicaid services in accordance with the individual's level of care determination and written plan of care or individual service plan. 105422  
105423  
105424  
105425

~~(5)~~(E) No individual may receive medicaid services under a component while the individual is a hospital inpatient or resident of a skilled nursing facility, nursing facility, or ~~intermediate care facility for the mentally retarded~~ ICF/MR. 105426  
105427  
105428  
105429

~~(6)~~(F) No individual may receive prevocational, educational, or supported employment services under a component if the individual is eligible for such services that are funded with federal funds provided under 29 U.S.C. 730 or the "Individuals with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 105430  
105431  
105432  
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1400, as amended. 105435

~~(7)~~(G) Safeguards shall be taken to protect the health and 105436  
welfare of individuals receiving medicaid services under a 105437  
component, including safeguards established in rules adopted under 105438  
section ~~5111.85~~ 5166.02 of the Revised Code and safeguards 105439  
established by licensing and certification requirements that are 105440  
applicable to the providers of that component's medicaid services. 105441

~~(8)~~(H) No medicaid services may be provided under a component 105442  
by a provider that is subject to standards that the "Social 105443  
Security Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires 105444  
be established if the provider fails to comply with the standards 105445  
applicable to the provider. 105446

~~(9)~~(I) Individuals determined to be eligible for a component, 105447  
or such individuals' representatives, shall be informed of that 105448  
component's medicaid services, including any choices that the 105449  
individual or representative may make regarding the component's 105450  
medicaid services, and given the choice of either receiving 105451  
medicaid services under that component or, as appropriate, 105452  
hospital services, nursing facility services, or ~~intermediate care~~ 105453  
~~facility for the mentally retarded~~ ICF/MR services. 105454

~~(10) No individual shall lose eligibility for services under 105455  
a component, or have the services reduced or otherwise disrupted, 105456  
on the basis that the individual also receives services under the 105457  
medicaid buy in for workers with disabilities program. 105458~~

~~(11) No individual shall lose eligibility for services under 105459  
a component, or have the services reduced or otherwise disrupted, 105460  
on the basis that the individual's income or resources increase to 105461  
an amount above the eligibility limit for the component if the 105462  
individual is participating in the medicaid buy in for workers 105463  
with disabilities program and the amount of the individual's 105464  
income or resources does not exceed the eligibility limit for the 105465~~

~~medicaid buy in for workers with disabilities program.~~ 105466

~~(12) No individual receiving services under a component shall 105467  
be required to pay any cost sharing expenses for the services for 105468  
any period during which the individual also participates in the 105469  
medicaid buy in for workers with disabilities program. 105470~~

**Sec. ~~5111.852~~ 5166.05.** The department of ~~job and family 105471  
services~~ medicaid may review and approve, modify, or deny written 105472  
plans of care and individual service plans that section ~~5111.851~~ 105473  
5166.04 of the Revised Code requires be created for individuals 105474  
determined eligible for a home and community-based services 105475  
medicaid waiver component. If a state agency or political 105476  
subdivision contracts with the department under section ~~5111.91~~ 105477  
5162.35 of the Revised Code to administer a home and 105478  
community-based services medicaid waiver component and approves, 105479  
modifies, or denies a written plan of care or individual service 105480  
plan pursuant to the agency's or subdivision's administration of 105481  
the component, the department may review the agency's or 105482  
subdivision's approval, modification, or denial and order the 105483  
agency or subdivision to reverse or modify the approval, 105484  
modification, or denial. The state agency or political subdivision 105485  
shall comply with the department's order. 105486

The department of ~~job and family services~~ medicaid shall be 105487  
granted full and immediate access to any records the department 105488  
needs to implement its duties under this section. 105489

**Sec. ~~5111.853~~ 5166.06.** Each administrative agency shall 105490  
maintain, for a period of time the department of ~~job and family 105491  
services~~ medicaid shall specify, financial records documenting the 105492  
costs of medicaid services provided under the home and 105493  
community-based services medicaid waiver components that the 105494  
agency administers, including records of independent audits. The 105495

administrative agency shall make the financial records available 105496  
on request to the United States secretary of health and human 105497  
services, United States comptroller general, and their designees. 105498

**Sec. ~~5111.854~~ 5166.07.** Each administrative agency is 105499  
financially accountable for funds expended for medicaid services 105500  
~~provided under~~ covered by the home and community-based services 105501  
medicaid waiver components that the agency administers. 105502

**Sec. ~~5111.855~~ 5166.08.** Each state agency and political 105503  
subdivision that enters into a contract with the department of ~~job~~ 105504  
~~and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the 105505  
Revised Code to administer a home and community-based services 105506  
medicaid waiver component, or one or more aspects of such a 105507  
component, shall provide the department a written assurance that 105508  
the agency or subdivision will not violate any of the requirements 105509  
of sections ~~5111.85~~ 5166.01 to ~~5111.854~~ 5166.07 of the Revised 105510  
Code. 105511

**Sec. ~~5111.856~~ 5166.10.** To the extent necessary for the 105512  
efficient and economical administration of medicaid waiver 105513  
components, the department of ~~job and family services~~ medicaid may 105514  
transfer an individual enrolled in a medicaid waiver component 105515  
administered by the department to another medicaid waiver 105516  
component the department administers if the individual is eligible 105517  
for the medicaid waiver component and the transfer does not 105518  
jeopardize the individual's health or safety. 105519

**Sec. ~~5111.86~~ 5166.11.** (A) As used in this section: 105520

~~(1) "Hospital" has the same meaning as in section 3727.01 of~~ 105521  
~~the Revised Code.~~ 105522

~~(2) "Medicaid waiver component" has the same meaning as in~~ 105523

~~section 5111.85 of the Revised Code.~~ 105524

~~(3) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 105525  
105526

~~(4),~~ "Ohio home care program" means the program the 105527  
department of ~~job and family services~~ medicaid administers that 105528  
provides state plan services and medicaid waiver component 105529  
services pursuant to rules adopted ~~under sections 5111.01 and~~ 105530  
~~5111.02 of the Revised Code~~ for the medicaid program and a 105531  
medicaid waiver that went into effect July 1, 1998. 105532

(B) The ~~director~~ department of ~~job and family services~~ 105533  
medicaid may ~~submit requests to the United States secretary of~~ 105534  
~~health and human services pursuant to section 1915 of the "Social~~ 105535  
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended,~~ 105536  
~~to obtain waivers of federal medicaid requirements that would~~ 105537  
~~otherwise be violated in the creation and implementation of~~ create 105538  
and administer two or more medicaid waiver components under which 105539  
home and community-based services are provided to eligible 105540  
individuals who need the level of care provided by a nursing 105541  
facility or hospital. In administering the ~~requests~~ medicaid 105542  
waiver components, the ~~director~~ department may specify the 105543  
following: 105544

(1) The maximum number of individuals who may be enrolled in 105545  
each of the medicaid waiver components ~~included in the requests;~~ 105546

(2) The maximum amount the medicaid program may expend each 105547  
year for each individual enrolled in the medicaid waiver 105548  
components; 105549

(3) The maximum amount the medicaid program may expend each 105550  
year for all individuals enrolled in the medicaid waiver 105551  
components; 105552

(4) Any other requirements the ~~director~~ department selects 105553  
for the medicaid waiver components. 105554

~~(C) If the secretary approves the medicaid waivers requested under this section, the director may create and implement the medicaid waiver components in accordance with the provisions of the approved waivers. The department of job and family services shall administer the medicaid waiver components.~~ 105555  
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~~(D) After the first of any of the medicaid waiver components created that the department administers under this section begins to enroll eligible individuals, the ~~director~~ department may ~~submit~~ to the United States secretary of health and human services an amendment to a medicaid waiver component of the Ohio home care program authorizing the department to ~~cease enrolling~~ to enroll additional individuals in ~~that~~ a medicaid waiver component of the Ohio home care program. ~~If the secretary approves the amendment, the director may cease to enroll additional individuals in that medicaid waiver component of the Ohio home care program.~~ 105560  
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~~Sec. 5111.861 5166.12.~~ (A) ~~As used in this section:~~ 105570

~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 105571  
105572

~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 105573  
105574  
105575

~~(B) Subject to division (C) of this section, there is hereby created the Ohio home care program. The program shall provide home and community based services. The department of job and family services medicaid shall administer the program.~~ 105576  
105577  
105578  
105579

~~(C) If the unified long-term services and support medicaid waiver component is created, the departments of aging and ~~job and family services~~ medicaid shall ~~work together~~ collaborate to determine whether the Ohio home care waiver program should continue to operate as a separate medicaid waiver component or be 105580  
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105583  
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terminated. If the departments determine that the Ohio home care 105585  
waiver program should be terminated, the program shall cease to 105586  
exist on a date the departments shall specify. 105587

**Sec. ~~5111.862~~ 5166.121.** (A) ~~As used in this section:~~ 105588

~~"Hospital long term care unit" has the same meaning as in 105589  
section 3721.50 of the Revised Code.~~ 105590

~~"Nursing facility" has the same meaning as in section 5111.20 105591  
of the Revised Code.~~ 105592

~~"Ohio home care program" means the medicaid waiver component 105593  
created under section 5111.861 of the Revised Code.~~ 105594

~~"Residential treatment facility" means a residential facility 105595  
licensed by the department of mental health under section 5119.22 105596  
of the Revised Code, or an institution certified by the department 105597  
of job and family services under section 5103.03 of the Revised 105598  
Code, that serves children and either has more than sixteen beds 105599  
or is part of a campus of multiple facilities or institutions 105600  
that, combined, have a total of more than sixteen beds.~~ 105601

~~(B) Subject to division (C) of Unless the Ohio home care 105602  
waiver program is terminated pursuant to section 5111.861 5165.12 105603  
of the Revised Code, the department of job and family services 105604  
medicaid shall establish a home first component for the Ohio home 105605  
care waiver program. An individual is eligible for the Ohio home 105606  
care waiver program's home first component if the individual has 105607  
been determined to be eligible for the Ohio home care waiver 105608  
program and at least one of the following applies:~~ 105609

(1) If the individual is under twenty-one years of age, the 105610  
individual received inpatient hospital services for at least 105611  
fourteen consecutive days, or had at least three inpatient 105612  
hospital stays during the twelve months, immediately preceding the 105613  
date the individual applies for the Ohio home care waiver program. 105614



(2) If the individual is at least twenty-one but less than 105615  
sixty years of age, the individual received inpatient hospital 105616  
services for at least fourteen consecutive days immediately 105617  
preceding the date the individual applies for the Ohio home care 105618  
waiver program. 105619

(3) The individual received private duty nursing services 105620  
under the medicaid program for at least twelve consecutive months 105621  
immediately preceding the date the individual applies for the Ohio 105622  
home care waiver program. 105623

(4) The individual does not reside in a nursing facility or 105624  
hospital long-term care unit at the time the individual applies 105625  
for the Ohio home care waiver program but is at risk of imminent 105626  
admission to a nursing facility or hospital long-term care unit 105627  
due to a documented loss of a primary caregiver. 105628

(5) The individual resides in a nursing facility at the time 105629  
the individual applies for the Ohio home care waiver program. 105630

(6) At the time the individual applies for the Ohio home care 105631  
waiver program, the individual participates in the money follows 105632  
the person demonstration project authorized by section 6071 of the 105633  
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, 105634  
and either resides in a residential treatment facility or 105635  
inpatient hospital setting. 105636

~~(C)(B)~~ An individual determined to be eligible for the home 105637  
first component of the Ohio home care waiver program shall be 105638  
enrolled in the ~~Ohio home care~~ program in accordance with rules 105639  
adopted under section ~~5111.85~~ 5166.02 of the Revised Code. 105640

**Sec. ~~5111.863~~ 5166.13.** ~~(A) As used in this section:~~ 105641

~~"Medicaid waiver component" has the same meaning as in~~ 105642  
~~section 5111.85 of the Revised Code.~~ 105643

~~"Unified long term services and support medicaid waiver~~ 105644

~~component" means the medicaid waiver component authorized by~~ 105645  
~~section 5111.864 of the Revised Code.~~ 105646

~~(B) Subject to division (C) of this section, there is hereby~~ 105647  
~~created the Ohio transitions II aging carve-out program. The~~ 105648  
~~program shall provide home and community based services. The~~ 105649  
~~department of job and family services shall administer the~~ 105650  
~~program.~~ 105651

~~(C) If the unified long-term services and support medicaid~~ 105652  
~~waiver component is created, the departments of aging and job and~~ 105653  
~~family services medicaid shall ~~work together~~ collaborate to~~ 105654  
~~determine whether the Ohio transitions II aging carve-out program~~ 105655  
~~should continue to operate as a separate medicaid waiver component~~ 105656  
~~or be terminated. If the departments determine that the Ohio~~ 105657  
~~transitions II aging carve-out program should be terminated, the~~ 105658  
~~program shall cease to exist on a date the departments shall~~ 105659  
~~specify.~~ 105660

**Sec. 5111.864 5166.14.** ~~(A) As used in this section:~~ 105661

~~"Medicaid waiver component" has the same meaning as in~~ 105662  
~~section 5111.85 of the Revised Code.~~ 105663

~~"Nursing facility" has the same meaning as in section 5111.20~~ 105664  
~~of the Revised Code.~~ 105665

~~(B) The director department of job and family services~~ 105666  
~~medicaid shall submit a request to the United States secretary of~~ 105667  
~~health and human services pursuant to section 1915n of the "Social~~ 105668  
~~Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n, as amended,~~ 105669  
~~to obtain approval to create a unified long-term services and~~ 105670  
~~support medicaid waiver component to provide home and~~ 105671  
~~community-based services to eligible individuals of any age who~~ 105672  
~~require the level of care provided by nursing facilities. The~~ 105673  
~~director department of job and family services medicaid shall ~~work~~~~ 105674

~~collaborate with the director department of aging in seeking approval of the unified long term services and support medicaid waiver component and, if the approval is obtained, in creating and implementing the component.~~ 105675  
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~~If the request to create the unified long term services and support medicaid waiver component is approved, the The medicaid director of job and family services, working shall collaborate with the director of aging, shall adopt when adopting rules under section 5111.85 5166.02 of the Revised Code to implement the component. The rules may authorize the director of aging to adopt rules in accordance with Chapter 119. of the Revised Code governing aspects of the unified long term services and support medicaid waiver component.~~ 105679  
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**Sec. 5111.865 5166.141.** ~~(A) As used in this section, "unified long term services and support medicaid waiver program" or "program" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 105688  
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~~(B) If the United States secretary of health and human services approves the request submitted under section 5111.864 of the Revised Code to create the unified long term services and support medicaid waiver program, the The department of job and family services medicaid shall establish a home first component for the unified long-term services and support medicaid waiver program. The home first component shall be similar to the home first component of the medicaid-funded component of the PASSPORT program established under section 173.401 173.521 of the Revised Code, the home first component of the Ohio home care program established under section 5111.862 of the Revised Code, and the home first component of the medicaid-funded component of the assisted living program established under section 5111.894 173.542 of the Revised Code, and the home first component of the Ohio home~~ 105692  
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care waiver program established under section 5166.121 of the 105706  
Revised Code. 105707

Sec. 5166.16. (A) As used in this section, "ODA or MCD 105708  
medicaid waiver component" means all of the following: 105709

(1) The medicaid-funded component of the PASSPORT program, 105710  
unless it is terminated pursuant to division (C) of section 173.52 105711  
of the Revised Code; 105712

(2) The choices program, unless it is terminated pursuant to 105713  
division (B) of section 173.53 of the Revised Code; 105714

(3) The medicaid-funded component of the assisted living 105715  
program, unless it is terminated pursuant to division (C) of 105716  
section 173.54 of the Revised Code; 105717

(4) The Ohio home care waiver program, unless it is 105718  
terminated pursuant to section 5166.12 of the Revised Code; 105719

(5) The Ohio transitions II aging carve-out program, unless 105720  
it is terminated pursuant to section 5166.13 of the Revised Code. 105721

(B) The medicaid director may create a home and 105722  
community-based services medicaid waiver component as part of the 105723  
integrated care delivery system. If the ICDS medicaid waiver 105724  
component is created, both of the following apply: 105725

(1) The department of medicaid shall administer it; 105726

(2) When it begins to accept enrollments, no ICDS participant 105727  
who is eligible for the ICDS medicaid waiver component shall be 105728  
enrolled in an ODA or MCD medicaid waiver component regardless of 105729  
whether the participant prefers to remain or be enrolled in an ODA 105730  
or MCD medicaid waiver component. 105731

(C) A dual eligible individual who is eligible for an ODA or 105732  
MCD medicaid waiver component may enroll in the component before 105733  
the individual becomes an ICDS participant. The dual eligible 105734

individual shall disenroll from the ODA or MCD medicaid waiver component and enroll in the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component.

(D) An ICDS participant's disenrollment from an ODA or MCD medicaid waiver component and enrollment in the ICDS medicaid waiver component resulting from division (B)(2) or (C) of this section shall be accomplished without a disruption in the participant's services under the components.

**Sec. ~~5111.87~~ 5166.20.** (A) ~~As used in this section and section 5111.871 of the Revised Code:~~

~~(1) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.~~

~~(2) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

~~(B) The director department of job and family services medicaid may apply to the United States secretary of health and human services for both of create the following:~~

(1) One or more medicaid waiver components under which home and community-based services are provided to individuals with mental retardation or other developmental disability as an alternative to placement in ~~an intermediate care facility for the mentally retarded~~ ICFs/MR;

(2) One or more medicaid waiver components under which home and community-based services are provided in the form of any of the following:

(a) Early intervention and supportive services for children under three years of age who have developmental delays or disabilities the ~~director~~ department determines are significant; (b) Therapeutic services for children who have autism; (c) Specialized habilitative services for individuals who are eighteen years of age or older and have autism.

~~(C)~~(B) No medicaid waiver component ~~authorized by~~ created pursuant to division ~~(B)~~(A)(2)(b) or (c) of this section shall provide services that are available under another medicaid waiver component. No medicaid waiver component ~~authorized by~~ created pursuant to division ~~(B)~~(A)(2)(b) of this section shall provide services to an individual that the individual is eligible to receive through an individualized education program as defined in section 3323.01 of the Revised Code.

~~(D)~~(C) The director of developmental disabilities ~~or~~ and director of health may request that the ~~director~~ department of ~~job and family services~~ apply for medicaid ~~create~~ one or more medicaid waivers wavier components under this section.

~~(E)~~(D) Before ~~applying for~~ creating a medicaid waiver component under this section, the ~~director~~ department of ~~job and family services~~ medicaid shall seek, accept, and consider public comments.

**Sec. ~~5111.871~~ 5166.21.** The department of ~~job and family services~~ medicaid shall enter into a contract with the department of developmental disabilities under section ~~5111.91~~ 5162.35 of the Revised Code with regard to one or more of the medicaid waiver components ~~established~~ created by the department of ~~job and family services~~ medicaid under section ~~5111.87~~ 5166.20 of the Revised Code. ~~Subject, if needed, to the approval of the United States secretary of health and human services, the~~ The contract shall

include the medicaid waiver component known as the transitions 105795  
developmental disabilities waiver. The contract shall provide for 105796  
the department of developmental disabilities to administer the 105797  
components in accordance with the terms of the federal medicaid 105798  
waivers authorizing the components. The contract shall include a 105799  
schedule for the department of developmental disabilities to begin 105800  
administering the transitions developmental disabilities waiver. 105801  
~~The directors of job and family services and developmental~~ 105802  
~~disabilities shall adopt rules in accordance with Chapter 119. of~~ 105803  
~~the Revised Code governing the components.~~ 105804

If the department of developmental disabilities or the 105805  
department of ~~job and family services~~ medicaid denies an 105806  
individual's application for home and community-based services 105807  
provided under any of these medicaid components, the department 105808  
that denied the services shall give timely notice to the 105809  
individual that the individual may ~~request a hearing under~~ appeal 105810  
pursuant to section ~~5101.35~~ 5160.31 of the Revised Code. 105811

The departments of developmental disabilities and ~~job and~~ 105812  
~~family services~~ medicaid may approve, reduce, deny, or terminate a 105813  
medicaid service included in the individualized service plan 105814  
developed for a medicaid recipient eligible for home and 105815  
community-based services provided under any of these medicaid 105816  
components. The departments shall consider the recommendations a 105817  
county board of developmental disabilities makes under division 105818  
(A)(1)(c) of section 5126.055 of the Revised Code. If either 105819  
department approves, reduces, denies, or terminates a medicaid 105820  
service, that department shall give timely notice to the medicaid 105821  
recipient that the recipient may ~~request a hearing under~~ appeal 105822  
pursuant to section ~~5101.35~~ 5160.31 of the Revised Code. 105823

If supported living, as defined in section 5126.01 of the 105824  
Revised Code, is to be provided as a medicaid service under any of 105825  
these components, any person or government entity with a current, 105826

valid ~~medicaid~~ provider agreement and a current, valid certificate 105827  
under section 5123.161 of the Revised Code may provide the 105828  
medicaid service. 105829

If a medicaid service is to be provided under any of these 105830  
components by a residential facility, as defined in section 105831  
5123.19 of the Revised Code, any person or government entity with 105832  
a current, valid ~~medicaid~~ provider agreement and a current, valid 105833  
license under section 5123.19 of the Revised Code may provide the 105834  
medicaid service. 105835

**Sec. ~~5111.872~~ 5166.22.** (A) Subject to division (B) of this 105836  
section, when the department of developmental disabilities 105837  
allocates enrollment numbers to a county board of developmental 105838  
disabilities for home and community-based services specified in 105839  
division ~~(B)~~(A)(1) of section ~~5111.87~~ 5166.20 of the Revised Code 105840  
and provided under any of the medicaid waiver components that the 105841  
department administers under section ~~5111.871~~ 5166.21 of the 105842  
Revised Code, the department shall consider all of the following: 105843

(1) The number of individuals with mental retardation or 105844  
other developmental disability who are on a waiting list the 105845  
county board establishes under section 5126.042 of the Revised 105846  
Code for those services and are given priority on the waiting 105847  
list; 105848

(2) The implementation component required by division (A)(3) 105849  
of section 5126.054 of the Revised Code of the county board's plan 105850  
approved under section 5123.046 of the Revised Code; 105851

(3) Anything else the department considers necessary to 105852  
enable county boards to provide those services to individuals in 105853  
accordance with the priority requirements for waiting lists 105854  
established under section 5126.042 of the Revised Code for those 105855  
services. 105856



(B) Division (A) of this section applies to home and 105857  
community-based services provided under the medicaid waiver 105858  
component known as the transitions developmental disabilities 105859  
waiver only to the extent, if any, provided by the contract 105860  
required by section ~~5111.871~~ 5166.21 of the Revised Code regarding 105861  
the ~~waiver~~ component. 105862

**Sec. ~~5111.873~~ 5166.23.** (A) Subject to division (D) of this 105863  
section, the medicaid director ~~of job and family services~~ shall 105864  
adopt rules ~~in accordance with Chapter 119.~~ under section 5166.02 105865  
of the Revised Code establishing the ~~amount of reimbursement~~ 105866  
payment amounts or the methods by which the payment amounts ~~of~~ 105867  
~~reimbursement~~ are to be determined for home and community-based 105868  
services specified in division ~~(B)~~(A)(1) of section ~~5111.87~~ 105869  
5166.20 of the Revised Code and provided under the components of 105870  
the medicaid program that the department of developmental 105871  
disabilities administers under section ~~5111.871~~ 5166.21 of the 105872  
Revised Code. With respect to these rules, all of the following 105873  
apply: 105874

(1) The rules shall establish procedures for the department 105875  
of developmental disabilities to follow in arranging for the 105876  
initial and ongoing collection of cost information from a 105877  
comprehensive, statistically valid sample of persons and 105878  
government entities providing the services at the time the 105879  
information is obtained. 105880

(2) The rules shall establish procedures for the collection 105881  
of consumer-specific information through an assessment instrument 105882  
the department of developmental disabilities shall provide to the 105883  
department of ~~job and family services~~ medicaid. 105884

(3) With the information collected pursuant to divisions 105885  
(A)(1) and (2) of this section, an analysis of that information, 105886  
and other information the director determines relevant, the rules 105887

shall establish ~~reimbursement~~ payment standards that do all of the 105888  
following: 105889

(a) Assure that ~~reimbursement is~~ payment amounts are 105890  
consistent with efficiency, economy, and quality of care; 105891

(b) Consider the intensity of consumer resource need; 105892

(c) Recognize variations in different geographic areas 105893  
regarding the resources necessary to assure the health and welfare 105894  
of consumers; 105895

(d) Recognize variations in environmental supports available 105896  
to consumers. 105897

(B) As part of the process of adopting rules ~~under~~ authorized 105898  
by this section, the director shall consult with the director of 105899  
developmental disabilities, representatives of county boards of 105900  
developmental disabilities, persons who provide the home and 105901  
community-based services, and other persons and government 105902  
entities the director identifies. 105903

(C) The ~~directors of job and family services~~ medicaid 105904  
director and director of developmental disabilities shall review 105905  
the rules ~~adopted under~~ authorized by this section at times they 105906  
determine are necessary to ensure that the ~~amount of reimbursement~~ 105907  
payment amounts or the methods by which the payment amounts ~~of~~ 105908  
~~reimbursement~~ are to be determined continue to meet the 105909  
~~reimbursement~~ payment standards established under division (A)(3) 105910  
of this section. 105911

(D) This section applies to home and community-based services 105912  
provided under the medicaid waiver component known as the 105913  
transitions developmental disabilities waiver only to the extent, 105914  
if any, provided by the contract required by section ~~5111.871~~ 105915  
5166.21 of the Revised Code regarding the ~~waiver~~ component. 105916

**Sec. ~~5111.88~~ 5166.30.** (A) As used in sections ~~5111.88~~ 5166.30 105917

|                                                                                                                                                                                                                                                                                                           |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| to <del>5111.8811</del> <u>5166.3010</u> of the Revised Code:                                                                                                                                                                                                                                             | 105918                                         |
| (1) "Adult" means an individual at least eighteen years of age.                                                                                                                                                                                                                                           | 105919<br>105920                               |
| (2) <u>"Appropriate director" means the following:</u>                                                                                                                                                                                                                                                    | 105921                                         |
| <u>(a) The medicaid director in the context of all of the following:</u>                                                                                                                                                                                                                                  | 105922<br>105923                               |
| <u>(i) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;</u>                                                                                                                                                                                    | 105924<br>105925                               |
| <u>(ii) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;</u>                                                                                                                                                                     | 105926<br>105927                               |
| <u>(iii) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.</u>                                                                                                                                                                             | 105928<br>105929                               |
| <u>(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.</u>                                                                                                         | 105930<br>105931<br>105932<br>105933           |
| <u>(3) "Authorized representative" means the following:</u>                                                                                                                                                                                                                                               | 105934                                         |
| (a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;                                                                                                                                                                                                              | 105935<br>105936                               |
| (b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section <del>5111.8810</del> <u>5166.3010</u> of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.                                                  | 105937<br>105938<br>105939<br>105940           |
| <del>(3)</del> <u>(4) "Authorizing health care professional" means a health care professional who, pursuant to section <del>5111.887</del> <u>5166.307</u> of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.</u> | 105941<br>105942<br>105943<br>105944<br>105945 |
| <del>(4)</del> <u>(5) "Consumer" means an individual to whom all of the</u>                                                                                                                                                                                                                               | 105946                                         |

|                                                                                                                                                                                                                                |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| following apply:                                                                                                                                                                                                               | 105947                               |
| (a) The individual is enrolled in a participating medicaid waiver component.                                                                                                                                                   | 105948<br>105949                     |
| (b) The individual has a medically determinable physical impairment to which both of the following apply:                                                                                                                      | 105950<br>105951                     |
| (i) It is expected to last for a continuous period of not less than twelve months.                                                                                                                                             | 105952<br>105953                     |
| (ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both. | 105954<br>105955<br>105956<br>105957 |
| (c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.   | 105958<br>105959<br>105960<br>105961 |
| (d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant.                                  | 105962<br>105963<br>105964<br>105965 |
| <del>(5)</del> (6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.                                                                                                                      | 105966<br>105967                     |
| <del>(6)</del> (7) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.                                                                                                                                | 105968<br>105969                     |
| <del>(7)</del> (8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.                                                                                                                 | 105970<br>105971                     |
| <del>(8)</del> (9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.                                                                                                                                  | 105972<br>105973                     |
| <del>(9)</del> (10) "Health care professional" means a physician or registered nurse.                                                                                                                                          | 105974<br>105975                     |

~~(10)~~(11) "Home care attendant" means an individual holding a valid ~~medicaid~~ provider agreement in accordance with section ~~5111.881~~ 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.

~~(11)~~(12) "Home care attendant services" means all of the following as provided by a home care attendant:

(a) Personal care aide services;

(b) Assistance with the self-administration of medication;

(c) Assistance with nursing tasks.

~~(12)~~(13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.

~~(13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.

(15) "Minor" means an individual under eighteen years of age.

(16) "Participating medicaid waiver component" means ~~both~~ all of the following:

(a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;

(b) The Ohio home care waiver program created under, unless it is terminated pursuant to section 5111.861 5166.12 of the Revised Code;

~~(b)~~(c) The Ohio transitions II aging carve-out program created under, unless it is terminated pursuant to section 5111.863 5166.13 of the Revised Code;

(d) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.

(17) "Physician" means an individual authorized under Chapter 106005  
4731. of the Revised Code to practice medicine and surgery or 106006  
osteopathic medicine and surgery. 106007

(18) "Practice of nursing as a registered nurse," "practice 106008  
of nursing as a licensed practical nurse," and "registered nurse" 106009  
have the same meanings as in section 4723.01 of the Revised Code. 106010  
"Registered nurse" includes an advanced practice registered nurse, 106011  
as defined in section 4723.01 of the Revised Code. 106012

(19) "Schedule II," "schedule III," "schedule IV," and 106013  
"schedule V" have the same meanings as in section 3719.01 of the 106014  
Revised Code. 106015

(B) ~~The director of job and family services may submit~~ 106016  
~~requests to the United States secretary of health and human~~ 106017  
~~services to amend the federal medicaid waivers authorizing the~~ 106018  
~~participating Participating medicaid waiver components to have~~ 106019  
~~those components~~ may cover home care attendant services in 106020  
accordance with sections ~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 of 106021  
the Revised Code and rules adopted under section ~~5111.8811~~ 5166.02 106022  
of the Revised Code. ~~Notwithstanding sections 5111.881 to~~ 106023  
~~5111.8811 of the Revised Code, those sections shall be implemented~~ 106024  
~~regarding a participating medicaid waiver component only if the~~ 106025  
~~secretary approves a waiver amendment for the component.~~ 106026

**Sec. ~~5111.881~~ 5166.301.** The medicaid director ~~of job and~~ 106027  
~~family services~~ shall enter into a medicaid provider agreement 106028  
with an individual to authorize the individual to provide home 106029  
care attendant services to consumers if the individual does both 106030  
of the following: 106031

(A) Agrees to comply with the requirements of sections 106032  
~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 and rules adopted under 106033  
section ~~5111.8811~~ 5166.02 of the Revised Code; 106034

(B) Provides the director evidence satisfactory to the director of all of the following:

(1) That the individual either meets the personnel qualifications specified in 42 C.F.R. 484.4 for home health aides or has successfully completed at least one of the following:

(a) A competency evaluation program or training and competency evaluation program approved or conducted by the director of health under section 3721.31 of the Revised Code;

(b) A training program approved by the ~~department of job and family services~~ appropriate director that includes training in at least all of the following and provides training equivalent to a training and competency evaluation program specified in division (B)(1)(a) of this section or meets the requirements of 42 C.F.R. 484.36(a):

(i) Basic home safety;

(ii) Universal precautions for the prevention of disease transmission, including hand-washing and proper disposal of bodily waste and medical instruments that are sharp or may produce sharp pieces if broken;

(iii) Personal care aide services;

(iv) The labeling, counting, and storage requirements for schedule II, III, IV, and V medications.

(2) That the individual has obtained a certificate of completion of a course in first aid from a first aid course to which all of the following apply:

(a) It is not provided solely through the internet.

(b) It includes hands-on training provided by a first aid instructor who is qualified to provide such training according to standards set in rules adopted under section ~~5111.8811~~ 5166.02 of the Revised Code.

(c) It requires the individual to demonstrate successfully that the individual has learned the first aid taught in the course.

(3) That the individual meets any other requirements for the medicaid provider agreement specified in rules adopted under section ~~5111.8811~~ 5166.02 of the Revised Code.

**Sec. ~~5111.882~~ 5166.302.** A home care attendant shall complete not less than twelve hours of in-service continuing education regarding home care attendant services each year and provide the appropriate director ~~of job and family services~~ evidence satisfactory to the appropriate director that the attendant satisfied this requirement. The evidence shall be submitted to the appropriate director not later than the annual anniversary of the issuance of the home care attendant's initial ~~medicaid~~ provider agreement.

**Sec. ~~5111.883~~ 5166.303.** A home care attendant shall do all of the following:

(A) Maintain a clinical record for each consumer to whom the attendant provides home care attendant services in a manner that protects the consumer's privacy;

(B) Participate in a face-to-face visit every ninety days with all of the following to monitor the health and welfare of each of the consumers to whom the attendant provides home care attendant services:

(1) The consumer;

(2) The consumer's authorized representative, if any;

(3) A registered nurse who agrees to answer any questions that the attendant, consumer, or authorized representative has about consumer care needs, medications, and other issues.



(C) Document the activities of each visit required by 106094  
division (B) of this section in the consumer's clinical record 106095  
with the assistance of the registered nurse. 106096

**Sec. ~~5111.884~~ 5166.304.** (A) A home care attendant may assist 106097  
a consumer with nursing tasks or self-administration of medication 106098  
only after the attendant does both of the following: 106099

(1) Subject to division (B) of this section, completes 106100  
consumer-specific training in how to provide the assistance that 106101  
the authorizing health care professional authorizes the attendant 106102  
to provide to the consumer; 106103

(2) At the request of the consumer, consumer's authorized 106104  
representative, or authorizing health care professional, 106105  
successfully demonstrates that the attendant has learned how to 106106  
provide the authorized assistance to the consumer. 106107

(B) The training required by division (A)(1) of this section 106108  
shall be provided by either of the following: 106109

(1) The authorizing health care professional; 106110

(2) The consumer or consumer's authorized representative in 106111  
cooperation with the authorizing health care professional. 106112

**Sec. ~~5111.885~~ 5166.305.** A home care attendant shall comply 106113  
with both of the following when assisting a consumer with nursing 106114  
tasks or self-administration of medication: 106115

(A) The written consent of the consumer or consumer's 106116  
authorized representative provided to the appropriate director ~~of~~ 106117  
~~job and family services~~ under section ~~5111.886~~ 5166.306 of the 106118  
Revised Code; 106119

(B) The authorizing health care professional's written 106120  
authorization provided to the appropriate director under section 106121  
~~5111.887~~ 5166.307 of the Revised Code. 106122

**Sec. ~~5111.886~~ 5166.306.** To consent to a home care attendant 106123  
assisting a consumer with nursing tasks or self-administration of 106124  
medication, the consumer or consumer's authorized representative 106125  
shall provide the appropriate director of ~~job and family services~~ 106126  
a written statement signed by the consumer or authorized 106127  
representative under which the consumer or authorized 106128  
representative consents to both of the following: 106129

(A) Having the attendant assist the consumer with nursing 106130  
tasks or self-administration of medication; 106131

(B) Assuming responsibility for directing the attendant when 106132  
the attendant assists the consumer with nursing tasks or 106133  
self-administration of medication. 106134

**Sec. ~~5111.887~~ 5166.307.** To authorize a home care attendant to 106135  
assist a consumer with nursing tasks or self-administration of 106136  
medication, a health care professional shall provide the 106137  
appropriate director of ~~job and family services~~ a written 106138  
statement signed by the health care professional that includes all 106139  
of the following: 106140

(A) The consumer's name and address; 106141

(B) A description of the nursing tasks or self-administration 106142  
of medication with which the attendant is to assist the consumer, 106143  
including, in the case of assistance with self-administration of 106144  
medication, the name and dosage of the medication; 106145

(C) The times or intervals when the attendant is to assist 106146  
the consumer with the self-administration of each dosage of the 106147  
medication or nursing tasks; 106148

(D) The dates the attendant is to begin and cease providing 106149  
the assistance; 106150

(E) A list of severe adverse reactions the attendant must 106151

report to the health care professional should the consumer  
experience one or more of the reactions;

(F) At least one telephone number at which the attendant can  
reach the health care professional in an emergency;

(G) Instructions the attendant is to follow when assisting  
the consumer with nursing tasks or self-administration of  
medication, including instructions for maintaining sterile  
conditions and for storage of task-related equipment and supplies;

(H) The health care professional's attestation of both of the  
following:

(1) That the consumer or consumer's authorized representative  
has demonstrated to the health care professional the ability to  
direct the attendant;

(2) That the attendant has demonstrated to the health care  
professional the ability to provide the consumer assistance with  
nursing tasks or self-administration of medication that the health  
care professional has specifically authorized the attendant to  
provide and that the consumer or consumer's authorized  
representative has indicated to the health care professional that  
the consumer or authorized representative is satisfied with the  
attendant's demonstration.

**Sec. ~~5111.888~~ 5166.308.** When authorizing a home care  
attendant to assist a consumer with nursing tasks or  
self-administration of medication, a health care professional may  
not authorize a home care attendant to do any of the following:

(A) Perform a task that is outside of the health care  
professional's scope of practice;

(B) Assist the consumer with the self-administration of a  
medication, including a schedule II, schedule III, schedule IV, or  
schedule V drug unless both of the following apply:

(1) The medication is administered orally, topically, or via a gastrostomy tube or jejunostomy tube, including through any of the following:

(a) In the case of an oral medication, a metered dose inhaler;

(b) In the case of a topical medication, including a transdermal medication, either of the following:

(i) An eye, ear, or nose drop or spray;

(ii) A vaginal or rectal suppository.

(c) In the case of a gastrostomy tube or jejunostomy tube, only through a pre-programmed pump.

(2) The medication is in its original container and the label attached to the container displays all of the following:

(a) The consumer's full name in print;

(b) The medication's dispensing date, which must not be more than twelve months before the date the attendant assists the consumer with self-administration of the medication;

(c) The exact dosage and means of administration that match the health care professional's authorization to the attendant.

(C) Assist the consumer with the self-administration of a schedule II, schedule III, schedule IV, or schedule V medication unless, in addition to meeting the requirements of division (B) of this section, all of the following apply:

(1) The medication has a warning label on its container.

(2) The attendant counts the medication in the consumer's or authorized representative's presence when the medication is administered to the consumer and records the count on a form used for the count as specified in rules adopted under section ~~5111.8811~~ 5166.02 of the Revised Code.

(3) The attendant recounts the medication in the consumer's 106211  
or authorized representative's presence at least monthly and 106212  
reconciles the recount on a log located in the consumer's clinical 106213  
record. 106214

(4) The medication is stored separately from all other 106215  
medications and is secured and locked at all times when not being 106216  
administered to the consumer to prevent unauthorized access. 106217

(D) Perform an intramuscular injection; 106218

(E) Perform a subcutaneous injection unless it is for a 106219  
routine dose of insulin; 106220

(F) Program a pump used to deliver a medication unless the 106221  
pump is used to deliver a routine dose of insulin; 106222

(G) Insert, remove, or discontinue an intravenous access 106223  
device; 106224

(H) Engage in intravenous medication administration; 106225

(I) Insert or initiate an infusion therapy; 106226

(J) Perform a central line dressing change. 106227

**Sec. ~~5111.889~~ 5166.309.** A home care attendant who provides 106228  
home care attendant services to a consumer in accordance with the 106229  
authorizing health care professional's authorization does not 106230  
engage in the practice of nursing as a registered nurse or in the 106231  
practice of nursing as a licensed practical nurse in violation of 106232  
section 4723.03 of the Revised Code. 106233

A consumer or the consumer's authorized representative shall 106234  
report to the appropriate director ~~of job and family services~~ if a 106235  
home care attendant engages in the practice of nursing as a 106236  
registered nurse or the practice of nursing as a licensed 106237  
practical nurse beyond the authorizing health care professional's 106238  
authorization. The appropriate director shall forward a copy of 106239

each report to the board of nursing. 106240

**Sec. ~~5111.8810~~ 5166.3010.** A consumer who is an adult may 106241  
select an individual to act on the consumer's behalf for purposes 106242  
regarding home care attendant services by submitting a written 106243  
notice of the consumer's selection of an authorized representative 106244  
to the appropriate director ~~of job and family services~~. The notice 106245  
shall specifically identify the individual the consumer selects as 106246  
authorized representative and may limit what the authorized 106247  
representative may do on the consumer's behalf regarding home care 106248  
attendant services. A consumer may not select the consumer's home 106249  
care attendant to be the consumer's authorized representative. 106250  
106251

**Sec. ~~5111.97~~ 5166.35.** (A) ~~As used in this section:~~ 106252  
(1) ~~"Home and community based services medicaid waiver 106253  
component" has the same meaning as in section 5111.85 of the 106254  
Revised Code.~~ 106255

(2) ~~"Nursing facility" has the same meaning as in section 106256  
5111.20 of the Revised Code.~~ 106257

(B) ~~To the extent funds are available, the The medicaid 106258  
director ~~of job and family services~~ may establish the Ohio access 106259  
success project to help medicaid recipients make the transition 106260  
from residing in a nursing ~~facility~~ facilities to residing in a 106261  
community ~~setting~~ settings. The project may be established as a 106262  
separate nonmedicaid program or integrated into a new or existing 106263  
home and community-based services medicaid waiver component. The 106264  
director shall permit any medicaid recipient ~~of medicaid funded~~ 106265  
receiving nursing facility services to apply for participation in 106266  
the project, but may limit the number of project participants. 106267~~

The director shall ensure that an assessment of an applicant 106268  
is conducted as soon as practicable to determine whether the 106269

applicant is eligible for participation in the project. To the maximum extent possible, the assessment and eligibility determination shall be completed not later than the date that occurs six months after the applicant ~~became a recipient of medicaid-funded~~ begins to receive nursing facility services.

~~(C)~~(B) To be eligible for benefits under the project, a medicaid recipient must satisfy all of the following requirements:

(1) The medicaid recipient must be ~~a recipient of medicaid-funded~~ receiving nursing facility services, at the time of applying for the project benefits.

(2) If the project is established as a nonmedicaid program, the medicaid recipient must be able to remain in the community as a result of receiving project benefits and the projected cost of the benefits to the project does not exceed eighty per cent of the average monthly medicaid cost of a medicaid recipient in a nursing facility.

(3) If the project is integrated into a home and community-based services medicaid waiver component, the medicaid recipient must meet the waiver component's enrollment criteria.

~~(D)~~(C) If the director establishes the Ohio access success project, the benefits provided under the project may include payment of all of the following:

(1) The first month's rent in a community setting;

(2) Rental deposits;

(3) Utility deposits;

(4) Moving expenses;

(5) Other expenses not covered by the medicaid program that facilitate a medicaid recipient's move from a nursing facility to a community setting.

~~(E)~~(D) If the project is established as a nonmedicaid

program, no participant may receive more than two thousand dollars' worth of benefits under the project.

~~(F)~~(E) If the department of ~~job and family services~~ medicaid enters into a contract with an entity to provide fiscal management services regarding the project, the contract may provide for a portion of a participant's benefits under the project to be paid to the contracting entity. The contract shall specify the portion to be paid to the contracting entity.

~~(G)~~ The director may submit a request to the United States secretary of health and human services pursuant to section 1915 of the "Social Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n, as amended, to create a home and community based services medicaid waiver component to serve individuals who meet the criteria for participation in the Ohio access success project.

~~(H)~~(F) The director may adopt rules in accordance with Chapter 119. of the Revised Code for the administration and operation of the project. If the project is integrated into a home and community-based services medicaid waiver component, the rules shall be adopted under section ~~5111.85~~ 5166.02 of the Revised Code.

**Sec. 5167.01. As used in this chapter:**

(A) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(B) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

(C) "Emergency services" has the same meaning as in the "Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b)(2).

(D) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the



|                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <u>Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                  | 106330                                                             |
| <u>(E) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.</u>                                                                                                                                                                                                                                                                     | 106331<br>106332<br>106333                                         |
| <u>(F) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                | 106334<br>106335                                                   |
| <u>(G) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                         | 106336<br>106337                                                   |
| <u>(H) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                          | 106338<br>106339                                                   |
| <u>(I) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid managed care organization, regardless of whether the person or entity has a provider agreement.</u>                                                                                                                                                                                                                    | 106340<br>106341<br>106342<br>106343                               |
| <u>(J) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                       | 106344<br>106345                                                   |
| <u><b>Sec. 5167.02.</b> The medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.</u>                                                                                                                                                                                                                                                           | 106346<br>106347<br>106348                                         |
| <u><b>Sec. <del>5111.16</del> 5167.03.</b> (A) As part of the medicaid program, the department of <del>job and family services</del> <u>medicaid</u> shall establish a care management system. <del>The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system.</del></u> | 106349<br>106350<br>106351<br>106352<br>106353<br>106354<br>106355 |
| <u>(B) The department shall implement the care management system in some or all counties and shall designate the medicaid recipients who are required or permitted to participate in the</u>                                                                                                                                                                                                                                                          | 106356<br>106357<br>106358                                         |

system. In the department's implementation of the system and 106359  
designation of participants, all of the following apply: 106360

(1) In the case of individuals who receive medicaid on the 106361  
basis of being included in the category identified by the 106362  
department as covered families and children, the department shall 106363  
implement the care management system in all counties. All 106364  
individuals included in the category shall be designated for 106365  
participation, except for individuals included in one or more of 106366  
the medicaid recipient groups specified in 42 C.F.R. 438.50(d). 106367  
The department shall ensure that all participants are enrolled in 106368  
medicaid managed care organizations that are health insuring 106369  
~~corporations under contract with the department pursuant to~~ 106370  
~~section 5111.17 of the Revised Code.~~ 106371

(2) In the case of individuals who receive medicaid on the 106372  
basis of being aged, blind, or disabled, ~~as specified in division~~ 106373  
~~(C)(2) of section 5111.01 of the Revised Code,~~ the department 106374  
shall implement the care management system in all counties. Except 106375  
as provided in division (C) of this section, all individuals 106376  
included in the category shall be designated for participation. 106377  
The department shall ensure that all participants are enrolled in 106378  
medicaid managed care organizations that are health insuring 106379  
~~corporations under contract with the department pursuant to~~ 106380  
~~section 5111.17 of the Revised Code.~~ 106381

(3) Alcohol, drug addiction, and mental health services 106382  
covered by medicaid shall not be included in any component of the 106383  
care management system when the nonfederal share of the cost of 106384  
those services is provided by a board of alcohol, drug addiction, 106385  
and mental health services or a state agency other than the 106386  
department of ~~job and family services~~ medicaid, but the recipients 106387  
of those services may otherwise be designated for participation in 106388  
the system. 106389

(C)(1) In designating participants who receive medicaid on 106390

the basis of being aged, blind, or disabled, the department shall 106391  
not include any of the following, except as provided under 106392  
division (C)(2) of this section: 106393

(a) Individuals who are under twenty-one years of age; 106394

(b) Individuals who are institutionalized; 106395

(c) Individuals who become eligible for medicaid by spending 106396  
down their income or resources to a level that meets the medicaid 106397  
program's financial eligibility requirements; 106398

(d) ~~Individuals who are dually Dual eligible under the~~ 106399  
~~medicaid program and the medicare program established under Title~~ 106400  
~~XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.~~ 106401  
~~1395, as amended individuals;~~ 106402

(e) Individuals to the extent that they are receiving 106403  
medicaid services through a medicaid waiver component, ~~as defined~~ 106404  
~~in section 5111.85 of the Revised Code.~~ 106405

(2) ~~If any necessary waiver of federal medicaid requirements~~ 106406  
~~is granted, the The department may designate any of the following~~ 106407  
individuals who receive medicaid on the basis of being aged, 106408  
blind, or disabled as individuals who are permitted or required to 106409  
participate in the care management system: 106410

(a) Individuals who are under twenty-one years of age; 106411

(b) Individuals who reside in a nursing facility, ~~as defined~~ 106412  
~~in section 5111.20 of the Revised Code;~~ 106413

(c) Individuals who, as an alternative to receiving nursing 106414  
facility services, are participating in a home and community-based 106415  
services medicaid waiver component, ~~as defined in section 5111.85~~ 106416  
~~of the Revised Code;~~ 106417

(d) ~~Individuals who are dually Dual eligible under the~~ 106418  
~~medicaid program and the medicare program individuals.~~ 106419

(D) Subject to division (B) of this section, the department 106420

may do both of the following under the care management system: 106421

(1) Require or permit participants in the system to obtain 106422  
health care services from providers designated by the department; 106423

(2) Require or permit participants in the system to obtain 106424  
health care services through medicaid managed care organizations 106425  
~~under contract with the department pursuant to section 5111.17 of~~ 106426  
~~the Revised Code.~~ 106427

~~(E)(1) The department shall prepare an annual report on the~~ 106428  
~~care management system. The report shall address the department's~~ 106429  
~~ability to implement the system, including all of the following~~ 106430  
~~components:~~ 106431

~~(a) The required designation of participants included in the~~ 106432  
~~category identified by the department as covered families and~~ 106433  
~~children;~~ 106434

~~(b) The required designation of participants included in the~~ 106435  
~~aged, blind, or disabled category of medicaid recipients;~~ 106436

~~(c) The use of any programs for enhanced care management.~~ 106437

~~(2) The department shall submit each annual report to the~~ 106438  
~~general assembly. The first report shall be submitted not later~~ 106439  
~~than October 1, 2007.~~ 106440

~~(F) The director of job and family services may adopt rules~~ 106441  
~~in accordance with Chapter 119. of the Revised Code to implement~~ 106442  
~~this section.~~ 106443

**Sec. ~~5111.161~~ 5167.031.** (A) As used in this section: 106444

(1) "Children's care network" means any of the following: 106445

(a) A children's hospital; 106446

(b) A group of children's hospitals; 106447

(c) A group of pediatric physicians. 106448

(2) "Children's hospital" has the same meaning as in section 2151.86 of the Revised Code. 106449  
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(B) If the department of ~~job and family services~~ medicaid includes in the care management system, pursuant to section 5111.16 ~~5167.03~~ of the Revised Code, individuals under twenty-one years of age who are included in the category of individuals who receive medicaid on the basis of being aged, blind, or disabled, ~~as specified in division (C)(2) of section 5111.01 of the Revised Code,~~ the department shall develop a system to may recognize entities as pediatric accountable care organizations. ~~The purpose of the recognition system shall be to meet the complex medical and behavioral needs of disabled children through new approaches to care coordination. The department shall implement the recognition system not later than July 1, 2012.~~ 106451  
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An entity recognized by the department as a pediatric accountable care organization may develop innovative partnerships between relevant groups and may contract directly or subcontract with the state to provide care coordination and other services to the medicaid recipients under twenty-one years of age described in this division who are permitted or required to participate in the care management system. 106463  
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(C)(1) To be recognized by the department as a pediatric accountable care organization, an entity shall meet the standards established ~~in rules adopted under this section by the department.~~ Unless required by ~~sections~~ section 2706 ~~and 3022~~ of the "Patient Protection and Affordable Care Act," 124 Stat. 325 (2010) and ~~Title XVIII of the "Social Security Act," 124 Stat. 395 (2010)~~ section 1895, 42 U.S.C. 1395jjj, the regulations adopted pursuant to those sections, and the laws of this state, the department shall not require that an entity be a health insuring corporation as a condition of receiving the department's recognition. 106470  
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(2) Any of the following entities may receive the 106480

department's recognition, if the standards for recognition have  
been met:

(a) A children's care network;

(b) A children's care network that may include one or more  
other entities, including, but not limited to, health insuring  
corporations or other managed care organizations;

(c) Any other entity the department determines is qualified.

(D) The ~~department~~ medicaid director shall consult with all  
of the following in adopting rules ~~under~~ authorized by division  
(E) of this section necessary for an entity to be recognized by  
the department as a pediatric accountable care organization:

(1) The superintendent of insurance;

(2) Children's hospitals;

(3) ~~Managed Medicaid managed~~ care organizations under  
~~contract pursuant to section 5111.17 of the Revised Code;~~

(4) Any other relevant entities, as determined necessary by  
the department, with interests in pediatric accountable care  
organizations.

(E) ~~The department shall adopt rules in accordance with~~  
~~Chapter 119. of the Revised Code as necessary to implement this~~  
~~section.~~ In adopting the rules under section 5167.02 of the  
Revised Code, the ~~department~~ medicaid director shall do all of the  
following:

(1) Establish application procedures to be followed by an  
entity seeking recognition as a pediatric accountable care  
organization;

(2) Ensure that the standards for recognition as a pediatric  
accountable care organization are the same as and do not conflict  
with those specified in ~~sections~~ section 2706 ~~and 3022~~ of the  
"Patient Protection and Affordable Care Act," 124 Stat. 325 (2010)

and ~~Title XVIII~~ of the "Social Security Act," ~~124 Stat. 395 (2010)~~ 106511  
section 1895, 42 U.S.C. 1395jjj or the regulations adopted 106512  
pursuant to those sections; 106513

(3) Establish requirements regarding the access to pediatric 106514  
specialty care provided through or by a pediatric accountable care 106515  
organization; 106516

(4) Establish accountability and financial requirements for 106517  
an entity recognized as a pediatric accountable care organization; 106518

(5) Establish quality improvement initiatives consistent with 106519  
any state medicaid quality plan established by the department; 106520

(6) Establish transparency and consumer protection 106521  
requirements for an entity recognized as a pediatric accountable 106522  
care organization; 106523

(7) Establish a process for sharing data. 106524

(F) This section does not limit the authority of the 106525  
department of insurance to regulate the business of insurance in 106526  
this state. 106527

**Sec. 5167.032.** (A) The department of medicaid shall prepare 106528  
an annual report on the care management system established under 106529  
this chapter. The report shall address the department's ability to 106530  
implement the system, including all of the following components: 106531

(1) The required designation of participants included in the 106532  
category identified by the department as covered families and 106533  
children; 106534

(2) The required designation of participants included in the 106535  
aged, blind, or disabled category of medicaid recipients; 106536

(3) The use of any programs for enhanced care management. 106537

(B) The department shall submit each annual report to the 106538  
general assembly in accordance with section 101.68 of the Revised 106539

Code. 106540

**Sec. ~~5111.17~~ 5167.10.** (A) The department of ~~job and family~~ 106541  
~~services~~ medicaid may enter into contracts with managed care 106542  
organizations, including health insuring corporations, under which 106543  
the organizations are authorized to provide, or arrange for the 106544  
provision of, health care services to ~~medical assistance~~ medicaid 106545  
recipients who are required or permitted to obtain health care 106546  
services through managed care organizations as part of the care 106547  
management system established under section ~~5111.16~~ 5167.03 of the 106548  
Revised Code. 106549

(B) ~~The~~ (1) Subject to division (B)(2)(a) of this section, 106550  
the department or its actuary shall base the hospital inpatient 106551  
capital payment portion of the payment made to managed care 106552  
organizations on data for services provided to all recipients 106553  
enrolled in managed care organizations with which the department 106554  
contracts, as reported by hospitals on relevant cost reports 106555  
submitted pursuant to rules adopted under ~~this~~ section 5167.02 of 106556  
the Revised Code. 106557

(2)(a) The hospital inpatient capital payment portion of the 106558  
payment made to medicaid managed care organizations shall not 106559  
exceed any maximum rate established by the department pursuant to 106560  
rules adopted under this section. 106561

(b) If a maximum rate is established, a medicaid managed care 106562  
organization shall not compensate hospitals for inpatient capital 106563  
costs in an amount that exceeds that rate. 106564

(C) ~~The director of job and family services may adopt rules~~ 106565  
~~in accordance with Chapter 119. of the Revised Code to implement~~ 106566  
~~this section.~~ 106567

~~(D)~~ The department of ~~job and family services~~ medicaid shall 106568  
allow a medicaid managed care organization to use providers to 106569



render care upon completion of the medicaid managed care 106570  
organization's credentialing process. 106571

**Sec. ~~5111.177~~ 5167.11.** When contracting under section ~~5111.17~~ 106572  
5167.10 of the Revised Code with a health insuring corporation 106573  
that holds a certificate of authority under Chapter 1751. of the 106574  
Revised Code, the department of ~~job and family services~~ medicaid 106575  
shall require the health insuring corporation to provide a 106576  
grievance process for medicaid recipients in accordance with 42 106577  
C.F.R. 438, subpart F. 106578

**Sec. ~~5111.172~~ 5167.12.** (A) When contracting under section 106579  
~~5111.17~~ 5167.10 of the Revised Code with a managed care 106580  
organization that is a health insuring corporation, the department 106581  
of ~~job and family services~~ medicaid shall require the health 106582  
insuring corporation to provide coverage of ~~prescription~~ 106583  
prescribed drugs for medicaid recipients enrolled in the health 106584  
insuring corporation. In providing the required coverage, the 106585  
health insuring corporation may, subject to the department's 106586  
approval and the limitations specified in division (B) of this 106587  
section, use strategies for the management of drug utilization. 106588

(B) The department shall not permit a health insuring 106589  
corporation to impose a prior authorization requirement in the 106590  
case of a drug to which all of the following apply: 106591

(1) The drug is an antidepressant or antipsychotic. 106592

(2) The drug is administered or dispensed in a standard 106593  
tablet or capsule form, except that in the case of an 106594  
antipsychotic, the drug also may be administered or dispensed in a 106595  
long-acting injectable form. 106596

(3) The drug is prescribed by either of the following: 106597

(a) A physician whom the health insuring corporation, 106598  
pursuant to division (C) of section ~~5111.17~~ 5167.10 of the Revised 106599

Code, has credentialed to provide care as a psychiatrist; 106600

(b) A psychiatrist practicing at a community mental health 106601  
~~agency services provider~~ certified by the department of ~~mental~~ 106602  
~~health~~ mental health and addiction services under section ~~5119.611~~ 106603  
5119.36 of the Revised Code. 106604

(4) The drug is prescribed for a use that is indicated on the 106605  
drug's labeling, as approved by the federal food and drug 106606  
administration. 106607

(C) ~~As used in this division, "controlled substance" has the~~ 106608  
~~same meaning as in section 3719.01 of the Revised Code.~~ 106609

The department shall permit a health insuring corporation to 106610  
develop and implement a pharmacy utilization management program 106611  
under which prior authorization through the program is established 106612  
as a condition of obtaining a controlled substance pursuant to a 106613  
prescription. 106614

Sec. 5167.121. (A) A medicaid managed care organization or 106615  
its third party administrator shall provide advance notice of both 106616  
of the following: 106617

(1) In the case of any provider, termination of the 106618  
provider's status as a managed care network provider unless the 106619  
termination is implemented because of fraud, illegal conduct, 106620  
bankruptcy, insolvency, or any other reason specified by contract 106621  
with the provider for which notification is not required; 106622

(2) In the case of a pharmacy provider, removal of a 106623  
prescribed drug from the formulary or preferred drug list used by 106624  
the organization or administrator or any change in the terms 106625  
governing access to the drug. 106626

(B) The minimum period of specified advance notice to be 106627  
provided under this section shall be either the period specified 106628  
in the contract with the provider or, if there is no period 106629

specified in the contract, ninety days. The organization or administrator shall notify the provider in the same manner it notifies the provider for other purposes. 106630  
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**Sec. ~~5111.179~~ 5167.13.** Each contract the department of job and family services medicaid enters into with a managed care organization under section ~~5111.17~~ 5167.10 of the Revised Code shall require the managed care organization to implement a coordinated services program for medicaid recipients enrolled in the organization who are found to have obtained ~~prescription~~ prescribed drugs under the medicaid program at a frequency or in an amount that is not medically necessary. The program shall be implemented in a manner that is consistent with ~~section 1915(a)(2)~~ of the "Social Security Act," ~~95 Stat. 810 (1981)~~ section 1915(a)(2), 42 U.S.C. 1396n(a)(2), ~~as amended~~, and 42 C.F.R. 431.54(e). 106633  
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**Sec. ~~5111.1710~~ 5167.14.** Each contract the department of job and family services medicaid enters into with a managed care organization under section ~~5111.17~~ 5167.10 of the Revised Code shall require the managed care organization to enter into a data security agreement with the state board of pharmacy governing the managed care organization's use of the board's drug database established and maintained under section 4729.75 of the Revised Code. 106645  
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This section does not apply if the board no longer maintains the drug database. 106653  
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**Sec. ~~5111.162~~ 5167.20.** (A) ~~As used in this section:~~ 106655  
~~(1) "Emergency services" has the same meaning as in section 1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-2(b)(2), as amended.~~ 106656  
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~~(2) "Medicaid managed care organization" means a managed care organization that has entered into a contract with the department of job and family services pursuant to section 5111.17 of the Revised Code.~~

~~(B)~~ Except as provided in division ~~(C)~~(B) of this section, when a participant in the care management system established under ~~section 5111.16 of the Revised Code~~ this chapter is enrolled in a medicaid managed care organization and the organization refers the participant to receive services, other than emergency services provided on or after January 1, 2007, at a hospital that participates in the medicaid program but is not under contract with the organization, the hospital shall provide the service for which the referral was made and shall accept from the organization, as payment in full, the amount derived from the ~~reimbursement~~ payment rate used by the department to ~~reimburse~~ pay other hospitals of the same type for providing the same service to a medicaid recipient who is not enrolled in a medicaid managed care organization.

~~(C)~~(B) A hospital is not subject to division ~~(B)~~(A) of this section if all of the following are the case:

(1) The hospital is located in a county in which participants in the care management system are required before January 1, 2006, to be enrolled in a medicaid managed care organization that is a health insuring corporation;

(2) The hospital has entered into a contract before January 1, 2006, with at least one health insuring corporation serving the participants specified in division ~~(C)~~(B)(1) of this section;

(3) The hospital remains under contract with at least one health insuring corporation serving participants in the care management system who are required to be enrolled in a health insuring corporation.

~~(D)(C)~~ The medicaid director ~~of job and family services~~ shall 106690  
adopt rules under section 5167.02 of the Revised Code specifying 106691  
the circumstances under which a medicaid managed care organization 106692  
is permitted to refer a participant in the care management system 106693  
to a hospital that is not under contract with the organization. 106694  
~~The director may adopt any other rules necessary to implement this~~ 106695  
~~section. All rules adopted under this section shall be adopted in~~ 106696  
~~accordance with Chapter 119. of the Revised Code.~~ 106697

**Sec. ~~5111.163~~ 5167.201.** ~~(A) As used in this section:~~ 106698

~~(1) "Emergency services" has the same meaning as in section~~ 106699  
~~1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42~~ 106700  
~~U.S.C. 1396u-2(b)(2), as amended.~~ 106701

~~(2) "Medicaid managed care organization" has the same meaning~~ 106702  
~~as in section 5111.162 of the Revised Code.~~ 106703

~~(3) "Provider" means any person, institution, or entity that~~ 106704  
~~furnishes emergency services to a medicaid recipient enrolled in a~~ 106705  
~~medicaid managed care organization, regardless of whether the~~ 106706  
~~person, institution, or entity has a provider agreement with the~~ 106707  
~~department of job and family services pursuant to Title XIX of the~~ 106708  
~~"Social Security Act."~~ 106709

~~(B)~~ When a participant in the care management system 106710  
established under ~~section 5111.16 of the Revised Code~~ this chapter 106711  
is enrolled in a medicaid managed care organization and receives 106712  
emergency services on or after January 1, 2007, from a provider 106713  
that is not under contract with the organization, the provider 106714  
shall accept from the organization, as payment in full, not more 106715  
than the amounts (less any payments for indirect costs of medical 106716  
education and direct costs of graduate medical education) that the 106717  
provider could collect if the participant received medicaid other 106718  
than through enrollment in a managed care organization. 106719

An agreement entered into by a participant, a participant's parent, or a participant's legal guardian that requires payment for emergency services in violation of this section is void and unenforceable. 106720  
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**Sec. ~~5111.982~~ 5167.21.** (A) As used in this section: 106724

(1) "Covered skilled nursing facility services" has the same meaning as in the "Social Security Act," section 1888(e)(2)(A), 42 U.S.C. 1395yy(e)(2)(A). 106725  
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(2) "Current medicare fee-for-service rate" means the fee-for-service rate in effect for a covered skilled nursing facility service under medicare at the time the service is provided. 106728  
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(3) "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a). 106732  
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(B) Except as provided in division (C) of this section, a medicaid managed care organization shall pay a skilled nursing facility at least the current medicare fee-for-service rate, without deduction for any coinsurance, for covered skilled nursing facility services that the skilled nursing facility provides to a dual eligible individual if the medicaid managed care organization is responsible for the payment under the terms of a contract that the medicaid managed care organization, ~~medical assistance~~ medicaid director, and United States secretary of health and human services jointly enter into under the integrated care delivery system authorized by section ~~5111.981~~ 5164.91 of the Revised Code. 106734  
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(C) A medicaid managed care organization is required to pay the rate specified in division (B) of this section for covered skilled nursing facility services only if all of the following apply: 106745  
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(1) The United States secretary agrees to the payment rate as 106749

part of the contract that the medicaid managed care organization, 106750  
~~medical assistance~~ medicaid director, and United States secretary 106751  
jointly enter into under the integrated care delivery system; 106752

(2) The medicaid managed care organization receives a federal 106753  
capitation payment that is an actuarially sufficient amount for 106754  
the costs that the medicaid managed care organization incurs in 106755  
paying the rate; 106756

(3) No state funds are used for any part of the costs that 106757  
the medicaid managed care organization incurs in paying the rate; 106758

(4) The integrated care delivery system provides for dual 106759  
eligible individuals to receive the covered skilled nursing 106760  
facility services as part of the system. 106761

**Sec. ~~5111.178~~ 5167.25.** (A) The medicaid director ~~of job and~~ 106762  
~~family services~~ shall determine whether a waiver of federal 106763  
medicaid requirements is necessary to fulfill the requirements of 106764  
section 3901.3814 of the Revised Code. If the director determines 106765  
a waiver is necessary, the department of ~~job and family services~~ 106766  
medicaid shall apply to the United States secretary of health and 106767  
human services for the waiver. 106768

(B)(1) If the director determines that section 3901.3814 of 106769  
the Revised Code can be implemented without a waiver or a waiver 106770  
is granted, the department shall notify the department of 106771  
insurance that the section can be implemented. Implementation of 106772  
the section shall be effective eighteen months after the notice is 106773  
sent. 106774

(2) At the time the notice is given under division (B)(1) of 106775  
this section, the department shall also give notice to each health 106776  
insuring corporation that provides coverage to medicaid 106777  
recipients. The notice shall inform the corporation that sections 106778  
3901.38 and 3901.381 to 3901.3814 of the Revised Code apply to 106779

claims for services rendered to recipients on the date determined 106780  
under division (B)(1) of this section, instead of the prompt 106781  
payment requirements of 42 C.F.R. 447.46. That date shall be 106782  
specified in the notice. 106783

**Sec. ~~5111.175~~ 5167.26.** For the purpose of determining the 106784  
amount the department of ~~job and family services~~ medicaid pays 106785  
hospitals under section ~~5112.08~~ 5168.09 of the Revised Code and 106786  
the amount of disproportionate share hospital payments paid by the 106787  
medicare program ~~established under Title XVIII of~~ pursuant to the 106788  
"Social Security Act," ~~79 Stat. 286 (1965)~~ section 1915, 42 U.S.C. 106789  
1396n, ~~as amended,~~ a medicaid managed care organization ~~under~~ 106790  
~~contract with the department pursuant to section 5111.17 of the~~ 106791  
~~Revised Code authorizing the organization to provide, or arrange~~ 106792  
~~for the provision of, hospital services to medicaid recipients~~ 106793  
shall keep detailed records for each hospital with which it 106794  
contracts ~~about,~~ including records regarding the cost to the 106795  
hospital of providing ~~the~~ hospital services for the organization, 106796  
payments made by the organization to the hospital for the 106797  
services, utilization of hospital services by medicaid recipients 106798  
enrolled in the organization, and other utilization data required 106799  
by the department. 106800

**Sec. ~~5111.1711~~ 5167.30.** (A)(1) The department of ~~job and~~ 106801  
~~family services~~ medicaid shall establish a managed care 106802  
performance payment program. Under the program, the department may 106803  
provide payments to medicaid managed care organizations ~~under~~ 106804  
~~contract with the department pursuant to section 5111.17 of the~~ 106805  
~~Revised Code~~ that meet performance standards established by the 106806  
department. 106807

(2) In establishing performance standards, the department may 106808  
consult any of the following: 106809



(a) Any quality measurements developed under the pediatric quality measures program established pursuant to the "Social Security Act," section 1139A, 42 U.S.C. 1320b-9a; 106810  
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(b) Any core set of adult health quality measures for medicaid eligible adults used for purposes of the "Social Security Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health quality used for purposes of the medicaid quality measurement program when the program is established under ~~42 U.S.C. 1320b-9b~~ that section of the "Social Security Act"; 106813  
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(c) The most recent healthcare effectiveness data and information set and quality measurement tool established by the national committee for quality assurance. 106819  
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(3) The standards that must be met to receive the payments may be specified in the contract the department enters into with a medicaid managed care organization. 106822  
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(4) If a medicaid managed care organization meets the performance standards established by the department, the department shall make one or more performance payments to the organization. The amount of each performance payment, the number of payments, and the schedule for making the payments shall be established by the department. The payments shall be discontinued if the department determines that the organization no longer meets the performance standards. The department shall not make or discontinue payments based on any performance standard that has been in effect as part of the organization's contract for less than six months. 106825  
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(B) For purposes of the program, the department shall establish an amount that is to be withheld each time a premium payment is made to a medicaid managed care organization. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all medicaid managed 106836  
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care organizations ~~under contract with the department~~. The sum of 106841  
all withholdings under this division shall not exceed ~~one~~ two per 106842  
cent of the total of all premium payments made to all medicaid 106843  
managed care organizations ~~under contract with the department~~. 106844

Each medicaid managed care organization shall agree to the 106845  
withholding as a condition of receiving or maintaining its 106846  
~~medicaid~~ provider agreement with the department. 106847

When the amount is established and each time the amount is 106848  
modified thereafter, the department shall certify the amount to 106849  
the director of budget and management and begin withholding the 106850  
amount from each premium the department pays to a medicaid managed 106851  
care organization. 106852

~~(C) There is hereby created in the state treasury the managed 106853  
care performance payment fund. The fund shall consist of amounts 106854  
transferred to it by the director of budget and management for the 106855  
purpose of the program. All investment earnings of the fund shall 106856  
be credited to the fund. Amounts in the fund shall be used solely 106857  
to make performance payments to managed care organizations in 106858  
accordance with this section. 106859~~

~~(D) The department may adopt rules as necessary to implement 106860  
this section. The rules shall be adopted in accordance with 106861  
Chapter 119. of the Revised Code. 106862~~

**Sec. ~~5111.171~~ 5167.31.** The department of ~~job and family 106863  
services~~ medicaid may provide financial incentive awards to 106864  
medicaid managed care organizations ~~under contract with the 106865  
department pursuant to section 5111.17 of the Revised Code that 106866  
meet or exceed performance standards specified in provider 106867  
agreements or rules adopted by the ~~department~~ medicaid director 106868  
under section 5167.02 of the Revised Code. The department may 106869  
specify in a contract with a medicaid managed care organization 106870  
the amounts of financial incentive awards, methodology for 106871~~

distributing awards, types of awards, and standards for 106872  
administration by the department. 106873

**Sec. ~~5111.173~~ 5167.40.** The department of ~~job and family~~ 106874  
~~services~~ medicaid shall appoint a temporary manager for a medicaid 106875  
managed care organization ~~under contract with the department~~ 106876  
~~pursuant to section 5111.17 of the Revised Code~~ if the department 106877  
determines that the medicaid managed care organization has 106878  
repeatedly failed to meet substantive requirements specified in 106879  
~~section 1903(m) of the "Social Security Act," 79 Stat. 286 (1965)~~ 106880  
~~sections 1903(m) and 1932, 42 U.S.C. 1396b(m), as amended; section~~ 106881  
~~1932 of the Social Security Act, 42 U.S.C. and 1396u-2, as~~ 106882  
~~amended; or 42 C.F.R. 438 Part I.~~ The appointment of a temporary 106883  
manager does not preclude the department from imposing other 106884  
sanctions available to the department against the medicaid managed 106885  
care organization. 106886

The medicaid managed care organization shall pay all costs of 106887  
having the temporary manager perform the temporary manager's 106888  
duties, including all costs the temporary manager incurs in 106889  
performing those duties. If the temporary manager incurs costs or 106890  
liabilities on behalf of the medicaid managed care organization, 106891  
the medicaid managed care organization shall pay those costs and 106892  
be responsible for those liabilities. 106893

The appointment of a temporary manager is not subject to 106894  
Chapter 119. of the Revised Code, but the managed care 106895  
organization may request a reconsideration of the appointment. 106896  
Reconsiderations shall be requested and conducted in accordance 106897  
with rules the ~~director of job and family services~~ medicaid 106898  
director shall adopt ~~in accordance with Chapter 119. of~~ under 106899  
section 5167.02 of the Revised Code. 106900

The appointment of a temporary manager does not cause the 106901  
medicaid managed care organization to lose the right to appeal, in 106902

accordance with Chapter 119. of the Revised Code, any proposed 106903  
termination or any decision not to ~~renew~~ revalidate the medicaid 106904  
managed care organization's ~~medicaid~~ provider agreement or the 106905  
right to initiate the sale of the medicaid managed care 106906  
organization or its assets. 106907

~~In addition to the rules required to be adopted under this 106908  
section, the director may adopt any other rules necessary to 106909  
implement this section. The rules shall be adopted in accordance 106910  
with Chapter 119. of the Revised Code. 106911~~

**Sec. ~~5111.174~~ 5167.41.** The department of ~~job and family 106912  
services~~ medicaid may disenroll some or all medicaid recipients 106913  
enrolled in a medicaid managed care organization ~~under contract 106914  
with the department pursuant to section 5111.17 of the Revised 106915  
Code~~ if the department proposes to terminate or not to ~~renew 106916  
revalidate~~ the contract and determines that the recipients' access 106917  
to medically necessary services is jeopardized by the proposal to 106918  
terminate or not to ~~renew~~ revalidate the contract. The 106919  
disenrollment is not subject to Chapter 119. of the Revised Code, 106920  
but the medicaid managed care organization may request a 106921  
reconsideration of the disenrollment. Reconsiderations shall be 106922  
requested and conducted in accordance with rules the medicaid 106923  
director ~~of job and family services~~ shall adopt ~~in accordance with 106924  
Chapter 119. under section 5167.02~~ of the Revised Code. The 106925  
request for, or conduct of, a reconsideration regarding a proposed 106926  
disenrollment shall not delay the disenrollment. 106927

~~In addition to the rules required to be adopted under this 106928  
section, the director may adopt any other rules necessary to 106929  
implement this section. The rules shall be adopted in accordance 106930  
with Chapter 119. of the Revised Code. 106931~~

**Sec. ~~5112.01~~ 5168.01.** As used in sections ~~5112.03~~ 5168.01 to 106932

5112.21 5168.14 of the Revised Code: 106933

(A) "Bad debt," "charity care," "courtesy care," and 106934  
"contractual allowances" have the same meanings given these terms 106935  
in regulations adopted under Title XVIII of the "Social Security 106936  
Act," 42 U.S.C. 1395 et seq. 106937

(B) "Cost reporting period" means the twelve-month period 106938  
used by a hospital in reporting costs for purposes of Title XVIII 106939  
of the "Social Security Act," 42 U.S.C. 1395 et seq. 106940

(C) "Disproportionate share hospital" means a hospital that 106941  
meets the definition of a disproportionate share hospital in rules 106942  
adopted under section 5168.02 of the Revised Code. 106943

(D) "Federal poverty line" means the official poverty line 106944  
defined by the United States office of management and budget based 106945  
on the most recent data available from the United States bureau of 106946  
the census and revised by the United States secretary of health 106947  
and human services pursuant to the "Omnibus Budget Reconciliation 106948  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 106949

(E) "Governmental hospital" means a county hospital with more 106950  
than five hundred registered beds or a state-owned and -operated 106951  
hospital with more than five hundred registered beds. 106952

(F)(1) "Hospital" means a nonfederal hospital to which either 106953  
of the following applies: 106954

(a) The hospital is registered under section 3701.07 of the 106955  
Revised Code as a general medical and surgical hospital or a 106956  
pediatric general hospital, and provides inpatient hospital 106957  
services, as defined in 42 C.F.R. 440.10; 106958

(b) The hospital is recognized under the medicare program 106959  
~~established by Title XVIII of the "Social Security Act," 49 Stat.~~ 106960  
~~620 (1935), 42 U.S.C.A. 301, as amended,~~ as a cancer hospital and 106961  
is exempt from the medicare prospective payment system. 106962

(2) "Hospital" does not include a hospital operated by a health insuring corporation that has been issued a certificate of authority under section 1751.05 of the Revised Code or a hospital that does not charge patients for services.

~~(2) "Disproportionate share hospital" means a hospital that meets the definition of a disproportionate share hospital in rules adopted under section 5112.03 of the Revised Code.~~

~~(B) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act."~~

~~(C) "Cost reporting period" means the twelve month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act."~~

~~(D) "Governmental hospital" means a county hospital with more than five hundred registered beds or a state owned and operated hospital with more than five hundred registered beds.~~

~~(E)~~(G) "Indigent care pool" means the sum of the following:

(1) The total of assessments to be paid in a program year by all hospitals under section ~~5112.06~~ 5168.06 of the Revised Code, less the assessments deposited into the legislative budget services fund under section ~~5112.19~~ 5168.12 of the Revised Code and into the health care services administration fund created under section ~~5111.94~~ 5162.54 of the Revised Code;

(2) The total amount of intergovernmental transfers required to be made in the same program year by governmental hospitals under section ~~5112.07~~ 5168.07 of the Revised Code, less the amount of transfers deposited into the legislative budget services fund under section ~~5112.19~~ 5168.12 of the Revised Code and into the health care services administration fund created under section ~~5111.94~~ 5162.54 of the Revised Code;

(3) The total amount of federal matching funds that will be made available in the same program year as a result of funds distributed by the department of ~~job and family services~~ medicaid to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code.

~~(F)~~(H) "Intergovernmental transfer" means any transfer of money by a governmental hospital under section ~~5112.07~~ 5168.07 of the Revised Code.

~~(G)~~ "Medical assistance program" means the program of medical assistance established under section 5111.01 of the Revised Code and Title XIX of the "Social Security Act."

~~(H)~~(I) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.

(J) "Program year" means a period beginning the first day of October, or a later date designated in rules adopted under section ~~5112.03~~ 5168.02 of the Revised Code, and ending the thirtieth day of September, or an earlier date designated in rules adopted under that section.

~~(I)~~(K) "Registered beds" means the total number of hospital beds registered with the department of health, as reported in the most recent "directory of registered hospitals" published by the department of health.

~~(J)~~(L) "Third-party payer" means any person or government entity that may be liable by law or contract to make payment to or on behalf of an individual for health care services. "Third-party payer" does not include a hospital.

(M) "Total facility costs" means the total costs for all services rendered to all patients, including the direct, indirect, and overhead cost to the hospital of all services, supplies, equipment, and capital related to the care of patients, regardless of whether patients are enrolled in a health insuring corporation, excluding costs associated with providing skilled nursing services

in distinct-part nursing facility units, as shown on the 107025  
hospital's cost report filed under section ~~5112.04~~ 5168.05 of the 107026  
Revised Code. Effective October 1, 1993, if rules adopted under 107027  
section ~~5112.03~~ 5168.02 of the Revised Code so provide, "total 107028  
facility costs" may exclude costs associated with providing care 107029  
to recipients of any of the governmental programs listed in 107030  
division (B) of that section. 107031

~~(K)~~(N) "Uncompensated care" means bad debt and charity care. 107032

**Sec. ~~5112.03~~ 5168.02.** (A) ~~The director of job and family~~ 107033  
~~services shall adopt, and may amend and rescind,~~ medicaid director 107034  
shall adopt rules in accordance with Chapter 119. of the Revised 107035  
Code for the purpose of administering sections ~~5112.01~~ 5168.01 to 107036  
~~5112.21~~ 5168.14 of the Revised Code, including rules that do all 107037  
of the following: 107038

(1) Define as a "disproportionate share hospital" any 107039  
hospital included under ~~subsection (b) of section 1923 of the~~ 107040  
"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1923(b), 42 107041  
U.S.C.A. 1396r-4(b), ~~as amended,~~ and any other hospital the 107042  
director determines appropriate; 107043

(2) Prescribe the form for submission of cost reports under 107044  
section ~~5112.04~~ 5168.05 of the Revised Code; 107045

(3) Establish, in accordance with division (A) of section 107046  
~~5112.06~~ 5168.06 of the Revised Code, the assessment rate or rates 107047  
to be applied to hospitals under that section; 107048

(4) Establish schedules for hospitals to pay installments on 107049  
their assessments under section ~~5112.06~~ 5168.06 of the Revised 107050  
Code and for governmental hospitals to pay installments on their 107051  
intergovernmental transfers under section ~~5112.07~~ 5168.07 of the 107052  
Revised Code; 107053

(5) Establish procedures to notify hospitals of adjustments 107054



made under division (B)(2)(b) of section ~~5112.06~~ 5168.06 of the Revised Code in the amount of installments on their assessment;

(6) Establish procedures to notify hospitals of adjustments made under division (D) of section ~~5112.09~~ 5168.08 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments;

(7) Establish, in accordance with section ~~5112.08~~ 5168.09 of the Revised Code, the methodology for paying hospitals under that section.

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) ~~Recipients of the medical assistance program~~ Medicaid recipients;

(2) Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code;

(3) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;

(4) ~~Recipients of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;~~ Medicare beneficiaries;

(5) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.;

(6) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that

title. 107085

**Sec. ~~5112.05~~ 5168.03.** The requirements of sections ~~5112.06~~ 107086  
~~5168.06~~ to ~~5112.09~~ 5168.09 of the Revised Code apply only as long 107087  
as the United States health care financing administration 107088  
determines that the assessment imposed under section ~~5112.06~~ 107089  
~~5168.06~~ of the Revised Code is a permissible health care-related 107090  
tax pursuant to ~~section 1903(w)~~ of the "Social Security Act," ~~49~~ 107091  
~~Stat. 620 (1935)~~ section 1903(w), 42 U.S.C.A. 1396b(w), ~~as~~ 107092  
~~amended~~. Whenever the department of ~~job and family services~~ 107093  
medicaid is informed that the assessment is an impermissible 107094  
health care-related tax, the department shall promptly refund to 107095  
each hospital the amount of money currently in the hospital care 107096  
assurance program fund created by section ~~5112.18~~ 5168.11 of the 107097  
Revised Code that has been paid by the hospital under section 107098  
~~5112.06~~ 5168.06 or ~~5112.07~~ 5168.07 of the Revised Code, plus any 107099  
investment earnings on that amount. 107100

**Sec. ~~5112.10~~ 5168.04.** The department of ~~job and family~~ 107101  
~~services~~ medicaid shall operate the hospital care assurance 107102  
program established by sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 107103  
of the Revised Code on a program year basis. The department shall 107104  
complete all program requirements on or before the thirtieth day 107105  
of September each year. 107106

**Sec. ~~5112.04~~ 5168.05.** (A) Except as provided in division (C) 107107  
of this section, each hospital, on or before the first day of July 107108  
of each year or at a later date approved by the medicaid director 107109  
~~of job and family services~~, shall submit to the department of ~~job~~ 107110  
~~and family services~~ medicaid a financial statement for the 107111  
preceding calendar year that accurately reflects the income, 107112  
expenses, assets, liabilities, and net worth of the hospital, and 107113  
accompanying notes. A hospital that has a fiscal year different 107114

from the calendar year shall file its financial statement within 107115  
one hundred eighty days of the end of its fiscal year or at a 107116  
later date approved by the director ~~of job and family services~~. 107117  
The financial statement shall be prepared by an independent 107118  
certified public accountant and reflect an official audit report 107119  
prepared in a manner consistent with generally accepted accounting 107120  
principles. The financial statement shall, to the extent that the 107121  
hospital has sufficient financial records, show bad debt and 107122  
charity care separately from courtesy care and contractual 107123  
allowances. 107124

(B) Except as provided in division (C) of this section, each 107125  
hospital, within one hundred eighty days after the end of the 107126  
hospital's cost reporting period, shall submit to the department a 107127  
cost report in a format prescribed in rules adopted ~~by the~~ 107128  
~~director of job and family services~~ under section ~~5112.03~~ 5168.02 107129  
of the Revised Code. The department shall grant a hospital an 107130  
extension of the one hundred eighty day period if the health care 107131  
financing administration of the United States department of health 107132  
and human services extends the date by which the hospital must 107133  
submit its cost report for the hospital's cost reporting period. 107134

(C) The director ~~of job and family services~~ may adopt rules 107135  
under section ~~5112.03~~ 5168.02 of the Revised Code specifying 107136  
financial information that must be submitted by hospitals for 107137  
which no financial statement or cost report is available. The 107138  
rules shall specify deadlines for submitting the information. Each 107139  
such hospital shall submit the information specified in the rules 107140  
not later than the deadline specified in the rules. 107141

**Sec. ~~5112.06~~ 5168.06.** (A) For the purpose of distributing 107142  
funds to hospitals under the ~~medical assistance~~ medicaid program 107143  
pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the 107144  
Revised Code and depositing funds into the legislative budget 107145

services fund under section ~~5112.19~~ 5168.12 of the Revised Code 107146  
and into the health care services administration fund created 107147  
under section ~~5111.94~~ 5162.54 of the Revised Code, there is hereby 107148  
imposed an assessment on all hospitals. Each hospital's assessment 107149  
shall be based on total facility costs. All hospitals shall be 107150  
assessed according to the rate or rates established each program 107151  
year ~~by the department of job and family services~~ in rules adopted 107152  
under section ~~5112.03~~ 5168.02 of the Revised Code. The department 107153  
shall assess all hospitals uniformly and in a manner consistent 107154  
with federal statutes and regulations. During any program year, 107155  
the department shall not assess any hospital more than two per 107156  
cent of the hospital's total facility costs. 107157

The department shall establish an assessment rate or rates 107158  
each program year that will do both of the following: 107159

(1) Yield funds that, when combined with intergovernmental 107160  
transfers and federal matching funds, will produce a program of 107161  
sufficient size to pay a substantial portion of the indigent care 107162  
provided by hospitals; 107163

(2) Yield funds that, when combined with intergovernmental 107164  
transfers and federal matching funds, will produce amounts for 107165  
distribution to disproportionate share hospitals that do not 107166  
exceed, in the aggregate, the limits prescribed by the United 107167  
States health care financing administration under ~~subsection (f)~~ 107168  
~~of section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 107169  
section 1923(f), 42 U.S.C.A. 1396r-4(f), ~~as amended.~~ 107170

(B)(1) Except as provided in division (B)(3) of this section, 107171  
each hospital shall pay its assessment in periodic installments in 107172  
accordance with a schedule established ~~by the director of job and~~ 107173  
~~family services~~ in rules adopted under section ~~5112.03~~ 5168.02 of 107174  
the Revised Code. 107175

(2) The installments shall be equal in amount, unless either 107176

of the following applies: 107177

(a) The department makes adjustments during a program year 107178  
under division (D) of section ~~5112.09~~ 5168.08 of the Revised Code 107179  
in the total amount of hospitals' assessments; 107180

(b) The medicaid director ~~of job and family services~~ 107181  
determines that adjustments in the amounts of installments are 107182  
necessary for the administration of sections ~~5112.01~~ 5168.01 to 107183  
~~5112.21~~ 5168.14 of the Revised Code and that unequal installments 107184  
will not create cash flow difficulties for hospitals. 107185

(3) The director may adopt rules under section ~~5112.03~~ 107186  
5168.02 of the Revised Code establishing alternate schedules for 107187  
hospitals to pay assessments under this section in order to reduce 107188  
hospitals' cash flow difficulties. 107189

**Sec. ~~5112.07~~ 5168.07.** (A) The department of ~~job and family~~ 107190  
~~services~~ medicaid may require governmental hospitals to make 107191  
intergovernmental transfers each program year for the purpose of 107192  
distributing funds to hospitals under the ~~medical assistance~~ 107193  
medicaid program pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 107194  
5168.14 of the Revised Code and depositing funds into the 107195  
legislative budget services fund under section ~~5112.19~~ 5168.12 of 107196  
the Revised Code and into the health care services administration 107197  
fund created under section ~~5111.94~~ 5162.54 of the Revised Code. 107198  
The department shall not require transfers in an amount that, when 107199  
combined with hospital assessments paid under section ~~5112.06~~ 107200  
5168.06 of the Revised Code and federal matching funds, produce 107201  
amounts for distribution to disproportionate share hospitals that, 107202  
in the aggregate, exceed limits prescribed by the United States 107203  
health care financing administration under ~~subsection (f) of~~ 107204  
~~section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 107205  
section 1923(f), 42 U.S.C.A. 1396r-4(f), as amended. 107206

(B) Before or during each program year, the department shall 107207

notify each governmental hospital of the amount of the 107208  
intergovernmental transfer it is required to make during the 107209  
program year. Each governmental hospital shall make 107210  
intergovernmental transfers as required by the department under 107211  
this section in periodic installments, executed by electronic fund 107212  
transfer, in accordance with a schedule established in rules 107213  
adopted under section ~~5112.03~~ 5168.02 of the Revised Code. 107214

**Sec. ~~5112.09~~ 5168.08.** (A) Before or during each program year, 107215  
the department of ~~job and family services~~ medicaid shall mail to 107216  
each hospital by certified mail, return receipt requested, the 107217  
preliminary determination of the amount that the hospital is 107218  
assessed under section ~~5112.06~~ 5168.06 of the Revised Code during 107219  
the program year. The preliminary determination of a hospital's 107220  
assessment shall be calculated for a cost-reporting period that is 107221  
specified in rules adopted under section ~~5112.03~~ 5168.02 of the 107222  
Revised Code. 107223

The department shall consult with hospitals each year when 107224  
determining the date on which it will mail the preliminary 107225  
determinations in order to minimize hospitals' cash flow 107226  
difficulties. 107227

If no hospital submits a request for reconsideration under 107228  
division (B) of this section, the preliminary determination 107229  
constitutes the final reconciliation of each hospital's assessment 107230  
under section ~~5112.06~~ 5168.06 of the Revised Code. The final 107231  
reconciliation is subject to adjustments under division (D) of 107232  
this section. 107233

(B) Not later than fourteen days after the preliminary 107234  
determinations are mailed, any hospital may submit to the 107235  
department a written request to reconsider the preliminary 107236  
determinations. The request shall be accompanied by written 107237  
materials setting forth the basis for the reconsideration. If one 107238

or more hospitals submit a request, the department shall hold a public hearing not later than thirty days after the preliminary determinations are mailed to reconsider the preliminary determinations. The department shall mail to each hospital a written notice of the date, time, and place of the hearing at least ten days prior to the hearing. On the basis of the evidence submitted to the department or presented at the public hearing, the department shall reconsider and may adjust the preliminary determinations. The result of the reconsideration is the final reconciliation of the hospital's assessment under section ~~5112.06~~ 5168.06 of the Revised Code. The final reconciliation is subject to adjustments under division (D) of this section.

(C) The department shall mail to each hospital a written notice of its assessment for the program year under the final reconciliation. A hospital may appeal the final reconciliation of its assessment to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with the schedules required by division (B) of section ~~5112.06~~ 5168.06 of the Revised Code, any amount of its assessment that is not in dispute into the hospital care assurance program fund created in section ~~5112.18~~ 5168.11 of the Revised Code.

(D) In the course of any program year, the department may adjust the assessment rate or rates established in rules pursuant to section ~~5112.06~~ 5168.06 of the Revised Code or adjust the amounts of intergovernmental transfers required under section ~~5112.07~~ 5168.07 of the Revised Code and, as a result of the adjustment, adjust each hospital's assessment and intergovernmental transfer, to reflect refinements made by the United States health care financing administration during that program year to the limits it prescribed under ~~subsection (f) of section 1923~~ of the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 1923(f), 42 U.S.C.A. 1396r-4(f), ~~as amended~~. When

adjusted, the assessment rate or rates must comply with division 107271  
(A) of section ~~5112.06~~ 5168.06 of the Revised Code. An adjusted 107272  
intergovernmental transfer must comply with division (A) of 107273  
section ~~5112.07~~ 5168.07 of the Revised Code. The department shall 107274  
notify hospitals of adjustments made under this division and 107275  
adjust for the remainder of the program year the installments paid 107276  
by hospitals under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 5168.07 of 107277  
the Revised Code in accordance with rules adopted under section 107278  
~~5112.03~~ 5168.02 of the Revised Code. 107279

**Sec. ~~5112.08~~ 5168.09.** The medicaid director ~~of job and family~~ 107280  
~~services~~ shall adopt rules under section ~~5112.03~~ 5168.02 of the 107281  
Revised Code establishing a methodology to pay hospitals that is 107282  
sufficient to expend all money in the indigent care pool. Under 107283  
the rules: 107284

(A) The department of ~~job and family services~~ medicaid may 107285  
classify similar hospitals into groups and allocate funds for 107286  
distribution within each group. 107287

(B) The department shall establish a method of allocating 107288  
funds to hospitals, taking into consideration the relative amount 107289  
of indigent care provided by each hospital or group of hospitals. 107290  
The amount to be allocated shall be based on any combination of 107291  
the following indicators of indigent care that the director 107292  
considers appropriate: 107293

(1) Total costs, volume, or proportion of services to 107294  
recipients of the medical assistance program, including recipients 107295  
enrolled in health insuring corporations; 107296

(2) Total costs, volume, or proportion of services to 107297  
low-income patients in addition to medicaid recipients ~~of the~~ 107298  
~~medical assistance program~~, which may include recipients of Title 107299  
V of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 107300  
~~301~~ 701 et seq., ~~as amended~~, and recipients of disability 107301



financial assistance provided under Chapter 5115. of the Revised Code; 107302  
107303

(3) The amount of uncompensated care provided by the hospital or group of hospitals; 107304  
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(4) Other factors that the director considers to be appropriate indicators of indigent care. 107306  
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(C) The department shall distribute funds to each hospital or group of hospitals in a manner that first may provide for an additional distribution to individual hospitals that provide a high proportion of indigent care in relation to the total care provided by the hospital or in relation to other hospitals. The department shall establish a formula to distribute the remainder of the funds. The formula shall be consistent with ~~section 1923~~ of the "Social Security Act," section 1923, 42 U.S.C.A. 1396r-4, ~~as amended~~, and shall be based on any combination of the indicators of indigent care listed in division (B) of this section that the director considers appropriate. 107308  
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(D) The department shall distribute funds to each hospital in installments not later than ten working days after the deadline established in rules for each hospital to pay an installment on its assessment under ~~section 5112.06~~ 5168.06 of the Revised Code. In the case of a governmental hospital that makes intergovernmental transfers, the department shall pay an installment under this section not later than ten working days after the earlier of that deadline or the deadline established in rules for the governmental hospital to pay an installment on its intergovernmental transfer. If the amount in the hospital care assurance program fund created under ~~section 5112.18~~ 5168.11 of the Revised Code and the portion of the health care - federal fund created under ~~section 5111.943~~ 5162.50 of the Revised Code that is credited to that fund pursuant to division (B) of ~~section 5112.18~~ 5168.11 of the Revised Code are insufficient to make the total 107319  
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distributions for which hospitals are eligible to receive in any 107334  
period, the department shall reduce the amount of each 107335  
distribution by the percentage by which the amount and portion are 107336  
insufficient. The department shall distribute to hospitals any 107337  
amounts not distributed in the period in which they are due as 107338  
soon as moneys are available in the funds. 107339

**Sec. ~~5112.11~~ 5168.10.** Except for moneys deposited into the 107340  
legislative budget services fund under section ~~5112.19~~ 5168.12 of 107341  
the Revised Code and the health care services administration fund 107342  
created under section ~~5111.94~~ 5162.54 of the Revised Code, the 107343  
department of ~~job and family services~~ medicaid shall not use money 107344  
paid to the department under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 107345  
5168.07 of the Revised Code or money that the department pays to 107346  
hospitals under section ~~5112.08~~ 5168.09 of the Revised Code to 107347  
replace any funds appropriated by the general assembly for the 107348  
~~medical assistance~~ medicaid program. 107349

**Sec. ~~5112.18~~ 5168.11.** (A) Except as provided in section 107350  
~~5112.19~~ 5168.12 of the Revised Code, all payments of assessments 107351  
by hospitals under section ~~5112.06~~ 5168.06 of the Revised Code and 107352  
all intergovernmental transfers under section ~~5112.07~~ 5168.07 of 107353  
the Revised Code shall be deposited in the state treasury to the 107354  
credit of the hospital care assurance program fund, hereby 107355  
created. All investment earnings of the hospital care assurance 107356  
program fund shall be credited to the fund. The department of ~~job~~ 107357  
~~and family services~~ medicaid shall maintain records that show the 107358  
amount of money in the hospital care assurance program fund at any 107359  
time that has been paid by each hospital and the amount of any 107360  
investment earnings on that amount. All moneys credited to the 107361  
hospital care assurance program fund shall be used solely to make 107362  
payments to hospitals under division (D) of this section and 107363  
section ~~5112.08~~ 5168.09 of the Revised Code. 107364

(B) All federal matching funds received as a result of the department distributing funds from the hospital care assurance program fund to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code shall be credited to the health care - federal fund created under section ~~5111.943~~ 5162.50 of the Revised Code.

(C) All distributions of funds to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code are conditional on:

(1) Expiration of the time for appeals under section ~~5112.09~~ 5168.08 of the Revised Code without the filing of an appeal, or on court determinations, in the event of appeals, that the hospital is entitled to the funds;

(2) The sum of the following being sufficient to distribute the funds after the final determination of any appeals:

(a) The available money in the hospital care assurance program fund;

(b) The available portion of the money in the health care - federal fund that is credited to that fund pursuant to division (B) of this section.

(3) The hospital's compliance with section ~~5112.17~~ 5168.14 of the Revised Code.

(D) If an audit conducted by the department of the amounts of payments made and funds received by hospitals under sections ~~5112.06~~ 5168.06, ~~5112.07~~ 5168.07, and ~~5112.08~~ 5168.09 of the Revised Code identifies amounts that, due to errors by the department, a hospital should not have been required to pay but did pay, should have been required to pay but did not pay, should not have received but did receive, or should have received but did not receive, the department shall:

(1) Make payments to any hospital that the audit reveals paid amounts it should not have been required to pay or did not receive

amounts it should have received; 107395

(2) Take action to recover from a hospital any amounts that 107396  
the audit reveals it should have been required to pay but did not 107397  
pay or that it should not have received but did receive. 107398

Payments made under division (D)(1) of this section shall be 107399  
made from the hospital care assurance program fund. Amounts 107400  
recovered under division (D)(2) of this section shall be deposited 107401  
to the credit of that fund. Any hospital may appeal the amount the 107402  
hospital is to be paid under division (D)(1) or the amount that is 107403  
to be recovered from the hospital under division (D)(2) of this 107404  
section to the court of common pleas of Franklin county. 107405

**Sec. ~~5112.19~~ 5168.12.** From the first installment of 107406  
assessments paid under section ~~5112.06~~ 5168.06 of the Revised Code 107407  
and intergovernmental transfers made under section ~~5112.07~~ 5168.07 107408  
of the Revised Code during each program year beginning in an 107409  
odd-numbered calendar year, the department of ~~job and family~~ 107410  
~~services~~ medicaid shall deposit into the state treasury to the 107411  
credit of the legislative budget services fund, which is hereby 107412  
created, a total amount equal to the amount by which the biennial 107413  
appropriation from that fund exceeds the amount of unexpended, 107414  
unencumbered moneys in that fund. All investment earnings of the 107415  
legislative budget services fund shall be credited to that fund. 107416  
Money in the legislative budget services fund shall be used solely 107417  
to pay the expenses of the legislative budget office of the 107418  
legislative service commission. 107419

**Sec. ~~5112.21~~ 5168.13.** Except as specifically required by 107420  
sections ~~5112.01~~ 5168.01 to ~~5112.19~~ 5168.14 of the Revised Code, 107421  
information filed under those sections shall not include any 107422  
patient-identifying material. Information that includes 107423  
patient-identifying material is not a public record under section 107424

149.43 of the Revised Code, and no patient-identifying material 107425  
shall be released publicly by the department of ~~job and family~~ 107426  
~~services~~ medicaid or by any person under contract with the 107427  
department who has access to such information. 107428

**Sec. ~~5112.17~~ 5168.14.** (A) ~~As used in this section:~~ 107429

(1) ~~"Federal poverty guideline" means the official poverty~~ 107430  
~~guideline as revised annually by the United States secretary of~~ 107431  
~~health and human services in accordance with section 673 of the~~ 107432  
~~"Community Service Block Grant Act," 95 Stat. 511 (1981), 42~~ 107433  
~~U.S.C.A. 9902, as amended, for a family size equal to the size of~~ 107434  
~~the family of the person whose income is being determined.~~ 107435

(2) ~~"Third party payer" means any private or public entity or~~ 107436  
~~program that may be liable by law or contract to make payment to~~ 107437  
~~or on behalf of an individual for health care services.~~ 107438  
~~"Third party payer" does not include a hospital.~~ 107439

(B) Each hospital that receives funds distributed under 107440  
sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code 107441  
shall provide, without charge to the individual, basic, medically 107442  
necessary hospital-level services to individuals who are residents 107443  
of this state, are not medicaid recipients ~~of the medical~~ 107444  
~~assistance program~~, and whose income is at or below the federal 107445  
poverty ~~guideline~~ line. Recipients of disability financial 107446  
assistance provided under Chapter 5115. of the Revised Code 107447  
qualify for services under this section. The medicaid director ~~of~~ 107448  
~~job and family services~~ shall adopt rules under section ~~5112.03~~ 107449  
5168.02 of the Revised Code specifying the hospital services to be 107450  
provided under this section. 107451

(C) ~~(B)~~ Nothing in this section shall be construed to prevent 107452  
a hospital from requiring an individual to apply for eligibility 107453  
~~under the medical assistance~~ medicaid program before the hospital 107454  
processes an application under this section. Hospitals may bill 107455

any third-party payer for services rendered under this section. 107456  
Hospitals may bill the ~~medical assistance~~ medicaid program, in 107457  
accordance with ~~Chapter 5111. of the Revised Code~~ state statutes 107458  
governing the medicaid program and the rules adopted under ~~that~~ 107459  
~~chapter~~ those statutes, for medicaid services rendered under this 107460  
section if the individual becomes a medicaid recipient ~~of the~~ 107461  
~~program~~. Hospitals may bill individuals for services under this 107462  
section if all of the following apply: 107463

(1) The hospital has an established post-billing procedure 107464  
for determining the individual's income and canceling the charges 107465  
if the individual is found to qualify for services under this 107466  
section. 107467

(2) The initial bill, and at least the first follow-up bill, 107468  
is accompanied by a written statement that does all of the 107469  
following: 107470

(a) Explains that individuals with income at or below the 107471  
federal poverty ~~guideline~~ line are eligible for services without 107472  
charge; 107473

(b) Specifies the federal poverty ~~guideline~~ line for 107474  
individuals and families of various sizes at the time the bill is 107475  
sent; 107476

(c) Describes the procedure required by division (C)(1) of 107477  
this section. 107478

(3) The hospital complies with any additional rules ~~the~~ 107479  
~~department adopts~~ adopted under section ~~5112.03~~ 5168.02 of the 107480  
Revised Code. 107481

Notwithstanding division (B) of this section, a hospital 107482  
providing care to an individual under this section is subrogated 107483  
to the rights of any individual to receive compensation or 107484  
benefits from any person or governmental entity for the hospital 107485  
goods and services rendered. 107486

~~(D)~~(C) Each hospital shall collect and report to the 107487  
department of medicaid, in the form and manner prescribed by the 107488  
department, information on the number and identity of patients 107489  
served pursuant to this section. 107490

~~(E)~~(D) This section applies beginning May 22, 1992, 107491  
regardless of whether ~~the department has adopted~~ rules specifying 107492  
the services to be provided have been adopted. Nothing in this 107493  
section alters the scope or limits the obligation of any 107494  
governmental entity or program, including the program awarding 107495  
reparations to victims of crime under sections 2743.51 to 2743.72 107496  
of the Revised Code and the program for medically handicapped 107497  
children established under section 3701.023 of the Revised Code, 107498  
to pay for hospital services in accordance with state or local 107499  
law. 107500

**Sec. ~~5112.40~~ 5168.20.** As used in sections ~~5112.40~~ 5168.20 to 107501  
~~5112.48~~ 5168.28 of the Revised Code: 107502

(A) "Applicable assessment percentage" means the percentage 107503  
specified in rules adopted under section ~~5112.46~~ 5168.26 of the 107504  
Revised Code that is used in calculating a hospital's assessment 107505  
under section ~~5112.41~~ 5168.21 of the Revised Code. 107506

(B) "Assessment program year" means the twelve-month period 107507  
beginning the first day of October of a calendar year and ending 107508  
the last day of September of the following calendar year. 107509

(C) "Cost reporting period" means the period of time used by 107510  
a hospital in reporting costs for purposes of the medicare 107511  
program. 107512

(D) "Federal fiscal year" means the twelve-month period 107513  
beginning the first day of October of a calendar year and ending 107514  
the last day of September of the following calendar year. 107515

(E)(1) Except as provided in division (E)(2) of this section, 107516

"hospital" means a hospital to which any of the following applies: 107517

(a) The hospital is registered under section 3701.07 of the 107518  
Revised Code as a general medical and surgical hospital or a 107519  
pediatric general hospital and provides inpatient hospital 107520  
services, as defined in 42 C.F.R. 440.10. 107521

(b) The hospital is recognized under the medicare program as 107522  
a cancer hospital and is exempt from the medicare prospective 107523  
payment system. 107524

(c) The hospital is a psychiatric hospital licensed under 107525  
section ~~5119.20~~ 5119.33 of the Revised Code. 107526

(2) "Hospital" does not include either of the following: 107527

(a) A federal hospital; 107528

(b) A hospital that does not charge any of its patients for 107529  
its services. 107530

(F) "Hospital care assurance program" means the program 107531  
established under sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of 107532  
the Revised Code. 107533

(G) ~~"Medicaid" has the same meaning as in section 5111.01 of~~ 107534  
~~the Revised Code.~~ 107535

~~(H) "Medicare" means the program established under Title~~ 107536  
~~XVIII of the Social Security Act.~~ 107537

~~(I)~~ "State fiscal year" means the twelve-month period 107538  
beginning the first day of July of a calendar year and ending the 107539  
last day of June of the following calendar year. 107540

~~(J)~~(H)(1) Except as provided in divisions ~~(J)~~(H)(2) and (3) 107541  
of this section, "total facility costs" means the total costs to a 107542  
hospital for all care provided to all patients, including the 107543  
direct, indirect, and overhead costs to the hospital of all 107544  
services, supplies, equipment, and capital related to the care of 107545  
patients, regardless of whether patients are enrolled in a health 107546



insuring corporation. 107547

(2) "Total facility costs" excludes all of the following of a 107548  
hospital's costs as shown on the cost-reporting data used for 107549  
purposes of determining the hospital's assessment under section 107550  
~~5112.41~~ 5168.21 of the Revised Code: 107551

(a) Skilled nursing services provided in distinct-part 107552  
nursing facility units; 107553

(b) Home health services; 107554

(c) Hospice services; 107555

(d) Ambulance services; 107556

(e) Renting durable medical equipment; 107557

(f) Selling durable medical equipment. 107558

(3) "Total facility costs" excludes any costs excluded from a 107559  
hospital's total facility costs pursuant to rules, if any, adopted 107560  
under division (B)(1) of section ~~5112.46~~ 5168.26 of the Revised 107561  
Code. 107562

**Sec. ~~5112.41~~ 5168.21.** (A) For the purposes specified in 107563  
section ~~5112.45~~ 5168.25 of the Revised Code and subject to section 107564  
~~5112.48~~ 5168.28 of the Revised Code, there is hereby imposed an 107565  
assessment on all hospitals each assessment program year. The 107566  
amount of a hospital's assessment for an assessment program year 107567  
shall equal the applicable assessment percentage of the hospital's 107568  
total facility costs for the period of time specified in division 107569  
(B) of this section. The amount of a hospital's total facility 107570  
costs shall be derived from cost-reporting data for the hospital 107571  
submitted to the department of ~~job and family services~~ medicaid 107572  
for purposes of the hospital care assurance program. If a hospital 107573  
has not submitted that cost-reporting data to the department, the 107574  
amount of a hospital's total facility costs shall be derived from 107575  
other financial statements that the hospital shall provide to the 107576

department as directed by the department. The cost-reporting data 107577  
or financial statements used to determine a hospital's assessment 107578  
is subject to the same type of adjustments made to the 107579  
cost-reporting data under the hospital care assurance program. 107580  
107581

(B) The period of time specified in this division is the 107582  
hospital's cost reporting period that ends in the state fiscal 107583  
year that ends in the federal fiscal year that precedes the 107584  
federal fiscal year that precedes the assessment program year for 107585  
which the assessment is imposed. 107586

(C) The assessment imposed by this section on a hospital is 107587  
in addition to the assessment imposed by section ~~5112.06~~ 5168.06 107588  
of the Revised Code. 107589

**Sec. ~~5112.42~~ 5168.22.** (A) Before or during each assessment 107590  
program year, the department of ~~job and family services~~ medicaid 107591  
shall mail to each hospital by certified mail, return receipt 107592  
requested, the preliminary determination of the amount that the 107593  
hospital is assessed under section ~~5112.41~~ 5168.21 of the Revised 107594  
Code for the assessment program year. Except as provided in 107595  
division (B) of this section, the preliminary determination 107596  
becomes the final determination for the assessment program year 107597  
fifteen days after the preliminary determination is mailed to the 107598  
hospital. 107599

(B) A hospital may request that the department reconsider the 107600  
preliminary determination mailed to the hospital under division 107601  
(A) of this section by submitting to the department a written 107602  
request for a reconsideration not later than fourteen days after 107603  
the hospital's preliminary determination is mailed to the 107604  
hospital. The request must be accompanied by written materials 107605  
setting forth the basis for the reconsideration. On receipt of the 107606

timely request, the department shall reconsider the preliminary 107607  
determination and may adjust the preliminary determination on the 107608  
basis of the written materials accompanying the request. The 107609  
result of the reconsideration is the final determination of the 107610  
hospital's assessment under section ~~5112.41~~ 5168.21 of the Revised 107611  
Code for the assessment program year. 107612

(C) The department shall mail to each hospital a written 107613  
notice of the final determination of its assessment for the 107614  
assessment program year. A hospital may appeal the final 107615  
determination to the court of common pleas of Franklin county. 107616  
While a judicial appeal is pending, the hospital shall pay, in 107617  
accordance with section ~~5112.43~~ 5168.23 of the Revised Code, any 107618  
amount of its assessment that is not in dispute. 107619

**Sec. ~~5112.43~~ 5168.23.** Unless rules adopted under section 107620  
~~5112.46~~ 5168.26 of the Revised Code establish a different payment 107621  
schedule, each hospital shall pay the amount it is assessed under 107622  
section ~~5112.41~~ 5168.21 of the Revised Code in accordance with the 107623  
following payment schedule: 107624

(A) Twenty-eight per cent of a hospital's assessment is due 107625  
on the last business day of October of each assessment program 107626  
year. 107627

(B) Thirty-one per cent of a hospital's assessment is due on 107628  
the last business day of February of each assessment program year. 107629

(C) Forty-one per cent of a hospital's assessment is due on 107630  
the last business day of May of each assessment program year. 107631

**Sec. ~~5112.44~~ 5168.24.** The department of ~~job and family~~ 107632  
~~services~~ medicaid may audit a hospital to ensure that the hospital 107633  
properly pays the amount it is assessed under section ~~5112.41~~ 107634  
5168.21 of the Revised Code. The department shall take action to 107635  
recover from a hospital any amount the audit reveals that the 107636

hospital should have paid but did not pay. 107637

**Sec. ~~5112.45~~ 5168.25.** There is hereby created in the state 107638  
treasury the hospital assessment fund. All installment payments 107639  
made by hospitals under section ~~5112.43~~ 5168.23 of the Revised 107640  
Code and all recoveries the department of ~~job and family services~~ 107641  
medicaid makes under section ~~5112.44~~ 5168.24 of the Revised Code 107642  
shall be deposited into the fund. All investment earnings of the 107643  
fund shall be credited to the fund. The department shall use money 107644  
in the fund to pay for the costs of the medicaid program, 107645  
including the program's administrative costs. 107646

**Sec. ~~5112.46~~ 5168.26.** (A) The ~~director of job and family~~ 107647  
~~services shall adopt, amend, and rescind~~ medicaid director shall 107648  
adopt rules in accordance with Chapter 119. of the Revised Code as 107649  
necessary to implement sections ~~5112.40~~ 5168.20 to ~~5112.48~~ 5168.28 107650  
of the Revised Code, including rules that specify the percentage 107651  
of hospitals' total facility costs to be used in calculating 107652  
hospitals' assessments under section ~~5112.41~~ 5168.21 of the 107653  
Revised Code. 107654

(B) The rules adopted under this section may do the 107655  
following: 107656

(1) Provide that a hospital's total facility costs for the 107657  
purpose of the assessment under section ~~5112.41~~ 5168.21 of the 107658  
Revised Code exclude any of the following: 107659

(a) A hospital's costs associated with providing care to 107660  
recipients of any of the following: 107661

(i) The medicaid program; 107662

(ii) The medicare program; 107663

(iii) The disability financial assistance program established 107664  
under Chapter 5115. of the Revised Code; 107665

(iv) The program for medically handicapped children 107666  
established under section 3701.023 of the Revised Code; 107667

(v) Services provided under the maternal and child health 107668  
services block grant established under Title V of the "Social 107669  
Security Act," 42 U.S.C. 701 et seq. 107670

(b) Any other category of hospital costs the director deems 107671  
appropriate under federal law and regulations governing the 107672  
medicaid program. 107673

(2) Subject to division (C) of this section, provide for the 107674  
percentage of hospitals' total facility costs used in calculating 107675  
hospitals' assessments to vary for different hospitals; 107676

(3) To reduce hospitals' cash flow difficulties, establish a 107677  
schedule for hospitals to pay their assessments that is different 107678  
from the schedule established under section ~~5112.43~~ 5168.23 of the 107679  
Revised Code. 107680

(C) Before adopting rules authorized by division (B)(2) of 107681  
this section that establish varied percentages to be used in 107682  
calculating hospitals' assessments, the director shall obtain a 107683  
waiver from the United States secretary of health and human 107684  
services under ~~section 1903(w)(3)(E)~~ of the "Social Security Act," 107685  
~~105 Stat. 1796 (1991)~~ section 1903(w)(3)(E), 42 U.S.C. 107686  
1396b(w)(3)(E), ~~as amended~~, if the varied percentages would cause 107687  
the assessments to not be imposed uniformly. 107688

**Sec. ~~5112.47~~ 5168.27.** The medicaid director ~~of job and family~~ 107689  
~~services~~ shall implement the assessment imposed by section ~~5112.41~~ 107690  
5168.21 of the Revised Code in a manner that does not cause a 107691  
reduction in federal financial participation for the medicaid 107692  
program under the "Social Security Act," section 1903(w), 42 107693  
U.S.C. 1396b(w). 107694

**Sec. ~~5112.48~~ 5168.28.** If the United States secretary of 107695

health and human services determines that the assessment imposed 107696  
by section ~~5112.41~~ 5168.21 of the Revised Code is an impermissible 107697  
health care-related tax under the "Social Security Act," section 107698  
1903(w), 42 U.S.C. 1396b(w), the medicaid director ~~of job and~~ 107699  
~~family services~~ shall take all necessary actions to cease 107700  
implementation of sections ~~5112.40~~ 5168.20 to ~~5112.47~~ 5168.27 of 107701  
the Revised Code and shall promptly refund to each hospital the 107702  
amount of money in the hospital assessment fund at the time the 107703  
refund is to be made that the hospital paid under section ~~5112.43~~ 107704  
5168.23 of the Revised Code, plus any corresponding investment 107705  
earnings on that amount. 107706

**Sec. ~~3721.50~~ 5168.40.** As used in sections ~~3721.50~~ 5168.40 to 107707  
~~3721.58~~ 5168.56 of the Revised Code: 107708

(A) "Bed surrender" means the following: 107709

(1) In the case of a nursing home, the removal of a bed from 107710  
a nursing home's licensed capacity in a manner that reduces the 107711  
total licensed capacity of all nursing homes; 107712

(2) In the case of a hospital, the removal of a hospital bed 107713  
from registration under section 3701.07 of the Revised Code as a 107714  
skilled nursing facility bed or long-term care bed in a manner 107715  
that reduces the total number of hospital beds registered under 107716  
that section as skilled nursing facility beds or long-term care 107717  
beds. 107718

(B) "Change of operator" means an entering operator becoming 107719  
the operator of a nursing home or hospital in the place of the 107720  
exiting operator. 107721

(1) Actions that constitute a change of operator include the 107722  
following: 107723

(a) A change in an exiting operator's form of legal 107724  
organization, including the formation of a partnership or 107725

|                                                                                                                                                                                                                                                                                                      |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| corporation from a sole proprietorship;                                                                                                                                                                                                                                                              | 107726                                         |
| (b) A transfer of all the exiting operator's ownership interest in the operation of the nursing home or hospital to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing home or hospital is also transferred; | 107727<br>107728<br>107729<br>107730<br>107731 |
| (c) A lease of the nursing home or hospital to the entering operator or the exiting operator's termination of the exiting operator's lease;                                                                                                                                                          | 107732<br>107733<br>107734                     |
| (d) If the exiting operator is a partnership, dissolution of the partnership;                                                                                                                                                                                                                        | 107735<br>107736                               |
| (e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:                                                                                                                                                                         | 107737<br>107738                               |
| (i) The change in composition does not cause the partnership's dissolution under state law.                                                                                                                                                                                                          | 107739<br>107740                               |
| (ii) The partners agree that the change in composition does not constitute a change in operator.                                                                                                                                                                                                     | 107741<br>107742                               |
| (f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.                                                       | 107743<br>107744<br>107745<br>107746           |
| (2) The following, alone, do not constitute a change of operator:                                                                                                                                                                                                                                    | 107747<br>107748                               |
| (a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions;                                                                                                                           | 107749<br>107750<br>107751                     |
| (b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator;                                                                   | 107752<br>107753<br>107754<br>107755           |

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

(C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital.

(D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the effective date of a change of operator.

(E) "Exiting operator" means an operator that will cease to be the operator of a nursing home or hospital on the effective date of a change of operator.

(F) "Franchise permit fee rate" means the ~~following~~:

~~(1) For fiscal year 2012, eleven dollars and forty seven cents;~~

~~(2) For fiscal year 2013 and each fiscal year thereafter, eleven dollars and sixty seven cents rate determined in accordance with section 5168.41 of the Revised Code.~~

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located:

(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds;

(2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code.

(I) "Indirect guarantee percentage" means the percentage specified in ~~section 1903(w)(4)(C)(ii)~~ of the "Social Security



Act," ~~120 Stat. 2994 (2006)~~ section 1903(w)(4)(C)(ii), 42 U.S.C. 107786  
1396b(w)(4)(C)(ii), that is to be used in determining whether a 107787  
class of providers is indirectly held harmless for any portion of 107788  
the costs of a broad-based health-care-related tax. If the 107789  
indirect guarantee percentage changes during a fiscal year, the 107790  
indirect guarantee percentage is the following: 107791

(1) For the part of the fiscal year before the change takes 107792  
effect, the percentage in effect before the change; 107793

(2) For the part of the fiscal year beginning with the date 107794  
the indirect guarantee percentage changes, the new percentage. 107795

~~(J) "Medicaid days" has the same meaning as in section~~ 107796  
~~5111.01 of the Revised Code.~~ 107797

~~(K) "Medicare" means the program established by Title XVIII.~~ 107798

~~(L) and "Nursing nursing facility" has have the same meaning~~ 107799  
~~meanings~~ as in section ~~5111.20~~ 5165.01 of the Revised Code. 107800

~~(M)~~(K)(1) "Nursing home" means all of the following: 107801

(a) A nursing home licensed under section 3721.02 or 3721.09 107802  
of the Revised Code, including any part of a home for the aging 107803  
licensed as a nursing home; 107804

(b) A facility or part of a facility, other than a hospital, 107805  
that is certified as a skilled nursing facility under Title XVIII; 107806

(c) A nursing facility, other than a portion of a hospital 107807  
certified as a nursing facility. 107808

(2) "Nursing home" does not include either of the following: 107809

(a) A county home, county nursing home, or district home 107810  
operated pursuant to Chapter 5155. of the Revised Code; 107811

(b) A nursing home maintained and operated by the department 107812  
of veterans services under section 5907.01 of the Revised Code. 107813

~~(N)~~(L) "Operator" means the person or government entity 107814

responsible for the daily operating and management decisions for a nursing home or hospital.

~~(O)~~(M) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, ~~as amended~~ et seq.

~~(P)~~(N) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, ~~as amended~~ et seq.

**Sec. 5168.41.** (A) The franchise permit fee rate shall be determined for each fiscal year as follows:

(1) Determine the estimated total net patient revenues for all nursing homes and hospital long-term care units for the fiscal year;

(2) Multiply the estimated total net patient revenues determined under division (A)(1) of this section by the lesser of the following:

(a) The indirect guarantee percentage;

(b) Six per cent.

(3) Divide the product determined under division (A)(2) of this section by the number of days in the fiscal year;

(4) Determine the sum of the following:

(a) The total number of beds in all nursing homes and hospital long-term care units that are subject to the franchise permit fee for the fiscal year;

(b) The total number of nursing home beds that are exempt from the franchise permit fee for the fiscal year because of the waiver obtained pursuant to section 5168.43 of the Revised Code.

(5) Divide the quotient determined under division (A)(3) of this section by the sum determined under division (A)(4) of this section.

(B) In determining the estimated total net patient revenues for all nursing homes and hospital long-term care units for a fiscal year, the department of medicaid shall use at least all of the following: 107844  
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107846  
107847

(1) Information from medicaid cost reports filed under section 5165.10 of the Revised Code that are the most recent at the time the determination is made; 107848  
107849  
107850

(2) The projected total medicaid payment rates for nursing facility services for the fiscal year; 107851  
107852

(3) The projected total number of medicaid days for the fiscal year. 107853  
107854

**Sec. ~~3721.51~~ 5168.42.** The department of ~~job and family services~~ medicaid shall do all of the following: 107855  
107856

(A) Subject to sections ~~3721.512~~ 5168.44, ~~3721.513~~ 5168.45, and ~~3721.531~~ 5168.48 of the Revised Code and divisions (C) and (D) of this section and for the purposes specified in section ~~3721.56~~ 5168.54 of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to the franchise permit fee rate multiplied by the product of the following: 107857  
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(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised Code; 107863  
107864  
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(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised Code. 107869  
107870  
107871  
107872

(B) Subject to sections ~~3721.512~~ 5168.44, ~~3721.513~~ 5168.45, 107873

and ~~3721.531~~ 5168.48 of the Revised Code and divisions (C) and (D) 107874  
of this section and for the purposes specified in section ~~3721.56~~ 107875  
5168.54 of the Revised Code, determine an annual franchise permit 107876  
fee on each hospital in an amount equal to the franchise permit 107877  
fee rate multiplied by the product of the following: 107878

(1) The number of beds registered pursuant to section 3701.07 107879  
of the Revised Code as skilled nursing facility beds or long-term 107880  
care beds, plus any other beds licensed as nursing home beds under 107881  
section 3721.02 or 3721.09 of the Revised Code, on the first day 107882  
of May of the calendar year in which the fee is determined 107883  
pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised 107884  
Code; 107885

(2) The number of days in the fiscal year beginning on the 107886  
first day of July of the calendar year in which the fee is 107887  
determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of 107888  
the Revised Code. 107889

(C) If the total amount of the franchise permit fee assessed 107890  
under divisions (A) and (B) of this section for a fiscal year 107891  
exceeds the indirect guarantee percentage of the actual net 107892  
patient revenue for all nursing homes and hospital long-term care 107893  
units for that fiscal year and seventy-five per cent or more of 107894  
the combined total number of nursing homes and hospital long-term 107895  
care units receive enhanced medicaid payments or other state 107896  
payments equal to seventy-five per cent or more of their total 107897  
franchise permit fee assessments, do both of the following: 107898

(1) Recalculate the assessments under divisions (A) and (B) 107899  
of this section using a per bed per day rate equal to the indirect 107900  
guarantee percentage of actual net patient revenue for all nursing 107901  
homes and hospital long-term care units for that fiscal year; 107902

(2) Refund the difference between the amount of the franchise 107903  
permit fee assessed for that fiscal year under divisions (A) and 107904

(B) of this section and the amount recalculated under division 107905  
(C)(1) of this section as a credit against the assessments imposed 107906  
under divisions (A) and (B) of this section for the subsequent 107907  
fiscal year. 107908

(D) If the United States centers for medicare and medicaid 107909  
services determines that the franchise permit fee established by 107910  
sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised Code is 107911  
an impermissible health care-related tax under ~~section 1903(w)~~ of 107912  
the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 1903(w), 42 107913  
U.S.C. 1396b(w), ~~as amended~~, take all necessary actions to cease 107914  
implementation of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of 107915  
the Revised Code in accordance with rules adopted under section 107916  
~~3721.58~~ 5168.56 of the Revised Code. 107917

**Sec. ~~3721.511~~ 5168.43.** (A) Not later than four months after 107918  
July 17, 2009, the department of ~~job and family services~~ medicaid 107919  
shall apply to the United States secretary of health and human 107920  
services for a waiver under the "Social Security Act," section 107921  
1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), as necessary to do both 107922  
of the following regarding the franchise permit fee assessed under 107923  
section ~~3721.51~~ 5168.42 of the Revised Code: 107924

(1) Reduce the franchise permit fee rate to zero dollars for 107925  
each nursing home licensed under section 3721.02 or 3721.09 of the 107926  
Revised Code to which either of the following applies: 107927

(a) The nursing home: 107928

(i) Is exempt from state taxation under section 140.08 of the 107929  
Revised Code or is exempt from state taxation as a home for the 107930  
aged as defined in section 5701.13 of the Revised Code; 107931

(ii) Is exempt from federal income taxation under section 501 107932  
of the Internal Revenue Code of 1986; 107933

(iii) Does not participate in medicaid or medicare; and 107934

(iv) Provides services for the life of each resident without regard to the resident's ability to secure payment for the services. 107935  
107936  
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(b) The nursing home: 107938

(i) Has had a written affiliation agreement with a university in this state for education and research related to Alzheimer's disease for each of the twenty years preceding July 17, 2009, and has such an agreement on July 17, 2009; 107939  
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(ii) Was constructed pursuant to a certificate of need granted under Section 3 of Am. Sub. S.B. 256 of the 116th general assembly; and 107943  
107944  
107945

(iii) Does not participate in medicaid or medicare. 107946

(2) For each nursing facility with more than two hundred beds certified as nursing facility beds under Title XIX, reduce the franchise permit fee rate for a number of the nursing facility's beds specified by the department to the amount necessary to obtain approval of the waiver sought under this section. 107947  
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(B) The effective date of the waiver sought under this section shall be the first day of the quarter beginning after the United States secretary approves the waiver. 107952  
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107954

**Sec. ~~3721.512~~ 5168.44.** If the United States secretary of health and human services approves the waiver sought under section ~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and family services~~ medicaid shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee rate under the waiver, reduce the franchise permit fee rate in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home 107955  
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and hospital qualifying for the reduction notice of the reduction 107965  
not later than the last day of the first month of the quarter that 107966  
begins after the United States secretary approves the waiver. For 107967  
purposes of subsequent fiscal years, the department shall make 107968  
such determinations and mail such notices in accordance with 107969  
section ~~3721.53~~ 5168.47 of the Revised Code. 107970

**Sec. ~~3721.513~~ 5168.45.** (A) If the United States secretary of 107971  
health and human services approves the waiver sought under section 107972  
~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and~~ 107973  
~~family services~~ medicaid may do both of the following regarding 107974  
the franchise permit fee assessed under section ~~3721.51~~ 5168.42 of 107975  
the Revised Code: 107976

(1) Determine how much money the franchise permit fee would 107977  
have raised in a fiscal year if not for the waiver; 107978

(2) For each nursing home and hospital subject to the 107979  
franchise permit fee, other than a nursing home or hospital that 107980  
has its franchise permit fee rate reduced under section ~~3721.512~~ 107981  
5168.44 of the Revised Code, uniformly increase the amount of the 107982  
franchise permit fee rate for a fiscal year to an amount that will 107983  
have the franchise permit fee raise an amount of money that does 107984  
not exceed the amount determined under division (A)(1) of this 107985  
section for that fiscal year. 107986

(B) If the department increases the franchise permit fee rate 107987  
in accordance with division (A) of this section for the first 107988  
fiscal year during which the waiver takes effect, the department 107989  
shall determine the amount of the increase not later than the 107990  
effective date of the waiver and shall mail to each nursing home 107991  
and hospital subject to the increase notice of the increase not 107992  
later than the last day of the first month of the quarter that 107993  
begins after the United States secretary approves the waiver. If 107994

the department increases the franchise permit fee rate in 107995  
accordance with division (A) of this section for a subsequent 107996  
fiscal year, the department shall make such determinations and 107997  
mail such notices in accordance with section ~~3721.53~~ 5168.47 of 107998  
the Revised Code. 107999

**Sec. ~~3721.52~~ 5168.46.** The department of health shall do all 108000  
of the following: 108001

(A) For the purpose of the determinations made under 108002  
divisions (A) and (B) of section ~~3721.51~~ 5168.42 of the Revised 108003  
Code and not later than the first day of each June, report to the 108004  
department of ~~job and family services~~ medicaid the following: 108005

(1) For each nursing home, the number of beds in the nursing 108006  
home licensed on the preceding first day of May under section 108007  
3721.02 or 3721.09 of the Revised Code or certified on that date 108008  
under Title XVIII or Title XIX; 108009

(2) For each hospital, the number of beds in the hospital 108010  
registered on the preceding first day of May pursuant to section 108011  
3701.07 of the Revised Code as skilled nursing facility or 108012  
long-term care beds or licensed on that date under section 3721.02 108013  
or 3721.09 of the Revised Code as nursing home beds. 108014

(B) For the purpose of the redetermination under section 108015  
~~3721.531~~ 5168.48 of the Revised Code and not later than the 108016  
fifteenth day of each January, report to the department of ~~job and~~ 108017  
~~family services~~ medicaid, for each nursing home and hospital, the 108018  
number of beds for which a bed surrender occurred during the 108019  
period beginning on the first day of May of the preceding calendar 108020  
year and ending on the first day of January of the calendar year 108021  
in which the redetermination is made. 108022

**Sec. ~~3721.53~~ 5168.47.** (A) Not later than the fifteenth day of 108023  
September of each year, the department of ~~job and family services~~ 108024



medicaid shall determine the annual franchise permit fee for each 108025  
nursing home and hospital in accordance with section ~~3721.51~~ 108026  
5168.42 of the Revised Code and any adjustments made in accordance 108027  
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 108028  
Code. 108029

(B) Not later than the first day of October of each year, the 108030  
department shall mail to each nursing home and hospital notice of 108031  
the amount of the franchise permit fee that has been determined 108032  
for the nursing home or hospital. 108033

(C) Subject to section ~~3721.531~~ 5168.48 of the Revised Code, 108034  
each nursing home and hospital shall pay its fee under section 108035  
~~3721.51~~ 5168.42 of the Revised Code, as adjusted in accordance 108036  
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 108037  
Code, to the department in four installment payments not later 108038  
than forty-five days after the last day of each October, December, 108039  
March, and June. 108040

**Sec. ~~3721.531~~ 5168.48.** (A) Not later than the last day of 108041  
February of each year, the department of ~~job and family services~~ 108042  
medicaid shall redetermine each nursing home's and hospital's 108043  
franchise permit fee if one or more bed surrenders occur during 108044  
the period beginning on the first day of May of the preceding 108045  
calendar year and ending on the first day of January of the 108046  
calendar year in which the redetermination is made. 108047

(B) In redetermining nursing homes' and hospitals' franchise 108048  
permit fees under this section, the department shall do both of 108049  
the following: 108050

(1) Provide for the redetermination to be conducted in a 108051  
manner consistent with the terms of the waiver sought under 108052  
section ~~3721.511~~ 5168.43 of the Revised Code; 108053

(2) Recalculate each nursing home's and hospital's franchise 108054

permit fee in accordance with division (A) or (B) of section 108055  
~~3721.51~~ 5168.42 of the Revised Code with the following changes: 108056

(a) In the case of a nursing home or hospital for which one 108057  
or more bed surrenders occurred during the period beginning on the 108058  
first day of May of the preceding calendar year and ending on the 108059  
first day of January of the calendar year in which the 108060  
redetermination is made, the number of beds included in the 108061  
calculation for the purpose of division (A)(1) or (B)(1) of 108062  
section ~~3721.51~~ 5168.42 of the Revised Code shall exclude the beds 108063  
for which bed surrenders occurred during that period. 108064

(b) The number of days used in the calculation under division 108065  
(A)(2) or (B)(2) of section ~~3721.51~~ 5168.42 of the Revised Code 108066  
shall be the number of days in the first half of the calendar year 108067  
in which the redetermination is made. 108068

(c) The franchise permit fee rate shall reflect adjustments 108069  
made under sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the 108070  
Revised Code. 108071

(C) Not later than the first day of March of each year, the 108072  
department shall mail to each nursing home and hospital notice of 108073  
the amount of its redetermined franchise permit fee. 108074

(D) Each nursing home and hospital shall pay its redetermined 108075  
fee to the department in two installment payments not later than 108076  
forty-five days after the last day of March and June of the 108077  
calendar year in which the redetermination is made. 108078

**Sec. ~~3721.532~~ 5168.49.** If a nursing home or hospital 108079  
undergoes a change of operator during a fiscal year, the 108080  
responsibility for paying the franchise permit fee that was 108081  
determined for the nursing home or hospital under section ~~3721.53~~ 108082  
5168.47 of the Revised Code, or redetermined for the nursing home 108083  
or hospital under section ~~3721.531~~ 5168.48 of the Revised Code, 108084

for that fiscal year shall be divided proportionally. The exiting operator shall be responsible for paying the amount of the fee that is for the part of the fiscal year that ends on the day before the effective date of the change of operator. The entering operator shall be responsible for paying the amount of the fee that is for the part of the fiscal year that begins on the effective date of the change of operator. The department of ~~job and family services~~ medicaid is not required to mail a notice to the entering operator regarding the amount of that fiscal year's fee for which the entering operator is responsible.

**Sec. ~~3721.533~~ 5168.50.** No nursing home or hospital shall directly bill its residents for the franchise permit fee paid under section ~~3721.53~~ 5168.47 or ~~3721.531~~ 5168.48 of the Revised Code or otherwise directly pass the fee through to its residents.

**Sec. ~~3721.54~~ 5168.51.** If a nursing home or hospital fails to pay the full amount of a franchise permit fee installment when due, the department of ~~job and family services~~ medicaid may assess a five per cent penalty on the amount due for each month or fraction thereof the installment is overdue.

**Sec. ~~3721.541~~ 5168.52.** (A) In addition to assessing a penalty pursuant to section ~~3721.54~~ 5168.51 of the Revised Code, the department of ~~job and family services~~ medicaid may do any of the following if a nursing facility or hospital fails to pay the full amount of a franchise permit fee installment when due:

(1) Withhold an amount less than or equal to the installment and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised Code from a medicaid payment due the nursing facility or hospital until the nursing facility or hospital pays the installment and penalty;

(2) Offset an amount less than or equal to the installment 108114  
and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised 108115  
Code from a ~~Medicaid~~ medicaid payment due the nursing facility or 108116  
hospital; 108117

(3) Terminate the nursing facility or hospital's medicaid 108118  
provider agreement. 108119

(B) The department may offset a medicaid payment under 108120  
division (A) of this section without providing notice to the 108121  
nursing facility or hospital and without conducting an 108122  
adjudication under Chapter 119. of the Revised Code. 108123

**Sec. ~~3721.55~~ 5168.53.** (A) A nursing home or hospital may 108124  
appeal the fee assessed under section ~~3721.51~~ 5168.42 of the 108125  
Revised Code, as adjusted under section ~~3721.512~~ 5168.44 or 108126  
~~3721.513~~ 5168.45 of the Revised Code, and redetermined under 108127  
section ~~3721.531~~ 5168.48 of the Revised Code solely on the grounds 108128  
that the department of ~~job and family services~~ medicaid committed 108129  
a material error in determining or redetermining the amount of the 108130  
fee. A request for an appeal must be received by the department 108131  
not later than fifteen days after the date the department mails 108132  
the notice of the fee and must include written materials setting 108133  
forth the basis for the appeal. 108134

(B) If a nursing home or hospital submits a request for an 108135  
appeal within the time required under division (A) of this 108136  
section, the department ~~of job and family services~~ shall hold a 108137  
public hearing in Columbus not later than thirty days after the 108138  
date the department receives the request for an appeal. The 108139  
department shall, not later than ten days before the date of the 108140  
hearing, mail a notice of the date, time, and place of the hearing 108141  
to the nursing home or hospital. The department may hear all the 108142  
requested appeals in one public hearing. 108143

(C) On the basis of the evidence presented at the hearing or 108144

any other evidence submitted by the nursing home or hospital, the 108145  
department may adjust a fee. The department's decision is final. 108146

**Sec. ~~3721.56~~ 5168.54.** (A) There is hereby created in the 108147  
state treasury the nursing home franchise permit fee fund. All 108148  
payments and penalties paid by nursing homes and hospitals under 108149  
sections ~~3721.53~~ 5168.47, ~~3721.531~~ 5168.48, and ~~3721.54~~ 5168.51 of 108150  
the Revised Code shall be deposited into the fund. The fund shall 108151  
also consist of money deposited into it pursuant to sections 108152  
3769.08 and 3769.26 of the Revised Code. Subject to division (B) 108153  
of section 3769.08 of the Revised Code, the department of ~~job and~~ 108154  
~~family services~~ medicaid shall use the money in the fund to make 108155  
medicaid payments to providers of nursing facility services and 108156  
providers of home and community-based services. Money in the fund 108157  
may also be used for the residential state supplement program 108158  
established under section ~~5119.69~~ 5119.41 of the Revised Code. 108159

(B) Any money remaining in the nursing home franchise permit 108160  
fee fund after payments specified in division (A) of this section 108161  
are made shall be retained in the fund. Any interest or other 108162  
investment proceeds earned on money in the fund shall be credited 108163  
to the fund and used to make medicaid payments in accordance with 108164  
division (A) of this section. 108165

**Sec. ~~3721.57~~ 5168.55.** The department of ~~job and family~~ 108166  
~~services~~ medicaid may make any investigation it considers 108167  
appropriate to obtain information necessary to fulfill its duties 108168  
under sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 108169  
Code. At the request of the department, the attorney general shall 108170  
aid in any such investigations. The attorney general shall 108171  
institute and prosecute all necessary actions for the enforcement 108172  
of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 108173  
Code, except that at the request of the attorney general, the 108174  
county prosecutor of the county in which a nursing home or 108175

hospital that has failed to comply with sections ~~3721.50~~ 5168.40 108176  
to ~~3721.58~~ 5168.56 of the Revised Code is located shall institute 108177  
and prosecute any necessary action against the nursing home or 108178  
hospital. 108179

**Sec. ~~3721.58~~ 5168.56.** The medicaid director ~~of job and family~~ 108180  
~~services~~ shall adopt rules in accordance with Chapter 119. of the 108181  
Revised Code to do both of the following: 108182

(A) Prescribe the actions the department of ~~job and family~~ 108183  
~~services~~ medicaid will take to cease implementation of sections 108184  
~~3721.50 through 3721.57~~ 5168.40 to 5168.56 of the Revised Code if 108185  
the United States centers for medicare and medicaid services 108186  
determines that the franchise permit fee established by those 108187  
sections is an impermissible health-care related tax under ~~section~~ 108188  
~~1903(w)~~ of the "Social Security Act," ~~105 Stat. 1793 (1991)~~ 108189  
section 1903(w), 42 U.S.C. 1396b(w), ~~as amended;~~ 108190

(B) Establish any requirements or procedures the director 108191  
considers necessary to implement sections ~~3721.50~~ 5168.40 to 108192  
~~3721.58~~ 5168.56 of the Revised Code. 108193

**Sec. ~~5112.30~~ 5168.60.** As used in sections ~~5112.30~~ 5168.60 to 108194  
~~5112.39~~ 5168.71 of the Revised Code: 108195

(A) "Franchise permit fee rate" means the following: 108196

(1) For fiscal year ~~2012~~ 2014, ~~seventeen~~ eighteen dollars and 108197  
~~ninety nine~~ twenty-four cents; 108198

(2) For fiscal year ~~2013~~ 2015 and each fiscal year 108199  
thereafter, eighteen dollars and ~~thirty two~~ seventeen cents. 108200

(B) "Indirect guarantee percentage" means the percentage 108201  
specified in ~~section 1903(w)(4)(C)(ii)~~ of the "Social Security 108202  
Act," ~~120 Stat. 2994 (2006)~~ section 1903(w)(4)(C)(ii), 42 U.S.C. 108203  
1396b(w)(4)(C)(ii), ~~as amended~~, that is to be used in determining 108204

whether a class of providers is indirectly held harmless for any 108205  
portion of the costs of a broad-based health-care-related tax. If 108206  
the indirect guarantee percentage changes during a fiscal year, 108207  
the indirect guarantee percentage is the following: 108208

(1) For the part of the fiscal year before the change takes 108209  
effect, the percentage in effect before the change; 108210

(2) For the part of the fiscal year beginning with the date 108211  
the indirect guarantee percentage changes, the new percentage. 108212

(C) "~~Intermediate care facility for the mentally retarded~~ 108213  
ICF/MR" has the same meaning as in section ~~5111.20~~ 5124.01 of the 108214  
Revised Code, ~~except that, until August 1, 2009, it does not~~ 108215  
~~include any such facility operated by the department of~~ 108216  
~~developmental disabilities.~~ 108217

(D) "~~Medicaid~~ Medicaid-certified capacity" has the same 108218  
meaning as in section ~~5111.01~~ 5124.01 of the Revised Code. 108219

(E) "Provider agreement" has the same meaning as in section 108220  
5124.01 of the Revised Code. 108221

**Sec. ~~5112.31~~ 5168.61.** The department of ~~job and family~~ 108222  
~~services~~ developmental disabilities shall do all of the following: 108223

(A) Subject to section ~~5112.331~~ 5168.64 of the Revised Code 108225  
and divisions (B) and (C) of this section and for the purposes 108226  
specified in section ~~5112.371~~ 5168.69 of the Revised Code, assess 108227  
for each fiscal year each ~~intermediate care facility for the~~ 108228  
~~mentally retarded~~ ICF/MR a franchise permit fee equal to the 108229  
franchise permit fee rate multiplied by the product of the 108230  
following: 108231

(1) The ~~number of beds certified under Title XIX of the~~ 108232  
~~"Social Security Act"~~ ICF/MR's medicaid-certified capacity on the 108233  
first day of May of the calendar year in which the assessment is 108234

determined pursuant to division (A) of section ~~5112.33~~ 5168.63 of 108235  
the Revised Code; 108236

(2) The number of days in the fiscal year. 108237

(B) If the total amount of the franchise permit fee assessed 108238  
under division (A) of this section for a fiscal year exceeds the 108239  
indirect guarantee percentage of the actual net patient revenue 108240  
for all ~~intermediate care facilities for the mentally retarded~~ 108241  
ICFs/MR for that fiscal year and seventy-five per cent or more of 108242  
the total number of ~~intermediate care facilities for the mentally~~ 108243  
~~retarded~~ ICFs/MR receive enhanced medicaid payments or other state 108244  
payments equal to seventy-five per cent or more of their total 108245  
franchise permit fee assessments, do both of the following: 108246

(1) Recalculate the assessments under division (A) of this 108247  
section using a per bed per day rate equal to the indirect 108248  
guarantee percentage of actual net patient revenue for all 108249  
~~intermediate care facilities for the mentally retarded~~ ICFs/MR for 108250  
that fiscal year; 108251

(2) Refund the difference between the amount of the franchise 108252  
permit fee assessed for that fiscal year under division (A) of 108253  
this section and the amount recalculated under division (B)(1) of 108254  
this section as a credit against the assessments imposed under 108255  
division (A) of this section for the subsequent fiscal year. 108256

(C) If the United States secretary of health and human 108257  
services determines that the franchise permit fee established by 108258  
sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the Revised Code 108259  
would be an impermissible health care-related tax under ~~section~~ 108260  
~~1903(w)~~ of the "Social Security Act," ~~105 Stat. 1793 (1991)~~ 108261  
section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~, take all 108262  
necessary actions to cease implementation of those sections in 108263  
accordance with rules adopted under section ~~5112.39~~ 5168.71 of the 108264  
Revised Code. 108265



**Sec. ~~5112.32~~ 5168.62.** For the purpose of the franchise permit 108266  
fee imposed under section ~~5112.31~~ 5168.61 of the Revised Code and 108267  
not later than the first day of each June, the department of 108268  
developmental disabilities shall~~+~~ 108269

~~(A) Not later than August 1, 1993, report to the department 108270  
of job and family services the number of beds in each intermediate 108271  
care facility for the mentally retarded certified on July 1, 1993, 108272  
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 108273  
42 U.S.C.A. 301, as amended;~~ 108274

~~(B) Not later than June 1, 1994, and the first day of each 108275  
June thereafter, report to the department of job and family 108276  
services medicaid the number of beds in each ~~such~~ facility 108277  
certified ICF/MR on the preceding first day of May ~~under that~~ 108278  
title. 108279~~

**Sec. ~~5112.33~~ 5168.63.** (A) Not later than the fifteenth day of 108280  
August of each year, the department of ~~job and family services~~ 108281  
developmental disabilities shall determine the annual franchise 108282  
permit fee for each ~~intermediate care facility for the mentally~~ 108283  
~~retarded~~ ICF/MR in accordance with section ~~5112.31~~ 5168.61 of the 108284  
Revised Code. 108285

(B) Not later than the first day of September of each year, 108286  
the department shall mail to each ~~intermediate care facility for~~ 108287  
~~the mentally retarded~~ ICF/MR notice of the amount of the franchise 108288  
permit fee the ~~facility~~ ICF/MR has been assessed under section 108289  
~~5112.31~~ 5168.61 of the Revised Code. 108290

(C) Subject to section ~~5112.33~~ 5168.64 of the Revised Code, 108291  
each ~~intermediate care facility for the mentally retarded~~ ICF/MR 108292  
shall pay its fee under section ~~5112.31~~ 5168.61 of the Revised 108293  
Code to the department in quarterly installment payments not later 108294  
than forty-five days after the last day of each September, 108295

December, March, and June. 108296

**Sec. ~~5112.331~~ 5168.64.** (A) If, during the period beginning on 108297  
the first day of May of a calendar year and ending on the first 108298  
day of January of the immediately following calendar year, the 108299  
operator of an ~~intermediate care facility for the mentally~~ 108300  
~~retarded~~ ICF/MR converts, pursuant to section ~~5111.874~~ 5124.60 of 108301  
the Revised Code, one or more of the ~~facility's~~ ICF/MR's beds to 108302  
providing home and community-based services, the department of ~~job~~ 108303  
~~and family services~~ developmental disabilities shall do the 108304  
following: 108305

(1) If the ~~facility's~~ ICF/MR's medicaid certification is 108306  
terminated because of the conversion, terminate the ~~facility's~~ 108307  
ICF/MR's franchise permit fee effective on the first day of the 108308  
quarter immediately following the quarter in which the department 108309  
receives the notice of the conversion from the director of health; 108310

(2) If the ~~facility's certified~~ ICF/MR's medicaid-certified 108311  
capacity ~~under medicaid~~ is reduced because of the conversion, 108312  
redetermine the ~~facility's~~ ICF/MR's franchise permit fee in 108313  
accordance with division (B) of this section for the second half 108314  
of the fiscal year for which the fee is assessed. 108315

(B)(1) To redetermine an ~~intermediate care facility for the~~ 108316  
~~mentally retarded's~~ ICF/MR's franchise permit fee, the department 108317  
shall multiply the franchise permit fee rate by the product of the 108318  
following: 108319

(a) The ~~number of the facility's beds that remain certified~~ 108320  
~~under Title XIX of the "Social Security Act"~~ ICF/MR's 108321  
medicaid-certified capacity as of the date the conversion takes 108322  
effect; 108323

(b) The number of days in the second half of the fiscal year 108324  
for which the redetermination is made. 108325

(2) The ~~intermediate care facility for the mentally retarded~~ ICF/MR shall pay its franchise permit fee as redetermined under division (B)(1) of this section in installment payments not later than forty-five days after the last day of March and June of the fiscal year for which the redetermination is made.

**Sec. ~~5112.34~~ 5168.65.** If an ~~intermediate care facility for the mentally retarded~~ ICF/MR fails to pay the full amount of an installment when due, the department of ~~job and family services~~ developmental disabilities may assess a five per cent penalty on the amount due for each month or fraction thereof the installment is overdue.

**Sec. ~~5112.341~~ 5168.66.** (A) In addition to assessing a penalty pursuant to section ~~5112.34~~ 5168.65 of the Revised Code, the department of ~~job and family services~~ developmental disabilities may do any of the following if an ~~intermediate care facility for the mentally retarded~~ ICF/MR fails to pay the full amount of a franchise permit fee installment when due:

(1) Withhold an amount less than or equal to the installment and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised Code from a medicaid payment due the ~~facility~~ ICF/MR until the ~~facility~~ ICF/MR pays the installment and penalty;

(2) Offset an amount less than or equal to the installment and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised Code from a medicaid payment due the ~~facility~~ ICF/MR;

(3) ~~Terminate~~ Provide for the department of medicaid to terminate the ~~facility's medicaid~~ ICF/MR's provider agreement.

(B) The department may offset a medicaid payment under division (A) of this section without providing notice to the ~~intermediate care facility for the mentally retarded~~ ICF/MR and without conducting an adjudication under Chapter 119. of the

Revised Code. 108356

**Sec. ~~5112.35~~ 5168.67.** (A) An ~~intermediate care facility for~~ 108357  
~~the mentally retarded~~ ICF/MR may appeal the franchise permit fee 108358  
imposed under section ~~5112.31~~ 5168.61 of the Revised Code solely 108359  
on the grounds that the department of ~~job and family services~~ 108360  
developmental disabilities committed a material error in 108361  
determining the amount of the fee. A request for an appeal must be 108362  
received by the department not later than fifteen days after the 108363  
date the department mails the notice of the fee and must include 108364  
written materials setting forth the basis for the appeal. 108365

(B) If an ~~intermediate care facility for the mentally~~ 108366  
~~retarded~~ ICF/MR submits a request for an appeal within the time 108367  
required under division (A) of this section, the department shall 108368  
hold a public hearing in Columbus not later than thirty days after 108369  
the date the department receives the request for an appeal. The 108370  
department shall, not later than ten days before the date of the 108371  
hearing, mail a notice of the date, time, and place of the hearing 108372  
to the ~~facility~~ ICF/MR. The department may hear all requested 108373  
appeals in one public hearing. 108374

(C) On the basis of the evidence presented at the hearing or 108375  
any other evidence submitted by the ~~intermediate care facility for~~ 108376  
~~the mentally retarded~~ ICF/MR, the department may adjust a fee. The 108377  
department's decision is final. 108378

**Sec. ~~5112.37~~ 5168.68.** There is hereby created in the state 108379  
treasury the home and community-based services for the mentally 108380  
retarded and developmentally disabled fund. All installment 108381  
payments and penalties paid by an ~~intermediate care facility for~~ 108382  
~~the mentally retarded~~ ICF/MR under sections ~~5112.33~~ 5168.63 and 108383  
~~5112.34~~ 5168.65 of the Revised Code shall be deposited into the 108384  
fund. As soon as possible after the end of each quarter, the 108385

~~medicaid~~ director of ~~job and family services~~ shall certify to the 108386  
director of budget and management the amount of money that is in 108387  
the fund as of the last day of that quarter. On receipt of a 108388  
certification, the director of budget and management shall 108389  
transfer the amount so certified from the home and community-based 108390  
services for the mentally retarded and developmentally disabled 108391  
fund to the department of developmental disabilities operating and 108392  
services fund created under section ~~5112.371~~ 5168.69 of the 108393  
Revised Code. 108394

**Sec. ~~5112.371~~ 5168.69.** There is hereby created in the state 108395  
treasury the department of developmental disabilities operating 108396  
and services fund. The fund shall consist of the money transferred 108397  
to it under section ~~5112.37~~ 5168.68 of the Revised Code. The money 108398  
in the fund shall be used for the expenses of the programs that 108399  
the department of developmental disabilities administers and the 108400  
department's administrative expenses. 108401

**Sec. ~~5112.38~~ 5168.70.** The department of ~~job and family~~ 108402  
~~services~~ developmental disabilities may make any investigation it 108403  
considers appropriate to obtain information necessary to fulfill 108404  
its duties under sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of 108405  
the Revised Code. At the request of the department, the attorney 108406  
general shall aid in any such investigations. The attorney general 108407  
shall institute and prosecute all necessary actions for the 108408  
enforcement of sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the 108409  
Revised Code, except that at the request of the attorney general, 108410  
the county prosecutor of the county in which an ~~intermediate care~~ 108411  
~~facility for the mentally retarded~~ ICF/MR that has failed to 108412  
comply with those sections is located shall institute and 108413  
prosecute any necessary action against the ~~facility~~ ICF/MR. 108414

**Sec. ~~5112.39~~ 5168.71.** ~~The~~ To the extent authorized by rules 108415

authorized by section 5162.021 of the Revised Code, the director 108416  
of job and family services developmental disabilities shall adopt 108417  
rules in accordance with Chapter 119. of the Revised Code to do 108418  
both of the following: 108419

(A) Prescribe the actions the department of developmental 108420  
disabilities will take to cease implementation of sections ~~5112.30~~ 108421  
~~5168.60~~ to ~~5112.39~~ 5168.71 of the Revised Code if the United 108422  
States secretary of health and human services determines that the 108423  
franchise permit fee imposed under section ~~5112.31~~ 5168.61 of the 108424  
Revised Code is an impermissible health care-related tax under 108425  
~~section 1903(w) of the "Social Security Act," 105 Stat. 1793~~ 108426  
~~(1991)~~ section 1903(w), 42 U.S.C. 1396b(w), ~~as amended;~~ 108427

(B) Establish any other requirements or procedures the 108428  
director considers necessary to implement sections ~~5112.30~~ 5168.60 108429  
to ~~5112.39~~ 5168.71 of the Revised Code. 108430

**Sec. ~~5112.99~~ 5168.99.** (A) The medicaid director ~~of job and~~ 108431  
~~family services~~ shall impose a penalty for each day that a 108432  
hospital fails to report the information required under section 108433  
~~5112.04~~ 5168.05 of the Revised Code on or before the dates 108434  
specified in that section. The amount of the penalty shall be 108435  
established by the director in rules adopted under section ~~5112.03~~ 108436  
5168.02 of the Revised Code. 108437

(B) In addition to any other remedy available to the 108438  
department of ~~job and family services~~ medicaid under law to 108439  
collect unpaid assessments and transfers under sections ~~5112.01~~ 108440  
~~5168.01~~ to ~~5112.21~~ 5168.14 of the Revised Code, the director shall 108441  
impose a penalty of ten per cent of the amount due on any hospital 108442  
that fails to pay assessments or make intergovernmental transfers 108443  
by the dates required by rules adopted under section ~~5112.03~~ 108444  
5168.02 of the Revised Code. 108445

(C) In addition to any other remedy available to the 108446

department of ~~job and family services~~ medicaid under law to 108447  
collect unpaid assessments imposed under section ~~5112.41~~ 5168.21 108448  
of the Revised Code, the director shall impose a penalty of ten 108449  
per cent of the amount due on any hospital that fails to pay the 108450  
assessment by the date it is due. 108451

(D) The director shall waive the penalties provided for in 108452  
this section for good cause shown by the hospital. 108453

(E) All penalties imposed under this section shall be 108454  
deposited into the health care administration fund created by 108455  
section ~~5111.94~~ 5162.54 of the Revised Code. 108456

**Sec. ~~5112.991~~ 5168.991.** The department of ~~job and family~~ 108457  
~~services~~ medicaid may offset the amount of a hospital's unpaid 108458  
penalty imposed under section ~~5112.99~~ 5168.99 of the Revised Code 108459  
from one or more payments due the hospital under the medicaid 108460  
program. The total amount that may be offset from one or more 108461  
payments shall not exceed the amount of the unpaid penalty. 108462

**Sec. 5302.221.** (A) As used in this section: 108463

"Estate" has the same meaning as in section ~~5111.11~~ 5162.21 108464  
of the Revised Code. 108465

"Medicaid estate recovery program" means the program 108466  
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 108467

(B) The administrator of the medicaid estate recovery program 108468  
shall prescribe a form on which a beneficiary of a transfer on 108469  
death designation affidavit as provided in section 5302.22 of the 108470  
Revised Code, who survives the deceased owner of the real property 108471  
or an interest in the real property or that is in existence on the 108472  
date of death of the deceased owner, or that beneficiary's 108473  
representative is to indicate both of the following: 108474

(1) Whether the deceased owner was either of the following: 108475

|                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (a) A decedent subject to the medicaid estate recovery program;                                                                                                                                                                                                                                                                                                                                                                           | 108476<br>108477                                                   |
| (b) The spouse of a decedent subject to the medicaid estate recovery program.                                                                                                                                                                                                                                                                                                                                                             | 108478<br>108479                                                   |
| (2) Whether the real property or interest in the real property was part of the estate of a decedent subject to the medicaid estate recovery program.                                                                                                                                                                                                                                                                                      | 108480<br>108481<br>108482                                         |
| (C) A county recorder shall obtain a properly completed form prescribed under division (B) of this section from the beneficiary of a transfer on death designation affidavit or the beneficiary's representative and send a copy of the form to the administrator of the medicaid estate recovery program before recording the transfer of the real property or interest in the real property under section 5302.222 of the Revised Code. | 108483<br>108484<br>108485<br>108486<br>108487<br>108488<br>108489 |
| <b>Sec. 5309.082.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                        | 108490                                                             |
| "Estate" has the same meaning as in section <del>5111.11</del> <u>5162.21</u> of the Revised Code.                                                                                                                                                                                                                                                                                                                                        | 108491<br>108492                                                   |
| "Medicaid estate recovery program" means the program instituted under section <del>5111.11</del> <u>5162.21</u> of the Revised Code.                                                                                                                                                                                                                                                                                                      | 108493<br>108494                                                   |
| (B) The administrator of the medicaid estate recovery program shall prescribe a form on which a surviving tenant under a survivorship tenancy or such a surviving tenant's representative is to indicate both of the following:                                                                                                                                                                                                           | 108495<br>108496<br>108497<br>108498                               |
| (1) Whether the deceased survivorship tenant was either of the following:                                                                                                                                                                                                                                                                                                                                                                 | 108499<br>108500                                                   |
| (a) A decedent subject to the medicaid estate recovery program;                                                                                                                                                                                                                                                                                                                                                                           | 108501<br>108502                                                   |
| (b) The spouse of a decedent subject to the medicaid estate recovery program.                                                                                                                                                                                                                                                                                                                                                             | 108503<br>108504                                                   |



(2) Whether the registered land under a survivorship tenancy 108505  
was part of the estate of a decedent subject to the medicaid 108506  
estate recovery program. 108507

(C) A county recorder shall obtain a properly completed form 108508  
prescribed under division (B) of this section from the surviving 108509  
tenant under a survivorship tenancy or the surviving tenant's 108510  
representative and send a copy of the form to the administrator of 108511  
the medicaid estate recovery program before registering the title 108512  
in the surviving tenants under section 5309.081 of the Revised 108513  
Code. 108514

**Sec. 5505.12.** (A) The state highway patrol retirement board 108515  
shall have prepared annually by or under the supervision of an 108516  
actuary an actuarial valuation of the pension assets, liabilities, 108517  
and funding requirements of the state highway patrol retirement 108518  
system as established pursuant to this chapter. The actuary shall 108519  
complete the valuation in accordance with actuarial standards of 108520  
practice promulgated by the actuarial standards board of the 108521  
American academy of actuaries and prepare a report of the 108522  
valuation. The report shall include all of the following: 108523

(1) A summary of the benefit provisions evaluated; 108524

(2) A summary of the census data and financial information 108525  
used in the valuation; 108526

(3) A description of the actuarial assumptions, actuarial 108527  
cost method, and asset valuation method used in the valuation, 108528  
including a statement of the assumed rate of payroll growth and 108529  
assumed rate of growth or decline in the number of members 108530  
contributing to the retirement system; 108531

(4) A summary of findings that includes a statement of the 108532  
actuarial accrued pension liabilities and unfunded actuarial 108533  
accrued pension liabilities; 108534

(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;

(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.

The board shall submit the report to the Ohio retirement study council, the director of budget and management, and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation immediately upon its availability and not later than the first day of July following the year for which the valuation was made.

(B) At such times as the state highway patrol retirement board determines, and at least once in each five-year period after January 1, 1966, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The report shall include all of the following:

(1) A summary of relevant decrement and economic assumption experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (A) of this section;

(3) A measurement of the financial effect of the recommended

changes in actuarial assumptions; 108566

(4) If the investigation required by this division includes 108567  
the investigation required by division (F) of this section, a 108568  
report of the result of that investigation. 108569

The board shall submit the report to the Ohio retirement 108570  
study council and the standing committees of the house of 108571  
representatives and the senate with primary responsibility for 108572  
retirement legislation not later than the first day of November 108573  
following the last fiscal year of the period the report covers. 108574

(C) The board may at any time request the actuary to make any 108575  
studies or actuarial valuations to determine the adequacy of the 108576  
rates of contributions provided by section 5505.15 of the Revised 108577  
Code. 108578

(D) The board shall have prepared by or under the supervision 108579  
of an actuary an actuarial analysis of any introduced legislation 108580  
expected to have a measurable financial impact on the retirement 108581  
system. The actuarial analysis shall be completed in accordance 108582  
with the actuarial standards of practice promulgated by the 108583  
actuarial standards board of the American academy of actuaries. 108584  
The actuary shall prepare a report of the actuarial analysis, 108585  
which shall include all of the following: 108586

(1) A summary of the statutory changes that are being 108587  
evaluated; 108588

(2) A description of or reference to the actuarial 108589  
assumptions and actuarial cost method used in the report; 108590

(3) A description of the participant group or groups included 108591  
in the report; 108592

(4) A statement of the financial impact of the legislation, 108593  
including the resulting increase, if any, in the employer normal 108594  
cost percentage; the increase, if any, in actuarial accrued 108595

liabilities; and the per cent of payroll that would be required to 108596  
amortize the increase in actuarial accrued liabilities as a level 108597  
per cent of covered payroll for all active members over a period 108598  
not to exceed thirty years; 108599

(5) A statement of whether the scheduled contributions to the 108600  
system after the proposed change is enacted are expected to be 108601  
sufficient to satisfy the funding objectives established by the 108602  
board. 108603

Not later than sixty days from the date of introduction of 108604  
the legislation, the board shall submit a copy of the actuarial 108605  
analysis to the legislative service commission, the standing 108606  
committees of the house of representatives and the senate with 108607  
primary responsibility for retirement legislation, and the Ohio 108608  
retirement study council. 108609

(E) The board shall have prepared annually a report giving a 108610  
full accounting of the revenues and costs relating to the 108611  
provision of benefits under section 5505.28 of the Revised Code. 108612  
The report shall be made as of December 31, 1997, and the 108613  
thirty-first day of December of each year thereafter. The report 108614  
shall include the following: 108615

(1) A description of the statutory authority for the benefits 108616  
provided; 108617

(2) A summary of the benefits; 108618

(3) A summary of the eligibility requirements for the 108619  
benefits; 108620

(4) A statement of the number of participants eligible for 108621  
the benefits; 108622

(5) A description of the accounting, asset valuation, and 108623  
funding method used to provide the benefits; 108624

(6) A statement of the net assets available for the provision 108625

of the benefits as of the last day of the fiscal year; 108626

(7) A statement of any changes in the net assets available 108627  
for the provision of benefits, including participant and employer 108628  
contributions, net investment income, administrative expenses, and 108629  
benefits provided to participants, as of the last day of the 108630  
fiscal year; 108631

(8) For the last six consecutive fiscal years, a schedule of 108632  
the net assets available for the benefits, the annual cost of 108633  
benefits, administrative expenses incurred, and annual employer 108634  
contributions allocated for the provision of benefits; 108635

(9) A description of any significant changes that affect the 108636  
comparability of the report required under this division; 108637

(10) A statement of the amount paid under division (B) of 108638  
section 5505.28 of the Revised Code. 108639

The board shall submit the report to the Ohio retirement 108640  
study council, the director of budget and management, and the 108641  
standing committees of the house of representatives and the senate 108642  
with primary responsibility for retirement legislation immediately 108643  
upon its availability and not later than the thirtieth day of June 108644  
following the year for which the report was made. 108645

(F) At least once in each five-year period, the board shall 108646  
have prepared by or under the supervision of an actuary an 108647  
actuarial investigation of the deferred retirement option plan 108648  
established under section 5505.50 of the Revised Code. The 108649  
investigation shall include an examination of the financial 108650  
impact, if any, on the retirement system of offering the plan to 108651  
members. 108652

The actuary shall prepare a report of the actuarial 108653  
investigation. The report shall include a determination of whether 108654  
the plan, as established or modified, has a negative financial 108655  
impact on the retirement system and, if so, recommendations on how 108656

to modify the plan to eliminate the negative financial impact. If 108657  
the actuarial report indicates that the plan has a negative 108658  
financial impact on the retirement system, the board shall modify 108659  
the plan. If the board modifies the plan, the rights and 108660  
obligations of members who have already elected to participate 108661  
shall not be altered. 108662

The state's contributions to the employer accumulation fund 108663  
shall not be increased to offset any negative financial impact of 108664  
the deferred retirement option plan. 108665

The board may include the actuarial investigation required 108666  
under this division as part of the actuarial investigation 108667  
required under division (B) of this section. If the report of the 108668  
actuarial investigation required by this division is not included 108669  
in the report required by division (B) of this section, the board 108670  
shall submit the report required by this division to the Ohio 108671  
retirement study council and the standing committees of the house 108672  
of representatives and the senate with primary responsibility for 108673  
retirement legislation not later than the first day of November 108674  
following the last fiscal year of the period the report covers. 108675

**Sec. 5507.46.** (A) Prior to January 1, 2014: 108676

(1) A wireless service provider or reseller, not later than 108677  
the last day of each month, shall remit the full amount of all 108678  
wireless 9-1-1 charges it collected under division (A) of section 108679  
5507.42 of the Revised Code for the second preceding calendar 108680  
month to the Ohio 9-1-1 coordinator, with the exception of charges 108681  
equivalent to the amount authorized as a billing and collection 108682  
fee under division (A)(2) of this section. In doing so, the 108683  
provider or reseller may remit the requisite amount in any 108684  
reasonable manner consistent with its existing operating or 108685  
technological capabilities, such as by customer address, location 108686  
associated with the wireless telephone number, or another 108687

allocation method based on comparable, relevant data. If the 108688  
wireless service provider or reseller receives a partial payment 108689  
for a bill from a wireless service subscriber, the wireless 108690  
service provider or reseller shall apply the payment first against 108691  
the amount the subscriber owes the wireless service provider or 108692  
reseller and shall remit to the coordinator such lesser amount, if 108693  
any, as results from that invoice. 108694

(2) A wireless service provider or reseller may retain as a 108695  
billing and collection fee two per cent of the total wireless 108696  
9-1-1 charges it collects in a month and shall account to the 108697  
coordinator for the amount retained. 108698

(3) The coordinator shall return to, or credit against the 108699  
next month's remittance of, a wireless service provider or 108700  
reseller the amount of any remittances the coordinator determines 108701  
were erroneously submitted by the provider or reseller. 108702

(B) Beginning January 1, 2014: 108703

(1) Each seller of a prepaid wireless calling service, 108704  
wireless service provider, and reseller shall, on or before the 108705  
twenty-third day of each month, except as provided in divisions 108706  
(B)(2) and (3) of this section, do both of the following: 108707

(a) Make and file a return for the preceding month, in the 108708  
form prescribed by the tax commissioner, showing the amount of the 108709  
wireless 9-1-1 charges due under section 5507.42 of the Revised 108710  
Code for that month; 108711

(b) Remit the full amount due, as shown on the return, with 108712  
the exception of charges equivalent to the amount authorized as a 108713  
collection fee under division (B)(4) of this section. 108714

(2) The commissioner may grant one or more thirty-day 108715  
extensions for making and filing returns and remitting amounts 108716  
due. 108717

(3) If a seller is required to collect prepaid wireless 9-1-1 charges in amounts that do not merit monthly returns, the commissioner may authorize the seller to make and file returns less frequently. The commissioner shall ascertain whether this authorization is warranted upon the basis of administrative costs to the state.

(4) A wireless service provider, reseller, and seller may each retain as a collection fee three per cent of the total wireless 9-1-1 charges required to be collected under section 5507.42 of the Revised Code, and shall account to the tax commissioner for the amount retained.

(5) The return required under division (B)(1)(a) of this section shall be filed electronically using the Ohio business gateway, as defined in section 718.051 of the Revised Code, the Ohio telefile system, or any other electronic means prescribed by the tax commissioner. Remittance of the amount due shall be made electronically in a manner approved by the commissioner. A wireless service provider, reseller, or seller may apply to the commissioner on a form prescribed by the commissioner to be excused from either electronic requirement of this division. For good cause shown, the commissioner may excuse the provider, reseller, or seller from either or both of the requirements and may permit the provider, reseller, or seller to file returns or make remittances by nonelectronic means.

(C)(1) Prior to January 1, 2014, each subscriber on which a wireless 9-1-1 charge is imposed under division (A) of section 5507.42 of the Revised Code is liable to the state for the amount of the charge. If a wireless service provider or reseller fails to collect the charge under that division from a subscriber of prepaid wireless service, or fails to bill any other subscriber for the charge, the wireless service provider or reseller is liable to the state for the amount not collected or billed. If a



wireless service provider or reseller collects charges under that 108750  
division and fails to remit the money to the coordinator, the 108751  
wireless service provider or reseller is liable to the state for 108752  
any amount collected and not remitted. 108753

(2) Beginning January 1, 2014: 108754

(a) Each subscriber or consumer on which a wireless 9-1-1 108755  
charge is imposed under section 5507.42 of the Revised Code is 108756  
liable to the state for the amount of the charge. If a wireless 108757  
service provider or reseller fails to bill or collect the charge, 108758  
or if a seller fails to collect the charge, the provider, 108759  
reseller, or seller is liable to the state for the amount not 108760  
billed or collected. If a provider, reseller, or seller fails to 108761  
remit money to the tax commissioner as required under this 108762  
section, the provider, reseller, or seller is liable to the state 108763  
for the amount not remitted, regardless of whether the amount was 108764  
collected. 108765

(b) No provider of a prepaid wireless calling service shall 108766  
be liable to the state for any wireless 9-1-1 charge imposed under 108767  
division (B)(1) of section 5507.42 of the Revised Code that was 108768  
not collected or remitted. 108769

(D) Prior to January 1, 2014: 108770

(1) If the public utilities commission has reason to believe 108771  
that a wireless service provider or reseller has failed to bill, 108772  
collect, or remit the wireless 9-1-1 charge as required by 108773  
divisions (A)(1) and (C)(1) of this section or has retained more 108774  
than the amount authorized under division (A)(2) of this section, 108775  
and after written notice to the provider or reseller, the 108776  
commission may audit the provider or reseller for the sole purpose 108777  
of making such a determination. The audit may include, but is not 108778  
limited to, a sample of the provider's or reseller's billings, 108779  
collections, remittances, or retentions for a representative 108780

period, and the commission shall make a good faith effort to reach 108781  
agreement with the provider or reseller in selecting that sample. 108782

(2) Upon written notice to the wireless service provider or 108783  
reseller, the commission, by order after completion of the audit, 108784  
may make an assessment against the provider or reseller if, 108785  
pursuant to the audit, the commission determines that the provider 108786  
or reseller has failed to bill, collect, or remit the wireless 108787  
9-1-1 charge as required by divisions (A)(1) and (C)(1) of this 108788  
section or has retained more than the amount authorized under 108789  
division (A)(2) of this section. The assessment shall be in the 108790  
amount of any remittance that was due and unpaid on the date 108791  
notice of the audit was sent by the commission to the provider or 108792  
reseller or, as applicable, in the amount of the excess amount 108793  
under division (A)(2) of this section retained by the provider or 108794  
reseller as of that date. 108795

(3) The portion of any assessment not paid within sixty days 108796  
after the date of service by the commission of the assessment 108797  
notice under division (D)(2) of this section shall bear interest 108798  
from that date until paid at the rate per annum prescribed by 108799  
section 5703.47 of the Revised Code. That interest may be 108800  
collected by making an assessment under division (D)(2) of this 108801  
section. An assessment under this division and any interest due 108802  
shall be remitted in the same manner as the wireless 9-1-1 charge 108803  
imposed under division (A) of section 5507.42 of the Revised Code. 108804

(4) An assessment is final and due and payable and shall be 108805  
remitted to the commission unless the assessed party petitions for 108806  
rehearing under section 4903.10 of the Revised Code. The 108807  
proceedings of the commission specified in division (D)(4) of this 108808  
section are subject to and governed by Chapter 4903. of the 108809  
Revised Code, except that the court of appeals of Franklin county 108810  
has exclusive, original jurisdiction to review, modify, or vacate 108811  
an order of the commission under division (D)(2) of this section. 108812

The court shall hear and determine such appeal in the same manner 108813  
and under the same standards as the Ohio supreme court hears and 108814  
determines appeals under Chapter 4903. of the Revised Code. 108815

The judgment of the court of appeals is final and conclusive 108816  
unless reversed, vacated, or modified on appeal. Such an appeal 108817  
may be made by the commission or the person to whom the order 108818  
under division (D)(2) of this section was issued and shall proceed 108819  
as in the case of appeals in civil actions as provided in Chapter 108820  
2505. of the Revised Code. 108821

(5) After an assessment becomes final, if any portion of the 108822  
assessment remains unpaid, including accrued interest, a certified 108823  
copy of the commission's entry making the assessment final may be 108824  
filed in the office of the clerk of the court of common pleas in 108825  
the county in which the place of business of the assessed party is 108826  
located. If the party maintains no place of business in this 108827  
state, the certified copy of the entry may be filed in the office 108828  
of the clerk of the court of common pleas of Franklin county. 108829  
Immediately upon the filing, the clerk shall enter a judgment for 108830  
the state against the assessed party in the amount shown on the 108831  
entry. The judgment may be filed by the clerk in a loose-leaf book 108832  
entitled "special judgments for wireless 9-1-1 charges" and shall 108833  
have the same effect as other judgments. The judgment shall be 108834  
executed upon the request of the commission. 108835

(6) An assessment under this division does not discharge a 108836  
subscriber's liability to reimburse the provider or reseller for 108837  
the wireless 9-1-1 charge imposed under division (A) of section 108838  
5507.42 of the Revised Code. If, after the date of service of the 108839  
audit notice under division (D)(1) of this section, a subscriber 108840  
pays a wireless 9-1-1 charge for the period covered by the 108841  
assessment, the payment shall be credited against the assessment. 108842

(7) All money collected by the commission under division (D) 108843  
of this section shall be paid to the treasurer of state, for 108844

deposit to the credit of the wireless 9-1-1 government assistance fund. 108845  
108846

(E) Beginning January 1, 2014: 108847

(1) If the tax commissioner has reason to believe that a wireless service provider, reseller, or seller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by this section and section 5507.42 of the Revised Code or has retained more than the amount authorized under division (B)(4) of this section, and after written notice to the provider, reseller, or seller, the tax commissioner may audit the provider, reseller, or seller for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the provider's, reseller's, or seller's billings, collections, remittances, or retentions for a representative period, and the tax commissioner shall make a good faith effort to reach agreement with the provider, reseller, or seller in selecting that sample. 108848  
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(2) Upon written notice to the wireless service provider, reseller, or seller, the tax commissioner, after completion of the audit, may make an assessment against the provider, reseller, or seller if, pursuant to the audit, the tax commissioner determines that the provider, reseller, or seller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by this section and section 5507.42 of the Revised Code or has retained more than the amount authorized under division (B)(4) of this section. The assessment shall be in the amount of any remittance that was due and unpaid on the date notice of the audit was sent by the tax commissioner to the provider, reseller, or seller or, as applicable, in the amount of the excess amount under division (B)(4) of this section retained by the provider, reseller, or seller as of that date. 108861  
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(3) The portion of any assessment consisting of wireless 9-1-1 charges due and not paid within sixty days after the date of 108875  
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~~service by the tax commissioner of that the assessment notice was  
made under division (E)(2) of this section shall bear interest  
from that date until paid at the rate per annum prescribed by  
section 5703.47 of the Revised Code. That interest may be  
collected by making an assessment under division (E)(2) of this  
section. ~~An assessment under this division and any interest due  
shall be remitted in the same manner as the wireless 9-1-1 charges  
imposed under section 5507.42 of the Revised Code.~~~~

~~(4) The portion of the assessment not paid within sixty days  
after the day the assessment was issued shall bear interest at the  
rate per annum prescribed by section 5703.47 of the Revised Code  
from the day the commissioner issues the assessment until it is  
paid. Interest shall be remitted in the same manner as the 9-1-1  
charges and may be collected by the issuance of an assessment  
under division (E) of this section.~~

~~(5) Unless the provider, reseller, or seller assessed files  
with the tax commissioner within sixty days after service of the  
notice of assessment, either personally or by certified mail, a  
written petition for reassessment, signed by the party assessed or  
that party's authorized agent having knowledge of the facts, the  
assessment shall become final and the amount of the assessment  
shall be due and payable from the party assessed to the treasurer  
of state, for deposit to the next generation 9-1-1 fund, which is  
created under section 5507.54 of the Revised Code. The petition  
shall indicate the objections of the party assessed, but  
additional objections may be raised in writing if received by the  
commissioner prior to the date shown on the final determination.  
If the petition has been properly filed, the commissioner shall  
proceed under section 5703.60 of the Revised Code.~~

~~(6)(5) After an assessment becomes final, if any portion of  
the assessment remains unpaid, including accrued interest, a  
certified copy of the final assessment may be filed in the office~~

of the clerk of the court of common pleas in the county in which 108909  
the business of the assessed party is conducted. If the party 108910  
assessed maintains no place of business in this state, the 108911  
certified copy of the final assessment may be filed in the office 108912  
of the clerk of the court of common pleas of Franklin county. 108913  
Immediately upon the filing, the clerk shall enter a judgment for 108914  
the state against the assessed party in the amount shown on the 108915  
final assessment. The judgment may be filed by the clerk in a 108916  
loose-leaf book entitled "special judgments for wireless 9-1-1 108917  
charges" and shall have the same effect as other judgments. The 108918  
judgment shall be executed upon the request of the tax 108919  
commissioner. 108920

~~(7)~~(6) If the commissioner determines that the commissioner 108921  
erroneously has refunded a wireless 9-1-1 charge to any person, 108922  
the commissioner may make an assessment against that person for 108923  
recovery of the erroneously refunded charge. 108924

~~(8)~~(7) An assessment under division (E) of this section does 108925  
not discharge a subscriber's or consumer's liability to reimburse 108926  
the provider, reseller, or seller for a wireless 9-1-1 charge. If, 108927  
after the date of service of the audit notice under division 108928  
(E)(1) of this section, a subscriber or consumer pays a wireless 108929  
9-1-1 charge for the period covered by the assessment, the payment 108930  
shall be credited against the assessment. 108931

**Sec. 5511.03.** The director of transportation shall examine 108932  
the existing highway facilities serving the several hospitals, 108933  
educational institutions, and correctional and other similar 108934  
institutions belonging to the state, and located outside municipal 108935  
corporations. Where the director finds that any such state 108936  
institution is not located on a state highway or connected with a 108937  
highway by a suitable road, affording in its present condition 108938  
adequate transportation facilities to those having occasion to 108939

visit such institution, the director may establish a state highway 108940  
leading to such institution from a convenient point on an existing 108941  
highway. Where the director finds that any such institution is not 108942  
served by adequate highway facilities connecting it with the 108943  
railroad delivery point from which it principally obtains fuel, 108944  
provisions, and supplies, the director may establish a highway 108945  
connecting such institution and railroad delivery point. 108946  
Limitations imposed on the mileage of state highways shall not 108947  
apply to highways established under this section. 108948

The director may construct at state expense all highways 108949  
established under authority of this section and pay the entire 108950  
cost thereof from the state highway operating fund. Such highways 108951  
shall be maintained by the department of transportation and the 108952  
cost shall be paid from the highway operating fund of the 108953  
department. 108954

The directors of transportation, ~~mental health~~ mental health 108955  
and addiction services, developmental disabilities, and 108956  
rehabilitation and correction may cooperate in the establishment, 108957  
construction, reconstruction, maintenance, and repair of roads 108958  
within the limits of state institutions. The cost shall be paid 108959  
from funds appropriated for highway purposes and from the funds 108960  
appropriated to the department of ~~mental health~~ mental health and 108961  
addiction services, department of developmental disabilities, or 108962  
the department of rehabilitation and correction for capital 108963  
improvements or maintenance in such proportion as may be agreed 108964  
upon by the directors of transportation, ~~mental health~~ mental 108965  
health and addiction services, developmental disabilities, and 108966  
rehabilitation and correction. 108967

**Sec. 5701.13.** (A) As used in this section: 108968

(1) "Nursing home" means a nursing home or a home for the 108969  
aging, as those terms are defined in section 3721.01 of the 108970

Revised Code, that is issued a license pursuant to section 3721.02 of the Revised Code. 108971  
108972

(2) "Residential care facility" means a residential care facility, as defined in section 3721.01 of the Revised Code, that is issued a license pursuant to section 3721.02 of the Revised Code. 108973  
108974  
108975  
108976

(3) "Residential facility" means a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. 108977  
108978  
108979  
108980

(B) As used in Title LVII of the Revised Code, and for the purpose of other sections of the Revised Code that refer specifically to Chapter 5701. or section 5701.13 of the Revised Code, a "home for the aged" means either of the following: 108981  
108982  
108983  
108984

(1) A place of residence for aged and infirm persons that satisfies divisions (B)(1)(a) to (e) of this section: 108985  
108986

(a) It is a nursing home, residential care facility, or residential facility. 108987  
108988

(b) It is owned by a corporation, unincorporated nonprofit association, or trust of a charitable, religious, or fraternal nature, that is organized and operated not for profit, is not formed for the pecuniary gain or profit of, and whose net earnings or any part of whose net earnings is not distributable to, its members, trustees, officers, or other private persons, and is exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1. 108989  
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108991  
108992  
108993  
108994  
108995  
108996

(c) It is open to the public without regard to race, color, or national origin. 108997  
108998

(d) It does not pay, directly or indirectly, compensation for services rendered, interest on debts incurred, or purchase price 108999  
109000



for land, building, equipment, supplies, or other goods or 109001  
chattels, which compensation, interest, or purchase price is 109002  
unreasonably high. 109003

(e) It provides services for the life of each resident 109004  
without regard to the resident's ability to continue payment for 109005  
the full cost of the services. 109006

(2) A place of residence that satisfies divisions (B)(1)(b), 109007  
(d), and (e) of this section; that satisfies the definition of 109008  
"nursing home" or "residential care facility" under section 109009  
3721.01 of the Revised Code or the definition of "residential 109010  
facility" under division (A)(3) of this section regardless of 109011  
whether it is licensed as such a home or facility; and that is 109012  
provided at no charge to individuals on account of their service 109013  
without compensation to a charitable, religious, fraternal, or 109014  
educational institution, which individuals are aged or infirm and 109015  
are members of the corporation, association, or trust that owns 109016  
the place of residence. For the purposes of division (B)(2) of 109017  
this section, "compensation" does not include furnishing room and 109018  
board, clothing, health care, or other necessities, or stipends or 109019  
other de minimis payments to defray the cost thereof. 109020

Exemption from taxation shall be accorded, on proper 109021  
application, only to those homes or parts of homes that meet the 109022  
standards and provide the services specified in this section. 109023

Nothing in this section shall be construed as preventing a 109024  
home from requiring a resident with financial need to apply for 109025  
any applicable financial assistance or requiring a home to retain 109026  
a resident who willfully refuses to pay for services for which the 109027  
resident has contracted even though the resident has sufficient 109028  
resources to do so. 109029

(C)(1) If a corporation, unincorporated nonprofit 109030  
association, or trust described in division (B)(1)(b) of this 109031

section is granted a certificate of need pursuant to section 109032  
3702.52 of the Revised Code to construct, add to, or otherwise 109033  
modify a nursing home, or is given approval pursuant to section 109034  
3791.04 of the Revised Code to construct, add to, or otherwise 109035  
modify a residential care facility or residential facility and if 109036  
the corporation, association, or trust submits an affidavit to the 109037  
tax commissioner stating that, commencing on the date of licensure 109038  
and continuing thereafter, the home or facility will be operated 109039  
in accordance with the requirements of divisions (B)(1)(a) to (e) 109040  
of this section, the corporation, association, or trust shall be 109041  
considered to be operating a "home for the aged" within the 109042  
meaning of division (B)(1) of this section, beginning on the first 109043  
day of January of the year in which such certificate is granted or 109044  
approval is given. 109045

(2) If a corporation, association, or trust is considered to 109046  
be operating a "home for the aged" pursuant to division (C)(1) of 109047  
this section, the corporation, association, or trust shall notify 109048  
the tax commissioner in writing upon the occurrence of any of the 109049  
following events: 109050

(a) The corporation, association, or trust no longer intends 109051  
to complete the construction of, addition to, or modification of 109052  
the home or facility, to obtain the appropriate license for the 109053  
home or facility, or to commence operation of the home or facility 109054  
in accordance with the requirements of divisions (B)(1)(a) to (e) 109055  
of this section; 109056

(b) The certificate of approval referred to in division 109057  
(C)(1) of this section expires, is revoked, or is otherwise 109058  
terminated prior to the completion of the construction of, 109059  
addition to, or modification of the home or facility; 109060

(c) The license to operate the home or facility is not 109061  
granted by the director of health within one year following 109062  
completion of the construction of, addition to, or modification of 109063

the home or facility; 109064

(d) The license to operate the home or facility is not 109065  
granted by the director of health within four years following the 109066  
date upon which the certificate or approval referred to in 109067  
division (C)(1) of this section was granted or given; 109068

(e) The home or facility is granted a license to operate as a 109069  
nursing home, residential care facility, or residential facility. 109070

(3) Upon the occurrence of any of the events referred to in 109071  
divisions (C)(2)(a), (b), (c), (d), and (e) of this section, the 109072  
corporation, association, or trust shall no longer be considered 109073  
to be operating a "home for the aged" pursuant to division (C)(1) 109074  
of this section, except that the tax commissioner, for good cause 109075  
shown and to the extent the commissioner considers appropriate, 109076  
may extend the time period specified in division (C)(2)(c) or (d) 109077  
of this section, or both. Nothing in division (C)(3) of this 109078  
section shall be construed to prevent a nursing home, residential 109079  
care facility, or residential facility from qualifying as a "home 109080  
for the aged" if, upon proper application made pursuant to 109081  
division (B) of this section, it is found to meet the requirements 109082  
of divisions (A) and (B) of this section. 109083

**Sec. 5703.052.** (A) There is hereby created in the state 109084  
treasury the tax refund fund, from which refunds shall be paid for 109085  
taxes illegally or erroneously assessed or collected, or for any 109086  
other reason overpaid, that are levied by Chapter 4301., 4305., 109087  
5726., 5728., 5729., 5731., 5733., 5735., 5739., 5741., 5743., 109088  
5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 109089  
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 109090  
5727.81, and 5727.811 of the Revised Code. Refunds for fees 109091  
illegally or erroneously assessed or collected, or for any other 109092  
reason overpaid, that are levied by sections 3734.90 to 3734.9014 109093  
of the Revised Code also shall be paid from the fund. Refunds for 109094

amounts illegally or erroneously assessed or collected by the tax commissioner, or for any other reason overpaid, that are due under section 1509.50 of the Revised Code shall be paid from the fund. However, refunds for taxes levied under section 5739.101 of the Revised Code shall not be paid from the tax refund fund, but shall be paid as provided in section 5739.104 of the Revised Code.

(B)(1) Upon certification by the tax commissioner to the treasurer of state of a tax refund, ~~a fee refund, or an other~~ another amount refunded, or by the superintendent of insurance of a domestic or foreign insurance tax refund, the treasurer of state shall place the amount certified to the credit of the fund. The certified amount transferred shall be derived from ~~current the~~ receipts of the same tax, fee, or other amount from which the refund arose. ~~If current receipts from the tax, fee, or other amount from which the refund arose are inadequate to make the transfer of the amount so certified, the treasurer of state shall transfer such certified amount from current receipts of the sales tax levied by section 5739.02 of the Revised Code.~~

(2) ~~When the treasurer of state provides for the payment of a refund of a tax, fee, or other amount from the current receipts of the sales tax, and the~~ a refund is for a tax, fee, or other amount that is not levied by the state, the tax commissioner shall recover the amount of that refund from the next distribution of that tax, fee, or other amount that otherwise would be made to the taxing jurisdiction. If the amount to be recovered would exceed twenty-five per cent of the next distribution of that tax, fee, or other amount, the commissioner may spread the recovery over more than one future distribution, taking into account the amount to be recovered and the amount of the anticipated future distributions. In no event may the commissioner spread the recovery over a period to exceed twenty-four months.

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| Sec. 5703.059. (A) The tax commissioner may adopt rules            | 109126 |
| requiring returns, including any accompanying schedule or          | 109127 |
| statement, for any of the following taxes to be filed              | 109128 |
| electronically using the Ohio business gateway as defined in       | 109129 |
| section 718.051 of the Revised Code, filed telephonically using    | 109130 |
| the system known as the Ohio telefile system, or filed by any      | 109131 |
| other electronic means prescribed by the commissioner:             | 109132 |
| (1) Employer income tax withholding under Chapter 5747. of         | 109133 |
| the Revised Code;                                                  | 109134 |
| (2) Motor fuel tax under Chapter 5735. of the Revised Code;        | 109135 |
| (3) Cigarette and tobacco product tax under Chapter 5743. of       | 109136 |
| the Revised Code;                                                  | 109137 |
| (4) Severance tax under Chapter 5749. of the Revised Code;         | 109138 |
| (5) Use tax under Chapter 5741. of the Revised Code;               | 109139 |
| <u>(6) Commercial activity tax under Chapter 5751. of the</u>      | 109140 |
| <u>Revised Code;</u>                                               | 109141 |
| <u>(7) Financial institutions tax under Chapter 5726. of the</u>   | 109142 |
| <u>Revised Code.</u>                                               | 109143 |
| (B) The tax commissioner may adopt rules requiring any             | 109144 |
| payment of tax shown on such a return to be due to be made         | 109145 |
| electronically in a manner approved by the commissioner.           | 109146 |
| (C) A rule adopted under this section does not apply to            | 109147 |
| returns or reports filed or payments made before six months after  | 109148 |
| the effective date of the rule. The commissioner shall publicize   | 109149 |
| any new electronic filing requirement on the department's web      | 109150 |
| site. The commissioner shall educate the public of the requirement | 109151 |
| through seminars, workshops, conferences, or other outreach        | 109152 |
| activities.                                                        | 109153 |
| (D) Any person required to file returns and make payments          | 109154 |

electronically under rules adopted under this section may apply to 109155  
the commissioner, on a form prescribed by the commissioner, to be 109156  
excused from that requirement. For good cause shown, the 109157  
commissioner may excuse the applicant from the requirement and 109158  
permit the applicant to file the returns or reports or make the 109159  
payments required under this section by nonelectronic means. 109160

(E) Beginning July 1, 2014, and thereafter for each year that 109161  
the department of taxation has published at least one method 109162  
acceptable to the tax commissioner for filing returns required 109163  
under section 5747.08 of the Revised Code electronically, the 109164  
department shall publish on the department's official web site a 109165  
method for any individual, trust, or pass-through entity, 109166  
including individuals, trusts, and pass-through entities filing an 109167  
income tax return in this state for the first time, to register 109168  
electronically for that method of filing. 109169

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 109170  
of this section, no agent of the department of taxation, except in 109171  
the agent's report to the department or when called on to testify 109172  
in any court or proceeding, shall divulge any information acquired 109173  
by the agent as to the transactions, property, or business of any 109174  
person while acting or claiming to act under orders of the 109175  
department. Whoever violates this provision shall thereafter be 109176  
disqualified from acting as an officer or employee or in any other 109177  
capacity under appointment or employment of the department. 109178  
109179

(B)(1) For purposes of an audit pursuant to section 117.15 of 109180  
the Revised Code, or an audit of the department pursuant to 109181  
Chapter 117. of the Revised Code, or an audit, pursuant to that 109182  
chapter, the objective of which is to express an opinion on a 109183  
financial report or statement prepared or issued pursuant to 109184  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 109185

officers and employees of the auditor of state charged with 109186  
conducting the audit shall have access to and the right to examine 109187  
any state tax returns and state tax return information in the 109188  
possession of the department to the extent that the access and 109189  
examination are necessary for purposes of the audit. Any 109190  
information acquired as the result of that access and examination 109191  
shall not be divulged for any purpose other than as required for 109192  
the audit or unless the officers and employees are required to 109193  
testify in a court or proceeding under compulsion of legal 109194  
process. Whoever violates this provision shall thereafter be 109195  
disqualified from acting as an officer or employee or in any other 109196  
capacity under appointment or employment of the auditor of state. 109197

(2) For purposes of an internal audit pursuant to section 109198  
126.45 of the Revised Code, the officers and employees of the 109199  
office of internal ~~auditing~~ audit in the office of budget and 109200  
management charged with ~~conducting~~ directing the internal audit 109201  
shall have access to and the right to examine any state tax 109202  
returns and state tax return information in the possession of the 109203  
department to the extent that the access and examination are 109204  
necessary for purposes of the internal audit. Any information 109205  
acquired as the result of that access and examination shall not be 109206  
divulged for any purpose other than as required for the internal 109207  
audit or unless the officers and employees are required to testify 109208  
in a court or proceeding under compulsion of legal process. 109209  
Whoever violates this provision shall thereafter be disqualified 109210  
from acting as an officer or employee or in any other capacity 109211  
under appointment or employment of the office of internal ~~auditing~~ 109212  
audit. 109213

(3) As provided by section 6103(d)(2) of the Internal Revenue 109214  
Code, any federal tax returns or federal tax information that the 109215  
department has acquired from the internal revenue service, through 109216  
federal and state statutory authority, may be disclosed to the 109217

auditor of state or the office of internal ~~auditing~~ audit solely 109218  
for purposes of an audit of the department. 109219

(4) For purposes of Chapter 3739. of the Revised Code, an 109220  
agent of the department of taxation may share information with the 109221  
division of state fire marshal that the agent finds during the 109222  
course of an investigation. 109223

(C) Division (A) of this section does not prohibit any of the 109224  
following: 109225

(1) Divulging information contained in applications, 109226  
complaints, and related documents filed with the department under 109227  
section 5715.27 of the Revised Code or in applications filed with 109228  
the department under section 5715.39 of the Revised Code; 109229

(2) Providing information to the office of child support 109230  
within the department of job and family services pursuant to 109231  
section 3125.43 of the Revised Code; 109232

(3) Disclosing to the motor vehicle repair board any 109233  
information in the possession of the department that is necessary 109234  
for the board to verify the existence of an applicant's valid 109235  
vendor's license and current state tax identification number under 109236  
section 4775.07 of the Revised Code; 109237

(4) Providing information to the administrator of workers' 109238  
compensation pursuant to sections 4123.271 and 4123.591 of the 109239  
Revised Code; 109240

(5) Providing to the attorney general information the 109241  
department obtains under division (J) of section 1346.01 of the 109242  
Revised Code; 109243

(6) Permitting properly authorized officers, employees, or 109244  
agents of a municipal corporation from inspecting reports or 109245  
information pursuant to rules adopted under section 5745.16 of the 109246  
Revised Code; 109247



(7) Providing information regarding the name, account number, 109248  
or business address of a holder of a vendor's license issued 109249  
pursuant to section 5739.17 of the Revised Code, a holder of a 109250  
direct payment permit issued pursuant to section 5739.031 of the 109251  
Revised Code, or a seller having a use tax account maintained 109252  
pursuant to section 5741.17 of the Revised Code, or information 109253  
regarding the active or inactive status of a vendor's license, 109254  
direct payment permit, or seller's use tax account; 109255

(8) Releasing invoices or invoice information furnished under 109256  
section 4301.433 of the Revised Code pursuant to that section; 109257

(9) Providing to a county auditor notices or documents 109258  
concerning or affecting the taxable value of property in the 109259  
county auditor's county. Unless authorized by law to disclose 109260  
documents so provided, the county auditor shall not disclose such 109261  
documents; 109262

(10) Providing to a county auditor sales or use tax return or 109263  
audit information under section 333.06 of the Revised Code; 109264

(11) Subject to section 4301.441 of the Revised Code, 109265  
disclosing to the appropriate state agency information in the 109266  
possession of the department of taxation that is necessary to 109267  
verify a permit holder's gallonage or noncompliance with taxes 109268  
levied under Chapter 4301. or 4305. of the Revised Code; 109269

(12) Disclosing to the department of natural resources 109270  
information in the possession of the department of taxation that 109271  
is necessary for the department of taxation to verify the 109272  
taxpayer's compliance with ~~division (A)(1), (5), (6), (8), or (9)~~ 109273  
~~of section 5749.02 of the Revised Code and information received~~ 109274  
~~pursuant to section 1509.50 of the Revised Code concerning the~~ 109275  
~~amount due under that section~~ or to allow the department of 109276  
natural resources to enforce Chapter 1509. of the Revised Code; 109277

(13) Disclosing to the department of job and family services, 109278

industrial commission, and bureau of workers' compensation 109279  
information in the possession of the department of taxation solely 109280  
for the purpose of identifying employers that misclassify 109281  
employees as independent contractors or that fail to properly 109282  
report and pay employer tax liabilities. The department of 109283  
taxation shall disclose only such information that is necessary to 109284  
verify employer compliance with law administered by those 109285  
agencies. 109286

(14) Disclosing to the Ohio casino control commission 109287  
information in the possession of the department of taxation that 109288  
is necessary to verify a casino operator's compliance with section 109289  
5747.063 or 5753.02 of the Revised Code and sections related 109290  
thereto; 109291

(15) Disclosing to the state lottery commission information 109292  
in the possession of the department of taxation that is necessary 109293  
to verify a lottery sales agent's compliance with section 5747.064 109294  
of the Revised Code. 109295

**Sec. 5703.37.** (A)(1) Except as provided in division (B) of 109296  
this section, whenever service of a notice or order is required in 109297  
the manner provided in this section, a copy of the notice or order 109298  
shall be served upon the person affected thereby either by 109299  
personal service, by certified mail, or by a delivery service 109300  
authorized under section 5703.056 of the Revised Code that 109301  
notifies the tax commissioner of the date of delivery. 109302

(2) In lieu of serving a copy of a notice or order through 109303  
one of the means provided in division (A)(1) of this section, the 109304  
commissioner may serve a notice or order upon the person affected 109305  
thereby through alternative means as provided in this section, 109306  
including, but not limited to, delivery by secure electronic mail 109307  
as provided in division (F) of this section. Delivery by such 109308  
means satisfies the requirements for delivery under this section. 109309

(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the assessment is final for purposes of section 131.02 of the Revised Code sixty days after the notice or order sent by certified mail is first returned to the commissioner, and the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served.

(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address or if a person does not access an electronic notice or order within the time provided in division (F) of this section, the commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement:

"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order,

and all periods within which an appeal may be filed apply from and 109342  
after that date." 109343

Unless the mailing is returned because of an undeliverable 109344  
address, the mailing of that information is prima-facie evidence 109345  
that delivery of the notice or order was completed ten days after 109346  
the commissioner sent the notice or order by ordinary mail and 109347  
that the notice or order was served. 109348

If the ordinary mail is subsequently returned because of an 109349  
undeliverable address, the commissioner shall proceed under 109350  
division (B)(1)(a) of this section. A person may challenge the 109351  
presumption of delivery and service under this division in 109352  
accordance with division (C) of this section. 109353

(C)(1) A person disputing the presumption of delivery and 109354  
service under division (B) of this section bears the burden of 109355  
proving by a preponderance of the evidence that the address to 109356  
which the notice or order was sent was not an address with which 109357  
the person was associated at the time the commissioner originally 109358  
mailed the notice or order by certified mail. For the purposes of 109359  
this section, a person is associated with an address at the time 109360  
the commissioner originally mailed the notice or order if, at that 109361  
time, the person was residing, receiving legal documents, or 109362  
conducting business at the address; or if, before that time, the 109363  
person had conducted business at the address and, when the notice 109364  
or order was mailed, the person's agent or the person's affiliate 109365  
was conducting business at the address. For the purposes of this 109366  
section, a person's affiliate is any other person that, at the 109367  
time the notice or order was mailed, owned or controlled at least 109368  
twenty per cent, as determined by voting rights, of the 109369  
addressee's business. 109370

(2) If the person elects to protest an assessment certified 109371  
to the attorney general for collection, the person must do so 109372  
within sixty days after the attorney general's initial contact 109373

with the person. The attorney general may enter into a compromise 109374  
with the person under sections 131.02 and 5703.06 of the Revised 109375  
Code if the person does not file a petition for reassessment with 109376  
the commissioner. 109377

(D) Nothing in this section prohibits the commissioner or the 109378  
commissioner's designee from delivering a notice or order by 109379  
personal service. 109380

(E) Collection actions taken pursuant to section 131.02 of 109381  
the Revised Code upon any assessment being challenged under 109382  
division (B)(1)(b) of this section shall be stayed upon the 109383  
pendency of an appeal under this section. If a petition for 109384  
reassessment is filed pursuant to this section on a claim that has 109385  
been certified to the attorney general for collection, the claim 109386  
shall be uncertified. 109387

(F) The commissioner may serve a notice or order upon the 109388  
person affected by the notice or order through secure electronic 109389  
means only with the person's consent. The commissioner must inform 109390  
the recipient, electronically or by mail, that a notice or order 109391  
is available for electronic review and provide instructions to 109392  
access and print the notice or order. The recipient's electronic 109393  
access of the notice or order satisfies the requirements for 109394  
delivery under this section. If the recipient fails to access the 109395  
notice or order electronically within ten business days, then the 109396  
commissioner shall inform the recipient a second time, 109397  
electronically or by mail, that a notice or order is available for 109398  
electronic review and provide instructions to access and print the 109399  
notice or order. If the recipient fails to access the notice or 109400  
order electronically within ten business days of the second 109401  
notification, the notice or order shall be served upon the person 109402  
through ~~one of~~ the means provided in division ~~(A)(1)~~(B)(2) of this 109403  
section. 109404

(G) As used in this section: 109405

(1) "Last known address" means the address the department has at the time the document is originally sent by certified mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code.

(2) "Undeliverable address" means an address to which the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code is not able to deliver a notice or order, except when the reason for nondelivery is because the addressee fails to acknowledge or accept the notice or order.

Sec. 5703.75. This section applies to any tax payable to the state and administered by the tax commissioner. If the total amount of any such tax shown to be due on a return, amended return, or notice does not exceed one dollar, the taxpayer shall not be required to remit the amount due. If the total amount of a taxpayer's overpayment of any such tax does not exceed one dollar, the tax commissioner shall not be required to refund the overpayment.

Sec. 5703.76. Any payment or distribution of money that the tax commissioner is required by law to make to a political subdivision of this state, an officer thereof, or a political party shall be made by electronic funds transfer. The commissioner shall promulgate any rules necessary to administer this section.

**Sec. 5703.82.** ~~(A)~~ Not later than April 1, 2009, the department of taxation shall acquire the necessary hardware, software, and services to establish and implement a tax discovery data system to increase the efficiency of tax collections in the state. The system must be fully integrated and pre-staged for the

purposes of assisting in revenue analysis, discovering 109436  
noncompliant taxpayers, and collecting taxes from those taxpayers. 109437  
The system shall consolidate tax data from various mainframe 109438  
systems and operate as a single tax discovery data system. The 109439  
department shall contract, pursuant to a competitive bidding 109440  
process, for the necessary hardware, software, and services to 109441  
implement the tax discovery data system. 109442

~~(B) There is hereby created in the state treasury the 109443  
discovery project fund. All money to the credit of the fund shall 109444  
be used to pay the costs of implementing and operating the tax 109445  
discovery data system and to defray the costs incurred by the 109446  
department of taxation in administering the system. 109447~~

~~(C) Beginning July 1, 2009, on or before the first day of 109448  
January, April, July, and October of each calendar year, the tax 109449  
commissioner shall determine and certify to the director of budget 109450  
and management the amount needed to pay the costs of operating the 109451  
tax discovery data system in the previous calendar quarter and the 109452  
costs incurred in the previous calendar quarter by the department 109453  
of taxation in administering the system. The director shall 109454  
provide for payment from the general revenue fund to the discovery 109455  
project fund of the amount so certified. 109456~~

Sec. 5703.90. If any tax administered by the tax commissioner 109457  
remains unpaid after the date the tax is due, the commissioner may 109458  
issue an assessment for the unpaid tax, and for any related 109459  
penalties and interest, against any person liable for the amount 109460  
due, including, but not limited to, a person that is jointly and 109461  
severally liable for the amount under Chapter 5726., 5748., 5749., 109462  
or 5751. of the Revised Code, a partner liable for the tax 109463  
liability of a partnership, a director, shareholder, or officer of 109464  
a corporation that has dissolved or had its articles of 109465  
incorporation canceled by the secretary of state, or any other 109466

person liable for the tax liability of another person under the 109467  
Revised Code. The commissioner shall issue the assessment in 109468  
accordance with any other provision of the Revised Code applicable 109469  
to assessments for the tax for which the person to be assessed is 109470  
liable. 109471

**Sec. 5705.01.** As used in this chapter: 109472

(A) "Subdivision" means any county; municipal corporation; 109473  
township; township police district; joint police district; 109474  
township fire district; joint fire district; joint ambulance 109475  
district; joint emergency medical services district; fire and 109476  
ambulance district; joint recreation district; township waste 109477  
disposal district; township road district; community college 109478  
district; technical college district; detention facility district; 109479  
a district organized under section 2151.65 of the Revised Code; a 109480  
combined district organized under sections 2152.41 and 2151.65 of 109481  
the Revised Code; a joint-county alcohol, drug addiction, and 109482  
mental health service district; a drainage improvement district 109483  
created under section 6131.52 of the Revised Code; a lake 109484  
facilities authority created under Chapter 353. of the Revised 109485  
Code; a union cemetery district; a county school financing 109486  
district; a city, local, exempted village, cooperative education, 109487  
or joint vocational school district; or a regional student 109488  
education district created under section 3313.83 of the Revised 109489  
Code. 109490

(B) "Municipal corporation" means all municipal corporations, 109491  
including those that have adopted a charter under Article XVIII, 109492  
Ohio Constitution. 109493

(C) "Taxing authority" or "bond issuing authority" means, in 109494  
the case of any county, the board of county commissioners; in the 109495  
case of a municipal corporation, the council or other legislative 109496



authority of the municipal corporation; in the case of a city, 109497  
local, exempted village, cooperative education, or joint 109498  
vocational school district, the board of education; in the case of 109499  
a community college district, the board of trustees of the 109500  
district; in the case of a technical college district, the board 109501  
of trustees of the district; in the case of a detention facility 109502  
district, a district organized under section 2151.65 of the 109503  
Revised Code, or a combined district organized under sections 109504  
2152.41 and 2151.65 of the Revised Code, the joint board of county 109505  
commissioners of the district; in the case of a township, the 109506  
board of township trustees; in the case of a joint police 109507  
district, the joint police district board; in the case of a joint 109508  
fire district, the board of fire district trustees; in the case of 109509  
a joint recreation district, the joint recreation district board 109510  
of trustees; in the case of a joint-county alcohol, drug 109511  
addiction, and mental health service district, the district's 109512  
board of alcohol, drug addiction, and mental health services; in 109513  
the case of a joint ambulance district or a fire and ambulance 109514  
district, the board of trustees of the district; in the case of a 109515  
union cemetery district, the legislative authority of the 109516  
municipal corporation and the board of township trustees, acting 109517  
jointly as described in section 759.341 of the Revised Code; in 109518  
the case of a drainage improvement district, the board of county 109519  
commissioners of the county in which the drainage district is 109520  
located; in the case of a lake facilities authority, the board of 109521  
directors; in the case of a joint emergency medical services 109522  
district, the joint board of county commissioners of all counties 109523  
in which all or any part of the district lies; and in the case of 109524  
a township police district, a township fire district, a township 109525  
road district, or a township waste disposal district, the board of 109526  
township trustees of the township in which the district is 109527  
located. "Taxing authority" also means the educational service 109528  
center governing board that serves as the taxing authority of a 109529

county school financing district as provided in section 3311.50 of 109530  
the Revised Code, and the board of directors of a regional student 109531  
education district created under section 3313.83 of the Revised 109532  
Code. 109533

(D) "Fiscal officer" in the case of a county, means the 109534  
county auditor; in the case of a municipal corporation, the city 109535  
auditor or village clerk, or an officer who, by virtue of the 109536  
charter, has the duties and functions of the city auditor or 109537  
village clerk, except that in the case of a municipal university 109538  
the board of directors of which have assumed, in the manner 109539  
provided by law, the custody and control of the funds of the 109540  
university, the chief accounting officer of the university shall 109541  
perform, with respect to the funds, the duties vested in the 109542  
fiscal officer of the subdivision by sections 5705.41 and 5705.44 109543  
of the Revised Code; in the case of a school district, the 109544  
treasurer of the board of education; in the case of a county 109545  
school financing district, the treasurer of the educational 109546  
service center governing board that serves as the taxing 109547  
authority; in the case of a township, the township fiscal officer; 109548  
in the case of a joint police district, the treasurer of the 109549  
district; in the case of a joint fire district, the clerk of the 109550  
board of fire district trustees; in the case of a joint ambulance 109551  
district, the clerk of the board of trustees of the district; in 109552  
the case of a joint emergency medical services district, the 109553  
person appointed as fiscal officer pursuant to division (D) of 109554  
section 307.053 of the Revised Code; in the case of a fire and 109555  
ambulance district, the person appointed as fiscal officer 109556  
pursuant to division (B) of section 505.375 of the Revised Code; 109557  
in the case of a joint recreation district, the person designated 109558  
pursuant to section 755.15 of the Revised Code; in the case of a 109559  
union cemetery district, the clerk of the municipal corporation 109560  
designated in section 759.34 of the Revised Code; in the case of a 109561  
children's home district, educational service center, general 109562

health district, joint-county alcohol, drug addiction, and mental 109563  
health service district, county library district, detention 109564  
facility district, district organized under section 2151.65 of the 109565  
Revised Code, a combined district organized under sections 2152.41 109566  
and 2151.65 of the Revised Code, or a metropolitan park district 109567  
for which no treasurer has been appointed pursuant to section 109568  
1545.07 of the Revised Code, the county auditor of the county 109569  
designated by law to act as the auditor of the district; in the 109570  
case of a metropolitan park district which has appointed a 109571  
treasurer pursuant to section 1545.07 of the Revised Code, that 109572  
treasurer; in the case of a drainage improvement district, the 109573  
auditor of the county in which the drainage improvement district 109574  
is located; in the case of a lake facilities authority, the fiscal 109575  
officer designated under section 353.02 of the Revised Code; in 109576  
the case of a regional student education district, the fiscal 109577  
officer appointed pursuant to section 3313.83 of the Revised Code; 109578  
and in all other cases, the officer responsible for keeping the 109579  
appropriation accounts and drawing warrants for the expenditure of 109580  
the moneys of the district or taxing unit. 109581

(E) "Permanent improvement" or "improvement" means any 109582  
property, asset, or improvement with an estimated life or 109583  
usefulness of five years or more, including land and interests 109584  
therein, and reconstructions, enlargements, and extensions thereof 109585  
having an estimated life or usefulness of five years or more. 109586

(F) "Current operating expenses" and "current expenses" mean 109587  
the lawful expenditures of a subdivision, except those for 109588  
permanent improvements, and except payments for interest, sinking 109589  
fund, and retirement of bonds, notes, and certificates of 109590  
indebtedness of the subdivision. 109591

(G) "Debt charges" means interest, sinking fund, and 109592  
retirement charges on bonds, notes, or certificates of 109593  
indebtedness. 109594

(H) "Taxing unit" means any subdivision or other governmental district having authority to levy taxes on the property in the district or issue bonds that constitute a charge against the property of the district, including conservancy districts, metropolitan park districts, sanitary districts, road districts, and other districts.

(I) "District authority" means any board of directors, trustees, commissioners, or other officers controlling a district institution or activity that derives its income or funds from two or more subdivisions, such as the educational service center, the trustees of district children's homes, the district board of health, a joint-county alcohol, drug addiction, and mental health service district's board of alcohol, drug addiction, and mental health services, detention facility districts, a joint recreation district board of trustees, districts organized under section 2151.65 of the Revised Code, combined districts organized under sections 2152.41 and 2151.65 of the Revised Code, and other such boards.

(J) "Tax list" and "tax duplicate" mean the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code.

(K) "Property" as applied to a tax levy means taxable property listed on general tax lists and duplicates.

(L) "Association library district" means a territory, the boundaries of which are defined by the state library board pursuant to division (I) of section 3375.01 of the Revised Code, in which a library association or private corporation maintains a free public library.

(M) "Library district" means a territory, the boundaries of which are defined by the state library board pursuant to section 3375.01 of the Revised Code, in which the board of trustees of a

county, municipal corporation, school district, or township public library maintains a free public library. 109626  
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(N) "Qualifying library levy" means either of the following: 109628

(1) A levy for the support of a library association or private corporation that has an association library district with boundaries that are not identical to those of a subdivision; 109629  
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(2) A levy proposed under section 5705.23 of the Revised Code for the support of the board of trustees of a public library that has a library district with boundaries that are not identical to those of a subdivision. 109632  
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(O) "School library district" means a school district in which a free public library has been established that is under the control and management of a board of library trustees as provided in section 3375.15 of the Revised Code. 109636  
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**Sec. 5705.19.** This section does not apply to school districts ~~or~~, county school financing districts, or lake facilities authorities. 109640  
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The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the election upon which it will be voted that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation for any of the following purposes: 109643  
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(A) For current expenses of the subdivision, except that the total levy for current expenses of a detention facility district or district organized under section 2151.65 of the Revised Code shall not exceed two mills and that the total levy for current 109652  
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expenses of a combined district organized under sections 2151.65 109656  
and 2152.41 of the Revised Code shall not exceed four mills; 109657

(B) For the payment of debt charges on certain described 109658  
bonds, notes, or certificates of indebtedness of the subdivision 109659  
issued subsequent to January 1, 1925; 109660

(C) For the debt charges on all bonds, notes, and 109661  
certificates of indebtedness issued and authorized to be issued 109662  
prior to January 1, 1925; 109663

(D) For a public library of, or supported by, the subdivision 109664  
under whatever law organized or authorized to be supported; 109665

(E) For a municipal university, not to exceed two mills over 109666  
the limitation of one mill prescribed in section 3349.13 of the 109667  
Revised Code; 109668

(F) For the construction or acquisition of any specific 109669  
permanent improvement or class of improvements that the taxing 109670  
authority of the subdivision may include in a single bond issue; 109671

(G) For the general construction, reconstruction, 109672  
resurfacing, and repair of streets, roads, and bridges in 109673  
municipal corporations, counties, or townships; 109674

(H) For parks and recreational purposes; 109675

(I) For the purpose of providing and maintaining fire 109676  
apparatus, appliances, buildings, or sites therefor, or sources of 109677  
water supply and materials therefor, or the establishment and 109678  
maintenance of lines of fire alarm telegraph, or the payment of 109679  
firefighting companies or permanent, part-time, or volunteer 109680  
firefighting, emergency medical service, administrative, or 109681  
communications personnel to operate the same, including the 109682  
payment of any employer contributions required for such personnel 109683  
under section 145.48 or 742.34 of the Revised Code, or the 109684  
purchase of ambulance equipment, or the provision of ambulance, 109685

paramedic, or other emergency medical services operated by a fire department or firefighting company;

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(J) For the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department;

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(K) For the maintenance and operation of a county home or detention facility;

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(L) For community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code, except that the procedure for such levies shall be as provided in section 5705.222 of the Revised Code;

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(M) For regional planning;

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(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or both of those sections;

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(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;

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(P) For maintaining and operating sewage disposal plants and facilities;

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| (Q) For the purpose of purchasing, acquiring, constructing,        | 109716 |
| enlarging, improving, equipping, repairing, maintaining, or        | 109717 |
| operating, or any combination of the foregoing, a county transit   | 109718 |
| system pursuant to sections 306.01 to 306.13 of the Revised Code,  | 109719 |
| or of making any payment to a board of county commissioners        | 109720 |
| operating a transit system or a county transit board pursuant to   | 109721 |
| section 306.06 of the Revised Code;                                | 109722 |
| (R) For the subdivision's share of the cost of acquiring or        | 109723 |
| constructing any schools, forestry camps, detention facilities, or | 109724 |
| other facilities, or any combination thereof, under section        | 109725 |
| 2151.65 or 2152.41 of the Revised Code or both of those sections;  | 109726 |
| (S) For the prevention, control, and abatement of air              | 109727 |
| pollution;                                                         | 109728 |
| (T) For maintaining and operating cemeteries;                      | 109729 |
| (U) For providing ambulance service, emergency medical             | 109730 |
| service, or both;                                                  | 109731 |
| (V) For providing for the collection and disposal of garbage       | 109732 |
| or refuse, including yard waste;                                   | 109733 |
| (W) For the payment of the police officer employers'               | 109734 |
| contribution or the firefighter employers' contribution required   | 109735 |
| under sections 742.33 and 742.34 of the Revised Code;              | 109736 |
| (X) For the construction and maintenance of a drainage             | 109737 |
| improvement pursuant to section 6131.52 of the Revised Code;       | 109738 |
| (Y) For providing or maintaining senior citizens services or       | 109739 |
| facilities as authorized by section 307.694, 307.85, 505.70, or    | 109740 |
| 505.706 or division (EE) of section 717.01 of the Revised Code;    | 109741 |
| (Z) For the provision and maintenance of zoological park           | 109742 |
| services and facilities as authorized under section 307.76 of the  | 109743 |
| Revised Code;                                                      | 109744 |
| (AA) For the maintenance and operation of a free public            | 109745 |



museum of art, science, or history; 109746

(BB) For the establishment and operation of a 9-1-1 system, 109747  
as defined in section 5507.01 of the Revised Code; 109748

(CC) For the purpose of acquiring, rehabilitating, or 109749  
developing rail property or rail service. As used in this 109750  
division, "rail property" and "rail service" have the same 109751  
meanings as in section 4981.01 of the Revised Code. This division 109752  
applies only to a county, township, or municipal corporation. 109753

(DD) For the purpose of acquiring property for, constructing, 109754  
operating, and maintaining community centers as provided for in 109755  
section 755.16 of the Revised Code; 109756

(EE) For the creation and operation of an office or joint 109757  
office of economic development, for any economic development 109758  
purpose of the office, and to otherwise provide for the 109759  
establishment and operation of a program of economic development 109760  
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 109761  
the extent that the expenses of a county land reutilization 109762  
corporation organized under Chapter 1724. of the Revised Code are 109763  
found by the board of county commissioners to constitute the 109764  
promotion of economic development, for the payment of such 109765  
operations and expenses; 109766

(FF) For the purpose of acquiring, establishing, 109767  
constructing, improving, equipping, maintaining, or operating, or 109768  
any combination of the foregoing, a township airport, landing 109769  
field, or other air navigation facility pursuant to section 505.15 109770  
of the Revised Code; 109771

(GG) For the payment of costs incurred by a township as a 109772  
result of a contract made with a county pursuant to section 109773  
505.263 of the Revised Code in order to pay all or any part of the 109774  
cost of constructing, maintaining, repairing, or operating a water 109775  
supply improvement; 109776

(HH) For a board of township trustees to acquire, other than 109777  
by appropriation, an ownership interest in land, water, or 109778  
wetlands, or to restore or maintain land, water, or wetlands in 109779  
which the board has an ownership interest, not for purposes of 109780  
recreation, but for the purposes of protecting and preserving the 109781  
natural, scenic, open, or wooded condition of the land, water, or 109782  
wetlands against modification or encroachment resulting from 109783  
occupation, development, or other use, which may be styled as 109784  
protecting or preserving "greenspace" in the resolution, notice of 109785  
election, or ballot form. Except as otherwise provided in this 109786  
division, land is not acquired for purposes of recreation, even if 109787  
the land is used for recreational purposes, so long as no 109788  
building, structure, or fixture used for recreational purposes is 109789  
permanently attached or affixed to the land. Except as otherwise 109790  
provided in this division, land that previously has been acquired 109791  
in a township for these greenspace purposes may subsequently be 109792  
used for recreational purposes if the board of township trustees 109793  
adopts a resolution approving that use and no building, structure, 109794  
or fixture used for recreational purposes is permanently attached 109795  
or affixed to the land. The authorization to use greenspace land 109796  
for recreational use does not apply to land located in a township 109797  
that had a population, at the time it passed its first greenspace 109798  
levy, of more than thirty-eight thousand within a county that had 109799  
a population, at that time, of at least eight hundred sixty 109800  
thousand. 109801

(II) For the support by a county of a crime victim assistance 109802  
program that is provided and maintained by a county agency or a 109803  
private, nonprofit corporation or association under section 307.62 109804  
of the Revised Code; 109805

(JJ) For any or all of the purposes set forth in divisions 109806  
(I) and (J) of this section. This division applies only to a 109807  
township. 109808

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| (KK) For a countywide public safety communications system                 | 109809 |
| under section 307.63 of the Revised Code. This division applies           | 109810 |
| only to counties.                                                         | 109811 |
| (LL) For the support by a county of criminal justice services             | 109812 |
| under section 307.45 of the Revised Code;                                 | 109813 |
| (MM) For the purpose of maintaining and operating a jail or               | 109814 |
| other detention facility as defined in section 2921.01 of the             | 109815 |
| Revised Code;                                                             | 109816 |
| (NN) For purchasing, maintaining, or improving, or any                    | 109817 |
| combination of the foregoing, real estate on which to hold, <u>and</u>    | 109818 |
| <u>the operating expenses of, agricultural fairs operated by a county</u> | 109819 |
| <u>agricultural society or independent agricultural society under</u>     | 109820 |
| <u>Chapter 1711. of the Revised Code.</u> This division applies only to a | 109821 |
| county.                                                                   | 109822 |
| (OO) For constructing, rehabilitating, repairing, or                      | 109823 |
| maintaining sidewalks, walkways, trails, bicycle pathways, or             | 109824 |
| similar improvements, or acquiring ownership interests in land            | 109825 |
| necessary for the foregoing improvements;                                 | 109826 |
| (PP) For both of the purposes set forth in divisions (G) and              | 109827 |
| (OO) of this section.                                                     | 109828 |
| (QQ) For both of the purposes set forth in divisions (H) and              | 109829 |
| (HH) of this section. This division applies only to a township.           | 109830 |
| (RR) For the legislative authority of a municipal                         | 109831 |
| corporation, board of county commissioners of a county, or board          | 109832 |
| of township trustees of a township to acquire agricultural                | 109833 |
| easements, as defined in section 5301.67 of the Revised Code, and         | 109834 |
| to supervise and enforce the easements.                                   | 109835 |
| (SS) For both of the purposes set forth in divisions (BB) and             | 109836 |
| (KK) of this section. This division applies only to a county.             | 109837 |
| (TT) For the maintenance and operation of a facility that is              | 109838 |

organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code. 109839  
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(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized; 109841  
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(VV) For construction and maintenance of improvements and expenses of soil and water conservation district programs under Chapter 1515. of the Revised Code; 109846  
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(WW) For the ~~Ohio cooperative~~ OSU extension service fund created under section 3335.35 of the Revised Code for the purposes prescribed under section 3335.36 of the Revised Code for the benefit of the citizens of a county. This division applies only to a county. 109849  
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(XX) For a municipal corporation that withdraws or proposes by resolution to withdraw from a regional transit authority under section 306.55 of the Revised Code to provide transportation services for the movement of persons within, from, or to the municipal corporation; 109854  
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(YY) For any combination of the purposes specified in divisions (NN), (VV), and (WW) of this section. This division applies only to a county. 109859  
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The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use of such revenues for any part of the purpose or purposes of the division under which the resolution is adopted. 109862  
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The resolution shall specify the amount of the increase in 109869

rate that it is necessary to levy, the purpose of that increase in 109870  
rate, and the number of years during which the increase in rate 109871  
shall be in effect, which may or may not include a levy upon the 109872  
duplicate of the current year. The number of years may be any 109873  
number not exceeding five, except as follows: 109874

(1) When the additional rate is for the payment of debt 109875  
charges, the increased rate shall be for the life of the 109876  
indebtedness. 109877

(2) When the additional rate is for any of the following, the 109878  
increased rate shall be for a continuing period of time: 109879

(a) For the current expenses for a detention facility 109880  
district, a district organized under section 2151.65 of the 109881  
Revised Code, or a combined district organized under sections 109882  
2151.65 and 2152.41 of the Revised Code; 109883

(b) For providing a county's share of the cost of maintaining 109884  
and operating schools, district detention facilities, forestry 109885  
camps, or other facilities, or any combination thereof, 109886  
established under section 2151.65 or 2152.41 of the Revised Code 109887  
or under both of those sections. 109888

(3) When the additional rate is for either of the following, 109889  
the increased rate may be for a continuing period of time: 109890

(a) For the purposes set forth in division (I), (J), (U), or 109891  
(KK) of this section; 109892

(b) For the maintenance and operation of a joint recreation 109893  
district. 109894

(4) When the increase is for the purpose or purposes set 109895  
forth in division (D), (G), (H), (CC), or (PP) of this section, 109896  
the tax levy may be for any specified number of years or for a 109897  
continuing period of time, as set forth in the resolution. 109898

(5) When the additional rate is for the purpose described in 109899

division (Z) of this section, the increased rate shall be for any 109900  
number of years not exceeding ten. 109901

A levy for one of the purposes set forth in division (G), 109902  
(I), (J), or (U) of this section may be reduced pursuant to 109903  
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 109904  
the purposes set forth in division (G), (I), (J), or (U) of this 109905  
section may also be terminated or permanently reduced by the 109906  
taxing authority if it adopts a resolution stating that the 109907  
continuance of the levy is unnecessary and the levy shall be 109908  
terminated or that the millage is excessive and the levy shall be 109909  
decreased by a designated amount. 109910

A resolution of a detention facility district, a district 109911  
organized under section 2151.65 of the Revised Code, or a combined 109912  
district organized under both sections 2151.65 and 2152.41 of the 109913  
Revised Code may include both current expenses and other purposes, 109914  
provided that the resolution shall apportion the annual rate of 109915  
levy between the current expenses and the other purpose or 109916  
purposes. The apportionment need not be the same for each year of 109917  
the levy, but the respective portions of the rate actually levied 109918  
each year for the current expenses and the other purpose or 109919  
purposes shall be limited by the apportionment. 109920

Whenever a board of county commissioners, acting either as 109921  
the taxing authority of its county or as the taxing authority of a 109922  
sewer district or subdistrict created under Chapter 6117. of the 109923  
Revised Code, by resolution declares it necessary to levy a tax in 109924  
excess of the ten-mill limitation for the purpose of constructing, 109925  
improving, or extending sewage disposal plants or sewage systems, 109926  
the tax may be in effect for any number of years not exceeding 109927  
twenty, and the proceeds of the tax, notwithstanding the general 109928  
provisions of this section, may be used to pay debt charges on any 109929  
obligations issued and outstanding on behalf of the subdivision 109930  
for the purposes enumerated in this paragraph, provided that any 109931

such obligations have been specifically described in the 109932  
resolution. 109933

A resolution adopted by the legislative authority of a 109934  
municipal corporation that is for the purpose in division (XX) of 109935  
this section may be combined with the purpose provided in section 109936  
306.55 of the Revised Code, by vote of two-thirds of all members 109937  
of the legislative authority. The legislative authority may 109938  
certify the resolution to the board of elections as a combined 109939  
question. The question appearing on the ballot shall be as 109940  
provided in section 5705.252 of the Revised Code. 109941

The resolution shall go into immediate effect upon its 109942  
passage, and no publication of the resolution is necessary other 109943  
than that provided for in the notice of election. 109944

When the electors of a subdivision or, in the case of a 109945  
qualifying library levy for the support of a library association 109946  
or private corporation, the electors of the association library 109947  
district, have approved a tax levy under this section, the taxing 109948  
authority of the subdivision may anticipate a fraction of the 109949  
proceeds of the levy and issue anticipation notes in accordance 109950  
with section 5705.191 or 5705.193 of the Revised Code. 109951

**Sec. 5705.192.** (A) For the purposes of this section only, 109952  
"taxing authority" includes a township board of park commissioners 109953  
appointed under section 511.18 of the Revised Code. 109954

(B) A taxing authority may propose to replace an existing 109955  
levy that the taxing authority is authorized to levy, regardless 109956  
of the section of the Revised Code under which the authority is 109957  
granted, except a school district emergency levy proposed pursuant 109958  
to sections 5705.194 to 5705.197 of the Revised Code. The taxing 109959  
authority may propose to replace the existing levy in its entirety 109960  
at the rate at which it is authorized to be levied; may propose to 109961  
replace a portion of the existing levy at a lesser rate; or may 109962

propose to replace the existing levy in its entirety and increase 109963  
the rate at which it is levied. If the taxing authority proposes 109964  
to replace an existing levy, the proposed levy shall be called a 109965  
replacement levy and shall be so designated on the ballot. Except 109966  
as otherwise provided in this division, a replacement levy shall 109967  
be limited to the purpose of the existing levy, and shall appear 109968  
separately on the ballot from, and shall not be conjoined with, 109969  
the renewal of any other existing levy. In the case of an existing 109970  
school district levy imposed under section 5705.21 of the Revised 109971  
Code for the purpose specified in division (F) of section 5705.19 109972  
of the Revised Code, or in the case of an existing school district 109973  
levy imposed under section 5705.217 of the Revised Code for the 109974  
acquisition, construction, enlargement, renovation, and financing 109975  
of permanent improvements, the replacement for that existing levy 109976  
may be for the same purpose or for the purpose of general 109977  
permanent improvements as defined in section 5705.21 of the 109978  
Revised Code. 109979

The resolution proposing a replacement levy shall specify the 109980  
purpose of the levy; its proposed rate expressed in mills; whether 109981  
the proposed rate is the same as the rate of the existing levy, a 109982  
reduction, or an increase; the extent of any reduction or increase 109983  
expressed in mills; the first calendar year in which the levy will 109984  
be due; and the term of the levy, expressed in years or, if 109985  
applicable, that it will be levied for a continuing period of 109986  
time. 109987

The sections of the Revised Code governing the maximum rate 109988  
and term of the existing levy, the contents of the resolution that 109989  
proposed the levy, the adoption of the resolution, the 109990  
arrangements for the submission of the question of the levy, and 109991  
notice of the election also govern the respective provisions of 109992  
the proposal to replace the existing levy, except as provided in 109993  
divisions (B)(1) to (3) of this section: 109994



(1) In the case of an existing school district levy that is 109995  
imposed under section 5705.21 of the Revised Code for the purpose 109996  
specified in division (F) of section 5705.19 of the Revised Code 109997  
or under section 5705.17 of the Revised Code for the acquisition, 109998  
construction, enlargement, renovation, and financing of permanent 109999  
improvements, and that is to be replaced by a levy for general 110000  
permanent improvements, the maximum term of the replacement levy 110001  
is not limited to the term of the existing levy and may be for a 110002  
continuing period of time. 110003

(2) The date on which the election is held shall be as 110004  
follows: 110005

(a) For the replacement of a levy with a fixed term of years, 110006  
the date of the general election held during the last year the 110007  
existing levy may be extended on the real and public utility 110008  
property tax list and duplicate, or the date of any election held 110009  
in the ensuing year; 110010

(b) For the replacement of a levy imposed for a continuing 110011  
period of time, the date of any election held in any year after 110012  
the year the levy to be replaced is first approved by the 110013  
electors, except that only one election on the question of 110014  
replacing the levy may be held during any calendar year. 110015

The failure by the electors to approve a proposal to replace 110016  
a levy imposed for a continuing period of time does not terminate 110017  
the existing continuing levy. 110018

(3) In the case of an existing school district levy imposed 110019  
under division (B) of section 5705.21, division (C) of section 110020  
5705.212, or division (J) of section 5705.218 of the Revised Code, 110021  
the rates allocated to the municipal school district and to 110022  
partnering community schools each may be increased or decreased or 110023  
remain the same, and the total rate may be increased, decreased, 110024  
or remain the same. 110025

(C) The form of the ballot at the election on the question of a replacement levy shall be as follows:

"A replacement of a tax for the benefit of ..... (name of subdivision or public library) for the purpose of ..... (the purpose stated in the resolution) at a rate not exceeding ..... mills for each one dollar of valuation, which amounts to ..... (rate expressed in dollars and cents) for each one hundred dollars in valuation, for ..... (number of years levy is to run, or that it will be levied for a continuous period of time)

|  |                      |   |
|--|----------------------|---|
|  | FOR THE TAX LEVY     | " |
|  | AGAINST THE TAX LEVY |   |

If the replacement levy is proposed by a municipal school district to replace an existing tax levied under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division (J) of section 5705.218 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each one dollar of valuation," the following: "(of which ..... mills is to be allocated to partnering community schools)."

If the proposal is to replace an existing levy and increase the rate of the existing levy, the form of the ballot shall be changed by adding the words "..... mills of an existing levy and an increase of ..... mills, to constitute" after the words "a replacement of." If the proposal is to replace only a portion of an existing levy, the form of the ballot shall be changed by adding the words "a portion of an existing levy, being a reduction of ..... mills, to constitute" after the words "a replacement of." If the existing levy is imposed under division (B) of section 5705.21, division (C)(1) of section 5705.212, or

division (J) of section 5705.218 of the Revised Code, the form of 110057  
the ballot also shall state the portion of the total increased 110058  
rate or of the total rate as reduced that is to be allocated to 110059  
partnering community schools. 110060

If the tax is to be placed on the tax list of the current tax 110061  
year, the form of the ballot shall be modified by adding at the 110062  
end of the form the phrase ", commencing in ..... (first year 110063  
the replacement tax is to be levied), first due in calendar year 110064  
..... (first calendar year in which the tax shall be due)." 110065

The question covered by the resolution shall be submitted as 110066  
a separate proposition, but may be printed on the same ballot with 110067  
any other proposition submitted at the same election, other than 110068  
the election of officers. More than one such question may be 110069  
submitted at the same election. 110070

(D) Two existing levies, or any portion of those levies, may 110071  
be combined into one replacement levy, so long as both of the 110072  
existing levies are for the same purpose and either both are due 110073  
to expire the same year or both are for a continuing period of 110074  
time. The question of combining all or portions of the two 110075  
existing levies into the replacement levy shall appear as one 110076  
ballot proposition before the electors. If the electors approve 110077  
the ballot proposition, all or the stated portions of the two 110078  
existing levies are replaced by one replacement levy. 110079

(E) A levy approved in excess of the ten-mill limitation 110080  
under this section shall be certified to the tax commissioner. In 110081  
the first year of a levy approved under this section, the levy 110082  
shall be extended on the tax lists after the February settlement 110083  
succeeding the election at which the levy was approved. If the 110084  
levy is to be placed on the tax lists of the current year, as 110085  
specified in the resolution providing for its submission, the 110086  
result of the election shall be certified immediately after the 110087  
canvass by the board of elections to the taxing authority, which 110088

shall forthwith make the necessary levy and certify it to the 110089  
county auditor, who shall extend it on the tax lists for 110090  
collection. After the first year, the levy shall be included in 110091  
the annual tax budget that is certified to the county budget 110092  
commission. 110093

If notes are authorized to be issued in anticipation of the 110094  
proceeds of the existing levy, notes may be issued in anticipation 110095  
of the proceeds of the replacement levy, and such issuance is 110096  
subject to the terms and limitations governing the issuance of 110097  
notes in anticipation of the proceeds of the existing levy. 110098

(F) This section does not authorize a tax to be levied in any 110099  
year after the year in which revenue is not needed for the purpose 110100  
for which the tax is levied. 110101

**Sec. 5705.217.** (A) The board of education of a city, local, 110102  
or exempted village school district, at any time by a vote of 110103  
two-thirds of all its members, may declare by resolution that the 110104  
amount of taxes that can be raised within the ten-mill limitation 110105  
will be insufficient to provide an adequate amount for the present 110106  
and future requirements of the school district; that it is 110107  
necessary to levy an additional tax in excess of that limitation 110108  
for the purposes of providing funds for current operating expenses 110109  
and for ~~the acquisition, construction, enlargement, renovation,~~ 110110  
~~and financing of general~~ permanent improvements as defined in 110111  
section 5705.21 of the Revised Code; and that the question of the 110112  
tax shall be submitted to the electors of the district at a 110113  
special election. The tax may be levied for a specified number of 110114  
years not exceeding five or, ~~if the tax is for current operating~~ 110115  
~~expenses or for general, on-going permanent improvements,~~ for a 110116  
continuing period of time. The resolution shall specify the 110117  
proposed tax rate, the first year the tax will be levied, and the 110118  
number of years it will be levied, or that it will be levied for a 110119

continuing period of time. The resolution shall apportion the 110120  
annual rate of the tax between current operating expenses and 110121  
permanent improvements. The apportionment may but need not be the 110122  
same for each year of the tax, but the respective portions of the 110123  
rate actually levied each year for current operating expenses and 110124  
permanent improvements shall be limited by the apportionment. 110125

The resolution shall specify the date of holding the special 110126  
election, which shall not be earlier than ninety days after 110127  
certification of the resolution to the board of elections and 110128  
shall be consistent with the requirements of section 3501.01 of 110129  
the Revised Code. The resolution shall go into immediate effect 110130  
upon its passage, and no publication of it is necessary other than 110131  
that provided in the notice of election. The board of education 110132  
shall certify a copy of the resolution to the board of elections 110133  
immediately after its adoption. Section 5705.25 of the Revised 110134  
Code governs the arrangements and form of the ballot for the 110135  
submission of the question to the electors. 110136

If a majority of the electors voting on the question vote in 110137  
favor of the tax, the board of education may make the levy at the 110138  
additional rate, or at any lesser rate in excess of the ten-mill 110139  
limitation. If the tax is for a continuing period of time, it may 110140  
be decreased in accordance with section 5705.261 of the Revised 110141  
Code. 110142

A board of education may adopt a resolution to renew one or 110143  
more existing levies imposed under this section, or to increase or 110144  
decrease the rate of a tax levied under this section, for the 110145  
purpose of providing funds for either current expenses and general 110146  
permanent improvements or solely for general permanent 110147  
improvements. 110148

(B)(1) After the approval of a tax for current operating 110149  
expenses under this section and prior to the time the first 110150  
collection and distribution from the levy can be made, the board 110151

of education may anticipate a fraction of the proceeds of such 110152  
levy and issue anticipation notes in a principal amount not 110153  
exceeding fifty per cent of the total estimated proceeds of the 110154  
tax to be collected during the first year of the levy. 110155

(2) After the approval of a tax ~~under this section~~ for 110156  
general permanent improvements ~~having a specific purpose levied~~ 110157  
under this section for a specified number of years, the board of 110158  
education may anticipate a fraction of the proceeds of such tax 110159  
and issue anticipation notes in a principal amount not exceeding 110160  
fifty per cent of the total estimated proceeds of the tax 110161  
remaining to be collected in each year over a specified period of 110162  
five years, not exceeding the number of years for which the tax 110163  
was levied, after issuance of the notes. 110164

(3) After the approval of a tax for general, ~~on-going~~ 110165  
permanent improvements levied under this section for a continuing 110166  
period of time, the board of education may anticipate a fraction 110167  
of the proceeds of such tax and issue anticipation notes in a 110168  
principal amount not exceeding fifty per cent of the total 110169  
estimated proceeds of the tax to be collected in each year over a 110170  
specified period of years, not exceeding ten, after issuance of 110171  
the notes. 110172

Anticipation notes under this section shall be issued as 110173  
provided in section 133.24 of the Revised Code. Notes issued under 110174  
division (B)(1) or (2) of this section shall have principal 110175  
payments during each year after the year of their issuance over a 110176  
period not to exceed five years, and may have a principal payment 110177  
in the year of their issuance. Notes issued under division (B)(3) 110178  
of this section shall have principal payments during each year 110179  
after the year of their issuance over a period not to exceed ten 110180  
years, and may have a principal payment in the year of their 110181  
issuance. 110182

(C) The submission of a question to the electors under this 110183

section is subject to the limitation on the number of elections 110184  
that can be held in a year under section 5705.214 of the Revised 110185  
Code. 110186

**Sec. 5705.218.** (A) The board of education of a city, local, 110187  
or exempted village school district, at any time by a vote of 110188  
two-thirds of all its members, may declare by resolution that it 110189  
may be necessary for the school district to issue general 110190  
obligation bonds for permanent improvements. The resolution shall 110191  
state all of the following: 110192

(1) The necessity and purpose of the bond issue; 110193

(2) The date of the special election at which the question 110194  
shall be submitted to the electors; 110195

(3) The amount, approximate date, estimated rate of interest, 110196  
and maximum number of years over which the principal of the bonds 110197  
may be paid; 110198

(4) The necessity of levying a tax outside the ten-mill 110199  
limitation to pay debt charges on the bonds and any anticipatory 110200  
securities. 110201

On adoption of the resolution, the board shall certify a copy 110202  
of it to the county auditor. The county auditor promptly shall 110203  
estimate and certify to the board the average annual property tax 110204  
rate required throughout the stated maturity of the bonds to pay 110205  
debt charges on the bonds, in the same manner as under division 110206  
(C) of section 133.18 of the Revised Code. 110207

(B) After receiving the county auditor's certification under 110208  
division (A) of this section, the board of education of the city, 110209  
local, or exempted village school district, by a vote of 110210  
two-thirds of all its members, may declare by resolution that the 110211  
amount of taxes that can be raised within the ten-mill limitation 110212  
will be insufficient to provide an adequate amount for the present 110213

and future requirements of the school district; that it is 110214  
necessary to issue general obligation bonds of the school district 110215  
for permanent improvements and to levy an additional tax in excess 110216  
of the ten-mill limitation to pay debt charges on the bonds and 110217  
any anticipatory securities; that it is necessary for a specified 110218  
number of years or for a continuing period of time to levy 110219  
additional taxes in excess of the ten-mill limitation to provide 110220  
funds for the acquisition, construction, enlargement, renovation, 110221  
and financing of permanent improvements or to pay for current 110222  
operating expenses, or both; and that the question of the bonds 110223  
and taxes shall be submitted to the electors of the school 110224  
district at a special election, which shall not be earlier than 110225  
ninety days after certification of the resolution to the board of 110226  
elections, and the date of which shall be consistent with section 110227  
3501.01 of the Revised Code. The resolution shall specify all of 110228  
the following: 110229

(1) The county auditor's estimate of the average annual 110230  
property tax rate required throughout the stated maturity of the 110231  
bonds to pay debt charges on the bonds; 110232

(2) The proposed rate of the tax, if any, for current 110233  
operating expenses, the first year the tax will be levied, and the 110234  
number of years it will be levied, or that it will be levied for a 110235  
continuing period of time; 110236

(3) The proposed rate of the tax, if any, for permanent 110237  
improvements, the first year the tax will be levied, and the 110238  
number of years it will be levied, or that it will be levied for a 110239  
continuing period of time. 110240

The resolution shall apportion the annual rate of the tax 110241  
between current operating expenses and permanent improvements, if 110242  
both taxes are proposed. The apportionment may but need not be the 110243  
same for each year of the tax, but the respective portions of the 110244  
rate actually levied each year for current operating expenses and 110245



permanent improvements shall be limited by the apportionment. The 110246  
resolution shall go into immediate effect upon its passage, and no 110247  
publication of it is necessary other than that provided in the 110248  
notice of election. The board of education shall certify a copy of 110249  
the resolution, along with copies of the auditor's estimate and 110250  
its resolution under division (A) of this section, to the board of 110251  
elections immediately after its adoption. 110252

(C) The board of elections shall make the arrangements for 110253  
the submission to the electors of the school district of the 110254  
question proposed under division (B) or (J) of this section, and 110255  
the election shall be conducted, canvassed, and certified in the 110256  
same manner as regular elections in the district for the election 110257  
of county officers. The resolution shall be put before the 110258  
electors as one ballot question, with a favorable vote indicating 110259  
approval of the bond issue, the levy to pay debt charges on the 110260  
bonds and any anticipatory securities, the current operating 110261  
expenses levy, the permanent improvements levy, and the levy for 110262  
the current expenses of a municipal school district and of 110263  
partnering community schools, as those levies may be proposed. The 110264  
board of elections shall publish notice of the election in a 110265  
newspaper of general circulation in the school district once a 110266  
week for two consecutive weeks, or as provided in section 7.16 of 110267  
the Revised Code, prior to the election. If a board of elections 110268  
operates and maintains a web site, that board also shall post 110269  
notice of the election on its web site for thirty days prior to 110270  
the election. The notice of election shall state all of the 110271  
following: 110272

(1) The principal amount of the proposed bond issue; 110273

(2) The permanent improvements for which the bonds are to be 110274  
issued; 110275

(3) The maximum number of years over which the principal of 110276  
the bonds may be paid; 110277

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| (4) The estimated additional average annual property tax rate        | 110278 |
| to pay the debt charges on the bonds, as certified by the county     | 110279 |
| auditor;                                                             | 110280 |
| (5) The proposed rate of the additional tax, if any, for             | 110281 |
| current operating expenses and, if the question is proposed under    | 110282 |
| division (J) of this section, the portion of the rate to be          | 110283 |
| allocated to the school district and the portion to be allocated     | 110284 |
| to partnering community schools;                                     | 110285 |
| (6) The number of years the current operating expenses tax           | 110286 |
| will be in effect, or that it will be in effect for a continuing     | 110287 |
| period of time;                                                      | 110288 |
| (7) The proposed rate of the additional tax, if any, for             | 110289 |
| permanent improvements;                                              | 110290 |
| (8) The number of years the permanent improvements tax will          | 110291 |
| be in effect, or that it will be in effect for a continuing period   | 110292 |
| of time;                                                             | 110293 |
| (9) The time and place of the special election.                      | 110294 |
| (D) The form of the ballot for an election under this section        | 110295 |
| is as follows:                                                       | 110296 |
| "Shall the ..... school district be authorized to do the             | 110297 |
| following:                                                           | 110298 |
| (1) Issue bonds for the purpose of ..... in the                      | 110299 |
| principal amount of \$....., to be repaid annually over a maximum    | 110300 |
| period of ..... years, and levy a property tax outside the           | 110301 |
| ten-mill limitation, estimated by the county auditor to average      | 110302 |
| over the bond repayment period ..... mills for each one dollar of    | 110303 |
| tax valuation, which amounts to ..... (rate expressed in cents or    | 110304 |
| dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of | 110305 |
| tax valuation, to pay the annual debt charges on the bonds, and to   | 110306 |
| pay debt charges on any notes issued in anticipation of those        | 110307 |

bonds?" 110308

If either a levy for permanent improvements or a levy for 110309  
current operating expenses is proposed, or both are proposed, the 110310  
ballot also shall contain the following language, as appropriate: 110311

"(2) Levy an additional property tax to provide funds for the 110312  
acquisition, construction, enlargement, renovation, and financing 110313  
of permanent improvements at a rate not exceeding ..... mills 110314  
for each one dollar of tax valuation, which amounts to ..... 110315  
(rate expressed in cents or dollars and cents) for each \$100 of 110316  
tax valuation, for ..... (number of years of the levy, or a 110317  
continuing period of time)? 110318

(3) Levy an additional property tax to pay current operating 110319  
expenses at a rate not exceeding ..... mills for each one dollar 110320  
of tax valuation, which amounts to ..... (rate expressed in 110321  
cents or dollars and cents) for each \$100 of tax valuation, for 110322  
..... (number of years of the levy, or a continuing period of 110323  
time)? 110324

110325

|  |                                             |
|--|---------------------------------------------|
|  | FOR THE BOND ISSUE AND LEVY (OR LEVIES)     |
|  | AGAINST THE BOND ISSUE AND LEVY (OR LEVIES) |

110326

" 110327

110328

If the question is proposed under division (J) of this 110329  
section, the form of the ballot shall be modified as prescribed by 110330  
division (J)(4) of this section. 110331

(E) The board of elections promptly shall certify the results 110332  
of the election to the tax commissioner and the county auditor of 110333  
the county in which the school district is located. If a majority 110334  
of the electors voting on the question vote for it, the board of 110335  
education may proceed with issuance of the bonds and with the levy 110336  
and collection of the property tax or taxes at the additional rate 110337  
or any lesser rate in excess of the ten-mill limitation. Any 110338

securities issued by the board of education under this section are 110339  
Chapter 133. securities, as that term is defined in section 133.01 110340  
of the Revised Code. 110341

(F)(1) After the approval of a tax for current operating 110342  
expenses under this section and prior to the time the first 110343  
collection and distribution from the levy can be made, the board 110344  
of education may anticipate a fraction of the proceeds of such 110345  
levy and issue anticipation notes in a principal amount not 110346  
exceeding fifty per cent of the total estimated proceeds of the 110347  
tax to be collected during the first year of the levy. 110348

(2) After the approval of a tax under this section for 110349  
permanent improvements having a specific purpose, the board of 110350  
education may anticipate a fraction of the proceeds of such tax 110351  
and issue anticipation notes in a principal amount not exceeding 110352  
fifty per cent of the total estimated proceeds of the tax 110353  
remaining to be collected in each year over a period of five years 110354  
after issuance of the notes. 110355

(3) After the approval of a tax under this section for 110356  
general, ~~on-going~~ permanent improvements as defined under ~~this~~ 110357  
section 5705.21 of the Revised Code, the board of education may 110358  
anticipate a fraction of the proceeds of such tax and issue 110359  
anticipation notes in a principal amount not exceeding fifty per 110360  
cent of the total estimated proceeds of the tax to be collected in 110361  
each year over a specified period of years, not exceeding ten, 110362  
after issuance of the notes. 110363

Anticipation notes under this section shall be issued as 110364  
provided in section 133.24 of the Revised Code. Notes issued under 110365  
division (F)(1) or (2) of this section shall have principal 110366  
payments during each year after the year of their issuance over a 110367  
period not to exceed five years, and may have a principal payment 110368  
in the year of their issuance. Notes issued under division (F)(3) 110369  
of this section shall have principal payments during each year 110370

after the year of their issuance over a period not to exceed ten 110371  
years, and may have a principal payment in the year of their 110372  
issuance. 110373

(G) A tax for current operating expenses or for permanent 110374  
improvements levied under this section for a specified number of 110375  
years may be renewed or replaced in the same manner as a tax for 110376  
current operating expenses or for permanent improvements levied 110377  
under section 5705.21 of the Revised Code. A tax for current 110378  
operating expenses or for permanent improvements levied under this 110379  
section for a continuing period of time may be decreased in 110380  
accordance with section 5705.261 of the Revised Code. 110381

(H) The submission of a question to the electors under this 110382  
section is subject to the limitation on the number of elections 110383  
that can be held in a year under section 5705.214 of the Revised 110384  
Code. 110385

(I) A school district board of education proposing a ballot 110386  
measure under this section to generate local resources for a 110387  
project under the school building assistance expedited local 110388  
partnership program under section 3318.36 of the Revised Code may 110389  
combine the questions under division (D) of this section with a 110390  
question for the levy of a property tax to generate moneys for 110391  
maintenance of the classroom facilities acquired under that 110392  
project as prescribed in section 3318.361 of the Revised Code. 110393

(J)(1) After receiving the county auditor's certification 110394  
under division (A) of this section, the board of education of a 110395  
municipal school district, by a vote of two-thirds of all its 110396  
members, may declare by resolution that it is necessary to levy a 110397  
tax in excess of the ten-mill limitation for the purpose of paying 110398  
the current expenses of the school district and of partnering 110399  
community schools, as defined in section 5705.21 of the Revised 110400  
Code; that it is necessary to issue general obligation bonds of 110401  
the school district for permanent improvements of the district and 110402

to levy an additional tax in excess of the ten-mill limitation to 110403  
pay debt charges on the bonds and any anticipatory securities; and 110404  
that the question of the bonds and taxes shall be submitted to the 110405  
electors of the school district at a special election, which shall 110406  
not be earlier than ninety days after certification of the 110407  
resolution to the board of elections, and the date of which shall 110408  
be consistent with section 3505.01 of the Revised Code. 110409

The levy of taxes for the current expenses of a partnering 110410  
community school under division (J) of this section and the 110411  
distribution of proceeds from the tax by a municipal school 110412  
district to partnering community schools is hereby determined to 110413  
be a proper public purpose. 110414

(2) The tax for the current expenses of the school district 110415  
and of partnering community schools is subject to the requirements 110416  
of divisions (B)(3), (4), and (5) of section 5705.21 of the 110417  
Revised Code. 110418

(3) In addition to the required specifications of the 110419  
resolution under division (B) of this section, the resolution 110420  
shall express the rate of the tax in mills per dollar of taxable 110421  
value, state the number of the mills to be levied for the current 110422  
expenses of the partnering community schools and the number of the 110423  
mills to be levied for the current expenses of the school 110424  
district, specify the number of years (not exceeding ten) the tax 110425  
will be levied or that it will be levied for a continuing period 110426  
of time, and state the first year the tax will be levied. 110427

The resolution shall go into immediate effect upon its 110428  
passage, and no publication of it is necessary other than that 110429  
provided in the notice of election. The board of education shall 110430  
certify a copy of the resolution, along with copies of the 110431  
auditor's estimate and its resolution under division (A) of this 110432  
section, to the board of elections immediately after its adoption. 110433

(4) The form of the ballot shall be modified by replacing the ballot form set forth in division (D)(3) of this section with the following:

"Levy an additional property tax for the purpose of the current expenses of the school district and of partnering community schools at a rate not exceeding ..... (insert the number of mills) mills for each one dollar of valuation (of which ..... (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to ..... (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for ..... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time)?

|  |                                             |   |        |
|--|---------------------------------------------|---|--------|
|  | FOR THE BOND ISSUE AND LEVY (OR LEVIES)     |   | 110448 |
|  | AGAINST THE BOND ISSUE AND LEVY (OR LEVIES) | " | 110449 |

(5) After the approval of a tax for the current expenses of the school district and of partnering community schools under division (J) of this section, and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of levy proceeds to be allocated to partnering community schools shall not be included in the estimated proceeds anticipated under this division and shall not be used to pay debt charges on any anticipation notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five

years, and may have a principal payment in the year of their 110466  
issuance. 110467

(6) A tax for the current expenses of the school district and 110468  
of partnering community schools levied under division (J) of this 110469  
section for a specified number of years may be renewed or replaced 110470  
in the same manner as a tax for the current expenses of a school 110471  
district and of partnering community schools levied under division 110472  
(B) of section 5705.21 of the Revised Code. A tax for the current 110473  
expenses of the school district and of partnering community 110474  
schools levied under this division for a continuing period of time 110475  
may be decreased in accordance with section 5705.261 of the 110476  
Revised Code. 110477

(7) The proceeds from the issuance of the general obligation 110478  
bonds under division (J) of this section shall be used solely to 110479  
pay for permanent improvements of the school district and not for 110480  
permanent improvements of partnering community schools. 110481

**Sec. 5705.221.** (A) At any time, the board of county 110482  
commissioners of any county by a majority vote of the full 110483  
membership may declare by resolution and certify to the board of 110484  
elections of the county that the amount of taxes which may be 110485  
raised within the ten-mill limitation by levies on the current tax 110486  
duplicate will be insufficient to provide the necessary 110487  
requirements of the county's alcohol, drug addiction, and mental 110488  
health service district established pursuant to Chapter 340. of 110489  
the Revised Code, or the county's contribution to a joint-county 110490  
district of which the county is a part, and that it is necessary 110491  
to levy a tax in excess of such limitation for the operation of 110492  
~~alcohol and drug~~ community addiction ~~programs~~ services providers 110493  
and community mental health ~~programs~~ services providers and the 110494  
acquisition, construction, renovation, financing, maintenance, and 110495  
operation of alcohol and drug addiction facilities and mental 110496



health facilities. 110497

Such resolution shall conform to section 5705.19 of the 110498  
Revised Code, except that the increased rate may be in effect for 110499  
any number of years not exceeding ten. 110500

The resolution shall be certified and submitted in the manner 110501  
provided in section 5705.25 of the Revised Code, except that it 110502  
may be placed on the ballot in any election, and shall be 110503  
certified to the board of elections not less than ninety days 110504  
before the election at which it will be voted upon. 110505

If the majority of the electors voting on a levy to 110506  
supplement general fund appropriations for the support of the 110507  
comprehensive ~~alcohol and drug~~ community addiction and mental 110508  
health ~~program~~ services providers vote in favor of the levy, the 110509  
board may levy a tax within the county at the additional rate 110510  
outside the ten-mill limitation during the specified or continuing 110511  
period, for the purpose stated in the resolution. 110512

(B) When electors have approved a tax levy under this 110513  
section, the board of county commissioners may anticipate a 110514  
fraction of the proceeds of the levy and, from time to time, issue 110515  
anticipation notes in accordance with section 5705.191 or 5705.193 110516  
of the Revised Code. 110517

(C) The county auditor who is the fiscal officer of the 110518  
alcohol, drug addiction, and mental health service district, upon 110519  
receipt of a resolution from the board of alcohol, drug addiction, 110520  
and mental health services, shall establish for the district a 110521  
capital improvements account or a reserve balance account, or 110522  
both, as specified in the resolution. The capital improvements 110523  
account shall be a contingency fund for the necessary acquisition, 110524  
replacement, renovation, or construction of facilities and movable 110525  
and fixed equipment. Upon the request of the board, funds not 110526  
needed to pay for current expenses may be appropriated to the 110527

capital improvements account, in amounts such that the account 110528  
does not exceed twenty-five per cent of the replacement value of 110529  
all capital facilities and equipment currently used by the board 110530  
for programs and services. Other funds which are available for 110531  
current capital expenses from federal, state, or local sources may 110532  
also be appropriated to this account. 110533

The reserve balance account shall contain those funds that 110534  
are not needed to pay for current operating expenses and not 110535  
deposited in the capital improvements account but that will be 110536  
needed to pay for operating expenses in the future. Upon the 110537  
request of a board, such funds shall be appropriated to the 110538  
reserve balance account. Payments from the capital improvements 110539  
account and the reserve balance account shall be made by the 110540  
county treasurer who is the custodian of funds for the district 110541  
upon warrants issued by the county auditor who is the fiscal 110542  
officer of the district pursuant to orders of the board. 110543

**Sec. 5705.25.** (A) A copy of any resolution adopted as 110544  
provided in section 5705.19 or 5705.2111 of the Revised Code shall 110545  
be certified by the taxing authority to the board of elections of 110546  
the proper county not less than ninety days before the general 110547  
election in any year, and the board shall submit the proposal to 110548  
the electors of the subdivision at the succeeding November 110549  
election. In the case of a qualifying library levy, the board 110550  
shall submit the question to the electors of the library district 110551  
or association library district. Except as otherwise provided in 110552  
this division, a resolution to renew an existing levy, regardless 110553  
of the section of the Revised Code under which the tax was 110554  
imposed, shall not be placed on the ballot unless the question is 110555  
submitted at the general election held during the last year the 110556  
tax to be renewed or replaced may be extended on the real and 110557  
public utility property tax list and duplicate, or at any election 110558  
held in the ensuing year. The limitation of the foregoing sentence 110559

does not apply to a resolution to renew and increase or to renew 110560  
part of an existing levy that was imposed under section 5705.191 110561  
of the Revised Code to supplement the general fund for the purpose 110562  
of making appropriations for one or more of the following 110563  
purposes: for public assistance, human or social services, relief, 110564  
welfare, hospitalization, health, and support of general 110565  
hospitals. The limitation of the second preceding sentence also 110566  
does not apply to a resolution that proposes to renew two or more 110567  
existing levies imposed under section 5705.21 or 5705.217 of the 110568  
Revised Code, in which case the question shall be submitted on the 110569  
date of the general or primary election held during the last year 110570  
at least one of the levies to be renewed may be extended on the 110571  
real and public utility property tax list and duplicate, or at any 110572  
election held during the ensuing year. For purposes of this 110573  
section, a levy shall be considered to be an "existing levy" 110574  
through the year following the last year it can be placed on that 110575  
tax list and duplicate. 110576

The board shall make the necessary arrangements for the 110577  
submission of such questions to the electors of such subdivision, 110578  
library district, or association library district, and the 110579  
election shall be conducted, canvassed, and certified in the same 110580  
manner as regular elections in such subdivision, library district, 110581  
or association library district for the election of county 110582  
officers. Notice of the election shall be published in a newspaper 110583  
of general circulation in the subdivision, library district, or 110584  
association library district once a week for two consecutive 110585  
weeks, or as provided in section 7.16 of the Revised Code, prior 110586  
to the election. If the board of elections operates and maintains 110587  
a web site, the board of elections shall post notice of the 110588  
election on its web site for thirty days prior to the election. 110589  
The notice shall state the purpose, the proposed increase in rate 110590  
expressed in dollars and cents for each one hundred dollars of 110591  
valuation as well as in mills for each one dollar of valuation, 110592

the number of years during which the increase will be in effect, 110593  
the first month and year in which the tax will be levied, and the 110594  
time and place of the election. 110595

(B) The form of the ballots cast at an election held pursuant 110596  
to division (A) of this section shall be as follows: 110597

"An additional tax for the benefit of (name of subdivision or 110598  
public library) ..... for the purpose of (purpose stated in 110599  
the resolution) ..... at a rate not exceeding ..... mills 110600  
for each one dollar of valuation, which amounts to (rate expressed 110601  
in dollars and cents) ..... for each one hundred dollars of 110602  
valuation, for ..... (life of indebtedness or number of years the 110603  
levy is to run). 110604

|  |                      |   |
|--|----------------------|---|
|  | For the Tax Levy     |   |
|  | Against the Tax Levy | " |

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110606  
110607  
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(C) If the levy is to be in effect for a continuing period of 110609  
time, the notice of election and the form of ballot shall so state 110610  
instead of setting forth a specified number of years for the levy. 110611

If the tax is to be placed on the current tax list, the form 110612  
of the ballot shall be modified by adding, after the statement of 110613  
the number of years the levy is to run, the phrase ", commencing 110614  
in ..... (first year the tax is to be levied), first due in 110615  
calendar year ..... (first calendar year in which the tax 110616  
shall be due)." 110617

If the levy submitted is a proposal to renew, increase, or 110618  
decrease an existing levy, the form of the ballot specified in 110619  
division (B) of this section may be changed by substituting for 110620  
the words "An additional" at the beginning of the form, the words 110621  
"A renewal of a" in case of a proposal to renew an existing levy 110622  
in the same amount; the words "A renewal of ..... mills and an 110623

increase of ..... mills to constitute a" in the case of an 110624  
increase; or the words "A renewal of part of an existing levy, 110625  
being a reduction of ..... mills, to constitute a" in the case of 110626  
a decrease in the proposed levy. 110627

If the levy submitted is a proposal to renew two or more 110628  
existing levies imposed under section 5705.21 or 5705.217 of the 110629  
Revised Code, the form of the ballot specified in division (B) of 110630  
this section shall be modified by substituting for the words "an 110631  
additional tax" the words "a renewal of ....(insert the number of 110632  
levies to be renewed) existing taxes." 110633

If the levy submitted is a levy under section 5705.72 of the 110634  
Revised Code or a proposal to renew, increase, or decrease an 110635  
existing levy imposed under that section, the name of the 110636  
subdivision shall be "the unincorporated area of ..... (name 110637  
of township)." 110638

The question covered by such resolution shall be submitted as 110639  
a separate proposition but may be printed on the same ballot with 110640  
any other proposition submitted at the same election, other than 110641  
the election of officers. More than one such question may be 110642  
submitted at the same election. 110643

(D) A levy voted in excess of the ten-mill limitation under 110644  
this section shall be certified to the tax commissioner. In the 110645  
first year of the levy, it shall be extended on the tax lists 110646  
after the February settlement succeeding the election. If the 110647  
additional tax is to be placed upon the tax list of the current 110648  
year, as specified in the resolution providing for its submission, 110649  
the result of the election shall be certified immediately after 110650  
the canvass by the board of elections to the taxing authority, who 110651  
shall make the necessary levy and certify it to the county 110652  
auditor, who shall extend it on the tax lists for collection. 110653  
After the first year, the tax levy shall be included in the annual 110654  
tax budget that is certified to the county budget commission. 110655

Sec. 5705.412. (A) As used in this section, "qualifying contract" means any agreement for the expenditure of money under which aggregate payments from the funds included in the school district's five-year forecast under section 5705.391 of the Revised Code will exceed the lesser of the following amounts:

(1) Five hundred thousand dollars;

(2) One per cent of the total revenue to be credited in the current fiscal year to the district's general fund, as specified in the district's most recent certificate of estimated resources certified under section 5705.36 of the Revised Code.

(B)(1) Notwithstanding section 5705.41 of the Revised Code, no school district shall adopt any appropriation measure, make any qualifying contract, or increase during any school year any wage or salary schedule unless there is attached thereto a certificate, signed as required by this section, that the school district has in effect the authorization to levy taxes including the renewal or replacement of existing levies which, when combined with the estimated revenue from all other sources available to the district at the time of certification, are sufficient to provide the operating revenues necessary to enable the district to maintain all personnel and programs for all the days set forth in its adopted school calendars for the current fiscal year and for a number of days in succeeding fiscal years equal to the number of days instruction was held or is scheduled for the current fiscal year, as follows:

(a) A certificate attached to an appropriation measure under this section shall cover only the fiscal year in which the appropriation measure is effective and shall not consider the renewal or replacement of an existing levy as the authority to levy taxes that are subject to appropriation in the current fiscal year unless the renewal or replacement levy has been approved by

the electors and is subject to appropriation in the current fiscal year. 110687  
110688

(b) A certificate attached, in accordance with this section, to any qualifying contract shall cover the term of the contract. 110689  
110690

(c) A certificate attached under this section to a wage or salary schedule shall cover the term of the schedule. 110691  
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If the board of education has not adopted a school calendar for the school year beginning on the first day of the fiscal year in which a certificate is required, the certificate attached to an appropriation measure shall include the number of days on which instruction was held in the preceding fiscal year and other certificates required under this section shall include that number of days for the fiscal year in which the certificate is required and any succeeding fiscal years that the certificate must cover. 110693  
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The certificate shall be signed by the treasurer and president of the board of education and the superintendent of the school district, unless the district is in a state of fiscal emergency declared under Chapter 3316. of the Revised Code. In that case, the certificate shall be signed by a member of the district's financial planning and supervision commission who is designated by the commission for this purpose. 110701  
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(2) In lieu of the certificate required under division (B) of this section, an alternative certificate stating the following may be attached: 110708  
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(a) The contract is a multi-year contract for materials, equipment, or nonpayroll services essential to the education program of the district; 110711  
110712  
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(b) The multi-year contract demonstrates savings over the duration of the contract as compared to costs that otherwise would have been demonstrated in a single year contract, and the terms will allow the district to reduce the deficit it is currently 110714  
110715  
110716  
110717

facing in future years as demonstrated in its five-year forecast 110718  
adopted in accordance with section 5705.391 of the Revised Code. 110719

The certificate shall be signed by the treasurer and 110720  
president of the board of education and the superintendent of the 110721  
school district, unless the district is in a state of fiscal 110722  
emergency declared under Chapter 3316. of the Revised Code. In 110723  
that case, the certificate shall be signed by a member of the 110724  
district's financial planning and supervision commission who is 110725  
designated by the commission for this purpose. 110726

(C) Every qualifying contract made or wage or salary schedule 110727  
adopted or put into effect without such a certificate shall be 110728  
void, and no payment of any amount due thereon shall be made. 110729

(D) The department of education and the auditor of state 110730  
jointly shall adopt rules governing the methods by which 110731  
treasurers, presidents of boards of education, superintendents, 110732  
and members of financial planning and supervision commissions 110733  
shall estimate revenue and determine whether such revenue is 110734  
sufficient to provide necessary operating revenue for the purpose 110735  
of making certifications required by this section. 110736

(E) The auditor of state shall be responsible for determining 110737  
whether school districts are in compliance with this section. At 110738  
the time a school district is audited pursuant to section 117.11 110739  
of the Revised Code, the auditor of state shall review each 110740  
certificate issued under this section since the district's last 110741  
audit, and the appropriation measure, contract, or wage and salary 110742  
schedule to which such certificate was attached. If the auditor of 110743  
state determines that a school district has not complied with this 110744  
section with respect to any qualifying contract or wage or salary 110745  
schedule, the auditor of state shall notify the prosecuting 110746  
attorney for the county, the city director of law, or other chief 110747  
law officer of the school district. That officer may file a civil 110748  
action in any court of appropriate jurisdiction to seek a 110749



declaration that the contract or wage or salary schedule is void, 110750  
to recover for the school district from the payee the amount of 110751  
payments already made under it, or both, except that the officer 110752  
shall not seek to recover payments made under any collective 110753  
bargaining agreement entered into under Chapter 4117. of the 110754  
Revised Code. If the officer does not file such an action within 110755  
one hundred twenty days after receiving notice of noncompliance 110756  
from the auditor of state, any taxpayer may institute the action 110757  
in the taxpayer's own name on behalf of the school district. 110758

~~(F) This section does not apply to any contract or increase 110759  
in any wage or salary schedule that is necessary in order to 110760  
enable a board of education to comply with division (B) of section 110761  
3317.13 of the Revised Code, provided the contract or increase 110762  
does not exceed the amount required to be paid to be in compliance 110763  
with such division. 110764~~

~~(G)~~ Any officer, employee, or other person who expends or 110765  
authorizes the expenditure of any public funds or authorizes or 110766  
executes any contract or schedule contrary to this section, 110767  
expends or authorizes the expenditure of any public funds on the 110768  
void contract or schedule, or issues a certificate under this 110769  
section which contains any false statements is liable to the 110770  
school district for the full amount paid from the district's funds 110771  
on the contract or schedule. The officer, employee, or other 110772  
person is jointly and severally liable in person and upon any 110773  
official bond that the officer, employee, or other person has 110774  
given to the school district to the extent of any payments on the 110775  
void claim, not to exceed ten thousand dollars. However, no 110776  
officer, employee, or other person shall be liable for a mistaken 110777  
estimate of available resources made in good faith and based upon 110778  
reasonable grounds. If an officer, employee, or other person is 110779  
found to have complied with rules jointly adopted by the 110780  
department of education and the auditor of state under this 110781

section governing methods by which revenue shall be estimated and 110782  
determined sufficient to provide necessary operating revenue for 110783  
the purpose of making certifications required by this section, the 110784  
officer, employee, or other person shall not be liable under this 110785  
section if the estimates and determinations made according to 110786  
those rules do not, in fact, conform with actual revenue. The 110787  
prosecuting attorney of the county, the city director of law, or 110788  
other chief law officer of the district shall enforce this 110789  
liability by civil action brought in any court of appropriate 110790  
jurisdiction in the name of and on behalf of the school district. 110791  
If the prosecuting attorney, city director of law, or other chief 110792  
law officer of the district fails, upon the written request of any 110793  
taxpayer, to institute action for the enforcement of the 110794  
liability, the attorney general, or the taxpayer in the taxpayer's 110795  
own name, may institute the action on behalf of the subdivision. 110796

~~(H)~~(G) This section does not require the attachment of an 110797  
additional certificate beyond that required by section 5705.41 of 110798  
the Revised Code for current payrolls of, or contracts of 110799  
employment with, any employees or officers of the school district. 110800

This section does not require the attachment of a certificate 110801  
to a temporary appropriation measure if all of the following 110802  
apply: 110803

(1) The amount appropriated does not exceed twenty-five per 110804  
cent of the total amount from all sources available for 110805  
expenditure from any fund during the preceding fiscal year; 110806

(2) The measure will not be in effect on or after the 110807  
thirtieth day following the earliest date on which the district 110808  
may pass an annual appropriation measure; 110809

(3) An amended official certificate of estimated resources 110810  
for the current year, if required, has not been certified to the 110811  
board of education under division (B) of section 5705.36 of the 110812

Revised Code. 110813

Sec. 5705.55. (A) The board of directors of a lake facilities authority, by a vote of two-thirds of all its members, may at any time declare by resolution that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the authority, that it is necessary to levy a tax in excess of such limitation for any of the purposes specified in divisions (A), (B), (F), and (H) of section 5705.19 of the Revised Code, and that the question of such additional tax levy shall be submitted by the board to the electors residing within the boundaries of the impacted lake district on the day of a primary or general election. The resolution shall conform to section 5705.19 of the Revised Code, except that the tax levy may be in effect for no more than five years, as set forth in the resolution, unless the levy is for the payment of debt charges, and the total number of mills levied for each dollar of taxable valuation that may be levied under this section for any tax year shall not exceed one mill. If the levy is for the payment of debt charges, the levy shall be for the life of the bond indebtedness. 110814  
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The resolution shall specify the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution to the board of elections. The resolution shall not include a levy on the current tax list and duplicate unless the election is to be held at or prior to the first Tuesday after the first Monday in November of the current tax year. 110834  
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The resolution shall be certified to the board of elections of the proper county or counties not less than ninety days before the date of the election. The resolution shall go into immediate 110841  
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effect upon its passage, and no publication of the resolution 110844  
shall be necessary other than that provided in the notice of 110845  
election. Section 5705.25 of the Revised Code shall govern the 110846  
arrangements for the submission of such question and other matters 110847  
concerning the election, to which that section refers, except that 110848  
the election shall be held on the date specified in the 110849  
resolution. If a majority of the electors voting on the question 110850  
so submitted in an election vote in favor of the levy, the board 110851  
of directors may forthwith make the necessary levy within the 110852  
boundaries of the impacted lake district at the additional rate in 110853  
excess of the ten-mill limitation on the tax list, for the purpose 110854  
stated in the resolution. The tax levy shall be included in the 110855  
next annual tax budget that is certified to the county budget 110856  
commission. 110857

(B) The form of the ballot in an election held on the 110858  
question of levying a tax proposed pursuant to this section shall 110859  
be as follows or in any other form acceptable to the secretary of 110860  
state: 110861

"A tax for the benefit of (name of lake facilities authority) 110862  
..... for the purpose of ..... at a rate not exceeding 110863  
..... mills for each one dollar of valuation, which amounts to 110864  
(rate expressed in dollars and cents) ..... for each one 110865  
hundred dollars of valuation, for ..... (life of 110866  
indebtedness or number of years the levy is to run). 110867

|  |                             |   |
|--|-----------------------------|---|
|  | <u>For the Tax Levy</u>     | " |
|  | <u>Against the Tax Levy</u> |   |

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(C) On approval of the levy, notes may be issued in 110872  
anticipation of the collection of the proceeds of the tax levy, 110873  
other than the proceeds to be received for the payment of bond 110874

debt charges, in the amount and manner and at the times as are 110875  
provided in section 5705.193 of the Revised Code, for the issuance 110876  
of notes by a county in anticipation of the proceeds of a tax 110877  
levy. The lake facilities authority may borrow money in 110878  
anticipation of the collection of current revenues as provided in 110879  
section 133.10 of the Revised Code. 110880

(D) If a tax is levied under this section in a tax year, no 110881  
other taxing authority of a subdivision or taxing unit, including 110882  
a port authority, may levy a tax on property in the impacted lake 110883  
district in the same tax year if the purpose of the levy is 110884  
substantially the same as the purpose for which the lake 110885  
facilities authority of the impacted lake district was created. 110886

**Sec. 5709.17.** The following property shall be exempted from 110887  
taxation: 110888

(A) Real estate held or occupied by an association or 110889  
corporation, organized or incorporated under the laws of this 110890  
state relative to soldiers' memorial associations, monumental 110891  
building associations, or cemetery associations or corporations, 110892  
which in the opinion of the trustees, directors, or managers 110893  
thereof is necessary and proper to carry out the object intended 110894  
for such association or corporation; 110895

(B) Real estate and tangible personal property held or 110896  
occupied by a veterans' organization that qualifies for exemption 110897  
from taxation under section 501(c)(19) or 501(c)(23) of the 110898  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 110899  
amended, and is incorporated under the laws of this state or the 110900  
United States, except real estate held by such organization for 110901  
the production of rental or other income in excess of the 110902  
designated amount, before accounting for any cost or expense 110903  
incurred in the production of such income. For the purposes of 110904  
this division, the designated amount equals seven thousand five 110905

hundred dollars in tax year 2002, and shall be increased by two 110906  
hundred fifty dollars each year thereafter until tax year 2012, 110907  
when it shall equal ten thousand dollars. For tax years 2013 and 110908  
thereafter, the designated amount shall equal ten thousand 110909  
dollars. 110910

(C) Tangible personal property held by a corporation 110911  
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 110912  
section 501(c)(3) of the Internal Revenue Code, and exempt from 110913  
taxation under section 501(a) of the Internal Revenue Code shall 110914  
be exempt from taxation if it is property obtained as described in 110915  
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 110916

(D) Real estate held or occupied by a fraternal organization 110917  
and used primarily for meetings of and the administration of the 110918  
fraternal organization. As used in this division, "fraternal 110919  
organization" means a domestic fraternal society, order, or 110920  
association operating under the lodge, council, or grange system 110921  
that qualifies for exemption from taxation under section 110922  
501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code 110923  
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides 110924  
financial support for charitable purposes, as defined in division 110925  
(B)(12) of section 5739.02 of the Revised Code; and that has been 110926  
operating in this state with a state governing body for at least 110927  
one hundred years. 110928

**Sec. 5709.212.** (A) With every application for an exempt 110929  
facility certificate filed pursuant to section 5709.21 of the 110930  
Revised Code, the applicant shall pay a fee equal to one-half of 110931  
one per cent of the total exempt facility project cost, not to 110932  
exceed two thousand dollars. One-half of the fee received with 110933  
applications for exempt facility certificates shall be credited to 110934  
the exempt facility administrative fund, which is hereby created 110935  
in the state treasury, for appropriation to the department of 110936

taxation for use in administering sections 5709.20 to 5709.27 of 110937  
the Revised Code. If the director of environmental protection is 110938  
required to provide the opinion for an application, one-half of 110939  
the fee shall be credited to the non-Title V clean air fund 110940  
created in section 3704.035 of the Revised Code for use in 110941  
administering section 5709.211 of the Revised Code, unless the 110942  
application is for an industrial water pollution control facility. 110943  
If the application is for an industrial water pollution control 110944  
facility, one-half of the fee shall be credited to the surface 110945  
water protection fund created in section 6111.038 of the Revised 110946  
Code for use in administering section 5709.211 of the Revised 110947  
Code. ~~If the director of development is required to provide the 110948  
opinion for an application, one half of the fee for each exempt 110949  
facility application shall be credited to the exempt facility 110950  
inspection fund, which is hereby created in the state treasury, 110951  
for appropriation to the department of development for use in 110952  
administering section 5709.211 of the Revised Code.~~ 110953

An applicant is not entitled to any tax exemption under 110954  
section 5709.25 of the Revised Code until the fee required by this 110955  
section is paid. The fee required by this section is not 110956  
refundable, and is due with the application for an exempt facility 110957  
certificate even if an exempt facility certificate ultimately is 110958  
not issued or is withdrawn. Any application submitted without 110959  
payment of the fee shall be deemed incomplete until the fee is 110960  
paid. 110961

(B) The application fee imposed under division (A) of this 110962  
section for a jointly owned facility shall be equal to one-half of 110963  
one per cent of the total exempt facility project cost, not to 110964  
exceed two thousand dollars for each facility that is the subject 110965  
of the application. 110966

**Sec. 5709.75.** (A) Any township that receives service payments 110967

in lieu of taxes under section 5709.74 of the Revised Code shall 110968  
establish a township public improvement tax increment equivalent 110969  
fund into which those payments shall be deposited. If the board of 110970  
township trustees has adopted a resolution under division (C) of 110971  
section 5709.73 of the Revised Code, the township shall establish 110972  
at least one account in that fund with respect to resolutions 110973  
adopted under division (B) of that section, and one account with 110974  
respect to each incentive district created by a resolution adopted 110975  
under division (C) of that section. If a resolution adopted under 110976  
division (C) of section 5709.73 of the Revised Code also 110977  
authorizes the use of service payments for housing renovations 110978  
within the incentive district, the township shall establish 110979  
separate accounts for the service payments designated for public 110980  
infrastructure improvements and for the service payments 110981  
authorized for the purpose of housing renovations. 110982

(B) Except as otherwise provided in division (C) or (D) of 110983  
this section, money deposited in an account of the township public 110984  
improvement tax increment equivalent fund shall be used by the 110985  
township to pay the costs of public infrastructure improvements 110986  
designated in or the housing renovations authorized by the 110987  
resolution with respect to which the account is established, 110988  
including any interest on and principal of the notes; in the case 110989  
of an account established with respect to a resolution adopted 110990  
under division (C) of that section, money in the account shall be 110991  
used to finance the public infrastructure improvements designated, 110992  
or the housing renovations authorized, for each incentive district 110993  
created in the resolution. Money in an account shall not be used 110994  
to finance or support housing renovations that take place after 110995  
the incentive district has expired. 110996

(C)(1)(a) A township may distribute money in such an account 110997  
to any school district in which the exempt property is located in 110998  
an amount not to exceed the amount of real property taxes that 110999



such school district would have received from the improvement if 111000  
it were not exempt from taxation. The resolution establishing the 111001  
fund shall set forth the percentage of such maximum amount that 111002  
will be distributed to any affected school district. 111003

(b) A township also may distribute money in such an account 111004  
as follows: 111005

(i) To a board of county commissioners, in the amount that is 111006  
owed to the board pursuant to division (E) of section 5709.73 of 111007  
the Revised Code; 111008

(ii) To a county in accordance with section 5709.913 of the 111009  
Revised Code. 111010

(2) Money from an account in a township public improvement 111011  
tax increment equivalent fund may be distributed under division 111012  
(C)(1)(b) of this section, regardless of the date a resolution was 111013  
adopted under section 5709.73 of the Revised Code that prompted 111014  
the establishment of the account, even if the resolution was 111015  
adopted prior to March 30, 2006. 111016

(D) A board of township trustees that adopted a resolution 111017  
under ~~division (B) of~~ section 5709.73 of the Revised Code ~~before~~ 111018  
~~January 1, 1995,~~ and that, with respect to property exempted under 111019  
such a resolution, is party to a hold-harmless or service 111020  
agreement, may appropriate and expend unencumbered money in the 111021  
fund to pay current public safety expenses of the township. A 111022  
township appropriating and expending money under this division 111023  
shall reimburse the fund for the sum so appropriated and expended 111024  
not later than the day the exemption granted under the resolution 111025  
expires. For the purposes of this division, a "hold-harmless 111026  
agreement" is an agreement with the board of education of a city, 111027  
local, or exempted village school district under which the board 111028  
of township trustees agrees to compensate the school district for 111029  
one hundred per cent of the tax revenue the school district would 111030

have received from improvements to parcels designated in the 111031  
resolution were it not for the exemption granted by the 111032  
resolution. 111033

(E) Any ~~incidental surplus~~ unencumbered money remaining in 111034  
the township public improvement tax increment equivalent fund or 111035  
an account of that fund upon dissolution of the account or fund 111036  
shall be transferred to the general fund of the township. 111037

**Sec. 5725.18.** (A) An annual franchise tax on the privilege of 111038  
being an insurance company is hereby levied on each domestic 111039  
insurance company. In the month of May, annually, the treasurer of 111040  
state shall charge for collection from each domestic insurance 111041  
company a franchise tax in the amount computed in accordance with 111042  
the following, as applicable: 111043

(1) With respect to a domestic insurance company that is a 111044  
health insuring corporation, one per cent of all premium rate 111045  
payments received, exclusive of payments received under the 111046  
medicare program ~~established under Title XVIII of the "Social~~ 111047  
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 111048  
and exclusive of payments received pursuant to the ~~medical~~ 111049  
~~assistance~~ medicaid program ~~established under Chapter 5111. of the~~ 111050  
~~Revised Code~~ for the period ending September 30, 2009, as 111051  
reflected in its annual report for the preceding calendar year; 111052

(2) With respect to a domestic insurance company that is not 111053  
a health insuring corporation, one and four-tenths per cent of the 111054  
gross amount of premiums received from policies covering risks 111055  
within this state, exclusive of premiums received under the 111056  
medicare program ~~established under Title XVIII of the "Social~~ 111057  
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 111058  
and exclusive of payments received pursuant to the ~~medical~~ 111059  
~~assistance~~ medicaid program ~~established under Chapter 5111. of the~~ 111060  
~~Revised Code~~ for the period ending September 30, 2009, as 111061

reflected in its annual statement for the preceding calendar year, 111062  
and, if the company operates a health insuring corporation as a 111063  
line of business, one per cent of all premium rate payments 111064  
received from that line of business, exclusive of payments 111065  
received under the medicare program ~~established under Title XVIII~~ 111066  
~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 111067  
~~301, as amended,~~ and exclusive of payments received pursuant to 111068  
the ~~medical assistance~~ medicaid program ~~established under Chapter~~ 111069  
~~5111. of the Revised Code~~ for the period ending September 30, 111070  
2009, as reflected in its annual statement for the preceding 111071  
calendar year. 111072

Domestic insurance companies, including health insuring 111073  
corporations, receiving payments pursuant to the ~~medical~~ 111074  
~~assistance~~ medicaid program ~~established under Chapter 5111. of the~~ 111075  
~~Revised Code~~ during the period beginning October 1, 2009, and 111076  
ending December 31, 2009, shall file with the 2009 annual 111077  
statement to the superintendent a schedule that reflects those 111078  
payments received pursuant to the ~~medical assistance~~ medicaid 111079  
program for that period. The payments reflected in the schedule, 111080  
plus all other taxable premiums, are subject to the annual 111081  
franchise tax due to be paid in 2010. 111082

(B) The gross amount of premium rate payments or premiums 111083  
used to compute the applicable tax in accordance with division (A) 111084  
of this section is subject to the deductions prescribed by section 111085  
5729.03 of the Revised Code for foreign insurance companies. The 111086  
objects of such tax are those declared in section 5725.24 of the 111087  
Revised Code, to which only such tax shall be applied. 111088

(C) In no case shall such tax be less than two hundred fifty 111089  
dollars. 111090

**Sec. 5725.34.** (A) As used in this section, "certificate 111091  
owner" has the same meaning as in section 149.311 of the Revised 111092

Code. 111093

(B) There is allowed a credit against the tax imposed by 111094  
section 5725.18 of the Revised Code for an insurance company 111095  
subject to that tax that is a certificate owner of a 111096  
rehabilitation tax credit certificate issued under section 149.311 111097  
of the Revised Code. The credit shall equal twenty-five per cent 111098  
of the dollar amount indicated on the certificate, but the amount 111099  
of the credit allowed for any company for any year shall not 111100  
exceed ~~five~~ ten million dollars. The credit shall be claimed in 111101  
the calendar year specified in the certificate and in the order 111102  
required under section 5725.98 of the Revised Code. If the credit 111103  
exceeds the amount of tax otherwise due in that year, the excess 111104  
shall be refunded to the company but, if any amount of the credit 111105  
is refunded, the sum of the amount refunded and the amount applied 111106  
to reduce the tax otherwise due in that year shall not exceed 111107  
three million dollars. The company may carry forward any balance 111108  
of the credit in excess of the amount claimed in that year for not 111109  
more than five ensuing years, and shall deduct any amount claimed 111110  
in any such year from the amount claimed in an ensuing year. 111111

(C) An insurance company claiming a credit under this section 111112  
shall retain the rehabilitation tax credit certificate for four 111113  
years following the end of the year in which the credit was 111114  
claimed, and shall make the certificate available for inspection 111115  
by the tax commissioner upon the request of the tax commissioner 111116  
during that period. 111117

**Sec. 5726.20.** (A) The tax commissioner may make an 111118  
assessment, based on any information in the commissioner's 111119  
possession, against any person that fails to file a return or 111120  
report or pay any tax as required by this chapter. The reporting 111121  
person for a taxpayer shall file the annual report required under 111122  
section 5726.02 of the Revised Code and remit the tax imposed by 111123

this chapter. Each person included in the annual report of the taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties and interest thereon. If the reporting person fails, for any reason, to file and remit any tax, the amount due may be collected by assessment against the reporting person and against any or all other persons required to be included in the annual report of the taxpayer ~~in the manner provided by this section~~ as provided in section 5703.90 of the Revised Code. The commissioner shall make the assessment in the manner provided in this section. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on the manner in which to petition for reassessment and request a hearing with respect to the petition.

(B) No assessment shall be made or issued against a person under this section more than four years after the later of the final date the report subject to assessment was required to be filed or the date such report was filed. Such time limit may be extended if both the person and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limit has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-year time limit prescribed in division (A) of section 5726.30 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a person that fails to file a report subject to assessment as required by this chapter, or that files a fraudulent report.

(C) Unless the person assessed, within sixty days after service of the notice of assessment, files with the tax commissioner, either in person or by certified mail, a written petition for reassessment signed by the person or the person's

authorized agent having knowledge of the facts, the assessment 111156  
shall become final, and the amount of the assessment is due and 111157  
payable from the person assessed to the treasurer of state. A 111158  
petition shall indicate the objections of the person assessed, but 111159  
additional objections may be raised in writing if received by the 111160  
commissioner prior to the date shown on the final determination. 111161  
If a petition for reassessment has been properly filed, the 111162  
commissioner shall proceed under section 5703.60 of the Revised 111163  
Code. 111164

(D)(1) After an assessment becomes final, if any portion of 111165  
the assessment, including any accrued interest, remains unpaid, a 111166  
certified copy of the tax commissioner's entry making the 111167  
assessment final may be filed in the office of the clerk of the 111168  
court of common pleas in the county in which the person resides or 111169  
has its principal place of business in this state, or in the 111170  
office of the clerk of court of common pleas of Franklin county. 111171

(2) Immediately upon the filing of the entry, the clerk shall 111172  
enter judgment for the state against the person assessed in the 111173  
amount shown on the entry. The judgment may be filed by the clerk 111174  
in a loose-leaf book entitled, "special judgments for the 111175  
financial institution tax" and shall have the same effect as other 111176  
judgments. Execution shall issue upon the judgment at the request 111177  
of the tax commissioner, and all laws applicable to sales on 111178  
execution shall apply to sales made under the judgment. 111179

(3) ~~The portion of~~ If the assessment is not paid in its 111180  
entirety within sixty days after the day the assessment was 111181  
issued, the portion of the assessment consisting of tax due shall 111182  
bear interest at the rate per annum prescribed by section 5703.47 111183  
of the Revised Code from the date the tax commissioner issues the 111184  
assessment until the date the assessment is paid or until it is 111185  
certified to the attorney general for collection under section 111186  
131.02 of the Revised Code, whichever comes first. If the unpaid 111187

portion of the assessment is certified to the attorney general for 111188  
collection, the entire unpaid portion of the assessment shall bear 111189  
interest at the rate per annum prescribed by section 5703.47 of 111190  
the Revised Code from the date of certification until the date it 111191  
is paid in its entirety. Interest shall be paid in the same manner 111192  
as the tax and may be collected by the issuance of an assessment 111193  
under this section. 111194

(E) If the tax commissioner believes that collection of the 111195  
tax imposed by this chapter will be jeopardized unless proceedings 111196  
to collect or secure collection of the tax are instituted without 111197  
delay, the commissioner may issue a jeopardy assessment against 111198  
the person liable for the tax. Immediately upon the issuance of 111199  
the jeopardy assessment, the commissioner shall file an entry with 111200  
the clerk of the court of common pleas in the manner prescribed by 111201  
division (D) of this section. Notice of the jeopardy assessment 111202  
shall be served on the person assessed or the person's authorized 111203  
agent in the manner provided in section 5703.37 of the Revised 111204  
Code within five days of the filing of the entry with the clerk. 111205  
The total amount assessed shall be immediately due and payable, 111206  
unless the person assessed files a petition for reassessment in 111207  
accordance with division (C) of this section and provides security 111208  
in a form satisfactory to the commissioner and in an amount 111209  
sufficient to satisfy the unpaid balance of the assessment. Full 111210  
or partial payment of the assessment shall not prejudice the 111211  
commissioner's consideration of the petition for reassessment. 111212

(F) The tax commissioner shall immediately forward to the 111213  
treasurer of state all amounts the commissioner receives under 111214  
this section. Such amounts shall be considered as revenue arising 111215  
from the tax imposed by this chapter. 111216

(G) If the tax commissioner possesses information indicating 111217  
that the amount of tax a taxpayer is required to pay under this 111218  
chapter exceeds the amount the reporting person for the taxpayer 111219

paid, the tax commissioner may audit a sample of the taxpayer's 111220  
gross receipts over a representative period of time to ascertain 111221  
the amount of tax due, and may issue an assessment based on the 111222  
audit. The tax commissioner shall make a good faith effort to 111223  
reach agreement with the taxpayer in selecting a representative 111224  
sample. The tax commissioner may apply a sampling method only if 111225  
the commissioner has prescribed the method by rule. 111226

(H) If the whereabouts of a person subject to this chapter is 111227  
not known to the tax commissioner, the secretary of state is 111228  
hereby deemed to be that person's agent for purposes of service of 111229  
process or notice of any assessment, action, or proceedings 111230  
instituted in this state against the person under this chapter. 111231  
Such process or notice shall be served on such person by the 111232  
commissioner or by an agent of the commissioner by leaving a true 111233  
and attested copy of the process or notice at the office of the 111234  
secretary of state at least fifteen days before the return day of 111235  
such process or notice, and by sending a copy of the process or 111236  
notice to such person by ordinary mail, with an endorsement 111237  
thereon of the service upon the secretary of state, addressed to 111238  
such person at the person's last known address. 111239

**Sec. 5726.52.** (A) As used in this section, "certificate 111240  
owner" has the same meaning as in section 149.311 of the Revised 111241  
Code. 111242

(B) A taxpayer may claim a refundable credit against the tax 111243  
imposed by this chapter for each person included in the annual 111244  
report of a taxpayer that is a certificate owner of a 111245  
rehabilitation tax credit certificate issued under section 149.311 111246  
of the Revised Code. The credit shall equal twenty-five per cent 111247  
of the dollar amount indicated on each certificate, but shall not 111248  
exceed ~~five~~ ten million dollars for each certificate. 111249

The credit shall be claimed for the calendar year specified 111250



in the certificate and in the order required under section 5726.98 111251  
of the Revised Code. If the credit exceeds the amount of tax 111252  
otherwise due in that year, the excess shall be refunded to the 111253  
taxpayer, provided that, if any amount of the credit is refunded, 111254  
the sum of the amount refunded and the amount applied to reduce 111255  
the tax otherwise due in that year shall not exceed three million 111256  
dollars. The taxpayer may carry forward any balance of the credit 111257  
in excess of the amount claimed in that year for not more than 111258  
five ensuing years, and shall deduct any amount claimed in any 111259  
such year from the amount claimed in an ensuing year. A taxpayer 111260  
may claim against the tax imposed by this chapter any unused 111261  
portion of the credit authorized under section 5725.151 of the 111262  
Revised Code, but only to the extent of the five-year carry 111263  
forward period authorized by that section. 111264

(C) A taxpayer claiming a credit under this section shall 111265  
retain the rehabilitation tax credit certificate for four years 111266  
following the end of the year to which the credit was applied, and 111267  
shall make the certificate available for inspection by the tax 111268  
commissioner upon the request of the commissioner during that 111269  
period. 111270

**Sec. 5727.26.** (A) The tax commissioner may make an 111271  
assessment, based on any information in the commissioner's 111272  
possession, against any natural gas company or combined company 111273  
that fails to file a return or pay any tax, interest, or 111274  
additional charge as required by sections 5727.24 to 5727.29 of 111275  
the Revised Code. The commissioner shall give the company assessed 111276  
written notice of the assessment as provided in section 5703.37 of 111277  
the Revised Code. With the notice, the commissioner shall provide 111278  
instructions on how to petition for reassessment and request a 111279  
hearing on the petition. A penalty of up to fifteen per cent may 111280  
be added to all amounts assessed under this section. The tax 111281  
commissioner may adopt rules providing for the imposition and 111282

remission of the penalty. 111283

(B) Unless the company assessed, within sixty days after 111284  
service of the notice of assessment, files with the tax 111285  
commissioner, either personally or by certified mail, a written 111286  
petition signed by the company's authorized agent having knowledge 111287  
of the facts, the assessment becomes final, and the amount of the 111288  
assessment is due and payable from the company assessed to the 111289  
treasurer of state. The petition shall indicate the objections of 111290  
the company assessed, but additional objections may be raised in 111291  
writing if received by the commissioner prior to the date shown on 111292  
the final determination. 111293

If a petition for reassessment has been properly filed, the 111294  
commissioner shall proceed under section 5703.60 of the Revised 111295  
Code. 111296

(C) After an assessment becomes final, if any portion of the 111297  
assessment, including accrued interest, remains unpaid, a 111298  
certified copy of the tax commissioner's entry making the 111299  
assessment final may be filed in the office of the clerk of the 111300  
court of common pleas in the county in which the natural gas 111301  
company's or combined company's principal place of business is 111302  
located, or in the office of the clerk of court of common pleas of 111303  
Franklin county. 111304

Immediately on the filing of the entry, the clerk shall enter 111305  
judgment for the state against the company assessed in the amount 111306  
shown on the entry. The judgment may be filed by the clerk in a 111307  
loose-leaf book entitled, "special judgments for the public 111308  
utility excise tax on natural gas and combined companies," and 111309  
shall have the same effect as other judgments. Execution shall 111310  
issue upon the judgment at the request of the tax commissioner, 111311  
and all laws applicable to sales on execution shall apply to sales 111312  
made under the judgment. 111313

~~The portion of~~ If the assessment is not paid in its entirety 111314  
within sixty days after the day the assessment was issued, the 111315  
portion of the assessment consisting of tax due shall bear 111316  
interest at the rate per annum prescribed by section 5703.47 of 111317  
the Revised Code from the day the tax commissioner issues the 111318  
assessment until it is paid or until it is certified to the 111319  
attorney general for collection under section 131.02 of the 111320  
Revised Code, whichever comes first. If the unpaid portion of the 111321  
assessment is certified to the attorney general for collection, 111322  
the entire unpaid portion of the assessment shall bear interest at 111323  
the rate per annum prescribed by section 5703.47 of the Revised 111324  
Code from the date of certification until the date it is paid in 111325  
its entirety. Interest shall be paid in the same manner as the tax 111326  
and may be collected by the issuance of an assessment under this 111327  
section. 111328

(D) If the tax commissioner believes that collection of the 111329  
tax will be jeopardized unless proceedings to collect or secure 111330  
collection of the tax are instituted without delay, the 111331  
commissioner may issue a jeopardy assessment against the company 111332  
liable for the tax. Immediately upon the issuance of the jeopardy 111333  
assessment, the commissioner shall file an entry with the clerk of 111334  
the court of common pleas in the manner prescribed by division (C) 111335  
of this section. Notice of the jeopardy assessment shall be served 111336  
on the company assessed or the company's authorized agent in the 111337  
manner provided in section 5703.37 of the Revised Code within five 111338  
days of the filing of the entry with the clerk. The total amount 111339  
assessed is immediately due and payable, unless the company 111340  
assessed files a petition for reassessment in accordance with 111341  
division (B) of this section and provides security in a form 111342  
satisfactory to the commissioner and in an amount sufficient to 111343  
satisfy the unpaid balance of the assessment. Full or partial 111344  
payment of the assessment does not prejudice the commissioner's 111345  
consideration of the petition for reassessment. 111346

(E) The tax commissioner shall immediately forward to the treasurer of state all amounts that the tax commissioner receives under this section, and such amounts shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code.

(F) No assessment shall be made or issued against a natural gas company or combined company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later.

**Sec. 5727.75.** (A) For purposes of this section:

(1) "Qualified energy project" means an energy project certified by the director of development services pursuant to this section.

(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility.

(3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section.

(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand eighty hours.

(5) "Solar energy project" means an energy project composed of an energy facility using solar panels to generate electricity.

(B)(1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation

for tax years 2011, ~~2012, 2013, and 2014~~ through 2019 if all of 111377  
the following conditions are satisfied: 111378

(a) On or before December 31, ~~2013~~ 2018, the owner or a 111379  
lessee pursuant to a sale and leaseback transaction of the project 111380  
submits an application to the power siting board for a certificate 111381  
under section 4906.20 of the Revised Code, or if that section does 111382  
not apply, submits an application for any approval, consent, 111383  
permit, or certificate or satisfies any condition required by a 111384  
public agency or political subdivision of this state for the 111385  
construction or initial operation of an energy project. 111386

(b) Construction or installation of the energy facility 111387  
begins on or after January 1, 2009, and before January 1, ~~2014~~ 111388  
2019. For the purposes of this division, construction begins on 111389  
the earlier of the date of application for a certificate or other 111390  
approval or permit described in division (B)(1)(a) of this 111391  
section, or the date the contract for the construction or 111392  
installation of the energy facility is entered into. 111393

(c) For a qualified energy project with a nameplate capacity 111394  
of five megawatts or greater, a board of county commissioners of a 111395  
county in which property of the project is located has adopted a 111396  
resolution under division (E)(1)(b) or (c) of this section to 111397  
approve the application submitted under division (E) of this 111398  
section to exempt the property located in that county from 111399  
taxation. A board's adoption of a resolution rejecting an 111400  
application or its failure to adopt a resolution approving the 111401  
application does not affect the tax-exempt status of the qualified 111402  
energy project's property that is located in another county. 111403

(2) If tangible personal property of a qualified energy 111404  
project using renewable energy resources was exempt from taxation 111405  
under this section beginning in any of tax years 2011, 2012, 2013, 111406  
~~or~~ 2014, 2015, 2016, 2017, 2018, or 2019, and the certification 111407  
under division (E)(2) of this section has not been revoked, the 111408

tangible personal property of the qualified energy project is 111409  
exempt from taxation for tax year ~~2015~~ 2020 and all ensuing tax 111410  
years if the property was placed into service before January 1, 111411  
~~2015~~ 2020, as certified in the construction progress report 111412  
required under division (F)(2) of this section. Tangible personal 111413  
property that has not been placed into service before that date is 111414  
taxable property subject to taxation. An energy project for which 111415  
certification has been revoked is ineligible for further exemption 111416  
under this section. Revocation does not affect the tax-exempt 111417  
status of the project's tangible personal property for the tax 111418  
year in which revocation occurs or any prior tax year. 111419

(C) Tangible personal property of a qualified energy project 111420  
using clean coal technology, advanced nuclear technology, or 111421  
cogeneration technology is exempt from taxation for the first tax 111422  
year that the property would be listed for taxation and all 111423  
subsequent years if all of the following circumstances are met: 111424

(1) The property was placed into service before January 1, 111425  
~~2019~~ 2024. Tangible personal property that has not been placed 111426  
into service before that date is taxable property subject to 111427  
taxation. 111428

(2) For such a qualified energy project with a nameplate 111429  
capacity of five megawatts or greater, a board of county 111430  
commissioners of a county in which property of the qualified 111431  
energy project is located has adopted a resolution under division 111432  
(E)(1)(b) or (c) of this section to approve the application 111433  
submitted under division (E) of this section to exempt the 111434  
property located in that county from taxation. A board's adoption 111435  
of a resolution rejecting the application or its failure to adopt 111436  
a resolution approving the application does not affect the 111437  
tax-exempt status of the qualified energy project's property that 111438  
is located in another county. 111439

(3) The certification for the qualified energy project issued 111440

under division (E)(2) of this section has not been revoked. An 111441  
energy project for which certification has been revoked is 111442  
ineligible for exemption under this section. Revocation does not 111443  
affect the tax-exempt status of the project's tangible personal 111444  
property for the tax year in which revocation occurs or any prior 111445  
tax year. 111446

(D) Except as otherwise provided in this section, real 111447  
property of a qualified energy project is exempt from taxation for 111448  
any tax year for which the tangible personal property of the 111449  
qualified energy project is exempted under this section. 111450

(E)(1)(a) A person may apply to the director of development 111451  
services for certification of an energy project as a qualified 111452  
energy project on or before the following dates: 111453

(i) December 31, ~~2013~~ 2018, for an energy project using 111454  
renewable energy resources; 111455

(ii) December 31, ~~2015~~ 2020, for an energy project using 111456  
clean coal technology, advanced nuclear technology, or 111457  
cogeneration technology. 111458

(b) The director shall forward a copy of each application for 111459  
certification of an energy project with a nameplate capacity of 111460  
five megawatts or greater to the board of county commissioners of 111461  
each county in which the project is located and to each taxing 111462  
unit with territory located in each of the affected counties. Any 111463  
board that receives from the director a copy of an application 111464  
submitted under this division shall adopt a resolution approving 111465  
or rejecting the application unless it has adopted a resolution 111466  
under division (E)(1)(c) of this section. A resolution adopted 111467  
under division (E)(1)(b) or (c) of this section may require an 111468  
annual service payment to be made in addition to the service 111469  
payment required under division (G) of this section. The sum of 111470  
the service payment required in the resolution and the service 111471

payment required under division (G) of this section shall not 111472  
exceed nine thousand dollars per megawatt of nameplate capacity 111473  
located in the county. The resolution shall specify the time and 111474  
manner in which the payments required by the resolution shall be 111475  
paid to the county treasurer. The county treasurer shall deposit 111476  
the payment to the credit of the county's general fund to be used 111477  
for any purpose for which money credited to that fund may be used. 111478

The board shall send copies of the resolution by certified 111479  
mail to the owner of the facility and the director within thirty 111480  
days after receipt of the application, or a longer period of time 111481  
if authorized by the director. 111482

(c) A board of county commissioners may adopt a resolution 111483  
declaring the county to be an alternative energy zone and 111484  
declaring all applications submitted to the director of 111485  
development services under this division after the adoption of the 111486  
resolution, and prior to its repeal, to be approved by the board. 111487

All tangible personal property and real property of an energy 111488  
project with a nameplate capacity of five megawatts or greater is 111489  
taxable if it is located in a county in which the board of county 111490  
commissioners adopted a resolution rejecting the application 111491  
submitted under this division or failed to adopt a resolution 111492  
approving the application under division (E)(1)(b) or (c) of this 111493  
section. 111494

(2) The director shall certify an energy project if all of 111495  
the following circumstances exist: 111496

(a) The application was timely submitted. 111497

(b) For an energy project with a nameplate capacity of five 111498  
megawatts or greater, a board of county commissioners of at least 111499  
one county in which the project is located has adopted a 111500  
resolution approving the application under division (E)(1)(b) or 111501  
(c) of this section. 111502



(c) No portion of the project's facility was used to supply electricity before December 31, 2009.

(3) The director shall deny a certification application if the director determines the person has failed to comply with any requirement under this section. The director may revoke a certification if the director determines the person, or subsequent owner or lessee pursuant to a sale and leaseback transaction of the qualified energy project, has failed to comply with any requirement under this section. Upon certification or revocation, the director shall notify the person, owner, or lessee, the tax commissioner, and the county auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director.

(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following:

(1) Comply with all applicable regulations;

(2) File with the director of development services a certified construction progress report before the first day of March of each year during the energy facility's construction or installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed by the director of development services, the owner or lessee of an energy project shall file a report with the director on or before the first day of March each year after completion of the energy facility's construction or installation indicating the project's nameplate capacity as of the preceding thirty-first day of December. Not later than sixty days after June 17, 2010, the owner or lessee of an energy project, the construction of which was completed before June 17, 2010, shall file a certificate indicating the project's nameplate capacity.

(3) File with the director of development services, in a 111535  
manner prescribed by the director, a report of the total number of 111536  
full-time equivalent employees, and the total number of full-time 111537  
equivalent employees domiciled in Ohio, who are employed in the 111538  
construction or installation of the energy facility; 111539

(4) For energy projects with a nameplate capacity of five 111540  
megawatts or greater, repair all roads, bridges, and culverts 111541  
affected by construction as reasonably required to restore them to 111542  
their preconstruction condition, as determined by the county 111543  
engineer in consultation with the local jurisdiction responsible 111544  
for the roads, bridges, and culverts. In the event that the county 111545  
engineer deems any road, bridge, or culvert to be inadequate to 111546  
support the construction or decommissioning of the energy 111547  
facility, the road, bridge, or culvert shall be rebuilt or 111548  
reinforced to the specifications established by the county 111549  
engineer prior to the construction or decommissioning of the 111550  
facility. The owner or lessee of the facility shall post a bond in 111551  
an amount established by the county engineer and to be held by the 111552  
board of county commissioners to ensure funding for repairs of 111553  
roads, bridges, and culverts affected during the construction. The 111554  
bond shall be released by the board not later than one year after 111555  
the date the repairs are completed. The energy facility owner or 111556  
lessee pursuant to a sale and leaseback transaction shall post a 111557  
bond, as may be required by the Ohio power siting board in the 111558  
certificate authorizing commencement of construction issued 111559  
pursuant to section 4906.10 of the Revised Code, to ensure funding 111560  
for repairs to roads, bridges, and culverts resulting from 111561  
decommissioning of the facility. The energy facility owner or 111562  
lessee and the county engineer may enter into an agreement 111563  
regarding specific transportation plans, reinforcements, 111564  
modifications, use and repair of roads, financial security to be 111565  
provided, and any other relevant issue. 111566

(5) Provide or facilitate training for fire and emergency responders for response to emergency situations related to the energy project and, for energy projects with a nameplate capacity of five megawatts or greater, at the person's expense, equip the fire and emergency responders with proper equipment as reasonably required to enable them to respond to such emergency situations;

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. In the case of an energy project for which certification from the power siting board is required under section 4906.20 of the Revised Code, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed in the certificate application, if such projection is required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development services, whichever is greater. To estimate the number of employees to be employed in the construction or installation of an energy project, the director shall use a generally accepted job-estimating model in use for renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust an estimate produced by a model to account for variables not accounted for by the model.

(7) For energy projects with a nameplate capacity in excess

of two megawatts, establish a relationship with a member of the 111599  
university system of Ohio as defined in section 3345.011 of the 111600  
Revised Code or with a person offering an apprenticeship program 111601  
registered with the employment and training administration within 111602  
the United States department of labor or with the apprenticeship 111603  
council created by section 4139.02 of the Revised Code, to educate 111604  
and train individuals for careers in the wind or solar energy 111605  
industry. The relationship may include endowments, cooperative 111606  
programs, internships, apprenticeships, research and development 111607  
projects, and curriculum development. 111608

(8) Offer to sell power or renewable energy credits from the 111609  
energy project to electric distribution utilities or electric 111610  
service companies subject to renewable energy resource 111611  
requirements under section 4928.64 of the Revised Code that have 111612  
issued requests for proposal for such power or renewable energy 111613  
credits. If no electric distribution utility or electric service 111614  
company issues a request for proposal on or before December 31, 111615  
2010, or accepts an offer for power or renewable energy credits 111616  
within forty-five days after the offer is submitted, power or 111617  
renewable energy credits from the energy project may be sold to 111618  
other persons. Division (F)(8) of this section does not apply if: 111619

(a) The owner or lessee is a rural electric company or a 111620  
municipal power agency as defined in section 3734.058 of the 111621  
Revised Code. 111622

(b) The owner or lessee is a person that, before completion 111623  
of the energy project, contracted for the sale of power or 111624  
renewable energy credits with a rural electric company or a 111625  
municipal power agency. 111626

(c) The owner or lessee contracts for the sale of power or 111627  
renewable energy credits from the energy project before June 17, 111628  
2010. 111629

(9) Make annual service payments as required by division (G) 111630  
of this section and as may be required in a resolution adopted by 111631  
a board of county commissioners under division (E) of this 111632  
section. 111633

(G) The owner or a lessee pursuant to a sale and leaseback 111634  
transaction of a qualified energy project shall make annual 111635  
service payments in lieu of taxes to the county treasurer on or 111636  
before the final dates for payments of taxes on public utility 111637  
personal property on the real and public utility personal property 111638  
tax list for each tax year for which property of the energy 111639  
project is exempt from taxation under this section. The county 111640  
treasurer shall allocate the payment on the basis of the project's 111641  
physical location. Upon receipt of a payment, or if timely payment 111642  
has not been received, the county treasurer shall certify such 111643  
receipt or non-receipt to the director of development services and 111644  
tax commissioner in a form determined by the director and 111645  
commissioner, respectively. Each payment shall be in the following 111646  
amount: 111647

(1) In the case of a solar energy project, seven thousand 111648  
dollars per megawatt of nameplate capacity located in the county 111649  
as of December 31, 2010, for tax year 2011, as of December 31, 111650  
2011, for tax year 2012, as of December 31, 2012, for tax year 111651  
2013, as of December 31, 2013, for tax year 2014, ~~and~~ as of 111652  
December 31, 2014, for tax year 2015, as of December 31, 2015, for 111653  
tax year 2016, as of December 31, 2016, for tax year 2017, as of 111654  
December 31, 2017, for tax year 2018, as of December 31, 2018, for 111655  
tax year 2019, and as of December 31, 2019, for tax year 2020 and 111656  
each tax year thereafter; 111657

(2) In the case of any other energy project using renewable 111658  
energy resources, the following: 111659

(a) If the project maintains during the construction or 111660  
installation of the energy facility a ratio of Ohio-domiciled 111661

full-time equivalent employees to total full-time equivalent 111662  
employees of not less than seventy-five per cent, six thousand 111663  
dollars per megawatt of nameplate capacity located in the county 111664  
as of the thirty-first day of December of the preceding tax year; 111665

(b) If the project maintains during the construction or 111666  
installation of the energy facility a ratio of Ohio-domiciled 111667  
full-time equivalent employees to total full-time equivalent 111668  
employees of less than seventy-five per cent but not less than 111669  
sixty per cent, seven thousand dollars per megawatt of nameplate 111670  
capacity located in the county as of the thirty-first day of 111671  
December of the preceding tax year; 111672

(c) If the project maintains during the construction or 111673  
installation of the energy facility a ratio of Ohio-domiciled 111674  
full-time equivalent employees to total full-time equivalent 111675  
employees of less than sixty per cent but not less than fifty per 111676  
cent, eight thousand dollars per megawatt of nameplate capacity 111677  
located in the county as of the thirty-first day of December of 111678  
the preceding tax year. 111679

(3) In the case of an energy project using clean coal 111680  
technology, advanced nuclear technology, or cogeneration 111681  
technology, the following: 111682

(a) If the project maintains during the construction or 111683  
installation of the energy facility a ratio of Ohio-domiciled 111684  
full-time equivalent employees to total full-time equivalent 111685  
employees of not less than seventy-five per cent, six thousand 111686  
dollars per megawatt of nameplate capacity located in the county 111687  
as of the thirty-first day of December of the preceding tax year; 111688

(b) If the project maintains during the construction or 111689  
installation of the energy facility a ratio of Ohio-domiciled 111690  
full-time equivalent employees to total full-time equivalent 111691  
employees of less than seventy-five per cent but not less than 111692

sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(H) The director of development services in consultation with the tax commissioner shall adopt rules pursuant to Chapter 119. of the Revised Code to implement and enforce this section.

**Sec. 5727.84.** (A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code:

(1) "School district" means a city, local, or exempted village school district.

(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(4) "State education aid," for a school district, means the

following: 111723

(a) For fiscal years prior to fiscal year 2010, the sum of 111724  
state aid amounts computed for the district under former sections 111725  
3317.029, 3317.052, and 3317.053 of the Revised Code and the 111726  
following provisions, as they existed for the applicable fiscal 111727  
year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 111728  
3317.022; divisions (B), (C), and (D) of section 3317.023; 111729  
divisions (G), (L), and (N) of section 3317.024; and sections 111730  
~~3317.029~~, 3317.0216, 3317.0217, 3317.04, and 3317.05, ~~3317.052,~~ 111731  
~~and 3317.053~~ of the Revised Code; and the adjustments required by: 111732  
division (C) of section 3310.08; division (C)(2) of section 111733  
3310.41; division (C) of section 3314.08; division (D)(2) of 111734  
section 3314.091; division (D) of former section 3314.13; 111735  
divisions (E), (K), (L), (M), and (N) of section 3317.023; 111736  
division (C) of section 3317.20; and sections 3313.979 and 111737  
3313.981 of the Revised Code. However, when calculating state 111738  
education aid for a school district for fiscal years 2008 and 111739  
2009, include the amount computed for the district under Section 111740  
269.20.80 of H.B. 119 of the 127th general assembly, as 111741  
subsequently amended, instead of division (D) of section 3317.022 111742  
of the Revised Code; and include amounts calculated under Section 111743  
269.30.80 of H.B. 119 of the 127th general assembly, as 111744  
subsequently amended. 111745

(b) For fiscal years 2010 and 2011, the sum of the amounts 111746  
computed for the district under former sections 3306.052, 3306.12, 111747  
3306.13, 3306.19, 3306.191, ~~and~~ 3306.192, 3317.052, and 3317.053 111748  
of the Revised Code and the following provisions, as they existed 111749  
for the applicable fiscal year: division (G) of section 3317.024; 111750  
~~sections~~ section 3317.05, ~~3317.052, and 3317.053~~ of the Revised 111751  
Code; and the adjustments required by division (C) of section 111752  
3310.08; division (C)(2) of section 3310.41; division (C) of 111753  
section 3314.08; division (D)(2) of section 3314.091; division (D) 111754



of former section 3314.13; divisions (E), (K), (L), (M), and (N) 111755  
of section 3317.023; division (C) of section 3317.20; and sections 111756  
3313.979, 3313.981, and 3326.33 of the Revised Code. 111757

(c) For fiscal years 2012 and 2013, the amount paid in 111758  
accordance with the section of H.B. 153 of the 129th general 111759  
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 111760  
SCHOOL DISTRICTS" and the adjustments required by division (C) of 111761  
section 3310.08; division (C)(2) of section 3310.41; section 111762  
3310.55; division (C) of section 3314.08; division (D)(2) of 111763  
section 3314.091; division (D) of former section 3314.13; 111764  
divisions (B), (H), (I), (J), and (K) of section 3317.023; 111765  
division (C) of section 3317.20; and sections 3313.979 and 111766  
3313.981 of the Revised Code; 111767

(d) For fiscal year 2014 and each fiscal year thereafter, the 111768  
sum of amounts computed for and paid to the district under section 111769  
3317.022 of the Revised Code; and the adjustments required by 111770  
division (C) of section 3310.08, division (C)(2) of section 111771  
3310.41, section 3310.55, division (C) of section 3314.08, 111772  
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 111773  
(K) of section 3317.023, and sections 3313.978, 3313.981, 111774  
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 111775  
However, for fiscal years 2014 and 2015, the amount computed for 111776  
the district under the section of this act entitled "TRANSITIONAL 111777  
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 111778  
shall be included. 111779

(5) "State education aid," for a joint vocational school 111780  
district, means the following: 111781

(a) For fiscal years prior to fiscal year 2010, the sum of 111782  
the state aid amounts computed for the district under division (N) 111783  
of section 3317.024 and section 3317.16 of the Revised Code. 111784  
However, when calculating state education aid for a joint 111785  
vocational school district for fiscal years 2008 and 2009, include 111786

the amount computed for the district under Section 269.30.90 of H.B. 119 of the 127th general assembly, as subsequently amended. 111787  
111788

(b) For fiscal years 2010 and 2011, the amount computed for the district in accordance with the section of H.B. 1 of the 128th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS#." 111789  
111790  
111791  
111792

(c) For fiscal years 2012 and 2013, the amount paid in accordance with the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 111793  
111794  
111795

(d) For fiscal year 2014 and each fiscal year thereafter, the amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included. 111796  
111797  
111798  
111799  
111800  
111801

(6) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code. 111802  
111803  
111804

(7) "Recognized valuation" ~~has the same meaning as in~~ means the amount computed for a school district pursuant to section 3317.02 3317.015 of the Revised Code. 111805  
111806  
111807

(8) "Electric company tax value loss" means the amount determined under division (D) of this section. 111808  
111809

(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section. 111810  
111811

(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss. 111812  
111813

(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy. 111814  
111815

(12) "Fixed-rate levy loss" means the amount determined under 111816

division (G) of this section. 111817

(13) "Fixed-sum levy" means a tax levied on property at 111818  
whatever rate is required to produce a specified amount of tax 111819  
money or levied in excess of the ten-mill limitation to pay debt 111820  
charges, and includes school district emergency levies charged and 111821  
payable pursuant to section 5705.194 of the Revised Code. 111822

(14) "Fixed-sum levy loss" means the amount determined under 111823  
division (H) of this section. 111824

(15) "Consumer price index" means the consumer price index 111825  
(all items, all urban consumers) prepared by the bureau of labor 111826  
statistics of the United States department of labor. 111827

(16) "Total resources" and "total library resources" have the 111828  
same meanings as in section 5751.20 of the Revised Code. 111829

(17) "2011 current expense S.B. 3 allocation" means the sum 111830  
of payments received by a school district or joint vocational 111831  
school district in fiscal year 2011 for current expense levy 111832  
losses pursuant to division (C)(2) of section 5727.85 of the 111833  
Revised Code. If a fixed-rate levy eligible for reimbursement is 111834  
not charged and payable in any year after tax year 2010, "2011 111835  
current expense S.B. 3 allocation" used to compute payments to be 111836  
made under division (C)(3) of section 5727.85 of the Revised Code 111837  
in the tax years following the last year the levy is charged and 111838  
payable shall be reduced to the extent that those payments are 111839  
attributable to the fixed-rate levy loss of that levy. 111840

(18) "2010 current expense S.B. 3 allocation" means the sum 111841  
of payments received by a municipal corporation in calendar year 111842  
2010 for current expense levy losses pursuant to division (A)(1) 111843  
of section 5727.86 of the Revised Code, excluding any such 111844  
payments received for current expense levy losses attributable to 111845  
a tax levied under section 5705.23 of the Revised Code. If a 111846  
fixed-rate levy eligible for reimbursement is not charged and 111847

payable in any year after tax year 2010, "2010 current expense 111848  
S.B. 3 allocation" used to compute payments to be made under 111849  
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 111850  
in the tax years following the last year the levy is charged and 111851  
payable shall be reduced to the extent that those payments are 111852  
attributable to the fixed-rate levy loss of that levy. 111853

(19) "2010 S.B. 3 allocation" means the sum of payments 111854  
received by a local taxing unit during calendar year 2010 pursuant 111855  
to division (A)(1) of section 5727.86 of the Revised Code, 111856  
excluding any such payments received for fixed-rate levy losses 111857  
attributable to a tax levied under section 5705.23 of the Revised 111858  
Code. If a fixed-rate levy eligible for reimbursement is not 111859  
charged and payable in any year after tax year 2010, "2010 S.B. 3 111860  
allocation" used to compute payments to be made under division 111861  
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 111862  
years following the last year the levy is charged and payable 111863  
shall be reduced to the extent that those payments are 111864  
attributable to the fixed-rate levy loss of that levy. 111865

(20) "Total S.B. 3 allocation" means, in the case of a school 111866  
district or joint vocational school district, the sum of the 111867  
payments received in fiscal year 2011 pursuant to divisions (C)(2) 111868  
and (D) of section 5727.85 of the Revised Code. In the case of a 111869  
local taxing unit, "total S.B. 3 allocation" means the sum of 111870  
payments received by the unit in calendar year 2010 pursuant to 111871  
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 111872  
excluding any such payments received for fixed-rate levy losses 111873  
attributable to a tax levied under section 5705.23 of the Revised 111874  
Code. If a fixed-rate levy eligible for reimbursement is not 111875  
charged and payable in any year after tax year 2010, "total S.B. 3 111876  
allocation" used to compute payments to be made under division 111877  
(C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 111878  
5727.86 of the Revised Code in the tax years following the last 111879

year the levy is charged and payable shall be reduced to the 111880  
extent that those payments are attributable to the fixed-rate levy 111881  
loss of that levy as would be computed under division (C)(2) of 111882  
section 5727.85 or division (A)(1)(b) of section 5727.86 of the 111883  
Revised Code. 111884

(21) "2011 non-current expense S.B. 3 allocation" means the 111885  
difference of a school district's or joint vocational school 111886  
district's total S.B. 3 allocation minus the sum of the school 111887  
district's 2011 current expense S.B. 3 allocation and the portion 111888  
of the school district's total S.B. 3 allocation constituting 111889  
reimbursement for debt levies pursuant to division (D) of section 111890  
5727.85 of the Revised Code. 111891

(22) "2010 non-current expense S.B. 3 allocation" means the 111892  
difference of a municipal corporation's total S.B. 3 allocation 111893  
minus the sum of its 2010 current expense S.B. 3 allocation and 111894  
the portion of its total S.B. 3 allocation constituting 111895  
reimbursement for debt levies pursuant to division (A)(4) of 111896  
section 5727.86 of the Revised Code. 111897

(23) "S.B. 3 allocation for library purposes" means, in the 111898  
case of a county, municipal corporation, school district, or 111899  
township public library that receives the proceeds of a tax levied 111900  
under section 5705.23 of the Revised Code, the sum of the payments 111901  
received by the public library in calendar year 2010 pursuant to 111902  
section 5727.86 of the Revised Code for fixed-rate levy losses 111903  
attributable to a tax levied under section 5705.23 of the Revised 111904  
Code. If a fixed-rate levy authorized under section 5705.23 of the 111905  
Revised Code that is eligible for reimbursement is not charged and 111906  
payable in any year after tax year 2010, "S.B. 3 allocation for 111907  
library purposes" used to compute payments to be made under 111908  
division (A)(1)(f) of section 5727.86 of the Revised Code in the 111909  
tax years following the last year the levy is charged and payable 111910  
shall be reduced to the extent that those payments are 111911

attributable to the fixed-rate levy loss of that levy as would be 111912  
 computed under division (A)(1)(b) of section 5727.86 of the 111913  
 Revised Code. 111914

(24) "Threshold per cent" means, in the case of a school 111915  
 district or joint vocational school district, two per cent for 111916  
 fiscal year 2012 and four per cent for fiscal years 2013 and 111917  
 thereafter. In the case of a local taxing unit or public library 111918  
 that receives the proceeds of a tax levied under section 5705.23 111919  
 of the Revised Code, "threshold per cent" means two per cent for 111920  
 calendar year 2011, four per cent for calendar year 2012, and six 111921  
 per cent for calendar years 2013 and thereafter. 111922

(B) The kilowatt-hour tax receipts fund is hereby created in 111923  
 the state treasury and shall consist of money arising from the tax 111924  
 imposed by section 5727.81 of the Revised Code. All money in the 111925  
 kilowatt-hour tax receipts fund shall be credited as follows: 111926

| Fiscal Year            | General Revenue<br>Fund | School District<br>Property Tax<br>Replacement Fund | Local Government<br>Property Tax<br>Replacement Fund |        |
|------------------------|-------------------------|-----------------------------------------------------|------------------------------------------------------|--------|
| 2001-2011              | 63.0%                   | 25.4%                                               | 11.6%                                                | 111928 |
| 2012 and<br>thereafter | 88.0%                   | 9.0%                                                | 3.0%                                                 | 111929 |

(C) The natural gas tax receipts fund is hereby created in 111930  
 the state treasury and shall consist of money arising from the tax 111931  
 imposed by section 5727.811 of the Revised Code. All money in the 111932  
 fund shall be credited as follows: 111933

(1) For fiscal years before fiscal year 2012: 111934

(a) Sixty-eight and seven-tenths per cent shall be credited 111935  
 to the school district property tax replacement fund for the 111936  
 purpose of making the payments described in section 5727.85 of the 111937  
 Revised Code. 111938

(b) Thirty-one and three-tenths per cent shall be credited to 111939

the local government property tax replacement fund for the purpose 111940  
of making the payments described in section 5727.86 of the Revised 111941  
Code. 111942

(2) For fiscal years 2012 and thereafter, one hundred per 111943  
cent to the general revenue fund. 111944

(D) Not later than January 1, 2002, the tax commissioner 111945  
shall determine for each taxing district its electric company tax 111946  
value loss, which is the sum of the applicable amounts described 111947  
in divisions (D)(1) to (4) of this section: 111948

(1) The difference obtained by subtracting the amount 111949  
described in division (D)(1)(b) from the amount described in 111950  
division (D)(1)(a) of this section. 111951

(a) The value of electric company and rural electric company 111952  
tangible personal property as assessed by the tax commissioner for 111953  
tax year 1998 on a preliminary assessment, or an amended 111954  
preliminary assessment if issued prior to March 1, 1999, and as 111955  
apportioned to the taxing district for tax year 1998; 111956

(b) The value of electric company and rural electric company 111957  
tangible personal property as assessed by the tax commissioner for 111958  
tax year 1998 had the property been apportioned to the taxing 111959  
district for tax year 2001, and assessed at the rates in effect 111960  
for tax year 2001. 111961

(2) The difference obtained by subtracting the amount 111962  
described in division (D)(2)(b) from the amount described in 111963  
division (D)(2)(a) of this section. 111964

(a) The three-year average for tax years 1996, 1997, and 1998 111965  
of the assessed value from nuclear fuel materials and assemblies 111966  
assessed against a person under Chapter 5711. of the Revised Code 111967  
from the leasing of them to an electric company for those 111968  
respective tax years, as reflected in the preliminary assessments; 111969

(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

(3) In the case of a taxing district having a nuclear power plant within its territory, any amount, resulting in an electric company tax value loss, obtained by subtracting the amount described in division (D)(1) of this section from the difference obtained by subtracting the amount described in division (D)(3)(b) of this section from the amount described in division (D)(3)(a) of this section.

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2000 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned to the taxing district for tax year 2000;

(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2001 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2002, and as apportioned to the taxing district for tax year 2001.

(4) In the case of a taxing district having a nuclear power plant within its territory, the difference obtained by subtracting the amount described in division (D)(4)(b) of this section from the amount described in division (D)(4)(a) of this section, provided that such difference is greater than ten per cent of the amount described in division (D)(4)(a) of this section.

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2005 on a preliminary assessment, or an amended preliminary assessment if



issued prior to March 1, 2006, and as apportioned to the taxing 112001  
district for tax year 2005; 112002

(b) The value of electric company tangible personal property 112003  
as assessed by the tax commissioner for tax year 2006 on a 112004  
preliminary assessment, or an amended preliminary assessment if 112005  
issued prior to March 1, 2007, and as apportioned to the taxing 112006  
district for tax year 2006. 112007

(E) Not later than January 1, 2002, the tax commissioner 112008  
shall determine for each taxing district its natural gas company 112009  
tax value loss, which is the sum of the amounts described in 112010  
divisions (E)(1) and (2) of this section: 112011

(1) The difference obtained by subtracting the amount 112012  
described in division (E)(1)(b) from the amount described in 112013  
division (E)(1)(a) of this section. 112014

(a) The value of all natural gas company tangible personal 112015  
property, other than property described in division (E)(2) of this 112016  
section, as assessed by the tax commissioner for tax year 1999 on 112017  
a preliminary assessment, or an amended preliminary assessment if 112018  
issued prior to March 1, 2000, and apportioned to the taxing 112019  
district for tax year 1999; 112020

(b) The value of all natural gas company tangible personal 112021  
property, other than property described in division (E)(2) of this 112022  
section, as assessed by the tax commissioner for tax year 1999 had 112023  
the property been apportioned to the taxing district for tax year 112024  
2001, and assessed at the rates in effect for tax year 2001. 112025

(2) The difference in the value of current gas obtained by 112026  
subtracting the amount described in division (E)(2)(b) from the 112027  
amount described in division (E)(2)(a) of this section. 112028

(a) The three-year average assessed value of current gas as 112029  
assessed by the tax commissioner for tax years 1997, 1998, and 112030  
1999 on a preliminary assessment, or an amended preliminary 112031

assessment if issued prior to March 1, 2001, and as apportioned in 112032  
the taxing district for those respective years; 112033

(b) The three-year average assessed value from current gas 112034  
under division (E)(2)(a) of this section for tax years 1997, 1998, 112035  
and 1999, as reflected in the preliminary assessment, using an 112036  
assessment rate of twenty-five per cent. 112037

(F) The tax commissioner may request that natural gas 112038  
companies, electric companies, and rural electric companies file a 112039  
report to help determine the tax value loss under divisions (D) 112040  
and (E) of this section. The report shall be filed within thirty 112041  
days of the commissioner's request. A company that fails to file 112042  
the report or does not timely file the report is subject to the 112043  
penalty in section 5727.60 of the Revised Code. 112044

(G) Not later than January 1, 2002, the tax commissioner 112045  
shall determine for each school district, joint vocational school 112046  
district, and local taxing unit its fixed-rate levy loss, which is 112047  
the sum of its electric company tax value loss multiplied by the 112048  
tax rate in effect in tax year 1998 for fixed-rate levies and its 112049  
natural gas company tax value loss multiplied by the tax rate in 112050  
effect in tax year 1999 for fixed-rate levies. 112051

(H) Not later than January 1, 2002, the tax commissioner 112052  
shall determine for each school district, joint vocational school 112053  
district, and local taxing unit its fixed-sum levy loss, which is 112054  
the amount obtained by subtracting the amount described in 112055  
division (H)(2) of this section from the amount described in 112056  
division (H)(1) of this section: 112057

(1) The sum of the electric company tax value loss multiplied 112058  
by the tax rate in effect in tax year 1998, and the natural gas 112059  
company tax value loss multiplied by the tax rate in effect in tax 112060  
year 1999, for fixed-sum levies for all taxing districts within 112061  
each school district, joint vocational school district, and local 112062

taxing unit. For the years 2002 through 2006, this computation shall include school district emergency levies that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, and all other fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss and continue to be charged in the tax year preceding the distribution year. For the years 2007 through 2016 in the case of school district emergency levies, and for all years after 2006 in the case of all other fixed-sum levies, this computation shall exclude all fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss, but are no longer in effect in the tax year preceding the distribution year. For the purposes of this section, an emergency levy that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, continues to exist in a year beginning on or after January 1, 2007, but before January 1, 2017, if, in that year, the board of education levies a school district emergency levy for an annual sum at least equal to the annual sum levied by the board in tax year 1998 or 1999, respectively, less the amount of the payment certified under this division for 2002.

(2) The total taxable value in tax year 1999 less the tax value loss in each school district, joint vocational school district, and local taxing unit multiplied by one-fourth of one mill.

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (F) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86

of the Revised Code, and the one-fourth of one mill that is 112095  
subtracted under division (H)(2) of this section shall be 112096  
apportioned among all contributing fixed-sum levies in the 112097  
proportion of each levy to the sum of all fixed-sum levies within 112098  
each school district, joint vocational school district, or local 112099  
taxing unit. 112100

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 112101  
section, in computing the tax value loss, fixed-rate levy loss, 112102  
and fixed-sum levy loss, the tax commissioner shall use the 112103  
greater of the 1998 tax rate or the 1999 tax rate in the case of 112104  
levy losses associated with the electric company tax value loss, 112105  
but the 1999 tax rate shall not include for this purpose any tax 112106  
levy approved by the voters after June 30, 1999, and the tax 112107  
commissioner shall use the greater of the 1999 or the 2000 tax 112108  
rate in the case of levy losses associated with the natural gas 112109  
company tax value loss. 112110

(J) Not later than January 1, 2002, the tax commissioner 112111  
shall certify to the department of education the tax value loss 112112  
determined under divisions (D) and (E) of this section for each 112113  
taxing district, the fixed-rate levy loss calculated under 112114  
division (G) of this section, and the fixed-sum levy loss 112115  
calculated under division (H) of this section. The calculations 112116  
under divisions (G) and (H) of this section shall separately 112117  
display the levy loss for each levy eligible for reimbursement. 112118

(K) Not later than September 1, 2001, the tax commissioner 112119  
shall certify the amount of the fixed-sum levy loss to the county 112120  
auditor of each county in which a school district with a fixed-sum 112121  
levy loss has territory. 112122

**Sec. 5727.89.** (A) The tax commissioner may make an 112123  
assessment, based on any information in the commissioner's 112124  
possession, against any natural gas distribution company, electric 112125

distribution company, self-assessing purchaser, or qualified end user that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.80 to 5727.95 of the Revised Code.

When information in the possession of the tax commissioner indicates that a person liable for the tax imposed by section 5727.81 or 5727.811 of the Revised Code has not paid the full amount of tax due, the commissioner may audit a representative sample of the person's business and may issue an assessment based on the audit. The commissioner shall give the person assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

The tax commissioner may issue an assessment for which the tax imposed by section 5727.81 or 5727.811 of the Revised Code was due and unpaid on the date the person was informed by an agent of the tax commissioner of an investigation or audit of the person. Any payment of the tax for the period covered by the assessment, after the person is so informed, shall be credited against the assessment.

A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The commissioner may adopt rules providing for the imposition and remission of penalties.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition

shall indicate the objections of the party assessed, but 112157  
additional objections may be raised in writing if received by the 112158  
commissioner prior to the date shown on the final determination. 112159  
If the petition has been properly filed, the commissioner shall 112160  
proceed under section 5703.60 of the Revised Code. 112161

(C) After an assessment becomes final, if any portion of the 112162  
assessment, including accrued interest, remains unpaid, a 112163  
certified copy of the tax commissioner's entry making the 112164  
assessment final may be filed in the office of the clerk of the 112165  
court of common pleas in the county in which the party assessed 112166  
resides or in which the party's business is conducted. If the 112167  
party assessed maintains no place of business in this state and is 112168  
not a resident of this state, the certified copy of the entry may 112169  
be filed in the office of the clerk of the court of common pleas 112170  
of Franklin county. 112171

Immediately upon the filing of the entry, the clerk shall 112172  
enter a judgment for the state against the person assessed in the 112173  
amount shown on the entry. The judgment may be filed by the clerk 112174  
in a loose-leaf book entitled "special judgments for the 112175  
distribution excise taxes," and shall have the same effect as 112176  
other judgments. Execution shall issue upon the judgment at the 112177  
request of the tax commissioner, and all laws applicable to sales 112178  
on execution shall apply to sales made under the judgment. 112179

~~The portion of~~ If the assessment is not paid in its entirety 112180  
within sixty days after the day the assessment was issued, the 112181  
portion of the assessment consisting of tax due shall bear 112182  
interest at the rate per annum prescribed by section 5703.47 of 112183  
the Revised Code from the day the tax commissioner issues the 112184  
assessment until the day the assessment is paid or until it is 112185  
certified to the attorney general for collection under section 112186  
131.02 of the Revised Code, whichever comes first. If the unpaid 112187  
portion of the assessment is certified to the attorney general for 112188

collection, the entire unpaid portion of the assessment shall bear 112189  
interest at the rate per annum prescribed by section 5703.47 of 112190  
the Revised Code from the date of certification until the date it 112191  
is paid in its entirety. Interest shall be paid in the same manner 112192  
as the tax and may be collected by the issuance of an assessment 112193  
under this section. 112194

(D) If the tax commissioner believes that collection of the 112195  
tax imposed by section 5727.81 or 5727.811 of the Revised Code 112196  
will be jeopardized unless proceedings to collect or secure 112197  
collection of the tax are instituted without delay, the 112198  
commissioner may issue a jeopardy assessment against the person 112199  
liable for the tax. Immediately upon the issuance of the jeopardy 112200  
assessment, the commissioner shall file an entry with the clerk of 112201  
the court of common pleas in the manner prescribed by division (C) 112202  
of this section. Notice of the jeopardy assessment shall be served 112203  
on the party assessed or the party's legal representative within 112204  
five days of the filing of the entry with the clerk. The total 112205  
amount assessed is immediately due and payable, unless the party 112206  
assessed files a petition for reassessment in accordance with 112207  
division (B) of this section and provides security in a form 112208  
satisfactory to the commissioner and in an amount sufficient to 112209  
satisfy the unpaid balance of the assessment. Full or partial 112210  
payment of the assessment does not prejudice the commissioner's 112211  
consideration of the petition for reassessment. 112212

(E) All money collected by the tax commissioner under this 112213  
section shall be paid to the treasurer of state, and when paid 112214  
shall be considered as revenue arising from the taxes imposed by 112215  
sections 5727.81 and 5727.811 of the Revised Code. 112216

**Sec. 5728.10.** (A) If any person required to file a fuel use 112217  
tax return by sections 5728.01 to 5728.14 of the Revised Code, 112218  
fails to file the return within the time prescribed by those 112219

sections, files an incomplete return, files an incorrect return, 112220  
or fails to remit the full amount of the tax due for the period 112221  
covered by the return, the tax commissioner may make an assessment 112222  
against the person, based upon any information in the 112223  
commissioner's possession, for the period for which the tax was 112224  
due. 112225

No assessment shall be made against any person for any tax 112226  
imposed by this chapter more than four years after the return date 112227  
for the period for which the tax was due or more than four years 112228  
after the return for the period was filed, whichever is later. 112229  
This section does not bar an assessment against any person who 112230  
fails to file a fuel use tax return as required by this chapter, 112231  
or who files a fraudulent fuel use tax return. 112232

A penalty of up to fifteen per cent may be added to the 112233  
amount of every assessment made pursuant to this section. The 112234  
commissioner may adopt rules providing for the imposition and 112235  
remission of penalties added to assessments made under this 112236  
section. 112237

The commissioner shall give the party assessed written notice 112238  
of the assessment in the manner provided in section 5703.37 of the 112239  
Revised Code. With the notice, the commissioner shall provide 112240  
instructions on how to petition for reassessment and request a 112241  
hearing on the petition. 112242

(B) Unless the party assessed files with the tax commissioner 112243  
within sixty days after service of the notice of assessment, 112244  
either personally or by certified mail, a written petition for 112245  
reassessment, signed by the party assessed, or by the party's 112246  
authorized agent having knowledge of the facts, the assessment 112247  
becomes final and the amount of the assessment is due and payable 112248  
from the party assessed to the treasurer of state. The petition 112249  
shall indicate the objections of the party assessed, but 112250  
additional objections may be raised in writing if received by the 112251



commissioner prior to the date shown on the final determination. 112252  
If the petition has been properly filed, the commissioner shall 112253  
proceed under section 5703.60 of the Revised Code. 112254

(C) After an assessment becomes final, if any portion of the 112255  
assessment remains unpaid, including accrued interest, a certified 112256  
copy of the tax commissioner's entry making the assessment final 112257  
may be filed in the office of the clerk of the court of common 112258  
pleas in the county in which the party's place of business is 112259  
located or the county in which the party assessed resides. If the 112260  
party maintains no office in this state and is not a resident of 112261  
this state, the certified copy of the entry may be filed in the 112262  
office of the clerk of the court of common pleas of Franklin 112263  
county. 112264

Immediately upon the filing of the entry, the clerk shall 112265  
enter a judgment for the state of Ohio against the party assessed 112266  
in the amount shown on the entry. The judgment may be filed by the 112267  
clerk in a loose-leaf book entitled "special judgments for state 112268  
fuel use tax," and shall have the same effect as other judgments. 112269  
Execution shall issue upon the judgment upon the request of the 112270  
commissioner, and all laws applicable to sales on execution shall 112271  
apply to sales made under the judgment. 112272

~~The portion of~~ If the assessment is not paid within sixty 112273  
days after the day the assessment was issued, the portion of the 112274  
assessment consisting of tax due shall bear interest at the rate 112275  
per annum prescribed by section 5703.47 of the Revised Code from 112276  
the day the commissioner issues the assessment until it is paid or 112277  
until it is certified to the attorney general for collection under 112278  
section 131.02 of the Revised Code, whichever comes first. If the 112279  
unpaid portion of the assessment is certified to the attorney 112280  
general for collection, the entire unpaid portion of the 112281  
assessment shall bear interest at the rate per annum prescribed by 112282  
section 5703.47 of the Revised Code from the date of certification 112283

until the date it is paid in its entirety. Interest shall be paid 112284  
in the same manner as the tax and may be collected by the issuance 112285  
of an assessment under this section. 112286

(D) All money collected by the tax commissioner under this 112287  
section shall be paid into the state treasury in the same manner 112288  
as the revenues deriving from the taxes imposed by section 5728.06 112289  
of the Revised Code. 112290

**Sec. 5729.03.** (A) If the superintendent of insurance finds 112291  
the annual statement required by section 5729.02 of the Revised 112292  
Code to be correct, the superintendent shall compute the following 112293  
amount, as applicable, of the balance of such gross amount, after 112294  
deducting such return premiums and considerations received for 112295  
reinsurance, and charge such amount to such company as a tax upon 112296  
the business done by it in this state for the period covered by 112297  
such annual statement: 112298

(1) If the company is a health insuring corporation, one per 112299  
cent of the balance of premium rate payments received, exclusive 112300  
of payments received under the medicare program ~~established under~~ 112301  
~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 112302  
~~U.S.C.A. 301, as amended,~~ and exclusive of payments received 112303  
pursuant to the ~~medical assistance~~ medicaid program ~~established~~ 112304  
~~under Chapter 5111. of the Revised Code~~ for the period ending 112305  
September 30, 2009, as reflected in its annual report; 112306

(2) If the company is not a health insuring corporation, one 112307  
and four-tenths per cent of the balance of premiums received, 112308  
exclusive of premiums received under the medicare program 112309  
~~established under Title XVIII of the "Social Security Act," 49~~ 112310  
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of 112311  
payments received pursuant to the ~~medical assistance~~ medicaid 112312  
program ~~established under Chapter 5111. of the Revised Code~~ for 112313  
the period ending September 30, 2009, as reflected in its annual 112314

statement, and, if the company operates a health insuring 112315  
corporation as a line of business, one per cent of the balance of 112316  
premium rate payments received from that line of business, 112317  
exclusive of payments received under the medicare program 112318  
~~established under Title XVIII of the "Social Security Act," 49~~ 112319  
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of 112320  
payments received pursuant to the ~~medical assistance~~ medicaid 112321  
program ~~established under Chapter 5111. of the Revised Code~~ for 112322  
the period ending September 30, 2009, as reflected in its annual 112323  
statement. 112324

Each foreign insurance company, including health insuring 112325  
corporations, receiving payments pursuant to the ~~medical~~ 112326  
~~assistance~~ medicaid program ~~established under Chapter 5111. of the~~ 112327  
~~Revised Code~~ during the period beginning October 1, 2009, and 112328  
ending December 31, 2009, shall file with the 2009 annual 112329  
statement to the superintendent a schedule that reflects those 112330  
payments received pursuant to the ~~medical assistance~~ medicaid 112331  
program for that period. The payments reflected in the schedule, 112332  
plus all other taxable premiums, are subject to the annual 112333  
franchise tax due to be paid in 2010. 112334

(B) Any insurance policies that were not issued in violation 112335  
of Title XXXIX of the Revised Code and that were issued prior to 112336  
April 15, 1967, by a life insurance company organized and operated 112337  
without profit to any private shareholder or individual, 112338  
exclusively for the purpose of aiding educational or scientific 112339  
institutions organized and operated without profit to any private 112340  
shareholder or individual, are not subject to the tax imposed by 112341  
this section. All taxes collected pursuant to this section shall 112342  
be credited to the general revenue fund. 112343

(C) In no case shall the tax imposed under this section be 112344  
less than two hundred fifty dollars. 112345

**Sec. 5729.17.** (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code. 112346  
112347  
112348

(B) There is allowed a credit against the tax imposed by 112349  
section 5729.03 of the Revised Code for an insurance company 112350  
subject to that tax that is a certificate owner of a 112351  
rehabilitation tax credit certificate issued under section 149.311 112352  
of the Revised Code. The credit shall equal twenty-five per cent 112353  
of the dollar amount indicated on the certificate, but the amount 112354  
of the credit allowed for any company for any year shall not 112355  
exceed ~~five~~ ten million dollars. The credit shall be claimed in 112356  
the calendar year specified in the certificate and in the order 112357  
required under section 5729.98 of the Revised Code. If the credit 112358  
exceeds the amount of tax otherwise due in that year, the excess 112359  
shall be refunded to the company but, if any amount of the credit 112360  
is refunded, the sum of the amount refunded and the amount applied 112361  
to reduce the tax otherwise due in that year shall not exceed 112362  
three million dollars. The company may carry forward any balance 112363  
of the credit in excess of the amount claimed in that year for not 112364  
more than five ensuing years, and shall deduct any amount claimed 112365  
in any such year from the amount claimed in an ensuing year. 112366

(C) An insurance company claiming a credit under this section 112367  
shall retain the rehabilitation tax credit certificate for four 112368  
years following the end of the year in which the credit was 112369  
claimed, and shall make the certificate available for inspection 112370  
by the tax commissioner upon the request of the tax commissioner 112371  
during that period. 112372

**Sec. 5731.39.** This section does not apply to, and the written 112373  
permission of the tax commissioner is not required for asset 112374  
transfers with respect to, decedents dying on or after January 1, 112375  
2013. 112376

(A) No corporation organized or existing under the laws of 112377  
this state shall transfer on its books or issue a new certificate 112378  
for any share of its capital stock registered in the name of a 112379  
decedent, or in trust for a decedent, or in the name of a decedent 112380  
and another person or persons, without the written consent of the 112381  
tax commissioner. 112382

(B) No safe deposit company, trust company, financial 112383  
institution as defined in division (A) of section 5725.01 of the 112384  
Revised Code, or other corporation or person, having in 112385  
possession, control, or custody a deposit standing in the name of 112386  
a decedent, or in trust for a decedent, or in the name of a 112387  
decedent and another person or persons, shall deliver or transfer 112388  
an amount in excess of three-fourths of the total value of such 112389  
deposit, including accrued interest and dividends, as of the date 112390  
of decedent's death, without the written consent of the tax 112391  
commissioner. The written consent of the tax commissioner need not 112392  
be obtained prior to the delivery or transfer of amounts having a 112393  
value of three-fourths or less of said total value. 112394

(C) No life insurance company shall pay the proceeds of an 112395  
annuity or matured endowment contract, or of a life insurance 112396  
contract payable to the estate of a decedent, or of any other 112397  
insurance contract taxable under Chapter 5731. of the Revised 112398  
Code, without the written consent of the tax commissioner. Any 112399  
life insurance company may pay the proceeds of any insurance 112400  
contract not specified in this division (C) without the written 112401  
consent of the tax commissioner. 112402

(D) No trust company or other corporation or person shall pay 112403  
the proceeds of any death benefit, retirement, pension, or 112404  
profit-sharing plan in excess of two thousand dollars, without the 112405  
written consent of the tax commissioner. Such trust company or 112406  
other corporation or person, however, may pay the proceeds of any 112407  
death benefit, retirement, pension, or profit-sharing plan which 112408

consists of insurance on the life of the decedent payable to a beneficiary other than the estate of the insured without the written consent of the tax commissioner.

(E) No safe deposit company, trust company, financial institution as defined in division (A) of section 5725.01 of the Revised Code, or other corporation or person, having in possession, control, or custody securities, assets, or other property (including the shares of the capital stock of, or other interest in, such safe deposit company, trust company, financial institution as defined in division (A) of section 5725.01 of the Revised Code, or other corporation), standing in the name of a decedent, or in trust for a decedent, or in the name of a decedent and another person or persons, and the transfer of which is taxable under Chapter 5731. of the Revised Code, shall deliver or transfer any such securities, assets, or other property which have a value as of the date of decedent's death in excess of three-fourths of the total value thereof, without the written consent of the tax commissioner. The written consent of the tax commissioner need not be obtained prior to the delivery or transfer of any such securities, assets, or other property having a value of three-fourths or less of said total value.

(F) No safe deposit company, financial institution as defined in division (A) of section 5725.01 of the Revised Code, or other corporation or person having possession or control of a safe deposit box or similar receptacle standing in the name of a decedent or in the name of the decedent and another person or persons, or to which the decedent had a right of access, except when such safe deposit box or other receptacle stands in the name of a corporation or partnership, or in the name of the decedent as guardian or executor, shall deliver any of the contents thereof unless the safe deposit box or similar receptacle has been opened and inventoried in the presence of the tax commissioner or the

commissioner's agent, and a written consent to transfer issued; 112441  
provided, however, that a safe deposit company, financial 112442  
institution, or other corporation or person having possession or 112443  
control of a safe deposit box may deliver wills, deeds to burial 112444  
lots, and insurance policies to a representative of the decedent, 112445  
but that a representative of the safe deposit company, financial 112446  
institution, or other corporation or person must supervise the 112447  
opening of the box and make a written record of the wills, deeds, 112448  
and policies removed. Such written record shall be included in the 112449  
tax commissioner's inventory records. 112450

(G) Notwithstanding any provision of this section: 112451

(1) The tax commissioner may authorize any delivery or 112452  
transfer or waive any of the foregoing requirements under such 112453  
terms and conditions as the commissioner may prescribe; 112454

(2) A home, as defined in section 3721.10 of the Revised 112455  
Code, or a residential facility licensed under section ~~5119.22~~ 112456  
5119.34 of the Revised Code that provides accommodations, 112457  
supervision, and personal care services for three to sixteen 112458  
unrelated adults, may transfer or use the money in a personal 112459  
needs allowance account in accordance with section ~~5111.113~~ 112460  
5162.22 of the Revised Code without the written consent of the tax 112461  
commissioner, and without the account having been opened and 112462  
inventoried in the presence of the commissioner or the 112463  
commissioner's agent. 112464

Failure to comply with this section shall render such safe 112465  
deposit company, trust company, life insurance company, financial 112466  
institution as defined in division (A) of section 5725.01 of the 112467  
Revised Code, or other corporation or person liable for the amount 112468  
of the taxes and interest due under the provisions of Chapter 112469  
5731. of the Revised Code on the transfer of such stock, deposit, 112470  
proceeds of an annuity or matured endowment contract or of a life 112471  
insurance contract payable to the estate of a decedent, or other 112472

insurance contract taxable under Chapter 5731. of the Revised 112473  
Code, proceeds of any death benefit, retirement, pension, or 112474  
profit\_sharing plan in excess of two thousand dollars, or 112475  
securities, assets, or other property of any resident decedent, 112476  
and in addition thereto, to a penalty of not less than five 112477  
hundred or more than five thousand dollars. 112478

**Sec. 5733.01.** (A) The tax provided by this chapter for 112479  
domestic corporations shall be the amount charged against each 112480  
corporation organized for profit under the laws of this state and 112481  
each nonprofit corporation organized pursuant to Chapter 1729. of 112482  
the Revised Code, except as provided in sections 5733.09 and 112483  
5733.10 of the Revised Code, for the privilege of exercising its 112484  
franchise during the calendar year in which that amount is 112485  
payable, and the tax provided by this chapter for foreign 112486  
corporations shall be the amount charged against each corporation 112487  
organized for profit and each nonprofit corporation organized or 112488  
operating in the same or similar manner as nonprofit corporations 112489  
organized under Chapter 1729. of the Revised Code, under the laws 112490  
of any state or country other than this state, except as provided 112491  
in sections 5733.09 and 5733.10 of the Revised Code, for the 112492  
privilege of doing business in this state, owning or using a part 112493  
or all of its capital or property in this state, holding a 112494  
certificate of compliance with the laws of this state authorizing 112495  
it to do business in this state, or otherwise having nexus in or 112496  
with this state under the Constitution of the United States, 112497  
during the calendar year in which that amount is payable. 112498

(B) A corporation is subject to the tax imposed by section 112499  
5733.06 of the Revised Code for each calendar year prior to 2014 112500  
that it is so organized, doing business, owning or using a part or 112501  
all of its capital or property, holding a certificate of 112502  
compliance, or otherwise having nexus in or with this state under 112503  
the Constitution of the United States, on the first day of January 112504



of that calendar year. No credit authorized by this chapter may be 112505  
claimed for tax year 2014 or any tax year thereafter. 112506

(C) Any corporation subject to this chapter that is not 112507  
subject to the federal income tax shall file its returns and 112508  
compute its tax liability as required by this chapter in the same 112509  
manner as if that corporation were subject to the federal income 112510  
tax. 112511

(D) For purposes of this chapter, a federally chartered 112512  
financial institution shall be deemed to be organized under the 112513  
laws of the state within which its principal office is located. 112514

(E) For purposes of this chapter, any person, as defined in 112515  
section 5701.01 of the Revised Code, shall be treated as a 112516  
corporation if the person is classified for federal income tax 112517  
purposes as an association taxable as a corporation, and an equity 112518  
interest in the person shall be treated as capital stock of the 112519  
person. 112520

(F) For the purposes of this chapter, "disregarded entity" 112521  
has the same meaning as in division (D) of section 5745.01 of the 112522  
Revised Code. 112523

(1) A person's interest in a disregarded entity, whether held 112524  
directly or indirectly, shall be treated as the person's ownership 112525  
of the assets and liabilities of the disregarded entity, and the 112526  
income, including gain or loss, shall be included in the person's 112527  
net income under this chapter. 112528

(2) Any sale, exchange, or other disposition of the person's 112529  
interest in the disregarded entity, whether held directly or 112530  
indirectly, shall be treated as a sale, exchange, or other 112531  
disposition of the person's share of the disregarded entity's 112532  
underlying assets or liabilities, and the gain or loss from such 112533  
sale, exchange, or disposition shall be included in the person's 112534  
net income under this chapter. 112535

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| (3) The disregarded entity's payroll, property, and sales factors shall be included in the person's factors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 112536<br>112537                                                                                           |
| (G) The tax a corporation is required to pay under this chapter shall be as follows:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 112538<br>112539                                                                                           |
| (1)(a) For financial institutions, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the financial institution under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.                                                                                                                                                                                                                                                                                                                                                                                      | 112540<br>112541<br>112542<br>112543<br>112544<br>112545                                                   |
| (b) A corporation satisfying the description in division (E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised Code, as that section existed before its amendment by H.B. 510 of the 129th general assembly, that is not a financial institution, insurance company, or dealer in intangibles is subject to the taxes imposed under this chapter as a corporation and not subject to tax as a financial institution, and shall pay the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all the taxes charged under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax. | 112546<br>112547<br>112548<br>112549<br>112550<br>112551<br>112552<br>112553<br>112554<br>112555<br>112556 |
| (2) For all corporations other than those persons described in division (G)(1)(a) or (b) of this section, the amount under division (G)(2)(a) of this section applicable to the tax year specified less the amount under division (G)(2)(b) of this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 112557<br>112558<br>112559<br>112560<br>112561                                                             |
| (a)(i) For tax year 2005, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax;                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 112562<br>112563<br>112564<br>112565                                                                       |
| (ii) For tax year 2006, the greater of the minimum payment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 112566                                                                                                     |

required under division (E) of section 5733.06 of the Revised Code 112567  
or four-fifths of the difference between all taxes charged the 112568  
corporation under this chapter and any credits allowable against 112569  
such tax, except the qualifying pass-through entity tax credit 112570  
described in division (A)(30) and the refundable credits described 112571  
in divisions (A)(31) to (35) of section 5733.98 of the Revised 112572  
Code; 112573

(iii) For tax year 2007, the greater of the minimum payment 112574  
required under division (E) of section 5733.06 of the Revised Code 112575  
or three-fifths of the difference between all taxes charged the 112576  
corporation under this chapter and any credits allowable against 112577  
such tax, except the qualifying pass-through entity tax credit 112578  
described in division (A)(30) and the refundable credits described 112579  
in divisions (A)(31) to (35) of section 5733.98 of the Revised 112580  
Code; 112581

(iv) For tax year 2008, the greater of the minimum payment 112582  
required under division (E) of section 5733.06 of the Revised Code 112583  
or two-fifths of the difference between all taxes charged the 112584  
corporation under this chapter and any credits allowable against 112585  
such tax, except the qualifying pass-through entity tax credit 112586  
described in division (A)(30) and the refundable credits described 112587  
in divisions (A)(31) to (35) of section 5733.98 of the Revised 112588  
Code; 112589

(v) For tax year 2009, the greater of the minimum payment 112590  
required under division (E) of section 5733.06 of the Revised Code 112591  
or one-fifth of the difference between all taxes charged the 112592  
corporation under this chapter and any credits allowable against 112593  
such tax, except the qualifying pass-through entity tax credit 112594  
described in division (A)(30) and the refundable credits described 112595  
in divisions (A)(31), (32), (33), and (34) of section 5733.98 of 112596  
the Revised Code; 112597

(vi) For tax year 2010 and each tax year thereafter, no tax. 112598

(b) A corporation shall subtract from the amount calculated under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section any qualifying pass-through entity tax credit described in division (A)(30) and any refundable credits described in divisions (A)(31) to (35) of section 5733.98 of the Revised Code to which the corporation is entitled. Any unused qualifying pass-through entity tax credit is not refundable.

(c) For the purposes of computing the amount of a credit that may be carried forward to a subsequent tax year under division (G)(2) of this section, a credit is utilized against the tax for a tax year to the extent the credit applies against the tax for that tax year, even if the difference is then multiplied by the applicable fraction under division (G)(2)(a) of this section.

(d) References in division (G)(2) of this section to section 5733.98 of the Revised Code is to that section before its amendment by H.B. 59 of the 130th general assembly.

(3) Nothing in division (G) of this section eliminates or reduces the tax imposed by section 5733.41 of the Revised Code on a qualifying pass-through entity.

**Sec. 5733.06.** For tax years prior to tax year 2014, the tax hereby charged each corporation subject to this chapter shall be the greater of the sum of divisions (A) and (B) of this section, after the reduction, if any, provided by division (J) of this section, or division (C) of this section, after the reduction, if any, provided by division (J) of this section, except that the tax hereby charged each financial institution subject to this chapter shall be the amount computed under division (D) of this section:

(A) Except as set forth in division (F) of this section, five and one-tenth per cent upon the first fifty thousand dollars of the value of the taxpayer's issued and outstanding shares of stock as determined under division (B) of section 5733.05 of the Revised

Code; 112630

(B) Except as set forth in division (F) of this section, 112631  
eight and one-half per cent upon the value so determined in excess 112632  
of fifty thousand dollars; or 112633

(C)(1) Except as otherwise provided under division (G) of 112634  
this section, four mills times that portion of the value of the 112635  
issued and outstanding shares of stock as determined under 112636  
division (C) of section 5733.05 of the Revised Code. For the 112637  
purposes of division (C) of this section, division (C)(2) of 112638  
section 5733.065, and division (C) of section 5733.066 of the 112639  
Revised Code, the value of the issued and outstanding shares of 112640  
stock of an eligible corporation for tax year 2003 through tax 112641  
year 2007, or of a qualifying holding company, is zero. 112642

(2) As used in division (C) of this section, "eligible 112643  
corporation" means a person treated as a corporation for federal 112644  
income tax purposes that meets all of the following criteria: 112645

(a) The corporation conducts business for an entire taxable 112646  
year as a qualified trade or business as defined by division (C) 112647  
of section 122.15 of the Revised Code, as that section existed 112648  
before its repeal by H.B. 59 of the 130th general assembly. 112649

(b) The corporation uses more than fifty per cent of the 112650  
corporation's assets, based on net book value, that are located in 112651  
Ohio solely to conduct activities that constitute a qualified 112652  
trade or business as defined by section 122.15 of the Revised 112653  
Code, as that section existed before its repeal by H.B. 59 of the 112654  
130th general assembly. 112655

(c) The corporation has been formed or organized not more 112656  
than three years before the report required to be filed by section 112657  
5733.02 of the Revised Code is due, without regard to any 112658  
extensions. 112659

(d) The corporation is not a related member, as defined in 112660

section 5733.042 of the Revised Code, at any time during the 112661  
taxable year with respect to another person treated as a 112662  
corporation for federal income tax purposes. A corporation is not 112663  
a related member if during the entire taxable year at least 112664  
seventy-five per cent of the corporation's stock is owned directly 112665  
or through a pass-through entity by individuals, estates, and 112666  
grantor trusts, and the individuals, estates, and grantor trusts 112667  
do not directly or indirectly own more than twenty per cent of the 112668  
value of another person treated as a corporation for federal 112669  
income tax purposes that is conducting a qualified trade or 112670  
business. 112671

(D) The tax charged each financial institution subject to 112672  
this chapter shall be that portion of the value of the issued and 112673  
outstanding shares of stock as determined under division (A) of 112674  
section 5733.05 of the Revised Code, multiplied by the following 112675  
amounts: 112676

(1) For tax years prior to the 1999 tax year, fifteen mills; 112677

(2) For the 1999 tax year, fourteen mills; 112678

(3) For tax year 2000 and thereafter, thirteen mills. 112679

(E) No tax shall be charged from any corporation that has 112680  
been adjudicated bankrupt, or for which a receiver has been 112681  
appointed, or that has made a general assignment for the benefit 112682  
of creditors, except for the portion of the then current tax year 112683  
during which the tax commissioner finds such corporation had the 112684  
power to exercise its corporate franchise unimpaired by such 112685  
proceedings or act. The minimum payment for each corporation shall 112686  
be as follows: 112687

(1) One thousand dollars in the case of a corporation having 112688  
gross receipts for the taxable year equal to at least five million 112689  
dollars from activities within or outside this state or in the 112690  
case of a corporation employing at least three hundred employees 112691

at some time during the taxable year within or outside this state; 112692

(2) Fifty dollars in the case of any other corporation. 112693

The tax charged to corporations under this chapter for the 112694  
privilege of engaging in business in this state, which is an 112695  
excise tax levied on the value of the issued and outstanding 112696  
shares of stock, shall in no manner be construed as prohibiting or 112697  
otherwise limiting the powers of municipal corporations, joint 112698  
economic development zones created under section 715.691 of the 112699  
Revised Code, and joint economic development districts created 112700  
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 112701  
Revised Code in this state to impose an income tax on the income 112702  
of such corporations. 112703

(F) If two or more taxpayers satisfy the ownership or control 112704  
requirements of division (A) of section 5733.052 of the Revised 112705  
Code, each such taxpayer shall substitute "the taxpayer's pro-rata 112706  
amount" for "fifty thousand dollars" in divisions (A) and (B) of 112707  
this section. For purposes of this division, "the taxpayer's 112708  
pro-rata amount" is an amount that, when added to the other such 112709  
taxpayers' pro-rata amounts, does not exceed fifty thousand 112710  
dollars. For the purpose of making that computation, the 112711  
taxpayer's pro-rata amount shall not be less than zero. Nothing in 112712  
this division derogates from or eliminates the requirement to make 112713  
the alternative computation of tax under division (C) of this 112714  
section. 112715

(G) The tax liability of any corporation under division (C) 112716  
of this section shall not exceed one hundred fifty thousand 112717  
dollars. 112718

(H)(1) For the purposes of division (H) of this section, 112719  
"exiting corporation" means a corporation that satisfies all of 112720  
the following conditions: 112721

(a) The corporation had nexus with or in this state under the 112722

Constitution of the United States during any portion of a calendar year; 112723  
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(b) The corporation was not a corporation described in division (A) of section 5733.01 of the Revised Code on the first day of January immediately following that calendar year; 112725  
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(c) The corporation was not a financial institution on the first day of January immediately following that calendar year; 112728  
112729

(d) If the corporation was a transferor as defined in section 5733.053 of the Revised Code, the corporation's transferee was not required to add to the transferee's net income the income of the transferor pursuant to division (B) of that section; 112730  
112731  
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(e) During any portion of that calendar year, or any portion of the immediately preceding calendar year, the corporation had net income that was not included in a report filed by the corporation or its transferee pursuant to section 5733.02, 5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 112734  
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(f) The corporation would have been subject to the tax computed under divisions (A), (B), (C), (F), and (G) of this section if the corporation is assumed to be a corporation described in division (A) of section 5733.01 of the Revised Code on the first day of January immediately following the calendar year to which division (H)(1)(a) of this section refers. 112739  
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(2) For the purposes of division (H) of this section, "unreported net income" means net income that was not previously included in a report filed pursuant to section 5733.02, 5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code and that was realized or recognized during the calendar year to which division (H)(1) of this section refers or the immediately preceding calendar year. 112745  
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(3) Each exiting corporation shall pay a tax computed by first allocating and apportioning the unreported net income 112752  
112753



pursuant to division (B) of section 5733.05 and section 5733.051 112754  
and, if applicable, section 5733.052 of the Revised Code. The 112755  
exiting corporation then shall compute the tax due on its 112756  
unreported net income allocated and apportioned to this state by 112757  
applying divisions (A), (B), and (F) of this section to that 112758  
income. 112759

(4) Divisions (C) and (G) of this section, division (D)(2) of 112760  
section 5733.065, and division (C) of section 5733.066 of the 112761  
Revised Code do not apply to an exiting corporation, but exiting 112762  
corporations are subject to every other provision of this chapter. 112763

(5) Notwithstanding division (B) of section 5733.01 or 112764  
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 112765  
contrary, each exiting corporation shall report and pay the tax 112766  
due under division (H) of this section on or before the 112767  
thirty-first day of May immediately following the calendar year to 112768  
which division (H)(1)(a) of this section refers. The exiting 112769  
corporation shall file that report on the form most recently 112770  
prescribed by the tax commissioner for the purposes of complying 112771  
with sections 5733.02 and 5733.03 of the Revised Code. Upon 112772  
request by the corporation, the tax commissioner may extend the 112773  
date for filing the report. 112774

(6) If, on account of the application of section 5733.053 of 112775  
the Revised Code, net income is subject to the tax imposed by 112776  
divisions (A) and (B) of this section, such income shall not be 112777  
subject to the tax imposed by division (H)(3) of this section. 112778

(7) The amendments made to division (H) of this section by 112779  
Am. Sub. S.B. 287 of the 123rd general assembly do not apply to 112780  
any transfer, as defined in section 5733.053 of the Revised Code, 112781  
for which negotiations began prior to January 1, 2001, and that 112782  
was commenced in and completed during calendar year 2001, unless 112783  
the taxpayer makes an election prior to December 31, 2001, to 112784  
apply those amendments. 112785

(8) The tax commissioner may adopt rules governing division 112786  
(H) of this section. 112787

(I) Any reference in the Revised Code to "the tax imposed by 112788  
section 5733.06 of the Revised Code" or "the tax due under section 112789  
5733.06 of the Revised Code" includes the taxes imposed under 112790  
sections 5733.065 and 5733.066 of the Revised Code. 112791

(J)(1) Division (J) of this section applies solely to a 112792  
combined company. Section 5733.057 of the Revised Code shall apply 112793  
when calculating the adjustments required by division (J) of this 112794  
section. 112795

(2) Subject to division (J)(4) of this section, the total tax 112796  
calculated in divisions (A) and (B) of this section shall be 112797  
reduced by an amount calculated by multiplying such tax by a 112798  
fraction, the numerator of which is the total taxable gross 112799  
receipts attributed to providing public utility activity other 112800  
than as an electric company under section 5727.03 of the Revised 112801  
Code for the year upon which the taxable gross receipts are 112802  
measured immediately preceding the tax year, and the denominator 112803  
of which is the total gross receipts from all sources for the year 112804  
upon which the taxable gross receipts are measured immediately 112805  
preceding the tax year. Nothing herein shall be construed to 112806  
exclude from the denominator any item of income described in 112807  
section 5733.051 of the Revised Code. 112808

(3) Subject to division (J)(4) of this section, the total tax 112809  
calculated in division (C) of this section shall be reduced by an 112810  
amount calculated by multiplying such tax by the fraction 112811  
described in division (J)(2) of this section. 112812

(4) In no event shall the reduction provided by division 112813  
(J)(2) or (J)(3) of this section exceed the amount of the excise 112814  
tax paid in accordance with section 5727.38 of the Revised Code, 112815  
for the year upon which the taxable gross receipts are measured 112816

immediately preceding the tax year. 112817

**Sec. 5733.11.** (A) If any corporation required to file a 112818  
report under this chapter fails to file the report within the time 112819  
prescribed, files an incorrect report, or fails to remit the full 112820  
amount of the tax due for the period covered by the report, the 112821  
tax commissioner may make an assessment against the corporation 112822  
for any deficiency for the period for which the report or tax is 112823  
due, based upon any information in the commissioner's possession. 112824

No assessment shall be made or issued against a corporation 112825  
more than three years after the later of the final date the report 112826  
subject to assessment was required to be filed or the date the 112827  
report was filed. Such time limit may be extended if both the 112828  
corporation and the commissioner consent in writing to the 112829  
extension or if an agreement waiving or extending the time limit 112830  
has been entered into pursuant to section 122.171 of the Revised 112831  
Code. Any such extension shall extend the three-year time limit in 112832  
division (B) of section 5733.12 of the Revised Code for the same 112833  
period of time. There shall be no bar or limit to an assessment 112834  
against a corporation that fails to file a report subject to 112835  
assessment as required by this chapter, or that files a fraudulent 112836  
report. 112837

The commissioner shall give the corporation assessed written 112838  
notice of the assessment in the manner provided in section 5703.37 112839  
of the Revised Code. With the notice, the commissioner shall 112840  
provide instructions on how to petition for reassessment and 112841  
request a hearing on the petition. 112842

(B) Unless the corporation assessed files with the tax 112843  
commissioner within sixty days after service of the notice of 112844  
assessment, either personally or by certified mail, a written 112845  
petition for reassessment, signed by the ~~corporations~~ 112846  
corporation's authorized agent having knowledge of the facts, ~~7~~ the 112847

assessment becomes final, and the amount of the assessment is due 112848  
and payable from the corporation assessed to the treasurer of 112849  
state. The petition shall indicate the corporation's objections, 112850  
but additional objections may be raised in writing if received by 112851  
the commissioner prior to the date shown on the final 112852  
determination. If the petition has been properly filed, the 112853  
commissioner shall proceed under section 5703.60 of the Revised 112854  
Code. 112855

(C) After an assessment becomes final, if any portion of the 112856  
assessment remains unpaid, including accrued interest, a certified 112857  
copy of the tax commissioner's entry making the assessment final 112858  
may be filed in the office of the clerk of the court of common 112859  
pleas in the county in which the corporation has an office or 112860  
place of business in this state, the county in which the 112861  
corporation's statutory agent is located, or Franklin county. 112862

Immediately upon the filing of the entry, the clerk shall 112863  
enter a judgment against the corporation assessed in the amount 112864  
shown on the entry. The judgment may be filed by the clerk in a 112865  
loose-leaf book entitled "special judgments for state corporate 112866  
franchise and litter taxes," and shall have the same effect as 112867  
other judgments. Execution shall issue upon the judgment upon the 112868  
request of the tax commissioner, and all laws applicable to sales 112869  
on execution shall apply to sales made under the judgment. 112870

~~The portion of an~~ If the assessment is not paid within sixty 112871  
days after the day the assessment was issued, the portion of the 112872  
assessment consisting of tax due shall bear interest at the rate 112873  
per annum prescribed by section 5703.47 of the Revised Code from 112874  
the day the tax commissioner issues the assessment until the 112875  
assessment is paid or until it is certified to the attorney 112876  
general for collection under section 131.02 of the Revised Code, 112877  
whichever comes first. If the unpaid portion of the assessment is 112878  
certified to the attorney general for collection, the entire 112879

unpaid portion of the assessment shall bear interest at the rate 112880  
per annum prescribed by section 5703.47 of the Revised Code from 112881  
the date of certification until the date it is paid in its 112882  
entirety. Interest shall be paid in the same manner as the tax and 112883  
may be collected by issuing an assessment under this section. 112884

(D) All money collected under this section shall be 112885  
considered as revenue arising from the taxes imposed by this 112886  
chapter. 112887

(E) The portion of an assessment that must be paid upon the 112888  
filing of a petition for reassessment shall be as follows: 112889

(1) If the sole item objected to is the assessed penalty or 112890  
interest, payment of the assessment, including interest but not 112891  
penalty, is required; 112892

(2) If the corporation assessed failed to file, prior to the 112893  
date of issuance of the assessment, the annual report required by 112894  
section 5733.02 of the Revised Code, any amended report required 112895  
by division (C) of section 5733.031 of the Revised Code for the 112896  
tax year at issue, or any amended report required by division (D) 112897  
of section 5733.067 of the Revised Code to indicate a reduction in 112898  
the amount of the credit provided under that section, payment of 112899  
the assessment, including interest but not penalty, is required; 112900

(3) If the corporation assessed filed, prior to the date of 112901  
issuance of the assessment, the annual report required by section 112902  
5733.02 of the Revised Code, all amended reports required by 112903  
division (C) of section 5733.031 of the Revised Code for the tax 112904  
year at issue, and all amended reports required by division (D) of 112905  
section 5733.067 of the Revised Code to indicate a reduction in 112906  
the amount of the credit provided under that section, and a 112907  
balance of the taxes shown due on the reports as computed on the 112908  
reports remains unpaid, payment of only that portion of the 112909  
assessment representing the unpaid balance of tax and interest is 112910

required; 112911

(4) If the corporation assessed does not dispute that it is a taxpayer but claims the protections of section 101 of Public Law 86-272, 73 Stat. 555, 15 U.S.C.A. 381, as amended, payment of only that portion of the assessment representing any balance of taxes shown due on the corporation's annual report required by section 5733.02 of the Revised Code, as computed on the report, that remains unpaid, and that represents taxes imposed by division (C) of section 5733.06, division (C)(2) of section 5733.065, and division (C) of section 5733.066 of the Revised Code, together with all related interest, is required;

(5) If none of the conditions specified in divisions (E)(1) to (4) of this section apply, or if the corporation assessed disputes that it is a taxpayer, no payment is required.

(F) Notwithstanding the fact that a petition for reassessment is pending, the corporation may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the corporation under the corrected assessment is less than the portion paid, there shall be issued to the corporation, its assigns, or legal representative a refund in the amount of the overpayment as provided by section 5733.12 of the Revised Code, with interest on that amount as provided by section 5733.26 of the Revised Code, subject to section 5733.121 of the Revised Code.

**Sec. 5733.98.** (A) To provide a uniform procedure for 112941

calculating the amount of tax imposed by section 5733.06 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits to which it is entitled in the following order, except as otherwise provided in section 5733.058 of the Revised Code:

(1) For tax year 2005, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;

(2) The credit allowed for financial institutions under section 5733.45 of the Revised Code;

(3) The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;

(4) The subsidiary corporation credit under section 5733.067 of the Revised Code;

(5) The savings and loan assessment credit under section 5733.063 of the Revised Code;

(6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;

(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;

(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;

(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;

(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;

(11) The nonrefundable job retention credit under division (B) of section 5733.0610 of the Revised Code;

(12) The credit for tax years 2008 and 2009 for selling

|                                                                                                                                               |                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| alternative fuel under section 5733.48 of the Revised Code;                                                                                   | 112971           |
| (13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;                  | 112972<br>112973 |
| (14) The job training credit under section 5733.42 of the Revised Code;                                                                       | 112974<br>112975 |
| (15) The credit for qualified research expenses under section 5733.351 of the Revised Code;                                                   | 112976<br>112977 |
| (16) The enterprise zone credit under section 5709.66 of the Revised Code;                                                                    | 112978<br>112979 |
| (17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;                          | 112980<br>112981 |
| (18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;                        | 112982<br>112983 |
| (19) The ethanol plant investment credit under section 5733.46 of the Revised Code;                                                           | 112984<br>112985 |
| (20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;                              | 112986<br>112987 |
| (21) The export sales credit under section 5733.069 of the Revised Code;                                                                      | 112988<br>112989 |
| <del>(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;</del>          | 112990<br>112991 |
| <del>(23)</del> The enterprise zone credits under section 5709.65 of the Revised Code;                                                        | 112992<br>112993 |
| <del>(24)</del> <u>(23)</u> The credit for using Ohio coal under section 5733.39 of the Revised Code;                                         | 112994<br>112995 |
| <del>(25)</del> <u>(24)</u> The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code; | 112996<br>112997 |
| <del>(26)</del> <u>(25)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;                               | 112998<br>112999 |



|                                                                                                                                                                                                                                                                                                                                |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <del>(27)</del> <u>(26)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;                                                                                                                                                                                                      | 113000<br>113001                               |
| <del>(28)</del> <u>(27)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;                                                                                                                                                | 113002<br>113003<br>113004                     |
| <del>(29)</del> <u>(28)</u> The research and development credit under section 5733.352 of the Revised Code;                                                                                                                                                                                                                    | 113005<br>113006                               |
| <del>(30)</del> <u>(29)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;                                                                                                                                    | 113007<br>113008<br>113009                     |
| <del>(31)</del> <u>(30)</u> The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;                                                                                                                                                                                            | 113010<br>113011                               |
| <del>(32)</del> <u>(31)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;                                                                                                                                                                           | 113012<br>113013<br>113014                     |
| <del>(33)</del> <u>(32)</u> The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;                                                                                                                                                                                              | 113015<br>113016                               |
| <del>(34)</del> <u>(33)</u> The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;                                                                                                                  | 113017<br>113018<br>113019                     |
| <del>(35)</del> <u>(34)</u> For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;                                                                                                                                                                     | 113020<br>113021<br>113022                     |
| <del>(36)</del> <u>(35)</u> The refundable motion picture production credit under section 5733.59 of the Revised Code.                                                                                                                                                                                                         | 113023<br>113024                               |
| (B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized | 113025<br>113026<br>113027<br>113028<br>113029 |

under the section creating that credit. 113030

Sec. 5735.012. Amounts With respect to liquid motor fuel 113031  
other than liquid natural gas, amounts of motor fuel reported 113032  
under this chapter shall be measured in gross gallons, except that 113033  
amounts reported for terminal to terminal transactions shall be 113034  
measured in net gallons and amounts reported for terminal to Ohio 113035  
licensed dealer transactions shall be measured in both net gallons 113036  
and gross gallons. Amounts of liquid natural gas shall be measured 113037  
in gallon equivalents as described in section 5735.013 of the 113038  
Revised Code. 113039

Sec. 5735.013. For the purposes of this chapter, if the 113040  
national conference on weights and measures has adopted a diesel 113041  
gallon equivalent standard for liquid natural gas, that standard 113042  
shall be the equivalent of one gallon of motor fuel. If the 113043  
national conference on weights and measures has not adopted such a 113044  
standard, six and six one-hundredths pounds of liquid natural gas 113045  
shall be the equivalent of one gallon of motor fuel. 113046

Sec. 5735.12. (A) Any motor fuel dealer required by this 113047  
chapter to file reports and pay the tax levied by this chapter who 113048  
fails to file the report within the time prescribed, may be liable 113049  
for an additional charge not exceeding the greater of ten per cent 113050  
of the motor fuel dealer's tax liability for that month or fifty 113051  
dollars. The tax commissioner may remit all or a portion of the 113052  
additional charge and may adopt rules relating to the remission of 113053  
all or a portion of the charge. 113054

If any person required by this chapter to file reports and 113055  
pay the taxes, interest, or additional charge levied by this 113056  
chapter fails to file the report, files an incomplete or incorrect 113057  
report, or fails to remit the full amount of the tax, interest, or 113058  
additional charge due for the period covered by the report, the 113059

commissioner may make an assessment against the person based upon 113060  
any information in the commissioner's possession. 113061

No assessment shall be made against any motor fuel dealer for 113062  
taxes imposed by this chapter more than four years after the date 113063  
on which the report on which the assessment was based was due or 113064  
was filed, whichever is later. This section does not bar an 113065  
assessment against any motor fuel dealer who fails to file a 113066  
report required by section 5735.06 of the Revised Code, or who 113067  
files a fraudulent motor fuel tax report. 113068

A penalty of up to fifteen per cent may be added to the 113069  
amount of every assessment made under this section. The 113070  
commissioner may adopt rules providing for the imposition and 113071  
remission of penalties added to assessments made under this 113072  
section. 113073

The commissioner shall give the party assessed written notice 113074  
of the assessment in the manner provided in section 5703.37 of the 113075  
Revised Code. With the notice, the commissioner shall provide 113076  
instructions on how to petition for reassessment and request a 113077  
hearing on the petition. 113078

(B) Unless the party assessed files with the tax commissioner 113079  
within sixty days after service of the notice of assessment, 113080  
either personally or by certified mail, a written petition for 113081  
reassessment in writing, signed by the party assessed or that 113082  
party's authorized agent having knowledge of the facts, the 113083  
assessment becomes final and the amount of the assessment is due 113084  
and payable from the party assessed to the treasurer of state. The 113085  
petition shall indicate the objections of the party assessed, but 113086  
additional objections may be raised in writing if received by the 113087  
commissioner prior to the date shown on the final determination. 113088  
If the petition has been properly filed, the commissioner shall 113089  
proceed under section 5703.60 of the Revised Code. 113090

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the business of the party assessed is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state motor fuel tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

~~The portion of~~ If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this

section. 113123

(D) All money collected by the tax commissioner under this 113124  
section shall be paid to the treasurer of state, and when paid 113125  
shall be considered as revenue arising from the tax imposed by 113126  
this chapter. 113127

(E) If the tax commissioner determines that the commissioner 113128  
has erroneously refunded motor fuel tax to any person, the 113129  
commissioner may make an assessment against the person for 113130  
recovery of the erroneously refunded tax. 113131

**Sec. 5735.34.** (A) If any motor fuel dealer sells that motor 113132  
fuel dealer's entire business or discontinues operating that 113133  
business, the taxes and any interest and penalties imposed under 113134  
this chapter that arose prior to the date of sale or 113135  
discontinuation become due and payable immediately. The Within 113136  
fifteen days after the date of the sale or discontinuation of the 113137  
business, the motor fuel dealer shall make a final return within 113138  
fifteen days after the date of the sale or discontinuation of the 113139  
business and provide written notification to the tax commissioner 113140  
of the sale or discontinuation and the name and contact 113141  
information of the purchaser, if applicable. The purchaser of the 113142  
business shall withhold a sufficient amount of the purchase money 113143  
to cover the amount of such taxes, interest, and penalties due and 113144  
unpaid until the seller produces a receipt from the tax 113145  
commissioner showing that the taxes, interest, and penalties have 113146  
been paid, or until the seller produces a certificate indicating 113147  
that no taxes, interest, and penalties are due. 113148

(B) If the purchaser of the business fails to withhold the 113149  
purchase money required to be withheld under this section, the 113150  
purchaser of the business is personally liable for the payment of 113151  
the taxes, interest, and penalties accrued and unpaid during the 113152  
operation of the business by the seller, but only to the extent of 113153

the consideration offered for the entire business. 113154

(C) For purposes of this section, "entire business" means 113155  
substantially all of the seller's assets determined without regard 113156  
to any then existing mortgages, liens, security interests or other 113157  
encumbrances attaching to those assets. A person is considered to 113158  
have sold the entire business only if the person ceases to qualify 113159  
as a motor fuel dealer and has relinquished or the tax 113160  
commissioner has canceled the person's motor fuel dealer's 113161  
license. 113162

**Sec. 5739.01.** As used in this chapter: 113163

(A) "Person" includes individuals, receivers, assignees, 113164  
trustees in bankruptcy, estates, firms, partnerships, 113165  
associations, joint-stock companies, joint ventures, clubs, 113166  
societies, corporations, the state and its political subdivisions, 113167  
and combinations of individuals of any form. 113168

(B) "Sale" and "selling" include all of the following 113169  
transactions for a consideration in any manner, whether absolutely 113170  
or conditionally, whether for a price or rental, in money or by 113171  
exchange, and by any means whatsoever: 113172

(1) All transactions by which title or possession, or both, 113173  
of tangible personal property, is or is to be transferred, or a 113174  
license to use or consume tangible personal property is or is to 113175  
be granted; 113176

(2) All transactions by which lodging by a hotel is or is to 113177  
be furnished to transient guests; 113178

(3) All transactions by which: 113179

(a) An item of tangible personal property is or is to be 113180  
repaired, except property, the purchase of which would not be 113181  
subject to the tax imposed by section 5739.02 of the Revised Code; 113182

(b) An item of tangible personal property is or is to be 113183

installed, except property, the purchase of which would not be 113184  
subject to the tax imposed by section 5739.02 of the Revised Code 113185  
or property that is or is to be incorporated into and will become 113186  
a part of a production, transmission, transportation, or 113187  
distribution system for the delivery of a public utility service; 113188

(c) The service of washing, cleaning, waxing, polishing, or 113189  
painting a motor vehicle is or is to be furnished; 113190

(d) Until August 1, 2003, industrial laundry cleaning 113191  
services are or are to be provided and, on and after August 1, 113192  
2003, laundry and dry cleaning services are or are to be provided; 113193

(e) Automatic data processing, computer services, or 113194  
electronic information services are or are to be provided for use 113195  
in business when the true object of the transaction is the receipt 113196  
by the consumer of automatic data processing, computer services, 113197  
or electronic information services rather than the receipt of 113198  
personal or professional services to which automatic data 113199  
processing, computer services, or electronic information services 113200  
are incidental or supplemental. Notwithstanding any other 113201  
provision of this chapter, such transactions that occur between 113202  
members of an affiliated group are not sales. An "affiliated 113203  
group" means two or more persons related in such a way that one 113204  
person owns or controls the business operation of another member 113205  
of the group. In the case of corporations with stock, one 113206  
corporation owns or controls another if it owns more than fifty 113207  
per cent of the other corporation's common stock with voting 113208  
rights. 113209

(f) Telecommunications service, including prepaid calling 113210  
service, prepaid wireless calling service, or ancillary service, 113211  
is or is to be provided, but not including coin-operated telephone 113212  
service; 113213

(g) Landscaping and lawn care service is or is to be 113214

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 113215                                                                       |
| (h) Private investigation and security service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                           | 113216<br>113217                                                             |
| (i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;                                                                                                                                                                                                                                                                                                                                                                                          | 113218<br>113219                                                             |
| (j) Building maintenance and janitorial service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                          | 113220<br>113221                                                             |
| (k) Employment service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 113222                                                                       |
| (l) Employment placement service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 113223                                                                       |
| (m) Exterminating service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 113224                                                                       |
| (n) Physical fitness facility service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 113225<br>113226                                                             |
| (o) Recreation and sports club service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 113227<br>113228                                                             |
| (p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                          | 113229<br>113230                                                             |
| (q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair. | 113231<br>113232<br>113233<br>113234<br>113235<br>113236<br>113237<br>113238 |
| (r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding                                                                                                                                | 113239<br>113240<br>113241<br>113242<br>113243<br>113244                     |



a certificate of public convenience and necessity issued under 49 113245  
U.S.C. 41102; 113246

(s) On and after August 1, 2003, motor vehicle towing service 113247  
is or is to be provided. As used in this division, "motor vehicle 113248  
towing service" means the towing or conveyance of a wrecked, 113249  
disabled, or illegally parked motor vehicle. 113250

(t) On and after August 1, 2003, snow removal service is or 113251  
is to be provided. As used in this division, "snow removal 113252  
service" means the removal of snow by any mechanized means, but 113253  
does not include the providing of such service by a person that 113254  
has less than five thousand dollars in sales of such service 113255  
during the calendar year. 113256

(u) Electronic publishing service is or is to be provided to 113257  
a consumer for use in business, except that such transactions 113258  
occurring between members of an affiliated group, as defined in 113259  
division (B)(3)(e) of this section, are not sales. 113260

(4) All transactions by which printed, imprinted, 113261  
overprinted, lithographic, multilithic, blueprinted, photostatic, 113262  
or other productions or reproductions of written or graphic matter 113263  
are or are to be furnished or transferred; 113264

(5) The production or fabrication of tangible personal 113265  
property for a consideration for consumers who furnish either 113266  
directly or indirectly the materials used in the production of 113267  
fabrication work; and include the furnishing, preparing, or 113268  
serving for a consideration of any tangible personal property 113269  
consumed on the premises of the person furnishing, preparing, or 113270  
serving such tangible personal property. Except as provided in 113271  
section 5739.03 of the Revised Code, a construction contract 113272  
pursuant to which tangible personal property is or is to be 113273  
incorporated into a structure or improvement on and becoming a 113274  
part of real property is not a sale of such tangible personal 113275

property. The construction contractor is the consumer of such 113276  
tangible personal property, provided that the sale and 113277  
installation of carpeting, the sale and installation of 113278  
agricultural land tile, the sale and erection or installation of 113279  
portable grain bins, or the provision of landscaping and lawn care 113280  
service and the transfer of property as part of such service is 113281  
never a construction contract. 113282

As used in division (B)(5) of this section: 113283

(a) "Agricultural land tile" means fired clay or concrete 113284  
tile, or flexible or rigid perforated plastic pipe or tubing, 113285  
incorporated or to be incorporated into a subsurface drainage 113286  
system appurtenant to land used or to be used primarily in 113287  
production by farming, agriculture, horticulture, or floriculture. 113288  
The term does not include such materials when they are or are to 113289  
be incorporated into a drainage system appurtenant to a building 113290  
or structure even if the building or structure is used or to be 113291  
used in such production. 113292

(b) "Portable grain bin" means a structure that is used or to 113293  
be used by a person engaged in farming or agriculture to shelter 113294  
the person's grain and that is designed to be disassembled without 113295  
significant damage to its component parts. 113296

(6) All transactions in which all of the shares of stock of a 113297  
closely held corporation are transferred, or an ownership interest 113298  
in a pass-through entity, as defined in section 5733.04 of the 113299  
Revised Code, is transferred, if the corporation or pass-through 113300  
entity is not engaging in business and its entire assets consist 113301  
of boats, planes, motor vehicles, or other tangible personal 113302  
property operated primarily for the use and enjoyment of the 113303  
shareholders or owners; 113304

(7) All transactions in which a warranty, maintenance or 113305  
service contract, or similar agreement by which the vendor of the 113306

warranty, contract, or agreement agrees to repair or maintain the 113307  
tangible personal property of the consumer is or is to be 113308  
provided; 113309

(8) The transfer of copyrighted motion picture films used 113310  
solely for advertising purposes, except that the transfer of such 113311  
films for exhibition purposes is not a sale; 113312

(9) On and after August 1, 2003, all transactions by which 113313  
tangible personal property is or is to be stored, except such 113314  
property that the consumer of the storage holds for sale in the 113315  
regular course of business; 113316

(10) All transactions in which "guaranteed auto protection" 113317  
is provided whereby a person promises to pay to the consumer the 113318  
difference between the amount the consumer receives from motor 113319  
vehicle insurance and the amount the consumer owes to a person 113320  
holding title to or a lien on the consumer's motor vehicle in the 113321  
event the consumer's motor vehicle suffers a total loss under the 113322  
terms of the motor vehicle insurance policy or is stolen and not 113323  
recovered, if the protection and its price are included in the 113324  
purchase or lease agreement; 113325

(11)(a) Except as provided in division (B)(11)(b) of this 113326  
section, on and after October 1, 2009, all transactions by which 113327  
health care services are paid for, reimbursed, provided, 113328  
delivered, arranged for, or otherwise made available by a medicaid 113329  
health insuring corporation pursuant to the corporation's contract 113330  
with the state. 113331

(b) If the centers for medicare and medicaid services of the 113332  
United States department of health and human services determines 113333  
that the taxation of transactions described in division (B)(11)(a) 113334  
of this section constitutes an impermissible health care-related 113335  
tax under ~~section 1903(w)~~ of the "Social Security Act," ~~49 Stat.~~ 113336  
~~620 (1935)~~ section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~, and 113337

regulations adopted thereunder, the medicaid director ~~of job and~~ 113338  
~~family services~~ shall notify the tax commissioner of that 113339  
determination. Beginning with the first day of the month following 113340  
that notification, the transactions described in division 113341  
(B)(11)(a) of this section are not sales for the purposes of this 113342  
chapter or Chapter 5741. of the Revised Code. The tax commissioner 113343  
shall order that the collection of taxes under sections 5739.02, 113344  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 113345  
5741.023 of the Revised Code shall cease for transactions 113346  
occurring on or after that date. 113347

Except as provided in this section, "sale" and "selling" do 113348  
not include transfers of interest in leased property where the 113349  
original lessee and the terms of the original lease agreement 113350  
remain unchanged, or professional, insurance, or personal service 113351  
transactions that involve the transfer of tangible personal 113352  
property as an inconsequential element, for which no separate 113353  
charges are made. 113354

(C) "Vendor" means the person providing the service or by 113355  
whom the transfer effected or license given by a sale is or is to 113356  
be made or given and, for sales described in division (B)(3)(i) of 113357  
this section, the telecommunications service vendor that provides 113358  
the nine hundred telephone service; if two or more persons are 113359  
engaged in business at the same place of business under a single 113360  
trade name in which all collections on account of sales by each 113361  
are made, such persons shall constitute a single vendor. 113362

Physicians, dentists, hospitals, and veterinarians who are 113363  
engaged in selling tangible personal property as received from 113364  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 113365  
articles, are vendors. Veterinarians who are engaged in 113366  
transferring to others for a consideration drugs, the dispensing 113367  
of which does not require an order of a licensed veterinarian or 113368  
physician under federal law, are vendors. 113369

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary medicine, surgery, and dentistry. In addition to being consumers of drugs administered by them or by their assistants according to their direction, veterinarians also are consumers of drugs that under federal law may be dispensed only by or upon the order of a licensed veterinarian or physician, when transferred by them to others for a consideration to provide treatment to animals as directed by the veterinarian.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E)(1) of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or

having it distributed to the public or to a designated segment of 113402  
the public, free of charge, that person is the consumer of all 113403  
tangible personal property and services purchased for use or 113404  
consumption in the production of that printed matter. That person 113405  
is not entitled to claim exemption under division (B)(42)(f) of 113406  
section 5739.02 of the Revised Code for any material incorporated 113407  
into the printed matter or any equipment, supplies, or services 113408  
primarily used to produce the printed matter. 113409

(c) The distribution of printed matter to the public or to a 113410  
designated segment of the public, free of charge, is not a sale to 113411  
the members of the public to whom the printed matter is 113412  
distributed or to any persons who purchase space in the printed 113413  
matter for advertising or other purposes. 113414

(5) A person who makes sales of any of the services listed in 113415  
division (B)(3) of this section is the consumer of any tangible 113416  
personal property used in performing the service. The purchase of 113417  
that property is not subject to the resale exception under 113418  
division (E)(1) of this section. 113419

(6) A person who engages in highway transportation for hire 113420  
is the consumer of all packaging materials purchased by that 113421  
person and used in performing the service, except for packaging 113422  
materials sold by such person in a transaction separate from the 113423  
service. 113424

(7) In the case of a transaction for health care services 113425  
under division (B)(11) of this section, a medicaid health insuring 113426  
corporation is the consumer of such services. The purchase of such 113427  
services by a medicaid health insuring corporation is not subject 113428  
to the exception for resale under division (E)(1) of this section 113429  
or to the exemptions provided under divisions (B)(12), (18), (19), 113430  
and (22) of section 5739.02 of the Revised Code. 113431

(E) "Retail sale" and "sales at retail" include all sales, 113432

except those in which the purpose of the consumer is to resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person.

(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds.

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business.

(H)(1)(a) "Price," except as provided in divisions (H)(2), (3), and (4) of this section, means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for any of the following:

(i) The vendor's cost of the property sold;

(ii) The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the vendor, all taxes imposed on the vendor, including the tax imposed under Chapter 5751. of the Revised Code, and any other expense of the vendor;

(iii) Charges by the vendor for any services necessary to complete the sale;

(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (v) Installation charges;                                          | 113464 |
| (vi) Credit for any trade-in.                                      | 113465 |
| (b) "Price" includes consideration received by the vendor          | 113466 |
| from a third party, if the vendor actually receives the            | 113467 |
| consideration from a party other than the consumer, and the        | 113468 |
| consideration is directly related to a price reduction or discount | 113469 |
| on the sale; the vendor has an obligation to pass the price        | 113470 |
| reduction or discount through to the consumer; the amount of the   | 113471 |
| consideration attributable to the sale is fixed and determinable   | 113472 |
| by the vendor at the time of the sale of the item to the consumer; | 113473 |
| and one of the following criteria is met:                          | 113474 |
| (i) The consumer presents a coupon, certificate, or other          | 113475 |
| document to the vendor to claim a price reduction or discount      | 113476 |
| where the coupon, certificate, or document is authorized,          | 113477 |
| distributed, or granted by a third party with the understanding    | 113478 |
| that the third party will reimburse any vendor to whom the coupon, | 113479 |
| certificate, or document is presented;                             | 113480 |
| (ii) The consumer identifies the consumer's self to the            | 113481 |
| seller as a member of a group or organization entitled to a price  | 113482 |
| reduction or discount. A preferred customer card that is available | 113483 |
| to any patron does not constitute membership in such a group or    | 113484 |
| organization.                                                      | 113485 |
| (iii) The price reduction or discount is identified as a           | 113486 |
| third party price reduction or discount on the invoice received by | 113487 |
| the consumer, or on a coupon, certificate, or other document       | 113488 |
| presented by the consumer.                                         | 113489 |
| (c) "Price" does not include any of the following:                 | 113490 |
| (i) Discounts, including cash, term, or coupons that are not       | 113491 |
| reimbursed by a third party that are allowed by a vendor and taken | 113492 |
| by a consumer on a sale;                                           | 113493 |



(ii) Interest, financing, and carrying charges from credit 113494  
extended on the sale of tangible personal property or services, if 113495  
the amount is separately stated on the invoice, bill of sale, or 113496  
similar document given to the purchaser; 113497

(iii) Any taxes legally imposed directly on the consumer that 113498  
are separately stated on the invoice, bill of sale, or similar 113499  
document given to the consumer. For the purpose of this division, 113500  
the tax imposed under Chapter 5751. of the Revised Code is not a 113501  
tax directly on the consumer, even if the tax or a portion thereof 113502  
is separately stated. 113503

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 113504  
section, any discount allowed by an automobile manufacturer to its 113505  
employee, or to the employee of a supplier, on the purchase of a 113506  
new motor vehicle from a new motor vehicle dealer in this state. 113507

(v) The dollar value of a gift card that is not sold by a 113508  
vendor or purchased by a consumer and that is redeemed by the 113509  
consumer in purchasing tangible personal property or services if 113510  
the vendor is not reimbursed and does not receive compensation 113511  
from a third party to cover all or part of the gift card value. 113512  
For the purposes of this division, a gift card is not sold by a 113513  
vendor or purchased by a consumer if it is distributed pursuant to 113514  
an awards, loyalty, or promotional program. Past and present 113515  
purchases of tangible personal property or services by the 113516  
consumer shall not be treated as consideration exchanged for a 113517  
gift card. 113518

(2) In the case of a sale of any new motor vehicle by a new 113519  
motor vehicle dealer, as defined in section 4517.01 of the Revised 113520  
Code, in which another motor vehicle is accepted by the dealer as 113521  
part of the consideration received, "price" has the same meaning 113522  
as in division (H)(1) of this section, reduced by the credit 113523  
afforded the consumer by the dealer for the motor vehicle received 113524  
in trade. 113525

(3) In the case of a sale of any watercraft or outboard motor 113526  
by a watercraft dealer licensed in accordance with section 113527  
1547.543 of the Revised Code, in which another watercraft, 113528  
watercraft and trailer, or outboard motor is accepted by the 113529  
dealer as part of the consideration received, "price" has the same 113530  
meaning as in division (H)(1) of this section, reduced by the 113531  
credit afforded the consumer by the dealer for the watercraft, 113532  
watercraft and trailer, or outboard motor received in trade. As 113533  
used in this division, "watercraft" includes an outdrive unit 113534  
attached to the watercraft. 113535

(4) In the case of transactions for health care services 113536  
under division (B)(11) of this section, "price" means the amount 113537  
of managed care premiums received each month by a medicaid health 113538  
insuring corporation. 113539

(I) "Receipts" means the total amount of the prices of the 113540  
sales of vendors, provided that the dollar value of gift cards 113541  
distributed pursuant to an awards, loyalty, or promotional 113542  
program, and cash discounts allowed and taken on sales at the time 113543  
they are consummated are not included, minus any amount deducted 113544  
as a bad debt pursuant to section 5739.121 of the Revised Code. 113545  
"Receipts" does not include the sale price of property returned or 113546  
services rejected by consumers when the full sale price and tax 113547  
are refunded either in cash or by credit. 113548

(J) "Place of business" means any location at which a person 113549  
engages in business. 113550

(K) "Premises" includes any real property or portion thereof 113551  
upon which any person engages in selling tangible personal 113552  
property at retail or making retail sales and also includes any 113553  
real property or portion thereof designated for, or devoted to, 113554  
use in conjunction with the business engaged in by such person. 113555

(L) "Casual sale" means a sale of an item of tangible 113556

personal property that was obtained by the person making the sale, 113557  
through purchase or otherwise, for the person's own use and was 113558  
previously subject to any state's taxing jurisdiction on its sale 113559  
or use, and includes such items acquired for the seller's use that 113560  
are sold by an auctioneer employed directly by the person for such 113561  
purpose, provided the location of such sales is not the 113562  
auctioneer's permanent place of business. As used in this 113563  
division, "permanent place of business" includes any location 113564  
where such auctioneer has conducted more than two auctions during 113565  
the year. 113566

(M) "Hotel" means every establishment kept, used, maintained, 113567  
advertised, or held out to the public to be a place where sleeping 113568  
accommodations are offered to guests, in which five or more rooms 113569  
are used for the accommodation of such guests, whether the rooms 113570  
are in one or several structures, except as otherwise provided in 113571  
division (G) of section 5739.09 of the Revised Code. 113572

(N) "Transient guests" means persons occupying a room or 113573  
rooms for sleeping accommodations for less than thirty consecutive 113574  
days. 113575

(O) "Making retail sales" means the effecting of transactions 113576  
wherein one party is obligated to pay the price and the other 113577  
party is obligated to provide a service or to transfer title to or 113578  
possession of the item sold. "Making retail sales" does not 113579  
include the preliminary acts of promoting or soliciting the retail 113580  
sales, other than the distribution of printed matter which 113581  
displays or describes and prices the item offered for sale, nor 113582  
does it include delivery of a predetermined quantity of tangible 113583  
personal property or transportation of property or personnel to or 113584  
from a place where a service is performed. 113585

(P) "Used directly in the rendition of a public utility 113586  
service" means that property that is to be incorporated into and 113587  
will become a part of the consumer's production, transmission, 113588

transportation, or distribution system and that retains its 113589  
classification as tangible personal property after such 113590  
incorporation; fuel or power used in the production, transmission, 113591  
transportation, or distribution system; and tangible personal 113592  
property used in the repair and maintenance of the production, 113593  
transmission, transportation, or distribution system, including 113594  
only such motor vehicles as are specially designed and equipped 113595  
for such use. Tangible personal property and services used 113596  
primarily in providing highway transportation for hire are not 113597  
used directly in the rendition of a public utility service. In 113598  
this definition, "public utility" includes a citizen of the United 113599  
States holding, and required to hold, a certificate of public 113600  
convenience and necessity issued under 49 U.S.C. 41102. 113601

(Q) "Refining" means removing or separating a desirable 113602  
product from raw or contaminated materials by distillation or 113603  
physical, mechanical, or chemical processes. 113604

(R) "Assembly" and "assembling" mean attaching or fitting 113605  
together parts to form a product, but do not include packaging a 113606  
product. 113607

(S) "Manufacturing operation" means a process in which 113608  
materials are changed, converted, or transformed into a different 113609  
state or form from which they previously existed and includes 113610  
refining materials, assembling parts, and preparing raw materials 113611  
and parts by mixing, measuring, blending, or otherwise committing 113612  
such materials or parts to the manufacturing process. 113613  
"Manufacturing operation" does not include packaging. 113614

(T) "Fiscal officer" means, with respect to a regional 113615  
transit authority, the secretary-treasurer thereof, and with 113616  
respect to a county that is a transit authority, the fiscal 113617  
officer of the county transit board if one is appointed pursuant 113618  
to section 306.03 of the Revised Code or the county auditor if the 113619  
board of county commissioners operates the county transit system. 113620

(U) "Transit authority" means a regional transit authority 113621  
created pursuant to section 306.31 of the Revised Code or a county 113622  
in which a county transit system is created pursuant to section 113623  
306.01 of the Revised Code. For the purposes of this chapter, a 113624  
transit authority must extend to at least the entire area of a 113625  
single county. A transit authority that includes territory in more 113626  
than one county must include all the area of the most populous 113627  
county that is a part of such transit authority. County population 113628  
shall be measured by the most recent census taken by the United 113629  
States census bureau. 113630

(V) "Legislative authority" means, with respect to a regional 113631  
transit authority, the board of trustees thereof, and with respect 113632  
to a county that is a transit authority, the board of county 113633  
commissioners. 113634

(W) "Territory of the transit authority" means all of the 113635  
area included within the territorial boundaries of a transit 113636  
authority as they from time to time exist. Such territorial 113637  
boundaries must at all times include all the area of a single 113638  
county or all the area of the most populous county that is a part 113639  
of such transit authority. County population shall be measured by 113640  
the most recent census taken by the United States census bureau. 113641

(X) "Providing a service" means providing or furnishing 113642  
anything described in division (B)(3) of this section for 113643  
consideration. 113644

(Y)(1)(a) "Automatic data processing" means processing of 113645  
others' data, including keypunching or similar data entry services 113646  
together with verification thereof, or providing access to 113647  
computer equipment for the purpose of processing data. 113648

(b) "Computer services" means providing services consisting 113649  
of specifying computer hardware configurations and evaluating 113650  
technical processing characteristics, computer programming, and 113651

training of computer programmers and operators, provided in 113652  
conjunction with and to support the sale, lease, or operation of 113653  
taxable computer equipment or systems. 113654

(c) "Electronic information services" means providing access 113655  
to computer equipment by means of telecommunications equipment for 113656  
the purpose of either of the following: 113657

(i) Examining or acquiring data stored in or accessible to 113658  
the computer equipment; 113659

(ii) Placing data into the computer equipment to be retrieved 113660  
by designated recipients with access to the computer equipment. 113661

For transactions occurring on or after the effective date of 113662  
the amendment of this section by H.B. 157 of the 127th general 113663  
assembly, December 21, 2007, "electronic information services" 113664  
does not include electronic publishing as defined in division 113665  
(LLL) of this section. 113666

(d) "Automatic data processing, computer services, or 113667  
electronic information services" shall not include personal or 113668  
professional services. 113669

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 113670  
section, "personal and professional services" means all services 113671  
other than automatic data processing, computer services, or 113672  
electronic information services, including but not limited to: 113673

(a) Accounting and legal services such as advice on tax 113674  
matters, asset management, budgetary matters, quality control, 113675  
information security, and auditing and any other situation where 113676  
the service provider receives data or information and studies, 113677  
alters, analyzes, interprets, or adjusts such material; 113678

(b) Analyzing business policies and procedures; 113679

(c) Identifying management information needs; 113680

(d) Feasibility studies, including economic and technical 113681

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| analysis of existing or potential computer hardware or software    | 113682 |
| needs and alternatives;                                            | 113683 |
| (e) Designing policies, procedures, and custom software for        | 113684 |
| collecting business information, and determining how data should   | 113685 |
| be summarized, sequenced, formatted, processed, controlled, and    | 113686 |
| reported so that it will be meaningful to management;              | 113687 |
| (f) Developing policies and procedures that document how           | 113688 |
| business events and transactions are to be authorized, executed,   | 113689 |
| and controlled;                                                    | 113690 |
| (g) Testing of business procedures;                                | 113691 |
| (h) Training personnel in business procedure applications;         | 113692 |
| (i) Providing credit information to users of such information      | 113693 |
| by a consumer reporting agency, as defined in the "Fair Credit     | 113694 |
| Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or | 113695 |
| as hereafter amended, including but not limited to gathering,      | 113696 |
| organizing, analyzing, recording, and furnishing such information  | 113697 |
| by any oral, written, graphic, or electronic medium;               | 113698 |
| (j) Providing debt collection services by any oral, written,       | 113699 |
| graphic, or electronic means.                                      | 113700 |
| The services listed in divisions (Y)(2)(a) to (j) of this          | 113701 |
| section are not automatic data processing or computer services.    | 113702 |
| (Z) "Highway transportation for hire" means the                    | 113703 |
| transportation of personal property belonging to others for        | 113704 |
| consideration by any of the following:                             | 113705 |
| (1) The holder of a permit or certificate issued by this           | 113706 |
| state or the United States authorizing the holder to engage in     | 113707 |
| transportation of personal property belonging to others for        | 113708 |
| consideration over or on highways, roadways, streets, or any       | 113709 |
| similar public thoroughfare;                                       | 113710 |
| (2) A person who engages in the transportation of personal         | 113711 |

property belonging to others for consideration over or on 113712  
highways, roadways, streets, or any similar public thoroughfare 113713  
but who could not have engaged in such transportation on December 113714  
11, 1985, unless the person was the holder of a permit or 113715  
certificate of the types described in division (Z)(1) of this 113716  
section; 113717

(3) A person who leases a motor vehicle to and operates it 113718  
for a person described by division (Z)(1) or (2) of this section. 113719

(AA)(1) "Telecommunications service" means the electronic 113720  
transmission, conveyance, or routing of voice, data, audio, video, 113721  
or any other information or signals to a point, or between or 113722  
among points. "Telecommunications service" includes such 113723  
transmission, conveyance, or routing in which computer processing 113724  
applications are used to act on the form, code, or protocol of the 113725  
content for purposes of transmission, conveyance, or routing 113726  
without regard to whether the service is referred to as voice-over 113727  
internet protocol service or is classified by the federal 113728  
communications commission as enhanced or value-added. 113729  
"Telecommunications service" does not include any of the 113730  
following: 113731

(a) Data processing and information services that allow data 113732  
to be generated, acquired, stored, processed, or retrieved and 113733  
delivered by an electronic transmission to a consumer where the 113734  
consumer's primary purpose for the underlying transaction is the 113735  
processed data or information; 113736

(b) Installation or maintenance of wiring or equipment on a 113737  
customer's premises; 113738

(c) Tangible personal property; 113739

(d) Advertising, including directory advertising; 113740

(e) Billing and collection services provided to third 113741  
parties; 113742



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (f) Internet access service;                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 113743                                                                       |
| (g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3; | 113744<br>113745<br>113746<br>113747<br>113748<br>113749<br>113750<br>113751 |
| (h) Ancillary service;                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 113752                                                                       |
| (i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.                                                                                                                                                                                                                                                                                                                                                                        | 113753<br>113754                                                             |
| (2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:                                                                                                                                                                               | 113755<br>113756<br>113757<br>113758<br>113759                               |
| (a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.                                                                                                                                                                                            | 113760<br>113761<br>113762<br>113763<br>113764                               |
| (b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.                                                                                                                                                                                                                                                                                                          | 113765<br>113766<br>113767                                                   |
| (c) "Directory assistance" means an ancillary service of providing telephone number or address information.                                                                                                                                                                                                                                                                                                                                                                               | 113768<br>113769                                                             |
| (d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow                                                                                                                                                                                                                                                                                                           | 113770<br>113771<br>113772                                                   |

customers to identify callers and manage multiple calls and call connections, including conference bridging service. 113773  
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(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. 113775  
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"Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service. 113777  
113778  
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(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer. 113780  
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(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount. 113789  
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(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount. 113795  
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(6) "Value-added non-voice data service" means a 113803

telecommunications service in which computer processing 113804  
applications are used to act on the form, content, code, or 113805  
protocol of the information or data primarily for a purpose other 113806  
than transmission, conveyance, or routing. 113807

(7) "Coin-operated telephone service" means a 113808  
telecommunications service paid for by inserting money into a 113809  
telephone accepting direct deposits of money to operate. 113810

(8) "Customer" has the same meaning as in section 5739.034 of 113811  
the Revised Code. 113812

(BB) "Laundry and dry cleaning services" means removing soil 113813  
or dirt from towels, linens, articles of clothing, or other fabric 113814  
items that belong to others and supplying towels, linens, articles 113815  
of clothing, or other fabric items. "Laundry and dry cleaning 113816  
services" does not include the provision of self-service 113817  
facilities for use by consumers to remove soil or dirt from 113818  
towels, linens, articles of clothing, or other fabric items. 113819

(CC) "Magazines distributed as controlled circulation 113820  
publications" means magazines containing at least twenty-four 113821  
pages, at least twenty-five per cent editorial content, issued at 113822  
regular intervals four or more times a year, and circulated 113823  
without charge to the recipient, provided that such magazines are 113824  
not owned or controlled by individuals or business concerns which 113825  
conduct such publications as an auxiliary to, and essentially for 113826  
the advancement of the main business or calling of, those who own 113827  
or control them. 113828

(DD) "Landscaping and lawn care service" means the services 113829  
of planting, seeding, sodding, removing, cutting, trimming, 113830  
pruning, mulching, aerating, applying chemicals, watering, 113831  
fertilizing, and providing similar services to establish, promote, 113832  
or control the growth of trees, shrubs, flowers, grass, ground 113833  
cover, and other flora, or otherwise maintaining a lawn or 113834

landscape grown or maintained by the owner for ornamentation or 113835  
other nonagricultural purpose. However, "landscaping and lawn care 113836  
service" does not include the providing of such services by a 113837  
person who has less than five thousand dollars in sales of such 113838  
services during the calendar year. 113839

(EE) "Private investigation and security service" means the 113840  
performance of any activity for which the provider of such service 113841  
is required to be licensed pursuant to Chapter 4749. of the 113842  
Revised Code, or would be required to be so licensed in performing 113843  
such services in this state, and also includes the services of 113844  
conducting polygraph examinations and of monitoring or overseeing 113845  
the activities on or in, or the condition of, the consumer's home, 113846  
business, or other facility by means of electronic or similar 113847  
monitoring devices. "Private investigation and security service" 113848  
does not include special duty services provided by off-duty police 113849  
officers, deputy sheriffs, and other peace officers regularly 113850  
employed by the state or a political subdivision. 113851

(FF) "Information services" means providing conversation, 113852  
giving consultation or advice, playing or making a voice or other 113853  
recording, making or keeping a record of the number of callers, 113854  
and any other service provided to a consumer by means of a nine 113855  
hundred telephone call, except when the nine hundred telephone 113856  
call is the means by which the consumer makes a contribution to a 113857  
recognized charity. 113858

(GG) "Research and development" means designing, creating, or 113859  
formulating new or enhanced products, equipment, or manufacturing 113860  
processes, and also means conducting scientific or technological 113861  
inquiry and experimentation in the physical sciences with the goal 113862  
of increasing scientific knowledge which may reveal the bases for 113863  
new or enhanced products, equipment, or manufacturing processes. 113864

(HH) "Qualified research and development equipment" means 113865  
capitalized tangible personal property, and leased personal 113866

property that would be capitalized if purchased, used by a person 113867  
primarily to perform research and development. Tangible personal 113868  
property primarily used in testing, as defined in division (A)(4) 113869  
of section 5739.011 of the Revised Code, or used for recording or 113870  
storing test results, is not qualified research and development 113871  
equipment unless such property is primarily used by the consumer 113872  
in testing the product, equipment, or manufacturing process being 113873  
created, designed, or formulated by the consumer in the research 113874  
and development activity or in recording or storing such test 113875  
results. 113876

(II) "Building maintenance and janitorial service" means 113877  
cleaning the interior or exterior of a building and any tangible 113878  
personal property located therein or thereon, including any 113879  
services incidental to such cleaning for which no separate charge 113880  
is made. However, "building maintenance and janitorial service" 113881  
does not include the providing of such service by a person who has 113882  
less than five thousand dollars in sales of such service during 113883  
the calendar year. 113884

(JJ) "Employment service" means providing or supplying 113885  
personnel, on a temporary or long-term basis, to perform work or 113886  
labor under the supervision or control of another, when the 113887  
personnel so provided or supplied receive their wages, salary, or 113888  
other compensation from the provider or supplier of the employment 113889  
service or from a third party that provided or supplied the 113890  
personnel to the provider or supplier. "Employment service" does 113891  
not include: 113892

(1) Acting as a contractor or subcontractor, where the 113893  
personnel performing the work are not under the direct control of 113894  
the purchaser. 113895

(2) Medical and health care services. 113896

(3) Supplying personnel to a purchaser pursuant to a contract 113897

of at least one year between the service provider and the 113898  
purchaser that specifies that each employee covered under the 113899  
contract is assigned to the purchaser on a permanent basis. 113900

(4) Transactions between members of an affiliated group, as 113901  
defined in division (B)(3)(e) of this section. 113902

(5) Transactions where the personnel so provided or supplied 113903  
by a provider or supplier to a purchaser of an employment service 113904  
are then provided or supplied by that purchaser to a third party 113905  
as an employment service, except "employment service" does include 113906  
the transaction between that purchaser and the third party. 113907

(KK) "Employment placement service" means locating or finding 113908  
employment for a person or finding or locating an employee to fill 113909  
an available position. 113910

(LL) "Exterminating service" means eradicating or attempting 113911  
to eradicate vermin infestations from a building or structure, or 113912  
the area surrounding a building or structure, and includes 113913  
activities to inspect, detect, or prevent vermin infestation of a 113914  
building or structure. 113915

(MM) "Physical fitness facility service" means all 113916  
transactions by which a membership is granted, maintained, or 113917  
renewed, including initiation fees, membership dues, renewal fees, 113918  
monthly minimum fees, and other similar fees and dues, by a 113919  
physical fitness facility such as an athletic club, health spa, or 113920  
gymnasium, which entitles the member to use the facility for 113921  
physical exercise. 113922

(NN) "Recreation and sports club service" means all 113923  
transactions by which a membership is granted, maintained, or 113924  
renewed, including initiation fees, membership dues, renewal fees, 113925  
monthly minimum fees, and other similar fees and dues, by a 113926  
recreation and sports club, which entitles the member to use the 113927  
facilities of the organization. "Recreation and sports club" means 113928

an organization that has ownership of, or controls or leases on a 113929  
continuing, long-term basis, the facilities used by its members 113930  
and includes an aviation club, gun or shooting club, yacht club, 113931  
card club, swimming club, tennis club, golf club, country club, 113932  
riding club, amateur sports club, or similar organization. 113933

(OO) "Livestock" means farm animals commonly raised for food, 113934  
food production, or other agricultural purposes, including, but 113935  
not limited to, cattle, sheep, goats, swine, poultry, and captive 113936  
deer. "Livestock" does not include invertebrates, amphibians, 113937  
reptiles, domestic pets, animals for use in laboratories or for 113938  
exhibition, or other animals not commonly raised for food or food 113939  
production. 113940

(PP) "Livestock structure" means a building or structure used 113941  
exclusively for the housing, raising, feeding, or sheltering of 113942  
livestock, and includes feed storage or handling structures and 113943  
structures for livestock waste handling. 113944

(QQ) "Horticulture" means the growing, cultivation, and 113945  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 113946  
and nursery stock. As used in this division, "nursery stock" has 113947  
the same meaning as in section 927.51 of the Revised Code. 113948

(RR) "Horticulture structure" means a building or structure 113949  
used exclusively for the commercial growing, raising, or 113950  
overwintering of horticultural products, and includes the area 113951  
used for stocking, storing, and packing horticultural products 113952  
when done in conjunction with the production of those products. 113953

(SS) "Newspaper" means an unbound publication bearing a title 113954  
or name that is regularly published, at least as frequently as 113955  
biweekly, and distributed from a fixed place of business to the 113956  
public in a specific geographic area, and that contains a 113957  
substantial amount of news matter of international, national, or 113958  
local events of interest to the general public. 113959

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of the property. "Lease" or "rental" does not include:

(a) A transfer of possession or control of tangible personal property under a security agreement or a deferred payment plan that requires the transfer of title upon completion of the



required payments; 113992

(b) A transfer of possession or control of tangible personal 113993  
property under an agreement that requires the transfer of title 113994  
upon completion of required payments and payment of an option 113995  
price that does not exceed the greater of one hundred dollars or 113996  
one per cent of the total required payments; 113997

(c) Providing tangible personal property along with an 113998  
operator for a fixed or indefinite period of time, if the operator 113999  
is necessary for the property to perform as designed. For purposes 114000  
of this division, the operator must do more than maintain, 114001  
inspect, or ~~set up~~ set up the tangible personal property. 114002

(2) "Lease" and "rental," as defined in division (UU) of this 114003  
section, shall not apply to leases or rentals that exist before 114004  
June 26, 2003. 114005

(3) "Lease" and "rental" have the same meaning as in division 114006  
(UU)(1) of this section regardless of whether a transaction is 114007  
characterized as a lease or rental under generally accepted 114008  
accounting principles, the Internal Revenue Code, Title XIII of 114009  
the Revised Code, or other federal, state, or local laws. 114010

(VV) "Mobile telecommunications service" has the same meaning 114011  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 114012  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 114013  
on and after August 1, 2003, includes related fees and ancillary 114014  
services, including universal service fees, detailed billing 114015  
service, directory assistance, service initiation, voice mail 114016  
service, and vertical services, such as caller ID and three-way 114017  
calling. 114018

(WW) "Certified service provider" has the same meaning as in 114019  
section 5740.01 of the Revised Code. 114020

(XX) "Satellite broadcasting service" means the distribution 114021  
or broadcasting of programming or services by satellite directly 114022

to the subscriber's receiving equipment without the use of ground 114023  
receiving or distribution equipment, except the subscriber's 114024  
receiving equipment or equipment used in the uplink process to the 114025  
satellite, and includes all service and rental charges, premium 114026  
channels or other special services, installation and repair 114027  
service charges, and any other charges having any connection with 114028  
the provision of the satellite broadcasting service. 114029

(YY) "Tangible personal property" means personal property 114030  
that can be seen, weighed, measured, felt, or touched, or that is 114031  
in any other manner perceptible to the senses. For purposes of 114032  
this chapter and Chapter 5741. of the Revised Code, "tangible 114033  
personal property" includes motor vehicles, electricity, water, 114034  
gas, steam, and prewritten computer software. 114035

(ZZ) "Direct mail" means printed material delivered or 114036  
distributed by United States mail or other delivery service to a 114037  
mass audience or to addressees on a mailing list provided by the 114038  
consumer or at the direction of the consumer when the cost of the 114039  
items are not billed directly to the recipients. "Direct mail" 114040  
includes tangible personal property supplied directly or 114041  
indirectly by the consumer to the direct mail vendor for inclusion 114042  
in the package containing the printed material. "Direct mail" does 114043  
not include multiple items of printed material delivered to a 114044  
single address. 114045

(AAA) "Computer" means an electronic device that accepts 114046  
information in digital or similar form and manipulates it for a 114047  
result based on a sequence of instructions. 114048

(BBB) "Computer software" means a set of coded instructions 114049  
designed to cause a computer or automatic data processing 114050  
equipment to perform a task. 114051

(CCC) "Delivered electronically" means delivery of computer 114052  
software from the seller to the purchaser by means other than 114053

tangible storage media. 114054

(DDD) "Prewritten computer software" means computer software, 114055  
including prewritten upgrades, that is not designed and developed 114056  
by the author or other creator to the specifications of a specific 114057  
purchaser. The combining of two or more prewritten computer 114058  
software programs or prewritten portions thereof does not cause 114059  
the combination to be other than prewritten computer software. 114060  
"Prewritten computer software" includes software designed and 114061  
developed by the author or other creator to the specifications of 114062  
a specific purchaser when it is sold to a person other than the 114063  
purchaser. If a person modifies or enhances computer software of 114064  
which the person is not the author or creator, the person shall be 114065  
deemed to be the author or creator only of such person's 114066  
modifications or enhancements. Prewritten computer software or a 114067  
prewritten portion thereof that is modified or enhanced to any 114068  
degree, where such modification or enhancement is designed and 114069  
developed to the specifications of a specific purchaser, remains 114070  
prewritten computer software; provided, however, that where there 114071  
is a reasonable, separately stated charge or an invoice or other 114072  
statement of the price given to the purchaser for the modification 114073  
or enhancement, the modification or enhancement shall not 114074  
constitute prewritten computer software. 114075

(EEE)(1) "Food" means substances, whether in liquid, 114076  
concentrated, solid, frozen, dried, or dehydrated form, that are 114077  
sold for ingestion or chewing by humans and are consumed for their 114078  
taste or nutritional value. "Food" does not include alcoholic 114079  
beverages, dietary supplements, soft drinks, or tobacco. 114080

(2) As used in division (EEE)(1) of this section: 114081

(a) "Alcoholic beverages" means beverages that are suitable 114082  
for human consumption and contain one-half of one per cent or more 114083  
of alcohol by volume. 114084

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

- (i) A vitamin;
- (ii) A mineral;
- (iii) An herb or other botanical;
- (iv) An amino acid;
- (v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;
- (vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official

national formulary, and supplements to them; is intended for use 114115  
in the diagnosis, cure, mitigation, treatment, or prevention of 114116  
disease; or is intended to affect the structure or any function of 114117  
the body. 114118

(GGG) "Prescription" means an order, formula, or recipe 114119  
issued in any form of oral, written, electronic, or other means of 114120  
transmission by a duly licensed practitioner authorized by the 114121  
laws of this state to issue a prescription. 114122

(HHH) "Durable medical equipment" means equipment, including 114123  
repair and replacement parts for such equipment, that can 114124  
withstand repeated use, is primarily and customarily used to serve 114125  
a medical purpose, generally is not useful to a person in the 114126  
absence of illness or injury, and is not worn in or on the body. 114127  
"Durable medical equipment" does not include mobility enhancing 114128  
equipment. 114129

(III) "Mobility enhancing equipment" means equipment, 114130  
including repair and replacement parts for such equipment, that is 114131  
primarily and customarily used to provide or increase the ability 114132  
to move from one place to another and is appropriate for use 114133  
either in a home or a motor vehicle, that is not generally used by 114134  
persons with normal mobility, and that does not include any motor 114135  
vehicle or equipment on a motor vehicle normally provided by a 114136  
motor vehicle manufacturer. "Mobility enhancing equipment" does 114137  
not include durable medical equipment. 114138

(JJJ) "Prosthetic device" means a replacement, corrective, or 114139  
supportive device, including repair and replacement parts for the 114140  
device, worn on or in the human body to artificially replace a 114141  
missing portion of the body, prevent or correct physical deformity 114142  
or malfunction, or support a weak or deformed portion of the body. 114143  
As used in this division, "prosthetic device" does not include 114144  
corrective eyeglasses, contact lenses, or dental prosthesis. 114145

(KKK)(1) "Fractional aircraft ownership program" means a program in which persons within an affiliated group sell and manage fractional ownership program aircraft, provided that at least one hundred airworthy aircraft are operated in the program and the program meets all of the following criteria:

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.

(b) Each program aircraft is owned or possessed by at least one fractional owner.

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.

(2) As used in division (KKK)(1) of this section:

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section.

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program

manager owns or possesses primarily for use in a fractional 114176  
aircraft ownership program. 114177

(d) "Management services" means administrative and aviation 114178  
support services furnished under a fractional aircraft ownership 114179  
program in accordance with a management services agreement under 114180  
division (KKK)(1)(e) of this section, and offered by the program 114181  
manager to the fractional owners, including, at a minimum, the 114182  
establishment and implementation of safety guidelines; the 114183  
coordination of the scheduling of the program aircraft and crews; 114184  
program aircraft maintenance; program aircraft insurance; crew 114185  
training for crews employed, furnished, or contracted by the 114186  
program manager or the fractional owner; the satisfaction of 114187  
record-keeping requirements; and the development and use of an 114188  
operations manual and a maintenance manual for the fractional 114189  
aircraft ownership program. 114190

(e) "Program manager" means the person that offers management 114191  
services to fractional owners pursuant to a management services 114192  
agreement under division (KKK)(1)(e) of this section. 114193

(LLL) "Electronic publishing" means providing access to one 114194  
or more of the following primarily for business customers, 114195  
including the federal government or a state government or a 114196  
political subdivision thereof, to conduct research: news; 114197  
business, financial, legal, consumer, or credit materials; 114198  
editorials, columns, reader commentary, or features; photos or 114199  
images; archival or research material; legal notices, identity 114200  
verification, or public records; scientific, educational, 114201  
instructional, technical, professional, trade, or other literary 114202  
materials; or other similar information which has been gathered 114203  
and made available by the provider to the consumer in an 114204  
electronic format. Providing electronic publishing includes the 114205  
functions necessary for the acquisition, formatting, editing, 114206  
storage, and dissemination of data or information that is the 114207

subject of a sale. 114208

(MMM) "Medicaid health insuring corporation" means a health 114209  
insuring corporation that holds a certificate of authority under 114210  
Chapter 1751. of the Revised Code and is under contract with the 114211  
department of job and family services pursuant to section 5111.17 114212  
of the Revised Code. 114213

(NNN) "Managed care premium" means any premium, capitation, 114214  
or other payment a medicaid health insuring corporation receives 114215  
for providing or arranging for the provision of health care 114216  
services to its members or enrollees residing in this state. 114217

(OOO) "Captive deer" means deer and other cervidae that have 114218  
been legally acquired, or their offspring, that are privately 114219  
owned for agricultural or farming purposes. 114220

(PPP) "Gift card" means a document, card, certificate, or 114221  
other record, whether tangible or intangible, that may be redeemed 114222  
by a consumer for a dollar value when making a purchase of 114223  
tangible personal property or services. 114224

(OOO) "Hotel intermediary" means a person, other than a 114225  
hotel, that contracts with hotels to sell reservations for lodging 114226  
at such hotels to transient guests. 114227

**Sec. 5739.02.** For the purpose of providing revenue with which 114228  
to meet the needs of the state, for the use of the general revenue 114229  
fund of the state, for the purpose of securing a thorough and 114230  
efficient system of common schools throughout the state, for the 114231  
purpose of affording revenues, in addition to those from general 114232  
property taxes, permitted under constitutional limitations, and 114233  
from other sources, for the support of local governmental 114234  
functions, and for the purpose of reimbursing the state for the 114235  
expense of administering this chapter, an excise tax is hereby 114236  
levied on each retail sale made in this state. 114237



(A)(1) The tax shall be collected as provided in section 114238  
5739.025 of the Revised Code. The rate of the tax shall be five 114239  
and one-half per cent. The tax applies and is collectible when the 114240  
sale is made, regardless of the time when the price is paid or 114241  
delivered. 114242

(2) In the case of the lease or rental, with a fixed term of 114243  
more than thirty days or an indefinite term with a minimum period 114244  
of more than thirty days, of any motor vehicles designed by the 114245  
manufacturer to carry a load of not more than one ton, watercraft, 114246  
outboard motor, or aircraft, or of any tangible personal property, 114247  
other than motor vehicles designed by the manufacturer to carry a 114248  
load of more than one ton, to be used by the lessee or renter 114249  
primarily for business purposes, the tax shall be collected by the 114250  
vendor at the time the lease or rental is consummated and shall be 114251  
calculated by the vendor on the basis of the total amount to be 114252  
paid by the lessee or renter under the lease agreement. If the 114253  
total amount of the consideration for the lease or rental includes 114254  
amounts that are not calculated at the time the lease or rental is 114255  
executed, the tax shall be calculated and collected by the vendor 114256  
at the time such amounts are billed to the lessee or renter. In 114257  
the case of an open-end lease or rental, the tax shall be 114258  
calculated by the vendor on the basis of the total amount to be 114259  
paid during the initial fixed term of the lease or rental, and for 114260  
each subsequent renewal period as it comes due. As used in this 114261  
division, "motor vehicle" has the same meaning as in section 114262  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 114263  
unit attached to the watercraft. 114264

A lease with a renewal clause and a termination penalty or 114265  
similar provision that applies if the renewal clause is not 114266  
exercised is presumed to be a sham transaction. In such a case, 114267  
the tax shall be calculated and paid on the basis of the entire 114268  
length of the lease period, including any renewal periods, until 114269

the termination penalty or similar provision no longer applies. 114270  
The taxpayer shall bear the burden, by a preponderance of the 114271  
evidence, that the transaction or series of transactions is not a 114272  
sham transaction. 114273

(3) Except as provided in division (A)(2) of this section, in 114274  
the case of a sale, the price of which consists in whole or in 114275  
part of the lease or rental of tangible personal property, the tax 114276  
shall be measured by the installments of that lease or rental. 114277

(4) In the case of a sale of a physical fitness facility 114278  
service or recreation and sports club service, the price of which 114279  
consists in whole or in part of a membership for the receipt of 114280  
the benefit of the service, the tax applicable to the sale shall 114281  
be measured by the installments thereof. 114282

(B) The tax does not apply to the following: 114283

(1) Sales to the state or any of its political subdivisions, 114284  
or to any other state or its political subdivisions if the laws of 114285  
that state exempt from taxation sales made to this state and its 114286  
political subdivisions; 114287

(2) Sales of food for human consumption off the premises 114288  
where sold; 114289

(3) Sales of food sold to students only in a cafeteria, 114290  
dormitory, fraternity, or sorority maintained in a private, 114291  
public, or parochial school, college, or university; 114292

(4) Sales of newspapers and of magazine subscriptions and 114293  
sales or transfers of magazines distributed as controlled 114294  
circulation publications; 114295

(5) The furnishing, preparing, or serving of meals without 114296  
charge by an employer to an employee provided the employer records 114297  
the meals as part compensation for services performed or work 114298  
done; 114299

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided

in division (B)(9)(b) of this section. If the number of days on 114332  
which such sales are made exceeds six in any calendar year, the 114333  
church or organization shall be considered to be engaged in 114334  
business and all subsequent sales by it shall be subject to the 114335  
tax. In counting the number of days, all sales by groups within a 114336  
church or within an organization shall be considered to be sales 114337  
of that church or organization. 114338

(b) The limitation on the number of days on which tax-exempt 114339  
sales may be made by a church or organization under division 114340  
(B)(9)(a) of this section does not apply to sales made by student 114341  
clubs and other groups of students of a primary or secondary 114342  
school, or a parent-teacher association, booster group, or similar 114343  
organization that raises money to support or fund curricular or 114344  
extracurricular activities of a primary or secondary school. 114345

(c) Divisions (B)(9)(a) and (b) of this section do not apply 114346  
to sales by a noncommercial educational radio or television 114347  
broadcasting station. 114348

(10) Sales not within the taxing power of this state under 114349  
the Constitution or laws of the United States or the Constitution 114350  
of this state; 114351

(11) Except for transactions that are sales under division 114352  
(B)(3)(r) of section 5739.01 of the Revised Code, the 114353  
transportation of persons or property, unless the transportation 114354  
is by a private investigation and security service; 114355

(12) Sales of tangible personal property or services to 114356  
churches, to organizations exempt from taxation under section 114357  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 114358  
nonprofit organizations operated exclusively for charitable 114359  
purposes in this state, no part of the net income of which inures 114360  
to the benefit of any private shareholder or individual, and no 114361  
substantial part of the activities of which consists of carrying 114362

on propaganda or otherwise attempting to influence legislation; 114363  
sales to offices administering one or more homes for the aged or 114364  
one or more hospital facilities exempt under section 140.08 of the 114365  
Revised Code; and sales to organizations described in division (D) 114366  
of section 5709.12 of the Revised Code. 114367

"Charitable purposes" means the relief of poverty; the 114368  
improvement of health through the alleviation of illness, disease, 114369  
or injury; the operation of an organization exclusively for the 114370  
provision of professional, laundry, printing, and purchasing 114371  
services to hospitals or charitable institutions; the operation of 114372  
a home for the aged, as defined in section 5701.13 of the Revised 114373  
Code; the operation of a radio or television broadcasting station 114374  
that is licensed by the federal communications commission as a 114375  
noncommercial educational radio or television station; the 114376  
operation of a nonprofit animal adoption service or a county 114377  
humane society; the promotion of education by an institution of 114378  
learning that maintains a faculty of qualified instructors, 114379  
teaches regular continuous courses of study, and confers a 114380  
recognized diploma upon completion of a specific curriculum; the 114381  
operation of a parent-teacher association, booster group, or 114382  
similar organization primarily engaged in the promotion and 114383  
support of the curricular or extracurricular activities of a 114384  
primary or secondary school; the operation of a community or area 114385  
center in which presentations in music, dramatics, the arts, and 114386  
related fields are made in order to foster public interest and 114387  
education therein; the production of performances in music, 114388  
dramatics, and the arts; or the promotion of education by an 114389  
organization engaged in carrying on research in, or the 114390  
dissemination of, scientific and technological knowledge and 114391  
information primarily for the public. 114392

Nothing in this division shall be deemed to exempt sales to 114393  
any organization for use in the operation or carrying on of a 114394

trade or business, or sales to a home for the aged for use in the 114395  
operation of independent living facilities as defined in division 114396  
(A) of section 5709.12 of the Revised Code. 114397

(13) Building and construction materials and services sold to 114398  
construction contractors for incorporation into a structure or 114399  
improvement to real property under a construction contract with 114400  
this state or a political subdivision of this state, or with the 114401  
United States government or any of its agencies; building and 114402  
construction materials and services sold to construction 114403  
contractors for incorporation into a structure or improvement to 114404  
real property that are accepted for ownership by this state or any 114405  
of its political subdivisions, or by the United States government 114406  
or any of its agencies at the time of completion of the structures 114407  
or improvements; building and construction materials sold to 114408  
construction contractors for incorporation into a horticulture 114409  
structure or livestock structure for a person engaged in the 114410  
business of horticulture or producing livestock; building 114411  
materials and services sold to a construction contractor for 114412  
incorporation into a house of public worship or religious 114413  
education, or a building used exclusively for charitable purposes 114414  
under a construction contract with an organization whose purpose 114415  
is as described in division (B)(12) of this section; building 114416  
materials and services sold to a construction contractor for 114417  
incorporation into a building under a construction contract with 114418  
an organization exempt from taxation under section 501(c)(3) of 114419  
the Internal Revenue Code of 1986 when the building is to be used 114420  
exclusively for the organization's exempt purposes; building and 114421  
construction materials sold for incorporation into the original 114422  
construction of a sports facility under section 307.696 of the 114423  
Revised Code; building and construction materials and services 114424  
sold to a construction contractor for incorporation into real 114425  
property outside this state if such materials and services, when 114426  
sold to a construction contractor in the state in which the real 114427

property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state; and, until one calendar year after the construction of a convention center that qualifies for property tax exemption under section 5709.084 of the Revised Code is completed, building and construction materials and services sold to a construction contractor for incorporation into the real property comprising that convention center;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons primarily engaged in any of the activities mentioned in division (B)(42)(a), (g), or (h) of this section, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, but does not include motor vehicles or bulk tanks, trailers, or similar devices attached to motor vehicles. "Packaging" means placing in a package. Division (B)(15) of this section does not apply to persons engaged in highway transportation for hire.

(16) Sales of food to persons using supplemental nutrition

assistance program benefits to purchase the food. As used in this 114460  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 114461  
federal regulations adopted pursuant to the Food and Nutrition Act 114462  
of 2008. 114463

(17) Sales to persons engaged in farming, agriculture, 114464  
horticulture, or floriculture, of tangible personal property for 114465  
use or consumption primarily in the production by farming, 114466  
agriculture, horticulture, or floriculture of other tangible 114467  
personal property for use or consumption primarily in the 114468  
production of tangible personal property for sale by farming, 114469  
agriculture, horticulture, or floriculture; or material and parts 114470  
for incorporation into any such tangible personal property for use 114471  
or consumption in production; and of tangible personal property 114472  
for such use or consumption in the conditioning or holding of 114473  
products produced by and for such use, consumption, or sale by 114474  
persons engaged in farming, agriculture, horticulture, or 114475  
floriculture, except where such property is incorporated into real 114476  
property; 114477

(18) Sales of drugs for a human being that may be dispensed 114478  
only pursuant to a prescription; insulin as recognized in the 114479  
official United States pharmacopoeia; urine and blood testing 114480  
materials when used by diabetics or persons with hypoglycemia to 114481  
test for glucose or acetone; hypodermic syringes and needles when 114482  
used by diabetics for insulin injections; epoetin alfa when 114483  
purchased for use in the treatment of persons with medical 114484  
disease; hospital beds when purchased by hospitals, nursing homes, 114485  
or other medical facilities; and medical oxygen and medical 114486  
oxygen-dispensing equipment when purchased by hospitals, nursing 114487  
homes, or other medical facilities; 114488

(19) Sales of prosthetic devices, durable medical equipment 114489  
for home use, or mobility enhancing equipment, when made pursuant 114490  
to a prescription and when such devices or equipment are for use 114491



by a human being. 114492

(20) Sales of emergency and fire protection vehicles and 114493  
equipment to nonprofit organizations for use solely in providing 114494  
fire protection and emergency services, including trauma care and 114495  
emergency medical services, for political subdivisions of the 114496  
state; 114497

(21) Sales of tangible personal property manufactured in this 114498  
state, if sold by the manufacturer in this state to a retailer for 114499  
use in the retail business of the retailer outside of this state 114500  
and if possession is taken from the manufacturer by the purchaser 114501  
within this state for the sole purpose of immediately removing the 114502  
same from this state in a vehicle owned by the purchaser; 114503

(22) Sales of services provided by the state or any of its 114504  
political subdivisions, agencies, instrumentalities, institutions, 114505  
or authorities, or by governmental entities of the state or any of 114506  
its political subdivisions, agencies, instrumentalities, 114507  
institutions, or authorities; 114508

(23) Sales of motor vehicles to nonresidents of this state 114509  
under the circumstances described in division (B) of section 114510  
5739.029 of the Revised Code; 114511

(24) Sales to persons engaged in the preparation of eggs for 114512  
sale of tangible personal property used or consumed directly in 114513  
such preparation, including such tangible personal property used 114514  
for cleaning, sanitizing, preserving, grading, sorting, and 114515  
classifying by size; packages, including material and parts for 114516  
packages, and machinery, equipment, and material for use in 114517  
packaging eggs for sale; and handling and transportation equipment 114518  
and parts therefor, except motor vehicles licensed to operate on 114519  
public highways, used in intraplant or interplant transfers or 114520  
shipment of eggs in the process of preparation for sale, when the 114521  
plant or plants within or between which such transfers or 114522

shipments occur are operated by the same person. "Packages" 114523  
includes containers, cases, baskets, flats, fillers, filler flats, 114524  
cartons, closure materials, labels, and labeling materials, and 114525  
"packaging" means placing therein. 114526

(25)(a) Sales of water to a consumer for residential use; 114527

(b) Sales of water by a nonprofit corporation engaged 114528  
exclusively in the treatment, distribution, and sale of water to 114529  
consumers, if such water is delivered to consumers through pipes 114530  
or tubing. 114531

(26) Fees charged for inspection or reinspection of motor 114532  
vehicles under section 3704.14 of the Revised Code; 114533

(27) Sales to persons licensed to conduct a food service 114534  
operation pursuant to section 3717.43 of the Revised Code, of 114535  
tangible personal property primarily used directly for the 114536  
following: 114537

(a) To prepare food for human consumption for sale; 114538

(b) To preserve food that has been or will be prepared for 114539  
human consumption for sale by the food service operator, not 114540  
including tangible personal property used to display food for 114541  
selection by the consumer; 114542

(c) To clean tangible personal property used to prepare or 114543  
serve food for human consumption for sale. 114544

(28) Sales of animals by nonprofit animal adoption services 114545  
or county humane societies; 114546

(29) Sales of services to a corporation described in division 114547  
(A) of section 5709.72 of the Revised Code, and sales of tangible 114548  
personal property that qualifies for exemption from taxation under 114549  
section 5709.72 of the Revised Code; 114550

(30) Sales and installation of agricultural land tile, as 114551  
defined in division (B)(5)(a) of section 5739.01 of the Revised 114552

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 114553                                                                                                                                             |
| (31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 114554<br>114555<br>114556                                                                                                                         |
| (32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 114557<br>114558<br>114559<br>114560<br>114561<br>114562                                                                                           |
| (33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 114563<br>114564<br>114565<br>114566<br>114567                                                                                                     |
| (34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service. | 114568<br>114569<br>114570<br>114571<br>114572<br>114573<br>114574<br>114575<br>114576<br>114577<br>114578<br>114579<br>114580<br>114581<br>114582 |
| (35)(a) Sales where the purpose of the consumer is to use or                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 114583                                                                                                                                             |

consume the things transferred in making retail sales and 114584  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 114585  
certificates, or other advertising material that prices and 114586  
describes tangible personal property offered for retail sale. 114587

(b) Sales to direct marketing vendors of preliminary 114588  
materials such as photographs, artwork, and typesetting that will 114589  
be used in printing advertising material; and of printed matter 114590  
that offers free merchandise or chances to win sweepstake prizes 114591  
and that is mailed to potential customers with advertising 114592  
material described in division (B)(35)(a) of this section; 114593

(c) Sales of equipment such as telephones, computers, 114594  
facsimile machines, and similar tangible personal property 114595  
primarily used to accept orders for direct marketing retail sales. 114596

(d) Sales of automatic food vending machines that preserve 114597  
food with a shelf life of forty-five days or less by refrigeration 114598  
and dispense it to the consumer. 114599

For purposes of division (B)(35) of this section, "direct 114600  
marketing" means the method of selling where consumers order 114601  
tangible personal property by United States mail, delivery 114602  
service, or telecommunication and the vendor delivers or ships the 114603  
tangible personal property sold to the consumer from a warehouse, 114604  
catalogue distribution center, or similar fulfillment facility by 114605  
means of the United States mail, delivery service, or common 114606  
carrier. 114607

(36) Sales to a person engaged in the business of 114608  
horticulture or producing livestock of materials to be 114609  
incorporated into a horticulture structure or livestock structure; 114610

(37) Sales of personal computers, computer monitors, computer 114611  
keyboards, modems, and other peripheral computer equipment to an 114612  
individual who is licensed or certified to teach in an elementary 114613  
or a secondary school in this state for use by that individual in 114614

preparation for teaching elementary or secondary school students; 114615

(38) Sales to a professional racing team of any of the 114616  
following: 114617

(a) Motor racing vehicles; 114618

(b) Repair services for motor racing vehicles; 114619

(c) Items of property that are attached to or incorporated in 114620  
motor racing vehicles, including engines, chassis, and all other 114621  
components of the vehicles, and all spare, replacement, and 114622  
rebuilt parts or components of the vehicles; except not including 114623  
tires, consumable fluids, paint, and accessories consisting of 114624  
instrumentation sensors and related items added to the vehicle to 114625  
collect and transmit data by means of telemetry and other forms of 114626  
communication. 114627

(39) Sales of used manufactured homes and used mobile homes, 114628  
as defined in section 5739.0210 of the Revised Code, made on or 114629  
after January 1, 2000; 114630

(40) Sales of tangible personal property and services to a 114631  
provider of electricity used or consumed directly and primarily in 114632  
generating, transmitting, or distributing electricity for use by 114633  
others, including property that is or is to be incorporated into 114634  
and will become a part of the consumer's production, transmission, 114635  
or distribution system and that retains its classification as 114636  
tangible personal property after incorporation; fuel or power used 114637  
in the production, transmission, or distribution of electricity; 114638  
energy conversion equipment as defined in section 5727.01 of the 114639  
Revised Code; and tangible personal property and services used in 114640  
the repair and maintenance of the production, transmission, or 114641  
distribution system, including only those motor vehicles as are 114642  
specially designed and equipped for such use. The exemption 114643  
provided in this division shall be in lieu of all other exemptions 114644  
in division (B)(42)(a) or (n) of this section to which a provider 114645

of electricity may otherwise be entitled based on the use of the 114646  
tangible personal property or service purchased in generating, 114647  
transmitting, or distributing electricity. 114648

(41) Sales to a person providing services under division 114649  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 114650  
personal property and services used directly and primarily in 114651  
providing taxable services under that section. 114652

(42) Sales where the purpose of the purchaser is to do any of 114653  
the following: 114654

(a) To incorporate the thing transferred as a material or a 114655  
part into tangible personal property to be produced for sale by 114656  
manufacturing, assembling, processing, or refining; or to use or 114657  
consume the thing transferred directly in producing tangible 114658  
personal property for sale by mining, including, without 114659  
limitation, the extraction from the earth of all substances that 114660  
are classed geologically as minerals, production of crude oil and 114661  
natural gas, or directly in the rendition of a public utility 114662  
service, except that the sales tax levied by this section shall be 114663  
collected upon all meals, drinks, and food for human consumption 114664  
sold when transporting persons. Persons engaged in rendering 114665  
services in the exploration for, and production of, crude oil and 114666  
natural gas for others are deemed engaged directly in the 114667  
exploration for, and production of, crude oil and natural gas. 114668  
This paragraph does not exempt from "retail sale" or "sales at 114669  
retail" the sale of tangible personal property that is to be 114670  
incorporated into a structure or improvement to real property. 114671

(b) To hold the thing transferred as security for the 114672  
performance of an obligation of the vendor; 114673

(c) To resell, hold, use, or consume the thing transferred as 114674  
evidence of a contract of insurance; 114675

(d) To use or consume the thing directly in commercial 114676

fishing; 114677

(e) To incorporate the thing transferred as a material or a 114678  
part into, or to use or consume the thing transferred directly in 114679  
the production of, magazines distributed as controlled circulation 114680  
publications; 114681

(f) To use or consume the thing transferred in the production 114682  
and preparation in suitable condition for market and sale of 114683  
printed, imprinted, overprinted, lithographic, multilithic, 114684  
blueprinted, photostatic, or other productions or reproductions of 114685  
written or graphic matter; 114686

(g) To use the thing transferred, as described in section 114687  
5739.011 of the Revised Code, primarily in a manufacturing 114688  
operation to produce tangible personal property for sale; 114689

(h) To use the benefit of a warranty, maintenance or service 114690  
contract, or similar agreement, as described in division (B)(7) of 114691  
section 5739.01 of the Revised Code, to repair or maintain 114692  
tangible personal property, if all of the property that is the 114693  
subject of the warranty, contract, or agreement would not be 114694  
subject to the tax imposed by this section; 114695

(i) To use the thing transferred as qualified research and 114696  
development equipment; 114697

(j) To use or consume the thing transferred primarily in 114698  
storing, transporting, mailing, or otherwise handling purchased 114699  
sales inventory in a warehouse, distribution center, or similar 114700  
facility when the inventory is primarily distributed outside this 114701  
state to retail stores of the person who owns or controls the 114702  
warehouse, distribution center, or similar facility, to retail 114703  
stores of an affiliated group of which that person is a member, or 114704  
by means of direct marketing. This division does not apply to 114705  
motor vehicles registered for operation on the public highways. As 114706  
used in this division, "affiliated group" has the same meaning as 114707

in division (B)(3)(e) of section 5739.01 of the Revised Code and 114708  
"direct marketing" has the same meaning as in division (B)(35) of 114709  
this section. 114710

(k) To use or consume the thing transferred to fulfill a 114711  
contractual obligation incurred by a warrantor pursuant to a 114712  
warranty provided as a part of the price of the tangible personal 114713  
property sold or by a vendor of a warranty, maintenance or service 114714  
contract, or similar agreement the provision of which is defined 114715  
as a sale under division (B)(7) of section 5739.01 of the Revised 114716  
Code; 114717

(l) To use or consume the thing transferred in the production 114718  
of a newspaper for distribution to the public; 114719

(m) To use tangible personal property to perform a service 114720  
listed in division (B)(3) of section 5739.01 of the Revised Code, 114721  
if the property is or is to be permanently transferred to the 114722  
consumer of the service as an integral part of the performance of 114723  
the service; 114724

(n) To use or consume the thing transferred primarily in 114725  
producing tangible personal property for sale by farming, 114726  
agriculture, horticulture, or floriculture. Persons engaged in 114727  
rendering farming, agriculture, horticulture, or floriculture 114728  
services for others are deemed engaged primarily in farming, 114729  
agriculture, horticulture, or floriculture. This paragraph does 114730  
not exempt from "retail sale" or "sales at retail" the sale of 114731  
tangible personal property that is to be incorporated into a 114732  
structure or improvement to real property. 114733

(o) To use or consume the thing transferred in acquiring, 114734  
formatting, editing, storing, and disseminating data or 114735  
information by electronic publishing. 114736

As used in division (B)(42) of this section, "thing" includes 114737  
all transactions included in divisions (B)(3)(a), (b), and (e) of 114738



section 5739.01 of the Revised Code. 114739

(43) Sales conducted through a coin operated device that 114740  
activates vacuum equipment or equipment that dispenses water, 114741  
whether or not in combination with soap or other cleaning agents 114742  
or wax, to the consumer for the consumer's use on the premises in 114743  
washing, cleaning, or waxing a motor vehicle, provided no other 114744  
personal property or personal service is provided as part of the 114745  
transaction. 114746

(44) Sales of replacement and modification parts for engines, 114747  
airframes, instruments, and interiors in, and paint for, aircraft 114748  
used primarily in a fractional aircraft ownership program, and 114749  
sales of services for the repair, modification, and maintenance of 114750  
such aircraft, and machinery, equipment, and supplies primarily 114751  
used to provide those services. 114752

(45) Sales of telecommunications service that is used 114753  
directly and primarily to perform the functions of a call center. 114754  
As used in this division, "call center" means any physical 114755  
location where telephone calls are placed or received in high 114756  
volume for the purpose of making sales, marketing, customer 114757  
service, technical support, or other specialized business 114758  
activity, and that employs at least fifty individuals that engage 114759  
in call center activities on a full-time basis, or sufficient 114760  
individuals to fill fifty full-time equivalent positions. 114761

(46) Sales by a telecommunications service vendor of 900 114762  
service to a subscriber. This division does not apply to 114763  
information services, as defined in division (FF) of section 114764  
5739.01 of the Revised Code. 114765

(47) Sales of value-added non-voice data service. This 114766  
division does not apply to any similar service that is not 114767  
otherwise a telecommunications service. 114768

(48)(a) Sales of machinery, equipment, and software to a 114769

qualified direct selling entity for use in a warehouse or 114770  
distribution center primarily for storing, transporting, or 114771  
otherwise handling inventory that is held for sale to independent 114772  
salespersons who operate as direct sellers and that is held 114773  
primarily for distribution outside this state; 114774

(b) As used in division (B)(48)(a) of this section: 114775

(i) "Direct seller" means a person selling consumer products 114776  
to individuals for personal or household use and not from a fixed 114777  
retail location, including selling such product at in-home product 114778  
demonstrations, parties, and other one-on-one selling. 114779

(ii) "Qualified direct selling entity" means an entity 114780  
selling to direct sellers at the time the entity enters into a tax 114781  
credit agreement with the tax credit authority pursuant to section 114782  
122.17 of the Revised Code, provided that the agreement was 114783  
entered into on or after January 1, 2007. Neither contingencies 114784  
relevant to the granting of, nor later developments with respect 114785  
to, the tax credit shall impair the status of the qualified direct 114786  
selling entity under division (B)(48) of this section after 114787  
execution of the tax credit agreement by the tax credit authority. 114788

(c) Division (B)(48) of this section is limited to machinery, 114789  
equipment, and software first stored, used, or consumed in this 114790  
state within the period commencing June 24, 2008, and ending on 114791  
the date that is five years after that date. 114792

(49) Sales of materials, parts, equipment, or engines used in 114793  
the repair or maintenance of aircraft or avionics systems of such 114794  
aircraft, and sales of repair, remodeling, replacement, or 114795  
maintenance services in this state performed on aircraft or on an 114796  
aircraft's avionics, engine, or component materials or parts. As 114797  
used in division (B)(49) of this section, "aircraft" means 114798  
aircraft of more than six thousand pounds maximum certified 114799  
takeoff weight or used exclusively in general aviation. 114800

(50) Sales of full flight simulators that are used for pilot 114801  
or flight-crew training, sales of repair or replacement parts or 114802  
components, and sales of repair or maintenance services for such 114803  
full flight simulators. "Full flight simulator" means a replica of 114804  
a specific type, or make, model, and series of aircraft cockpit. 114805  
It includes the assemblage of equipment and computer programs 114806  
necessary to represent aircraft operations in ground and flight 114807  
conditions, a visual system providing an out-of-the-cockpit view, 114808  
and a system that provides cues at least equivalent to those of a 114809  
three-degree-of-freedom motion system, and has the full range of 114810  
capabilities of the systems installed in the device as described 114811  
in appendices A and B of part 60 of chapter 1 of title 14 of the 114812  
Code of Federal Regulations. 114813

(51) Any transfer or lease of tangible personal property 114814  
between the state and a successful proposer in accordance with 114815  
sections 126.60 to 126.605 of the Revised Code, provided the 114816  
property is part of a project as defined in section 126.60 of the 114817  
Revised Code and the state retains ownership of the project or 114818  
part thereof that is being transferred or leased, between the 114819  
state and JobsOhio in accordance with section 4313.02 of the 114820  
Revised Code. 114821

(C) For the purpose of the proper administration of this 114822  
chapter, and to prevent the evasion of the tax, it is presumed 114823  
that all sales made in this state are subject to the tax until the 114824  
contrary is established. 114825

(D) The levy of this tax on retail sales of recreation and 114826  
sports club service shall not prevent a municipal corporation from 114827  
levying any tax on recreation and sports club dues or on any 114828  
income generated by recreation and sports club dues. 114829

(E) The tax collected by the vendor from the consumer under 114830  
this chapter is not part of the price, but is a tax collection for 114831  
the benefit of the state, and of counties levying an additional 114832

sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

**Sec. 5739.026.** (A) A board of county commissioners may levy a tax of one-fourth or one-half of one per cent on every retail sale in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase an existing rate of one-fourth of one per cent to one-half of one per cent, to pay the expenses of administering the tax and, except as provided in division (A)(6) of this section, for any one or more of the following purposes provided that the aggregate levy for all such purposes does not exceed one-half of one per cent:

(1) To provide additional revenues for the payment of bonds or notes issued in anticipation of bonds issued by a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and to provide additional operating revenues for the convention facilities authority;

(2) To provide additional revenues for a transit authority operating in the county;

(3) To provide additional revenue for the county's general fund;

(4) To provide additional revenue for permanent improvements within the county to be distributed by the community improvements

board in accordance with section 307.283 and to pay principal, 114864  
interest, and premium on bonds issued under section 307.284 of the 114865  
Revised Code; 114866

(5) To provide additional revenue for the acquisition, 114867  
construction, equipping, or repair of any specific permanent 114868  
improvement or any class or group of permanent improvements, which 114869  
improvement or class or group of improvements shall be enumerated 114870  
in the resolution required by division (D) of this section, and to 114871  
pay principal, interest, premium, and other costs associated with 114872  
the issuance of bonds or notes in anticipation of bonds issued 114873  
pursuant to Chapter 133. of the Revised Code for the acquisition, 114874  
construction, equipping, or repair of the specific permanent 114875  
improvement or class or group of permanent improvements; 114876

(6) To provide revenue for the implementation and operation 114877  
of a 9-1-1 system in the county. If the tax is levied or the rate 114878  
increased exclusively for such purpose, the tax shall not be 114879  
levied or the rate increased for more than five years. At the end 114880  
of the last year the tax is levied or the rate increased, any 114881  
balance remaining in the special fund established for such purpose 114882  
shall remain in that fund and be used exclusively for such purpose 114883  
until the fund is completely expended, and, notwithstanding 114884  
section 5705.16 of the Revised Code, the board of county 114885  
commissioners shall not petition for the transfer of money from 114886  
such special fund, and the tax commissioner shall not approve such 114887  
a petition. 114888

If the tax is levied or the rate increased for such purpose 114889  
for more than five years, the board of county commissioners also 114890  
shall levy the tax or increase the rate of the tax for one or more 114891  
of the purposes described in divisions (A)(1) to (5) of this 114892  
section and shall prescribe the method for allocating the revenues 114893  
from the tax each year in the manner required by division (C) of 114894  
this section. 114895

|                                                                                                                                                                                                                                                                                                                             |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (7) To provide additional revenue for the operation or maintenance of a detention facility, as that term is defined under division (F) of section 2921.01 of the Revised Code;                                                                                                                                              | 114896<br>114897<br>114898                               |
| (8) To provide revenue to finance the construction or renovation of a sports facility, but only if the tax is levied for that purpose in the manner prescribed by section 5739.028 of the Revised Code.                                                                                                                     | 114899<br>114900<br>114901<br>114902                     |
| As used in division (A)(8) of this section:                                                                                                                                                                                                                                                                                 | 114903                                                   |
| (a) "Sports facility" means a facility intended to house major league professional athletic teams.                                                                                                                                                                                                                          | 114904<br>114905                                         |
| (b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment.                                                                                                                                                                                                                               | 114906<br>114907                                         |
| (9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; | 114908<br>114909<br>114910<br>114911<br>114912<br>114913 |
| (10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services;                                                                                                                                                                                                                     | 114914<br>114915                                         |
| <u>(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code.</u>                                                                                                               | 114916<br>114917<br>114918<br>114919                     |
| Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code.                                            | 114920<br>114921<br>114922<br>114923<br>114924           |
| The rate of tax shall be a multiple of one-fourth of one per                                                                                                                                                                                                                                                                | 114925                                                   |

cent, unless a portion of the rate of an existing tax levied under 114926  
section 5739.023 of the Revised Code has been reduced, and the 114927  
rate of tax levied under this section has been increased, pursuant 114928  
to section 5739.028 of the Revised Code, in which case the 114929  
aggregate of the rates of tax levied under this section and 114930  
section 5739.023 of the Revised Code shall be a multiple of 114931  
one-fourth of one per cent. The tax shall be levied and the rate 114932  
increased pursuant to a resolution adopted by a majority of the 114933  
members of the board. The board shall deliver a certified copy of 114934  
the resolution to the tax commissioner, not later than the 114935  
sixty-fifth day prior to the date on which the tax is to become 114936  
effective, which shall be the first day of a calendar quarter. 114937

Prior to the adoption of any resolution to levy the tax or to 114938  
increase the rate of tax exclusively for the purpose set forth in 114939  
division (A)(3) of this section, the board of county commissioners 114940  
shall conduct two public hearings on the resolution, the second 114941  
hearing to be no fewer than three nor more than ten days after the 114942  
first. Notice of the date, time, and place of the hearings shall 114943  
be given by publication in a newspaper of general circulation in 114944  
the county, or as provided in section 7.16 of the Revised Code, 114945  
once a week on the same day of the week for two consecutive weeks. 114946  
The second publication shall be no fewer than ten nor more than 114947  
thirty days prior to the first hearing. Except as provided in 114948  
division (E) of this section, the resolution shall be subject to a 114949  
referendum as provided in sections 305.31 to 305.41 of the Revised 114950  
Code. If the resolution is adopted as an emergency measure 114951  
necessary for the immediate preservation of the public peace, 114952  
health, or safety, it must receive an affirmative vote of all of 114953  
the members of the board of county commissioners and shall state 114954  
the reasons for the necessity. 114955

If the tax is for more than one of the purposes set forth in 114956  
divisions (A)(1) to (7), (9), and (10) of this section, or is 114957

exclusively for one of the purposes set forth in division (A)(1), 114958  
(2), (4), (5), (6), (7), (9), or (10) of this section, the 114959  
resolution shall not go into effect unless it is approved by a 114960  
majority of the electors voting on the question of the tax. 114961

(B) The board of county commissioners shall adopt a 114962  
resolution under section 351.02 of the Revised Code creating the 114963  
convention facilities authority, or under section 307.283 of the 114964  
Revised Code creating the community improvements board, before 114965  
adopting a resolution levying a tax for the purpose of a 114966  
convention facilities authority under division (A)(1) of this 114967  
section or for the purpose of a community improvements board under 114968  
division (A)(4) of this section. 114969

(C)(1) If the tax is to be used for more than one of the 114970  
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 114971  
this section, the board of county commissioners shall establish 114972  
the method that will be used to determine the amount or proportion 114973  
of the tax revenue received by the county during each year that 114974  
will be distributed for each of those purposes, including, if 114975  
applicable, provisions governing the reallocation of a convention 114976  
facilities authority's allocation if the authority is dissolved 114977  
while the tax is in effect. The allocation method may provide that 114978  
different proportions or amounts of the tax shall be distributed 114979  
among the purposes in different years, but it shall clearly 114980  
describe the method that will be used for each year. Except as 114981  
otherwise provided in division (C)(2) of this section, the 114982  
allocation method established by the board is not subject to 114983  
amendment during the life of the tax. 114984

(2) Subsequent to holding a public hearing on the proposed 114985  
amendment, the board of county commissioners may amend the 114986  
allocation method established under division (C)(1) of this 114987  
section for any year, if the amendment is approved by the 114988  
governing board of each entity whose allocation for the year would 114989



be reduced by the proposed amendment. In the case of a tax that is 114990  
levied for a continuing period of time, the board may not so amend 114991  
the allocation method for any year before the sixth year that the 114992  
tax is in effect. 114993

(a) If the additional revenues provided to the convention 114994  
facilities authority are pledged by the authority for the payment 114995  
of convention facilities authority revenue bonds for as long as 114996  
such bonds are outstanding, no reduction of the authority's 114997  
allocation of the tax shall be made for any year except to the 114998  
extent that the reduced authority allocation, when combined with 114999  
the authority's other revenues pledged for that purpose, is 115000  
sufficient to meet the debt service requirements for that year on 115001  
such bonds. 115002

(b) If the additional revenues provided to the county are 115003  
pledged by the county for the payment of bonds or notes described 115004  
in division (A)(4) or (5) of this section, for as long as such 115005  
bonds or notes are outstanding, no reduction of the county's or 115006  
the community improvements board's allocation of the tax shall be 115007  
made for any year, except to the extent that the reduced county or 115008  
community improvements board allocation is sufficient to meet the 115009  
debt service requirements for that year on such bonds or notes. 115010

(c) If the additional revenues provided to the transit 115011  
authority are pledged by the authority for the payment of revenue 115012  
bonds issued under section 306.37 of the Revised Code, for as long 115013  
as such bonds are outstanding, no reduction of the authority's 115014  
allocation of tax shall be made for any year, except to the extent 115015  
that the authority's reduced allocation, when combined with the 115016  
authority's other revenues pledged for that purpose, is sufficient 115017  
to meet the debt service requirements for that year on such bonds. 115018

(d) If the additional revenues provided to the county are 115019  
pledged by the county for the payment of bonds or notes issued 115020  
under section 133.60 of the Revised Code, for so long as the bonds 115021

or notes are outstanding, no reduction of the county's allocation 115022  
of the tax shall be made for any year, except to the extent that 115023  
the reduced county allocation is sufficient to meet the debt 115024  
service requirements for that year on the bonds or notes. 115025

(D)(1) The resolution levying the tax or increasing the rate 115026  
of tax shall state the rate of the tax or the rate of the 115027  
increase; the purpose or purposes for which it is to be levied; 115028  
the number of years for which it is to be levied or that it is for 115029  
a continuing period of time; the allocation method required by 115030  
division (C) of this section; and if required to be submitted to 115031  
the electors of the county under division (A) of this section, the 115032  
date of the election at which the proposal shall be submitted to 115033  
the electors of the county, which shall be not less than ninety 115034  
days after the certification of a copy of the resolution to the 115035  
board of elections and, if the tax is to be levied exclusively for 115036  
the purpose set forth in division (A)(3) of this section, shall 115037  
not occur in February or August of any year. Upon certification of 115038  
the resolution to the board of elections, the board of county 115039  
commissioners shall notify the tax commissioner in writing of the 115040  
levy question to be submitted to the electors. If approved by a 115041  
majority of the electors, the tax shall become effective on the 115042  
first day of a calendar quarter next following the sixty-fifth day 115043  
following the date the board of county commissioners and tax 115044  
commissioner receive from the board of elections the certification 115045  
of the results of the election, except as provided in division (E) 115046  
of this section. 115047

(2)(a) A resolution specifying that the tax is to be used 115048  
exclusively for the purpose set forth in division (A)(3) of this 115049  
section that is not adopted as an emergency measure may direct the 115050  
board of elections to submit the question of levying the tax or 115051  
increasing the rate of the tax to the electors of the county at a 115052  
special election held on the date specified by the board of county 115053

commissioners in the resolution, provided that the election occurs 115054  
not less than ninety days after the resolution is certified to the 115055  
board of elections and the election is not held in February or 115056  
August of any year. Upon certification of the resolution to the 115057  
board of elections, the board of county commissioners shall notify 115058  
the tax commissioner in writing of the levy question to be 115059  
submitted to the electors. No resolution adopted under division 115060  
(D)(2)(a) of this section shall go into effect unless approved by 115061  
a majority of those voting upon it and, except as provided in 115062  
division (E) of this section, not until the first day of a 115063  
calendar quarter following the expiration of sixty-five days from 115064  
the date the tax commissioner receives notice from the board of 115065  
elections of the affirmative vote. 115066

(b) A resolution specifying that the tax is to be used 115067  
exclusively for the purpose set forth in division (A)(3) of this 115068  
section that is adopted as an emergency measure shall become 115069  
effective as provided in division (A) of this section, but may 115070  
direct the board of elections to submit the question of repealing 115071  
the tax or increase in the rate of the tax to the electors of the 115072  
county at the next general election in the county occurring not 115073  
less than ninety days after the resolution is certified to the 115074  
board of elections. Upon certification of the resolution to the 115075  
board of elections, the board of county commissioners shall notify 115076  
the tax commissioner in writing of the levy question to be 115077  
submitted to the electors. The ballot question shall be the same 115078  
as that prescribed in section 5739.022 of the Revised Code. The 115079  
board of elections shall notify the board of county commissioners 115080  
and the tax commissioner of the result of the election immediately 115081  
after the result has been declared. If a majority of the qualified 115082  
electors voting on the question of repealing the tax or increase 115083  
in the rate of the tax vote for repeal of the tax or repeal of the 115084  
increase, the board of county commissioners, on the first day of a 115085  
calendar quarter following the expiration of sixty-five days after 115086

the date the board and tax commissioner received notice of the 115087  
result of the election, shall, in the case of a repeal of the tax, 115088  
cease to levy the tax, or, in the case of a repeal of an increase 115089  
in the rate of the tax, cease to levy the increased rate and levy 115090  
the tax at the rate at which it was imposed immediately prior to 115091  
the increase in rate. 115092

(c) A board of county commissioners, by resolution, may 115093  
reduce the rate of a tax levied exclusively for the purpose set 115094  
forth in division (A)(3) of this section to a lower rate 115095  
authorized by this section. Any such reduction shall be made 115096  
effective on the first day of the calendar quarter next following 115097  
the sixty-fifth day after the tax commissioner receives a 115098  
certified copy of the resolution from the board. 115099

(E) If a vendor makes a sale in this state by printed catalog 115100  
and the consumer computed the tax on the sale based on local rates 115101  
published in the catalog, any tax levied or repealed or rate 115102  
changed under this section shall not apply to such a sale until 115103  
the first day of a calendar quarter following the expiration of 115104  
one hundred twenty days from the date of notice by the tax 115105  
commissioner pursuant to division (G) of this section. 115106

(F) The tax levied pursuant to this section shall be in 115107  
addition to the tax levied by section 5739.02 of the Revised Code 115108  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 115109  
Revised Code. 115110

A county that levies a tax pursuant to this section shall 115111  
levy a tax at the same rate pursuant to section 5741.023 of the 115112  
Revised Code. 115113

The additional tax levied by the county shall be collected 115114  
pursuant to section 5739.025 of the Revised Code. 115115

Any tax levied pursuant to this section is subject to the 115116  
exemptions provided in section 5739.02 of the Revised Code and in 115117

addition shall not be applicable to sales not within the taxing 115118  
power of a county under the Constitution of the United States or 115119  
the Ohio Constitution. 115120

(G) Upon receipt from a board of county commissioners of a 115121  
certified copy of a resolution required by division (A) of this 115122  
section, or from the board of elections a notice of the results of 115123  
an election required by division (D)(1), (2)(a), (b), or (c) of 115124  
this section, the tax commissioner shall provide notice of a tax 115125  
rate change in a manner that is reasonably accessible to all 115126  
affected vendors. The commissioner shall provide this notice at 115127  
least sixty days prior to the effective date of the rate change. 115128  
The commissioner, by rule, may establish the method by which 115129  
notice will be provided. 115130

Sec. 5739.081. A legislative authority of a municipal 115131  
corporation may not adopt or amend a resolution or ordinance 115132  
levying a tax on transactions by which lodging by a hotel is or is 115133  
to be furnished to transient guests pursuant to section 5739.08 of 115134  
the Revised Code on or after October 1, 2013, unless the 115135  
legislative authority levies the tax on any transaction by which a 115136  
transient guest obtains or will obtain lodging in a hotel using a 115137  
hotel intermediary. The legislative authority shall levy the tax 115138  
on any amount the purchaser pays to the hotel intermediary for the 115139  
intermediary's services plus any amount paid for the furnishing of 115140  
lodging in a hotel to the transient guest. 115141

The hotel intermediary shall collect and remit all tax paid 115142  
by the purchaser to the municipal corporation that levies the tax 115143  
pursuant to section 5739.08 of the Revised Code. If the hotel 115144  
intermediary does not collect or remit the full amount of tax, the 115145  
hotel in which the transient guest will lodge shall collect and 115146  
remit to the municipal corporation the uncollected or unremitted 115147  
tax. 115148

Sec. 5739.09. (A)(1) A board of county commissioners may, by 115149  
resolution adopted by a majority of the members of the board, levy 115150  
an excise tax not to exceed three per cent on transactions by 115151  
which lodging by a hotel is or is to be furnished to transient 115152  
guests. The board shall establish all regulations necessary to 115153  
provide for the administration and allocation of the tax. The 115154  
regulations may prescribe the time for payment of the tax, and may 115155  
provide for the imposition of a penalty or interest, or both, for 115156  
late payments, provided that the penalty does not exceed ten per 115157  
cent of the amount of tax due, and the rate at which interest 115158  
accrues does not exceed the rate per annum prescribed pursuant to 115159  
section 5703.47 of the Revised Code. Except as provided in 115160  
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 115161  
regulations shall provide, after deducting the real and actual 115162  
costs of administering the tax, for the return to each municipal 115163  
corporation or township that does not levy an excise tax on the 115164  
transactions, a uniform percentage of the tax collected in the 115165  
municipal corporation or in the unincorporated portion of the 115166  
township from each transaction, not to exceed thirty-three and 115167  
one-third per cent. The remainder of the revenue arising from the 115168  
tax shall be deposited in a separate fund and shall be spent 115169  
solely to make contributions to the convention and visitors' 115170  
bureau operating within the county, including a pledge and 115171  
contribution of any portion of the remainder pursuant to an 115172  
agreement authorized by section 307.695 of the Revised Code, 115173  
provided that if the board of county commissioners of an eligible 115174  
county as defined in section 307.695 of the Revised Code adopts a 115175  
resolution amending a resolution levying a tax under this division 115176  
to provide that the revenue from the tax shall be used by the 115177  
board as described in division (H) of section 307.695 of the 115178  
Revised Code, the remainder of the revenue shall be used as 115179  
described in the resolution making that amendment. Except as 115180

provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 115181  
this section, on and after May 10, 1994, a board of county 115182  
commissioners may not levy an excise tax pursuant to this division 115183  
in any municipal corporation or township located wholly or partly 115184  
within the county that has in effect an ordinance or resolution 115185  
levying an excise tax pursuant to division (B) of this section. 115186  
The board of a county that has levied a tax under division (C) of 115187  
this section may, by resolution adopted within ninety days after 115188  
July 15, 1985, by a majority of the members of the board, amend 115189  
the resolution levying a tax under this division to provide for a 115190  
portion of that tax to be pledged and contributed in accordance 115191  
with an agreement entered into under section 307.695 of the 115192  
Revised Code. A tax, any revenue from which is pledged pursuant to 115193  
such an agreement, shall remain in effect at the rate at which it 115194  
is imposed for the duration of the period for which the revenue 115195  
from the tax has been so pledged. 115196

The board of county commissioners of an eligible county as 115197  
defined in section 307.695 of the Revised Code may, by resolution 115198  
adopted by a majority of the members of the board, amend a 115199  
resolution levying a tax under this division to provide that the 115200  
revenue from the tax shall be used by the board as described in 115201  
division (H) of section 307.695 of the Revised Code, in which case 115202  
the tax shall remain in effect at the rate at which it was imposed 115203  
for the duration of any agreement entered into by the board under 115204  
section 307.695 of the Revised Code, the duration during which any 115205  
securities issued by the board under that section are outstanding, 115206  
or the duration of the period during which the board owns a 115207  
project as defined in section 307.695 of the Revised Code, 115208  
whichever duration is longest. 115209

(2) A board of county commissioners that levies an excise tax 115210  
under division (A)(1) of this section on June 30, 1997, at a rate 115211  
of three per cent, and that has pledged revenue from the tax to an 115212

agreement entered into under section 307.695 of the Revised Code 115213  
or, in the case of the board of county commissioners of an 115214  
eligible county as defined in section 307.695 of the Revised Code, 115215  
has amended a resolution levying a tax under division (C) of this 115216  
section to provide that proceeds from the tax shall be used by the 115217  
board as described in division (H) of section 307.695 of the 115218  
Revised Code, may, at any time by a resolution adopted by a 115219  
majority of the members of the board, amend the resolution levying 115220  
a tax under division (A)(1) of this section to provide for an 115221  
increase in the rate of that tax up to seven per cent on each 115222  
transaction; to provide that revenue from the increase in the rate 115223  
shall be used as described in division (H) of section 307.695 of 115224  
the Revised Code or be spent solely to make contributions to the 115225  
convention and visitors' bureau operating within the county to be 115226  
used specifically for promotion, advertising, and marketing of the 115227  
region in which the county is located; and to provide that the 115228  
rate in excess of the three per cent levied under division (A)(1) 115229  
of this section shall remain in effect at the rate at which it is 115230  
imposed for the duration of the period during which any agreement 115231  
is in effect that was entered into under section 307.695 of the 115232  
Revised Code by the board of county commissioners levying a tax 115233  
under division (A)(1) of this section, the duration of the period 115234  
during which any securities issued by the board under division (I) 115235  
of section 307.695 of the Revised Code are outstanding, or the 115236  
duration of the period during which the board owns a project as 115237  
defined in section 307.695 of the Revised Code, whichever duration 115238  
is longest. The amendment also shall provide that no portion of 115239  
that revenue need be returned to townships or municipal 115240  
corporations as would otherwise be required under division (A)(1) 115241  
of this section. 115242

(3) A board of county commissioners that levies a tax under 115243  
division (A)(1) of this section on March 18, 1999, at a rate of 115244  
three per cent may, by resolution adopted not later than 115245



forty-five days after March 18, 1999, amend the resolution levying 115246  
the tax to provide for all of the following: 115247

(a) That the rate of the tax shall be increased by not more 115248  
than an additional four per cent on each transaction; 115249

(b) That all of the revenue from the increase in the rate 115250  
shall be pledged and contributed to a convention facilities 115251  
authority established by the board of county commissioners under 115252  
Chapter 351. of the Revised Code on or before November 15, 1998, 115253  
and used to pay costs of constructing, maintaining, operating, and 115254  
promoting a facility in the county, including paying bonds, or 115255  
notes issued in anticipation of bonds, as provided by that 115256  
chapter; 115257

(c) That no portion of the revenue arising from the increase 115258  
in rate need be returned to municipal corporations or townships as 115259  
otherwise required under division (A)(1) of this section; 115260

(d) That the increase in rate shall not be subject to 115261  
diminution by initiative or referendum or by law while any bonds, 115262  
or notes in anticipation of bonds, issued by the authority under 115263  
Chapter 351. of the Revised Code to which the revenue is pledged, 115264  
remain outstanding in accordance with their terms, unless 115265  
provision is made by law or by the board of county commissioners 115266  
for an adequate substitute therefor that is satisfactory to the 115267  
trustee if a trust agreement secures the bonds. 115268

Division (A)(3) of this section does not apply to the board 115269  
of county commissioners of any county in which a convention center 115270  
or facility exists or is being constructed on November 15, 1998, 115271  
or of any county in which a convention facilities authority levies 115272  
a tax pursuant to section 351.021 of the Revised Code on that 115273  
date. 115274

As used in division (A)(3) of this section, "cost" and 115275  
"facility" have the same meanings as in section 351.01 of the 115276

Revised Code, and "convention center" has the same meaning as in 115277  
section 307.695 of the Revised Code. 115278

(4)(a) A board of county commissioners that levies a tax 115279  
under division (A)(1) of this section on June 30, 2002, at a rate 115280  
of three per cent may, by resolution adopted not later than 115281  
September 30, 2002, amend the resolution levying the tax to 115282  
provide for all of the following: 115283

(i) That the rate of the tax shall be increased by not more 115284  
than an additional three and one-half per cent on each 115285  
transaction; 115286

(ii) That all of the revenue from the increase in rate shall 115287  
be pledged and contributed to a convention facilities authority 115288  
established by the board of county commissioners under Chapter 115289  
351. of the Revised Code on or before May 15, 2002, and be used to 115290  
pay costs of constructing, expanding, maintaining, operating, or 115291  
promoting a convention center in the county, including paying 115292  
bonds, or notes issued in anticipation of bonds, as provided by 115293  
that chapter; 115294

(iii) That no portion of the revenue arising from the 115295  
increase in rate need be returned to municipal corporations or 115296  
townships as otherwise required under division (A)(1) of this 115297  
section; 115298

(iv) That the increase in rate shall not be subject to 115299  
diminution by initiative or referendum or by law while any bonds, 115300  
or notes in anticipation of bonds, issued by the authority under 115301  
Chapter 351. of the Revised Code to which the revenue is pledged, 115302  
remain outstanding in accordance with their terms, unless 115303  
provision is made by law or by the board of county commissioners 115304  
for an adequate substitute therefor that is satisfactory to the 115305  
trustee if a trust agreement secures the bonds. 115306

(b) Any board of county commissioners that, pursuant to 115307

division (A)(4)(a) of this section, has amended a resolution 115308  
levying the tax authorized by division (A)(1) of this section may 115309  
further amend the resolution to provide that the revenue referred 115310  
to in division (A)(4)(a)(ii) of this section shall be pledged and 115311  
contributed both to a convention facilities authority to pay the 115312  
costs of constructing, expanding, maintaining, or operating one or 115313  
more convention centers in the county, including paying bonds, or 115314  
notes issued in anticipation of bonds, as provided in Chapter 351. 115315  
of the Revised Code, and to a convention and visitors' bureau to 115316  
pay the costs of promoting one or more convention centers in the 115317  
county. 115318

As used in division (A)(4) of this section, "cost" has the 115319  
same meaning as in section 351.01 of the Revised Code, and 115320  
"convention center" has the same meaning as in section 307.695 of 115321  
the Revised Code. 115322

(5)(a) As used in division (A)(5) of this section: 115323

(i) "Port authority" means a port authority created under 115324  
Chapter 4582. of the Revised Code. 115325

(ii) "Port authority military-use facility" means port 115326  
authority facilities on which or adjacent to which is located an 115327  
installation of the armed forces of the United States, a reserve 115328  
component thereof, or the national guard and at least part of 115329  
which is made available for use, for consideration, by the armed 115330  
forces of the United States, a reserve component thereof, or the 115331  
national guard. 115332

(b) For the purpose of contributing revenue to pay operating 115333  
expenses of a port authority that operates a port authority 115334  
military-use facility, the board of county commissioners of a 115335  
county that created, participated in the creation of, or has 115336  
joined such a port authority may do one or both of the following: 115337

(i) Amend a resolution previously adopted under division 115338

(A)(1) of this section to designate some or all of the revenue 115339  
from the tax levied under the resolution to be used for that 115340  
purpose, notwithstanding that division; 115341

(ii) Amend a resolution previously adopted under division 115342  
(A)(1) of this section to increase the rate of the tax by not more 115343  
than an additional two per cent and use the revenue from the 115344  
increase exclusively for that purpose. 115345

(c) If a board of county commissioners amends a resolution to 115346  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 115347  
of this section, the board also may amend the resolution to 115348  
specify that the increase in rate of the tax does not apply to 115349  
"hotels," as otherwise defined in section 5739.01 of the Revised 115350  
Code, having fewer rooms used for the accommodation of guests than 115351  
a number of rooms specified by the board. 115352

(6) A board of county commissioners of a county organized 115353  
under a county charter adopted pursuant to Article X, Section 3, 115354  
Ohio Constitution, and that levies an excise tax under division 115355  
(A)(1) of this section at a rate of three per cent and levies an 115356  
additional excise tax under division (E) of this section at a rate 115357  
of one and one-half per cent may, by resolution adopted not later 115358  
than January 1, 2008, by a majority of the members of the board, 115359  
amend the resolution levying a tax under division (A)(1) of this 115360  
section to provide for an increase in the rate of that tax by not 115361  
more than an additional one per cent on transactions by which 115362  
lodging by a hotel is or is to be furnished to transient guests. 115363  
Notwithstanding divisions (A)(1) and (E) of this section, the 115364  
resolution shall provide that all of the revenue from the increase 115365  
in rate, after deducting the real and actual costs of 115366  
administering the tax, shall be used to pay the costs of 115367  
improving, expanding, equipping, financing, or operating a 115368  
convention center by a convention and visitors' bureau in the 115369  
county. The increase in rate shall remain in effect for the period 115370

specified in the resolution, not to exceed ten years. The increase 115371  
in rate shall be subject to the regulations adopted under division 115372  
(A)(1) of this section, except that the resolution may provide 115373  
that no portion of the revenue from the increase in the rate shall 115374  
be returned to townships or municipal corporations as would 115375  
otherwise be required under that division. 115376

(7) Division (A)(7) of this section applies only to a county 115377  
with a population greater than sixty-five thousand and less than 115378  
seventy thousand according to the most recent federal decennial 115379  
census and in which, on December 31, 2006, an excise tax is levied 115380  
under division (A)(1) of this section at a rate not less than and 115381  
not greater than three per cent, and in which the most recent 115382  
increase in the rate of that tax was enacted or took effect in 115383  
November 1984. 115384

The board of county commissioners of a county to which this 115385  
division applies, by resolution adopted by a majority of the 115386  
members of the board, may increase the rate of the tax by not more 115387  
than one per cent on transactions by which lodging by a hotel is 115388  
or is to be furnished to transient guests. The increase in rate 115389  
shall be for the purpose of paying expenses deemed necessary by 115390  
the convention and visitors' bureau operating in the county to 115391  
promote travel and tourism. The increase in rate shall remain in 115392  
effect for the period specified in the resolution, not to exceed 115393  
twenty years, provided that the increase in rate may not continue 115394  
beyond the time when the purpose for which the increase is levied 115395  
ceases to exist. If revenue from the increase in rate is pledged 115396  
to the payment of debt charges on securities, the increase in rate 115397  
is not subject to diminution by initiative or referendum or by law 115398  
for so long as the securities are outstanding, unless provision is 115399  
made by law or by the board of county commissioners for an 115400  
adequate substitute for that revenue that is satisfactory to the 115401  
trustee if a trust agreement secures payment of the debt charges. 115402

The increase in rate shall be subject to the regulations adopted 115403  
under division (A)(1) of this section, except that the resolution 115404  
may provide that no portion of the revenue from the increase in 115405  
the rate shall be returned to townships or municipal corporations 115406  
as would otherwise be required under division (A)(1) of this 115407  
section. A resolution adopted under division (A)(7) of this 115408  
section is subject to referendum under sections 305.31 to 305.99 115409  
of the Revised Code. 115410

(B)(1) The legislative authority of a municipal corporation 115411  
or the board of trustees of a township that is not wholly or 115412  
partly located in a county that has in effect a resolution levying 115413  
an excise tax pursuant to division (A)(1) of this section may, by 115414  
ordinance or resolution, levy an excise tax not to exceed three 115415  
per cent on transactions by which lodging by a hotel is or is to 115416  
be furnished to transient guests. The legislative authority of the 115417  
municipal corporation or the board of trustees of the township 115418  
shall deposit at least fifty per cent of the revenue from the tax 115419  
levied pursuant to this division into a separate fund, which shall 115420  
be spent solely to make contributions to convention and visitors' 115421  
bureaus operating within the county in which the municipal 115422  
corporation or township is wholly or partly located, and the 115423  
balance of that revenue shall be deposited in the general fund. 115424  
The municipal corporation or township shall establish all 115425  
regulations necessary to provide for the administration and 115426  
allocation of the tax. The regulations may prescribe the time for 115427  
payment of the tax, and may provide for the imposition of a 115428  
penalty or interest, or both, for late payments, provided that the 115429  
penalty does not exceed ten per cent of the amount of tax due, and 115430  
the rate at which interest accrues does not exceed the rate per 115431  
annum prescribed pursuant to section 5703.47 of the Revised Code. 115432  
The levy of a tax under this division is in addition to any tax 115433  
imposed on the same transaction by a municipal corporation or a 115434  
township as authorized by division (A) of section 5739.08 of the 115435

Revised Code. 115436

(2)(a) The legislative authority of the most populous 115437  
municipal corporation located wholly or partly in a county in 115438  
which the board of county commissioners has levied a tax under 115439  
division (A)(4) of this section may amend, on or before September 115440  
30, 2002, that municipal corporation's ordinance or resolution 115441  
that levies an excise tax on transactions by which lodging by a 115442  
hotel is or is to be furnished to transient guests, to provide for 115443  
all of the following: 115444

(i) That the rate of the tax shall be increased by not more 115445  
than an additional one per cent on each transaction; 115446

(ii) That all of the revenue from the increase in rate shall 115447  
be pledged and contributed to a convention facilities authority 115448  
established by the board of county commissioners under Chapter 115449  
351. of the Revised Code on or before May 15, 2002, and be used to 115450  
pay costs of constructing, expanding, maintaining, operating, or 115451  
promoting a convention center in the county, including paying 115452  
bonds, or notes issued in anticipation of bonds, as provided by 115453  
that chapter; 115454

(iii) That the increase in rate shall not be subject to 115455  
diminution by initiative or referendum or by law while any bonds, 115456  
or notes in anticipation of bonds, issued by the authority under 115457  
Chapter 351. of the Revised Code to which the revenue is pledged, 115458  
remain outstanding in accordance with their terms, unless 115459  
provision is made by law, by the board of county commissioners, or 115460  
by the legislative authority, for an adequate substitute therefor 115461  
that is satisfactory to the trustee if a trust agreement secures 115462  
the bonds. 115463

(b) The legislative authority of a municipal corporation 115464  
that, pursuant to division (B)(2)(a) of this section, has amended 115465  
its ordinance or resolution to increase the rate of the tax 115466

authorized by division (B)(1) of this section may further amend 115467  
the ordinance or resolution to provide that the revenue referred 115468  
to in division (B)(2)(a)(ii) of this section shall be pledged and 115469  
contributed both to a convention facilities authority to pay the 115470  
costs of constructing, expanding, maintaining, or operating one or 115471  
more convention centers in the county, including paying bonds, or 115472  
notes issued in anticipation of bonds, as provided in Chapter 351. 115473  
of the Revised Code, and to a convention and visitors' bureau to 115474  
pay the costs of promoting one or more convention centers in the 115475  
county. 115476

As used in division (B)(2) of this section, "cost" has the 115477  
same meaning as in section 351.01 of the Revised Code, and 115478  
"convention center" has the same meaning as in section 307.695 of 115479  
the Revised Code. 115480

(C) For the purposes described in section 307.695 of the 115481  
Revised Code and to cover the costs of administering the tax, a 115482  
board of county commissioners of a county where a tax imposed 115483  
under division (A)(1) of this section is in effect may, by 115484  
resolution adopted within ninety days after July 15, 1985, by a 115485  
majority of the members of the board, levy an additional excise 115486  
tax not to exceed three per cent on transactions by which lodging 115487  
by a hotel is or is to be furnished to transient guests. The tax 115488  
authorized by this division shall be in addition to any tax that 115489  
is levied pursuant to division (A) of this section, but it shall 115490  
not apply to transactions subject to a tax levied by a municipal 115491  
corporation or township pursuant to the authorization granted by 115492  
division (A) of section 5739.08 of the Revised Code. The board 115493  
shall establish all regulations necessary to provide for the 115494  
administration and allocation of the tax. The regulations may 115495  
prescribe the time for payment of the tax, and may provide for the 115496  
imposition of a penalty or interest, or both, for late payments, 115497  
provided that the penalty does not exceed ten per cent of the 115498



amount of tax due, and the rate at which interest accrues does not 115499  
exceed the rate per annum prescribed pursuant to section 5703.47 115500  
of the Revised Code. All revenues arising from the tax shall be 115501  
expended in accordance with section 307.695 of the Revised Code. 115502  
The board of county commissioners of an eligible county as defined 115503  
in section 307.695 of the Revised Code may, by resolution adopted 115504  
by a majority of the members of the board, amend the resolution 115505  
levying a tax under this division to provide that the revenue from 115506  
the tax shall be used by the board as described in division (H) of 115507  
section 307.695 of the Revised Code. A tax imposed under this 115508  
division shall remain in effect at the rate at which it is imposed 115509  
for the duration of the period during which any agreement entered 115510  
into by the board under section 307.695 of the Revised Code is in 115511  
effect, the duration of the period during which any securities 115512  
issued by the board under division (I) of section 307.695 of the 115513  
Revised Code are outstanding, or the duration of the period during 115514  
which the board owns a project as defined in section 307.695 of 115515  
the Revised Code, whichever duration is longest. 115516

(D) For the purpose of providing contributions under division 115517  
(B)(1) of section 307.671 of the Revised Code to enable the 115518  
acquisition, construction, and equipping of a port authority 115519  
educational and cultural facility in the county and, to the extent 115520  
provided for in the cooperative agreement authorized by that 115521  
section, for the purpose of paying debt service charges on bonds, 115522  
or notes in anticipation of bonds, described in division (B)(1)(b) 115523  
of that section, a board of county commissioners, by resolution 115524  
adopted within ninety days after December 22, 1992, by a majority 115525  
of the members of the board, may levy an additional excise tax not 115526  
to exceed one and one-half per cent on transactions by which 115527  
lodging by a hotel is or is to be furnished to transient guests. 115528  
The excise tax authorized by this division shall be in addition to 115529  
any tax that is levied pursuant to divisions (A), (B), and (C) of 115530  
this section, to any excise tax levied pursuant to section 5739.08 115531

of the Revised Code, and to any excise tax levied pursuant to 115532  
section 351.021 of the Revised Code. The board of county 115533  
commissioners shall establish all regulations necessary to provide 115534  
for the administration and allocation of the tax that are not 115535  
inconsistent with this section or section 307.671 of the Revised 115536  
Code. The regulations may prescribe the time for payment of the 115537  
tax, and may provide for the imposition of a penalty or interest, 115538  
or both, for late payments, provided that the penalty does not 115539  
exceed ten per cent of the amount of tax due, and the rate at 115540  
which interest accrues does not exceed the rate per annum 115541  
prescribed pursuant to section 5703.47 of the Revised Code. All 115542  
revenues arising from the tax shall be expended in accordance with 115543  
section 307.671 of the Revised Code and division (D) of this 115544  
section. The levy of a tax imposed under this division may not 115545  
commence prior to the first day of the month next following the 115546  
execution of the cooperative agreement authorized by section 115547  
307.671 of the Revised Code by all parties to that agreement. The 115548  
tax shall remain in effect at the rate at which it is imposed for 115549  
the period of time described in division (C) of section 307.671 of 115550  
the Revised Code for which the revenue from the tax has been 115551  
pledged by the county to the corporation pursuant to that section, 115552  
but, to any extent provided for in the cooperative agreement, for 115553  
no lesser period than the period of time required for payment of 115554  
the debt service charges on bonds, or notes in anticipation of 115555  
bonds, described in division (B)(1)(b) of that section. 115556

(E) For the purpose of paying the costs of acquiring, 115557  
constructing, equipping, and improving a municipal educational and 115558  
cultural facility, including debt service charges on bonds 115559  
provided for in division (B) of section 307.672 of the Revised 115560  
Code, and for any additional purposes determined by the county in 115561  
the resolution levying the tax or amendments to the resolution, 115562  
including subsequent amendments providing for paying costs of 115563  
acquiring, constructing, renovating, rehabilitating, equipping, 115564

and improving a port authority educational and cultural performing 115565  
arts facility, as defined in section 307.674 of the Revised Code, 115566  
and including debt service charges on bonds provided for in 115567  
division (B) of section 307.674 of the Revised Code, the 115568  
legislative authority of a county, by resolution adopted within 115569  
ninety days after June 30, 1993, by a majority of the members of 115570  
the legislative authority, may levy an additional excise tax not 115571  
to exceed one and one-half per cent on transactions by which 115572  
lodging by a hotel is or is to be furnished to transient guests. 115573  
The excise tax authorized by this division shall be in addition to 115574  
any tax that is levied pursuant to divisions (A), (B), (C), and 115575  
(D) of this section, to any excise tax levied pursuant to section 115576  
5739.08 of the Revised Code, and to any excise tax levied pursuant 115577  
to section 351.021 of the Revised Code. The legislative authority 115578  
of the county shall establish all regulations necessary to provide 115579  
for the administration and allocation of the tax. The regulations 115580  
may prescribe the time for payment of the tax, and may provide for 115581  
the imposition of a penalty or interest, or both, for late 115582  
payments, provided that the penalty does not exceed ten per cent 115583  
of the amount of tax due, and the rate at which interest accrues 115584  
does not exceed the rate per annum prescribed pursuant to section 115585  
5703.47 of the Revised Code. All revenues arising from the tax 115586  
shall be expended in accordance with section 307.672 of the 115587  
Revised Code and this division. The levy of a tax imposed under 115588  
this division shall not commence prior to the first day of the 115589  
month next following the execution of the cooperative agreement 115590  
authorized by section 307.672 of the Revised Code by all parties 115591  
to that agreement. The tax shall remain in effect at the rate at 115592  
which it is imposed for the period of time determined by the 115593  
legislative authority of the county. That period of time shall not 115594  
exceed fifteen years, except that the legislative authority of a 115595  
county with a population of less than two hundred fifty thousand 115596  
according to the most recent federal decennial census, by 115597

resolution adopted by a majority of its members before the 115598  
original tax expires, may extend the duration of the tax for an 115599  
additional period of time. The additional period of time by which 115600  
a legislative authority extends a tax levied under this division 115601  
shall not exceed fifteen years. 115602

(F) The legislative authority of a county that has levied a 115603  
tax under division (E) of this section may, by resolution adopted 115604  
within one hundred eighty days after January 4, 2001, by a 115605  
majority of the members of the legislative authority, amend the 115606  
resolution levying a tax under that division to provide for the 115607  
use of the proceeds of that tax, to the extent that it is no 115608  
longer needed for its original purpose as determined by the 115609  
parties to a cooperative agreement amendment pursuant to division 115610  
(D) of section 307.672 of the Revised Code, to pay costs of 115611  
acquiring, constructing, renovating, rehabilitating, equipping, 115612  
and improving a port authority educational and cultural performing 115613  
arts facility, including debt service charges on bonds provided 115614  
for in division (B) of section 307.674 of the Revised Code, and to 115615  
pay all obligations under any guaranty agreements, reimbursement 115616  
agreements, or other credit enhancement agreements described in 115617  
division (C) of section 307.674 of the Revised Code. The 115618  
resolution may also provide for the extension of the tax at the 115619  
same rate for the longer of the period of time determined by the 115620  
legislative authority of the county, but not to exceed an 115621  
additional twenty-five years, or the period of time required to 115622  
pay all debt service charges on bonds provided for in division (B) 115623  
of section 307.672 of the Revised Code and on port authority 115624  
revenue bonds provided for in division (B) of section 307.674 of 115625  
the Revised Code. All revenues arising from the amendment and 115626  
extension of the tax shall be expended in accordance with section 115627  
307.674 of the Revised Code, this division, and division (E) of 115628  
this section. 115629

(G) For purposes of a tax levied by a county, township, or municipal corporation under this section or section 5739.08 of the Revised Code, a board of county commissioners, board of township trustees, or the legislative authority of a municipal corporation may adopt a resolution or ordinance at any time specifying that "hotel," as otherwise defined in section 5739.01 of the Revised Code, includes the following:

(1) Establishments in which fewer than five rooms are used for the accommodation of guests.

(2) Establishments at which rooms are used for the accommodation of guests regardless of whether each room is accessible through its own keyed entry or several rooms are accessible through the same keyed entry; and, in determining the number of rooms, all rooms are included regardless of the number of structures in which the rooms are situated or the number of parcels of land on which the structures are located if the structures are under the same ownership and the structures are not identified in advertisements of the accommodations as distinct establishments. For the purposes of division (G)(2) of this section, two or more structures are under the same ownership if they are owned by the same person, or if they are owned by two or more persons the majority of the ownership interests of which are owned by the same person.

The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

(H)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as

in section 351.01 of the Revised Code. 115661

(b) "Convention center" has the same meaning as in section 115662  
307.695 of the Revised Code. 115663

(2) Notwithstanding any contrary provision of division (D) of 115664  
this section, the legislative authority of a county with a 115665  
population of one million or more according to the most recent 115666  
federal decennial census that has levied a tax under division (D) 115667  
of this section may, by resolution adopted by a majority of the 115668  
members of the legislative authority, provide for the extension of 115669  
such levy and may provide that the proceeds of that tax, to the 115670  
extent that they are no longer needed for their original purpose 115671  
as defined by a cooperative agreement entered into under section 115672  
307.671 of the Revised Code, shall be deposited into the county 115673  
general revenue fund. The resolution shall provide for the 115674  
extension of the tax at a rate not to exceed the rate specified in 115675  
division (D) of this section for a period of time determined by 115676  
the legislative authority of the county, but not to exceed an 115677  
additional forty years. 115678

(3) The legislative authority of a county with a population 115679  
of one million or more that has levied a tax under division (A)(1) 115680  
of this section may, by resolution adopted by a majority of the 115681  
members of the legislative authority, increase the rate of the tax 115682  
levied by such county under division (A)(1) of this section to a 115683  
rate not to exceed five per cent on transactions by which lodging 115684  
by a hotel is or is to be furnished to transient guests. 115685  
Notwithstanding any contrary provision of division (A)(1) of this 115686  
section, the resolution may provide that all collections resulting 115687  
from the rate levied in excess of three per cent, after deducting 115688  
the real and actual costs of administering the tax, shall be 115689  
deposited in the county general fund. 115690

(4) The legislative authority of a county with a population 115691  
of one million or more that has levied a tax under division (A)(1) 115692

of this section may, by resolution adopted on or before August 30, 115693  
2004, by a majority of the members of the legislative authority, 115694  
provide that all or a portion of the proceeds of the tax levied 115695  
under division (A)(1) of this section, after deducting the real 115696  
and actual costs of administering the tax and the amounts required 115697  
to be returned to townships and municipal corporations with 115698  
respect to the first three per cent levied under division (A)(1) 115699  
of this section, shall be deposited in the county general fund, 115700  
provided that such proceeds shall be used to satisfy any pledges 115701  
made in connection with an agreement entered into under section 115702  
307.695 of the Revised Code. 115703

(5) No amount collected from a tax levied, extended, or 115704  
required to be deposited in the county general fund under division 115705  
(H) of this section shall be contributed to a convention 115706  
facilities authority, corporation, or other entity created after 115707  
July 1, 2003, for the principal purpose of constructing, 115708  
improving, expanding, equipping, financing, or operating a 115709  
convention center unless the mayor of the municipal corporation in 115710  
which the convention center is to be operated by that convention 115711  
facilities authority, corporation, or other entity has consented 115712  
to the creation of that convention facilities authority, 115713  
corporation, or entity. Notwithstanding any contrary provision of 115714  
section 351.04 of the Revised Code, if a tax is levied by a county 115715  
under division (H) of this section, the board of county 115716  
commissioners of that county may determine the manner of 115717  
selection, the qualifications, the number, and terms of office of 115718  
the members of the board of directors of any convention facilities 115719  
authority, corporation, or other entity described in division 115720  
(H)(5) of this section. 115721

(6)(a) No amount collected from a tax levied, extended, or 115722  
required to be deposited in the county general fund under division 115723  
(H) of this section may be used for any purpose other than paying 115724

the direct and indirect costs of constructing, improving, 115725  
expanding, equipping, financing, or operating a convention center 115726  
and for the real and actual costs of administering the tax, 115727  
unless, prior to the adoption of the resolution of the legislative 115728  
authority of the county authorizing the levy, extension, increase, 115729  
or deposit, the county and the mayor of the most populous 115730  
municipal corporation in that county have entered into an 115731  
agreement as to the use of such amounts, provided that such 115732  
agreement has been approved by a majority of the mayors of the 115733  
other municipal corporations in that county. The agreement shall 115734  
provide that the amounts to be used for purposes other than paying 115735  
the convention center or administrative costs described in 115736  
division (H)(6)(a) of this section be used only for the direct and 115737  
indirect costs of capital improvements, including the financing of 115738  
capital improvements. 115739

(b) If the county in which the tax is levied has an 115740  
association of mayors and city managers, the approval of that 115741  
association of an agreement described in division (H)(6)(a) of 115742  
this section shall be considered to be the approval of the 115743  
majority of the mayors of the other municipal corporations for 115744  
purposes of that division. 115745

(7) Each year, the auditor of state shall conduct an audit of 115746  
the uses of any amounts collected from taxes levied, extended, or 115747  
deposited under division (H) of this section and shall prepare a 115748  
report of the auditor of state's findings. The auditor of state 115749  
shall submit the report to the legislative authority of the county 115750  
that has levied, extended, or deposited the tax, the speaker of 115751  
the house of representatives, the president of the senate, and the 115752  
leaders of the minority parties of the house of representatives 115753  
and the senate. 115754

(I)(1) As used in this division: 115755

(a) "Convention facilities authority" has the same meaning as 115756



in section 351.01 of the Revised Code. 115757

(b) "Convention center" has the same meaning as in section 115758  
307.695 of the Revised Code. 115759

(2) Notwithstanding any contrary provision of division (D) of 115760  
this section, the legislative authority of a county with a 115761  
population of one million two hundred thousand or more according 115762  
to the most recent federal decennial census or the most recent 115763  
annual population estimate published or released by the United 115764  
States census bureau at the time the resolution is adopted placing 115765  
the levy on the ballot, that has levied a tax under division (D) 115766  
of this section may, by resolution adopted by a majority of the 115767  
members of the legislative authority, provide for the extension of 115768  
such levy and may provide that the proceeds of that tax, to the 115769  
extent that the proceeds are no longer needed for their original 115770  
purpose as defined by a cooperative agreement entered into under 115771  
section 307.671 of the Revised Code and after deducting the real 115772  
and actual costs of administering the tax, shall be used for 115773  
paying the direct and indirect costs of constructing, improving, 115774  
expanding, equipping, financing, or operating a convention center. 115775  
The resolution shall provide for the extension of the tax at a 115776  
rate not to exceed the rate specified in division (D) of this 115777  
section for a period of time determined by the legislative 115778  
authority of the county, but not to exceed an additional forty 115779  
years. 115780

(3) The legislative authority of a county with a population 115781  
of one million two hundred thousand or more that has levied a tax 115782  
under division (A)(1) of this section may, by resolution adopted 115783  
by a majority of the members of the legislative authority, 115784  
increase the rate of the tax levied by such county under division 115785  
(A)(1) of this section to a rate not to exceed five per cent on 115786  
transactions by which lodging by a hotel is or is to be furnished 115787  
to transient guests. Notwithstanding any contrary provision of 115788

division (A)(1) of this section, the resolution shall provide that 115789  
all collections resulting from the rate levied in excess of three 115790  
per cent, after deducting the real and actual costs of 115791  
administering the tax, shall be used for paying the direct and 115792  
indirect costs of constructing, improving, expanding, equipping, 115793  
financing, or operating a convention center. 115794

(4) The legislative authority of a county with a population 115795  
of one million two hundred thousand or more that has levied a tax 115796  
under division (A)(1) of this section may, by resolution adopted 115797  
on or before July 1, 2008, by a majority of the members of the 115798  
legislative authority, provide that all or a portion of the 115799  
proceeds of the tax levied under division (A)(1) of this section, 115800  
after deducting the real and actual costs of administering the tax 115801  
and the amounts required to be returned to townships and municipal 115802  
corporations with respect to the first three per cent levied under 115803  
division (A)(1) of this section, shall be used to satisfy any 115804  
pledges made in connection with an agreement entered into under 115805  
section 307.695 of the Revised Code or shall otherwise be used for 115806  
paying the direct and indirect costs of constructing, improving, 115807  
expanding, equipping, financing, or operating a convention center. 115808

(5) Any amount collected from a tax levied or extended under 115809  
division (I) of this section may be contributed to a convention 115810  
facilities authority created before July 1, 2005, but no amount 115811  
collected from a tax levied or extended under division (I) of this 115812  
section may be contributed to a convention facilities authority, 115813  
corporation, or other entity created after July 1, 2005, unless 115814  
the mayor of the municipal corporation in which the convention 115815  
center is to be operated by that convention facilities authority, 115816  
corporation, or other entity has consented to the creation of that 115817  
convention facilities authority, corporation, or entity. 115818

(J) A board of commissioners of a county or board of trustees 115819  
of a township may not adopt or amend a resolution levying a tax on 115820

transactions by which lodging by a hotel is or is to be furnished 115821  
to transient guests pursuant to this section on or after October 115822  
1, 2013, unless the board levies the tax on any transaction by 115823  
which a transient guest obtains or will obtain lodging in a hotel 115824  
using a hotel intermediary. The board shall levy the tax on any 115825  
amount the purchaser pays to the hotel intermediary for the 115826  
intermediary's services plus any amount paid for the furnishing of 115827  
lodging in a hotel to the transient guest. 115828

The hotel intermediary shall collect and remit all tax paid 115829  
by the purchaser to the county or township, as applicable, that 115830  
levies the tax pursuant to this section. If the hotel intermediary 115831  
does not collect or remit the full amount of tax, the hotel in 115832  
which the transient guest will lodge shall attempt to collect and 115833  
remit to the county or township, as applicable, the uncollected or 115834  
unremitted tax. 115835

**Sec. 5739.12.** (A)(1) Each person who has or is required to 115836  
have a vendor's license, on or before the twenty-third day of each 115837  
month, shall make and file a return for the preceding month in the 115838  
form prescribed by the tax commissioner, and shall pay the tax 115839  
shown on the return to be due. The return shall be filed 115840  
electronically using the Ohio business gateway, as defined in 115841  
section 718.051 of the Revised Code, the Ohio telefile system, or 115842  
any other electronic means prescribed by the commissioner. Payment 115843  
of the tax shown on the return to be due shall be made 115844  
electronically in a manner approved by the commissioner. The 115845  
commissioner may require a vendor that operates from multiple 115846  
locations or has multiple vendor's licenses to report all tax 115847  
liabilities on one consolidated return. The return shall show the 115848  
amount of tax due from the vendor to the state for the period 115849  
covered by the return and such other information as the 115850  
commissioner deems necessary for the proper administration of this 115851  
chapter. The commissioner may extend the time for making and 115852

filing returns and paying the tax, and may require that the return 115853  
for the last month of any annual or semiannual period, as 115854  
determined by the commissioner, be a reconciliation return 115855  
detailing the vendor's sales activity for the preceding annual or 115856  
semiannual period. The reconciliation return shall be filed by the 115857  
last day of the month following the last month of the annual or 115858  
semiannual period. The commissioner may remit all or any part of 115859  
amounts or penalties that may become due under this chapter and 115860  
may adopt rules relating thereto. Such return shall be filed 115861  
electronically as directed by the tax commissioner, and payment of 115862  
the amount of tax shown to be due thereon, after deduction of any 115863  
discount provided for under this section, shall be made 115864  
electronically in a manner approved by the tax commissioner. 115865

(2) Any person required to file returns and make payments 115866  
electronically under division (A)(1) of this section may apply to 115867  
the tax commissioner on a form prescribed by the commissioner to 115868  
be excused from that requirement. For good cause shown, the 115869  
commissioner may excuse the person from that requirement and may 115870  
permit the person to file the returns and make the payments 115871  
required by this section by nonelectronic means. 115872

(B)(1) If the return is filed and the amount of tax shown 115873  
thereon to be due is paid on or before the date such return is 115874  
required to be filed, the vendor shall be entitled to a discount 115875  
of three-fourths of one per cent of the amount shown to be due on 115876  
the return. 115877

(2) A vendor that has selected a certified service provider 115878  
as its agent shall not be entitled to the discount if the 115879  
certified service provider receives a monetary allowance pursuant 115880  
to section 5739.06 of the Revised Code for performing the vendor's 115881  
sales and use tax functions in this state. Amounts paid to the 115882  
clerk of courts pursuant to section 4505.06 of the Revised Code 115883  
shall be subject to the applicable discount. The discount shall be 115884

in consideration for prompt payment to the clerk of courts and for 115885  
other services performed by the vendor in the collection of the 115886  
tax. 115887

(C)(1) Upon application to the tax commissioner, a vendor who 115888  
is required to file monthly returns may be relieved of the 115889  
requirement to report and pay the actual tax due, provided that 115890  
the vendor agrees to remit to the commissioner payment of not less 115891  
than an amount determined by the commissioner to be the average 115892  
monthly tax liability of the vendor, based upon a review of the 115893  
returns or other information pertaining to such vendor for a 115894  
period of not less than six months nor more than two years 115895  
immediately preceding the filing of the application. Vendors who 115896  
agree to the above conditions shall make and file an annual or 115897  
semiannual reconciliation return, as prescribed by the 115898  
commissioner. The reconciliation return shall be filed 115899  
electronically as directed by the tax commissioner, and payment of 115900  
the amount of tax shown to be due thereon, after deduction of any 115901  
discount provided in this section, shall be made electronically in 115902  
a manner approved by the commissioner. Failure of a vendor to 115903  
comply with any of the above conditions may result in immediate 115904  
reinstatement of the requirement of reporting and paying the 115905  
actual tax liability on each monthly return, and the commissioner 115906  
may at the commissioner's discretion deny the vendor the right to 115907  
report and pay based upon the average monthly liability for a 115908  
period not to exceed two years. The amount ascertained by the 115909  
commissioner to be the average monthly tax liability of a vendor 115910  
may be adjusted, based upon a review of the returns or other 115911  
information pertaining to the vendor for a period of not less than 115912  
six months nor more than two years preceding such adjustment. 115913

(2) The commissioner may authorize vendors whose tax 115914  
liability is not such as to merit monthly returns, as ascertained 115915  
by the commissioner upon the basis of administrative costs to the 115916

state, to make and file returns at less frequent intervals. When 115917  
returns are filed at less frequent intervals in accordance with 115918  
such authorization, the vendor shall be allowed the discount 115919  
provided in this section in consideration for prompt payment with 115920  
the return, provided the return is filed and payment is made of 115921  
the amount of tax shown to be due thereon, at the time specified 115922  
by the commissioner, but a vendor that has selected a certified 115923  
service provider as its agent shall not be entitled to the 115924  
discount. 115925

(D) Any vendor who fails to file a return or to pay the full 115926  
amount of the tax shown on the return to be due in the manner 115927  
prescribed under this section and the rules of the commissioner 115928  
may, for each such return, be required to forfeit and pay into the 115929  
state treasury an additional charge not exceeding fifty dollars or 115930  
ten per cent of the tax required to be paid for the reporting 115931  
period, whichever is greater, as revenue arising from the tax 115932  
imposed by this chapter, and such sum may be collected by 115933  
assessment in the manner provided in section 5739.13 of the 115934  
Revised Code. The commissioner may remit all or a portion of the 115935  
additional charge and may adopt rules relating to the imposition 115936  
and remission of the additional charge. 115937

(E) If the amount required to be collected by a vendor from 115938  
consumers is in excess of the applicable percentage of the 115939  
vendor's receipts from sales that are taxable under section 115940  
5739.02 of the Revised Code, or in the case of sales subject to a 115941  
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 115942  
the Revised Code, in excess of the percentage equal to the 115943  
aggregate rate of such taxes and the tax levied by section 5739.02 115944  
of the Revised Code, such excess shall be remitted along with the 115945  
remittance of the amount of tax due under section 5739.10 of the 115946  
Revised Code. 115947

(F) The commissioner, if the commissioner deems it necessary 115948

in order to insure the payment of the tax imposed by this chapter, 115949  
may require returns and payments to be made for other than monthly 115950  
periods. 115951

(G) Any vendor required to file a return and pay the tax 115952  
under this section whose total payment for a year equals or 115953  
exceeds the amount shown in division (A) of section 5739.122 of 115954  
the Revised Code is subject to the accelerated tax payment 115955  
requirements in divisions (B) and (C) of that section. For a 115956  
vendor that operates from multiple locations or has multiple 115957  
vendor's licenses, in determining whether the vendor's total 115958  
payment equals or exceeds the amount shown in division (A) of that 115959  
section, the vendor's total payment amount shall be the amount of 115960  
the vendor's total tax liability for the previous calendar year 115961  
for all of the vendor's locations or licenses. 115962

(H) If a vendor that is a hotel intermediary does not collect 115963  
and remit the full amount of tax due, the hotel in which the 115964  
transient guest will lodge shall attempt to collect and remit any 115965  
remaining amount of tax from the transient guest. 115966

**Sec. 5739.13.** (A) If any vendor collects the tax imposed by 115967  
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 115968  
the Revised Code, and fails to remit the tax to the state as 115969  
prescribed, or on the sale of a motor vehicle, watercraft, or 115970  
outboard motor required to be titled, fails to remit payment to a 115971  
clerk of a court of common pleas as provided in section 1548.06 or 115972  
4505.06 of the Revised Code, the vendor shall be personally liable 115973  
for any tax collected and not remitted. The tax commissioner may 115974  
make an assessment against such vendor based upon any information 115975  
in the commissioner's possession. 115976

If any vendor fails to collect the tax or any consumer fails 115977  
to pay the tax imposed by or pursuant to section 5739.02, 115978  
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 115979

transaction subject to the tax, the vendor or consumer shall be 115980  
personally liable for the amount of the tax applicable to the 115981  
transaction. The commissioner may make an assessment against 115982  
either the vendor or consumer, as the facts may require, based 115983  
upon any information in the commissioner's possession. 115984

An assessment against a vendor when the tax imposed by or 115985  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 115986  
the Revised Code has not been collected or paid, shall not 115987  
discharge the purchaser's or consumer's liability to reimburse the 115988  
vendor for the tax applicable to such transaction. 115989

An assessment issued against either, pursuant to this 115990  
section, shall not be considered an election of remedies, nor a 115991  
bar to an assessment against the other for the tax applicable to 115992  
the same transaction, provided that no assessment shall be issued 115993  
against any person for the tax due on a particular transaction if 115994  
the tax on that transaction actually has been paid by another. 115995

The commissioner may make an assessment against any vendor 115996  
who fails to file a return or remit the proper amount of tax 115997  
required by this chapter, or against any consumer who fails to pay 115998  
the proper amount of tax required by this chapter. When 115999  
information in the possession of the commissioner indicates that 116000  
the amount required to be collected or paid under this chapter is 116001  
greater than the amount remitted by the vendor or paid by the 116002  
consumer, the commissioner may audit a sample of the vendor's 116003  
sales or the consumer's purchases for a representative period, to 116004  
ascertain the per cent of exempt or taxable transactions or the 116005  
effective tax rate and may issue an assessment based on the audit. 116006  
The commissioner shall make a good faith effort to reach agreement 116007  
with the vendor or consumer in selecting a representative sample. 116008

The commissioner may make an assessment, based on any 116009  
information in ~~his~~ the commissioner's possession, against any 116010  
person who fails to file a return or remit the proper amount of 116011



tax required by section 5739.102 of the Revised Code. 116012

The commissioner may issue an assessment on any transaction 116013  
for which any tax imposed under this chapter or Chapter 5741. of 116014  
the Revised Code was due and unpaid on the date the vendor or 116015  
consumer was informed by an agent of the tax commissioner of an 116016  
investigation or audit. If the vendor or consumer remits any 116017  
payment of the tax for the period covered by the assessment after 116018  
the vendor or consumer was informed of the investigation or audit, 116019  
the payment shall be credited against the amount of the 116020  
assessment. 116021

The commissioner shall give the party assessed written notice 116022  
of the assessment in the manner provided in section 5703.37 of the 116023  
Revised Code. With the notice, the commissioner shall provide 116024  
instructions on how to petition for reassessment and request a 116025  
hearing on the petition. 116026

(B) Unless the party assessed files with the commissioner 116027  
within sixty days after service of the notice of assessment, 116028  
either personally or by certified mail, a written petition for 116029  
reassessment, signed by the party assessed or that party's 116030  
authorized agent having knowledge of the facts, the assessment 116031  
becomes final and the amount of the assessment is due from the 116032  
party assessed and payable to the treasurer of state and remitted 116033  
to the tax commissioner. The petition shall indicate the 116034  
objections of the party assessed, but additional objections may be 116035  
raised in writing if received by the commissioner prior to the 116036  
date shown on the final determination. If the petition has been 116037  
properly filed, the commissioner shall proceed under section 116038  
5703.60 of the Revised Code. 116039

(C) After an assessment becomes final, if any portion of the 116040  
assessment remains unpaid, including accrued interest, a certified 116041  
copy of the commissioner's entry making the assessment final may 116042  
be filed in the office of the clerk of the court of common pleas 116043

in the county in which the place of business of the party assessed 116044  
is located or the county in which the party assessed resides. If 116045  
the party assessed maintains no place of business in this state 116046  
and is not a resident of this state, the certified copy of the 116047  
entry may be filed in the office of the clerk of the court of 116048  
common pleas of Franklin county. 116049

Immediately upon the filing of the entry, the clerk shall 116050  
enter a judgment for the state against the party assessed in the 116051  
amount shown on the entry. The judgment may be filed by the clerk 116052  
in a loose-leaf book entitled "special judgments for state, 116053  
county, and transit authority retail sales tax" or, if 116054  
appropriate, "special judgments for resort area excise tax," and 116055  
shall have the same effect as other judgments. Execution shall 116056  
issue upon the judgment upon the request of the tax commissioner, 116057  
and all laws applicable to sales on execution shall apply to sales 116058  
made under the judgment except as otherwise provided in this 116059  
chapter. 116060

~~The portion of~~ If the assessment is not paid in its entirety 116061  
within sixty days after the date the assessment was issued, the 116062  
portion of the assessment consisting of tax due shall bear 116063  
interest at the rate per annum prescribed by section 5703.47 of 116064  
the Revised Code from the day the tax commissioner issues the 116065  
assessment until the assessment is paid or until it is certified 116066  
to the attorney general for collection under section 131.02 of the 116067  
Revised Code, whichever comes first. If the unpaid portion of the 116068  
assessment is certified to the attorney general for collection, 116069  
the entire unpaid portion of the assessment shall bear interest at 116070  
the rate per annum prescribed by section 5703.47 of the Revised 116071  
Code from the date of certification until the date it is paid in 116072  
its entirety. Interest shall be paid in the same manner as the tax 116073  
and may be collected by issuing an assessment under this section. 116074

(D) All money collected by the tax commissioner under this 116075

section shall be paid to the treasurer of state, and when paid 116076  
shall be considered as revenue arising from the taxes imposed by 116077  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 116078

**Sec. 5741.01.** As used in this chapter: 116079

(A) "Person" includes individuals, receivers, assignees, 116080  
trustees in bankruptcy, estates, firms, partnerships, 116081  
associations, joint-stock companies, joint ventures, clubs, 116082  
societies, corporations, business trusts, governments, and 116083  
combinations of individuals of any form. 116084

(B) "Storage" means and includes any keeping or retention in 116085  
this state for use or other consumption in this state. 116086

(C) "Use" means and includes the exercise of any right or 116087  
power incidental to the ownership of the thing used. A thing is 116088  
also "used" in this state if its consumer gives or otherwise 116089  
distributes it, without charge, to recipients in this state. 116090

(D) "Purchase" means acquired or received for a 116091  
consideration, whether such acquisition or receipt was effected by 116092  
a transfer of title, or of possession, or of both, or a license to 116093  
use or consume; whether such transfer was absolute or conditional, 116094  
and by whatever means the transfer was effected; and whether the 116095  
consideration was money, credit, barter, or exchange. Purchase 116096  
includes production, even though the article produced was used, 116097  
stored, or consumed by the producer. The transfer of copyrighted 116098  
motion picture films for exhibition purposes is not a purchase, 116099  
except such films as are used solely for advertising purposes. 116100

(E) "Seller" means the person from whom a purchase is made, 116101  
and includes every person engaged in this state or elsewhere in 116102  
the business of selling tangible personal property or providing a 116103  
service for storage, use, or other consumption or benefit in this 116104  
state; and when, in the opinion of the tax commissioner, it is 116105

necessary for the efficient administration of this chapter, to 116106  
regard any ~~salesman~~ salesperson, representative, peddler, or 116107  
canvasser as the agent of a dealer, distributor, supervisor, or 116108  
employer under whom the person operates, or from whom the person 116109  
obtains tangible personal property, sold by the person for 116110  
storage, use, or other consumption in this state, irrespective of 116111  
whether or not the person is making such sales on the person's own 116112  
behalf, or on behalf of such dealer, distributor, supervisor, or 116113  
employer, the commissioner may regard the person as such agent, 116114  
and may regard such dealer, distributor, supervisor, or employer 116115  
as the seller. "Seller" does not include any person to the extent 116116  
the person provides a communications medium, such as, but not 116117  
limited to, newspapers, magazines, radio, television, or cable 116118  
television, by means of which sellers solicit purchases of their 116119  
goods or services. 116120

(F) "Consumer" means any person who has purchased tangible 116121  
personal property or has been provided a service for storage, use, 116122  
or other consumption or benefit in this state. "Consumer" does not 116123  
include a person who receives, without charge, tangible personal 116124  
property or a service. 116125

A person who performs a facility management or similar 116126  
service contract for a contractee is a consumer of all tangible 116127  
personal property and services purchased for use in connection 116128  
with the performance of such contract, regardless of whether title 116129  
to any such property vests in the contractee. The purchase of such 116130  
property and services is not subject to the exception for resale 116131  
under division (E) of section 5739.01 of the Revised Code. 116132

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 116133  
of this section, has the same meaning as in division (H)(1) of 116134  
section 5739.01 of the Revised Code. 116135

(2) In the case of watercraft, outboard motors, or new motor 116136  
vehicles, "price" has the same meaning as in divisions (H)(2) and 116137

(3) of section 5739.01 of the Revised Code. 116138

(3) In the case of a nonresident business consumer that 116139  
purchases and uses tangible personal property outside this state 116140  
and subsequently temporarily stores, uses, or otherwise consumes 116141  
such tangible personal property in the conduct of business in this 116142  
state, the consumer or the tax commissioner may determine the 116143  
price based on the value of the temporary storage, use, or other 116144  
consumption, in lieu of determining the price pursuant to division 116145  
(G)(1) of this section. A price determination made by the consumer 116146  
is subject to review and redetermination by the commissioner. 116147

(4) In the case of tangible personal property held in this 116148  
state as inventory for sale or lease, and that is temporarily 116149  
stored, used, or otherwise consumed in a taxable manner, the price 116150  
is the value of the temporary use. A price determination made by 116151  
the consumer is subject to review and redetermination by the 116152  
commissioner. 116153

(5) In the case of tangible personal property originally 116154  
purchased and used by the consumer outside this state, and that 116155  
becomes permanently stored, used, or otherwise consumed in this 116156  
state more than six months after its acquisition by the consumer, 116157  
the consumer or the commissioner may determine the price based on 116158  
the current value of such tangible personal property, in lieu of 116159  
determining the price pursuant to division (G)(1) of this section. 116160  
A price determination made by the consumer is subject to review 116161  
and redetermination by the commissioner. 116162

(6) If a consumer produces tangible personal property for 116163  
sale and removes that property from inventory for the consumer's 116164  
own use, the price is the produced cost of that tangible personal 116165  
property. 116166

(H) "Nexus with this state" means that the seller engages in 116167  
continuous and widespread solicitation of purchases from residents 116168

of this state or otherwise purposefully directs its business 116169  
activities at residents of this state. 116170

(I)(1) "Substantial nexus with this state" means that the 116171  
seller has sufficient contact with this state, in accordance with 116172  
Section 8 of Article I of the Constitution of the United States, 116173  
to allow the state to require the seller to collect and remit use 116174  
tax on sales of tangible personal property or services made to 116175  
consumers in this state. ~~"Substantial~~ 116176

(2) "Substantial nexus with this state" ~~exists~~ is presumed to 116177  
exist when the seller does any of the following: 116178

~~(1) Maintains a~~ (a) Uses an office, distribution facility, 116179  
warehouse, storage facility, or similar place of business within 116180  
this state, whether operated by ~~employees or agents of the seller,~~ 116181  
~~by a member of an affiliated group, as defined in division~~ 116182  
~~(B)(3)(e) of section 5739.01 of the Revised Code, of which the~~ 116183  
~~seller is a member, or by a franchisee using a trade name of the~~ 116184  
~~seller; or any other person, other than a common carrier acting in~~ 116185  
its capacity as a common carrier. 116186

~~(2)(b)~~ Regularly ~~has~~ uses employees, agents, representatives, 116187  
solicitors, installers, ~~repairmen~~ repairers, ~~salesmen~~ 116188  
salespersons, or other ~~individuals~~ persons in this state (i) for 116189  
the purpose of conducting the business of the seller, or that 116190  
(ii) engage in a business with the same or a similar industry 116191  
classification as the seller selling a similar product or line of 116192  
products as the seller, or (iii) use trademarks, service marks, or 116193  
trade names in this state that are the same or substantially 116194  
similar to those used by the seller. 116195

~~(3)(c)~~ Uses ~~a~~ any person, other than a common carrier acting 116196  
in its capacity as a common carrier, in this state for any of the 116197  
~~purpose of receiving~~ following purposes: 116198

(i) Receiving or processing orders of the seller's goods or 116199

|                                                                                |        |
|--------------------------------------------------------------------------------|--------|
| services;                                                                      | 116200 |
| <u>(ii) Using that person's employees or facilities in this</u>                | 116201 |
| <u>state to advertise, promote, or facilitate sales by the seller to</u>       | 116202 |
| <u>customers;</u>                                                              | 116203 |
| <u>(iii) Delivering, installing, assembling, or performing</u>                 | 116204 |
| <u>maintenance services for the seller's customers;</u>                        | 116205 |
| <u>(iv) Facilitating the seller's delivery of tangible personal</u>            | 116206 |
| <u>property to customers in this state by allowing the seller's</u>            | 116207 |
| <u>customers to pick up property sold by the seller at an office,</u>          | 116208 |
| <u>distribution facility, warehouse, storage facility, or similar</u>          | 116209 |
| <u>place of business.</u>                                                      | 116210 |
| <del>(4)(d) Makes regular deliveries of tangible personal property</del>       | 116211 |
| <del>into this state by means other than common carrier+.</del>                | 116212 |
| <del>(5) Has membership in an affiliated group, as described in</del>          | 116213 |
| <del>division (B)(3)(c) of section 5739.01 of the Revised Code, at</del>       | 116214 |
| <del>least one other member of which has substantial nexus with this</del>     | 116215 |
| <del>state+;</del>                                                             | 116216 |
| <del>(6)(e) Owns tangible personal property that is rented or</del>            | 116217 |
| <del>leased to a consumer in this state, or offers tangible personal</del>     | 116218 |
| <del>property, on approval, to consumers in this state+.</del>                 | 116219 |
| <del>(7) Except as provided in section 5703.65 of the Revised</del>            | 116220 |
| <del>Code, is registered with the secretary of state to do business in</del>   | 116221 |
| <del>this state or is registered or licensed by any state agency,</del>        | 116222 |
| <del>board, or commission to transact business in this state or to make</del>  | 116223 |
| <del>sales to persons in this state+;</del>                                    | 116224 |
| <del>(8) Has any other contact with this state that would allow</del>          | 116225 |
| <del>this state to require the seller to collect and remit use tax</del>       | 116226 |
| <del>under Section 8 of Article I of the Constitution of the United</del>      | 116227 |
| <del>States (f) <u>Is a hotel intermediary that furnishes lodging in</u></del> | 116228 |
| <del><u>hotels located in this state to transient guests.</u></del>            | 116229 |

(g) Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in-person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months. 116230  
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(3) A seller presumed to have substantial nexus with this state under divisions (I)(2)(a) to (f) of this section may rebut that presumption by demonstrating that activities described in any of those divisions that are conducted by a person in this state on the seller's behalf are not significantly associated with the seller's ability to establish or maintain a market in this state for the seller's sales. 116238  
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(4) A seller presumed to have substantial nexus with this state under division (I)(2)(g) of this section may rebut that presumption by submitting proof that each resident engaged by the seller as described in that division did not engage in any activity within this state during the preceding twelve months that was significantly associated with the seller's ability to establish or maintain the seller's market in this state during the preceding twelve months. Such proof may consist of sworn written statements from all the residents with whom the seller has an agreement stating that the resident did not engage in any solicitation in this state on behalf of the seller during the preceding twelve months if such statements are provided and obtained in good faith. 116245  
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(5) A seller that does not have substantial nexus with this state, and any affiliated person of the seller, before selling or leasing tangible personal property or services to a state agency, shall register with the tax commissioner in the same manner as a 116258  
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seller described in division (A)(1) of section 5741.17 of the 116262  
Revised Code. 116263

(6) As used in division (I) of this section: 116264

(a) "Affiliated person" means any person that is a member of 116265  
the same controlled group of corporations as the seller or any 116266  
other person that, notwithstanding the form of organization, bears 116267  
the same ownership relationship to the seller as a corporation 116268  
that is a member of the same controlled group of corporations. 116269

(b) "Controlled group of corporations" has the same meaning 116270  
as in section 1536(a) of the Internal Revenue Code. 116271

(c) "State agency" has the same meaning as in section 1.60 of 116272  
the Revised Code. 116273

(J) "Fiscal officer" means, with respect to a regional 116274  
transit authority, the secretary-treasurer thereof, and with 116275  
respect to a county which is a transit authority, the fiscal 116276  
officer of the county transit board appointed pursuant to section 116277  
306.03 of the Revised Code or, if the board of county 116278  
commissioners operates the county transit system, the county 116279  
auditor. 116280

(K) "Territory of the transit authority" means all of the 116281  
area included within the territorial boundaries of a transit 116282  
authority as they from time to time exist. Such territorial 116283  
boundaries must at all times include all the area of a single 116284  
county or all the area of the most populous county which is a part 116285  
of such transit authority. County population shall be measured by 116286  
the most recent census taken by the United States census bureau. 116287

(L) "Transit authority" means a regional transit authority 116288  
created pursuant to section 306.31 of the Revised Code or a county 116289  
in which a county transit system is created pursuant to section 116290  
306.01 of the Revised Code. For the purposes of this chapter, a 116291  
transit authority must extend to at least the entire area of a 116292

single county. A transit authority which includes territory in 116293  
more than one county must include all the area of the most 116294  
populous county which is a part of such transit authority. County 116295  
population shall be measured by the most recent census taken by 116296  
the United States census bureau. 116297

(M) "Providing a service" has the same meaning as in ~~division~~ 116298  
~~(X)~~ of section 5739.01 of the Revised Code. 116299

(N) "Other consumption" includes receiving the benefits of a 116300  
service. 116301

(O) "Lease" or "rental" has the same meaning as in ~~division~~ 116302  
~~(UU)~~ of section 5739.01 of the Revised Code. 116303

(P) "Certified service provider" has the same meaning as in 116304  
section 5740.01 of the Revised Code. 116305

(Q) "Hotel intermediary," "hotel," and "transient guest" have 116306  
the same meanings as in section 5739.01 of the Revised Code. 116307

(R) "Remote sale" means a sale for which the seller could not 116308  
be legally required to pay, collect, or remit a tax imposed under 116309  
this chapter or Chapter 5739. of the Revised Code, unless 116310  
otherwise provided by the laws of the United States. 116311

(S) "Remote seller" means a seller that makes remote sales to 116312  
one or more consumers. 116313

(T) "Remote small seller" means a remote seller that has 116314  
gross annual receipts from remote sales in the United States not 116315  
exceeding one million dollars for the preceding calendar year. For 116316  
the purposes of determining whether a person is a small remote 116317  
seller, the sales of all persons related within the meaning of 116318  
subsection (b) or (c) of section 267 or section 707(b)(1) of the 116319  
Internal Revenue Code shall be aggregated, and persons with one or 116320  
more ownership relationships shall be aggregated if those 116321  
relationships were designed with the principal purpose to qualify 116322

as a remote small seller. 116323

**Sec. 5741.03.** (A) One hundred per cent of all money deposited 116324  
into the state treasury under sections 5741.01 to 5741.22 of the 116325  
Revised Code that is not required to be distributed as provided in 116326  
division (B) of this section shall be credited to the general 116327  
revenue fund. 116328

(B) In any case where any county or transit authority has 116329  
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 116330  
5741.023 of the Revised Code, the tax commissioner shall, within 116331  
forty-five days after the end of each month, determine and certify 116332  
to the director of budget and management the amount of the 116333  
proceeds of such tax or taxes from billings and assessments 116334  
received during that month, or shown on tax returns or reports 116335  
filed during that month, to be returned to the county or transit 116336  
authority levying the tax or taxes, which amounts shall be 116337  
determined in the manner provided in section 5739.21 of the 116338  
Revised Code. The director of budget and management shall 116339  
transfer, from the general revenue fund, to the permissive tax 116340  
distribution fund created by division (B)(1) of section 4301.423 116341  
of the Revised Code and to the local sales tax administrative fund 116342  
created by division (C) of section 5739.21 of the Revised Code, 116343  
the amounts certified by the tax commissioner. The tax 116344  
commissioner shall then, on or before the twentieth day of the 116345  
month in which such certification is made, provide for payment of 116346  
such respective amounts to the county treasurer or to the fiscal 116347  
officer of the transit authority levying the tax or taxes. The 116348  
amount transferred to the local sales tax administrative fund is 116349  
for use by the tax commissioner in defraying costs the 116350  
commissioner incurs in administering such taxes levied by a county 116351  
or transit authority. 116352

(C) Within forty-five days after the end of each month, the 116353

tax commissioner shall determine and certify to the director of 116354  
budget and management the amount of tax collected under this 116355  
chapter from remote sellers during the preceding month, reduced by 116356  
any refunds issued to remote sellers from the tax refund fund 116357  
created by section 5703.052 of the Revised Code, and the director 116358  
of budget and management shall transfer the amount so certified 116359  
from the general revenue fund to the income tax reduction fund. 116360  
Amounts transferred to the income tax reduction fund under this 116361  
section shall be included in the determination of the percentage 116362  
under division (B)(2) of section 131.44 of the Revised Code. 116363

Sec. 5741.032. There is hereby created in the state treasury 116364  
the remote seller administration fund for the purpose of paying 116365  
the expenses incurred by the department of taxation in the 116366  
administration of this chapter with respect to remote sellers. 116367  
Annually, before the thirty-first day of July, the treasurer of 116368  
state shall transfer to the remote seller administration fund 116369  
one-half of one per cent of the taxes collected from remote 116370  
sellers under this chapter during the preceding fiscal year. 116371

Sec. 5741.12. (A) Each seller required by section 5741.17 of 116372  
the Revised Code to register with the tax commissioner, and any 116373  
seller authorized by the commissioner to collect the tax imposed 116374  
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 116375  
of the Revised Code is subject to the same requirements and 116376  
entitled to the same deductions and discount for prompt payments 116377  
as are vendors under section 5739.12 of the Revised Code, and the 116378  
same monetary allowances as are vendors under section 5739.06 of 116379  
the Revised Code. The powers and duties of the commissioner with 116380  
respect to returns and tax remittances under this section shall be 116381  
identical with those prescribed in section 5739.12 of the Revised 116382  
Code. 116383

(B) Every person storing, using, or consuming tangible 116384

personal property or receiving the benefit of a service, the 116385  
storage, use, consumption, or receipt of which is subject to the 116386  
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 116387  
or 5741.023 of the Revised Code, when such tax was not paid to a 116388  
seller, shall, on or before the twenty-third day of each month, 116389  
file with the tax commissioner a return for the preceding month in 116390  
such form as is prescribed by the commissioner, showing such 116391  
information as the commissioner deems necessary, and shall pay the 116392  
tax shown on the return to be due. Remittance shall be made 116393  
payable to the treasurer of state. The commissioner may require 116394  
consumers to file returns and pay the tax at other than monthly 116395  
intervals, if the commissioner determines that such filing is 116396  
necessary for the efficient administration of the tax. If the 116397  
commissioner determines that a consumer's tax liability is not 116398  
such as to merit monthly filing, the commissioner may authorize 116399  
the consumer to file returns and pay tax at less frequent 116400  
intervals. 116401

Any consumer required to file a return and pay the tax under 116402  
this section whose payment for any year equals or exceeds the 116403  
amount shown in division (A) of section 5741.121 of the Revised 116404  
Code is subject to the accelerated tax payment requirements in 116405  
divisions (B) and (C) of that section. 116406

(C) Every person storing, using, or consuming a motor 116407  
vehicle, watercraft, or outboard motor, the ownership of which 116408  
must be evidenced by certificate of title, shall file the return 116409  
required by this section and pay the tax due at or prior to the 116410  
time of filing an application for certificate of title. 116411

(D) If a seller that is a hotel intermediary does not collect 116412  
and remit the full amount of tax due, the hotel in which the 116413  
transient guest will lodge shall attempt to collect and remit any 116414  
remaining amount of tax from the transient guest. 116415

**Sec. 5741.17.** (A)(1) Except as otherwise provided in 116416  
divisions (A)(2), (3), and (4) of this section, every seller of 116417  
tangible personal property or services who has substantial nexus 116418  
with this state shall register with the tax commissioner and 116419  
supply any information concerning ~~his~~ the seller's contacts with 116420  
this state that may be required by the commissioner. 116421

(2) A seller who is licensed as a vendor pursuant to section 116422  
5739.17 of the Revised Code shall not be required to register with 116423  
the commissioner pursuant to this section if all sales to 116424  
consumers in this state are made under the authority of ~~his~~ the  
seller's vendor's license. 116425  
116426

(3) A Unless the seller has substantial nexus with this state 116427  
pursuant to division (I)(2)(g) of section 5741.01 of the Revised 116428  
Code, a seller is not required to register under this section if 116429  
the seller has no contact with this state other than an agency 116430  
relationship with a person engaged in the business of 116431  
telemarketing in this state and engaged by the seller exclusively 116432  
for the purpose of solicitation of customers in other states. 116433

(4) A seller is not required to register under this section 116434  
if the seller has no contact with this state other than the 116435  
ownership of property that is located at the facility of a printer 116436  
with which the seller has contracted for printing and that 116437  
consists of the final printed product, property that becomes a 116438  
part of the final printed product, or copy from which the final 116439  
printed product is produced. 116440

(B) A seller who does not have substantial nexus with this 116441  
state may voluntarily register with the commissioner. A seller who 116442  
voluntarily registers with the commissioner under this section is 116443  
entitled to the same benefits and is subject to the same duties 116444  
and requirements as a seller required to be registered with the 116445  
commissioner under this chapter. 116446

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

(C) A remote small seller is not required to register under this section.

**Sec. 5743.081.** (A) If any wholesale dealer or retail dealer fails to pay the tax levied under section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code as required by sections 5743.01 to 5743.20 of the Revised Code, and by the rules of the tax commissioner, or fails to collect the tax from the purchaser or consumer, the commissioner may make an assessment against the wholesale or retail dealer based upon any information in the commissioner's possession.

The commissioner may make an assessment against any wholesale or retail dealer who fails to file a return required by section 5743.03 or 5743.025 of the Revised Code.

No assessment shall be made against any wholesale or retail dealer for any taxes imposed under section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code more than three years after the last day of the calendar month that immediately follows the semiannual period prescribed in section 5743.03 of the Revised Code in which the sale was made, or more than three years after the semiannual return for such period is filed, whichever is later. This section does not bar an assessment against any wholesale or retail dealer who fails to file a return as required by section 5743.025 or 5743.03 of the Revised Code, or who files a fraudulent return.

A penalty of up to thirty per cent may be added to the amount of every assessment made under this section. The commissioner may adopt rules providing for the imposition and remission of

penalties added to assessments made under this section. 116478

The commissioner shall give the party assessed written notice 116479  
of the assessment in the manner provided in section 5703.37 of the 116480  
Revised Code. The notice shall specify separately any portion of 116481  
the assessment that represents a county tax. With the notice, the 116482  
commissioner shall provide instructions on how to petition for 116483  
reassessment and request a hearing on the petition. 116484

(B) Unless the party assessed files with the tax commissioner 116485  
within sixty days after service of the notice of assessment, 116486  
either personally or by certified mail, a written petition for 116487  
reassessment signed by the party assessed or that party's 116488  
authorized agent having knowledge of the facts, the assessment 116489  
becomes final and the amount of the assessment is due and payable 116490  
from the party assessed to the treasurer of state. The petition 116491  
shall indicate the objections of the party assessed, but 116492  
additional objections may be raised in writing if received by the 116493  
commissioner prior to the date shown on the final determination. 116494  
If the petition has been properly filed, the commissioner shall 116495  
proceed under section 5703.60 of the Revised Code. 116496

(C) After an assessment becomes final, if any portion of the 116497  
assessment remains unpaid, including accrued interest, a certified 116498  
copy of the tax commissioner's entry making the assessment final 116499  
may be filed in the office of the clerk of the court of common 116500  
pleas in the county in which the wholesale or retail dealer's 116501  
place of business is located or the county in which the party 116502  
assessed resides. If the party assessed maintains no place of 116503  
business in this state and is not a resident of this state, the 116504  
certified copy of the entry may be filed in the office of the 116505  
clerk of the court of common pleas of Franklin county. 116506

Immediately upon the filing of the commissioner's entry, the 116507  
clerk shall enter a judgment for the state against the party 116508  
assessed in the amount shown on the entry. The judgment may be 116509



filed by the clerk in a loose-leaf book entitled "special 116510  
judgments for state cigarette sales tax," and shall have the same 116511  
effect as other judgments. Execution shall issue upon the judgment 116512  
upon the request of the tax commissioner, and all laws applicable 116513  
to sales on execution shall apply to sales made under the 116514  
judgment, except as otherwise provided in sections 5743.01 to 116515  
5743.20 of the Revised Code. 116516

~~The portion of~~ If the assessment is not paid in its entirety 116517  
within sixty days after the assessment was issued, the portion of 116518  
the assessment consisting of tax due shall bear interest at the 116519  
rate per annum prescribed by section 5703.47 of the Revised Code 116520  
from the day the commissioner issues the assessment until it is 116521  
paid or until it is certified to the attorney general for 116522  
collection under section 131.02 of the Revised Code, whichever 116523  
comes first. If the unpaid portion of the assessment is certified 116524  
to the attorney general for collection, the entire unpaid portion 116525  
of the assessment shall bear interest at the rate per annum 116526  
prescribed by section 5703.47 of the Revised Code from the date of 116527  
certification until the date it is paid in its entirety. Interest 116528  
shall be paid in the same manner as the tax and may be collected 116529  
by the issuance of an assessment under this section. 116530

(D) All money collected by the tax commissioner under this 116531  
section shall be paid to the treasurer of state, and when paid 116532  
shall be considered as revenue arising from the taxes imposed by 116533  
sections 5743.01 to 5743.20 of the Revised Code. 116534

**Sec. 5743.15.** (A) Except as otherwise provided in this 116535  
division, no person shall engage in this state in the wholesale or 116536  
retail business of trafficking in cigarettes or in the business of 116537  
a manufacturer or importer of cigarettes without having a license 116538  
to conduct each such activity issued by a county auditor under 116539  
division (B) of this section or the tax commissioner under 116540

divisions (C) and (F) of this section. On dissolution of a 116541  
partnership by death, the surviving partner may operate under the 116542  
license of the partnership until expiration of the license, and 116543  
the heirs or legal representatives of deceased persons, and 116544  
receivers and trustees in bankruptcy appointed by any competent 116545  
authority, may operate under the license of the person succeeded 116546  
in possession by such heir, representative, receiver, or trustee 116547  
in bankruptcy if the partner or successor notifies the issuer of 116548  
the license of the dissolution or succession within thirty days 116549  
after the dissolution or succession. 116550

(B)(1) Each applicant for a license to engage in the retail 116551  
business of trafficking in cigarettes under this section, 116552  
annually, on or before the fourth Monday of May, shall make and 116553  
deliver to the county auditor of the county in which the applicant 116554  
desires to engage in the retail business of trafficking in 116555  
cigarettes, upon a blank form furnished by such auditor for that 116556  
purpose, a statement showing the name of the applicant, each 116557  
physical place in the county where the applicant's business is 116558  
conducted, the nature of the business, and any other information 116559  
the tax commissioner requires in the form of statement prescribed 116560  
by the commissioner. If the applicant is a firm, partnership, or 116561  
association other than a corporation, the application shall state 116562  
the name and address of each of its members. If the applicant is a 116563  
corporation, the application shall state the name and address of 116564  
each of its officers. At the time of making the application 116565  
required by this section, every person desiring to engage in the 116566  
retail business of trafficking in cigarettes shall pay an 116567  
application fee in the sum of one hundred twenty-five dollars for 116568  
each physical place where the person proposes to carry on such 116569  
business. Each place of business shall be deemed such space, under 116570  
lease or license to, or under the control of, or under the 116571  
supervision of the applicant, as is contained in one or more 116572  
contiguous, adjacent, or adjoining buildings constituting an 116573

industrial plant or a place of business operated by, or under the control of, one person, or under one roof and connected by doors, halls, stairways, or elevators, which space may contain any number of points at which cigarettes are offered for sale, provided that each additional point at which cigarettes are offered for sale shall be listed in the application.

(2) Upon receipt of the application and exhibition of the county treasurer's receipt showing the payment of the application fee, the county auditor shall issue to the applicant a license for each place of business designated in the application, authorizing the applicant to engage in such business at such place for one year commencing on the fourth Monday of May. The form of the license shall be prescribed by the commissioner. A duplicate license may be obtained from the county auditor upon payment of a five-dollar fee if the original license is lost, destroyed, or defaced. When an application is filed after the fourth Monday of May, the application fee required to be paid shall be proportioned in amount to the remainder of the license year, except that it shall not be less than twenty-five dollars in any one year.

(3) The holder of a retail dealer's cigarette license may transfer the license to a place of business within the same county other than that designated on the license on condition that the licensee's ownership interest and business structure remain unchanged, and that the licensee applies to the county auditor therefor, upon forms approved by the commissioner and the payment of a fee of five dollars into the county treasury.

(C)(1) Each applicant for a license to engage in the wholesale business of trafficking in cigarettes under this section, annually, on or before the fourth Monday in May, shall make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, physical street address where

the applicant's business is conducted, the nature of the business, 116606  
and any other information required by the commissioner. If the 116607  
applicant is a firm, partnership, or association other than a 116608  
corporation, the applicant shall state the name and address of 116609  
each of its members. If the applicant is a corporation, the 116610  
applicant shall state the name and address of each of its 116611  
officers. At the time of making the application required by this 116612  
section, every person desiring to engage in the wholesale business 116613  
of trafficking in cigarettes shall pay an application fee of one 116614  
thousand dollars for each physical place where the person proposes 116615  
to carry on such business. Each place of business shall be deemed 116616  
such space, under lease or license to, or under the control of, or 116617  
under the supervision of the applicant, as is contained in one or 116618  
more contiguous, adjacent, or adjoining buildings constituting an 116619  
industrial plant or a place of business operated by, or under the 116620  
control of, one person, or under one roof and connected by doors, 116621  
halls, stairways, or elevators. A duplicate license may be 116622  
obtained from the commissioner upon payment of a 116623  
twenty-five-dollar fee if the original license is lost, destroyed, 116624  
or defaced. 116625

(2) Upon receipt of the application and payment of any 116626  
application fee required by this section, the commissioner shall 116627  
verify that the applicant is ~~in good standing under~~ not in 116628  
violation of any provision of Chapter 1346. and or Title LVII of 116629  
the Revised Code. The commissioner shall also verify that the 116630  
applicant has filed any returns, submitted any information, and 116631  
paid any outstanding taxes or fees as required by the 116632  
commissioner, to the extent that the commissioner is aware of the 116633  
returns, information, taxes, or fees at the time of the 116634  
application. Upon approval, the commissioner shall issue to the 116635  
applicant a license for each physical place of business designated 116636  
in the application authorizing the applicant to engage in business 116637  
at that location for one year commencing on the fourth Monday in 116638

May. For licenses issued after the fourth Monday in May, the 116639  
application fee shall be reduced proportionately by the remainder 116640  
of the twelve-month period for which the license is issued, except 116641  
that the application fee required to be paid under this section 116642  
shall be not less than two hundred dollars in any one year. 116643

(3) The holder of a wholesale dealer cigarette license may 116644  
transfer the license to a place of business other than that 116645  
designated on the license on condition that the licensee's 116646  
ownership or business structure remains unchanged, and that the 116647  
licensee applies to the commissioner for such a transfer upon a 116648  
form promulgated by the commissioner and pays a fee of twenty-five 116649  
dollars, which shall be deposited into the cigarette tax 116650  
enforcement fund created in division (E) of this section. 116651

(D)(1) The wholesale cigarette license application fees 116652  
collected under this section shall be paid into the cigarette tax 116653  
enforcement fund. 116654

(2) The retail cigarette license application fees collected 116655  
under this section shall be distributed as follows: 116656

(a) Thirty per cent shall be paid upon the warrant of the 116657  
county auditor into the treasury of the municipal corporation or 116658  
township in which the places of business for which the tax revenue 116659  
was received are located; 116660

(b) Ten per cent shall be credited to the general fund of the 116661  
county; 116662

(c) Sixty per cent shall be paid into the cigarette tax 116663  
enforcement fund. 116664

(3) The remainder of the revenues and fines collected under 116665  
this section and the penal laws relating to cigarettes shall be 116666  
distributed as follows: 116667

(a) Three-fourths shall be paid upon the warrant of the 116668

county auditor into the treasury of the municipal corporation or 116669  
township in which the place of business, on account of which the 116670  
revenues and fines were received, is located; 116671

(b) One-fourth shall be credited to the general fund of the 116672  
county. 116673

(E) There is hereby created within the state treasury the 116674  
cigarette tax enforcement fund for the purpose of providing funds 116675  
to assist in paying the costs of enforcing sections 1333.11 to 116676  
1333.21 and Chapter 5743. of the Revised Code. 116677

The portion of cigarette license application fees received by 116678  
a county auditor during the annual application period that ends on 116679  
the fourth Monday in May and that is required to be deposited in 116680  
the cigarette tax enforcement fund shall be sent to the treasurer 116681  
of state by the thirtieth day of June each year accompanied by the 116682  
form prescribed by the tax commissioner. The portion of cigarette 116683  
license application fees received by each county auditor after the 116684  
fourth Monday in May and that is required to be deposited in the 116685  
cigarette tax enforcement fund shall be sent to the treasurer of 116686  
state by the last day of the month following the month in which 116687  
such fees were collected. 116688

(F)(1) Every person who desires to engage in the business of 116689  
a manufacturer or importer of cigarettes shall, annually, on or 116690  
before the fourth Monday of May, make and deliver to the tax 116691  
commissioner, upon a blank form furnished by the commissioner for 116692  
that purpose, a statement showing the name of the applicant, the 116693  
nature of the applicant's business, and any other information 116694  
required by the commissioner. If the applicant is a firm, 116695  
partnership, or association other than a corporation, the 116696  
applicant shall state the name and address of each of its members. 116697  
If the applicant is a corporation, the applicant shall state the 116698  
name and address of each of its officers. 116699

(2) Upon receipt of the application required under this section, the commissioner shall verify that the applicant is ~~in good standing under~~ not in violation of any provision of Chapter 1346. and or Title LVII of the Revised Code. The commissioner shall also verify that the applicant has filed any returns, submitted any information, and paid any outstanding taxes or fees as required by the commissioner, to the extent that the commissioner is aware of the returns, information, taxes, or fees at the time of the application. Upon approval, the commissioner shall issue to the applicant a license authorizing the applicant to engage in the business of manufacturer or importer, whichever the case may be, for one year commencing on the fourth Monday of May.

(3) The issuing of a license under division (F)(1) of this section to a manufacturer does not excuse a manufacturer from the certification process required under section 1346.05 of the Revised Code. A manufacturer who is issued a license under division (F)(1) of this section and who is not listed on the directory required under section 1346.05 of the Revised Code shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner evidencing that the cigarettes are legal for sale in another state.

(G) The tax commissioner may adopt rules necessary to administer this section.

**Sec. 5743.56.** (A) Any person required to pay the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code is personally liable for the tax. The tax commissioner may make an assessment, based upon any information in the commissioner's possession, against any person who fails to file a return or pay

any tax, interest, or additional charge as required by this 116731  
chapter. The commissioner shall give the person assessed written 116732  
notice of such assessment in the manner provided in section 116733  
5703.37 of the Revised Code. With the notice, the commissioner 116734  
shall provide instructions on how to petition for reassessment and 116735  
request a hearing on the petition. 116736

(B) When the information in the possession of the tax 116737  
commissioner indicates that a person liable for the tax imposed by 116738  
section 5743.51, 5743.62, or 5743.63 of the Revised Code has not 116739  
paid the full amount of tax due, the commissioner may audit a 116740  
representative sample of the person's business and may issue an 116741  
assessment based on such audit. 116742

(C) A penalty of up to fifteen per cent may be added to all 116743  
amounts assessed under this section. The tax commissioner may 116744  
adopt rules providing for the imposition and remission of such 116745  
penalties. 116746

(D) Unless the person assessed files with the tax 116747  
commissioner within sixty days after service of the notice of 116748  
assessment, either personally or by certified mail, a written 116749  
petition for reassessment signed by the person assessed or that 116750  
person's authorized agent having knowledge of the facts, the 116751  
assessment becomes final and the amount of the assessment is due 116752  
and payable from the person assessed to the treasurer of state. A 116753  
petition shall indicate the objections of the person assessed, but 116754  
additional objections may be raised in writing if received by the 116755  
commissioner prior to the date shown on the final determination. 116756  
If the petition has been properly filed, the commissioner shall 116757  
proceed under section 5703.60 of the Revised Code. 116758

(E) After an assessment becomes final, if any portion of the 116759  
assessment, including accrued interest, remains unpaid, a 116760  
certified copy of the tax commissioner's entry making the 116761  
assessment final may be filed in the office of the clerk of the 116762



court of common pleas in the county in which the person assessed 116763  
resides or in which the person assessed conducts business. If the 116764  
person assessed maintains no place of business in this state and 116765  
is not a resident of this state, the certified copy of the entry 116766  
may be filed in the office of the clerk of the court of common 116767  
pleas of Franklin county. 116768

Immediately upon the filing of the entry, the clerk shall 116769  
enter a judgment for the state against the person assessed in the 116770  
amount shown on the entry. The judgment may be filed by the clerk 116771  
in a loose-leaf book entitled "special judgments for state tobacco 116772  
products tax," and shall have the same effect as other judgments. 116773  
Execution shall issue upon the judgment upon the request of the 116774  
commissioner, and all laws applicable to sales on execution shall 116775  
apply to sales made under the judgment. 116776

~~The portion of~~ If the assessment is not paid in its entirety 116777  
within sixty days after the day the assessment is issued, the 116778  
portion of the assessment consisting of tax due shall bear 116779  
interest at the rate per annum prescribed by section 5703.47 of 116780  
the Revised Code from the day the commissioner issues the 116781  
assessment until the assessment is paid or until it is certified 116782  
to the attorney general for collection under section 131.02 of the 116783  
Revised Code, whichever comes first. If the unpaid portion of the 116784  
assessment is certified to the attorney general for collection, 116785  
the entire unpaid portion of the assessment shall bear interest at 116786  
the rate per annum prescribed by section 5703.47 of the Revised 116787  
Code from the date of certification until the date it is paid in 116788  
its entirety. Interest shall be paid in the same manner as the tax 116789  
and may be collected by issuing an assessment under this section. 116790

(F) If the tax commissioner believes that collection of the 116791  
tax will be jeopardized unless proceedings to collect or secure 116792  
collection of the tax are instituted without delay, the 116793  
commissioner may issue a jeopardy assessment against the person 116794

liable for the tax. Immediately upon the issuance of the jeopardy 116795  
assessment, the commissioner shall file an entry with the clerk of 116796  
the court of common pleas in the manner prescribed by division (E) 116797  
of this section. Notice of the jeopardy assessment shall be served 116798  
on the person assessed or the legal representative of the person 116799  
assessed, as provided in section 5703.37 of the Revised Code, 116800  
within five days of the filing of the entry with the clerk. The 116801  
total amount assessed is immediately due and payable, unless the 116802  
person assessed files a petition for reassessment in accordance 116803  
with division (D) of this section and provides security in a form 116804  
satisfactory to the commissioner and in an amount sufficient to 116805  
satisfy the unpaid balance of the assessment. Full or partial 116806  
payment of the assessment does not prejudice the commissioner's 116807  
consideration of the petition for reassessment. 116808

(G) All money collected by the tax commissioner under this 116809  
section shall be paid to the treasurer of state as revenue arising 116810  
from the tax imposed by sections 5743.51, 5743.62, and 5743.63 of 116811  
the Revised Code. 116812

**Sec. 5745.12.** (A) If any taxpayer required to file a report 116813  
under this chapter fails to file the report within the time 116814  
prescribed, files an incorrect report, or fails to remit the full 116815  
amount of the tax due for the period covered by the report, the 116816  
tax commissioner may make an assessment against the taxpayer for 116817  
any deficiency for the period for which the report or tax is due, 116818  
based upon any information in the commissioner's possession. 116819

The tax commissioner shall not make or issue an assessment 116820  
against a taxpayer more than three years after the later of the 116821  
final date the report subject to assessment was required to be 116822  
filed or the date the report was filed. Such time limit may be 116823  
extended if both the taxpayer and the commissioner consent in 116824  
writing to the extension. Any such extension shall extend the 116825

three-year time limit in section 5745.11 of the Revised Code for 116826  
the same period of time. There shall be no bar or limit to an 116827  
assessment against a taxpayer that fails to file a report subject 116828  
to assessment as required by this chapter, or that files a 116829  
fraudulent report. The commissioner shall give the taxpayer 116830  
assessed written notice of the assessment as provided in section 116831  
5703.37 of the Revised Code. With the notice, the commissioner 116832  
shall provide instructions on how to petition for reassessment and 116833  
request a hearing on the petition. 116834

(B) Unless the taxpayer assessed files with the tax 116835  
commissioner within sixty days after service of the notice of 116836  
assessment, either personally or by certified mail, a written 116837  
petition for reassessment signed by the authorized agent of the 116838  
taxpayer assessed having knowledge of the facts, the assessment 116839  
becomes final, and the amount of the assessment is due and payable 116840  
from the taxpayer to the treasurer of state. The petition shall 116841  
indicate the taxpayer's objections, but additional objections may 116842  
be raised in writing if received by the commissioner prior to the 116843  
date shown on the final determination. If the petition has been 116844  
properly filed, the commissioner shall proceed under section 116845  
5703.60 of the Revised Code. 116846

(C) After an assessment becomes final, if any portion of the 116847  
assessment remains unpaid, including accrued interest, a certified 116848  
copy of the tax commissioner's entry making the assessment final 116849  
may be filed in the office of the clerk of the court of common 116850  
pleas in the county in which the taxpayer has an office or place 116851  
of business in this state, the county in which the taxpayer's 116852  
statutory agent is located, or Franklin county. 116853

Immediately upon the filing of the entry, the clerk shall 116854  
enter a judgment against the taxpayer assessed in the amount shown 116855  
on the entry. The judgment may be filed by the clerk in a 116856  
loose-leaf book entitled "special judgments for municipal income 116857

taxes," and shall have the same effect as other judgments. 116858  
Execution shall issue upon the judgment upon the request of the 116859  
tax commissioner, and all laws applicable to sales on execution 116860  
shall apply to sales made under the judgment. 116861

~~The portion of an~~ If the assessment is not paid in its 116862  
entirety within sixty days after the day the assessment was 116863  
issued, the portion of the assessment consisting of tax due shall 116864  
bear interest at the rate per annum prescribed by section 5703.47 116865  
of the Revised Code from the day the commissioner issues the 116866  
assessment until the assessment is paid or until it is certified 116867  
to the attorney general for collection under section 131.02 of the 116868  
Revised Code, whichever comes first. If the unpaid portion of the 116869  
assessment is certified to the attorney general for collection, 116870  
the entire unpaid portion of the assessment shall bear interest at 116871  
the rate per annum prescribed by section 5703.47 of the Revised 116872  
Code from the date of certification until the date it is paid in 116873  
its entirety. Interest shall be paid in the same manner as the tax 116874  
and may be collected by issuing an assessment under this section. 116875

(D) All money collected under this section shall be credited 116876  
and distributed to the municipal corporation to which the money is 116877  
owed based on the assessment issued under this section. 116878

(E) If the tax commissioner believes that collection of the 116879  
tax imposed by this chapter will be jeopardized unless proceedings 116880  
to collect or secure collection of the tax are instituted without 116881  
delay, the commissioner may issue a jeopardy assessment against 116882  
the taxpayer liable for the tax. Immediately upon the issuance of 116883  
the jeopardy assessment, the commissioner shall file an entry with 116884  
the clerk of the court of common pleas in the manner prescribed by 116885  
division (C) of this section. Notice of the jeopardy assessment 116886  
shall be served on the taxpayer assessed or the taxpayer's legal 116887  
representative in the manner provided in section 5703.37 of the 116888  
Revised Code within five days of the filing of the entry with the 116889

clerk. The total amount assessed is immediately due and payable, 116890  
unless the taxpayer assessed files a petition for reassessment in 116891  
accordance with division (B) of this section and provides security 116892  
in a form satisfactory to the commissioner and in an amount 116893  
sufficient to satisfy the unpaid balance of the assessment. Full 116894  
or partial payment of the assessment does not prejudice the 116895  
commissioner's consideration of the petition for reassessment. 116896

(F) Notwithstanding the fact that a petition for reassessment 116897  
is pending, the taxpayer may pay all or a portion of the 116898  
assessment that is the subject of the petition. The acceptance of 116899  
a payment by the treasurer of state does not prejudice any claim 116900  
for refund upon final determination of the petition. 116901

If upon final determination of the petition an error in the 116902  
assessment is corrected by the tax commissioner, upon petition so 116903  
filed or pursuant to a decision of the board of tax appeals or any 116904  
court to which the determination or decision has been appealed, so 116905  
that the amount due from the taxpayer under the corrected 116906  
assessment is less than the portion paid, there shall be issued to 116907  
the taxpayer, its assigns, or legal representative a refund in the 116908  
amount of the overpayment as provided by section 5745.11 of the 116909  
Revised Code, with interest on that amount as provided by section 116910  
5745.11 of the Revised Code. 116911

**Sec. 5747.01.** Except as otherwise expressly provided or 116912  
clearly appearing from the context, any term used in this chapter 116913  
that is not otherwise defined in this section has the same meaning 116914  
as when used in a comparable context in the laws of the United 116915  
States relating to federal income taxes or if not used in a 116916  
comparable context in those laws, has the same meaning as in 116917  
section 5733.40 of the Revised Code. Any reference in this chapter 116918  
to the Internal Revenue Code includes other laws of the United 116919  
States relating to federal income taxes. 116920

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| As used in this chapter:                                           | 116921 |
| (A) "Adjusted gross income" or "Ohio adjusted gross income"        | 116922 |
| means federal adjusted gross income, as defined and used in the    | 116923 |
| Internal Revenue Code, adjusted as provided in this section:       | 116924 |
| (1) Add interest or dividends on obligations or securities of      | 116925 |
| any state or of any political subdivision or authority of any      | 116926 |
| state, other than this state and its subdivisions and authorities. | 116927 |
| (2) Add interest or dividends on obligations of any                | 116928 |
| authority, commission, instrumentality, territory, or possession   | 116929 |
| of the United States to the extent that the interest or dividends  | 116930 |
| are exempt from federal income taxes but not from state income     | 116931 |
| taxes.                                                             | 116932 |
| (3) Deduct interest or dividends on obligations of the United      | 116933 |
| States and its territories and possessions or of any authority,    | 116934 |
| commission, or instrumentality of the United States to the extent  | 116935 |
| that the interest or dividends are included in federal adjusted    | 116936 |
| gross income but exempt from state income taxes under the laws of  | 116937 |
| the United States.                                                 | 116938 |
| (4) Deduct disability and survivor's benefits to the extent        | 116939 |
| included in federal adjusted gross income.                         | 116940 |
| (5) Deduct benefits under Title II of the Social Security Act      | 116941 |
| and tier 1 railroad retirement benefits to the extent included in  | 116942 |
| federal adjusted gross income under section 86 of the Internal     | 116943 |
| Revenue Code.                                                      | 116944 |
| (6) In the case of a taxpayer who is a beneficiary of a trust      | 116945 |
| that makes an accumulation distribution as defined in section 665  | 116946 |
| of the Internal Revenue Code, add, for the beneficiary's taxable   | 116947 |
| years beginning before 2002, the portion, if any, of such          | 116948 |
| distribution that does not exceed the undistributed net income of  | 116949 |
| the trust for the three taxable years preceding the taxable year   | 116950 |
| in which the distribution is made to the extent that the portion   | 116951 |

was not included in the trust's taxable income for any of the 116952  
trust's taxable years beginning in 2002 or thereafter. 116953

"Undistributed net income of a trust" means the taxable income of 116954  
the trust increased by (a)(i) the additions to adjusted gross 116955  
income required under division (A) of this section and (ii) the 116956  
personal exemptions allowed to the trust pursuant to section 116957  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 116958  
deductions to adjusted gross income required under division (A) of 116959  
this section, (ii) the amount of federal income taxes attributable 116960  
to such income, and (iii) the amount of taxable income that has 116961  
been included in the adjusted gross income of a beneficiary by 116962  
reason of a prior accumulation distribution. Any undistributed net 116963  
income included in the adjusted gross income of a beneficiary 116964  
shall reduce the undistributed net income of the trust commencing 116965  
with the earliest years of the accumulation period. 116966

(7) Deduct the amount of wages and salaries, if any, not 116967  
otherwise allowable as a deduction but that would have been 116968  
allowable as a deduction in computing federal adjusted gross 116969  
income for the taxable year, had the targeted jobs credit allowed 116970  
and determined under sections 38, 51, and 52 of the Internal 116971  
Revenue Code not been in effect. 116972

(8) Deduct any interest or interest equivalent on public 116973  
obligations and purchase obligations to the extent that the 116974  
interest or interest equivalent is included in federal adjusted 116975  
gross income. 116976

(9) Add any loss or deduct any gain resulting from the sale, 116977  
exchange, or other disposition of public obligations to the extent 116978  
that the loss has been deducted or the gain has been included in 116979  
computing federal adjusted gross income. 116980

(10) Deduct or add amounts, as provided under section 5747.70 116981  
of the Revised Code, related to contributions to variable college 116982  
savings program accounts made or tuition units purchased pursuant 116983

to Chapter 3334. of the Revised Code. 116984

(11)(a) Deduct, to the extent not otherwise allowable as a 116985  
deduction or exclusion in computing federal or Ohio adjusted gross 116986  
income for the taxable year, the amount the taxpayer paid during 116987  
the taxable year for medical care insurance and qualified 116988  
long-term care insurance for the taxpayer, the taxpayer's spouse, 116989  
and dependents. No deduction for medical care insurance under 116990  
division (A)(11) of this section shall be allowed either to any 116991  
taxpayer who is eligible to participate in any subsidized health 116992  
plan maintained by any employer of the taxpayer or of the 116993  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 116994  
application would be entitled to, benefits under part A of Title 116995  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 116996  
301, as amended. For the purposes of division (A)(11)(a) of this 116997  
section, "subsidized health plan" means a health plan for which 116998  
the employer pays any portion of the plan's cost. The deduction 116999  
allowed under division (A)(11)(a) of this section shall be the net 117000  
of any related premium refunds, related premium reimbursements, or 117001  
related insurance premium dividends received during the taxable 117002  
year. 117003

(b) Deduct, to the extent not otherwise deducted or excluded 117004  
in computing federal or Ohio adjusted gross income during the 117005  
taxable year, the amount the taxpayer paid during the taxable 117006  
year, not compensated for by any insurance or otherwise, for 117007  
medical care of the taxpayer, the taxpayer's spouse, and 117008  
dependents, to the extent the expenses exceed seven and one-half 117009  
per cent of the taxpayer's federal adjusted gross income. 117010

(c) Deduct, to the extent not otherwise deducted or excluded 117011  
in computing federal or Ohio adjusted gross income, any amount 117012  
included in federal adjusted gross income under section 105 or not 117013  
excluded under section 106 of the Internal Revenue Code solely 117014  
because it relates to an accident and health plan for a person who 117015



otherwise would be a "qualifying relative" and thus a "dependent" 117016  
under section 152 of the Internal Revenue Code but for the fact 117017  
that the person fails to meet the income and support limitations 117018  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 117019

(d) For purposes of division (A)(11) of this section, 117020  
"medical care" has the meaning given in section 213 of the 117021  
Internal Revenue Code, subject to the special rules, limitations, 117022  
and exclusions set forth therein, and "qualified long-term care" 117023  
has the same meaning given in section 7702B(c) of the Internal 117024  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 117025  
of this section, "dependent" includes a person who otherwise would 117026  
be a "qualifying relative" and thus a "dependent" under section 117027  
152 of the Internal Revenue Code but for the fact that the person 117028  
fails to meet the income and support limitations under section 117029  
152(d)(1)(B) and (C) of the Internal Revenue Code. 117030

(12)(a) Deduct any amount included in federal adjusted gross 117031  
income solely because the amount represents a reimbursement or 117032  
refund of expenses that in any year the taxpayer had deducted as 117033  
an itemized deduction pursuant to section 63 of the Internal 117034  
Revenue Code and applicable United States department of the 117035  
treasury regulations. The deduction otherwise allowed under 117036  
division (A)(12)(a) of this section shall be reduced to the extent 117037  
the reimbursement is attributable to an amount the taxpayer 117038  
deducted under this section in any taxable year. 117039

(b) Add any amount not otherwise included in Ohio adjusted 117040  
gross income for any taxable year to the extent that the amount is 117041  
attributable to the recovery during the taxable year of any amount 117042  
deducted or excluded in computing federal or Ohio adjusted gross 117043  
income in any taxable year. 117044

(13) Deduct any portion of the deduction described in section 117045  
1341(a)(2) of the Internal Revenue Code, for repaying previously 117046  
reported income received under a claim of right, that meets both 117047

of the following requirements: 117048

(a) It is allowable for repayment of an item that was 117049  
included in the taxpayer's adjusted gross income for a prior 117050  
taxable year and did not qualify for a credit under division (A) 117051  
or (B) of section 5747.05 of the Revised Code for that year; 117052

(b) It does not otherwise reduce the taxpayer's adjusted 117053  
gross income for the current or any other taxable year. 117054

(14) Deduct an amount equal to the deposits made to, and net 117055  
investment earnings of, a medical savings account during the 117056  
taxable year, in accordance with section 3924.66 of the Revised 117057  
Code. The deduction allowed by division (A)(14) of this section 117058  
does not apply to medical savings account deposits and earnings 117059  
otherwise deducted or excluded for the current or any other 117060  
taxable year from the taxpayer's federal adjusted gross income. 117061

(15)(a) Add an amount equal to the funds withdrawn from a 117062  
medical savings account during the taxable year, and the net 117063  
investment earnings on those funds, when the funds withdrawn were 117064  
used for any purpose other than to reimburse an account holder 117065  
for, or to pay, eligible medical expenses, in accordance with 117066  
section 3924.66 of the Revised Code; 117067

(b) Add the amounts distributed from a medical savings 117068  
account under division (A)(2) of section 3924.68 of the Revised 117069  
Code during the taxable year. 117070

(16) Add any amount claimed as a credit under section 117071  
5747.059 or 5747.65 of the Revised Code to the extent that such 117072  
amount satisfies either of the following: 117073

(a) The amount was deducted or excluded from the computation 117074  
of the taxpayer's federal adjusted gross income as required to be 117075  
reported for the taxpayer's taxable year under the Internal 117076  
Revenue Code; 117077

(b) The amount resulted in a reduction of the taxpayer's 117078  
federal adjusted gross income as required to be reported for any 117079  
of the taxpayer's taxable years under the Internal Revenue Code. 117080

(17) Deduct the amount contributed by the taxpayer to an 117081  
individual development account program established by a county 117082  
department of job and family services pursuant to sections 329.11 117083  
to 329.14 of the Revised Code for the purpose of matching funds 117084  
deposited by program participants. On request of the tax 117085  
commissioner, the taxpayer shall provide any information that, in 117086  
the tax commissioner's opinion, is necessary to establish the 117087  
amount deducted under division (A)(17) of this section. 117088

(18) Beginning in taxable year 2001 but not for any taxable 117089  
year beginning after December 31, 2005, if the taxpayer is married 117090  
and files a joint return and the combined federal adjusted gross 117091  
income of the taxpayer and the taxpayer's spouse for the taxable 117092  
year does not exceed one hundred thousand dollars, or if the 117093  
taxpayer is single and has a federal adjusted gross income for the 117094  
taxable year not exceeding fifty thousand dollars, deduct amounts 117095  
paid during the taxable year for qualified tuition and fees paid 117096  
to an eligible institution for the taxpayer, the taxpayer's 117097  
spouse, or any dependent of the taxpayer, who is a resident of 117098  
this state and is enrolled in or attending a program that 117099  
culminates in a degree or diploma at an eligible institution. The 117100  
deduction may be claimed only to the extent that qualified tuition 117101  
and fees are not otherwise deducted or excluded for any taxable 117102  
year from federal or Ohio adjusted gross income. The deduction may 117103  
not be claimed for educational expenses for which the taxpayer 117104  
claims a credit under section 5747.27 of the Revised Code. 117105

(19) Add any reimbursement received during the taxable year 117106  
of any amount the taxpayer deducted under division (A)(18) of this 117107  
section in any previous taxable year to the extent the amount is 117108  
not otherwise included in Ohio adjusted gross income. 117109

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 117110  
(v) of this section, add five-sixths of the amount of depreciation 117111  
expense allowed by subsection (k) of section 168 of the Internal 117112  
Revenue Code, including the taxpayer's proportionate or 117113  
distributive share of the amount of depreciation expense allowed 117114  
by that subsection to a pass-through entity in which the taxpayer 117115  
has a direct or indirect ownership interest. 117116

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 117117  
this section, add five-sixths of the amount of qualifying section 117118  
179 depreciation expense, including the taxpayer's proportionate 117119  
or distributive share of the amount of qualifying section 179 117120  
depreciation expense allowed to any pass-through entity in which 117121  
the taxpayer has a direct or indirect ownership interest. 117122

(iii) Subject to division (A)(20)(a)(v) of this section, for 117123  
taxable years beginning in 2012 or thereafter, if the increase in 117124  
income taxes withheld by the taxpayer is equal to or greater than 117125  
ten per cent of income taxes withheld by the taxpayer during the 117126  
taxpayer's immediately preceding taxable year, "two-thirds" shall 117127  
be substituted for "five-sixths" for the purpose of divisions 117128  
(A)(20)(a)(i) and (ii) of this section. 117129

(iv) Subject to division (A)(20)(a)(v) of this section, for 117130  
taxable years beginning in 2012 or thereafter, a taxpayer is not 117131  
required to add an amount under division (A)(20) of this section 117132  
if the increase in income taxes withheld by the taxpayer and by 117133  
any pass-through entity in which the taxpayer has a direct or 117134  
indirect ownership interest is equal to or greater than the sum of 117135  
(I) the amount of qualifying section 179 depreciation expense and 117136  
(II) the amount of depreciation expense allowed to the taxpayer by 117137  
subsection (k) of section 168 of the Internal Revenue Code, and 117138  
including the taxpayer's proportionate or distributive shares of 117139  
such amounts allowed to any such pass-through entities. 117140

(v) If a taxpayer directly or indirectly incurs a net 117141

operating loss for the taxable year for federal income tax 117142  
purposes, to the extent such loss resulted from depreciation 117143  
expense allowed by subsection (k) of section 168 of the Internal 117144  
Revenue Code and by qualifying section 179 depreciation expense, 117145  
"the entire" shall be substituted for "five-sixths of the" for the 117146  
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 117147

The tax commissioner, under procedures established by the 117148  
commissioner, may waive the add-backs related to a pass-through 117149  
entity if the taxpayer owns, directly or indirectly, less than 117150  
five per cent of the pass-through entity. 117151

(b) Nothing in division (A)(20) of this section shall be 117152  
construed to adjust or modify the adjusted basis of any asset. 117153

(c) To the extent the add-back required under division 117154  
(A)(20)(a) of this section is attributable to property generating 117155  
nonbusiness income or loss allocated under section 5747.20 of the 117156  
Revised Code, the add-back shall be situated to the same location 117157  
as the nonbusiness income or loss generated by the property for 117158  
the purpose of determining the credit under division (A) of 117159  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 117160  
be apportioned, subject to one or more of the four alternative 117161  
methods of apportionment enumerated in section 5747.21 of the 117162  
Revised Code. 117163

(d) For the purposes of division (A)(20)(a)(v) of this 117164  
section, net operating loss carryback and carryforward shall not 117165  
include the allowance of any net operating loss deduction 117166  
carryback or carryforward to the taxable year to the extent such 117167  
loss resulted from depreciation allowed by section 168(k) of the 117168  
Internal Revenue Code and by the qualifying section 179 117169  
depreciation expense amount. 117170

(e) For the purposes of divisions (A)(20) and (21) of this 117171  
section: 117172

(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.

(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division

(A)(20)(c) of this section, the amount deducted shall be situated 117204  
to the same location. Otherwise, the add-back shall be apportioned 117205  
using the apportionment factors for the taxable year in which the 117206  
deduction is taken, subject to one or more of the four alternative 117207  
methods of apportionment enumerated in section 5747.21 of the 117208  
Revised Code. 117209

(c) No deduction is available under division (A)(21)(a) of 117210  
this section with regard to any depreciation allowed by section 117211  
168(k) of the Internal Revenue Code and by the qualifying section 117212  
179 depreciation expense amount to the extent that such 117213  
depreciation results in or increases a federal net operating loss 117214  
carryback or carryforward. If no such deduction is available for a 117215  
taxable year, the taxpayer may carry forward the amount not 117216  
deducted in such taxable year to the next taxable year and add 117217  
that amount to any deduction otherwise available under division 117218  
(A)(21)(a) of this section for that next taxable year. The 117219  
carryforward of amounts not so deducted shall continue until the 117220  
entire addition required by division (A)(20)(a) of this section 117221  
has been deducted. 117222

(d) No refund shall be allowed as a result of adjustments 117223  
made by division (A)(21) of this section. 117224

(22) Deduct, to the extent not otherwise deducted or excluded 117225  
in computing federal or Ohio adjusted gross income for the taxable 117226  
year, the amount the taxpayer received during the taxable year as 117227  
reimbursement for life insurance premiums under section 5919.31 of 117228  
the Revised Code. 117229

(23) Deduct, to the extent not otherwise deducted or excluded 117230  
in computing federal or Ohio adjusted gross income for the taxable 117231  
year, the amount the taxpayer received during the taxable year as 117232  
a death benefit paid by the adjutant general under section 5919.33 117233  
of the Revised Code. 117234

(24) Deduct, to the extent included in federal adjusted gross income and not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, military pay and allowances received by the taxpayer during the taxable year for active duty service in the United States army, air force, navy, marine corps, or coast guard or reserve components thereof or the national guard. The deduction may not be claimed for military pay and allowances received by the taxpayer while the taxpayer is stationed in this state.

(25) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year and not otherwise compensated for by any other source, the amount of qualified organ donation expenses incurred by the taxpayer during the taxable year, not to exceed ten thousand dollars. A taxpayer may deduct qualified organ donation expenses only once for all taxable years beginning with taxable years beginning in 2007.

For the purposes of division (A)(25) of this section:

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow.

(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary forgone by a taxpayer in connection with the taxpayer's donation, while living, of one or more of the taxpayer's human organs to another human being.

(26) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as retired ~~military~~ personnel pay for service in the ~~United States army, navy, air force, coast guard, or marine corps~~ uniformed services or reserve



components thereof, or the national guard, or received by the 117266  
surviving spouse or former spouse of such a taxpayer under the 117267  
survivor benefit plan on account of such a taxpayer's death. If 117268  
the taxpayer receives income on account of retirement paid under 117269  
the federal civil service retirement system or federal employees 117270  
retirement system, or under any successor retirement program 117271  
enacted by the congress of the United States that is established 117272  
and maintained for retired employees of the United States 117273  
government, and such retirement income is based, in whole or in 117274  
part, on credit for the taxpayer's ~~military~~ uniformed service, the 117275  
deduction allowed under this division shall include only that 117276  
portion of such retirement income that is attributable to the 117277  
taxpayer's ~~military~~ uniformed service, to the extent that portion 117278  
of such retirement income is otherwise included in federal 117279  
adjusted gross income and is not otherwise deducted under this 117280  
section. Any amount deducted under division (A)(26) of this 117281  
section is not included in a taxpayer's adjusted gross income for 117282  
the purposes of section 5747.055 of the Revised Code. No amount 117283  
may be deducted under division (A)(26) of this section on the 117284  
basis of which a credit was claimed under section 5747.055 of the 117285  
Revised Code. 117286

(27) Deduct, to the extent not otherwise deducted or excluded 117287  
in computing federal or Ohio adjusted gross income for the taxable 117288  
year, the amount the taxpayer received during the taxable year 117289  
from the military injury relief fund created in section 5101.98 of 117290  
the Revised Code. 117291

(28) Deduct, to the extent not otherwise deducted or excluded 117292  
in computing federal or Ohio adjusted gross income for the taxable 117293  
year, the amount the taxpayer received as a veterans bonus during 117294  
the taxable year from the Ohio department of veterans services as 117295  
authorized by Section 2r of Article VIII, Ohio Constitution. 117296

(29) Deduct, to the extent not otherwise deducted or excluded 117297

in computing federal or Ohio adjusted gross income for the taxable 117298  
year, any loss from wagering transactions that is allowed as an 117299  
itemized deduction under section 165 of the Internal Revenue Code 117300  
and that the taxpayer deducted in computing federal taxable 117301  
income. 117302

(30) Deduct, to the extent not otherwise deducted or excluded 117303  
in computing federal or Ohio adjusted gross income for the taxable 117304  
year, any income derived from a transfer agreement or from the 117305  
enterprise transferred under that agreement under section 4313.02 117306  
of the Revised Code. 117307

(31) Deduct, to the extent not otherwise deducted or excluded 117308  
in computing federal or Ohio adjusted gross income for the taxable 117309  
year, Ohio college opportunity or federal Pell grant amounts 117310  
received by the taxpayer or the taxpayer's spouse or dependent 117311  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 117312  
1070a, et seq., and used to pay room or board furnished by the 117313  
educational institution for which the grant was awarded at the 117314  
institution's facilities, including meal plans administered by the 117315  
institution. For the purposes of this division, receipt of a grant 117316  
includes the distribution of a grant directly to an educational 117317  
institution and the crediting of the grant to the enrollee's 117318  
account with the institution. 117319

(B) "Business income" means income, including gain or loss, 117320  
arising from transactions, activities, and sources in the regular 117321  
course of a trade or business and includes income, gain, or loss 117322  
from real property, tangible property, and intangible property if 117323  
the acquisition, rental, management, and disposition of the 117324  
property constitute integral parts of the regular course of a 117325  
trade or business operation. "Business income" includes income, 117326  
including gain or loss, from a partial or complete liquidation of 117327  
a business, including, but not limited to, gain or loss from the 117328  
sale or other disposition of goodwill. 117329

(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.

(D) "Compensation" means any form of remuneration paid to an employee for personal services.

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(G) "Individual" means any natural person.

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

For the purposes of division (I)(3) of this section:

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of

this section, that the trust consists directly or indirectly, in 117360  
whole or in part, of assets, net of any related liabilities, that 117361  
were transferred, or caused to be transferred, directly or 117362  
indirectly, to the trust by any of the following: 117363

(i) A person, a court, or a governmental entity or 117364  
instrumentality on account of the death of a decedent, but only if 117365  
the trust is described in division (I)(3)(e)(i) or (ii) of this 117366  
section; 117367

(ii) A person who was domiciled in this state for the 117368  
purposes of this chapter when the person directly or indirectly 117369  
transferred assets to an irrevocable trust, but only if at least 117370  
one of the trust's qualifying beneficiaries is domiciled in this 117371  
state for the purposes of this chapter during all or some portion 117372  
of the trust's current taxable year; 117373

(iii) A person who was domiciled in this state for the 117374  
purposes of this chapter when the trust document or instrument or 117375  
part of the trust document or instrument became irrevocable, but 117376  
only if at least one of the trust's qualifying beneficiaries is a 117377  
resident domiciled in this state for the purposes of this chapter 117378  
during all or some portion of the trust's current taxable year. If 117379  
a trust document or instrument became irrevocable upon the death 117380  
of a person who at the time of death was domiciled in this state 117381  
for purposes of this chapter, that person is a person described in 117382  
division (I)(3)(a)(iii) of this section. 117383

(b) A trust is irrevocable to the extent that the transferor 117384  
is not considered to be the owner of the net assets of the trust 117385  
under sections 671 to 678 of the Internal Revenue Code. 117386

(c) With respect to a trust other than a charitable lead 117387  
trust, "qualifying beneficiary" has the same meaning as "potential 117388  
current beneficiary" as defined in section 1361(e)(2) of the 117389  
Internal Revenue Code, and with respect to a charitable lead trust 117390

"qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code. 117391  
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(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows: 117397  
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(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities. 117405  
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(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities. 117411  
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(iii) Whether a transfer to the trust is by or from any of 117423  
the sources enumerated in division (I)(3)(a) of this section shall 117424  
be ascertained without regard to the domicile of the trust's 117425  
beneficiaries. 117426

(e) For the purposes of division (I)(3)(a)(i) of this 117427  
section: 117428

(i) A trust is described in division (I)(3)(e)(i) of this 117429  
section if the trust is a testamentary trust and the testator of 117430  
that testamentary trust was domiciled in this state at the time of 117431  
the testator's death for purposes of the taxes levied under 117432  
Chapter 5731. of the Revised Code. 117433

(ii) A trust is described in division (I)(3)(e)(ii) of this 117434  
section if the transfer is a qualifying transfer described in any 117435  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 117436  
irrevocable inter vivos trust, and at least one of the trust's 117437  
qualifying beneficiaries is domiciled in this state for purposes 117438  
of this chapter during all or some portion of the trust's current 117439  
taxable year. 117440

(f) For the purposes of division (I)(3)(e)(ii) of this 117441  
section, a "qualifying transfer" is a transfer of assets, net of 117442  
any related liabilities, directly or indirectly to a trust, if the 117443  
transfer is described in any of the following: 117444

(i) The transfer is made to a trust, created by the decedent 117445  
before the decedent's death and while the decedent was domiciled 117446  
in this state for the purposes of this chapter, and, prior to the 117447  
death of the decedent, the trust became irrevocable while the 117448  
decedent was domiciled in this state for the purposes of this 117449  
chapter. 117450

(ii) The transfer is made to a trust to which the decedent, 117451  
prior to the decedent's death, had directly or indirectly 117452  
transferred assets, net of any related liabilities, while the 117453

decedent was domiciled in this state for the purposes of this 117454  
chapter, and prior to the death of the decedent the trust became 117455  
irrevocable while the decedent was domiciled in this state for the 117456  
purposes of this chapter. 117457

(iii) The transfer is made on account of a contractual 117458  
relationship existing directly or indirectly between the 117459  
transferor and either the decedent or the estate of the decedent 117460  
at any time prior to the date of the decedent's death, and the 117461  
decedent was domiciled in this state at the time of death for 117462  
purposes of the taxes levied under Chapter 5731. of the Revised 117463  
Code. 117464

(iv) The transfer is made to a trust on account of a 117465  
contractual relationship existing directly or indirectly between 117466  
the transferor and another person who at the time of the 117467  
decedent's death was domiciled in this state for purposes of this 117468  
chapter. 117469

(v) The transfer is made to a trust on account of the will of 117470  
a testator who was domiciled in this state at the time of the 117471  
testator's death for purposes of the taxes levied under Chapter 117472  
5731. of the Revised Code. 117473

(vi) The transfer is made to a trust created by or caused to 117474  
be created by a court, and the trust was directly or indirectly 117475  
created in connection with or as a result of the death of an 117476  
individual who, for purposes of the taxes levied under Chapter 117477  
5731. of the Revised Code, was domiciled in this state at the time 117478  
of the individual's death. 117479

(g) The tax commissioner may adopt rules to ascertain the 117480  
part of a trust residing in this state. 117481

(J) "Nonresident" means an individual or estate that is not a 117482  
resident. An individual who is a resident for only part of a 117483  
taxable year is a nonresident for the remainder of that taxable 117484

year. 117485

(K) "Pass-through entity" has the same meaning as in section 117486  
5733.04 of the Revised Code. 117487

(L) "Return" means the notifications and reports required to 117488  
be filed pursuant to this chapter for the purpose of reporting the 117489  
tax due and includes declarations of estimated tax when so 117490  
required. 117491

(M) "Taxable year" means the calendar year or the taxpayer's 117492  
fiscal year ending during the calendar year, or fractional part 117493  
thereof, upon which the adjusted gross income is calculated 117494  
pursuant to this chapter. 117495

(N) "Taxpayer" means any person subject to the tax imposed by 117496  
section 5747.02 of the Revised Code or any pass-through entity 117497  
that makes the election under division (D) of section 5747.08 of 117498  
the Revised Code. 117499

(O) "Dependents" means dependents as defined in the Internal 117500  
Revenue Code and as claimed in the taxpayer's federal income tax 117501  
return for the taxable year or which the taxpayer would have been 117502  
permitted to claim had the taxpayer filed a federal income tax 117503  
return. 117504

(P) "Principal county of employment" means, in the case of a 117505  
nonresident, the county within the state in which a taxpayer 117506  
performs services for an employer or, if those services are 117507  
performed in more than one county, the county in which the major 117508  
portion of the services are performed. 117509

(Q) As used in sections 5747.50 to 5747.55 of the Revised 117510  
Code: 117511

(1) "Subdivision" means any county, municipal corporation, 117512  
park district, or township. 117513

(2) "Essential local government purposes" includes all 117514



functions that any subdivision is required by general law to 117515  
exercise, including like functions that are exercised under a 117516  
charter adopted pursuant to the Ohio Constitution. 117517

(R) "Overpayment" means any amount already paid that exceeds 117518  
the figure determined to be the correct amount of the tax. 117519

(S) "Taxable income" or "Ohio taxable income" applies only to 117520  
estates and trusts, and means federal taxable income, as defined 117521  
and used in the Internal Revenue Code, adjusted as follows: 117522

(1) Add interest or dividends, net of ordinary, necessary, 117523  
and reasonable expenses not deducted in computing federal taxable 117524  
income, on obligations or securities of any state or of any 117525  
political subdivision or authority of any state, other than this 117526  
state and its subdivisions and authorities, but only to the extent 117527  
that such net amount is not otherwise includible in Ohio taxable 117528  
income and is described in either division (S)(1)(a) or (b) of 117529  
this section: 117530

(a) The net amount is not attributable to the S portion of an 117531  
electing small business trust and has not been distributed to 117532  
beneficiaries for the taxable year; 117533

(b) The net amount is attributable to the S portion of an 117534  
electing small business trust for the taxable year. 117535

(2) Add interest or dividends, net of ordinary, necessary, 117536  
and reasonable expenses not deducted in computing federal taxable 117537  
income, on obligations of any authority, commission, 117538  
instrumentality, territory, or possession of the United States to 117539  
the extent that the interest or dividends are exempt from federal 117540  
income taxes but not from state income taxes, but only to the 117541  
extent that such net amount is not otherwise includible in Ohio 117542  
taxable income and is described in either division (S)(1)(a) or 117543  
(b) of this section; 117544

(3) Add the amount of personal exemption allowed to the 117545

estate pursuant to section 642(b) of the Internal Revenue Code; 117546

(4) Deduct interest or dividends, net of related expenses 117547  
deducted in computing federal taxable income, on obligations of 117548  
the United States and its territories and possessions or of any 117549  
authority, commission, or instrumentality of the United States to 117550  
the extent that the interest or dividends are exempt from state 117551  
taxes under the laws of the United States, but only to the extent 117552  
that such amount is included in federal taxable income and is 117553  
described in either division (S)(1)(a) or (b) of this section; 117554

(5) Deduct the amount of wages and salaries, if any, not 117555  
otherwise allowable as a deduction but that would have been 117556  
allowable as a deduction in computing federal taxable income for 117557  
the taxable year, had the targeted jobs credit allowed under 117558  
sections 38, 51, and 52 of the Internal Revenue Code not been in 117559  
effect, but only to the extent such amount relates either to 117560  
income included in federal taxable income for the taxable year or 117561  
to income of the S portion of an electing small business trust for 117562  
the taxable year; 117563

(6) Deduct any interest or interest equivalent, net of 117564  
related expenses deducted in computing federal taxable income, on 117565  
public obligations and purchase obligations, but only to the 117566  
extent that such net amount relates either to income included in 117567  
federal taxable income for the taxable year or to income of the S 117568  
portion of an electing small business trust for the taxable year; 117569

(7) Add any loss or deduct any gain resulting from sale, 117570  
exchange, or other disposition of public obligations to the extent 117571  
that such loss has been deducted or such gain has been included in 117572  
computing either federal taxable income or income of the S portion 117573  
of an electing small business trust for the taxable year; 117574

(8) Except in the case of the final return of an estate, add 117575  
any amount deducted by the taxpayer on both its Ohio estate tax 117576

return pursuant to section 5731.14 of the Revised Code, and on its 117577  
federal income tax return in determining federal taxable income; 117578

(9)(a) Deduct any amount included in federal taxable income 117579  
solely because the amount represents a reimbursement or refund of 117580  
expenses that in a previous year the decedent had deducted as an 117581  
itemized deduction pursuant to section 63 of the Internal Revenue 117582  
Code and applicable treasury regulations. The deduction otherwise 117583  
allowed under division (S)(9)(a) of this section shall be reduced 117584  
to the extent the reimbursement is attributable to an amount the 117585  
taxpayer or decedent deducted under this section in any taxable 117586  
year. 117587

(b) Add any amount not otherwise included in Ohio taxable 117588  
income for any taxable year to the extent that the amount is 117589  
attributable to the recovery during the taxable year of any amount 117590  
deducted or excluded in computing federal or Ohio taxable income 117591  
in any taxable year, but only to the extent such amount has not 117592  
been distributed to beneficiaries for the taxable year. 117593

(10) Deduct any portion of the deduction described in section 117594  
1341(a)(2) of the Internal Revenue Code, for repaying previously 117595  
reported income received under a claim of right, that meets both 117596  
of the following requirements: 117597

(a) It is allowable for repayment of an item that was 117598  
included in the taxpayer's taxable income or the decedent's 117599  
adjusted gross income for a prior taxable year and did not qualify 117600  
for a credit under division (A) or (B) of section 5747.05 of the 117601  
Revised Code for that year. 117602

(b) It does not otherwise reduce the taxpayer's taxable 117603  
income or the decedent's adjusted gross income for the current or 117604  
any other taxable year. 117605

(11) Add any amount claimed as a credit under section 117606  
5747.059 or 5747.65 of the Revised Code to the extent that the 117607

amount satisfies either of the following: 117608

(a) The amount was deducted or excluded from the computation 117609  
of the taxpayer's federal taxable income as required to be 117610  
reported for the taxpayer's taxable year under the Internal 117611  
Revenue Code; 117612

(b) The amount resulted in a reduction in the taxpayer's 117613  
federal taxable income as required to be reported for any of the 117614  
taxpayer's taxable years under the Internal Revenue Code. 117615

(12) Deduct any amount, net of related expenses deducted in 117616  
computing federal taxable income, that a trust is required to 117617  
report as farm income on its federal income tax return, but only 117618  
if the assets of the trust include at least ten acres of land 117619  
satisfying the definition of "land devoted exclusively to 117620  
agricultural use" under section 5713.30 of the Revised Code, 117621  
regardless of whether the land is valued for tax purposes as such 117622  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 117623  
trust is a pass-through entity investor, section 5747.231 of the 117624  
Revised Code applies in ascertaining if the trust is eligible to 117625  
claim the deduction provided by division (S)(12) of this section 117626  
in connection with the pass-through entity's farm income. 117627

Except for farm income attributable to the S portion of an 117628  
electing small business trust, the deduction provided by division 117629  
(S)(12) of this section is allowed only to the extent that the 117630  
trust has not distributed such farm income. Division (S)(12) of 117631  
this section applies only to taxable years of a trust beginning in 117632  
2002 or thereafter. 117633

(13) Add the net amount of income described in section 641(c) 117634  
of the Internal Revenue Code to the extent that amount is not 117635  
included in federal taxable income. 117636

(14) Add or deduct the amount the taxpayer would be required 117637  
to add or deduct under division (A)(20) or (21) of this section if 117638

the taxpayer's Ohio taxable income were computed in the same 117639  
manner as an individual's Ohio adjusted gross income is computed 117640  
under this section. In the case of a trust, division (S)(14) of 117641  
this section applies only to any of the trust's taxable years 117642  
beginning in 2002 or thereafter. 117643

(T) "School district income" and "school district income tax" 117644  
have the same meanings as in section 5748.01 of the Revised Code. 117645

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 117646  
of this section, "public obligations," "purchase obligations," and 117647  
"interest or interest equivalent" have the same meanings as in 117648  
section 5709.76 of the Revised Code. 117649

(V) "Limited liability company" means any limited liability 117650  
company formed under Chapter 1705. of the Revised Code or under 117651  
the laws of any other state. 117652

(W) "Pass-through entity investor" means any person who, 117653  
during any portion of a taxable year of a pass-through entity, is 117654  
a partner, member, shareholder, or equity investor in that 117655  
pass-through entity. 117656

(X) "Banking day" has the same meaning as in section 1304.01 117657  
of the Revised Code. 117658

(Y) "Month" means a calendar month. 117659

(Z) "Quarter" means the first three months, the second three 117660  
months, the third three months, or the last three months of the 117661  
taxpayer's taxable year. 117662

(AA)(1) "Eligible institution" means a state university or 117663  
state institution of higher education as defined in section 117664  
3345.011 of the Revised Code, or a private, nonprofit college, 117665  
university, or other post-secondary institution located in this 117666  
state that possesses a certificate of authorization issued by the 117667  
Ohio board of regents pursuant to Chapter 1713. of the Revised 117668

Code or a certificate of registration issued by the state board of 117669  
career colleges and schools under Chapter 3332. of the Revised 117670  
Code. 117671

(2) "Qualified tuition and fees" means tuition and fees 117672  
imposed by an eligible institution as a condition of enrollment or 117673  
attendance, not exceeding two thousand five hundred dollars in 117674  
each of the individual's first two years of post-secondary 117675  
education. If the individual is a part-time student, "qualified 117676  
tuition and fees" includes tuition and fees paid for the academic 117677  
equivalent of the first two years of post-secondary education 117678  
during a maximum of five taxable years, not exceeding a total of 117679  
five thousand dollars. "Qualified tuition and fees" does not 117680  
include: 117681

(a) Expenses for any course or activity involving sports, 117682  
games, or hobbies unless the course or activity is part of the 117683  
individual's degree or diploma program; 117684

(b) The cost of books, room and board, student activity fees, 117685  
athletic fees, insurance expenses, or other expenses unrelated to 117686  
the individual's academic course of instruction; 117687

(c) Tuition, fees, or other expenses paid or reimbursed 117688  
through an employer, scholarship, grant in aid, or other 117689  
educational benefit program. 117690

(BB)(1) "Modified business income" means the business income 117691  
included in a trust's Ohio taxable income after such taxable 117692  
income is first reduced by the qualifying trust amount, if any. 117693

(2) "Qualifying trust amount" of a trust means capital gains 117694  
and losses from the sale, exchange, or other disposition of equity 117695  
or ownership interests in, or debt obligations of, a qualifying 117696  
investee to the extent included in the trust's Ohio taxable 117697  
income, but only if the following requirements are satisfied: 117698

(a) The book value of the qualifying investee's physical 117699

assets in this state and everywhere, as of the last day of the 117700  
qualifying investee's fiscal or calendar year ending immediately 117701  
prior to the date on which the trust recognizes the gain or loss, 117702  
is available to the trust. 117703

(b) The requirements of section 5747.011 of the Revised Code 117704  
are satisfied for the trust's taxable year in which the trust 117705  
recognizes the gain or loss. 117706

Any gain or loss that is not a qualifying trust amount is 117707  
modified business income, qualifying investment income, or 117708  
modified nonbusiness income, as the case may be. 117709

(3) "Modified nonbusiness income" means a trust's Ohio 117710  
taxable income other than modified business income, other than the 117711  
qualifying trust amount, and other than qualifying investment 117712  
income, as defined in section 5747.012 of the Revised Code, to the 117713  
extent such qualifying investment income is not otherwise part of 117714  
modified business income. 117715

(4) "Modified Ohio taxable income" applies only to trusts, 117716  
and means the sum of the amounts described in divisions (BB)(4)(a) 117717  
to (c) of this section: 117718

(a) The fraction, calculated under section 5747.013, and 117719  
applying section 5747.231 of the Revised Code, multiplied by the 117720  
sum of the following amounts: 117721

(i) The trust's modified business income; 117722

(ii) The trust's qualifying investment income, as defined in 117723  
section 5747.012 of the Revised Code, but only to the extent the 117724  
qualifying investment income does not otherwise constitute 117725  
modified business income and does not otherwise constitute a 117726  
qualifying trust amount. 117727

(b) The qualifying trust amount multiplied by a fraction, the 117728  
numerator of which is the sum of the book value of the qualifying 117729

investee's physical assets in this state on the last day of the 117730  
qualifying investee's fiscal or calendar year ending immediately 117731  
prior to the day on which the trust recognizes the qualifying 117732  
trust amount, and the denominator of which is the sum of the book 117733  
value of the qualifying investee's total physical assets 117734  
everywhere on the last day of the qualifying investee's fiscal or 117735  
calendar year ending immediately prior to the day on which the 117736  
trust recognizes the qualifying trust amount. If, for a taxable 117737  
year, the trust recognizes a qualifying trust amount with respect 117738  
to more than one qualifying investee, the amount described in 117739  
division (BB)(4)(b) of this section shall equal the sum of the 117740  
products so computed for each such qualifying investee. 117741

(c)(i) With respect to a trust or portion of a trust that is 117742  
a resident as ascertained in accordance with division (I)(3)(d) of 117743  
this section, its modified nonbusiness income. 117744

(ii) With respect to a trust or portion of a trust that is 117745  
not a resident as ascertained in accordance with division 117746  
(I)(3)(d) of this section, the amount of its modified nonbusiness 117747  
income satisfying the descriptions in divisions (B)(2) to (5) of 117748  
section 5747.20 of the Revised Code, except as otherwise provided 117749  
in division (BB)(4)(c)(ii) of this section. With respect to a 117750  
trust or portion of a trust that is not a resident as ascertained 117751  
in accordance with division (I)(3)(d) of this section, the trust's 117752  
portion of modified nonbusiness income recognized from the sale, 117753  
exchange, or other disposition of a debt interest in or equity 117754  
interest in a section 5747.212 entity, as defined in section 117755  
5747.212 of the Revised Code, without regard to division (A) of 117756  
that section, shall not be allocated to this state in accordance 117757  
with section 5747.20 of the Revised Code but shall be apportioned 117758  
to this state in accordance with division (B) of section 5747.212 117759  
of the Revised Code without regard to division (A) of that 117760  
section. 117761



If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the

pass-through entity's calendar or fiscal year ending within or 117794  
with the last day of the qualifying investee's fiscal or calendar 117795  
year ending immediately prior to the date on which the trust 117796  
recognizes the qualifying trust amount. 117797

(iii) For the purposes of division (BB)(5)(a)(iii) of this 117798  
section, "upper level pass-through entity" means a pass-through 117799  
entity directly or indirectly owning any equity of another 117800  
pass-through entity, and "lower level pass-through entity" means 117801  
that other pass-through entity. 117802

An upper level pass-through entity, whether or not it is also 117803  
a qualifying investee, is deemed to own, on the last day of the 117804  
upper level pass-through entity's calendar or fiscal year, the 117805  
proportionate share of the lower level pass-through entity's 117806  
physical assets that the lower level pass-through entity directly 117807  
or indirectly owns on the last day of the lower level pass-through 117808  
entity's calendar or fiscal year ending within or with the last 117809  
day of the upper level pass-through entity's fiscal or calendar 117810  
year. If the upper level pass-through entity directly and 117811  
indirectly owns less than fifty per cent of the equity of the 117812  
lower level pass-through entity on each day of the upper level 117813  
pass-through entity's calendar or fiscal year in which or with 117814  
which ends the calendar or fiscal year of the lower level 117815  
pass-through entity and if, based upon clear and convincing 117816  
evidence, complete information about the location and cost of the 117817  
physical assets of the lower pass-through entity is not available 117818  
to the upper level pass-through entity, then solely for purposes 117819  
of ascertaining if a gain or loss constitutes a qualifying trust 117820  
amount, the upper level pass-through entity shall be deemed as 117821  
owning no equity of the lower level pass-through entity for each 117822  
day during the upper level pass-through entity's calendar or 117823  
fiscal year in which or with which ends the lower level 117824  
pass-through entity's calendar or fiscal year. Nothing in division 117825

(BB)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income. 117826  
117827  
117828

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply: 117829  
117830  
117831  
117832  
117833

(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation. 117834  
117835  
117836  
117837

(ii) Such gain or loss constitutes nonbusiness income. 117838

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss. 117839  
117840  
117841  
117842

(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code. 117843  
117844

(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code. 117845  
117846

(EE)(1) For the purposes of division (EE) of this section: 117847

(a) "Qualifying person" means any person other than a qualifying corporation. 117848  
117849

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following: 117850  
117851  
117852

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's 117853  
117854  
117855

taxable year; 117856

(ii) A subsidiary that is wholly owned by any corporation 117857  
that has made an election under subchapter S, chapter one, 117858  
subtitle A of the Internal Revenue Code for its taxable year 117859  
ending within, or on the last day of, the investor's taxable year. 117860

(2) For the purposes of this chapter, unless expressly stated 117861  
otherwise, no qualifying person indirectly owns any asset directly 117862  
or indirectly owned by any qualifying corporation. 117863

(FF) For purposes of this chapter and Chapter 5751. of the 117864  
Revised Code: 117865

(1) "Trust" does not include a qualified pre-income tax 117866  
trust. 117867

(2) A "qualified pre-income tax trust" is any pre-income tax 117868  
trust that makes a qualifying pre-income tax trust election as 117869  
described in division (FF)(3) of this section. 117870

(3) A "qualifying pre-income tax trust election" is an 117871  
election by a pre-income tax trust to subject to the tax imposed 117872  
by section 5751.02 of the Revised Code the pre-income tax trust 117873  
and all pass-through entities of which the trust owns or controls, 117874  
directly, indirectly, or constructively through related interests, 117875  
five per cent or more of the ownership or equity interests. The 117876  
trustee shall notify the tax commissioner in writing of the 117877  
election on or before April 15, 2006. The election, if timely 117878  
made, shall be effective on and after January 1, 2006, and shall 117879  
apply for all tax periods and tax years until revoked by the 117880  
trustee of the trust. 117881

(4) A "pre-income tax trust" is a trust that satisfies all of 117882  
the following requirements: 117883

(a) The document or instrument creating the trust was 117884  
executed by the grantor before January 1, 1972; 117885

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

**Sec. 5747.02.** (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured in the case of individuals by Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income. The tax imposed by this section on the balance thus obtained is hereby levied as follows:

(1) For taxable years beginning in 2004:

OHIO ADJUSTED GROSS INCOME LESS

EXEMPTIONS (INDIVIDUALS)

OR

MODIFIED OHIO

|                                                 |                                                            |        |
|-------------------------------------------------|------------------------------------------------------------|--------|
| TAXABLE INCOME (TRUSTS)                         |                                                            | 117916 |
| OR                                              |                                                            | 117917 |
| OHIO TAXABLE INCOME (ESTATES)                   | TAX                                                        | 117918 |
| \$5,000 or less                                 | .743%                                                      | 117919 |
| More than \$5,000 but not more than \$10,000    | \$37.15 plus 1.486% of the amount in excess of \$5,000     | 117920 |
| More than \$10,000 but not more than \$15,000   | \$111.45 plus 2.972% of the amount in excess of \$10,000   | 117921 |
| More than \$15,000 but not more than \$20,000   | \$260.05 plus 3.715% of the amount in excess of \$15,000   | 117922 |
| More than \$20,000 but not more than \$40,000   | \$445.80 plus 4.457% of the amount in excess of \$20,000   | 117923 |
| More than \$40,000 but not more than \$80,000   | \$1,337.20 plus 5.201% of the amount in excess of \$40,000 | 117924 |
| More than \$80,000 but not more than \$100,000  | \$3,417.60 plus 5.943% of the amount in excess of \$80,000 | 117925 |
| More than \$100,000 but not more than \$200,000 | \$4,606.20 plus 6.9% of the amount in excess of \$100,000  | 117926 |
| More than \$200,000                             | \$11,506.20 plus 7.5% of the amount in excess of \$200,000 | 117927 |
| (2) For taxable years beginning in 2005:        |                                                            | 117928 |
| OHIO ADJUSTED GROSS INCOME LESS                 |                                                            | 117929 |
| EXEMPTIONS (INDIVIDUALS)                        |                                                            |        |
| OR                                              |                                                            | 117930 |
| MODIFIED OHIO                                   |                                                            | 117931 |
| TAXABLE INCOME (TRUSTS)                         |                                                            | 117932 |
| OR                                              |                                                            | 117933 |
| OHIO TAXABLE INCOME (ESTATES)                   | TAX                                                        | 117934 |
| \$5,000 or less                                 | .712%                                                      | 117935 |
| More than \$5,000 but not more than \$10,000    | \$35.60 plus 1.424% of the amount in excess of \$5,000     | 117936 |
| More than \$10,000 but not more than \$15,000   | \$106.80 plus 2.847% of the amount in excess of \$10,000   | 117937 |

|                                                          |                                                              |        |
|----------------------------------------------------------|--------------------------------------------------------------|--------|
| More than \$15,000 but not more than \$20,000            | \$249.15 plus 3.559% of the amount in excess of \$15,000     | 117938 |
| More than \$20,000 but not more than \$40,000            | \$427.10 plus 4.27% of the amount in excess of \$20,000      | 117939 |
| More than \$40,000 but not more than \$80,000            | \$1,281.10 plus 4.983% of the amount in excess of \$40,000   | 117940 |
| More than \$80,000 but not more than \$100,000           | \$3,274.30 plus 5.693% of the amount in excess of \$80,000   | 117941 |
| More than \$100,000 but not more than \$200,000          | \$4,412.90 plus 6.61% of the amount in excess of \$100,000   | 117942 |
| More than \$200,000                                      | \$11,022.90 plus 7.185% of the amount in excess of \$200,000 | 117943 |
| (3) For taxable years beginning in 2006:                 |                                                              | 117944 |
| OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS) |                                                              | 117945 |
| OR                                                       |                                                              | 117946 |
| MODIFIED OHIO TAXABLE INCOME (TRUSTS)                    |                                                              | 117947 |
| OR                                                       |                                                              | 117948 |
| OHIO TAXABLE INCOME (ESTATES)                            | TAX                                                          | 117949 |
| \$5,000 or less                                          | .681%                                                        | 117950 |
| More than \$5,000 but not more than \$10,000             | \$34.05 plus 1.361% of the amount in excess of \$5,000       | 117951 |
| More than \$10,000 but not more than \$15,000            | \$102.10 plus 2.722% of the amount in excess of \$10,000     | 117952 |
| More than \$15,000 but not more than \$20,000            | \$238.20 plus 3.403% of the amount in excess of \$15,000     | 117953 |
| More than \$20,000 but not more than \$40,000            | \$408.35 plus 4.083% of the amount in excess of \$20,000     | 117954 |
| More than \$40,000 but not more than \$80,000            | \$1,224.95 plus 4.764% of the amount in excess of \$40,000   | 117955 |
| More than \$80,000 but not more than \$100,000           | \$3,130.55 plus 5.444% of the amount in excess of \$80,000   | 117956 |
|                                                          |                                                              | 117957 |

|                                                          |                                                              |        |
|----------------------------------------------------------|--------------------------------------------------------------|--------|
| More than \$100,000 but not more than \$200,000          | \$4,219.35 plus 6.32% of the amount in excess of \$100,000   | 117958 |
| More than \$200,000                                      | \$10,539.35 plus 6.87% of the amount in excess of \$200,000  | 117959 |
| (4) For taxable years beginning in 2007:                 |                                                              | 117960 |
| OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS) |                                                              | 117961 |
| OR                                                       |                                                              | 117962 |
| MODIFIED OHIO TAXABLE INCOME (TRUSTS)                    |                                                              | 117963 |
| OR                                                       |                                                              | 117964 |
| OHIO TAXABLE INCOME (ESTATES)                            | TAX                                                          | 117965 |
| \$5,000 or less                                          | .649%                                                        | 117966 |
| More than \$5,000 but not more than \$10,000             | \$32.45 plus 1.299% of the amount in excess of \$5,000       | 117967 |
| More than \$10,000 but not more than \$15,000            | \$97.40 plus 2.598% of the amount in excess of \$10,000      | 117968 |
| More than \$15,000 but not more than \$20,000            | \$227.30 plus 3.247% of the amount in excess of \$15,000     | 117969 |
| More than \$20,000 but not more than \$40,000            | \$389.65 plus 3.895% of the amount in excess of \$20,000     | 117970 |
| More than \$40,000 but not more than \$80,000            | \$1,168.65 plus 4.546% of the amount in excess of \$40,000   | 117971 |
| More than \$80,000 but not more than \$100,000           | \$2,987.05 plus 5.194% of the amount in excess of \$80,000   | 117972 |
| More than \$100,000 but not more than \$200,000          | \$4,025.85 plus 6.031% of the amount in excess of \$100,000  | 117973 |
| More than \$200,000                                      | \$10,056.85 plus 6.555% of the amount in excess of \$200,000 | 117974 |
| (5) For taxable years beginning in 2008, 2009, or 2010:  |                                                              | 117975 |
| OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS) |                                                              | 117976 |
|                                                          |                                                              | 117977 |



|                                                                                |                                                             |        |
|--------------------------------------------------------------------------------|-------------------------------------------------------------|--------|
| OR                                                                             |                                                             | 117978 |
| MODIFIED OHIO                                                                  |                                                             | 117979 |
| TAXABLE INCOME (TRUSTS)                                                        |                                                             | 117980 |
| OR                                                                             |                                                             | 117981 |
| OHIO TAXABLE INCOME (ESTATES)                                                  | TAX                                                         | 117982 |
| \$5,000 or less                                                                | .618%                                                       | 117983 |
| More than \$5,000 but not more than \$10,000                                   | \$30.90 plus 1.236% of the amount in excess of \$5,000      | 117984 |
| More than \$10,000 but not more than \$15,000                                  | \$92.70 plus 2.473% of the amount in excess of \$10,000     | 117985 |
| More than \$15,000 but not more than \$20,000                                  | \$216.35 plus 3.091% of the amount in excess of \$15,000    | 117986 |
| More than \$20,000 but not more than \$40,000                                  | \$370.90 plus 3.708% of the amount in excess of \$20,000    | 117987 |
| More than \$40,000 but not more than \$80,000                                  | \$1,112.50 plus 4.327% of the amount in excess of \$40,000  | 117988 |
| More than \$80,000 but not more than \$100,000                                 | \$2,843.30 plus 4.945% of the amount in excess of \$80,000  | 117989 |
| More than \$100,000 but not more than \$200,000                                | \$3,832.30 plus 5.741% of the amount in excess of \$100,000 | 117990 |
| More than \$200,000                                                            | \$9,573.30 plus 6.24% of the amount in excess of \$200,000  | 117991 |
| (6) For taxable years beginning in 2011 or <del>thereafter</del> <u>2012</u> : |                                                             | 117992 |
| OHIO ADJUSTED GROSS INCOME LESS                                                |                                                             | 117993 |
| EXEMPTIONS (INDIVIDUALS)                                                       |                                                             |        |
| OR                                                                             |                                                             | 117994 |
| MODIFIED OHIO                                                                  |                                                             | 117995 |
| TAXABLE INCOME (TRUSTS)                                                        |                                                             | 117996 |
| OR                                                                             |                                                             | 117997 |
| OHIO TAXABLE INCOME (ESTATES)                                                  | TAX                                                         | 117998 |
| \$5,000 or less                                                                | .587%                                                       | 117999 |
| More than \$5,000 but not more than \$10,000                                   | \$29.35 plus 1.174% of the amount in excess of \$5,000      | 118000 |

|                                                               |                                                                 |        |
|---------------------------------------------------------------|-----------------------------------------------------------------|--------|
| More than \$10,000 but not more than \$15,000                 | \$88.05 plus 2.348% of the amount in excess of \$10,000         | 118001 |
| More than \$15,000 but not more than \$20,000                 | \$205.45 plus 2.935% of the amount in excess of \$15,000        | 118002 |
| More than \$20,000 but not more than \$40,000                 | \$352.20 plus 3.521% of the amount in excess of \$20,000        | 118003 |
| More than \$40,000 but not more than \$80,000                 | \$1,056.40 plus 4.109% of the amount in excess of \$40,000      | 118004 |
| More than \$80,000 but not more than \$100,000                | \$2,700.00 plus 4.695% of the amount in excess of \$80,000      | 118005 |
| More than \$100,000 but not more than \$200,000               | \$3,639.00 plus 5.451% of the amount in excess of \$100,000     | 118006 |
| More than \$200,000                                           | \$9,090.00 plus 5.925% of the amount in excess of \$200,000     | 118007 |
| <u>(7) For taxable years beginning in 2013 or thereafter:</u> |                                                                 | 118008 |
| <u>OHIO ADJUSTED GROSS INCOME LESS</u>                        |                                                                 | 118009 |
| <u>EXEMPTIONS (INDIVIDUALS)</u>                               |                                                                 |        |
| <u>OR</u>                                                     |                                                                 | 118010 |
| <u>MODIFIED OHIO</u>                                          |                                                                 | 118011 |
| <u>TAXABLE INCOME (TRUSTS)</u>                                |                                                                 | 118012 |
| <u>OR</u>                                                     |                                                                 | 118013 |
| <u>OHIO TAXABLE INCOME (ESTATES)</u>                          | <u>TAX</u>                                                      | 118014 |
| <u>\$5,000 or less</u>                                        | <u>.546%</u>                                                    | 118015 |
| <u>More than \$5,000 but not more than \$10,000</u>           | <u>\$27.30 plus 1.092% of the amount in excess of \$5,000</u>   | 118016 |
| <u>More than \$10,000 but not more than \$15,000</u>          | <u>\$81.89 plus 2.184% of the amount in excess of \$10,000</u>  | 118017 |
| <u>More than \$15,000 but not more than \$20,000</u>          | <u>\$191.07 plus 2.730% of the amount in excess of \$15,000</u> | 118018 |
| <u>More than \$20,000 but not more than \$40,000</u>          | <u>\$327.55 plus 3.275% of the amount in excess of \$20,000</u> | 118019 |
| <u>More than \$40,000 but not more than \$80,000</u>          | <u>\$982.45 plus 3.821% of the amount in excess of \$40,000</u> | 118020 |

|                                                        |                                                                    |        |
|--------------------------------------------------------|--------------------------------------------------------------------|--------|
| <u>More than \$80,000 but not more than \$100,000</u>  | <u>\$2,511.00 plus 4.366% of the amount in excess of \$80,000</u>  | 118021 |
| <u>More than \$100,000 but not more than \$200,000</u> | <u>\$3,384.27 plus 5.069% of the amount in excess of \$100,000</u> | 118022 |
| <u>More than \$200,000</u>                             | <u>\$8,453.70 plus 5.510% of the amount in excess of \$200,000</u> | 118023 |

In ~~July~~ August of each year, ~~beginning in 2010~~, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made. The tax commissioner shall not make such adjustments in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under division (A) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.

(C) The levy of this tax on income does not prevent a

municipal corporation, a joint economic development zone created 118050  
under section 715.691, or a joint economic development district 118051  
created under section 715.70 or 715.71 or sections 715.72 to 118052  
715.81 of the Revised Code from levying a tax on income. 118053

(D) This division applies only to taxable years of a trust 118054  
beginning in 2002 or thereafter. 118055

(1) The tax imposed by this section on a trust shall be 118056  
computed by multiplying the Ohio modified taxable income of the 118057  
trust by the rates prescribed by division (A) of this section. 118058

(2) A resident trust may claim a credit against the tax 118059  
computed under division (D) of this section equal to the lesser of 118060  
(1) the tax paid to another state or the District of Columbia on 118061  
the resident trust's modified nonbusiness income, other than the 118062  
portion of the resident trust's nonbusiness income that is 118063  
qualifying investment income as defined in section 5747.012 of the 118064  
Revised Code, or (2) the effective tax rate, based on modified 118065  
Ohio taxable income, multiplied by the resident trust's modified 118066  
nonbusiness income other than the portion of the resident trust's 118067  
nonbusiness income that is qualifying investment income. The 118068  
credit applies before any other applicable credits. 118069

(3) The credits enumerated in divisions (A)(1) to (13) of 118070  
section 5747.98 of the Revised Code do not apply to a trust 118071  
subject to division (D) of this section. Any credits enumerated in 118072  
other divisions of section 5747.98 of the Revised Code apply to a 118073  
trust subject to division (D) of this section. To the extent that 118074  
the trust distributes income for the taxable year for which a 118075  
credit is available to the trust, the credit shall be shared by 118076  
the trust and its beneficiaries. The tax commissioner and the 118077  
trust shall be guided by applicable regulations of the United 118078  
States treasury regarding the sharing of credits. 118079

(E) For the purposes of this section, "trust" means any trust 118080

described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

**Sec. 5747.022.** An individual subject to the tax imposed by section 5747.02 of the Revised Code may claim a credit equal to twenty dollars times the number of exemptions allowed for the taxpayer, ~~his~~ the taxpayer's spouse, and each dependent under section 5747.02 of the Revised Code. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. The credit shall not be considered in determining the taxes required to be withheld under section 5747.06 of the Revised Code or the estimated taxes required to be paid under section 5747.09 of the Revised Code. In the case of an individual with respect to whom an exemption under section 5747.02 of the Revised Code is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, the "number of exemptions allowed" for purposes of calculating the credit allowed under this section to such individual for the individual's taxable year shall not include an exemption for the individual.

**Sec. 5747.025.** (A) The Except as otherwise provided in this division, the personal exemption for the taxpayer and the taxpayer's spouse shall be seven hundred fifty dollars each for

the taxable year beginning in 1996, eight hundred fifty dollars 118112  
each for the taxable year beginning in 1997, nine hundred fifty 118113  
dollars each for the taxable year beginning in 1998, and one 118114  
thousand fifty dollars each for the taxable year beginning in 1999 118115  
and taxable years beginning after 1999. The personal exemption 118116  
amount prescribed in this division for taxable years beginning 118117  
after 1999 shall be adjusted each year in the manner prescribed in 118118  
division (C) of this section. In the case of an individual with 118119  
respect to whom an exemption under section 5747.02 of the Revised 118120  
Code is allowable to another taxpayer for a taxable year beginning 118121  
in the calendar year in which the individual's taxable year 118122  
begins, the exemption amount applicable to such individual for 118123  
such individual's taxable year shall be zero. 118124

(B) The personal exemption for each dependent shall be eight 118125  
hundred fifty dollars for the taxable year beginning in 1996, and 118126  
one thousand fifty dollars for the taxable year beginning in 1997 118127  
and taxable years beginning after 1997. The personal exemption 118128  
amount prescribed in this division for taxable years beginning 118129  
after 1999 shall be adjusted each year in the manner prescribed in 118130  
division (C) of this section. 118131

(C) In ~~September~~ August of each year, ~~beginning in 2000~~, the 118132  
tax commissioner shall determine the percentage increase in the 118133  
gross domestic product deflator determined by the bureau of 118134  
economic analysis of the United States department of commerce from 118135  
the first day of January of the preceding calendar year to the 118136  
last day of December of the preceding year, and adjust the 118137  
personal exemption amount for taxable years beginning in the 118138  
current calendar year by multiplying that amount by the percentage 118139  
increase in the gross domestic product deflator for that period; 118140  
adding the resulting product to the personal exemption amount for 118141  
taxable years beginning in the preceding calendar year; and 118142  
rounding the resulting sum upward to the nearest multiple of fifty 118143

dollars. The commissioner shall not make such an adjustment in any 118144  
calendar year in which the amount resulting from the adjustment 118145  
would be less than the amount resulting from the adjustment in the 118146  
preceding calendar year. 118147

**Sec. 5747.08.** An annual return with respect to the tax 118148  
imposed by section 5747.02 of the Revised Code and each tax 118149  
imposed under Chapter 5748. of the Revised Code shall be made by 118150  
every taxpayer for any taxable year for which the taxpayer is 118151  
liable for the tax imposed by that section or under that chapter, 118152  
unless the total credits allowed under divisions (E), (F), and (G) 118153  
of section 5747.05 of the Revised Code for the year are equal to 118154  
or exceed the tax imposed by section 5747.02 of the Revised Code, 118155  
in which case no return shall be required unless the taxpayer is 118156  
liable for a tax imposed pursuant to Chapter 5748. of the Revised 118157  
Code. 118158

(A) If an individual is deceased, any return or notice 118159  
required of that individual under this chapter shall be made and 118160  
filed by that decedent's executor, administrator, or other person 118161  
charged with the property of that decedent. 118162

(B) If an individual is unable to make a return or notice 118163  
required by this chapter, the return or notice required of that 118164  
individual shall be made and filed by the individual's duly 118165  
authorized agent, guardian, conservator, fiduciary, or other 118166  
person charged with the care of the person or property of that 118167  
individual. 118168

(C) Returns or notices required of an estate or a trust shall 118169  
be made and filed by the fiduciary of the estate or trust. 118170

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 118171  
of this section, any pass-through entity may file a single return 118172  
on behalf of one or more of the entity's investors other than an 118173  
investor that is a person subject to the tax imposed under section 118174

5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02,



5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (J) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (J) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement credit under division (B) of section 5747.055 of the Revised Code;

(b) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(c) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;

(d) The dependent care credit under section 5747.054 of the Revised Code;

(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                  | 118237<br>118238                                                             |
| (h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                               | 118239<br>118240                                                             |
| (i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                            | 118241<br>118242                                                             |
| (j) The joint filing credit under division (G) of section 5747.05 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 118243<br>118244                                                             |
| (k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 118245<br>118246                                                             |
| (l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                         | 118247<br>118248                                                             |
| (m) The low-income credit under section 5747.056 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 118249<br>118250                                                             |
| (3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.                     | 118251<br>118252<br>118253<br>118254<br>118255<br>118256<br>118257<br>118258 |
| (4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or | 118259<br>118260<br>118261<br>118262<br>118263<br>118264<br>118265<br>118266 |

underpaid taxes, interest, interest penalty, or penalties as a 118267  
result of the pass-through entity's making the election provided 118268  
for under division (D) of this section. For the purposes of 118269  
division (D) of this section, "correct tax due" means the tax that 118270  
would have been paid by the pass-through entity had the single 118271  
return been filed in a manner reflecting the commissioner's 118272  
findings. Nothing in division (D) of this section shall be 118273  
construed to make or hold a pass-through entity liable for tax 118274  
attributable to a pass-through entity investor's income from a 118275  
source other than the pass-through entity electing to file the 118276  
single return. 118277

(E) If a husband and wife file a joint federal income tax 118278  
return for a taxable year, they shall file a joint return under 118279  
this section for that taxable year, and their liabilities are 118280  
joint and several, but, if the federal income tax liability of 118281  
either spouse is determined on a separate federal income tax 118282  
return, they shall file separate returns under this section. 118283

If either spouse is not required to file a federal income tax 118284  
return and either or both are required to file a return pursuant 118285  
to this chapter, they may elect to file separate or joint returns, 118286  
and, pursuant to that election, their liabilities are separate or 118287  
joint and several. If a husband and wife file separate returns 118288  
pursuant to this chapter, each must claim the taxpayer's own 118289  
exemption, but not both, as authorized under section 5747.02 of 118290  
the Revised Code on the taxpayer's own return. 118291

(F) Each return or notice required to be filed under this 118292  
section shall contain the signature of the taxpayer or the 118293  
taxpayer's duly authorized agent and of the person who prepared 118294  
the return for the taxpayer, and shall include the taxpayer's 118295  
social security number. Each return shall be verified by a 118296  
declaration under the penalties of perjury. The tax commissioner 118297  
shall prescribe the form that the signature and declaration shall 118298

take. 118299

(G) Each return or notice required to be filed under this 118300  
section shall be made and filed as required by section 5747.04 of 118301  
the Revised Code, on or before the fifteenth day of April of each 118302  
year, on forms that the tax commissioner shall prescribe, together 118303  
with remittance made payable to the treasurer of state in the 118304  
combined amount of the state and all school district income taxes 118305  
shown to be due on the form, ~~unless the combined amount shown to~~ 118306  
~~be due is one dollar or less, in which case that amount need not~~ 118307  
~~be remitted.~~ 118308

Upon good cause shown, the commissioner may extend the period 118309  
for filing any notice or return required to be filed under this 118310  
section and may adopt rules relating to extensions. If the 118311  
extension results in an extension of time for the payment of any 118312  
state or school district income tax liability with respect to 118313  
which the return is filed, the taxpayer shall pay at the time the 118314  
tax liability is paid an amount of interest computed at the rate 118315  
per annum prescribed by section 5703.47 of the Revised Code on 118316  
that liability from the time that payment is due without extension 118317  
to the time of actual payment. Except as provided in section 118318  
5747.132 of the Revised Code, in addition to all other interest 118319  
charges and penalties, all taxes imposed under this chapter or 118320  
Chapter 5748. of the Revised Code and remaining unpaid after they 118321  
become due, except combined amounts due of one dollar or less, 118322  
bear interest at the rate per annum prescribed by section 5703.47 118323  
of the Revised Code until paid or until the day an assessment is 118324  
issued under section 5747.13 of the Revised Code, whichever occurs 118325  
first. 118326

If the commissioner considers it necessary in order to ensure 118327  
the payment of the tax imposed by section 5747.02 of the Revised 118328  
Code or any tax imposed under Chapter 5748. of the Revised Code, 118329  
the commissioner may require returns and payments to be made 118330

otherwise than as provided in this section. 118331

To the extent that any provision in this division conflicts 118332  
with any provision in section 5747.026 of the Revised Code, the 118333  
provision in that section prevails. 118334

(H) If any report, claim, statement, or other document 118335  
required to be filed, or any payment required to be made, within a 118336  
prescribed period or on or before a prescribed date under this 118337  
chapter is delivered after that period or that date by United 118338  
States mail to the agency, officer, or office with which the 118339  
report, claim, statement, or other document is required to be 118340  
filed, or to which the payment is required to be made, the date of 118341  
the postmark stamped on the cover in which the report, claim, 118342  
statement, or other document, or payment is mailed shall be deemed 118343  
to be the date of delivery or the date of payment. 118344

If a payment is required to be made by electronic funds 118345  
transfer pursuant to section 5747.072 of the Revised Code, the 118346  
payment is considered to be made when the payment is received by 118347  
the treasurer of state or credited to an account designated by the 118348  
treasurer of state for the receipt of tax payments. 118349

"The date of the postmark" means, in the event there is more 118350  
than one date on the cover, the earliest date imprinted on the 118351  
cover by the United States postal service. 118352

(I) The amounts withheld by an employer pursuant to section 118353  
5747.06 of the Revised Code, a casino operator pursuant to section 118354  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 118355  
section 5747.064 of the Revised Code shall be allowed to the 118356  
recipient of the compensation casino winnings, or lottery prize 118357  
award as credits against payment of the appropriate taxes imposed 118358  
on the recipient by section 5747.02 and under Chapter 5748. of the 118359  
Revised Code. 118360

~~(J) If, in accordance with division (D) of this section, a 118361~~

pass-through entity elects to file a single return under division 118362  
(D) of this section and if any investor is required to file the 118363  
annual return and make the payment of taxes required by this 118364  
chapter on account of the investor's other income that is not 118365  
included in a single return filed by a pass-through entity or any 118366  
other investor elects to file the annual return, the investor is 118367  
entitled to a refundable credit equal to the investor's 118368  
proportionate share of the tax paid by the pass-through entity on 118369  
behalf of the investor. The investor shall claim the credit for 118370  
the investor's taxable year in which or with which ends the 118371  
taxable year of the pass-through entity. Nothing in this chapter 118372  
shall be construed to allow any credit provided in this chapter to 118373  
be claimed more than once. For the ~~purposes~~ purpose of computing 118374  
any interest, penalty, or interest penalty, the investor shall be 118375  
deemed to have paid the refundable credit provided by this 118376  
division on the day that the pass-through entity paid the 118377  
estimated tax or the tax giving rise to the credit. 118378

(K) The tax commissioner shall ensure that each return 118379  
required to be filed under this section includes a box that the 118380  
taxpayer may check to authorize a paid tax preparer who prepared 118381  
the return to communicate with the department of taxation about 118382  
matters pertaining to the return. The return or instructions 118383  
accompanying the return shall indicate that by checking the box 118384  
the taxpayer authorizes the department of taxation to contact the 118385  
preparer concerning questions that arise during the processing of 118386  
the return and authorizes the preparer only to provide the 118387  
department with information that is missing from the return, to 118388  
contact the department for information about the processing of the 118389  
return or the status of the taxpayer's refund or payments, and to 118390  
respond to notices about mathematical errors, offsets, or return 118391  
preparation that the taxpayer has received from the department and 118392  
has shown to the preparer. 118393

(L) The tax commissioner shall permit individual taxpayers to 118394  
instruct the department of taxation to cause any refund of 118395  
overpaid taxes to be deposited directly into a checking account, 118396  
savings account, or an individual retirement account or individual 118397  
retirement annuity, or preexisting college savings plan or program 118398  
account offered by the Ohio tuition trust authority under Chapter 118399  
3334. of the Revised Code, as designated by the taxpayer, when the 118400  
taxpayer files the annual return required by this section 118401  
electronically. 118402

(M) The tax commissioner may adopt rules to administer this 118403  
section. 118404

**Sec. 5747.10.** If any of the facts, figures, computations, or 118405  
attachments required in a taxpayer's annual return to determine 118406  
the tax charged by this chapter or Chapter 5748. of the Revised 118407  
Code must be altered as the result of an adjustment to the 118408  
taxpayer's federal income tax return, whether initiated by the 118409  
taxpayer or the internal revenue service, and such alteration 118410  
affects the taxpayer's tax liability under this chapter or Chapter 118411  
5748. of the Revised Code, the taxpayer shall file an amended 118412  
return with the tax commissioner in such form as the commissioner 118413  
requires. The amended return shall be filed not later than sixty 118414  
days after the adjustment has been agreed to or finally determined 118415  
for federal income tax purposes or any federal income tax 118416  
deficiency or refund, or the abatement or credit resulting 118417  
therefrom, has been assessed or paid, whichever occurs first. 118418

(A) In the case of an underpayment, the amended return shall 118419  
be accompanied by payment of any combined additional tax due 118420  
together with interest thereon. ~~If the combined tax shown to be 118421  
due is one dollar or less, such amount need not accompany the 118422  
amended return.~~ An amended return required by this section is a 118423  
return subject to assessment under section 5747.13 of the Revised 118424

Code for the purpose of assessing any additional tax due under 118425  
this section, together with any applicable penalty and interest. 118426  
It shall not reopen those facts, figures, computations, or 118427  
attachments from a previously filed return no longer subject to 118428  
assessment that are not affected, either directly or indirectly, 118429  
by the adjustment to the taxpayer's federal income tax return. 118430

(B) In the case of an overpayment, an application for refund 118431  
may be filed under this division within the sixty-day period 118432  
prescribed for filing the amended return even if it is filed 118433  
beyond the period prescribed in section 5747.11 of the Revised 118434  
Code if it otherwise conforms to the requirements of such section. 118435  
An application filed under this division shall claim refund of 118436  
overpayments resulting from alterations to only those facts, 118437  
figures, computations, or attachments required in the taxpayer's 118438  
annual return that are affected, either directly or indirectly, by 118439  
the adjustment to the taxpayer's federal income tax return unless 118440  
it is also filed within the time prescribed in section 5747.11 of 118441  
the Revised Code. It shall not reopen those facts, figures, 118442  
computations, or attachments that are not affected, either 118443  
directly or indirectly, by the adjustment to the taxpayer's 118444  
federal income tax return. 118445

**Sec. 5747.11.** (A) The tax commissioner shall refund to 118446  
employers, qualifying entities, or taxpayers, ~~with respect to any~~ 118447  
subject to a tax imposed under section 5733.41, 5747.02, or 118448  
5747.41, or Chapter 5748. of the Revised Code: 118449

~~(1) Overpayments of more than one dollar;~~ 118450

~~(2) Amounts in excess of one dollar paid illegally or~~ 118451  
~~erroneously;~~ 118452

~~(3) Amounts in excess of one dollar paid on an illegal,~~ 118453  
~~erroneous, or excessive assessment~~ the amount of any overpayment 118454  
of such tax. 118455



(B) Except as otherwise provided under divisions (D) and (E) 118456  
of this section, applications for refund shall be filed with the 118457  
tax commissioner, on the form prescribed by the commissioner, 118458  
within four years from the date of the illegal, erroneous, or 118459  
excessive payment of the tax, or within any additional period 118460  
allowed by division (B)(3)(b) of section 5747.05, division (B) of 118461  
section 5747.10, division (A) of section 5747.13, or division (C) 118462  
of section 5747.45 of the Revised Code. 118463

On filing of the refund application, the commissioner shall 118464  
determine the amount of refund due and, if that amount exceeds one 118465  
dollar, certify such amount to the director of budget and 118466  
management and treasurer of state for payment from the tax refund 118467  
fund created by section 5703.052 of the Revised Code. Payment 118468  
shall be made as provided in division (C) of section 126.35 of the 118469  
Revised Code. 118470

~~(C)(1) Interest shall be allowed and paid upon any illegal or 118471  
erroneous assessment in excess of one dollar in respect of the tax 118472  
imposed under section 5747.02 or Chapter 5748. of the Revised Code 118473  
at the rate per annum prescribed by section 5703.47 of the Revised 118474  
Code from the date of the payment of the illegal or erroneous 118475  
assessment until the date the refund of such amount is paid. If 118476  
such refund results from the filing of a return or report, or the 118477  
payment accompanying such return or report, by an employer or 118478  
taxpayer, rather than from an assessment by the commissioner, such 118479  
interest shall run from a period ninety days after the final 118480  
filing date of the annual return until the date the refund is 118481  
paid. 118482~~

~~(2) Interest shall be allowed and paid at the rate per annum 118483  
prescribed by section 5703.47 of the Revised Code upon any 118484  
overpayment in excess of one dollar in respect of on amounts 118485  
refunded with respect to the tax imposed under section 5747.02 or 118486  
Chapter 5748. of the Revised Code from the date of the overpayment 118487~~

until the date of the refund of the overpayment, except that if 118488  
any overpayment is refunded within ninety days after the final 118489  
filing date of the annual return or ninety days after the return 118490  
is filed, whichever is later, no interest shall be allowed on such 118491  
overpayment. If the overpayment results from the carryback of a 118492  
net operating loss or net capital loss to a previous taxable year, 118493  
the overpayment is deemed not to have been made prior to the 118494  
filing date, including any extension thereof, for the taxable year 118495  
in which the net operating loss or net capital loss arises. For 118496  
purposes of the payment of interest on overpayments, no amount of 118497  
tax, for any taxable year, shall be treated as having been paid 118498  
before the date on which the tax return for that year was due 118499  
without regard to any extension of time for filing such return. 118500

~~(3)~~(2) Interest shall be allowed at the rate per annum 118501  
prescribed by section 5703.47 of the Revised Code on amounts 118502  
refunded with respect to the taxes imposed under sections 5733.41 118503  
and 5747.41 of the Revised Code. The interest shall run from 118504  
whichever of the following days is the latest until the day the 118505  
refund is paid: the day the illegal, erroneous, or excessive 118506  
payment was made; the ninetieth day after the final day the annual 118507  
report was required to be filed under section 5747.42 of the 118508  
Revised Code; or the ninetieth day after the day that report was 118509  
filed. 118510

(D) "Ninety days" shall be substituted for "four years" in 118511  
division (B) of this section if the taxpayer satisfies both of the 118512  
following conditions: 118513

(1) The taxpayer has applied for a refund based in whole or 118514  
in part upon section 5747.059 of the Revised Code; 118515

(2) The taxpayer asserts that either the imposition or 118516  
collection of the tax imposed or charged by this chapter or any 118517  
portion of such tax violates the Constitution of the United States 118518  
or the Constitution of Ohio. 118519

(E)(1) Division (E)(2) of this section applies only if all of the following conditions are satisfied: 118520  
118521

(a) A qualifying entity pays an amount of the tax imposed by section 5733.41 or 5747.41 of the Revised Code; 118522  
118523

(b) The taxpayer is a qualifying investor as to that qualifying entity; 118524  
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(c) The taxpayer did not claim the credit provided for in section 5747.059 of the Revised Code as to the tax described in division (E)(1)(a) of this section; 118526  
118527  
118528

(d) The four-year period described in division (B) of this section has ended as to the taxable year for which the taxpayer otherwise would have claimed that credit. 118529  
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(2) A taxpayer shall file an application for refund pursuant to division (E) of this section within one year after the date the payment described in division (E)(1)(a) of this section is made. An application filed under division (E)(2) of this section shall claim refund only of overpayments resulting from the taxpayer's failure to claim the credit described in division (E)(1)(c) of this section. Nothing in division (E) of this section shall be construed to relieve a taxpayer from complying with division (A)(16) of section 5747.01 of the Revised Code. 118532  
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**Sec. 5747.113.** (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5101.98 of the Revised Code, the Ohio historical society income tax contribution fund created in section 149.308 of the Revised Code, or all of those funds may designate on the taxpayer's income 118541  
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tax return the amount that the taxpayer wishes to contribute to 118550  
the fund or funds. A designated contribution is irrevocable upon 118551  
the filing of the return and shall be made in the full amount 118552  
designated if the refund found due the taxpayer upon the initial 118553  
processing of the taxpayer's return, after any deductions 118554  
including those required by section 5747.12 of the Revised Code, 118555  
is greater than or equal to the designated contribution. If the 118556  
refund due as initially determined is less than the designated 118557  
contribution, the contribution shall be made in the full amount of 118558  
the refund. The tax commissioner shall subtract the amount of the 118559  
contribution from the amount of the refund initially found due the 118560  
taxpayer and shall certify the difference to the director of 118561  
budget and management and treasurer of state for payment to the 118562  
taxpayer in accordance with section 5747.11 of the Revised Code. 118563  
For the purpose of any subsequent determination of the taxpayer's 118564  
net tax payment, the contribution shall be considered a part of 118565  
the refund paid to the taxpayer. 118566

(B) The tax commissioner shall provide a space on the income 118567  
tax return form in which a taxpayer may indicate that the taxpayer 118568  
wishes to make a donation in accordance with this section. The tax 118569  
commissioner shall also print in the instructions accompanying the 118570  
income tax return form a description of the purposes for which the 118571  
natural areas and preserves fund, the nongame and endangered 118572  
wildlife fund, the military injury relief fund, and the Ohio 118573  
historical society income tax contribution fund were created and 118574  
the use of moneys from the income tax refund contribution system 118575  
established in this section. No person shall designate on the 118576  
person's income tax return any part of a refund claimed under 118577  
section 5747.11 of the Revised Code as a contribution to any fund 118578  
other than the natural areas and preserves fund, the nongame and 118579  
endangered wildlife fund, the military injury relief fund, or the 118580  
Ohio historical society income tax contribution fund. 118581

(C) The money collected under the income tax refund contribution system established in this section shall be deposited by the tax commissioner into the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, and the Ohio historical society income tax contribution fund in the amounts designated on the tax returns.

(D) No later than the thirtieth day of September each year, the tax commissioner shall determine the total amount contributed to each fund under this section during the preceding eight months, any adjustments to prior months, and the cost to the department of taxation of administering the income tax refund contribution system during that eight-month period. The commissioner shall make an additional determination no later than the thirty-first day of January of each year of the total amount contributed to each fund under this section during the preceding four calendar months, any adjustments to prior years made during that four-month period, and the cost to the department of taxation of administering the income tax contribution system during that period. The cost of administering the income tax contribution system shall be certified by the tax commissioner to the director of budget and management, who shall transfer an amount equal to one-fourth of such administrative costs from the natural areas and preserves fund, one-fourth of such costs from the nongame and endangered wildlife fund, one-fourth of such costs from the military injury relief fund, and one-fourth of such costs from the Ohio historical society income tax contribution fund to the ~~litter control and natural resource~~ income tax administration contribution fund, which is hereby created, provided that the moneys that the department receives to pay the cost of administering the income tax refund contribution system in any year shall not exceed two and one-half per cent of the total amount contributed under that system during that year.

(E)(1) The director of natural resources, in January of every odd-numbered year, shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the natural areas and preserves fund and the nongame and endangered wildlife fund. The report shall include the amount of money contributed to each fund in each of the previous five years, the amount of money contributed directly to each fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

(2) The director of job and family services and the director of the Ohio historical society, in January of every odd-numbered year, each shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the military injury relief fund and the Ohio historical society income tax contribution fund, respectively. The report shall include the amount of money contributed to the fund in each of the previous five years, the amount of money contributed directly to the fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

**Sec. 5747.122.** (A) The tax commissioner, in accordance with section 5101.184 of the Revised Code, shall cooperate with the director of job and family services to collect overpayments of assistance under Chapter 5107., ~~5111.~~ or 5115., former Chapter 5113., or section 5101.54 of the Revised Code from refunds of state income taxes for taxable year 1992 and thereafter that are payable to the recipients of such overpayments.

(B) At the request of the department of job and family services in connection with the collection of an overpayment of

assistance from a refund of state income taxes pursuant to this 118645  
section and section 5101.184 of the Revised Code, the tax 118646  
commissioner shall release to the department the home address and 118647  
social security number of any recipient of assistance whose 118648  
overpayment may be collected from a refund of state income taxes 118649  
under those sections. 118650

(C) In the case of a joint income tax return for two people 118651  
who were not married to each other at the time one of them 118652  
received an overpayment of assistance, only the portion of a 118653  
refund that is due to the recipient of the overpayment shall be 118654  
available for collection of the overpayment under this section and 118655  
section 5101.184 of the Revised Code. The tax commissioner shall 118656  
determine such portion. A recipient's spouse who objects to the 118657  
portion as determined by the commissioner may file a complaint 118658  
with the commissioner within twenty-one days after receiving 118659  
notice of the collection, and the commissioner shall afford the 118660  
spouse an opportunity to be heard on the complaint. The 118661  
commissioner shall waive or extend the twenty-one-day period if 118662  
the recipient's spouse establishes that such action is necessary 118663  
to avoid unjust, unfair, or unreasonable results. After the 118664  
hearing, the commissioner shall make a final determination of the 118665  
portion of the refund available for collection of the overpayment. 118666

(D) The welfare overpayment intercept fund is hereby created 118667  
in the state treasury. The tax commissioner shall deposit amounts 118668  
collected from income tax refunds under this section to the credit 118669  
of the welfare overpayment intercept fund. The director of job and 118670  
family services shall distribute money in the fund in accordance 118671  
with appropriate federal or state laws and procedures regarding 118672  
collection of welfare overpayments. 118673

**Sec. 5747.13.** (A) If any employer collects the tax imposed by 118674  
section 5747.02 or under Chapter 5748. of the Revised Code and 118675

fails to remit the tax as required by law, or fails to collect the 118676  
tax, the employer is personally liable for any amount collected 118677  
that the employer fails to remit, or any amount that the employer 118678  
fails to collect. If any taxpayer fails to file a return or fails 118679  
to pay the tax imposed by section 5747.02 or under Chapter 5748. 118680  
of the Revised Code, the taxpayer is personally liable for the 118681  
amount of the tax. 118682

If any employer, taxpayer, or qualifying entity required to 118683  
file a return under this chapter fails to file the return within 118684  
the time prescribed, files an incorrect return, fails to remit the 118685  
full amount of the taxes due for the period covered by the return, 118686  
or fails to remit any additional tax due as a result of a 118687  
reduction in the amount of the credit allowed under division (B) 118688  
of section 5747.05 of the Revised Code together with interest on 118689  
the additional tax within the time prescribed by that division, 118690  
the tax commissioner may make an assessment against any person 118691  
liable for any deficiency for the period for which the return is 118692  
or taxes are due, based upon any information in the commissioner's 118693  
possession. 118694

An assessment issued against either the employer or the 118695  
taxpayer pursuant to this section shall not be considered an 118696  
election of remedies or a bar to an assessment against the other 118697  
for failure to report or pay the same tax. No assessment shall be 118698  
issued against any person if the tax actually has been paid by 118699  
another. 118700

No assessment shall be made or issued against an employer, 118701  
taxpayer, or qualifying entity more than four years after the 118702  
final date the return subject to assessment was required to be 118703  
filed or the date the return was filed, whichever is later. 118704  
However, the commissioner may assess any balance due as the result 118705  
of a reduction in the credit allowed under division (B) of section 118706  
5747.05 of the Revised Code, including applicable penalty and 118707



interest, within four years of the date on which the taxpayer 118708  
reports a change in either the portion of the taxpayer's adjusted 118709  
gross income subjected to an income tax or tax measured by income 118710  
in another state or the District of Columbia, or the amount of 118711  
liability for an income tax or tax measured by income to another 118712  
state or the District of Columbia, as required by division (B)(3) 118713  
of section 5747.05 of the Revised Code. Such time limits may be 118714  
extended if both the employer, taxpayer, or qualifying entity and 118715  
the commissioner consent in writing to the extension or if an 118716  
agreement waiving or extending the time limits has been entered 118717  
into pursuant to section 122.171 of the Revised Code. Any such 118718  
extension shall extend the four-year time limit in division (B) of 118719  
section 5747.11 of the Revised Code for the same period of time. 118720  
There shall be no bar or limit to an assessment against an 118721  
employer for taxes withheld from employees and not remitted to the 118722  
state, against an employer, taxpayer, or qualifying entity that 118723  
fails to file a return subject to assessment as required by this 118724  
chapter, or against an employer, taxpayer, or qualifying entity 118725  
that files a fraudulent return. 118726

The commissioner shall give the party assessed written notice 118727  
of the assessment in the manner provided in section 5703.37 of the 118728  
Revised Code. With the notice, the commissioner shall provide 118729  
instructions on how to petition for reassessment and request a 118730  
hearing on the petition. 118731

(B) Unless the party assessed files with the tax commissioner 118732  
within sixty days after service of the notice of assessment, 118733  
either personally or by certified mail, a written petition for 118734  
reassessment, signed by the party assessed or that party's 118735  
authorized agent having knowledge of the facts, the assessment 118736  
becomes final, and the amount of the assessment is due and payable 118737  
from the party assessed to the commissioner with remittance made 118738  
payable to the treasurer of state. The petition shall indicate the 118739

objections of the party assessed, but additional objections may be 118740  
raised in writing if received by the commissioner prior to the 118741  
date shown on the final determination. If the petition has been 118742  
properly filed, the commissioner shall proceed under section 118743  
5703.60 of the Revised Code. 118744

(C) After an assessment becomes final, if any portion of the 118745  
assessment remains unpaid, including accrued interest, a certified 118746  
copy of the tax commissioner's entry making the assessment final 118747  
may be filed in the office of the clerk of the court of common 118748  
pleas in the county in which the employer's, taxpayer's, or 118749  
qualifying entity's place of business is located or the county in 118750  
which the party assessed resides. If the party assessed is not a 118751  
resident of this state, the certified copy of the entry may be 118752  
filed in the office of the clerk of the court of common pleas of 118753  
Franklin county. 118754

Immediately upon the filing of the entry, the clerk shall 118755  
enter a judgment against the party assessed in the amount shown on 118756  
the entry. The judgment shall be filed by the clerk in one of two 118757  
loose-leaf books, one entitled "special judgments for state and 118758  
school district income taxes," and the other entitled "special 118759  
judgments for qualifying entity taxes." The judgment shall have 118760  
the same effect as other judgments. Execution shall issue upon the 118761  
judgment upon the request of the tax commissioner, and all laws 118762  
applicable to sales on execution shall apply to sales made under 118763  
the judgment. 118764

The portion of If the assessment is not paid in its entirety 118765  
within sixty days after the assessment was issued, the portion of 118766  
the assessment consisting of tax due shall bear interest at the 118767  
rate per annum prescribed by section 5703.47 of the Revised Code 118768  
from the day the tax commissioner issues the assessment until it 118769  
is paid or until it is certified to the attorney general for 118770  
collection under section 131.02 of the Revised Code, whichever 118771

comes first. If the unpaid portion of the assessment is certified 118772  
to the attorney general for collection, the entire unpaid portion 118773  
of the assessment shall bear interest at the rate per annum 118774  
prescribed by section 5703.47 of the Revised Code from the date of 118775  
certification until the date it is paid in its entirety. Interest 118776  
shall be paid in the same manner as the tax and may be collected 118777  
by the issuance of an assessment under this section. 118778

(D) All money collected under this section shall be 118779  
considered as revenue arising from the taxes imposed by this 118780  
chapter or Chapter 5733. or 5748. of the Revised Code, as 118781  
appropriate. 118782

(E) If the party assessed files a petition for reassessment 118783  
under division (B) of this section, the person, on or before the 118784  
last day the petition may be filed, shall pay the assessed amount, 118785  
including assessed interest and assessed penalties, if any of the 118786  
following conditions exists: 118787

(1) The person files a tax return reporting Ohio adjusted 118788  
gross income, less the exemptions allowed by section 5747.025 of 118789  
the Revised Code, in an amount less than one cent, and the 118790  
reported amount is not based on the computations required under 118791  
division (A) of section 5747.01 or section 5747.025 of the Revised 118792  
Code. 118793

(2) The person files a tax return that the tax commissioner 118794  
determines to be incomplete, false, fraudulent, or frivolous. 118795

(3) The person fails to file a tax return, and the basis for 118796  
this failure is not either of the following: 118797

(a) An assertion that the person has no nexus with this 118798  
state; 118799

(b) The computations required under division (A) of section 118800  
5747.01 of the Revised Code or the application of credits allowed 118801  
under this chapter has the result that the person's tax liability 118802

is less than one dollar and one cent. 118803

(F) Notwithstanding the fact that a petition for reassessment 118804  
is pending, the petitioner may pay all or a portion of the 118805  
assessment that is the subject of the petition. The acceptance of 118806  
a payment by the treasurer of state does not prejudice any claim 118807  
for refund upon final determination of the petition. 118808

If upon final determination of the petition an error in the 118809  
assessment is corrected by the tax commissioner, upon petition so 118810  
filed or pursuant to a decision of the board of tax appeals or any 118811  
court to which the determination or decision has been appealed, so 118812  
that the amount due from the party assessed under the corrected 118813  
assessment is less than the portion paid, there shall be issued to 118814  
the petitioner or to the petitioner's assigns or legal 118815  
representative a refund in the amount of the overpayment as 118816  
provided by section 5747.11 of the Revised Code, with interest on 118817  
that amount as provided by such section, subject to section 118818  
5747.12 of the Revised Code. 118819

**Sec. 5747.21.** (A) This section applies solely for the 118820  
purposes of computing the credit allowed under division (A) of 118821  
section 5747.05 of the Revised Code, computing income taxable in 118822  
this state under division (D) of section 5747.08 of the Revised 118823  
Code, and computing the credit allowed under section 5747.057 of 118824  
the Revised Code. 118825

(B) Except as otherwise provided under ~~sections 5747.211 and~~ 118826  
section 5747.212 of the Revised Code, all items of business income 118827  
and business deduction shall be apportioned to this state by 118828  
multiplying the adjusted gross income by the fraction calculated 118829  
under division (B)(2) of section 5733.05 and section 5733.057 of 118830  
the Revised Code as if the taxpayer's business were a corporation 118831  
subject to the tax imposed by section 5733.06 of the Revised Code. 118832

(C) If the allocation and apportionment provisions of 118833

sections 5747.20 to 5747.23 of the Revised Code or of any rule adopted by the tax commissioner, do not fairly represent the extent of business activity in this state of a taxpayer or pass-through entity, the taxpayer or pass-through entity may request, which request must be in writing accompanying ~~the~~ a timely filed return or timely filed amended return, or the tax commissioner may require, in respect of all or any part of the business activity, if reasonable, any one or more of the following:

- (1) Separate accounting;
- (2) The exclusion of one or more factors;
- (3) The inclusion of one or more additional factors which will fairly represent the business activity in this state;
- (4) The employment of any other method to effectuate an equitable allocation and apportionment of such business in this state. An alternative method will be effective only with approval of the tax commissioner.

The tax commissioner may adopt rules in the manner provided by sections 5703.14 and 5747.18 of the Revised Code providing for alternative methods of calculating business income and nonbusiness income applicable to all taxpayers and pass-through entities, to classes of taxpayers and pass-through entities, or only to taxpayers and pass-through entities within a certain industry.

**Sec. 5747.47.** (A)(1) By the ~~twentieth~~ twenty-fifth day of July of each year, the tax commissioner shall estimate and certify the following for each county to its county auditor:

- (a) Its guaranteed share of the ensuing year's fund balance;
- (b) Its share of the excess of the ensuing year's fund balance;
- (c) Its total entitlement.

(2) In December and in June following such estimations and 118864  
certifications, the commissioner shall revise such estimates and 118865  
certify such revised estimates to the respective county auditors. 118866

(B) By the tenth day of each month the commissioner shall 118867  
distribute the amount credited to the public library fund in the 118868  
current month under section 131.51 of the Revised Code. The 118869  
distributions shall be made as follows: 118870

(1) During the first six months of each year, each county 118871  
shall be paid a percentage of the balance that is the same per 118872  
cent that the revised estimate of the county's total entitlement 118873  
certified in December under division (A)(2) of this section is of 118874  
the sum of such revised estimates of the total entitlements for 118875  
all counties. 118876

(2) During the last six months, each county shall be paid a 118877  
percentage of the balance that is the same per cent that the 118878  
revised estimate of the county's total entitlement certified in 118879  
June under division (A)(2) of this section is of the sum of such 118880  
revised estimates of the total entitlements for all counties. 118881

(3) During each of the first six months of each year, the 118882  
payments made to each county shall be adjusted as follows: 118883

(a) If the county received an overpayment during the 118884  
preceding distribution year, reduce the sum of the payments by the 118885  
amount of such overpayment. The reduction shall be apportioned 118886  
over the six months. 118887

(b) If the county received an underpayment during the 118888  
preceding distribution year, increase the sum of the payments by 118889  
the amount of such underpayment. The increase shall be apportioned 118890  
over the six months. 118891

(C) By the twentieth day of December of each year, the tax 118892  
commissioner shall determine and certify to the auditor of each 118893  
county each of the following with respect to the current 118894

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| distribution year:                                                       | 118895 |
| (1) The year's fund balance;                                             | 118896 |
| (2) Each county's guaranteed share;                                      | 118897 |
| (3) Each county's share of the excess;                                   | 118898 |
| (4) Each county's total entitlement;                                     | 118899 |
| (5) Each county's net distribution;                                      | 118900 |
| (6) The amount by which each county's net distribution                   | 118901 |
| exceeded or was less than its total entitlement, which amount            | 118902 |
| shall constitute the county's overpayment or underpayment for            | 118903 |
| purposes of division (B)(3) of this section in the ensuing               | 118904 |
| distribution year.                                                       | 118905 |
| <br>                                                                     |        |
| <b>Sec. 5747.501.</b> (A) On or before the twenty-fifth day of July      | 118906 |
| of each year, the tax commissioner shall estimate and certify to         | 118907 |
| each county auditor the amount to be distributed from the local          | 118908 |
| government fund to each undivided local government fund during the       | 118909 |
| following calendar year under section 5747.50 of the Revised Code.       | 118910 |
| The estimate shall equal the sum of the separate amounts computed        | 118911 |
| under divisions (B)(1) and (2) of this section.                          | 118912 |
| <br>                                                                     |        |
| (B)(1) The product obtained by multiplying the percentage                | 118913 |
| described in division (B)(1)(a) of this section by the amount            | 118914 |
| described in division (B)(1)(b) of this section.                         | 118915 |
| <br>                                                                     |        |
| (a) Each county's proportionate share of the total amount                | 118916 |
| distributed to the counties from the local government fund and the       | 118917 |
| local government revenue assistance fund during calendar year            | 118918 |
| 2007. <u>In fiscal year 2014 and thereafter, the amount distributed</u>  | 118919 |
| <u>to any county undivided local government fund shall be an amount</u>  | 118920 |
| <u>not less than seven hundred fifty thousand dollars or the amount</u>  | 118921 |
| <u>distributed to such fund in fiscal year 2013, whichever amount is</u> | 118922 |
| <u>smaller. To the extent necessary to implement this minimum</u>        | 118923 |
| <u>distribution requirement, the proportionate shares computed under</u> | 118924 |

this division shall be adjusted accordingly. 118925

(b) The total amount distributed to counties from the local 118926  
government fund and the local government revenue assistance fund 118927  
during calendar year 2007 adjusted downward if, and to the extent 118928  
that, total local government fund distributions to counties for 118929  
the following year are projected to be less than what was 118930  
distributed to counties from the local government fund and local 118931  
government revenue assistance fund during calendar year 2007. 118932

(2) The product obtained by multiplying the percentage 118933  
described in division (B)(2)(a) of this section by the amount 118934  
described in division (B)(2)(b) of this section. 118935

(a) Each county's proportionate share of the state's 118936  
population as reflected in the most recent federal decennial 118937  
census or the federal government's most recent census estimates, 118938  
whichever represents the most recent year. 118939

(b) The amount by which total estimated distributions from 118940  
the local government fund during the immediately succeeding 118941  
calendar year, less the total estimated amount to be distributed 118942  
from the fund to municipal corporations under division (C) of 118943  
section 5747.50 of the Revised Code during the immediately 118944  
succeeding calendar year, exceed the total amount distributed to 118945  
counties from the local government fund and local government 118946  
revenue assistance fund during calendar year 2007. 118947

**Sec. 5747.76.** (A) As used in this section, "certificate 118948  
owner" has the same meaning as in section 149.311 of the Revised 118949  
Code. 118950

(B) There is allowed a credit against the tax imposed under 118951  
section 5747.02 of the Revised Code for a taxpayer that is the 118952  
certificate owner of a rehabilitation tax credit certificate 118953  
issued under section 149.311 of the Revised Code. The credit shall 118954



equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of credit allowed for any taxpayer shall not exceed ~~five~~ ten million dollars. The credit shall be claimed for the taxable year specified in the certificate and in the order required under section 5747.98 of the Revised Code.

(C) Nothing in this section limits or disallows pass-through treatment of the credit if the certificate owner is a pass-through entity. If the certificate owner is a pass-through entity, the amount of the credit allowed for the pass-through entity shall not exceed five million dollars. If the certificate owner is a pass-through entity, the credit may be allocated among the entity's equity owners in proportion to their ownership interests or in such proportions or amounts as the equity owners mutually agree.

(D) If the credit allowed for any taxable year exceeds the tax otherwise due under section 5747.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by section 5747.98 of the Revised Code, the excess shall be refunded to the taxpayer but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due for that year shall not exceed three million dollars or, if the certificate owner is a pass-through entity, shall not exceed the taxpayer's distributive or proportionate share, as allocated under division (C) of this section, of three million dollars. The taxpayer may carry forward any balance of the credit in excess of the amount claimed for that year for not more than five ensuing taxable years, and shall deduct any amount claimed for any such year from the amount claimed in an ensuing year.

(E) A taxpayer claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the taxable year to which the credit was

applied, and shall make the certificate available for inspection 118987  
by the tax commissioner upon the request of the tax commissioner 118988  
during that period. 118989

**Sec. 5747.98.** (A) To provide a uniform procedure for 118990  
calculating the amount of tax due under section 5747.02 of the 118991  
Revised Code, a taxpayer shall claim any credits to which the 118992  
taxpayer is entitled in the following order: 118993

(1) The retirement income credit under division (B) of 118994  
section 5747.055 of the Revised Code; 118995

(2) The senior citizen credit under division (C) of section 118996  
5747.05 of the Revised Code; 118997

(3) The lump sum distribution credit under division (D) of 118998  
section 5747.05 of the Revised Code; 118999

(4) The dependent care credit under section 5747.054 of the 119000  
Revised Code; 119001

(5) The lump sum retirement income credit under division (C) 119002  
of section 5747.055 of the Revised Code; 119003

(6) The lump sum retirement income credit under division (D) 119004  
of section 5747.055 of the Revised Code; 119005

(7) The lump sum retirement income credit under division (E) 119006  
of section 5747.055 of the Revised Code; 119007

(8) The low-income credit under section 5747.056 of the 119008  
Revised Code; 119009

(9) The credit for displaced workers who pay for job training 119010  
under section 5747.27 of the Revised Code; 119011

(10) The campaign contribution credit under section 5747.29 119012  
of the Revised Code; 119013

(11) The twenty-dollar personal exemption credit under 119014  
section 5747.022 of the Revised Code; 119015

|                                                                                                                                                                 |                            |
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| (12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;                                                                         | 119016<br>119017           |
| (13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;                                                                          | 119018<br>119019           |
| (14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;                                                 | 119020<br>119021           |
| (15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;                                 | 119022<br>119023           |
| (16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;                                            | 119024<br>119025           |
| (17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;                                                                        | 119026<br>119027           |
| (18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;                                                               | 119028<br>119029           |
| (19) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;                                                         | 119030<br>119031           |
| (20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;                                                                         | 119032<br>119033           |
| (21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code; | 119034<br>119035<br>119036 |
| (22) The job training credit under section 5747.39 of the Revised Code;                                                                                         | 119037<br>119038           |
| (23) The enterprise zone credit under section 5709.66 of the Revised Code;                                                                                      | 119039<br>119040           |
| (24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;                                            | 119041<br>119042           |
| (25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;                                          | 119043<br>119044           |

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| (26) The ethanol plant investment credit under section 5747.75 of the Revised Code;                                                                                                                           | 119045<br>119046           |
| (27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;                                                                                              | 119047<br>119048           |
| (28) The small business investment credit under section 5747.81 of the Revised Code;                                                                                                                          | 119049<br>119050           |
| <del>(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;</del>                                                                          | 119051<br>119052           |
| <del>(30)</del> The enterprise zone credits under section 5709.65 of the Revised Code;                                                                                                                        | 119053<br>119054           |
| <del>(31)</del> <u>(30)</u> The research and development credit under section 5747.331 of the Revised Code;                                                                                                   | 119055<br>119056           |
| <del>(32)</del> <u>(31)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                                                                                      | 119057<br>119058           |
| <del>(33)</del> <u>(32)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                                                                           | 119059<br>119060           |
| <del>(34)</del> <u>(33)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;                                                           | 119061<br>119062           |
| <del>(35)</del> <u>(34)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;                                                                   | 119063<br>119064           |
| <del>(36)</del> <u>(35)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;                                      | 119065<br>119066<br>119067 |
| <del>(37)</del> <u>(36)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code; | 119068<br>119069<br>119070 |
| <del>(38)</del> <u>(37)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code.                                                                                        | 119071<br>119072           |
| <del>(39)</del> <u>(38)</u> The refundable credit for financial institution                                                                                                                                   | 119073                     |

taxes paid by a pass-through entity granted under section 5747.65 119074  
of the Revised Code. 119075

(B) For any credit, except the refundable credits enumerated 119076  
in this section and the credit granted under division (I) of 119077  
section 5747.08 of the Revised Code, the amount of the credit for 119078  
a taxable year shall not exceed the tax due after allowing for any 119079  
other credit that precedes it in the order required under this 119080  
section. Any excess amount of a particular credit may be carried 119081  
forward if authorized under the section creating that credit. 119082  
Nothing in this chapter shall be construed to allow a taxpayer to 119083  
claim, directly or indirectly, a credit more than once for a 119084  
taxable year. 119085

**Sec. 5749.02.** (A) For the purpose of providing revenue to 119086  
administer the state's coal mining and reclamation regulatory 119087  
program, to meet the environmental and resource management needs 119088  
of this state, and to reclaim land affected by mining, an excise 119089  
tax is hereby levied on the privilege of engaging in the severance 119090  
of natural resources from the soil or water of this state. The tax 119091  
shall be imposed upon the severer ~~and shall be at the rates~~ 119092  
prescribed by divisions (A)(1) to (9) of this section: 119093

(1) Ten cents per ton of coal; 119094

(2) Four cents per ton of salt; 119095

(3) Two cents per ton of limestone or dolomite; 119096

(4) Two cents per ton of sand and gravel; 119097

(5) Ten cents per barrel of oil; 119098

(6) Two and one-half cents per thousand cubic feet of natural 119099  
gas; 119100

(7) One cent per ton of clay, sandstone or conglomerate, 119101  
shale, gypsum, or quartzite; 119102

(8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division (C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. Beginning July 1, 2009, not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of the close of the fiscal biennium. Any necessary adjustment of the rate levied shall take effect on the first day of the following January and shall remain in effect during the calendar biennium that begins on that date.

(9) An additional one and two-tenths cents per ton of coal mined by surface mining methods.

(B) Of After the director of budget and management transfers money from the severance tax receipts fund as required in division (H) of section 5749.06 of the Revised Code, money remaining in the severance tax receipts fund, except for money in the fund from the amounts due under section 1509.50 of the Revised Code, shall be credited as follows:

(1) Of the moneys ~~received by the treasurer of state in the~~ fund from the tax levied in division (A)(1) of this section, four and seventy-six-hundredths per cent shall be credited to the geological mapping fund created in section 1505.09 of the Revised Code, eighty and ninety-five-hundredths per cent shall be credited to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code, and fourteen and twenty-nine-hundredths per cent shall be credited to the unreclaimed lands fund created in section 1513.30 of the Revised Code.

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(2) The money ~~received by the treasurer of state in the fund~~ from the tax levied in division (A)(2) of this section shall be credited to the geological mapping fund.

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(3) Of the moneys ~~received by the treasurer of state in the~~ fund from the tax levied in divisions (A)(3) and (4) of this section, seven and five-tenths per cent shall be credited to the geological mapping fund, forty-two and five-tenths per cent shall be credited to the unreclaimed lands fund, and the remainder shall be credited to the surface mining fund created in section 1514.06 of the Revised Code.

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(4) Of the moneys ~~received by the treasurer of state in the~~ fund from the tax levied in divisions (A)(5) and (6) of this section, ninety per cent shall be credited to the oil and gas well fund created in section 1509.02 of the Revised Code and ten per cent shall be credited to the geological mapping fund. All of the moneys ~~received by the treasurer of state in the fund~~ from the tax levied in division (A)(7) of this section shall be credited to the surface mining fund.

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(5) All of the moneys ~~received by the treasurer of state in the fund~~ from the tax levied in division (A)(8) of this section shall be credited to the reclamation forfeiture fund.

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(6) All of the moneys ~~received by the treasurer of state in~~ 119166  
the fund from the tax levied in division (A)(9) of this section 119167  
shall be credited to the unreclaimed lands fund. 119168

(C) When, at the close of any fiscal year, the chief finds 119169  
that the balance of the reclamation forfeiture fund, plus 119170  
estimated transfers to it from the coal mining administration and 119171  
reclamation reserve fund under section 1513.181 of the Revised 119172  
Code, plus the estimated revenues from the tax levied by division 119173  
(A)(8) of this section for the remainder of the calendar year that 119174  
includes the close of the fiscal year, are sufficient to complete 119175  
the reclamation of all lands for which the performance security 119176  
has been provided under division (C)(2) of section 1513.08 of the 119177  
Revised Code, the purposes for which the tax under division (A)(8) 119178  
of this section is levied shall be deemed accomplished at the end 119179  
of that calendar year. The chief, within thirty days after the 119180  
close of the fiscal year, shall certify those findings to the tax 119181  
commissioner, and the tax levied under division (A)(8) of this 119182  
section shall cease to be imposed for the subsequent calendar year 119183  
after the last day of that calendar year on coal produced under a 119184  
coal mining and reclamation permit issued under Chapter 1513. of 119185  
the Revised Code if the permittee has made tax payments under 119186  
division (A)(8) of this section during each of the preceding five 119187  
full calendar years. Not later than thirty days after the close of 119188  
a fiscal year, the chief shall certify to the tax commissioner the 119189  
identity of any permittees who accordingly no longer are required 119190  
to pay the tax levied under division (A)(8) of this section for 119191  
the subsequent calendar year. 119192

**Sec. 5749.06.** (A)(1) Each severer liable for the tax imposed 119193  
by section 5749.02 of the Revised Code and each severer or owner 119194  
liable for the amounts due under section 1509.50 of the Revised 119195  
Code shall make and file returns with the tax commissioner in the 119196  
prescribed form and as of the prescribed times, computing and 119197



reflecting therein the tax as required by this chapter and amounts 119198  
due under section 1509.50 of the Revised Code. 119199

(2) The returns shall be filed for every quarterly period, 119200  
which periods shall end on the thirty-first day of March, the 119201  
thirtieth day of June, the thirtieth day of September, and the 119202  
thirty-first day of December of each year, as required by this 119203  
section, unless a different return period is prescribed for a 119204  
taxpayer by the commissioner. 119205

(B)(1) A separate return shall be filed for each calendar 119206  
quarterly period, or other period, or any part thereof, during 119207  
which the severer holds a license as provided by section 5749.04 119208  
of the Revised Code, or is required to hold the license, or during 119209  
which an owner is required to file a return, ~~and the.~~ The return 119210  
shall be filed within forty-five days after the last day of each 119211  
such calendar month, or other period, or any part thereof, for 119212  
which the return is required ~~and shall include remittance payable~~ 119213  
~~to the treasurer of state of the amount of.~~ The tax due is payable 119214  
along with the return. All such returns shall contain such 119215  
information as the commissioner may require to fairly administer 119216  
the tax. 119217

(2) All returns shall be signed by the severer or owner, as 119218  
applicable, shall contain the full and complete information 119219  
requested, and shall be made under penalty of perjury. 119220

(C) If the commissioner believes that quarterly payments of 119221  
tax would result in a delay that might jeopardize the collection 119222  
of such tax payments, the commissioner may order that such 119223  
payments be made weekly, or more frequently if necessary, such 119224  
payments to be made not later than seven days following the close 119225  
of the period for which the jeopardy payment is required. Such an 119226  
order shall be delivered to the taxpayer personally or by 119227  
certified mail and shall remain in effect until the commissioner 119228  
notifies the taxpayer to the contrary. 119229

(D) Upon good cause the commissioner may extend for thirty 119230  
days the period for filing any notice or return required to be 119231  
filed under this section, and may remit all or a part of penalties 119232  
that may become due under this chapter. 119233

(E) Any tax and any amount due under section 1509.50 of the 119234  
Revised Code not paid by the day the tax or amount is due shall 119235  
bear interest computed at the rate per annum prescribed by section 119236  
5703.47 of the Revised Code on that amount due from the day that 119237  
the amount was originally required to be paid to the day of actual 119238  
payment or to the day an assessment was issued under section 119239  
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 119240

(F) ~~The severer shall make all payments payable to the~~ 119241  
~~treasurer of state. Except for the amounts due under section~~ 119242  
~~1509.50 of the Revised Code, all~~ A severer or owner, as 119243  
applicable, that fails to file a complete return or pay the full 119244  
amount due under this chapter within the time prescribed, 119245  
including any extensions of time granted by the commissioner, 119246  
shall be subject to a penalty not to exceed the greater of fifty 119247  
dollars or ten per cent of the amount due for the period. 119248

(G)(1) A severer or owner, as applicable, shall remit 119249  
payments electronically and, if required by the commissioner, file 119250  
each return electronically. The commissioner may require that the 119251  
severer or owner use the Ohio business gateway, as defined in 119252  
section 718.051 of the Revised Code, or another electronic means 119253  
to file returns and remit payments electronically. 119254

(2) A severer or owner that is required to remit payments 119255  
electronically under this section may apply to the commissioner, 119256  
in the manner prescribed by the commissioner, to be excused from 119257  
that requirement. The commissioner may excuse a severer or owner 119258  
from the requirements of division (G) of this section for good 119259  
cause. 119260

(3) If a severer or owner that is required to remit payments 119261  
or file returns electronically under this section fails to do so, 119262  
the commissioner may impose a penalty on the severer or owner not 119263  
to exceed the following: 119264

(a) For the first or second payment or return the severer or 119265  
owner fails to remit or file electronically, the greater of five 119266  
per cent of the amount of the payment that was required to be 119267  
remitted or twenty-five dollars; 119268

(b) For every payment or return after the second that the 119269  
severer or owner fails to remit or file electronically, the 119270  
greater of ten per cent of the amount of the payment that was 119271  
required to be remitted or fifty dollars. 119272

(H)(1) All amounts that the ~~tax~~ commissioner receives under 119273  
this section shall be deemed to be revenue from taxes imposed 119274  
under this chapter. ~~The commissioner shall immediately forward to~~ 119275  
~~the treasurer of state all amounts received under this section or~~ 119276  
~~from the amount due under section 1509.50 of the Revised Code, as~~ 119277  
~~applicable, and shall be deposited in the severance tax receipts~~ 119278  
~~fund, which is hereby created in the state treasury.~~ 119279

(2) The director of budget and management shall transfer from 119280  
the severance tax receipts fund to the tax refund fund amounts 119281  
equal to the refunds certified by the commissioner under section 119282  
5749.08 of the Revised Code. Any amount transferred under division 119283  
(H)(2) of this section shall be derived from receipts of the same 119284  
tax or other amount from which the refund arose. 119285

(3) After the director of budget and management makes any 119286  
transfer required by division (H)(2) of this section, but not 119287  
later than the fifteenth day of the month following the end of 119288  
each calendar quarter, the commissioner shall certify to the 119289  
director the total amount remaining in the severance tax receipts 119290  
fund organized according to the amount attributable to each 119291

natural resource and according to the amount attributable to a tax 119292  
imposed by this chapter and the amounts due under section 1509.50 119293  
of the Revised Code. 119294

(I) Penalties imposed under this section are in addition to 119295  
any other penalty imposed under this chapter and shall be 119296  
considered as revenue arising from the tax levied under this 119297  
chapter or the amount due under section 1509.50 of the Revised 119298  
Code, as applicable. The commissioner may collect any penalty or 119299  
interest imposed under this section in the same manner as provided 119300  
for the making of an assessment in section 5749.07 of the Revised 119301  
Code. The commissioner may abate all or a portion of such interest 119302  
or penalties and may adopt rules governing such abatements. 119303

**Sec. 5749.07.** (A) If any severer required by this chapter to 119304  
make and file returns and pay the tax levied by section 5749.02 of 119305  
the Revised Code, or any severer or owner liable for the amounts 119306  
due under section 1509.50 of the Revised Code, fails to make such 119307  
return or pay such tax or amounts, the tax commissioner may make 119308  
an assessment against the severer or owner based upon any 119309  
information in the commissioner's possession. 119310

No assessment shall be made or issued against any severer for 119311  
any tax imposed by section 5749.02 of the Revised Code or against 119312  
any severer or owner for any amount due under section 1509.50 of 119313  
the Revised Code more than four years after the return was due or 119314  
was filed, whichever is later. This section does not bar an 119315  
assessment against a severer or owner who fails to file a return 119316  
as required by this chapter, or who files a fraudulent return. 119317

The commissioner shall give the party assessed written notice 119318  
of such assessment in the manner provided in section 5703.37 of 119319  
the Revised Code. With the notice, the commissioner shall provide 119320  
instructions on how to petition for reassessment and request a 119321  
hearing on the petition. 119322

(B) Unless the party assessed files with the commissioner 119323  
within sixty days after service of the notice of assessment, 119324  
either personally or by certified mail, a written petition for 119325  
reassessment signed by the party assessed or that party's 119326  
authorized agent having knowledge of the facts, the assessment 119327  
becomes final and the amount of the assessment is due and payable 119328  
from the party assessed to the treasurer of state. The petition 119329  
shall indicate the objections of the party assessed, but 119330  
additional objections may be raised in writing if received by the 119331  
commissioner prior to the date shown on the final determination. 119332  
If the petition has been properly filed, the commissioner shall 119333  
proceed under section 5703.60 of the Revised Code. 119334

(C) After an assessment becomes final, if any portion of the 119335  
assessment remains unpaid, including accrued interest, a certified 119336  
copy of the commissioner's entry making the assessment final may 119337  
be filed in the office of the clerk of the court of common pleas 119338  
in the county in which the party assessed resides or in which the 119339  
party's business is conducted. If the party assessed maintains no 119340  
place of business in this state and is not a resident of this 119341  
state, the certified copy of the entry may be filed in the office 119342  
of the clerk of the court of common pleas of Franklin county. 119343

Immediately upon the filing of such entry, the clerk shall 119344  
enter a judgment for the state against the party assessed in the 119345  
amount shown on the entry. The judgment may be filed by the clerk 119346  
in a loose-leaf book entitled "special judgments for state 119347  
severance tax," and shall have the same effect as other judgments. 119348  
Execution shall issue upon the judgment upon the request of the 119349  
commissioner, and all laws applicable to sales on execution shall 119350  
apply to sales made under the judgment. 119351

~~The portion of~~ If the assessment is not paid in its entirety 119352  
within sixty days after the day the assessment is issued, the 119353  
portion of the assessment consisting of tax due or amounts due 119354

under section 1509.50 of the Revised Code shall bear interest at 119355  
the rate per annum prescribed by section 5703.47 of the Revised 119356  
Code from the day the commissioner issues the assessment until it 119357  
is paid or until it is certified to the attorney general for 119358  
collection under section 131.02 of the Revised Code, whichever 119359  
comes first. If the unpaid portion of the assessment is certified 119360  
to the attorney general for collection, the entire unpaid portion 119361  
of the assessment shall bear interest at the rate per annum 119362  
prescribed by section 5703.47 of the Revised Code from the date of 119363  
certification until the date it is paid in its entirety. Interest 119364  
shall be paid in the same manner as the tax and may be collected 119365  
by the issuance of an assessment under this section. 119366

(D) All money collected by the commissioner under this 119367  
section shall be paid to the treasurer of state, and when paid 119368  
shall be considered as revenue arising from the tax imposed by 119369  
section 5749.02 of the Revised Code and the amount due under 119370  
section 1509.50 of the Revised Code, as applicable. 119371

**Sec. 5749.17.** ~~Any~~ Except for purposes of enforcing Chapter 119372  
1509. of the Revised Code, any information provided to the 119373  
department of natural resources by the department of taxation in 119374  
accordance with division (C)(12) of section 5703.21 of the Revised 119375  
Code shall not be disclosed publicly by the department of natural 119376  
resources, ~~but.~~ However the department of natural resources may 119377  
provide such information to the attorney general for purposes of 119378  
enforcement of ~~the law~~ Chapter 1509. of the Revised Code. 119379

**Sec. 5751.01.** As used in this chapter: 119380

(A) "Person" means, but is not limited to, individuals, 119381  
combinations of individuals of any form, receivers, assignees, 119382  
trustees in bankruptcy, firms, companies, joint-stock companies, 119383  
business trusts, estates, partnerships, limited liability 119384

partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed 119415  
to any activity, multiplied by a fraction whose numerator is the 119416  
taxable gross receipts described in division (E)(2)(a) of this 119417  
section and whose denominator is the total taxable gross receipts 119418  
that can be directly attributed to any activity; 119419

(c) Except for any differences resulting from the use of an 119420  
accrual basis method of accounting for purposes of determining 119421  
gross receipts under this chapter and the use of the cash basis 119422  
method of accounting for purposes of determining gross receipts 119423  
under section 5727.24 of the Revised Code, the gross receipts 119424  
directly attributed to the activity of a natural gas company shall 119425  
be determined in a manner consistent with division (D) of section 119426  
5727.03 of the Revised Code. 119427

As used in division (E)(2) of this section, "combined 119428  
company" and "public utility" have the same meanings as in section 119429  
5727.01 of the Revised Code. 119430

(3) A financial institution, as defined in section 5726.01 of 119431  
the Revised Code, that paid the tax imposed by section 5726.02 of 119432  
the Revised Code based on one or more taxable years that include 119433  
the entire tax period under this chapter; 119434

(4) A person directly or indirectly owned by one or more 119435  
financial institutions, as defined in section 5726.01 of the 119436  
Revised Code, that paid the tax imposed by section 5726.02 of the 119437  
Revised Code based on one or more taxable years that include the 119438  
entire tax period under this chapter. 119439

For the purposes of division (E)(4) of this section, a person 119440  
owns another person under the following circumstances: 119441

(a) In the case of corporations issuing capital stock, one 119442  
corporation owns another corporation if it owns fifty per cent or 119443  
more of the other corporation's capital stock with current voting 119444  
rights; 119445



(b) In the case of a limited liability company, one person 119446  
owns the company if that person's membership interest, as defined 119447  
in section 1705.01 of the Revised Code, is fifty per cent or more 119448  
of the combined membership interests of all persons owning such 119449  
interests in the company; 119450

(c) In the case of a partnership, trust, or other 119451  
unincorporated business organization other than a limited 119452  
liability company, one person owns the organization if, under the 119453  
articles of organization or other instrument governing the affairs 119454  
of the organization, that person has a beneficial interest in the 119455  
organization's profits, surpluses, losses, or distributions of 119456  
fifty per cent or more of the combined beneficial interests of all 119457  
persons having such an interest in the organization. 119458

(5) A domestic insurance company or foreign insurance 119459  
company, as defined in section 5725.01 of the Revised Code, that 119460  
paid the insurance company premiums tax imposed by section 5725.18 119461  
or Chapter 5729. of the Revised Code, or an unauthorized insurance 119462  
company whose gross premiums are subject to tax under section 119463  
3905.36 of the Revised Code based on one or more measurement 119464  
periods that include the entire tax period under this chapter; 119465

(6) A person that solely facilitates or services one or more 119466  
securitizations of phase-in-recovery property pursuant to a final 119467  
financing order as those terms are defined in section 4928.23 of 119468  
the Revised Code. For purposes of this division, "securitization" 119469  
means transferring one or more assets to one or more persons and 119470  
then issuing securities backed by the right to receive payment 119471  
from the asset or assets so transferred. 119472

(7) Except as otherwise provided in this division, a 119473  
pre-income tax trust as defined in division (FF)(4) of section 119474  
5747.01 of the Revised Code and any pass-through entity of which 119475  
such pre-income tax trust owns or controls, directly, indirectly, 119476  
or constructively through related interests, more than five per 119477

cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income except interest on credit sales;

(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the

Revised Code; 119508

(c) Receipts from the sale, exchange, or other disposition of 119509  
an asset described in section 1221 or 1231 of the Internal Revenue 119510  
Code, without regard to the length of time the person held the 119511  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 119512  
receipts from hedging transactions also are excluded to the extent 119513  
the transactions are entered into primarily to protect a financial 119514  
position, such as managing the risk of exposure to (i) foreign 119515  
currency fluctuations that affect assets, liabilities, profits, 119516  
losses, equity, or investments in foreign operations; (ii) 119517  
interest rate fluctuations; or (iii) commodity price fluctuations. 119518  
As used in division (F)(2)(c) of this section, "hedging 119519  
transaction" has the same meaning as used in section 1221 of the 119520  
Internal Revenue Code and also includes transactions accorded 119521  
hedge accounting treatment under statement of financial accounting 119522  
standards number 133 of the financial accounting standards board. 119523  
For the purposes of division (F)(2)(c) of this section, the actual 119524  
transfer of title of real or tangible personal property to another 119525  
entity is not a hedging transaction. 119526

(d) Proceeds received attributable to the repayment, 119527  
maturity, or redemption of the principal of a loan, bond, mutual 119528  
fund, certificate of deposit, or marketable instrument; 119529

(e) The principal amount received under a repurchase 119530  
agreement or on account of any transaction properly characterized 119531  
as a loan to the person; 119532

(f) Contributions received by a trust, plan, or other 119533  
arrangement, any of which is described in section 501(a) of the 119534  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 119535  
1, Subchapter (D) of the Internal Revenue Code applies; 119536

(g) Compensation, whether current or deferred, and whether in 119537  
cash or in kind, received or to be received by an employee, former 119538

employee, or the employee's legal successor for services rendered 119539  
to or for an employer, including reimbursements received by or for 119540  
an individual for medical or education expenses, health insurance 119541  
premiums, or employee expenses, or on account of a dependent care 119542  
spending account, legal services plan, any cafeteria plan 119543  
described in section 125 of the Internal Revenue Code, or any 119544  
similar employee reimbursement; 119545

(h) Proceeds received from the issuance of the taxpayer's own 119546  
stock, options, warrants, puts, or calls, or from the sale of the 119547  
taxpayer's treasury stock; 119548

(i) Proceeds received on the account of payments from 119549  
insurance policies, except those proceeds received for the loss of 119550  
business revenue; 119551

(j) Gifts or charitable contributions received; membership 119552  
dues received by trade, professional, homeowners', or condominium 119553  
associations; and payments received for educational courses, 119554  
meetings, meals, or similar payments to a trade, professional, or 119555  
other similar association; and fundraising receipts received by 119556  
any person when any excess receipts are donated or used 119557  
exclusively for charitable purposes; 119558

(k) Damages received as the result of litigation in excess of 119559  
amounts that, if received without litigation, would be gross 119560  
receipts; 119561

(l) Property, money, and other amounts received or acquired 119562  
by an agent on behalf of another in excess of the agent's 119563  
commission, fee, or other remuneration; 119564

(m) Tax refunds, other tax benefit recoveries, and 119565  
reimbursements for the tax imposed under this chapter made by 119566  
entities that are part of the same combined taxpayer or 119567  
consolidated elected taxpayer group, and reimbursements made by 119568  
entities that are not members of a combined taxpayer or 119569

consolidated elected taxpayer group that are required to be made 119570  
for economic parity among multiple owners of an entity whose tax 119571  
obligation under this chapter is required to be reported and paid 119572  
entirely by one owner, pursuant to the requirements of sections 119573  
5751.011 and 5751.012 of the Revised Code; 119574

(n) Pension reversions; 119575

(o) Contributions to capital; 119576

(p) Sales or use taxes collected as a vendor or an 119577  
out-of-state seller on behalf of the taxing jurisdiction from a 119578  
consumer or other taxes the taxpayer is required by law to collect 119579  
directly from a purchaser and remit to a local, state, or federal 119580  
tax authority; 119581

(q) In the case of receipts from the sale of cigarettes or 119582  
tobacco products by a wholesale dealer, retail dealer, 119583  
distributor, manufacturer, or seller, all as defined in section 119584  
5743.01 of the Revised Code, an amount equal to the federal and 119585  
state excise taxes paid by any person on or for such cigarettes or 119586  
tobacco products under subtitle E of the Internal Revenue Code or 119587  
Chapter 5743. of the Revised Code; 119588

(r) In the case of receipts from the sale of motor fuel by a 119589  
licensed motor fuel dealer, licensed retail dealer, or licensed 119590  
permissive motor fuel dealer, all as defined in section 5735.01 of 119591  
the Revised Code, an amount equal to federal and state excise 119592  
taxes paid by any person on such motor fuel under section 4081 of 119593  
the Internal Revenue Code or Chapter 5735. of the Revised Code; 119594

(s) In the case of receipts from the sale of beer or 119595  
intoxicating liquor, as defined in section 4301.01 of the Revised 119596  
Code, by a person holding a permit issued under Chapter 4301. or 119597  
4303. of the Revised Code, an amount equal to federal and state 119598  
excise taxes paid by any person on or for such beer or 119599  
intoxicating liquor under subtitle E of the Internal Revenue Code 119600

or Chapter 4301. or 4305. of the Revised Code; 119601

(t) Receipts realized by a new motor vehicle dealer or used 119602  
motor vehicle dealer, as defined in section 4517.01 of the Revised 119603  
Code, from the sale or other transfer of a motor vehicle, as 119604  
defined in that section, to another motor vehicle dealer for the 119605  
purpose of resale by the transferee motor vehicle dealer, but only 119606  
if the sale or other transfer was based upon the transferee's need 119607  
to meet a specific customer's preference for a motor vehicle; 119608

(u) Receipts from a financial institution described in 119609  
division (E)(3) of this section for services provided to the 119610  
financial institution in connection with the issuance, processing, 119611  
servicing, and management of loans or credit accounts, if such 119612  
financial institution and the recipient of such receipts have at 119613  
least fifty per cent of their ownership interests owned or 119614  
controlled, directly or constructively through related interests, 119615  
by common owners; 119616

(v) Receipts realized from administering anti-neoplastic 119617  
drugs and other cancer chemotherapy, biologicals, therapeutic 119618  
agents, and supportive drugs in a physician's office to patients 119619  
with cancer; 119620

(w) Funds received or used by a mortgage broker that is not a 119621  
dealer in intangibles, other than fees or other consideration, 119622  
pursuant to a table-funding mortgage loan or warehouse-lending 119623  
mortgage loan. Terms used in division (F)(2)(w) of this section 119624  
have the same meanings as in section 1322.01 of the Revised Code, 119625  
except "mortgage broker" means a person assisting a buyer in 119626  
obtaining a mortgage loan for a fee or other consideration paid by 119627  
the buyer or a lender, or a person engaged in table-funding or 119628  
warehouse-lending mortgage loans that are first lien mortgage 119629  
loans. 119630

(x) Property, money, and other amounts received by a 119631

professional employer organization, as defined in section 4125.01 119632  
of the Revised Code, from a client employer, as defined in that 119633  
section, in excess of the administrative fee charged by the 119634  
professional employer organization to the client employer; 119635

(y) In the case of amounts retained as commissions by a 119636  
permit holder under Chapter 3769. of the Revised Code, an amount 119637  
equal to the amounts specified under that chapter that must be 119638  
paid to or collected by the tax commissioner as a tax and the 119639  
amounts specified under that chapter to be used as purse money; 119640

(z) Qualifying distribution center receipts. 119641

(i) For purposes of division (F)(2)(z) of this section: 119642

(I) "Qualifying distribution center receipts" means receipts 119643  
of a supplier from qualified property that is delivered to a 119644  
qualified distribution center, multiplied by a quantity that 119645  
equals one minus the Ohio delivery percentage. If the qualified 119646  
distribution center is a refining facility, "supplier" includes 119647  
all dealers, brokers, processors, sellers, vendors, cosigners, and 119648  
distributors of qualified property. 119649

(II) "Qualified property" means tangible personal property 119650  
delivered to a qualified distribution center that is shipped to 119651  
that qualified distribution center solely for further shipping by 119652  
the qualified distribution center to another location in this 119653  
state or elsewhere or, in the case of gold, silver, platinum, or 119654  
palladium delivered to a refining facility solely for refining to 119655  
a grade and fineness acceptable for delivery to a registered 119656  
commodities exchange. "Further shipping" includes storing and 119657  
repackaging property into smaller or larger bundles, so long as 119658  
the property is not subject to further manufacturing or 119659  
processing. "Refining" is limited to extracting impurities from 119660  
gold, silver, platinum, or palladium through smelting or some 119661  
other process at a refining facility. 119662

(III) "Qualified distribution center" means a warehouse, a facility similar to a warehouse, or a refining facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. All warehouses or facilities similar to warehouses that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center. All refining facilities that are operated by persons in the same taxpayer group and that are located in the same or adjacent counties may be treated as one qualified distribution center.

(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.

(VI) "Qualifying certificate" means the certificate issued by the tax commissioner after the operator of a distribution center files an annual application with the commissioner. The application and annual fee shall be filed and paid for each qualified distribution center on or before the first day of September before the qualifying year or within forty-five days after the distribution center opens, whichever is later.

The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be situated outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period. (For



purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 119695  
excludes any person that is part of the consolidated elected 119696  
taxpayer group, if applicable, of the operator of the qualified 119697  
distribution center.) The commissioner may require the applicant 119698  
to have an independent certified public accountant certify that 119699  
the calculation of the minimum thresholds required for a qualified 119700  
distribution center by the operator of a distribution center has 119701  
been made in accordance with generally accepted accounting 119702  
principles. The commissioner shall issue or deny the issuance of a 119703  
certificate within sixty days after the receipt of the 119704  
application. A denial is subject to appeal under section 5717.02 119705  
of the Revised Code. If the operator files a timely appeal under 119706  
section 5717.02 of the Revised Code, the operator shall be granted 119707  
a qualifying certificate, ~~provided that~~ effective for the 119708  
remainder of the qualifying year or until the appeal is finalized, 119709  
whichever is earlier. If the operator is liable for any tax, 119710  
interest, or penalty upon amounts claimed as qualifying 119711  
distribution center receipts, other than those receipts exempt 119712  
under division (C)(1) of section 5751.011 of the Revised Code, 119713  
that would have otherwise not been owed by its suppliers if the 119714  
qualifying certificate was valid does not prevail in the appeal, 119715  
the operator shall pay the operator's supplier tax liability. 119716

(VII) "Ohio delivery percentage" means the proportion of the 119717  
total property delivered to a destination inside Ohio from the 119718  
qualified distribution center during the qualifying period 119719  
compared with total deliveries from such distribution center 119720  
everywhere during the qualifying period. 119721

(VIII) "Refining facility" means one or more buildings 119722  
located in a county in the Appalachian region of this state as 119723  
defined by section 107.21 of the Revised Code and utilized for 119724  
refining or smelting gold, silver, platinum, or palladium to a 119725  
grade and fineness acceptable for delivery to a registered 119726

commodities exchange. 119727

(IX) "Registered commodities exchange" means a board of 119728  
trade, such as New York mercantile exchange, inc. or commodity 119729  
exchange, inc., designated as a contract market by the commodity 119730  
futures trading commission under the "Commodity Exchange Act," 7 119731  
U.S.C. 1 et seq., as amended. 119732

(X) "Supplier tax liability" means an amount equal to the tax 119733  
liability of all suppliers of a distribution center had the 119734  
distribution center not been issued a qualifying certificate for 119735  
the qualifying year, less the amount actually paid by the 119736  
suppliers for the qualifying year. Supplier tax liability shall 119737  
not include interest or penalties. The tax commissioner shall 119738  
determine an operator's supplier tax liability based on 119739  
information that the commissioner may request from the operator of 119740  
the distribution center. An operator shall provide a list of all 119741  
suppliers of the distribution center and the corresponding costs 119742  
of qualified property for the qualifying year at issue within 119743  
sixty days of a request by the commissioner under this division. 119744

(ii)(I) If the distribution center is new and was not open 119745  
for the entire qualifying period, the operator of the distribution 119746  
center may request that the commissioner grant a qualifying 119747  
certificate. If the certificate is granted and it is later 119748  
determined that more than fifty per cent of the qualified property 119749  
during that year was not shipped to a location such that it would 119750  
be situated outside of this state under the provisions of division 119751  
(E) of section 5751.033 of the Revised Code or if it is later 119752  
determined that the person that operates the distribution center 119753  
had average monthly costs from its suppliers of less than forty 119754  
million dollars during that year, then the operator of the 119755  
distribution center shall pay ~~a penalty for that year equal to~~ 119756  
~~five hundred thousand dollars~~ the operator's supplier tax 119757  
liability. (For purposes of division (F)(2)(z)(ii) of this 119758

section, "supplier" excludes any person that is part of the 119759  
consolidated elected taxpayer group, if applicable, of the 119760  
operator of the qualified distribution center.) 119761

(II) The commissioner may grant a qualifying certificate to a 119762  
distribution center that does not qualify as a qualified 119763  
distribution center for an entire qualifying period if the 119764  
operator of the distribution center demonstrates that the business 119765  
operations of the distribution center have changed or will change 119766  
such that the distribution center will qualify as a qualified 119767  
distribution center within thirty-six months after the date the 119768  
operator first applies for a certificate. If, at the end of that 119769  
thirty-six-month period, the business operations of the 119770  
distribution center have not changed such that the distribution 119771  
center qualifies as a qualified distribution center, the operator 119772  
of the distribution center shall pay ~~a penalty equal to five~~ 119773  
~~hundred thousand dollars~~ the operator's supplier tax liability for 119774  
each year that the distribution center received a certificate but 119775  
did not qualify as a qualified distribution center. For each year 119776  
the distribution center receives a certificate under division 119777  
(F)(2)(z)(ii)(II) of this section, the distribution center shall 119778  
pay all applicable fees required under division (F)(2)(z) of this 119779  
section and shall submit an updated business plan showing the 119780  
progress the distribution center made toward qualifying as a 119781  
qualified distribution center during the preceding year. 119782

(III) An operator may appeal ~~the imposition of a penalty~~ 119783  
~~imposed~~ determination under division (F)(2)(z)(ii)(I) or (II) of 119784  
this section that the operator is liable for the operator's 119785  
supplier tax liability as a result of not qualifying as a 119786  
qualified distribution center, as provided in section 5717.02 of 119787  
the Revised Code. 119788

(iii) When filing an application for a qualifying certificate 119789  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 119790

qualified distribution center also shall provide documentation, as 119791  
the commissioner requires, for the commissioner to ascertain the 119792  
Ohio delivery percentage. The commissioner, upon issuing the 119793  
qualifying certificate, also shall certify the Ohio delivery 119794  
percentage. The operator of the qualified distribution center may 119795  
appeal the commissioner's certification of the Ohio delivery 119796  
percentage in the same manner as an appeal is taken from the 119797  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 119798  
of this section. 119799

~~Within thirty days after all appeals have been exhausted, the 119800  
operator of the qualified distribution center shall provide the 119801  
commissioner with a list of all affected suppliers of qualified 119802  
property. The commissioner shall notify all such suppliers that 119803  
the suppliers are required to file, within sixty days after 119804  
receiving the notice, amended reports for the affected calendar 119805  
quarter or quarters or calendar year, whichever the case may be. 119806  
Any additional tax liability or tax overpayment shall be subject 119807  
to interest but shall not be subject to the imposition of any 119808  
penalty so long as the amended returns are timely filed. The 119809  
supplier of tangible personal property delivered to the qualified 119810  
distribution center shall include in its report of taxable gross 119811  
receipts the receipts from the total sales of property delivered 119812  
to the qualified distribution center for the calendar quarter or 119813  
calendar year, whichever the case may be, multiplied by the Ohio 119814  
delivery percentage for the qualifying year. Nothing in division 119815  
(F)(2)(z)(iii) of this section shall be construed as imposing 119816  
liability on the operator of a qualified distribution center for 119817  
the tax imposed by this chapter arising from any change to the 119818  
Ohio delivery percentage. 119819~~

(iv)(I) In the case where the distribution center is new and 119820  
not open for the entire qualifying period, the operator shall make 119821  
a good faith estimate of an Ohio delivery percentage for use by 119822

suppliers in their reports of taxable gross receipts for the 119823  
remainder of the qualifying period. The operator of the facility 119824  
shall disclose to the suppliers that such Ohio delivery percentage 119825  
is an estimate and is subject to recalculation. By the due date of 119826  
the next application for a qualifying certificate, the operator 119827  
shall determine the actual Ohio delivery percentage for the 119828  
estimated qualifying period and proceed as provided in division 119829  
(F)(2)(z)(iii) of this section with respect to the calculation and 119830  
recalculation of the Ohio delivery percentage. The supplier is 119831  
required to file, within sixty days after receiving notice from 119832  
the operator of the qualified distribution center, amended reports 119833  
for the impacted calendar quarter or quarters or calendar year, 119834  
whichever the case may be. Any additional tax liability or tax 119835  
overpayment shall be subject to interest but shall not be subject 119836  
to the imposition of any penalty so long as the amended returns 119837  
are timely filed. 119838

(II) The operator of a distribution center that receives a 119839  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 119840  
section shall make a good faith estimate of the Ohio delivery 119841  
percentage that the operator estimates will apply to the 119842  
distribution center at the end of the thirty-six-month period 119843  
after the operator first applied for a qualifying certificate 119844  
under that division. The result of the estimate shall be 119845  
multiplied by a factor of one and seventy-five one-hundredths. The 119846  
product of that calculation shall be the Ohio delivery percentage 119847  
used by suppliers in their reports of taxable gross receipts for 119848  
each qualifying year that the distribution center receives a 119849  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 119850  
section, except that, if the product is less than five per cent, 119851  
the Ohio delivery percentage used shall be five per cent and that, 119852  
if the product exceeds forty-nine per cent, the Ohio delivery 119853  
percentage used shall be forty-nine per cent. 119854

(v) Qualifying certificates and Ohio delivery percentages 119855  
issued by the commissioner shall be open to public inspection and 119856  
shall be timely published by the commissioner. A supplier relying 119857  
in good faith on a certificate issued under this division shall 119858  
not be subject to tax on the qualifying distribution center 119859  
receipts under division (F)(2)(z) of this section. A person 119860  
receiving a qualifying certificate is liable for a ~~penalty equal~~ 119861  
~~to five hundred thousand dollars~~ the person's supplier tax 119862  
liability for each year the person received a certificate ~~that~~ 119863  
~~should not have been issued because the statutory requirements~~ 119864  
~~were in fact not met~~ but did not qualify as a qualified 119865  
distribution center. 119866

(vi) The annual fee for a qualifying certificate shall be one 119867  
hundred thousand dollars for each qualified distribution center. 119868  
If a qualifying certificate is not issued, the annual fee is 119869  
subject to refund after the exhaustion of all appeals provided for 119870  
in division (F)(2)(z)(i)(VI) of this section. ~~The fee imposed~~ 119871  
~~under this division may be assessed in the same manner as the tax~~ 119872  
~~imposed under this chapter.~~ The first one hundred thousand dollars 119873  
of the annual application fees collected each calendar year shall 119874  
be credited to the revenue enhancement fund. The remainder of the 119875  
annual application fees collected shall be distributed in the same 119876  
manner required under section 5751.20 of the Revised Code. 119877

(vii) The tax commissioner may require that adequate security 119878  
be posted by the operator of the distribution center on appeal 119879  
when the commissioner disagrees that the applicant has met the 119880  
minimum thresholds for a qualified distribution center as set 119881  
forth in ~~divisions (F)(2)(z)(i)(VI) and~~ division (F)(2)(z)(ii) of 119882  
this section. 119883

(aa) Receipts of an employer from payroll deductions relating 119884  
to the reimbursement of the employer for advancing moneys to an 119885  
unrelated third party on an employee's behalf; 119886

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| (bb) Cash discounts allowed and taken;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 119887                                                                                                                                   |
| (cc) Returns and allowances;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 119888                                                                                                                                   |
| (dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered; | 119889<br>119890<br>119891<br>119892<br>119893<br>119894<br>119895<br>119896<br>119897<br>119898<br>119899<br>119900<br>119901<br>119902 |
| (ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 119903<br>119904<br>119905<br>119906                                                                                                     |
| (ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 119907<br>119908<br>119909                                                                                                               |
| (gg)(i) As used in this division:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 119910                                                                                                                                   |
| (I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division                                                                                                                                                                                                                                                                                                                                                                                                                                       | 119911<br>119912<br>119913<br>119914<br>119915<br>119916<br>119917                                                                       |

(F)(2)(gg)(ii) of this section. 119918

(II) "Uranium enrichment zone" means all real property that 119919  
is part of a uranium enrichment facility licensed by the United 119920  
States nuclear regulatory commission and that was or is owned or 119921  
controlled by the United States department of energy or its 119922  
successor. 119923

(ii) Any person that owns, leases, or operates real or 119924  
tangible personal property constituting or located within a 119925  
uranium enrichment zone may apply to the tax commissioner to have 119926  
the uranium enrichment zone certified for the purpose of excluding 119927  
qualified uranium receipts under division (F)(2)(gg) of this 119928  
section. The application shall include such information that the 119929  
tax commissioner prescribes. Within sixty days after receiving the 119930  
application, the tax commissioner shall certify the zone for that 119931  
purpose if the commissioner determines that the property qualifies 119932  
as a uranium enrichment zone as defined in division (F)(2)(gg) of 119933  
this section, or, if the tax commissioner determines that the 119934  
property does not qualify, the commissioner shall deny the 119935  
application or request additional information from the applicant. 119936  
If the tax commissioner denies an application, the commissioner 119937  
shall state the reasons for the denial. The applicant may appeal 119938  
the denial of an application to the board of tax appeals pursuant 119939  
to section 5717.02 of the Revised Code. If the applicant files a 119940  
timely appeal, the tax commissioner shall conditionally certify 119941  
the applicant's property. The conditional certification shall 119942  
expire when all of the applicant's appeals are exhausted. Until 119943  
final resolution of the appeal, the applicant shall retain the 119944  
applicant's records in accordance with section 5751.12 of the 119945  
Revised Code, notwithstanding any time limit on the preservation 119946  
of records under that section. 119947

(hh) Amounts realized by licensed motor fuel dealers or 119948  
licensed permissive motor fuel dealers from the exchange of 119949



petroleum products, including motor fuel, between such dealers, 119950  
provided that delivery of the petroleum products occurs at a 119951  
refinery, terminal, pipeline, or marine vessel and that the 119952  
exchanging dealers agree neither dealer shall require monetary 119953  
compensation from the other for the value of the exchanged 119954  
petroleum products other than such compensation for differences in 119955  
product location or grade. Division (F)(2)(hh) of this section 119956  
does not apply to amounts realized as a result of differences in 119957  
location or grade of exchanged petroleum products or from 119958  
handling, lubricity, dye, or other additive injections fees, 119959  
pipeline security fees, or similar fees. As used in this division, 119960  
"motor fuel," "licensed motor fuel dealer," "licensed permissive 119961  
motor fuel dealer," and "terminal" have the same meanings as in 119962  
section 5735.01 of the Revised Code. 119963

(ii) In the case of amounts collected by a licensed casino 119964  
operator from casino gaming, amounts in excess of the casino 119965  
operator's gross casino revenue. In this division, "casino 119966  
operator" and "casino gaming" have the meanings defined in section 119967  
3772.01 of the Revised Code, and "gross casino revenue" has the 119968  
meaning defined in section 5753.01 of the Revised Code. 119969

(jj) Receipts realized from the sale of agricultural 119970  
commodities by an agricultural commodity handler, both as defined 119971  
in section 926.01 of the Revised Code, that is licensed by the 119972  
director of agriculture to handle agricultural commodities in this 119973  
state. 119974

(kk) Any receipts for which the tax imposed by this chapter 119975  
is prohibited by the constitution or laws of the United States or 119976  
the constitution of this state. 119977

(3) In the case of a taxpayer when acting as a real estate 119978  
broker, "gross receipts" includes only the portion of any fee for 119979  
the service of a real estate broker, or service of a real estate 119980  
salesperson associated with that broker, that is retained by the 119981

broker and not paid to an associated real estate salesperson or 119982  
another real estate broker. For the purposes of this division, 119983  
"real estate broker" and "real estate salesperson" have the same 119984  
meanings as in section 4735.01 of the Revised Code. 119985

(4) A taxpayer's method of accounting for gross receipts for 119986  
a tax period shall be the same as the taxpayer's method of 119987  
accounting for federal income tax purposes for the taxpayer's 119988  
federal taxable year that includes the tax period. If a taxpayer's 119989  
method of accounting for federal income tax purposes changes, its 119990  
method of accounting for gross receipts under this chapter shall 119991  
be changed accordingly. 119992

(G) "Taxable gross receipts" means gross receipts situated to 119993  
this state under section 5751.033 of the Revised Code. 119994

(H) A person has "substantial nexus with this state" if any 119995  
of the following applies. The person: 119996

(1) Owns or uses a part or all of its capital in this state; 119997

(2) Holds a certificate of compliance with the laws of this 119998  
state authorizing the person to do business in this state; 119999

(3) Has bright-line presence in this state; 120000

(4) Otherwise has nexus with this state to an extent that the 120001  
person can be required to remit the tax imposed under this chapter 120002  
under the Constitution of the United States. 120003

(I) A person has "bright-line presence" in this state for a 120004  
reporting period and for the remaining portion of the calendar 120005  
year if any of the following applies. The person: 120006

(1) Has at any time during the calendar year property in this 120007  
state with an aggregate value of at least fifty thousand dollars. 120008  
For the purpose of division (I)(1) of this section, owned property 120009  
is valued at original cost and rented property is valued at eight 120010  
times the net annual rental charge. 120011

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

|                                                                   |        |
|-------------------------------------------------------------------|--------|
| (M) "Tax period" means the calendar quarter or calendar year      | 120042 |
| on the basis of which a taxpayer is required to pay the tax       | 120043 |
| imposed under this chapter.                                       | 120044 |
| (N) "Calendar year taxpayer" means a taxpayer for which the       | 120045 |
| tax period is a calendar year.                                    | 120046 |
| (O) "Calendar quarter taxpayer" means a taxpayer for which        | 120047 |
| the tax period is a calendar quarter.                             | 120048 |
| (P) "Agent" means a person authorized by another person to        | 120049 |
| act on its behalf to undertake a transaction for the other,       | 120050 |
| including any of the following:                                   | 120051 |
| (1) A person receiving a fee to sell financial instruments;       | 120052 |
| (2) A person retaining only a commission from a transaction       | 120053 |
| with the other proceeds from the transaction being remitted to    | 120054 |
| another person;                                                   | 120055 |
| (3) A person issuing licenses and permits under section           | 120056 |
| 1533.13 of the Revised Code;                                      | 120057 |
| (4) A lottery sales agent holding a valid license issued          | 120058 |
| under section 3770.05 of the Revised Code;                        | 120059 |
| (5) A person acting as an agent of the division of liquor         | 120060 |
| control under section 4301.17 of the Revised Code.                | 120061 |
| (Q) "Received" includes amounts accrued under the accrual         | 120062 |
| method of accounting.                                             | 120063 |
| (R) "Reporting person" means a person in a consolidated           | 120064 |
| elected taxpayer or combined taxpayer group that is designated by | 120065 |
| that group to legally bind the group for all filings and tax      | 120066 |
| liabilities and to receive all legal notices with respect to      | 120067 |
| matters under this chapter, or, for the purposes of section       | 120068 |
| 5751.04 of the Revised Code, a separate taxpayer that is not a    | 120069 |
| member of such a group.                                           | 120070 |

**Sec. 5751.014.** All members of a consolidated elected taxpayer 120071  
or combined taxpayer group during the tax period or periods for 120072  
which additional tax, penalty, or interest is owed are jointly and 120073  
severally liable for such amounts. Although the reporting person 120074  
will be assessed for the liability, such amounts due may be 120075  
collected by assessment against any member of the group as 120076  
provided in section 5703.90 of the Revised Code or pursued against 120077  
any member of the group when a liability is certified to the 120078  
attorney general under section 131.02 of the Revised Code. 120079

**Sec. 5751.07.** (A) Any person required to file returns ~~for a~~ 120080  
~~calendar quarter~~ under this chapter shall remit each tax payment, 120081  
and, if required by the tax commissioner, file the tax return or 120082  
the annual report, electronically. The commissioner may require 120083  
taxpayers to use the Ohio business gateway as defined in section 120084  
718.051 of the Revised Code to file returns and remit the tax, or 120085  
may provide another means for taxpayers to file and remit the tax 120086  
electronically. 120087

(B) A person required by this section to remit taxes or file 120088  
returns electronically may apply to the tax commissioner, on the 120089  
form prescribed by the commissioner, to be excused from that 120090  
requirement. The commissioner may excuse a person from the 120091  
requirements of this division for good cause. 120092

(C)(1) If a person required to remit taxes or file a return 120093  
electronically under this section fails to do so, the commissioner 120094  
may impose a penalty not to exceed the following: 120095

(a) For either of the first two ~~calendar quarters~~ tax periods 120096  
the person so fails, the greater of twenty-five dollars or five 120097  
per cent of the amount of the payment that was required to be 120098  
remitted; 120099

(b) For the third and any subsequent ~~calendar quarters~~ tax 120100

periods the person so fails, the greater of fifty dollars or ten 120101  
per cent of the amount of the payment that was required to be 120102  
remitted. 120103

(2) The penalty imposed under division (C)(1) of this section 120104  
is in addition to any other penalty imposed under this chapter and 120105  
shall be considered as revenue arising from the tax imposed under 120106  
this chapter. A penalty may be collected by assessment in the 120107  
manner prescribed by section 5751.09 of the Revised Code. The tax 120108  
commissioner may abate all or a portion of such a penalty. 120109

(D) The tax commissioner may adopt rules necessary to 120110  
administer this section. 120111

**Sec. 5751.081.** As used in this section, "debt to this state" 120112  
means unpaid taxes due the state, unpaid workers' compensation 120113  
premiums due under section 4123.35 of the Revised Code, unpaid 120114  
unemployment compensation contributions due under section 4141.25 120115  
of the Revised Code, unpaid unemployment compensation payment in 120116  
lieu of contribution under section 4141.241 of the Revised Code, 120117  
unpaid fee payable to the state or to the clerk of courts pursuant 120118  
to section 4505.06 of the Revised Code, incorrect ~~medical~~ 120119  
~~assistance payments for medicaid services~~ under ~~section 5111.02 of~~ 120120  
~~the Revised Code~~ the medicaid program, or any unpaid charge, 120121  
penalty, or interest arising from any of the foregoing. 120122

If a taxpayer entitled to a refund under section 5751.08 of 120123  
the Revised Code owes any debt to this state, the amount 120124  
refundable may be applied in satisfaction of the debt. If the 120125  
amount refundable is less than the amount of the debt, it may be 120126  
applied in partial satisfaction of the debt. If the amount 120127  
refundable is greater than the amount of the debt, the amount 120128  
remaining after satisfaction of the debt shall be refunded. This 120129  
section applies only to debts that have become final. For the 120130  
purposes of this section, a debt becomes final when, under the 120131

applicable law, any time provided for petition for reassessment, 120132  
request for reconsideration, or other appeal of the legality or 120133  
validity of the amount giving rise to the debt expires without an 120134  
appeal having been filed in the manner provided by law. 120135

**Sec. 5751.09.** (A) The tax commissioner may make an 120136  
assessment, based on any information in the commissioner's 120137  
possession, against any person that fails to file a return or pay 120138  
any tax as required by this chapter. The commissioner shall give 120139  
the person assessed written notice of the assessment as provided 120140  
in section 5703.37 of the Revised Code. With the notice, the 120141  
commissioner shall provide instructions on the manner in which to 120142  
petition for reassessment and request a hearing with respect to 120143  
the petition. The commissioner shall send any assessments against 120144  
consolidated elected taxpayer and combined taxpayer groups under 120145  
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 120146  
"reporting person" as defined under division (R) of section 120147  
5751.01 of the Revised Code. The reporting person shall notify all 120148  
members of the group of the assessment and all outstanding taxes, 120149  
interest, and penalties for which the assessment is issued. 120150

(B) Unless the person assessed, within sixty days after 120151  
service of the notice of assessment, files with the tax 120152  
commissioner, either personally or by certified mail, a written 120153  
petition signed by the person or the person's authorized agent 120154  
having knowledge of the facts, the assessment becomes final, and 120155  
the amount of the assessment is due and payable from the person 120156  
assessed to the treasurer of state. The petition shall indicate 120157  
the objections of the person assessed, but additional objections 120158  
may be raised in writing if received by the commissioner prior to 120159  
the date shown on the final determination. 120160

If a petition for reassessment has been properly filed, the 120161  
commissioner shall proceed under section 5703.60 of the Revised 120162

Code. 120163

(C)(1) After an assessment becomes final, if any portion of 120164  
the assessment, including accrued interest, remains unpaid, a 120165  
certified copy of the tax commissioner's entry making the 120166  
assessment final may be filed in the office of the clerk of the 120167  
court of common pleas in the county in which the person resides or 120168  
has its principal place of business in this state, or in the 120169  
office of the clerk of court of common pleas of Franklin county. 120170

(2) Immediately upon the filing of the entry, the clerk shall 120171  
enter judgment for the state against the person assessed in the 120172  
amount shown on the entry. The judgment may be filed by the clerk 120173  
in a loose-leaf book entitled, "special judgments for the 120174  
commercial activity tax" and shall have the same effect as other 120175  
judgments. Execution shall issue upon the judgment at the request 120176  
of the tax commissioner, and all laws applicable to sales on 120177  
execution shall apply to sales made under the judgment. 120178

(3) ~~The portion of~~ If the assessment is not paid in its 120179  
entirety within sixty days after the day the assessment was 120180  
issued, the portion of the assessment consisting of tax due shall 120181  
bear interest at the rate per annum prescribed by section 5703.47 120182  
of the Revised Code from the day the tax commissioner issues the 120183  
assessment until it is paid or until it is certified to the 120184  
attorney general for collection under section 131.02 of the 120185  
Revised Code, whichever comes first. If the unpaid portion of the 120186  
assessment is certified to the attorney general for collection, 120187  
the entire unpaid portion of the assessment shall bear interest at 120188  
the rate per annum prescribed by section 5703.47 of the Revised 120189  
Code from the date of certification until the date it is paid in 120190  
its entirety. Interest shall be paid in the same manner as the tax 120191  
and may be collected by the issuance of an assessment under this 120192  
section. 120193

(D) If the tax commissioner believes that collection of the 120194



tax will be jeopardized unless proceedings to collect or secure 120195  
collection of the tax are instituted without delay, the 120196  
commissioner may issue a jeopardy assessment against the person 120197  
liable for the tax. Immediately upon the issuance of the jeopardy 120198  
assessment, the commissioner shall file an entry with the clerk of 120199  
the court of common pleas in the manner prescribed by division (C) 120200  
of this section. Notice of the jeopardy assessment shall be served 120201  
on the person assessed or the person's authorized agent in the 120202  
manner provided in section 5703.37 of the Revised Code within five 120203  
days of the filing of the entry with the clerk. The total amount 120204  
assessed is immediately due and payable, unless the person 120205  
assessed files a petition for reassessment in accordance with 120206  
division (B) of this section and provides security in a form 120207  
satisfactory to the commissioner and in an amount sufficient to 120208  
satisfy the unpaid balance of the assessment. Full or partial 120209  
payment of the assessment does not prejudice the commissioner's 120210  
consideration of the petition for reassessment. 120211

(E) The tax commissioner shall immediately forward to the 120212  
treasurer of state all amounts the commissioner receives under 120213  
this section, and such amounts shall be considered as revenue 120214  
arising from the tax imposed under this chapter. 120215

(F) Except as otherwise provided in this division, no 120216  
assessment shall be made or issued against a taxpayer for the tax 120217  
imposed under this chapter more than four years after the due date 120218  
for the filing of the return for the tax period for which the tax 120219  
was reported, or more than four years after the return for the tax 120220  
period was filed, whichever is later. The time limit may be 120221  
extended if both the taxpayer and the commissioner consent in 120222  
writing to the extension or enter into an agreement waiving or 120223  
extending the time limit. Any such extension shall extend the 120224  
four-year time limit in division (B) of section 5751.08 of the 120225  
Revised Code for the same period of time. Nothing in this division 120226

bars an assessment against a taxpayer that fails to file a return 120227  
required by this chapter or that files a fraudulent return. 120228

(G) If the tax commissioner possesses information that 120229  
indicates that the amount of tax a taxpayer is required to pay 120230  
under this chapter exceeds the amount the taxpayer paid, the tax 120231  
commissioner may audit a sample of the taxpayer's gross receipts 120232  
over a representative period of time to ascertain the amount of 120233  
tax due, and may issue an assessment based on the audit. The tax 120234  
commissioner shall make a good faith effort to reach agreement 120235  
with the taxpayer in selecting a representative sample. The tax 120236  
commissioner may apply a sampling method only if the commissioner 120237  
has prescribed the method by rule. 120238

(H) If the whereabouts of a person subject to this chapter is 120239  
not known to the tax commissioner, the commissioner shall follow 120240  
the procedures under section 5703.37 of the Revised Code. 120241

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 120242  
the Revised Code: 120243

(1) "School district," "joint vocational school district," 120244  
"local taxing unit," "recognized valuation," "fixed-rate levy," 120245  
and "fixed-sum levy" have the same meanings as used in section 120246  
5727.84 of the Revised Code. 120247

(2) "State education aid" for a school district means the 120248  
following: 120249

(a) For fiscal years prior to fiscal year 2010, the sum of 120250  
state aid amounts computed for the district under the following 120251  
provisions, as they existed for the applicable fiscal year: 120252  
division (A) of section 3317.022 of the Revised Code, including 120253  
the amounts calculated under ~~sections~~ former section 3317.029 and 120254  
section 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), 120255  
(D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) 120256

of section 3317.023; divisions (L) and (N) of section 3317.024; 120257  
section 3317.0216; and any unit payments for gifted student 120258  
services paid under ~~sections~~ section 3317.05~~7~~ and former sections 120259  
3317.052~~7~~ and 3317.053 of the Revised Code; except that, for 120260  
fiscal years 2008 and 2009, the amount computed for the district 120261  
under Section 269.20.80 of H.B. 119 of the 127th general assembly 120262  
and as that section subsequently may be amended shall be 120263  
substituted for the amount computed under division (D) of section 120264  
3317.022 of the Revised Code, and the amount computed under 120265  
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 120266  
that section subsequently may be amended shall be included. 120267

(b) For fiscal years 2010 and 2011, the sum of the amounts 120268  
computed under former sections 3306.052, 3306.12, 3306.13, 120269  
3306.19, 3306.191, and 3306.192 of the Revised Code; 120270

(c) For fiscal years 2012 and 2013, the sum of the amounts 120271  
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 120272  
153 of the 129th general assembly; 120273

(d) For fiscal year 2014 and each fiscal year thereafter, the 120274  
sum of state amounts computed for the district under section 120275  
3317.022 of the Revised Code; except that, for fiscal years 2014 120276  
and 2015, the amount computed for the district under the section 120277  
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 120278  
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 120279

(3) "State education aid" for a joint vocational school 120280  
district means the following: 120281

(a) For fiscal years prior to fiscal year 2010, the sum of 120282  
the state aid computed for the district under division (N) of 120283  
section 3317.024 and former section 3317.16 of the Revised Code, 120284  
except that, for fiscal years 2008 and 2009, the amount computed 120285  
under Section 269.30.80 of H.B. 119 of the 127th general assembly 120286  
and as that section subsequently may be amended shall be included. 120287

|                                                                                                                                                                                                                                                                                                                                                       |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (b) For fiscal years 2010 and 2011, the amount paid in accordance with Section 265.30.50 of H.B. 1 of the 128th general assembly.                                                                                                                                                                                                                     | 120288<br>120289<br>120290                               |
| (c) For fiscal years 2012 and 2013, the amount paid in accordance with Section 267.30.60 of H.B. 153 of the 129th general assembly.                                                                                                                                                                                                                   | 120291<br>120292<br>120293                               |
| <u>(d) For fiscal year 2014 and each fiscal year thereafter, the amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included.</u> | 120294<br>120295<br>120296<br>120297<br>120298<br>120299 |
| (4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.                                                                                                                                                               | 120300<br>120301<br>120302                               |
| (5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.                                                                                                                                                                                                                              | 120303<br>120304                                         |
| (6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.                                                                                                                                                                                                                                            | 120305<br>120306                                         |
| (7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.                                                                                                                                                                                                                               | 120307<br>120308                                         |
| (8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.                                                                                                                                                                                                                                 | 120309<br>120310                                         |
| (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.                                                                                                                                                                                                                                               | 120311<br>120312                                         |
| (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.                                                                                                                                                                                                                                 | 120313<br>120314                                         |
| (11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy                                                                                                                                                                   | 120315<br>120316<br>120317                               |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| loss, and the telephone company fixed-rate levy loss.                                                                                                                                                                                                                                                                                                            | 120318                                                   |
| (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section.                                                                                                                                                                                                                                                                       | 120319<br>120320                                         |
| (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.                                                                                                                                                                                                          | 120321<br>120322<br>120323                               |
| (14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code.                                                                                                                                                                                                                        | 120324<br>120325<br>120326                               |
| (15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.                                                                                                                                                                                                           | 120327<br>120328<br>120329                               |
| (16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010. | 120330<br>120331<br>120332<br>120333<br>120334<br>120335 |
| (17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.                                                                                                                              | 120336<br>120337<br>120338<br>120339                     |
| (18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.                                                                                                                                                                                                                                                      | 120340<br>120341                                         |
| (19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.                                                                                                                                                                                                                                                | 120342<br>120343                                         |
| (20) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.                                                                                                                                     | 120344<br>120345<br>120346<br>120347                     |

(21) "Median estate tax collections" means, in the case of a municipal corporation to which revenue from the taxes levied in Chapter 5731. of the Revised Code was distributed in each of calendar years 2006, 2007, 2008, and 2009, the median of those distributions. In the case of a municipal corporation to which no distributions were made in one or more of those years, "median estate tax collections" means zero.

(22) "Total resources," in the case of a school district, means the sum of the amounts in divisions (A)(22)(a) to (h) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The state education aid for fiscal year 2010;

(b) The sum of the payments received by the school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code, excluding the portion of such payments attributable to levies for joint vocational school district purposes;

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2010 pursuant to division (E)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008, including taxes charged and payable from emergency levies charged and payable under section 5709.194 of the Revised Code and excluding taxes levied for joint vocational school district purposes;

(e) Fifty per cent of the school district's taxes charged and

|                                                                                                                                                                                                                                                              |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| payable against all property on the tax list of real and public utility property for current expenses for tax year 2009, including taxes charged and payable from emergency levies and excluding taxes levied for joint vocational school district purposes; | 120379<br>120380<br>120381<br>120382 |
| (f) The school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009, including taxes charged and payable from emergency levies;                                     | 120383<br>120384<br>120385<br>120386 |
| (g) The amount certified for fiscal year 2010 under division (A)(2) of section 3317.08 of the Revised Code;                                                                                                                                                  | 120387<br>120388                     |
| (h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.                                                                                                                                             | 120389<br>120390                     |
| (23) "Total resources," in the case of a joint vocational school district, means the sum of amounts in divisions (A)(23)(a) to (g) of this section less any reduction required under division (A)(32) of this section.                                       | 120391<br>120392<br>120393<br>120394 |
| (a) The state education aid for fiscal year 2010;                                                                                                                                                                                                            | 120395                               |
| (b) The sum of the payments received by the joint vocational school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code;         | 120396<br>120397<br>120398<br>120399 |
| (c) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008;                                              | 120400<br>120401<br>120402<br>120403 |
| (d) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009;                                                      | 120404<br>120405<br>120406<br>120407 |
| (e) Fifty per cent of a city, local, or exempted village                                                                                                                                                                                                     | 120408                               |

|                                                                   |        |
|-------------------------------------------------------------------|--------|
| school district's taxes charged and payable against all property  | 120409 |
| on the tax list of real and public utility property for current   | 120410 |
| expenses of the joint vocational school district for tax year     | 120411 |
| 2008;                                                             | 120412 |
| (f) Fifty per cent of a city, local, or exempted village          | 120413 |
| school district's taxes charged and payable against all property  | 120414 |
| on the tax list of real and public utility property for current   | 120415 |
| expenses of the joint vocational school district for tax year     | 120416 |
| 2009;                                                             | 120417 |
| (g) The joint vocational school district's taxes charged and      | 120418 |
| payable against all property on the general tax list of personal  | 120419 |
| property for current expenses for tax year 2009.                  | 120420 |
| (24) "Total resources," in the case of county mental health       | 120421 |
| and disability related functions, means the sum of the amounts in | 120422 |
| divisions (A)(24)(a) and (b) of this section less any reduction   | 120423 |
| required under division (A)(32) of this section.                  | 120424 |
| (a) The sum of the payments received by the county for mental     | 120425 |
| health and developmental disability related functions in calendar | 120426 |
| year 2010 under division (A)(1) of section 5727.86 and divisions  | 120427 |
| (A)(1) and (2) of section 5751.22 of the Revised Code as they     | 120428 |
| existed at that time;                                             | 120429 |
| (b) With respect to taxes levied by the county for mental         | 120430 |
| health and developmental disability related purposes, the taxes   | 120431 |
| charged and payable for such purposes against all property on the | 120432 |
| tax list of real and public utility property for tax year 2009.   | 120433 |
| (25) "Total resources," in the case of county senior services     | 120434 |
| related functions, means the sum of the amounts in divisions      | 120435 |
| (A)(25)(a) and (b) of this section less any reduction required    | 120436 |
| under division (A)(32) of this section.                           | 120437 |
| (a) The sum of the payments received by the county for senior     | 120438 |
| services related functions in calendar year 2010 under division   | 120439 |



(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 120440  
5751.22 of the Revised Code as they existed at that time; 120441

(b) With respect to taxes levied by the county for senior 120442  
services related purposes, the taxes charged and payable for such 120443  
purposes against all property on the tax list of real and public 120444  
utility property for tax year 2009. 120445

(26) "Total resources," in the case of county children's 120446  
services related functions, means the sum of the amounts in 120447  
divisions (A)(26)(a) and (b) of this section less any reduction 120448  
required under division (A)(32) of this section. 120449

(a) The sum of the payments received by the county for 120450  
children's services related functions in calendar year 2010 under 120451  
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 120452  
section 5751.22 of the Revised Code as they existed at that time; 120453

(b) With respect to taxes levied by the county for children's 120454  
services related purposes, the taxes charged and payable for such 120455  
purposes against all property on the tax list of real and public 120456  
utility property for tax year 2009. 120457

(27) "Total resources," in the case of county public health 120458  
related functions, means the sum of the amounts in divisions 120459  
(A)(27)(a) and (b) of this section less any reduction required 120460  
under division (A)(32) of this section. 120461

(a) The sum of the payments received by the county for public 120462  
health related functions in calendar year 2010 under division 120463  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 120464  
5751.22 of the Revised Code as they existed at that time; 120465

(b) With respect to taxes levied by the county for public 120466  
health related purposes, the taxes charged and payable for such 120467  
purposes against all property on the tax list of real and public 120468  
utility property for tax year 2009. 120469

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code.

(29) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(29)(a) to (g) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the municipal corporation in calendar year 2010 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and

(2) of section 5751.22 of the Revised Code as they existed at that time; 120501  
120502

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund; 120503  
120504  
120505  
120506  
120507  
120508  
120509

(c) The sum of the amounts distributed to the municipal corporation in calendar year 2010 pursuant to section 5747.50 of the Revised Code; 120510  
120511  
120512

(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for current expenses, defined in division (A)(35) of this section, for tax year 2009; 120513  
120514  
120515  
120516  
120517

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner; 120518  
120519  
120520  
120521  
120522

(f) The amount of income taxes collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner; 120523  
120524  
120525  
120526  
120527

(g) The municipal corporation's median estate tax collections. 120528  
120529

(30) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(30)(a) to (c) of this section 120530  
120531

less any reduction required under division (A)(32) or (33) of this section. 120532  
120533

(a) The sum of the payments received by the township in 120534  
calendar year 2010 pursuant to division (A)(1) of section 5727.86 120535  
of the Revised Code and divisions (A)(1) and (2) of section 120536  
5751.22 of the Revised Code as they existed at that time, 120537  
excluding payments received for debt purposes; 120538

(b) The township's percentage share of county undivided local 120539  
government fund allocations as certified to the tax commissioner 120540  
for calendar year 2010 by the county auditor under division (J) of 120541  
section 5747.51 of the Revised Code or division (F) of section 120542  
5747.53 of the Revised Code multiplied by the total amount 120543  
actually distributed in calendar year 2010 from the county 120544  
undivided local government fund; 120545

(c) With respect to taxes levied by the township, the taxes 120546  
charged and payable against all property on the tax list of real 120547  
and public utility property for tax year 2009 excluding taxes 120548  
charged and payable for the purpose of paying debt charges. 120549

(31) "Total resources," in the case of a local taxing unit 120550  
that is not a county, municipal corporation, or township, means 120551  
the sum of the amounts in divisions (A)(31)(a) to (e) of this 120552  
section less any reduction required under division (A)(32) of this 120553  
section. 120554

(a) The sum of the payments received by the local taxing unit 120555  
in calendar year 2010 pursuant to division (A)(1) of section 120556  
5727.86 of the Revised Code and divisions (A)(1) and (2) of 120557  
section 5751.22 of the Revised Code as they existed at that time; 120558

(b) The local taxing unit's percentage share of county 120559  
undivided local government fund allocations as certified to the 120560  
tax commissioner for calendar year 2010 by the county auditor 120561  
under division (J) of section 5747.51 of the Revised Code or 120562

division (F) of section 5747.53 of the Revised Code multiplied by 120563  
the total amount actually distributed in calendar year 2010 from 120564  
the county undivided local government fund; 120565

(c) With respect to taxes levied by the local taxing unit, 120566  
the taxes charged and payable against all property on the tax list 120567  
of real and public utility property for tax year 2009 excluding 120568  
taxes charged and payable for the purpose of paying debt charges; 120569

(d) The amount received from the tax commissioner during 120570  
calendar year 2010 for sales or use taxes authorized under 120571  
sections 5739.023 and 5741.022 of the Revised Code; 120572

(e) For institutions of higher education receiving tax 120573  
revenue from a local levy, as identified in section 3358.02 of the 120574  
Revised Code, the final state share of instruction allocation for 120575  
fiscal year 2010 as calculated by the board of regents and 120576  
reported to the state controlling board. 120577

(32) If a fixed-rate levy that is a qualifying levy is not 120578  
charged and payable in any year after tax year 2010, "total 120579  
resources" used to compute payments to be made under division 120580  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 120581  
5751.22 of the Revised Code in the tax years following the last 120582  
year the levy is charged and payable shall be reduced to the 120583  
extent that the payments are attributable to the fixed-rate levy 120584  
loss of that levy as would be computed under division (C)(2) of 120585  
section 5727.85, division (A)(1) of section 5727.85, divisions 120586  
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 120587  
5751.22 of the Revised Code. 120588

(33) In the case of a county, municipal corporation, school 120589  
district, or township with fixed-rate levy losses attributable to 120590  
a tax levied under section 5705.23 of the Revised Code, "total 120591  
resources" used to compute payments to be made under division 120592  
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 120593

division (C)(12) of section 5751.21, or division (A)(1)(c) of 120594  
section 5751.22 of the Revised Code shall be reduced by the 120595  
amounts described in divisions (A)(34)(a) to (c) of this section 120596  
to the extent that those amounts were included in calculating the 120597  
"total resources" of the school district or local taxing unit 120598  
under division (A)(22), (28), (29), or (30) of this section. 120599

(34) "Total library resources," in the case of a county, 120600  
municipal corporation, school district, or township public library 120601  
that receives the proceeds of a tax levied under section 5705.23 120602  
of the Revised Code, means the sum of the amounts in divisions 120603  
(A)(34)(a) to (c) of this section less any reduction required 120604  
under division (A)(32) of this section. 120605

(a) The sum of the payments received by the county, municipal 120606  
corporation, school district, or township public library in 120607  
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 120608  
Revised Code, as they existed at that time, for fixed-rate levy 120609  
losses attributable to a tax levied under section 5705.23 of the 120610  
Revised Code for the benefit of the public library; 120611

(b) The public library's percentage share of county undivided 120612  
local government fund allocations as certified to the tax 120613  
commissioner for calendar year 2010 by the county auditor under 120614  
division (J) of section 5747.51 of the Revised Code or division 120615  
(F) of section 5747.53 of the Revised Code multiplied by the total 120616  
amount actually distributed in calendar year 2010 from the county 120617  
undivided local government fund; 120618

(c) With respect to a tax levied pursuant to section 5705.23 120619  
of the Revised Code for the benefit of the public library, the 120620  
amount of such tax that is charged and payable against all 120621  
property on the tax list of real and public utility property for 120622  
tax year 2009 excluding any tax that is charged and payable for 120623  
the purpose of paying debt charges. 120624

(35) "Municipal current expense property tax levies" means 120625  
all property tax levies of a municipality, except those with the 120626  
following levy names: airport resurfacing; bond or any levy name 120627  
including the word "bond"; capital improvement or any levy name 120628  
including the word "capital"; debt or any levy name including the 120629  
word "debt"; equipment or any levy name including the word 120630  
"equipment," unless the levy is for combined operating and 120631  
equipment; employee termination fund; fire pension or any levy 120632  
containing the word "pension," including police pensions; 120633  
fireman's fund or any practically similar name; sinking fund; road 120634  
improvements or any levy containing the word "road"; fire truck or 120635  
apparatus; flood or any levy containing the word "flood"; 120636  
conservancy district; county health; note retirement; sewage, or 120637  
any levy containing the words "sewage" or "sewer"; park 120638  
improvement; parkland acquisition; storm drain; street or any levy 120639  
name containing the word "street"; lighting, or any levy name 120640  
containing the word "lighting"; and water. 120641

(36) "Current expense TPP allocation" means, in the case of a 120642  
school district or joint vocational school district, the sum of 120643  
the payments received by the school district in fiscal year 2011 120644  
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 120645  
Revised Code to the extent paid for current expense levies. In the 120646  
case of a municipal corporation, "current expense TPP allocation" 120647  
means the sum of the payments received by the municipal 120648  
corporation in calendar year 2010 pursuant to divisions (A)(1) and 120649  
(2) of section 5751.22 of the Revised Code to the extent paid for 120650  
municipal current expense property tax levies as defined in 120651  
division (A)(35) of this section, excluding any such payments 120652  
received for current expense levy losses attributable to a tax 120653  
levied under section 5705.23 of the Revised Code. If a fixed-rate 120654  
levy that is a qualifying levy is not charged and payable in any 120655  
year after tax year 2010, "current expense TPP allocation" used to 120656  
compute payments to be made under division (C)(12) of section 120657

5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under divisions (C)(10) and (11) of section 5751.21 or division (A)(1) of section 5751.22 of the Revised Code.

(37) "TPP allocation" means the sum of payments received by a local taxing unit in calendar year 2010 pursuant to divisions (A)(1) and (2) of section 5751.22 of the Revised Code, excluding any such payments received for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "TPP allocation" used to compute payments to be made under division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1) of that section.

(38) "Total TPP allocation" means, in the case of a school district or joint vocational school district, the sum of the amounts received in fiscal year 2011 pursuant to divisions (C)(10) and (11) and (D) of section 5751.21 of the Revised Code. In the case of a local taxing unit, "total TPP allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1), (2), and (3) of section 5751.22 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "total TPP allocation" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the



extent that the payments are attributable to the fixed-rate levy 120690  
loss of that levy as would be computed under divisions (C)(10) and 120691  
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 120692  
the Revised Code. 120693

(39) "Non-current expense TPP allocation" means the 120694  
difference of total TPP allocation minus the sum of current 120695  
expense TPP allocation and the portion of total TPP allocation 120696  
constituting reimbursement for debt levies, pursuant to division 120697  
(D) of section 5751.21 of the Revised Code in the case of a school 120698  
district or joint vocational school district and pursuant to 120699  
division (A)(3) of section 5751.22 of the Revised Code in the case 120700  
of a municipal corporation. 120701

(40) "TPP allocation for library purposes" means the sum of 120702  
payments received by a county, municipal corporation, school 120703  
district, or township public library in calendar year 2010 120704  
pursuant to section 5751.22 of the Revised Code for fixed-rate 120705  
levy losses attributable to a tax levied under section 5705.23 of 120706  
the Revised Code. If a fixed-rate levy authorized under section 120707  
5705.23 of the Revised Code that is a qualifying levy is not 120708  
charged and payable in any year after tax year 2010, "TPP 120709  
allocation for library purposes" used to compute payments to be 120710  
made under division (A)(1)(d) of section 5751.22 of the Revised 120711  
Code in the tax years following the last year the levy is charged 120712  
and payable shall be reduced to the extent that the payments are 120713  
attributable to the fixed-rate levy loss of that levy as would be 120714  
computed under division (A)(1) of section 5751.22 of the Revised 120715  
Code. 120716

(41) "Threshold per cent" means, in the case of a school 120717  
district or joint vocational school district, two per cent for 120718  
fiscal year 2012 and four per cent for fiscal years 2013 and 120719  
thereafter. In the case of a local taxing unit or public library 120720  
that receives the proceeds of a tax levied under section 5705.23 120721

of the Revised Code, "threshold per cent" means two per cent for 120722  
tax year 2011, four per cent for tax year 2012, and six per cent 120723  
for tax years 2013 and thereafter. 120724

(B)(1) The commercial activities tax receipts fund is hereby 120725  
created in the state treasury and shall consist of money arising 120726  
from the tax imposed under this chapter. Eighty-five 120727  
one-hundredths of one per cent of the money credited to that fund 120728  
shall be credited to the revenue enhancement fund and shall be 120729  
used to defray the costs incurred by the department of taxation in 120730  
administering the tax imposed by this chapter and in implementing 120731  
tax reform measures. The remainder of the money in the commercial 120732  
activities tax receipts fund shall first be credited to the 120733  
commercial activity tax motor fuel receipts fund, pursuant to 120734  
division (B)(2) of this section, and the remainder shall be 120735  
credited in the following percentages each fiscal year to the 120736  
general revenue fund, to the school district tangible property tax 120737  
replacement fund, which is hereby created in the state treasury 120738  
for the purpose of making the payments described in section 120739  
5751.21 of the Revised Code, and to the local government tangible 120740  
property tax replacement fund, which is hereby created in the 120741  
state treasury for the purpose of making the payments described in 120742  
section 5751.22 of the Revised Code, in the following percentages: 120743

| Fiscal year | General Revenue Fund | School District Tangible Property Tax Replacement Fund | Local Government Tangible Property Tax Replacement Fund |        |
|-------------|----------------------|--------------------------------------------------------|---------------------------------------------------------|--------|
| 2006        | 67.7%                | 22.6%                                                  | 9.7%                                                    | 120744 |
| 2007        | 0%                   | 70.0%                                                  | 30.0%                                                   | 120745 |
| 2008        | 0%                   | 70.0%                                                  | 30.0%                                                   | 120746 |
| 2009        | 0%                   | 70.0%                                                  | 30.0%                                                   | 120747 |
| 2010        | 0%                   | 70.0%                                                  | 30.0%                                                   | 120748 |
| 2011        | 0%                   | 70.0%                                                  | 30.0%                                                   | 120749 |

|                        |       |       |       |        |
|------------------------|-------|-------|-------|--------|
| 2012                   | 25.0% | 52.5% | 22.5% | 120751 |
| 2013 and<br>thereafter | 50.0% | 35.0% | 15.0% | 120752 |

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004

|                                                                                                                                                                                                                                                                                                                                                            |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| multiplied by:                                                                                                                                                                                                                                                                                                                                             | 120781                                                   |
| (a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;                                                                                                                                                                                                                          | 120782<br>120783<br>120784                               |
| (b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;                                                                                                                                                                                                                               | 120785<br>120786                                         |
| (c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;                                                                                                                                                                                                                         | 120787<br>120788<br>120789                               |
| (d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.                                                                                                                                                                                                                         | 120790<br>120791<br>120792                               |
| (3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:                                                                                                                                                                                        | 120793<br>120794<br>120795                               |
| (a) For tax year 2006, twenty-five per cent;                                                                                                                                                                                                                                                                                                               | 120796                                                   |
| (b) For tax year 2007, fifty per cent;                                                                                                                                                                                                                                                                                                                     | 120797                                                   |
| (c) For tax year 2008, seventy-five per cent;                                                                                                                                                                                                                                                                                                              | 120798                                                   |
| (d) For tax year 2009 and thereafter, one hundred per cent.                                                                                                                                                                                                                                                                                                | 120799                                                   |
| The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner. | 120800<br>120801<br>120802<br>120803<br>120804<br>120805 |
| (4) Telephone property tax value loss is the taxable value of telephone property as taxpayers would have reported that property for tax year 2004 if the assessment rate for all telephone property for that year were twenty-five per cent, multiplied by:                                                                                                | 120806<br>120807<br>120808<br>120809                     |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) For tax year 2006, zero per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 120810                                                                                                                                             |
| (b) For tax year 2007, zero per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 120811                                                                                                                                             |
| (c) For tax year 2008, zero per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 120812                                                                                                                                             |
| (d) For tax year 2009, sixty per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 120813                                                                                                                                             |
| (e) For tax year 2010, eighty per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 120814                                                                                                                                             |
| (f) For tax year 2011 and thereafter, one hundred per cent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 120815                                                                                                                                             |
| (5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.                                                                                                                                                                                                                                                                                                                                                                                                | 120816<br>120817<br>120818<br>120819<br>120820<br>120821<br>120822<br>120823<br>120824<br>120825                                                   |
| In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 | 120826<br>120827<br>120828<br>120829<br>120830<br>120831<br>120832<br>120833<br>120834<br>120835<br>120836<br>120837<br>120838<br>120839<br>120840 |

of the Revised Code, the tax year 2004 taxable values shall be 120841  
used. 120842

To facilitate the calculations required under division (C) of 120843  
this section, the county auditor, upon request from the tax 120844  
commissioner, shall provide by August 1, 2005, the values of 120845  
machinery and equipment, inventory, and furniture and fixtures for 120846  
all single-county personal property taxpayers for tax year 2004. 120847

(D) Not later than September 15, 2005, the tax commissioner 120848  
shall determine for each tax year from 2006 through 2009 for each 120849  
school district, joint vocational school district, and local 120850  
taxing unit its machinery and equipment, inventory, and furniture 120851  
and fixtures fixed-rate levy losses, and for each tax year from 120852  
2006 through 2011 its telephone property fixed-rate levy loss. 120853  
Except as provided in division (F) of this section, such losses 120854  
are the applicable amounts described in divisions (D)(1), (2), 120855  
(3), and (4) of this section: 120856

(1) The machinery and equipment fixed-rate levy loss is the 120857  
machinery and equipment property tax value loss multiplied by the 120858  
sum of the tax rates of fixed-rate qualifying levies. 120859

(2) The inventory fixed-rate loss is the inventory property 120860  
tax value loss multiplied by the sum of the tax rates of 120861  
fixed-rate qualifying levies. 120862

(3) The furniture and fixtures fixed-rate levy loss is the 120863  
furniture and fixture property tax value loss multiplied by the 120864  
sum of the tax rates of fixed-rate qualifying levies. 120865

(4) The telephone property fixed-rate levy loss is the 120866  
telephone property tax value loss multiplied by the sum of the tax 120867  
rates of fixed-rate qualifying levies. 120868

(E) Not later than September 15, 2005, the tax commissioner 120869  
shall determine for each school district, joint vocational school 120870  
district, and local taxing unit its fixed-sum levy loss. The 120871

fixed-sum levy loss is the amount obtained by subtracting the 120872  
amount described in division (E)(2) of this section from the 120873  
amount described in division (E)(1) of this section: 120874

(1) The sum of the machinery and equipment property tax value 120875  
loss, the inventory property tax value loss, and the furniture and 120876  
fixtures property tax value loss, and, for 2008 through 2010, the 120877  
telephone property tax value loss of the district or unit 120878  
multiplied by the sum of the fixed-sum tax rates of qualifying 120879  
levies. For 2006 through 2010, this computation shall include all 120880  
qualifying levies remaining in effect for the current tax year and 120881  
any school district levies charged and payable under section 120882  
5705.194 or 5705.213 of the Revised Code that are qualifying 120883  
levies not remaining in effect for the current year. For 2011 120884  
through 2017 in the case of school district levies charged and 120885  
payable under section 5705.194 or 5705.213 of the Revised Code and 120886  
for all years after 2010 in the case of other fixed-sum levies, 120887  
this computation shall include only qualifying levies remaining in 120888  
effect for the current year. For purposes of this computation, a 120889  
qualifying school district levy charged and payable under section 120890  
5705.194 or 5705.213 of the Revised Code remains in effect in a 120891  
year after 2010 only if, for that year, the board of education 120892  
levies a school district levy charged and payable under section 120893  
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 120894  
an annual sum at least equal to the annual sum levied by the board 120895  
in tax year 2004 less the amount of the payment certified under 120896  
this division for 2006. 120897

(2) The total taxable value in tax year 2004 less the sum of 120898  
the machinery and equipment, inventory, furniture and fixtures, 120899  
and telephone property tax value losses in each school district, 120900  
joint vocational school district, and local taxing unit multiplied 120901  
by one-half of one mill per dollar. 120902

(3) For the calculations in divisions (E)(1) and (2) of this 120903

section, the tax value losses are those that would be calculated 120904  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 120905  
section and for tax year 2011 under division (C)(4) of this 120906  
section. 120907

(4) To facilitate the calculation under divisions (D) and (E) 120908  
of this section, not later than September 1, 2005, any school 120909  
district, joint vocational school district, or local taxing unit 120910  
that has a qualifying levy that was approved at an election 120911  
conducted during 2005 before September 1, 2005, shall certify to 120912  
the tax commissioner a copy of the county auditor's certificate of 120913  
estimated property tax millage for such levy as required under 120914  
division (B) of section 5705.03 of the Revised Code, which is the 120915  
rate that shall be used in the calculations under such divisions. 120916

If the amount determined under division (E) of this section 120917  
for any school district, joint vocational school district, or 120918  
local taxing unit is greater than zero, that amount shall equal 120919  
the reimbursement to be paid pursuant to division (E) of section 120920  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 120921  
and the one-half of one mill that is subtracted under division 120922  
(E)(2) of this section shall be apportioned among all contributing 120923  
fixed-sum levies in the proportion that each levy bears to the sum 120924  
of all fixed-sum levies within each school district, joint 120925  
vocational school district, or local taxing unit. 120926

(F) If a school district levies a tax under section 5705.219 120927  
of the Revised Code, the fixed-rate levy loss for qualifying 120928  
levies, to the extent repealed under that section, shall equal the 120929  
sum of the following amounts in lieu of the amounts computed for 120930  
such levies under division (D) of this section: 120931

(1) The sum of the rates of qualifying levies to the extent 120932  
so repealed multiplied by the sum of the machinery and equipment, 120933  
inventory, and furniture and fixtures tax value losses for 2009 as 120934  
determined under that division; 120935



(2) The sum of the rates of qualifying levies to the extent 120936  
so repealed multiplied by the telephone property tax value loss 120937  
for 2011 as determined under that division. 120938

The fixed-rate levy losses for qualifying levies to the 120939  
extent not repealed under section 5705.219 of the Revised Code 120940  
shall be as determined under division (D) of this section. The 120941  
revised fixed-rate levy losses determined under this division and 120942  
division (D) of this section first apply in the year following the 120943  
first year the district levies the tax under section 5705.219 of 120944  
the Revised Code. 120945

(G) Not later than October 1, 2005, the tax commissioner 120946  
shall certify to the department of education for every school 120947  
district and joint vocational school district the machinery and 120948  
equipment, inventory, furniture and fixtures, and telephone 120949  
property tax value losses determined under division (C) of this 120950  
section, the machinery and equipment, inventory, furniture and 120951  
fixtures, and telephone fixed-rate levy losses determined under 120952  
division (D) of this section, and the fixed-sum levy losses 120953  
calculated under division (E) of this section. The calculations 120954  
under divisions (D) and (E) of this section shall separately 120955  
display the levy loss for each levy eligible for reimbursement. 120956

(H) Not later than October 1, 2005, the tax commissioner 120957  
shall certify the amount of the fixed-sum levy losses to the 120958  
county auditor of each county in which a school district, joint 120959  
vocational school district, or local taxing unit with a fixed-sum 120960  
levy loss reimbursement has territory. 120961

(I) Not later than the twenty-eighth day of February each 120962  
year beginning in 2011 and ending in 2014, the tax commissioner 120963  
shall certify to the department of education for each school 120964  
district first levying a tax under section 5705.219 of the Revised 120965  
Code in the preceding year the revised fixed-rate levy losses 120966  
determined under divisions (D) and (F) of this section. 120967

(J) There is hereby created in the state treasury the 120968  
commercial activity tax motor fuel receipts fund. 120969

**Sec. 5751.21.** (A) Not later than the thirtieth day of July of 120970  
2007 through 2010, the department of education shall consult with 120971  
the director of budget and management and determine the following 120972  
for each school district and each joint vocational school district 120973  
eligible for payment under division (B) of this section: 120974  
120975

(1) The state education aid offset, which, except as provided 120976  
in division (A)(1)(c) of this section, is the difference obtained 120977  
by subtracting the amount described in division (A)(1)(b) of this 120978  
section from the amount described in division (A)(1)(a) of this 120979  
section: 120980

(a) The state education aid computed for the school district 120981  
or joint vocational school district for the current fiscal year as 120982  
of the thirtieth day of July; 120983

(b) The state education aid that would be computed for the 120984  
school district or joint vocational school district for the 120985  
current fiscal year as of the thirtieth day of July if the 120986  
valuation used in the calculation in division (B)(1) of section 120987  
3306.13 of the Revised Code as that division existed for fiscal 120988  
years 2010 and 2011 included the machinery and equipment, 120989  
inventory, furniture and fixtures, and telephone property tax 120990  
value losses for the school district or joint vocational school 120991  
district for the second preceding tax year, and if taxes charged 120992  
and payable associated with the tax value losses are accounted for 120993  
in any state education aid computation dependent on taxes charged 120994  
and payable. 120995

(c) The state education aid offset for fiscal year 2010 and 120996  
fiscal year 2011 equals the greater of the state education aid 120997  
offset calculated for that fiscal year under divisions (A)(1)(a) 120998

and (b) of this section and the state education aid offset 120999  
calculated for fiscal year 2009. For fiscal year 2012 and 2013, 121000  
the state education aid offset equals the state education aid 121001  
offset for fiscal year 2011. 121002

(2) For fiscal years 2008 through 2011, the greater of zero 121003  
or the difference obtained by subtracting the state education aid 121004  
offset determined under division (A)(1) of this section from the 121005  
sum of the machinery and equipment fixed-rate levy loss, the 121006  
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 121007  
levy loss, and telephone property fixed-rate levy loss certified 121008  
under divisions (G) and (I) of section 5751.20 of the Revised Code 121009  
for all taxing districts in each school district and joint 121010  
vocational school district for the second preceding tax year. 121011

By the thirtieth day of July of each such year, the 121012  
department of education and the director of budget and management 121013  
shall agree upon the amount to be determined under division (A)(1) 121014  
of this section. 121015

(B) On or before the thirty-first day of August of 2008, 121016  
2009, and 2010, the department of education shall recalculate the 121017  
offset described under division (A) of this section for the 121018  
previous fiscal year and recalculate the payments made under 121019  
division (C) of this section in the preceding fiscal year using 121020  
the offset calculated under this division. If the payments 121021  
calculated under this division differ from the payments made under 121022  
division (C) of this section in the preceding fiscal year, the 121023  
difference shall either be paid to a school district or recaptured 121024  
from a school district through an adjustment at the same times 121025  
during the current fiscal year that the payments under division 121026  
(C) of this section are made. In August and October of the current 121027  
fiscal year, the amount of each adjustment shall be three-sevenths 121028  
of the amount calculated under this division. In May of the 121029  
current fiscal year, the adjustment shall be one-seventh of the 121030

amount calculated under this division. 121031

(C) The department of education shall pay from the school 121032  
district tangible property tax replacement fund to each school 121033  
district and joint vocational school district all of the following 121034  
for fixed-rate levy losses certified under divisions (G) and (I) 121035  
of section 5751.20 of the Revised Code: 121036

(1) On or before May 31, 2006, one-seventh of the total 121037  
fixed-rate levy loss for tax year 2006; 121038

(2) On or before August 31, 2006, and October 31, 2006, 121039  
one-half of six-sevenths of the total fixed-rate levy loss for tax 121040  
year 2006; 121041

(3) On or before May 31, 2007, one-seventh of the total 121042  
fixed-rate levy loss for tax year 2007; 121043

(4) On or before August 31, 2007, and October 31, 2007, 121044  
forty-three per cent of the amount determined under division 121045  
(A)(2) of this section for fiscal year 2008, but not less than 121046  
zero, plus one-half of six-sevenths of the difference between the 121047  
total fixed-rate levy loss for tax year 2007 and the total 121048  
fixed-rate levy loss for tax year 2006. 121049

(5) On or before May 31, 2008, fourteen per cent of the 121050  
amount determined under division (A)(2) of this section for fiscal 121051  
year 2008, but not less than zero, plus one-seventh of the 121052  
difference between the total fixed-rate levy loss for tax year 121053  
2008 and the total fixed-rate levy loss for tax year 2006. 121054

(6) On or before August 31, 2008, and October 31, 2008, 121055  
forty-three per cent of the amount determined under division 121056  
(A)(2) of this section for fiscal year 2009, but not less than 121057  
zero, plus one-half of six-sevenths of the difference between the 121058  
total fixed-rate levy loss in tax year 2008 and the total 121059  
fixed-rate levy loss in tax year 2007. 121060

(7) On or before May 31, 2009, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2009, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss for tax year 2009 and the total fixed-rate levy loss for tax year 2007.

(8) On or before August 31, 2009, and October 31, 2009, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2010, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss in tax year 2009 and the total fixed-rate levy loss in tax year 2008.

(9) On or before May 31, 2010, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2010, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss in tax year 2010 and the total fixed-rate levy loss in tax year 2008.

(10) On or before August 31, 2010, and October 31, 2010, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2011, but not less than zero, plus one-half of six-sevenths of the difference between the telephone property fixed-rate levy loss for tax year 2010 and the telephone property fixed-rate levy loss for tax year 2009.

(11) On or before May 31, 2011, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2011, but not less than zero, plus one-seventh of the difference between the telephone property fixed-rate levy loss for tax year 2011 and the telephone property fixed-rate levy loss for tax year 2009.

(12) For fiscal years 2012 and thereafter, the sum of the amounts in divisions (C)(12)(a) or (b) and (c) of this section shall be paid on or before the ~~twentieth~~ last day of November and

the last day of May: 121092

(a) If the ratio of current expense TPP allocation to total 121093  
resources is equal to or less than the threshold per cent, zero; 121094

(b) If the ratio of current expense TPP allocation to total 121095  
resources is greater than the threshold per cent, fifty per cent 121096  
of the difference of current expense TPP allocation minus the 121097  
product of total resources multiplied by the threshold per cent; 121098

(c) Fifty per cent of the product of non-current expense TPP 121099  
allocation multiplied by seventy-five per cent for fiscal year 121100  
2012 and fifty per cent for fiscal years 2013 and thereafter. 121101

The department of education shall report to each school 121102  
district and joint vocational school district the apportionment of 121103  
the payments among the school district's or joint vocational 121104  
school district's funds based on the certifications under 121105  
divisions (G) and (I) of section 5751.20 of the Revised Code. 121106

(D) For taxes levied within the ten-mill limitation for debt 121107  
purposes in tax year 2005, payments shall be made equal to one 121108  
hundred per cent of the loss computed as if the tax were a 121109  
fixed-rate levy, but those payments shall extend from fiscal year 121110  
2006 through fiscal year 2018, as long as the qualifying levy 121111  
continues to be used for debt purposes. If the purpose of such a 121112  
qualifying levy is changed, that levy becomes subject to the 121113  
payments determined in division (C) of this section. 121114

(E)(1) Not later than January 1, 2006, for each fixed-sum 121115  
levy of each school district or joint vocational school district 121116  
and for each year for which a determination is made under division 121117  
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 121118  
loss is to be reimbursed, the tax commissioner shall certify to 121119  
the department of education the fixed-sum levy loss determined 121120  
under that division. The certification shall cover a time period 121121  
sufficient to include all fixed-sum levies for which the 121122

commissioner made such a determination. On or before the last day 121123  
of May of the current year, the department shall pay from the 121124  
school district property tax replacement fund to the school 121125  
district or joint vocational school district one-third of the 121126  
fixed-sum levy loss so certified, plus one-third of the amount 121127  
certified under division (I) of section 5751.20 of the Revised 121128  
Code, and on or before the ~~twentieth~~ last day of November, 121129  
two-thirds of the fixed-sum levy loss so certified, plus 121130  
two-thirds of the amount certified under division (I) of section 121131  
5751.20 of the Revised Code. Payments under this division of the 121132  
amounts certified under division (I) of section 5751.20 of the 121133  
Revised Code shall continue until the levy adopted under section 121134  
5705.219 of the Revised Code expires. 121135

(2) Beginning in 2006, by the first day of January of each 121136  
year, the tax commissioner shall review the certification 121137  
originally made under division (E)(1) of this section. If the 121138  
commissioner determines that a debt levy that had been scheduled 121139  
to be reimbursed in the current year has expired, a revised 121140  
certification for that and all subsequent years shall be made to 121141  
the department of education. 121142

(F) Beginning in September 2007 and through June 2013, the 121143  
director of budget and management shall transfer from the school 121144  
district tangible property tax replacement fund to the general 121145  
revenue fund each of the following: 121146

(1) On the first day of September, one-fourth of the amount 121147  
determined for that fiscal year under division (A)(1) of this 121148  
section; 121149

(2) On the first day of December, one-fourth of the amount 121150  
determined for that fiscal year under division (A)(1) of this 121151  
section; 121152

(3) On the first day of March, one-fourth of the amount 121153

determined for that fiscal year under division (A)(1) of this section; 121154  
121155

(4) On the first day of June, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section. 121156  
121157  
121158

If, when a transfer is required under division (F)(1), (2), (3), or (4) of this section, there is not sufficient money in the school district tangible property tax replacement fund to make the transfer in the required amount, the director shall transfer the balance in the fund to the general revenue fund and may make additional transfers on later dates as determined by the director in a total amount that does not exceed one-fourth of the amount determined for the fiscal year. 121159  
121160  
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(G) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under divisions (C), (D), and (E) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund. 121167  
121168  
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121174

(H) On the fifteenth day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund. 121175  
121176  
121177  
121178

(I) If all of the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this 121179  
121180  
121181  
121182  
121183  
121184



section as follows: 121185

(1) For a merger of two or more districts, the fixed-sum levy 121186  
losses, total resources, current expense TPP allocation, total TPP 121187  
allocation, and non-current expense TPP allocation of the 121188  
successor district shall be the sum of such items for each of the 121189  
districts involved in the merger. 121190

(2) If property is transferred from one district to a 121191  
previously existing district, the amount of total resources, 121192  
current expense TPP allocation, total TPP allocation, and 121193  
non-current expense TPP allocation that shall be transferred to 121194  
the recipient district shall be an amount equal to total 121195  
resources, current expense TPP allocation, total TPP allocation, 121196  
and non-current expense TPP allocation of the transferor district 121197  
times a fraction, the numerator of which is the number of pupils 121198  
being transferred to the recipient district, measured, in the case 121199  
of a school district, by average daily membership as reported 121200  
under division (A) of section 3317.03 of the Revised Code or, in 121201  
the case of a joint vocational school district, by formula ADM as 121202  
reported in division (D) of that section, and the denominator of 121203  
which is the average daily membership or formula ADM of the 121204  
transferor district. 121205

(3) After December 31, 2010, if property is transferred from 121206  
one or more districts to a district that is newly created out of 121207  
the transferred property, the newly created district shall be 121208  
deemed not to have any total resources, current expense TPP 121209  
allocation, total TPP allocation, or non-current expense TPP 121210  
allocation. 121211

(4) If the recipient district under division (I)(2) of this 121212  
section or the newly created district under division (I)(3) of 121213  
this section is assuming debt from one or more of the districts 121214  
from which the property was transferred and any of the districts 121215  
losing the property had fixed-sum levy losses, the department of 121216

education, in consultation with the tax commissioner, shall make 121217  
an equitable division of the fixed-sum levy loss reimbursements. 121218

**Sec. 5753.01.** As used in Chapter 5753. of the Revised Code 121219  
and for no other purpose under Title LVII of the Revised Code: 121220

(A) "Casino facility" has the same meaning as in section 121221  
3772.01 of the Revised Code. 121222

(B) "Casino gaming" has the same meaning as in section 121223  
3772.01 of the Revised Code. 121224

(C) "Casino operator" has the same meaning as in section 121225  
3772.01 of the Revised Code. 121226

(D) "Gross casino revenue" means the total amount of money 121227  
exchanged for the purchase of chips, tokens, tickets, electronic 121228  
cards, or similar objects by casino patrons, less winnings paid to 121229  
wagerers. "Gross casino revenue" does not include ~~the~~ 121230

(1) The issuance to casino patrons or wagering by casino 121231  
patrons of any promotional gaming credit as defined in section 121232  
3772.01 of the Revised Code. When issuance of the promotional 121233  
gaming credit requires money exchanged as a match from the patron, 121234  
the excludible portion of the promotional gaming credit does not 121235  
include the portion of the wager purchased by the patron. 121236

(2) Bad debts from receipts on the basis of which the tax 121237  
imposed by this chapter was paid in a prior tax period to the 121238  
extent not previously excluded. For the purposes of this division, 121239  
"bad debts" means any debts that have become worthless or 121240  
uncollectible in a prior tax period, have been uncollected for at 121241  
least six months, and that may be claimed as a deduction under 121242  
section 166 of the Internal Revenue Code and the regulations 121243  
adopted under that section, or that could be claimed as such if 121244  
the taxpayer kept its accounts on the accrual basis. "Bad debts" 121245  
does not include repossessed property, uncollectible amounts on 121246

property that remains in the possession of the casino operator 121247  
until the full purchase price is paid, or expenses in attempting 121248  
to collect any account receivable or for any portion of the debt 121249  
recovered. 121250

(E) "Person" has the same meaning as in section 3772.01 of 121251  
the Revised Code. 121252

(F) "Slot machine" has the same meaning as in section 3772.01 121253  
of the Revised Code. 121254

(G) "Table game" has the same meaning as in section 3772.01 121255  
of the Revised Code. 121256

(H) "Tax period" means one twenty-four-hour period with 121257  
regard to which a casino operator is required to pay the tax 121258  
levied by this chapter. 121259

**Sec. 5753.03.** (A) For the purpose of receiving and 121260  
distributing, and accounting for, revenue received from the tax 121261  
levied by section 5753.02 of the Revised Code, the following funds 121262  
are created in the state treasury: 121263

(1) The casino tax revenue fund; 121264

(2) The gross casino revenue county fund; 121265

(3) The gross casino revenue county student fund; 121266

(4) The gross casino revenue host city fund; 121267

(5) The Ohio state racing commission fund; 121268

(6) The Ohio law enforcement training fund; 121269

(7) The problem casino gambling and addictions fund; 121270

(8) The casino control commission fund; 121271

(9) The casino tax administration fund; 121272

(10) The peace officer training academy fund; 121273

|                                                                                                                                                                                                                                                              |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (11) The criminal justice services casino tax revenue fund.                                                                                                                                                                                                  | 121274                               |
| (B) All moneys collected from the tax levied under this chapter shall be deposited into the casino tax revenue fund.                                                                                                                                         | 121275<br>121276                     |
| (C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code.                         | 121277<br>121278<br>121279<br>121280 |
| (D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the director of budget and management shall transfer amounts to each fund as follows: | 121281<br>121282<br>121283<br>121284 |
| (1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C)(3)(a) of Article XV, Ohio Constitution;                                                                                                          | 121285<br>121286<br>121287           |
| (2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C)(3)(b) of Article XV, Ohio Constitution and as provided in section 5753.11 of the Revised Code;                                         | 121288<br>121289<br>121290<br>121291 |
| (3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located;                                                                                                                           | 121292<br>121293<br>121294           |
| (4) Three per cent to the Ohio state racing commission fund to support the efforts and activities of the Ohio state racing commission to promote horse racing in this state at which the pari-mutuel system of wagering is conducted;                        | 121295<br>121296<br>121297<br>121298 |
| (5) Two per cent to the Ohio law enforcement training fund to support law enforcement functions in the state;                                                                                                                                                | 121299<br>121300                     |
| (6) Two per cent to the problem casino gambling and addictions fund to support efforts of the department of <del>alcohol and drug addiction services</del> <u>mental health and addiction services</u>                                                       | 121301<br>121302<br>121303           |

to alleviate problem gambling and substance abuse and related 121304  
research in the state under section ~~3793.032~~ 5119.47 of the 121305  
Revised Code; 121306

(7) Three per cent to the casino control commission fund to 121307  
support the operations of the Ohio casino control commission and 121308  
to defray the cost of administering the tax levied under section 121309  
5753.02 of the Revised Code. 121310

Payments under divisions (D)(1) and (3) of this section shall 121311  
be made by the end of the month following the end of the quarterly 121312  
period. The tax commissioner shall make the data available to the 121313  
director of budget and management for this purpose. 121314

Money in the Ohio state racing commission fund shall be 121315  
distributed at the discretion of the Ohio state racing commission 121316  
for the purpose stated in division (D)(4) of this section by the 121317  
end of the month following the end of the quarterly period. The 121318  
commission may retain up to five per cent of the amount 121319  
transferred to the fund under division (D)(4) of this section for 121320  
operating expenses necessary for the administration of the fund. 121321

Payments from the gross casino revenue county student fund as 121322  
required under section 5753.11 of the Revised Code shall be made 121323  
by the last day of January and by the last day of August of each 121324  
year, beginning in 2013. The tax commissioner shall make the data 121325  
available to the director of budget and management for this 121326  
purpose. 121327

Of the money credited to the Ohio law enforcement training 121328  
fund, the director of budget and management shall distribute 121329  
eighty-five per cent of the money to the police officer training 121330  
academy fund for the purpose of supporting the law enforcement 121331  
training efforts of the Ohio peace officer training academy and 121332  
fifteen per cent of the money to the criminal justice services 121333  
casino tax revenue fund for the purpose of supporting the law 121334

enforcement training efforts of the division of criminal justice 121335  
services. 121336

(E)(1) The tax commissioner shall serve as an agent of the 121337  
counties of this state only for the purposes of this division and 121338  
solely to make payments directly to municipal corporations and 121339  
school districts, as applicable, on the counties' behalf. 121340

(2) On or before the last day of the month following the end 121341  
of each calendar quarter, the tax commissioner shall provide for 121342  
payment from the funds referenced in divisions (D)(1) and (3) of 121343  
this section to each county and municipal corporation as 121344  
prescribed in those divisions. 121345

(3) On or before the last day of January and the last day of 121346  
August each year, the commissioner shall provide for payments from 121347  
the fund referenced in division (D)(2) of this section to each 121348  
school district as prescribed in that division. 121349

(F) The director of budget and management shall transfer one 121350  
per cent of the money credited to the casino control commission 121351  
fund to the casino tax administration fund. The tax commissioner 121352  
shall use the casino tax administration fund to defray the costs 121353  
incurred in administering the tax levied by this chapter. 121354

(G) All investment earnings of the gross casino revenue 121355  
county student fund shall be credited to the fund. 121356

**Sec. 5753.07.** (A)(1) The tax commissioner may issue an 121357  
assessment, based on any information in the tax commissioner's 121358  
possession, against a casino operator who fails to pay the tax 121359  
levied under section 5753.02 of the Revised Code or to file a 121360  
return under section 5753.04 of the Revised Code. The tax 121361  
commissioner shall give the casino operator written notice of the 121362  
assessment under section 5703.37 of the Revised Code. With the 121363  
notice, the tax commissioner shall include instructions on how to 121364

petition for reassessment and on how to request a hearing with 121365  
respect to the petition. 121366

(2) Unless the casino operator, within sixty days after 121367  
service of the notice of assessment, files with the tax 121368  
commissioner, either personally or by certified mail, a written 121369  
petition signed by the casino operator, or by the casino 121370  
operator's authorized agent who has knowledge of the facts, the 121371  
assessment becomes final, and the amount of the assessment is due 121372  
and payable from the casino operator to the treasurer of state. 121373  
The petition shall indicate the casino operator's objections to 121374  
the assessment. Additional objections may be raised in writing if 121375  
they are received by the tax commissioner before the date shown on 121376  
the final determination. 121377

(3) If a petition for reassessment has been properly filed, 121378  
the tax commissioner shall proceed under section 5703.60 of the 121379  
Revised Code. 121380

(4) After an assessment becomes final, if any portion of the 121381  
assessment, including penalties and accrued interest, remains 121382  
unpaid, the tax commissioner may file a certified copy of the 121383  
entry making the assessment final in the office of the clerk of 121384  
the court of common pleas of Franklin county or in the office of 121385  
the clerk of the court of common pleas of the county in which the 121386  
casino operator resides, the casino operator's casino facility is 121387  
located, or the casino operator's principal place of business in 121388  
this state is located. Immediately upon the filing of the entry, 121389  
the clerk shall enter a judgment for the state against the 121390  
taxpayer assessed in the amount shown on the entry. The judgment 121391  
may be filed by the clerk in a loose-leaf book entitled, "special 121392  
judgments for the gross casino revenue tax." The judgment has the 121393  
same effect as other judgments. Execution shall issue upon the 121394  
judgment at the request of the tax commissioner, and all laws 121395

applicable to sales on execution apply to sales made under the 121396  
judgment. 121397

(5) ~~The portion of an~~ If the assessment is not paid in its 121398  
entirety within sixty days after the day the assessment was issued 121399  
~~bears, the portion of the assessment consisting of tax due shall~~ 121400  
bear interest at the rate per annum prescribed by section 5703.47 121401  
of the Revised Code from the day the tax commissioner issued the 121402  
assessment until the assessment is paid or until it is certified 121403  
to the attorney general for collection under section 131.02 of the 121404  
Revised Code, whichever comes first. If the unpaid portion of the 121405  
assessment is certified to the attorney general for collection, 121406  
the entire unpaid portion of the assessment shall bear interest at 121407  
the rate per annum prescribed by section 5703.47 of the Revised 121408  
Code from the date of certification until the date it is paid in 121409  
its entirety. Interest shall be paid in the same manner as the tax 121410  
levied under section 5753.02 of the Revised Code and may be 121411  
collected by the issuance of an assessment under this section. 121412

(B) If the tax commissioner believes that collection of the 121413  
tax levied under section 5753.02 of the Revised Code will be 121414  
jeopardized unless proceedings to collect or secure collection of 121415  
the tax are instituted without delay, the commissioner may issue a 121416  
jeopardy assessment against the casino operator who is liable for 121417  
the tax. Immediately upon the issuance of a jeopardy assessment, 121418  
the tax commissioner shall file an entry with the clerk of the 121419  
court of common pleas in the manner prescribed by division (A)(4) 121420  
of this section, and the clerk shall proceed as directed in that 121421  
division. Notice of the jeopardy assessment shall be served on the 121422  
casino operator or the casino operator's authorized agent under 121423  
section 5703.37 of the Revised Code within five days after the 121424  
filing of the entry with the clerk. The total amount assessed is 121425  
immediately due and payable, unless the casino operator assessed 121426  
files a petition for reassessment under division (A)(2) of this 121427



section and provides security in a form satisfactory to the tax commissioner that is in an amount sufficient to satisfy the unpaid balance of the assessment. If a petition for reassessment has been filed, and if satisfactory security has been provided, the tax commissioner shall proceed under division (A)(3) of this section. Full or partial payment of the assessment does not prejudice the tax commissioner's consideration of the petition for reassessment.

(C) The tax commissioner shall immediately forward to the treasurer of state all amounts the tax commissioner receives under this section, and the amounts forwarded shall be treated as if they were revenue arising from the tax levied under section 5753.02 of the Revised Code.

(D) Except as otherwise provided in this division, no assessment shall be issued against a casino operator for the tax levied under section 5753.02 of the Revised Code more than four years after the due date for filing the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. This division does not bar an assessment against a casino operator who fails to file a return as required by section 5753.04 of the Revised Code or who files a fraudulent return, or when the casino operator and the tax commissioner waive in writing the time limitation.

(E) If the tax commissioner possesses information that indicates that the amount of tax a casino operator is liable to pay under section 5753.02 of the Revised Code exceeds the amount the casino operator paid, the tax commissioner may audit a sample of the casino operator's gross casino revenue over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the casino operator in selecting a representative sample. The

tax commissioner may apply a sampling method only if the tax commissioner has prescribed the method by rule.

(F) If the whereabouts of a casino operator who is liable for the tax levied under section 5753.02 of the Revised Code are unknown to the tax commissioner, the tax commissioner shall proceed under section 5703.37 of the Revised Code.

(G) If a casino operator fails to pay the tax levied under section 5753.02 of the Revised Code within a period of one year after the due date for remitting the tax, the Ohio casino control commission may suspend the casino operator's license.

**Sec. 5815.28.** (A) As used in this section:

(1) "Ascertainable standard" includes a standard in a trust instrument requiring the trustee to provide for the care, comfort, maintenance, welfare, education, or general well-being of the beneficiary.

(2) "Disability" means any substantial, medically determinable impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of at least twelve months, except that "disability" does not include an impairment that is the result of abuse of alcohol or drugs.

(3) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.

(4) "Supplemental services" means services specified by rule of the department of ~~mental health~~ mental health and addiction services under section ~~5119.01~~ 5119.10 of the Revised Code or the department of developmental disabilities under section 5123.04 of the Revised Code that are provided to an individual with a disability in addition to services the individual is eligible to receive under programs authorized by federal or state law.

(B) Any person may create a trust under this section to provide funding for supplemental services for the benefit of another individual who meets either of the following conditions:

(1) The individual has a physical or mental disability and is eligible to receive services through the department of developmental disabilities or a county board of developmental disabilities;

(2) The individual has a mental disability and is eligible to receive services through the department of ~~mental health~~ mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

The trust may confer discretion upon the trustee and may contain specific instructions or conditions governing the exercise of the discretion.

(C) The general division of the court of common pleas and the probate court of the county in which the beneficiary of a trust authorized by division (B) of this section resides or is confined have concurrent original jurisdiction to hear and determine actions pertaining to the trust. In any action pertaining to the trust in a court of common pleas or probate court and in any appeal of the action, all of the following apply to the trial or appellate court:

(1) The court shall render determinations consistent with the testator's or other settlor's intent in creating the trust, as evidenced by the terms of the trust instrument.

(2) The court may order the trustee to exercise discretion that the trust instrument confers upon the trustee only if the instrument contains specific instructions or conditions governing the exercise of that discretion and the trustee has failed to comply with the instructions or conditions. In issuing an order pursuant to this division, the court shall require the trustee to

exercise the trustee's discretion only in accordance with the 121521  
instructions or conditions. 121522

(3) The court may order the trustee to maintain the trust and 121523  
distribute assets in accordance with rules adopted by the director 121524  
of ~~mental health~~ mental health and addiction services under 121525  
section ~~5119.01~~ 5119.10 of the Revised Code or the director of 121526  
developmental disabilities under section 5123.04 of the Revised 121527  
Code if the trustee has failed to comply with such rules. 121528

(D) To the extent permitted by federal law and subject to the 121529  
provisions of division (C)(2) of this section pertaining to the 121530  
enforcement of specific instructions or conditions governing a 121531  
trustee's discretion, a trust authorized by division (B) of this 121532  
section that confers discretion upon the trustee shall not be 121533  
considered an asset or resource of the beneficiary, the 121534  
beneficiary's estate, the settlor, or the settlor's estate and 121535  
shall be exempt from the claims of creditors, political 121536  
subdivisions, the state, other governmental entities, and other 121537  
claimants against the beneficiary, the beneficiary's estate, the 121538  
settlor, or the settlor's estate, including claims regarding the 121539  
medicaid program or based on provisions of Chapters ~~5111.7~~, 5121.7 121540  
or 5123. of the Revised Code and claims sought to be satisfied by 121541  
way of a civil action, subrogation, execution, garnishment, 121542  
attachment, judicial sale, or other legal process, if all of the 121543  
following apply: 121544

(1) At the time the trust is created, the trust principal 121545  
does not exceed the maximum amount determined under division (E) 121546  
of this section; 121547

(2) The trust instrument contains a statement of the 121548  
settlor's intent, or otherwise clearly evidences the settlor's 121549  
intent, that the beneficiary does not have authority to compel the 121550  
trustee under any circumstances to furnish the beneficiary with 121551  
minimal or other maintenance or support, to make payments from the 121552

principal of the trust or from the income derived from the 121553  
principal, or to convert any portion of the principal into cash, 121554  
whether pursuant to an ascertainable standard specified in the 121555  
instrument or otherwise; 121556

(3) The trust instrument provides that trust assets can be 121557  
used only to provide supplemental services, as defined by rule of 121558  
the director of ~~mental health~~ mental health and addiction services 121559  
under section ~~5119.01~~ 5119.10 of the Revised Code or the director 121560  
of developmental disabilities under section 5123.04 of the Revised 121561  
Code, to the beneficiary; 121562

(4) The trust is maintained and assets are distributed in 121563  
accordance with rules adopted by the director of ~~mental health~~ 121564  
mental health and addiction services under section ~~5119.01~~ 5119.10 121565  
of the Revised Code or the director of developmental disabilities 121566  
under section 5123.04 of the Revised Code; 121567

(5) The trust instrument provides that on the death of the 121568  
beneficiary, a portion of the remaining assets of the trust, which 121569  
shall be not less than fifty per cent of such assets, will be 121570  
deposited to the credit of the services fund for individuals with 121571  
mental illness created by section ~~5119.17~~ 5119.51 of the Revised 121572  
Code or the services fund for individuals with mental retardation 121573  
and developmental disabilities created by section 5123.40 of the 121574  
Revised Code. 121575

(E) In 1994, the trust principal maximum amount for a trust 121576  
created under this section shall be two hundred thousand dollars. 121577  
The maximum amount for a trust created under this section prior to 121578  
November 11, 1994, may be increased to two hundred thousand 121579  
dollars. 121580

In 1995, the maximum amount for a trust created under this 121581  
section shall be two hundred two thousand dollars. Each year 121582  
thereafter, the maximum amount shall be the prior year's amount 121583

plus two thousand dollars. 121584

(F) This section does not limit or otherwise affect the 121585  
creation, validity, interpretation, or effect of any trust that is 121586  
not created under this section. 121587

(G) Once a trustee takes action on a trust created by a 121588  
settlor under this section and disburses trust funds on behalf of 121589  
the beneficiary of the trust, then the trust may not be terminated 121590  
or otherwise revoked by a particular event or otherwise without 121591  
payment into the services fund created pursuant to section ~~5119.17~~ 121592  
5119.51 or 5123.40 of the Revised Code of an amount that is equal 121593  
to the disbursements made on behalf of the beneficiary for medical 121594  
care by the state from the date the trust vests but that is not 121595  
more than fifty per cent of the trust corpus. 121596

**Sec. 5905.02.** Whenever it appears that a person is eligible 121597  
for care or treatment by the veterans' administration or other 121598  
agency of the United States, and hospitalization is necessary for 121599  
the proper care or treatment of such person, the probate court, 121600  
upon receipt of a certificate from the veterans' administration or 121601  
such other agency showing that facilities are available and such 121602  
person is eligible for care or treatment therein, may order such 121603  
person to said veterans' administration or other agency for care 121604  
and treatment. 121605

Upon admission, such person shall be subject to the 121606  
applicable regulations of the veterans' administration or other 121607  
agency of the United States. The chief officer of any hospital to 121608  
which any person is admitted pursuant to hospitalization as 121609  
provided in sections 5905.01 to 5905.19 of the Revised Code, or 121610  
under the law in effect at the time of such admission, shall have 121611  
the same powers as are exercised by heads of hospitals for mental 121612  
diseases and the department of ~~mental health~~ mental health and 121613  
addiction services with respect to the retention, transfer, 121614

parole, or discharge of the person hospitalized; provided no 121615  
person shall be transferred to a hospital operated by the state or 121616  
any political subdivision thereof without the consent of such 121617  
department. 121618

The right of such person to appear and defend shall not be 121619  
denied. 121620

The judgment or order of hospitalization by a court of 121621  
competent jurisdiction of another state ordering a person to the 121622  
veterans' administration or other agency of the United States, or 121623  
any hospital operated by any such agency, for care or treatment 121624  
shall have the same effect as to such person while in this state 121625  
as in the state in which the court entering such judgment or 121626  
making such order is situated, provided that no nonresident 121627  
ordered to a veterans' administration facility located in Ohio 121628  
shall thereby acquire a legal settlement in Ohio. 121629

Upon receipt of a certificate that facilities are available 121630  
in any such hospital operated by the United States for the care or 121631  
treatment of any person ordered to any hospital for the mentally 121632  
ill or other hospital in this state for the care of persons 121633  
similarly afflicted, and that such person is eligible for such 121634  
care or treatment, such department may transfer any such person to 121635  
the veterans' administration or other agency of the United States 121636  
in the state. Upon effecting any such transfer, the ordering court 121637  
shall be notified thereof by the transferring agency; provided 121638  
that no such person shall be transferred if ~~he~~ the person is 121639  
confined pursuant to conviction of any crime or misdemeanor, or if 121640  
~~he~~ the person has been acquitted of any such charge solely on the 121641  
ground of insanity, unless prior to such transfer the court 121642  
originally ordering such person enters an order for such transfer 121643  
after appropriate motion and hearing. 121644

Any person transferred as provided in this section is ordered 121645  
to the veterans' administration or other agency of the United 121646

States pursuant to the original order as though ~~he~~ the person had 121647  
been originally so ordered. 121648

**Sec. 5910.02.** There is hereby created an Ohio war orphans 121649  
scholarship board as part of the department of veterans services. 121650  
The board consists of eight members as follows: the chancellor of 121651  
the Ohio board of regents or the chancellor's designee; the 121652  
director of veterans services or the director's designee; one 121653  
member of the house of representatives, appointed by the speaker; 121654  
one member of the senate, appointed by the president of the 121655  
senate; and four members appointed by the governor, one of whom 121656  
shall be a representative of the American Legion, one of whom 121657  
shall be a representative of the Veterans of Foreign Wars, one of 121658  
whom shall be a representative of the Disabled American Veterans, 121659  
and one of whom shall be a representative of the AMVETS. At least 121660  
ninety days prior to the expiration of the term of office of the 121661  
representative of a veterans organization appointed by the 121662  
governor, the governor shall notify the state headquarters of the 121663  
affected organization of the need for an appointment and request 121664  
the organization to make at least three nominations. Within sixty 121665  
days after making the request for nominations, the governor may 121666  
make the appointment from the nominations received, or may reject 121667  
all the nominations and request at least three new nominations, 121668  
from which the governor shall make an appointment within thirty 121669  
days after making the request for the new nominations. If the 121670  
governor receives no nominations during this thirty-day period, 121671  
the governor may appoint any veteran. 121672

Terms of office for the four members appointed by the 121673  
governor shall be for four years, commencing on the first day of 121674  
January and ending on the thirty-first day of December, except 121675  
that the term of the AMVETS representative shall expire December 121676  
31, 1998, and the new term that succeeds it shall commence on 121677  
January 1, 1999, and end on December 31, 2002. Each member shall 121678



hold office from the date of the member's appointment until the 121679  
end of the term for which the member was appointed. The other 121680  
members shall serve during their terms of office. Any vacancy 121681  
shall be filled by appointment in the same manner as by original 121682  
appointment. Any member appointed to fill a vacancy occurring 121683  
prior to the expiration of the term for which the member's 121684  
predecessor was appointed shall hold office for the remainder of 121685  
such term. Any appointed member shall continue in office 121686  
subsequent to the expiration date of the member's term until the 121687  
member's successor takes office, or until a period of sixty days 121688  
has elapsed, whichever occurs first. The members of the board 121689  
shall serve without pay but shall be reimbursed for travel 121690  
expenses and for other actual and necessary expenses incurred in 121691  
the performance of their duties, not to exceed ten dollars per day 121692  
for ten days in any one year to be appropriated out of any moneys 121693  
in the state treasury to the credit of the general revenue fund. 121694

The chancellor of the board of regents shall act as secretary 121695  
to the board and shall furnish such clerical and other assistance 121696  
as may be necessary to the performance of the duties of the board. 121697

The board shall determine the number of scholarships to be 121698  
made available, receive applications for scholarships, pass upon 121699  
the eligibility of applicants, decide which applicants are to 121700  
receive scholarships, and do all other things necessary for the 121701  
proper administration of this chapter. 121702

The board may apply for, and may receive and accept, grants, 121703  
and may receive and accept gifts, bequests, and contributions, 121704  
from public and private sources, including agencies and 121705  
instrumentalities of the United States and this state, and shall 121706  
deposit the grants, gifts, bequests, or contributions into the 121707  
Ohio war orphans scholarship donation fund. 121708

**Sec. 5910.07.** The Ohio war orphans scholarship donation fund 121709

is created in the state treasury. The fund shall consist of gifts, 121710  
bequests, grants, and contributions made to the fund under section 121711  
5910.02 of the Revised Code. Investment earnings of the fund shall 121712  
be deposited into the fund. The fund shall be used to operate the 121713  
war orphans scholarship program and to provide grants under 121714  
sections 5910.01 to 5910.06 of the Revised Code. 121715

Sec. 5910.08. There is hereby created in the state treasury 121716  
the war orphans scholarship reserve fund. Not later than the first 121717  
day of July of each fiscal year, the chancellor of the Ohio board 121718  
of regents shall certify to the director of budget and management 121719  
the unencumbered balance of the general revenue fund 121720  
appropriations made in the immediately preceding fiscal year for 121721  
purposes of the war orphans scholarship program created in Chapter 121722  
5910. of the Revised Code. Upon receipt of the certification, the 121723  
director may transfer an amount not exceeding the certified amount 121724  
from the general revenue fund to the war orphans scholarship 121725  
reserve fund. Moneys in the war orphans scholarship reserve fund 121726  
shall be used to pay scholarship obligations in excess of the 121727  
general revenue fund appropriations made for that purpose. 121728

The director may transfer any unencumbered balance from the 121729  
war orphans scholarship reserve fund to the general revenue fund. 121730

**Sec. 5919.34.** (A) As used in this section: 121731

(1) "Academic term" means any one of the following: 121732

(a) Fall term, which consists of fall semester or fall 121733  
quarter, as appropriate; 121734

(b) Winter term, which consists of winter semester, winter 121735  
quarter, or spring semester, as appropriate; 121736

(c) Spring term, which consists of spring quarter; 121737

(d) Summer term, which consists of summer semester or summer 121738

quarter, as appropriate. 121739

(2) "Eligible applicant" means any individual to whom all of 121740  
the following apply: 121741

(a) The individual does not possess a baccalaureate degree. 121742

(b) The individual has enlisted, re-enlisted, or extended 121743  
current enlistment in the Ohio national guard or is an individual 121744  
to which division (F) of this section applies. 121745

(c) The individual is actively enrolled as a full-time or 121746  
part-time student for at least three credit hours of course work 121747  
in a semester or quarter in a two-year or four-year 121748  
degree-granting program at a state institution of higher education 121749  
or a private institution of higher education, or in a 121750  
diploma-granting program at a state or private institution of 121751  
higher education that is a school of nursing. 121752

(d) The individual has not accumulated ninety-six eligibility 121753  
units under division (E) of this section. 121754

(3) "State institution of higher education" means any state 121755  
university or college as defined in division (A)(1) of section 121756  
3345.12 of the Revised Code, community college established under 121757  
Chapter 3354. of the Revised Code, state community college 121758  
established under Chapter 3358. of the Revised Code, university 121759  
branch established under Chapter 3355. of the Revised Code, or 121760  
technical college established under Chapter 3357. of the Revised 121761  
Code. 121762

(4) "Private institution of higher education" means an Ohio 121763  
institution of higher education that is nonprofit and has received 121764  
a certificate of authorization pursuant to Chapter 1713. of the 121765  
Revised Code, that is a private institution exempt from regulation 121766  
under Chapter 3332. of the Revised Code as prescribed in section 121767  
3333.046 of the Revised Code, or that holds a certificate of 121768  
registration and program authorization issued by the state board 121769

of career colleges and schools pursuant to section 3332.05 of the Revised Code. 121770  
121771

(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges. 121772  
121773  
121774  
121775

(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program. 121776  
121777

(C) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion. 121778  
121779  
121780  
121781  
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121783

(D)(1) Except as provided in divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is eligible for a scholarship under division (F)(1) of this section, the institution of higher education in which the applicant is enrolled shall, if the applicant's enlistment obligation extends beyond the end of that academic term or if division (F)(1) of this section applies, be paid on the applicant's behalf the applicable one of the following amounts: 121784  
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121786  
121787  
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(a) If the institution is a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges; 121794  
121795  
121796

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the 121797  
121798  
121799  
121800

average tuition charges of all state universities; 121801

(c) If the institution is an institution that holds a 121802  
certificate of registration from the state board of career 121803  
colleges and schools, the lesser of the following: 121804

(i) An amount equal to one hundred per cent of the 121805  
institution's tuition; 121806

(ii) An amount equal to one hundred per cent of the average 121807  
tuition charges of all state universities, as that term is defined 121808  
in section 3345.011 of the Revised Code. 121809

(2) An eligible applicant's scholarship shall not be reduced 121810  
by the amount of that applicant's benefits under "the Montgomery 121811  
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 121812

(E) A scholarship recipient under this section shall be 121813  
entitled to receive scholarships under this section for the number 121814  
of quarters or semesters it takes the recipient to accumulate 121815  
ninety-six eligibility units as determined under divisions (E)(1) 121816  
to (3) of this section. 121817

(1) To determine the maximum number of semesters or quarters 121818  
for which a recipient is entitled to a scholarship under this 121819  
section, the adjutant general shall convert a recipient's credit 121820  
hours of enrollment for each academic term into eligibility units 121821  
in accordance with the following table: 121822

|                    |                 |               |        |
|--------------------|-----------------|---------------|--------|
|                    | The             |               | 121823 |
| Number of          | following       | The following | 121824 |
| credit hours       | number of       | number of     | 121825 |
| of enrollment      | eligibility     | eligibility   | 121826 |
| in an academic     | units if a      | units if a    | 121827 |
| term               | equals semester | or quarter    | 121828 |
|                    |                 |               | 121829 |
| 12 or more hours   | 12 units        | 8 units       | 121830 |
| 9 but less than 12 | 9 units         | 6 units       | 121831 |

|                   |         |         |        |
|-------------------|---------|---------|--------|
| 6 but less than 9 | 6 units | 4 units | 121832 |
| 3 but less than 6 | 3 units | 2 units | 121833 |

(2) A scholarship recipient under this section may continue 121834  
to apply for scholarships under this section until the recipient 121835  
has accumulated ninety-six eligibility units. 121836

(3) If a scholarship recipient withdraws from courses prior 121837  
to the end of an academic term so that the recipient's enrollment 121838  
for that academic term is less than three credit hours, no 121839  
scholarship shall be paid on behalf of that person for that 121840  
academic term. Except as provided in division (F)(3) of this 121841  
section, if a scholarship has already been paid on behalf of the 121842  
person for that academic term, the adjutant general shall add to 121843  
that person's accumulated eligibility units the number of 121844  
eligibility units for which the scholarship was paid. 121845

(F) This division applies to any eligible applicant called 121846  
into active duty on or after September 11, 2001. As used in this 121847  
division, "active duty" means active duty pursuant to an executive 121848  
order of the president of the United States, an act of the 121849  
congress of the United States, or section 5919.29 or 5923.21 of 121850  
the Revised Code. 121851

(1) For a period of up to five years from when an 121852  
individual's enlistment obligation in the Ohio national guard 121853  
ends, an individual to whom this division applies is eligible for 121854  
scholarships under this section for those academic terms that were 121855  
missed or could have been missed as a result of the individual's 121856  
call into active duty. Scholarships shall not be paid for the 121857  
academic term in which an eligible applicant's enlistment 121858  
obligation ends unless an applicant is eligible under this 121859  
division for a scholarship for such academic term due to previous 121860  
active duty. 121861

(2) When an individual to whom this division applies 121862  
withdraws or otherwise fails to complete courses, for which 121863

scholarships have been awarded under this section, because the 121864  
individual was called into active duty, the institution of higher 121865  
education shall grant the individual a leave of absence from the 121866  
individual's education program and shall not impose any academic 121867  
penalty for such withdrawal or failure to complete courses. 121868  
Division (F)(2) of this section applies regardless of whether or 121869  
not the scholarship amount was paid to the institution of higher 121870  
education. 121871

(3) If an individual to whom this division applies withdraws 121872  
or otherwise fails to complete courses because the individual was 121873  
called into active duty, and if scholarships for those courses 121874  
have already been paid, either: 121875

(a) The adjutant general shall not add to that person's 121876  
accumulated eligibility units calculated under division (E) of 121877  
this section the number of eligibility units for the academic 121878  
courses or term for which the scholarship was paid and the 121879  
institution of higher education shall repay the scholarship amount 121880  
to the state. 121881

(b) The adjutant general shall add to that individual's 121882  
accumulated eligibility units calculated under division (E) of 121883  
this section the number of eligibility units for the academic 121884  
courses or term for which the scholarship was paid if the 121885  
institution of higher education agrees to permit the individual to 121886  
complete the remainder of the academic courses in which the 121887  
individual was enrolled at the time the individual was called into 121888  
active duty. 121889

(4) No individual who is discharged from the Ohio national 121890  
guard under other than honorable conditions shall be eligible for 121891  
scholarships under this division. 121892

(G) A scholarship recipient under this section who fails to 121893  
complete the term of enlistment, re-enlistment, or extension of 121894

current enlistment the recipient was serving at the time a 121895  
scholarship was paid on behalf of the recipient under this section 121896  
is liable to the state for repayment of a percentage of all Ohio 121897  
national guard scholarships paid on behalf of the recipient under 121898  
this section, plus interest at the rate of ten per cent per annum 121899  
calculated from the dates the scholarships were paid. This 121900  
percentage shall equal the percentage of the current term of 121901  
enlistment, re-enlistment, or extension of enlistment a recipient 121902  
has not completed as of the date the recipient is discharged from 121903  
the Ohio national guard. 121904

The attorney general may commence a civil action on behalf of 121905  
the chancellor of the Ohio board of regents to recover the amount 121906  
of the scholarships and the interest provided for in this division 121907  
and the expenses incurred in prosecuting the action, including 121908  
court costs and reasonable attorney's fees. A scholarship 121909  
recipient is not liable under this division if the recipient's 121910  
failure to complete the term of enlistment being served at the 121911  
time a scholarship was paid on behalf of the recipient under this 121912  
section is due to the recipient's death or discharge from the 121913  
national guard due to disability. 121914

(H) On or before the first day of each academic term, the 121915  
adjutant general shall provide an eligibility roster to the 121916  
chancellor and to each institution of higher education at which 121917  
one or more scholarship recipients have applied for enrollment. 121918  
The institution shall use the roster to certify the actual 121919  
full-time or part-time enrollment of each scholarship recipient 121920  
listed as enrolled at the institution and return the roster to the 121921  
adjutant general and the chancellor. Except as provided in 121922  
division (J) of this section, the chancellor shall provide for 121923  
payment of the appropriate number and amount of scholarships to 121924  
each institution of higher education pursuant to division (D) of 121925  
this section. If an institution of higher education fails to 121926



certify the actual enrollment of a scholarship recipient listed as 121927  
enrolled at the institution within thirty days of the end of an 121928  
academic term, the institution shall not be eligible to receive 121929  
payment from the Ohio national guard scholarship program or from 121930  
the individual enrollee. The adjutant general shall report on a 121931  
semiannual basis to the director of budget and management, the 121932  
speaker of the house of representatives, the president of the 121933  
senate, and the chancellor the number of Ohio national guard 121934  
scholarship recipients, the size of the scholarship-eligible 121935  
population, and a projection of the cost of the program for the 121936  
remainder of the biennium. 121937

(I) The chancellor and the adjutant general may adopt rules 121938  
pursuant to Chapter 119. of the Revised Code governing the 121939  
administration and fiscal management of the Ohio national guard 121940  
scholarship program and the procedure by which the chancellor and 121941  
the department of the adjutant general may modify the amount of 121942  
scholarships a member receives based on the amount of other state 121943  
financial aid a member receives. 121944

(J) The adjutant general, the chancellor, and the director, 121945  
or their designees, shall jointly estimate the costs of the Ohio 121946  
national guard scholarship program for each upcoming fiscal 121947  
biennium, and shall report that estimate prior to the beginning of 121948  
the fiscal biennium to the chairpersons of the finance committees 121949  
in the general assembly. During each fiscal year of the biennium, 121950  
the adjutant general, the chancellor, and the director, or their 121951  
designees, shall meet regularly to monitor the actual costs of the 121952  
Ohio national guard scholarship program and update cost 121953  
projections for the remainder of the biennium as necessary. If the 121954  
amounts appropriated for the Ohio national guard scholarship 121955  
program and any funds in the Ohio national guard scholarship 121956  
reserve fund and the Ohio national guard scholarship donation fund 121957  
are not adequate to provide scholarships in the amounts specified 121958

in division (D)(1) of this section for all eligible applicants, 121959  
the chancellor shall do all of the following: 121960

(1) Notify each private institution of higher education, 121961  
where a scholarship recipient is enrolled, that, by accepting the 121962  
Ohio national guard scholarship program as payment for all or part 121963  
of the institution's tuition, the institution agrees that if the 121964  
chancellor reduces the amount of each scholarship, the institution 121965  
shall provide each scholarship recipient a grant or tuition waiver 121966  
in an amount equal to the amount the recipient's scholarship was 121967  
reduced by the chancellor. 121968

(2) Reduce the amount of each scholarship under division 121969  
(D)(1)(a) of this section proportionally based on the amount of 121970  
remaining available funds. Each state institution of higher 121971  
education shall provide each scholarship recipient under division 121972  
(D)(1)(a) of this section a grant or tuition waiver in an amount 121973  
equal to the amount the recipient's scholarship was reduced by the 121974  
chancellor. 121975

(K) Notwithstanding division (A) of section 127.14 of the 121976  
Revised Code, the controlling board shall not transfer all or part 121977  
of any appropriation for the Ohio national guard scholarship 121978  
program. 121979

(L) The chancellor and the adjutant general may apply for, 121980  
and may receive and accept grants, and may receive and accept 121981  
gifts, bequests, and contributions, from public and private 121982  
sources, including agencies and instrumentalities of the United 121983  
States and this state, and shall deposit the grants, gifts, 121984  
bequests, or contributions into the national guard scholarship 121985  
~~reserve~~ donation fund. 121986

Sec. 5919.342. The national guard scholarship donation fund 121987  
is created in the state treasury. The fund shall consist of gifts, 121988  
bequests, grants, and contributions made to the fund under 121989

division (L) of section 5919.34 of the Revised Code. Investment 121990  
earnings of the fund shall be deposited into the fund. The fund 121991  
shall be used to operate the Ohio national guard scholarship 121992  
program created under section 5919.34 of the Revised Code. 121993

**Sec. 5924.502.** (A) If the issue of an accused's competence to 121994  
stand trial is raised or if an accused enters a plea of not guilty 121995  
by reason of insanity, the court may order one or more evaluations 121996  
of the accused's present mental condition or, in the case of a 121997  
plea of not guilty by reason of insanity, of the accused's mental 121998  
condition at the time of the offense charged. An examiner shall 121999  
conduct the evaluation. 122000

(B) If the court orders more than one evaluation under 122001  
division (A) of this section, the trial counsel and the defense 122002  
counsel may recommend to the court an examiner whom each prefers 122003  
to perform one of the evaluations. If an accused enters a plea of 122004  
not guilty by reason of insanity and if the court does not 122005  
designate an examiner recommended by the defense counsel, the 122006  
court shall inform the accused that the accused may have 122007  
independent expert evaluation and that it will be obtained for the 122008  
accused at public expense. 122009

(C) If the court orders an evaluation under division (A) of 122010  
this section, the accused shall be available at the times and 122011  
places established by the examiners who are to conduct the 122012  
evaluation. The court may order an accused who is not being held 122013  
in pretrial confinement to submit to an evaluation under this 122014  
section. If an accused who is not being held in pretrial 122015  
confinement refuses to submit to a complete evaluation, the court 122016  
may order the sheriff to take the accused into custody and deliver 122017  
the accused to a center, program, or facility operated or 122018  
certified by the department of ~~mental health~~ mental health and 122019  
addiction services where the accused may be held for evaluation 122020

for a reasonable period of time not to exceed twenty days. 122021

(D) An accused who is being held in pretrial confinement may 122022  
be evaluated at the accused's place of detention. Upon the request 122023  
of the examiner, the court may order the sheriff to transport the 122024  
accused to a program or facility operated or certified by the 122025  
department of ~~mental health~~ mental health and addiction services, 122026  
where the accused may be held for evaluation for a reasonable 122027  
period of time not to exceed twenty days, and to return the 122028  
accused to the place of detention after the evaluation. 122029

(E) If a court orders the evaluation to determine an 122030  
accused's mental condition at the time of the offense charged, the 122031  
court shall inform the examiner of the offense with which the 122032  
accused is charged. 122033

(F) In conducting an evaluation of an accused's mental 122034  
condition at the time of the offense charged, the examiner shall 122035  
consider all relevant evidence. If the offense charged involves 122036  
the use of force against another person, the relevant evidence to 122037  
be considered includes, but is not limited to, any evidence that 122038  
the accused suffered at the time of the commission of the offense 122039  
from the "battered woman syndrome." 122040

(G) The examiner shall file a written report with the court 122041  
within thirty days after entry of a court order for evaluation, 122042  
and the court shall provide copies of the report to the trial 122043  
counsel and defense counsel. The report shall include all of the 122044  
following: 122045

(1) The examiner's findings; 122046

(2) The facts in reasonable detail on which the findings are 122047  
based; 122048

(3) If the evaluation was ordered to determine the accused's 122049  
competence to stand trial, all of the following findings or 122050  
recommendations that are applicable: 122051

(a) Whether the accused is capable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense;

(b) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, whether the accused presently is mentally ill;

(c) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, the examiner's opinion as to the likelihood of the accused becoming capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense within one year if the accused is provided with a course of treatment;

(d) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense and that the accused presently is mentally ill, the examiner's recommendation as to the least restrictive placement or commitment alternative, consistent with the accused's treatment needs for restoration to competency and with the safety of the community;

(e) If the accused is charged before a special or summary court-martial with an offense that is not a violation of section 5924.120, 5924.127, or 5924.128 of the Revised Code and the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense and that the accused is presently mentally ill, the examiner's recommendation as to whether the accused is amenable to engagement in mental health treatment.

(4) If the evaluation was ordered to determine the accused's mental condition at the time of the offense charged, the examiner's findings as to whether the accused at the time of the offense charged did not know, as a result of a severe mental disease or defect, the wrongfulness of the accused's acts charged.

(H) An examiner appointed under divisions (A) and (B) of this section to evaluate an accused to determine the accused's competence to stand trial also may be appointed to evaluate an accused who has entered a plea of not guilty by reason of insanity, but an examiner of that nature shall prepare separate reports on the issue of competence to stand trial and the defense of not guilty by reason of insanity.

(I) No statement that an accused makes in an evaluation or hearing under divisions (A) to (H) of this section relating to the accused's competence to stand trial or to the accused's mental condition at the time of the offense charged may be used against the accused on the issue of guilt in any criminal action or proceeding, but, in a criminal action or proceeding, the trial counsel or defense counsel may call as a witness any person who evaluated the accused or prepared a report pursuant to a referral under this section. Neither the appointment nor the testimony of an examiner appointed under this section precludes the trial counsel or defense counsel from calling other witnesses or presenting other evidence on competency or insanity issues.

(J) Persons appointed as examiners under divisions (A) and (B) of this section or under division (H) of this section shall be paid a reasonable amount for their services and expenses, as certified by the court.

**Sec. 5924.503.** (A) If the issue of an accused's competence to stand trial is raised and if the court, upon conducting the hearing provided for in section 5924.502 of the Revised Code,

finds that the accused is competent to stand trial, the accused 122115  
shall be proceeded against as provided by law. If the court finds 122116  
the accused competent to stand trial and the accused is receiving 122117  
psychotropic drugs or other medication, the court may authorize 122118  
the continued administration of the drugs or medication or other 122119  
appropriate treatment in order to maintain the accused's 122120  
competence to stand trial unless the accused's attending physician 122121  
advises the court against continuation of the drugs, other 122122  
medication, or treatment. 122123

(B)(1)(a) If, after taking into consideration all relevant 122124  
reports, information, and other evidence, the court finds that the 122125  
accused is incompetent to stand trial and that there is a 122126  
substantial probability that the accused will become competent to 122127  
stand trial within one year if the accused is provided with a 122128  
course of treatment, the court shall order the accused to undergo 122129  
treatment. If the accused is being tried by a general 122130  
court-martial and if, after taking into consideration all relevant 122131  
reports, information, and other evidence, the court finds that the 122132  
accused is incompetent to stand trial, but the court is unable at 122133  
that time to determine whether there is a substantial probability 122134  
that the accused will become competent to stand trial within one 122135  
year if the accused is provided with a course of treatment, the 122136  
court shall order continuing evaluation and treatment of the 122137  
accused for a period not to exceed four months to determine 122138  
whether there is a substantial probability that the accused will 122139  
become competent to stand trial within one year if the accused is 122140  
provided with a course of treatment. 122141

(b) The court order for the accused to undergo treatment or 122142  
continuing evaluation and treatment under division (B)(1)(a) of 122143  
this section shall specify that the accused, if determined to 122144  
require mental health treatment or continuing evaluation and 122145  
treatment, shall be committed to the department of ~~mental health~~ 122146

mental health and addiction services for treatment or continuing 122147  
evaluation and treatment at a hospital, facility, or agency 122148  
determined to be clinically appropriate by the department of 122149  
~~mental health~~ mental health and addiction services. The order may 122150  
restrict the accused's freedom of movement as the court considers 122151  
necessary. The trial counsel in the accused's case shall send to 122152  
the chief clinical officer of the hospital, facility, or ~~agency~~ 122153  
services provider where the accused is placed by the department of 122154  
~~mental health~~ mental health and addiction services or to the 122155  
managing officer of the institution, the director of the facility, 122156  
or the person to which the accused is committed copies of relevant 122157  
investigative reports and other background information that 122158  
pertains to the accused and is available to the trial counsel 122159  
unless the trial counsel determines that the release of any of the 122160  
information in the investigative reports or any of the other 122161  
background information to unauthorized persons would interfere 122162  
with the effective prosecution of any person or would create a 122163  
substantial risk of harm to any person. 122164

In committing the accused to the department of ~~mental health~~ 122165  
mental health and addiction services, the court shall consider the 122166  
extent to which the person is a danger to the person and to 122167  
others, the need for security, and the type of crime involved and, 122168  
if the court finds that restrictions on the accused's freedom of 122169  
movement are necessary, shall specify the least restrictive 122170  
limitations on the person's freedom of movement determined to be 122171  
necessary to protect public safety. In weighing these factors, the 122172  
court shall give preference to protecting public safety. 122173

(c) If the accused is found incompetent to stand trial, if 122174  
the chief clinical officer of the hospital, facility, or ~~agency~~ 122175  
services provider where the accused is placed, or the managing 122176  
officer of the institution, the director of the facility, or the 122177  
person to which the accused is committed for treatment or 122178



continuing evaluation and treatment under division (B)(1)(b) of 122179  
this section determines that medication is necessary to restore 122180  
the accused's competency to stand trial, and if the accused lacks 122181  
the capacity to give informed consent or refuses medication, the 122182  
chief clinical officer of the hospital, facility, or ~~agency~~ 122183  
services provider where the accused is placed or the managing 122184  
officer of the institution, the director of the facility, or the 122185  
person to which the accused is committed for treatment or 122186  
continuing evaluation and treatment may petition the court for 122187  
authorization for the involuntary administration of medication. 122188  
The court shall hold a hearing on the petition within five days of 122189  
the filing of the petition. Following the hearing, the court may 122190  
authorize the involuntary administration of medication or may 122191  
dismiss the petition. 122192

(d) If the accused is charged before a special or summary 122193  
court-martial with an offense that is not a violation of section 122194  
5924.120, 5924.127, or 5924.128 of the Revised Code, the trial 122195  
counsel may hold the charges in abeyance while the accused engages 122196  
in mental health treatment. 122197

(2) If the court finds that the accused is incompetent to 122198  
stand trial and that, even if the accused is provided with a 122199  
course of treatment, there is not a substantial probability that 122200  
the accused will become competent to stand trial within one year, 122201  
the court shall order the discharge of the accused, unless upon 122202  
motion of the trial counsel or on its own motion, the court either 122203  
seeks to retain jurisdiction over the accused pursuant to division 122204  
(A)(2) of section 5924.504 of the Revised Code or files an 122205  
affidavit in the probate court for the civil commitment of the 122206  
accused pursuant to Chapter 5122. of the Revised Code alleging 122207  
that the accused is a mentally ill person subject to 122208  
hospitalization by court order. If an affidavit is filed in the 122209  
probate court, the trial court shall send to the probate court 122210

copies of all written reports of the accused's mental condition 122211  
that were prepared pursuant to section 5924.502 of the Revised 122212  
Code. 122213

The trial court may issue the temporary order of detention 122214  
that a probate court may issue under section 5122.11 of the 122215  
Revised Code, to remain in effect until the probable cause or 122216  
initial hearing in the probate court. Further proceedings in the 122217  
probate court are civil proceedings governed by Chapter 5122. of 122218  
the Revised Code. 122219

(C) No accused shall be required to undergo treatment, 122220  
including any continuing evaluation and treatment, under division 122221  
(B)(1) of this section for longer than whichever of the following 122222  
periods is applicable: 122223

(1) One year, if the accused is being tried by a general 122224  
court-martial; 122225

(2) Six months, if the accused is being tried before a 122226  
special court-martial; 122227

(3) Sixty days, if the accused is being tried before a 122228  
summary court-martial. 122229

(D) Any accused who is committed pursuant to this section 122230  
shall not voluntarily admit the accused or be voluntarily admitted 122231  
to a hospital or institution pursuant to section 5122.02 or 122232  
5122.15 of the Revised Code. 122233

(E) Except as otherwise provided in this division, an accused 122234  
who is charged with an offense and is committed by the court under 122235  
this section to the department of ~~mental health~~ mental health and 122236  
addiction services with restrictions on the accused's freedom of 122237  
movement shall not be granted unsupervised on-grounds movement, 122238  
supervised off-grounds movement, or nonsecured status except in 122239  
accordance with the court order. The court may grant an accused 122240  
supervised off-grounds movement to obtain medical treatment or 122241

specialized habilitation treatment services if the person who 122242  
supervises the treatment or the continuing evaluation and 122243  
treatment of the accused ordered under division (B)(1)(a) of this 122244  
section informs the court that the treatment or continuing 122245  
evaluation and treatment cannot be provided at the hospital or 122246  
facility where the accused is placed by the department of ~~mental~~ 122247  
~~health~~ mental health and addiction services. The chief clinical 122248  
officer of the hospital or facility where the accused is placed by 122249  
the department of ~~mental health~~ mental health and addiction 122250  
services or the managing officer of the institution or director of 122251  
the facility to which the accused is committed or a designee of 122252  
any of those persons may grant an accused movement to a medical 122253  
facility for an emergency medical situation with appropriate 122254  
supervision to ensure the safety of the accused, staff, and 122255  
community during that emergency medical situation. The chief 122256  
clinical officer of the hospital or facility where the accused is 122257  
placed by the department of ~~mental health~~ mental health and 122258  
addiction services or the managing officer of the institution or 122259  
director of the facility to which the accused is committed shall 122260  
notify the court within twenty-four hours of the accused's 122261  
movement to the medical facility for an emergency medical 122262  
situation under this division. 122263

(F) The person who supervises the treatment or continuing 122264  
evaluation and treatment of an accused ordered to undergo 122265  
treatment or continuing evaluation and treatment under division 122266  
(B)(1)(a) of this section shall file a written report with the 122267  
court at the following times: 122268

(1) Whenever the person believes the accused is capable of 122269  
understanding the nature and objective of the proceedings against 122270  
the accused and of assisting in the accused's defense; 122271

(2) Fourteen days before expiration of the maximum time for 122272  
treatment as specified in division (C) of this section and 122273

fourteen days before the expiration of the maximum time for 122274  
continuing evaluation and treatment as specified in division 122275  
(B)(1)(a) of this section; 122276

(3) At a minimum, after each six months of treatment; 122277

(4) Whenever the person who supervises the treatment or 122278  
continuing evaluation and treatment of an accused ordered under 122279  
division (B)(1)(a) of this section believes that there is not a 122280  
substantial probability that the accused will become capable of 122281  
understanding the nature and objective of the proceedings against 122282  
the accused or of assisting in the accused's defense even if the 122283  
accused is provided with a course of treatment. 122284

(G) A report under division (F) of this section shall contain 122285  
the examiner's findings, the facts in reasonable detail on which 122286  
the findings are based, and the examiner's opinion as to the 122287  
accused's capability of understanding the nature and objective of 122288  
the proceedings against the accused and of assisting in the 122289  
accused's defense. If, in the examiner's opinion, the accused 122290  
remains incapable of understanding the nature and objective of the 122291  
proceedings against the accused and of assisting in the accused's 122292  
defense and there is a substantial probability that the accused 122293  
will become capable of understanding the nature and objective of 122294  
the proceedings against the accused and of assisting in the 122295  
accused's defense if the accused is provided with a course of 122296  
treatment, if in the examiner's opinion the accused remains 122297  
mentally ill, and if the maximum time for treatment as specified 122298  
in division (C) of this section has not expired, the report also 122299  
shall contain the examiner's recommendation as to the least 122300  
restrictive placement or commitment alternative that is consistent 122301  
with the accused's treatment needs for restoration to competency 122302  
and with the safety of the community. The court shall provide 122303  
copies of the report to the trial counsel and defense counsel. 122304

(H) If an accused is committed pursuant to division (B)(1) of 122305

this section, within ten days after the treating physician of the 122306  
accused or the examiner of the accused who is employed or retained 122307  
by the treating facility advises that there is not a substantial 122308  
probability that the accused will become capable of understanding 122309  
the nature and objective of the proceedings against the accused or 122310  
of assisting in the accused's defense even if the accused is 122311  
provided with a course of treatment, within ten days after the 122312  
expiration of the maximum time for treatment as specified in 122313  
division (C) of this section, within ten days after the expiration 122314  
of the maximum time for continuing evaluation and treatment as 122315  
specified in division (B)(1)(a) of this section, within thirty 122316  
days after an accused's request for a hearing that is made after 122317  
six months of treatment, or within thirty days after being advised 122318  
by the treating physician or examiner that the accused is 122319  
competent to stand trial, whichever is the earliest, the court 122320  
shall conduct another hearing to determine if the accused is 122321  
competent to stand trial and shall do whichever of the following 122322  
is applicable: 122323

(1) If the court finds that the accused is competent to stand 122324  
trial, the accused shall be proceeded against as provided by law. 122325

(2) If the court finds that the accused is incompetent to 122326  
stand trial, but that there is a substantial probability that the 122327  
accused will become competent to stand trial if the accused is 122328  
provided with a course of treatment, and the maximum time for 122329  
treatment as specified in division (C) of this section has not 122330  
expired, the court, after consideration of the examiner's 122331  
recommendation, shall order that treatment be continued, may 122332  
change least restrictive limitations on the accused's freedom of 122333  
movement. 122334

(3) If the court finds that the accused is incompetent to 122335  
stand trial, if the accused is being tried by a general 122336  
court-martial, and if the court finds that there is not a 122337

substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, or if the maximum time for treatment as specified in division (C) of this section has expired, further proceedings shall be as provided in sections 5924.504 to 5924.506 of the Revised Code.

(4) If the court finds that the accused is incompetent to stand trial, if the accused is being tried before a special court-martial, and if the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, or if the maximum time for treatment as specified in division (C) of this section has expired, the court shall dismiss the charge against the accused. A dismissal under this division is not a bar to further prosecution based on the same conduct. The court shall discharge the accused unless the court or trial counsel files an affidavit in probate court for civil commitment pursuant to Chapter 5122. of the Revised Code. If an affidavit for civil commitment is filed, the court may detain the accused for ten days pending civil commitment. All of the following provisions apply to persons being tried by a special court-martial who are committed by the probate court subsequent to the court's or trial counsel's filing of an affidavit for civil commitment under authority of this division:

(a) The chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the accused is committed or admitted shall do all of the following:

(i) Notify the trial counsel in writing of the discharge of the accused, send the notice at least ten days prior to the discharge unless the discharge is by the probate court, and state in the notice the date on which the accused will be discharged;

(ii) Notify the trial counsel in writing when the accused is absent without leave or is granted unsupervised, off-grounds movement and send this notice promptly after the discovery of the absence without leave or prior to the granting of the unsupervised, off-grounds movement, whichever is applicable;

(iii) Notify the trial counsel in writing of the change of the accused's commitment or admission to voluntary status, send the notice promptly upon learning of the change to voluntary status, and state in the notice the date on which the accused was committed or admitted on a voluntary status.

(b) The trial counsel shall promptly inform the convening authority of any notification received under division (H)(4)(a) of this section. Upon receiving notice that the accused will be granted unsupervised, off-grounds movement, the convening authority either shall refer the charges against the accused to an investigating officer again or promptly notify the court that the convening authority does not intend to refer the charges against the accused again.

(I) If an accused is convicted of a crime and sentenced to confinement, the accused's sentence shall be reduced by the total number of days the accused is confined for evaluation to determine the accused's competence to stand trial or treatment under this section and sections 5924.502 and 5924.504 of the Revised Code or by the total number of days the accused is confined for evaluation to determine the accused's mental condition at the time of the offense charged.

**Sec. 5924.504.** (A) If an accused being tried by a general court-martial is found incompetent to stand trial, after the expiration of the maximum time for treatment as specified in division (C) of section 5924.503 of the Revised Code or after the court finds that there is not a substantial probability that the

accused will become competent to stand trial even if the accused 122401  
is provided with a course of treatment, one of the following 122402  
applies: 122403

(1) The court or the trial counsel may file an affidavit in 122404  
probate court for civil commitment of the accused in the manner 122405  
provided in Chapter 5122. of the Revised Code. If the court or 122406  
trial counsel files an affidavit for civil commitment, the court 122407  
may detain the accused for ten days pending civil commitment. If 122408  
the probate court commits the accused subsequent to the court's or 122409  
trial counsel's filing of an affidavit for civil commitment, the 122410  
chief clinical officer of the entity, hospital, or facility, the 122411  
managing officer of the institution, or the person to which the 122412  
accused is committed or admitted shall send to the trial counsel 122413  
the notices described in divisions (H)(4)(a)(i) to (iii) of 122414  
section 5924.503 of the Revised Code within the periods of time 122415  
and under the circumstances specified in those divisions. 122416

(2) On the motion of the trial counsel or on its own motion, 122417  
the court may retain jurisdiction over the accused if at a hearing 122418  
the court finds both of the following by clear and convincing 122419  
evidence: 122420

(a) The accused committed the offense with which the accused 122421  
is charged. 122422

(b) The accused is a mentally ill person subject to 122423  
hospitalization by court order. 122424

(B) In making its determination under division (A)(2) of this 122425  
section as to whether to retain jurisdiction over the accused, the 122426  
court may consider all relevant evidence, including, but not 122427  
limited to, any relevant psychiatric, psychological, or medical 122428  
testimony or reports, the acts constituting the offense charged, 122429  
and any history of the accused that is relevant to the accused's 122430  
ability to conform to the law. 122431



(C) If the court conducts a hearing as described in division 122432  
(A)(2) of this section and if the court does not make both 122433  
findings described in divisions (A)(2)(a) and (b) of this section 122434  
by clear and convincing evidence, the court shall dismiss the 122435  
charges against the accused. Upon the dismissal, the court shall 122436  
discharge the accused unless the court or trial counsel files an 122437  
affidavit in probate court for civil commitment of the accused 122438  
pursuant to Chapter 5122. of the Revised Code. If the court or 122439  
trial counsel files an affidavit for civil commitment, the court 122440  
may order that the accused be detained for up to ten days pending 122441  
the civil commitment. If the probate court commits the accused 122442  
subsequent to the court's or trial counsel's filing of an 122443  
affidavit for civil commitment, the chief clinical officer of the 122444  
entity, hospital, or facility, the managing officer of the 122445  
institution, or the person to which the accused is committed or 122446  
admitted shall send to the trial counsel the notices described in 122447  
divisions (H)(4)(a)(i) to (iii) of section 5924.503 of the Revised 122448  
Code within the periods of time and under the circumstances 122449  
specified in those divisions. A dismissal of charges under this 122450  
division is not a bar to further criminal proceedings based on the 122451  
same conduct. 122452

(D)(1) If the court conducts a hearing as described in 122453  
division (A)(2) of this section and if the court makes the 122454  
findings described in divisions (A)(2)(a) and (b) of this section 122455  
by clear and convincing evidence, the court shall commit the 122456  
accused, if determined to require mental health treatment, to the 122457  
department of ~~mental health~~ mental health and addiction services 122458  
for treatment at a hospital, facility, or ~~agency~~ services provider 122459  
as determined clinically appropriate by the department of ~~mental~~ 122460  
~~health~~ mental health and addiction services. In committing the 122461  
accused to the department of ~~mental health~~ mental health and 122462  
addiction services, the court shall specify the least restrictive 122463  
limitations on the accused's freedom of movement determined to be 122464

necessary to protect public safety. 122465

(2) If a court makes a commitment of an accused under 122466  
division (D)(1) of this section, the trial counsel shall send to 122467  
the hospital, facility, or ~~agency~~ services provider where the 122468  
accused is placed by the department of ~~mental health~~ mental health 122469  
and addiction services or to the accused's place of commitment all 122470  
reports of the accused's current mental condition and, except as 122471  
otherwise provided in this division, any other relevant 122472  
information, including, but not limited to, a transcript of the 122473  
hearing held pursuant to division (A)(2) of this section, copies 122474  
of relevant investigative reports, and copies of any prior arrest 122475  
and conviction records that pertain to the accused and that the 122476  
trial counsel possesses. The trial counsel shall send the reports 122477  
of the accused's current mental condition in every case of 122478  
commitment, and, unless the trial counsel determines that the 122479  
release of any of the other relevant information to unauthorized 122480  
persons would interfere with the effective prosecution of any 122481  
person or would create a substantial risk of harm to any person, 122482  
the trial counsel also shall send the other relevant information. 122483

(3) If a court makes a commitment under division (D)(1) of 122484  
this section, all further proceedings shall be in accordance with 122485  
Chapter 5122. of the Revised Code. 122486

**Sec. 5924.506.** (A) If an accused person is found not guilty 122487  
by reason of insanity, the verdict shall state that finding, and 122488  
the trial court shall conduct a full hearing to determine whether 122489  
the person is a mentally ill person subject to hospitalization by 122490  
court order. Prior to the hearing, if the military judge believes 122491  
that there is probable cause that the person found not guilty by 122492  
reason of insanity is a mentally ill person subject to 122493  
hospitalization by court order, the military judge may issue a 122494  
temporary order of detention for that person to remain in effect 122495

for ten court days or until the hearing, whichever occurs first. 122496

Any person detained pursuant to a temporary order of 122497  
detention issued under this division shall be held in a suitable 122498  
facility, taking into consideration the place and type of 122499  
confinement prior to and during trial. 122500

(B) The court shall hold the hearing under division (A) of 122501  
this section to determine whether the person found not guilty by 122502  
reason of insanity is a mentally ill person subject to 122503  
hospitalization by court order within ten court days after the 122504  
finding of not guilty by reason of insanity. Failure to conduct 122505  
the hearing within the ten-day period shall cause the immediate 122506  
discharge of the respondent, unless the judge grants a continuance 122507  
for not longer than ten court days for good cause shown or for any 122508  
period of time upon motion of the respondent. 122509

(C) If a person is found not guilty by reason of insanity, 122510  
the person has the right to attend a hearing conducted pursuant to 122511  
this section. At the hearing, the court shall inform the person 122512  
that the person has all of the following rights: 122513

(1) The right to be represented by defense counsel or to 122514  
retain civilian counsel, if the person so chooses; 122515

(2) The right to have independent expert evaluation; 122516

(3) The right to subpoena witnesses and documents, to present 122517  
evidence on the person's behalf, and to cross-examine witnesses 122518  
against the person; 122519

(4) The right to testify in the person's own behalf and to 122520  
not be compelled to testify; 122521

(5) The right to have copies of any relevant medical or 122522  
mental health document in the custody of the state or of any place 122523  
of commitment other than a document for which the court finds that 122524  
the release to the person of information contained in the document 122525

would create a substantial risk of harm to any person. 122526

(D) The hearing under division (A) of this section shall be 122527  
open to the public, and the court shall conduct the hearing in 122528  
accordance with regulations prescribed by the adjutant general. 122529  
The court shall make and maintain a full transcript and record of 122530  
the hearing proceedings. The court may consider all relevant 122531  
evidence, including, but not limited to, any relevant psychiatric, 122532  
psychological, or medical testimony or reports, the acts 122533  
constituting the offense in relation to which the person was found 122534  
not guilty by reason of insanity, and any history of the person 122535  
that is relevant to the person's ability to conform to the law. 122536

(E) Upon completion of the hearing under division (A) of this 122537  
section, if the court finds there is not clear and convincing 122538  
evidence that the person is a mentally ill person subject to 122539  
hospitalization by court order, the court shall discharge the 122540  
person, unless a detainer has been placed upon the person by the 122541  
department of rehabilitation and correction, in which case the 122542  
person shall be returned to that department. 122543

(F) If, at the hearing under division (A) of this section, 122544  
the court finds by clear and convincing evidence that the person 122545  
is a mentally ill person subject to hospitalization by court 122546  
order, it shall commit the person to the department of ~~mental~~ 122547  
~~health~~ mental health and addiction services for placement in a 122548  
hospital, facility, or ~~agency~~ services provider as determined 122549  
clinically appropriate by the department of ~~mental health~~ mental 122550  
health and addiction services. Further proceedings shall be in 122551  
accordance with Chapter 5122. or 5123. of the Revised Code. In 122552  
committing the accused to the department of ~~mental health~~ mental 122553  
health and addiction services, the court shall specify the least 122554  
restrictive limitations on the accused's freedom of movement 122555  
determined to be necessary to protect public safety. 122556

(G) If a court makes a commitment of a person under division 122557

(F) of this section, the trial counsel shall send to the hospital, 122558  
facility, or ~~agency services provider~~ where the defendant is 122559  
placed by the department of ~~mental health~~ mental health and 122560  
addiction services or to the accused's place of commitment all 122561  
reports of the person's current mental condition, and, except as 122562  
otherwise provided in this division, any other relevant 122563  
information, including, but not limited to, a transcript of the 122564  
hearing held pursuant to division (A) of this section, copies of 122565  
relevant investigative reports, and copies of any prior arrest and 122566  
conviction records that pertain to the person and that the trial 122567  
counsel possesses. The trial counsel shall send the reports of the 122568  
person's current mental condition in every case of commitment, 122569  
and, unless the trial counsel determines that the release of any 122570  
of the other relevant information to unauthorized persons would 122571  
interfere with the effective prosecution of any person or would 122572  
create a substantial risk of harm to any person, the trial counsel 122573  
also shall send the other relevant information. 122574

(H) A person who is committed pursuant to this section shall 122575  
not voluntarily admit the person or be voluntarily admitted to a 122576  
hospital or institution pursuant to sections 5122.02 and 5122.15 122577  
of the Revised Code. 122578

**Sec. 6109.21.** (A) Except as provided in divisions (I) and (J) 122579  
of this section, no person shall operate a public water system in 122580  
this state without a license issued by the director of 122581  
environmental protection. 122582

(B)~~(1)~~ A person who proposes to operate a new public water 122583  
system, in addition to complying with section 6109.07 of the 122584  
Revised Code and rules adopted under it, shall obtain an initial 122585  
license from the director. The person shall submit an application 122586  
for the initial license at least forty-five days prior to 122587  
commencing the operation of the system. 122588

(C) A license shall expire on the thirtieth day of January in 122589  
the year following its issuance. 122590

(D) A license shall be renewed annually. A person proposing 122591  
to continue operating a public water system shall apply for a 122592  
license renewal at least thirty days prior to the expiration date 122593  
of the license. 122594

(E) ~~Through June 30, 2014, each~~ Each application for a 122595  
license or license renewal shall be accompanied by the appropriate 122596  
fee established under division (M) of section 3745.11 of the 122597  
Revised Code. However, an applicant for an initial license who is 122598  
proposing to operate a new public water system shall submit a fee 122599  
that equals a prorated amount of the appropriate fee established 122600  
under that division for the remainder of the licensing year. 122601

(F) Not later than thirty days after receiving a completed 122602  
application and the appropriate license fee for a license or 122603  
license renewal for a public water system, the director shall do 122604  
one of the following: 122605

(1) Issue the license or license renewal for the public water 122606  
system; 122607

(2) Issue the license or license renewal subject to terms and 122608  
conditions that the director determines are necessary to ensure 122609  
compliance with this chapter and rules adopted under it; 122610

(3) Deny the license or license renewal if the director finds 122611  
that the public water system cannot be operated in substantial 122612  
compliance with this chapter and rules adopted under it. 122613

(G) The director may condition, suspend, or revoke a license 122614  
or license renewal issued under this section at any time if the 122615  
director finds that the public water system was not or will not be 122616  
operated in substantial compliance with this chapter and rules 122617  
adopted under it. 122618

(H) The director shall adopt rules in accordance with Chapter 122619  
119. of the Revised Code establishing procedures and requirements 122620  
governing both of the following: 122621

(1) Information to be included on applications for licenses 122622  
and license renewals issued under this section; 122623

(2) The issuance, conditioning, suspension, revocation, and 122624  
denial of licenses and license renewals under this section. 122625

(I)(1) As used in division (I) of this section, "church" 122626  
means a fellowship of believers, congregation, society, 122627  
corporation, convention, or association that is formed primarily 122628  
or exclusively for religious purposes and that is not formed or 122629  
operated for the private profit of any person. 122630

(2) This section does not apply to a church that operates or 122631  
maintains a public water system solely to provide water for that 122632  
church or for a campground that is owned by the church and 122633  
operated primarily or exclusively for members of the church and 122634  
their families. 122635

(J) This section does not apply to any public or nonpublic 122636  
school that meets minimum standards of the state board of 122637  
education that operates or maintains a public water system solely 122638  
to provide water for that school. 122639

(K) The environmental protection agency shall collect well 122640  
log filing fees on behalf of the division of soil and water 122641  
resources in the department of natural resources in accordance 122642  
with section 1521.05 of the Revised Code and rules adopted under 122643  
it. The fees shall be submitted to the division quarterly as 122644  
provided in those rules. 122645

**Sec. 6111.037.** (A) ~~There is hereby created in the state~~ 122646  
~~treasury the nonpoint source pollution management fund. The fund~~ 122647  
~~shall consist of grant moneys received under~~ For purposes of state 122648

~~nonpoint source pollution management and pursuant to section 319 122649~~  
~~of the "Federal Water Pollution Control Act," for purposes of 122650~~  
~~assisting with the development and implementation of a 122651~~  
~~comprehensive nonpoint source pollution management program 122652~~  
~~pursuant to that section of the act. Moneys credited to the fund 122653~~  
~~may be used for purposes of research, planning, water quality 122654~~  
~~assessments, demonstration projects, enforcement, technical 122655~~  
~~assistance, education, and training regarding management of 122656~~  
~~nonpoint sources of water pollution. The the director of 122657~~  
~~environmental protection may enter into agreements to receive 122658~~  
~~grant moneys for the nonpoint source pollution management fund and 122659~~  
~~for deposit into the state treasury to the credit of the water 122660~~  
~~quality protection fund created in section 6111.0381 of the 122661~~  
~~Revised Code. The director may enter into agreements to make 122662~~  
~~grants of moneys credited to the fund under this section, 122663~~  
~~including, without limitation, passthrough grants to other state 122664~~  
~~departments or agencies. 122665~~

(B) The director shall periodically prepare and, by rules 122666  
adopted under division (O) of section 6111.036 of the Revised 122667  
Code, establish a priority system for identifying activities 122668  
eligible for assistance under this section. The priority system 122669  
shall ensure that financial assistance available under this 122670  
section is first provided to: 122671

(1) Control particularly difficult or serious nonpoint source 122672  
pollution problems, including, without limitation, problems 122673  
resulting from mining activities; 122674

(2) Implement innovative methods or practices for controlling 122675  
nonpoint sources of pollution, including, without limitation, 122676  
regulatory programs that the director determines are appropriate; 122677

(3) Control interstate nonpoint source pollution problems; 122678

(4) Implement ground and surface water quality protection 122679



activities that the director determines are part of a 122680  
comprehensive nonpoint source pollution control program, which 122681  
activities include research, planning, ~~ground~~ water quality 122682  
assessments, demonstration programs, enforcement, technical 122683  
assistance, education, and training to protect ~~ground~~ water 122684  
quality from nonpoint sources of pollution. 122685

**Section 101.02.** That existing sections 9.03, 9.15, 9.231, 122686  
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5122.15, 5122.17, 5122.18, 5122.19, 5122.20, 5122.21, 5122.23, 122855  
5122.25, 5122.26, 5122.27, 5122.271, 5122.31, 5122.311, 5122.32, 122856  
5122.33, 5122.34, 5122.341, 5122.39, 5122.43, 5122.44, 5122.45, 122857  
5122.46, 5122.47, 5123.01, 5123.021, 5123.022, 5123.03, 5123.0412, 122858  
5123.0417, 5123.09, 5123.171, 5123.19, 5123.192, 5123.197, 122859  
5123.198, 5123.38, 5123.61, 5123.86, 5126.01, 5126.026, 5126.05, 122860  
5126.051, 5126.054, 5126.055, 5126.24, 5139.03, 5139.04, 5139.08, 122861  
5139.34, 5145.162, 5145.18, 5153.16, 5302.221, 5309.082, 5505.12, 122862  
5507.46, 5511.03, 5701.13, 5703.052, 5703.059, 5703.21, 5703.37, 122863  
5703.82, 5705.01, 5705.19, 5705.192, 5705.217, 5705.218, 5705.221, 122864  
5705.25, 5705.412, 5709.17, 5709.212, 5709.75, 5725.18, 5725.34, 122865  
5726.20, 5726.52, 5727.26, 5727.75, 5727.84, 5727.89, 5728.10, 122866  
5729.03, 5729.17, 5731.39, 5733.01, 5733.06, 5733.11, 5733.98, 122867  
5735.012, 5735.12, 5735.34, 5739.01, 5739.02, 5739.026, 5739.09, 122868  
5739.12, 5739.13, 5741.01, 5741.03, 5741.12, 5741.17, 5743.081, 122869  
5743.15, 5743.56, 5745.12, 5747.01, 5747.02, 5747.022, 5747.025, 122870  
5747.08, 5747.10, 5747.11, 5747.113, 5747.122, 5747.13, 5747.21, 122871

5747.47, 5747.501, 5747.76, 5747.98, 5749.02, 5749.06, 5749.07, 122872  
5749.17, 5751.01, 5751.014, 5751.07, 5751.081, 5751.09, 5751.20, 122873  
5751.21, 5753.01, 5753.03, 5753.07, 5815.28, 5905.02, 5910.02, 122874  
5910.07, 5919.34, 5924.502, 5924.503, 5924.504, 5924.506, 6109.21, 122875  
and 6111.037 of the Revised Code are hereby repealed. 122876

**Section 105.01.** That sections 122.076, 122.15, 122.151, 122877  
122.152, 122.153, 122.154, 122.29, 122.97, 123.23, 125.837, 122878  
125.838, 166.22, 166.28, 173.425, 173.433, 183.28, 184.04, 122879  
340.022, 340.033, 340.06, 340.14, 1513.371, 1531.34, 1547.721, 122880  
1547.722, 1547.723, 1547.724, 1547.725, 1547.726, 3302.043, 122881  
3313.481, 3313.482, 3313.4811, 3314.088, 3314.13, 3317.012, 122882  
3317.014, 3317.018, 3317.02, 3317.022, 3317.029, 3317.0217, 122883  
3317.051, 3317.052, 3317.053, 3317.11, 3317.13, 3317.16, 3317.62, 122884  
3317.63, 3317.64, 3318.023, 3323.16, 3326.39, 3327.02, 3345.81, 122885  
3353.09, 3353.15, 3353.20, 3383.02, 3383.03, 3383.04, 3383.05, 122886  
3383.06, 3383.08, 3383.09, 3701.072, 3701.263, 3701.343, 3701.90, 122887  
3701.901, 3701.902, 3701.903, 3701.904, 3701.905, 3701.906, 122888  
3701.907, 3721.026, 3793.02, 3793.03, 3793.04, 3793.041, 3793.05, 122889  
3793.06, 3793.061, 3793.08, 3793.09, 3793.19, 3793.20, 3793.21, 122890  
3793.99, 5101.503, 5101.514, 5101.515, 5101.518, 5101.523, 122891  
5101.525, 5101.526, 5101.528, 5101.529, 5111.012, 5111.014, 122892  
5111.015, 5111.0110, 5111.0111, 5111.0113, 5111.0115, 5111.0120, 122893  
5111.0121, 5111.0122, 5111.0123, 5111.0124, 5111.0125, 5111.176, 122894  
5111.211, 5111.236, 5111.65, 5111.70, 5111.701, 5111.702, 122895  
5111.703, 5111.704, 5111.705, 5111.706, 5111.707, 5111.708, 122896  
5111.709, 5111.7011, 5111.83, 5111.8710, 5111.8811, 5111.913, 122897  
5111.942, 5111.946, 5119.011, 5119.013, 5119.03, 5119.05, 5119.47, 122898  
5119.623, 5119.64, 5119.65, 5119.66, 5119.67, 5119.68, 5707.05, 122899  
5727.41, 5733.35, 5747.211, 5747.33, 6101.451, and 6111.029 of the 122900  
Revised Code are hereby repealed. 122901  
122902

Section 110.10. That section 3313.88 of the Revised Code as 122903  
it results from Section 101.01 of this act be amended and 122904  
recodified as section 3313.482 of the Revised Code to read as 122905  
follows: 122906

Sec. ~~3313.88~~ 3313.482. (A)(1) Prior to the first day of 122907  
August of each school year, the board of education of any school 122908  
district or the governing authority of any chartered nonpublic 122909  
school may submit to the department of education a plan to require 122910  
students to access and complete classroom lessons posted on the 122911  
district's or nonpublic school's web portal or web site in order 122912  
to make up ~~days~~ hours in that school year on which it is necessary 122913  
to close schools for ~~any of the reasons specified in division (B)~~ 122914  
~~of section 3317.01 of the Revised Code in excess of the number of~~ 122915  
~~days permitted under sections 3313.48, 3313.481, and 3317.01 of~~ 122916  
~~the Revised Code~~ disease epidemic, hazardous weather conditions, 122917  
law enforcement emergencies, inoperability of school buses or 122918  
other equipment necessary to the school's operation, damage to a 122919  
school building, or other temporary circumstances due to utility 122920  
failure rendering the school building unfit for school use. 122921

Prior to the first day of August of each school year, the 122923  
governing authority of any community school established under 122924  
Chapter 3314. that is not an internet- or computer-based community 122925  
school, as defined in section 3314.02 of the Revised Code, may 122926  
submit to the department a plan to require students to access and 122927  
complete classroom lessons posted on the school's web portal or 122928  
web site in order to make up ~~days~~ or hours in that school year on 122929  
which it is necessary to close the school for any of the reasons 122930  
specified in division (H)(4) of section 3314.08 of the Revised 122931  
Code so that the school is in compliance with the minimum number 122932  
of hours required under Chapter 3314. of the Revised Code. 122933



A plan submitted by a school district board ~~or~~, chartered  
nonpublic school governing authority ~~shall provide for making up~~  
~~any number of days, up to a maximum of three days. A plan~~  
~~submitted by a,~~ or community school governing authority shall  
provide for making up any number of hours, up to a maximum of the  
number of hours that are the equivalent of three school days.  
Provided the plan meets all requirements of this section, the  
department shall permit the board or governing authority to  
implement the plan for the applicable school year.

(2) Each plan submitted under this section by a school  
district board of education shall include the written consent of  
the teachers' employee representative designated under division  
(B) of section 4117.04 of the Revised Code.

(3) Each plan submitted under this section shall provide for  
the following:

(a) Not later than the first day of November of the school  
year, each classroom teacher shall develop a sufficient number of  
lessons for each course taught by the teacher that school year to  
cover the number of make-up ~~days or~~ hours specified in the plan.  
The teacher shall designate the order in which the lessons are to  
be posted on the district's, community school's, or nonpublic  
school's web portal or web site in the event of a school closure.  
Teachers may be granted up to one professional development day to  
create lesson plans for those lessons.

(b) To the extent possible and necessary, a classroom teacher  
shall update or replace, based on current instructional progress,  
one or more of the lesson plans developed under division (A)(3)(a)  
of this section before they are posted on the web portal or web  
site under division (A)(3)(c) of this section or distributed under  
division (B) of this section.

(c) As soon as practicable after a school closure, a district

or school employee responsible for web portal or web site 122965  
operations shall make the designated lessons available to students 122966  
on the district's, community school's, or nonpublic school's 122967  
portal or site. A lesson shall be posted for each course that was 122968  
scheduled to meet on the day or hours of the closure. 122969

(d) Each student enrolled in a course for which a lesson is 122970  
posted on the portal or site shall be granted a two-week period 122971  
from the date of posting to complete the lesson. The student's 122972  
classroom teacher shall grade the lesson in the same manner as 122973  
other lessons. The student may receive an incomplete or failing 122974  
grade if the lesson is not completed on time. 122975

(e) If a student does not have access to a computer at the 122976  
student's residence and the plan does not include blizzard bags 122977  
under division (B) of this section, the student shall be permitted 122978  
to work on the posted lessons at school after the student's school 122979  
reopens. If the lessons were posted prior to the reopening, the 122980  
student shall be granted a two-week period from the date of the 122981  
reopening, rather than from the date of posting as otherwise 122982  
required under division (A)(3)(d) of this section, to complete the 122983  
lessons. The district board or community school or nonpublic 122984  
school governing authority may provide the student access to a 122985  
computer before, during, or after the regularly scheduled school 122986  
day or may provide a substantially similar paper lesson in order 122987  
to complete the lessons. 122988

(B)(1) In addition to posting classroom lessons online under 122989  
division (A) of this section, the board of education of any school 122990  
district or governing authority of any community or chartered 122991  
nonpublic school may include in the plan distribution of "blizzard 122992  
bags," which are paper copies of the lessons posted online. 122993

(2) If a school opts to use blizzard bags, teachers shall 122994  
prepare paper copies in conjunction with the lessons to be posted 122995  
online and update the paper copies whenever the teacher updates 122996

the online lesson plans. 122997

(3) The board of education of any school district or 122998  
governing authority of any community or chartered nonpublic school 122999  
that opts to use blizzard bags shall specify in the plan the 123000  
method of distribution of blizzard bag lessons, which may include, 123001  
but not be limited to, requiring distribution by a specific 123002  
deadline or requiring distribution prior to anticipated school 123003  
closure as directed by the superintendent of a school district or 123004  
the principal, director, chief administrative officer, or the 123005  
equivalent, of a school. 123006

(4) Students shall turn in completed lessons in accordance 123007  
with division (A)(3)(d) of this section. 123008

(C)(1) No school district that implements a plan in 123009  
accordance with this section shall be considered to have failed to 123010  
comply with division (B) of section 3317.01 of the Revised Code 123011  
with respect to the number of make-up ~~days~~ hours specified in the 123012  
plan. 123013

(2) No community school that implements a plan in accordance 123014  
with this section shall be considered to have failed to comply 123015  
with the minimum number of hours required under Chapter 3314. of 123016  
the Revised Code with respect to the number of make-up hours 123017  
specified in the plan. 123018

**Section 110.11.** That existing section 3313.88 of the Revised 123019  
Code is hereby repealed. 123020

**Section 110.12.** Sections 110.10 and 110.11 of this act shall 123021  
take effect July 1, 2014. 123022

**Section 110.20.** That the versions of sections 109.57, 123023  
2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, and 123024  
5104.32 of the Revised Code that are scheduled to take effect 123025

January 1, 2014, be amended to read as follows: 123026

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 123027  
criminal identification and investigation shall procure from 123028  
wherever procurable and file for record photographs, pictures, 123029  
descriptions, fingerprints, measurements, and other information 123030  
that may be pertinent of all persons who have been convicted of 123031  
committing within this state a felony, any crime constituting a 123032  
misdemeanor on the first offense and a felony on subsequent 123033  
offenses, or any misdemeanor described in division (A)(1)(a), 123034  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 123035  
all children under eighteen years of age who have been adjudicated 123036  
delinquent children for committing within this state an act that 123037  
would be a felony or an offense of violence if committed by an 123038  
adult or who have been convicted of or pleaded guilty to 123039  
committing within this state a felony or an offense of violence, 123040  
and of all well-known and habitual criminals. The person in charge 123041  
of any county, multicounty, municipal, municipal-county, or 123042  
multicounty-municipal jail or workhouse, community-based 123043  
correctional facility, halfway house, alternative residential 123044  
facility, or state correctional institution and the person in 123045  
charge of any state institution having custody of a person 123046  
suspected of having committed a felony, any crime constituting a 123047  
misdemeanor on the first offense and a felony on subsequent 123048  
offenses, or any misdemeanor described in division (A)(1)(a), 123049  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 123050  
having custody of a child under eighteen years of age with respect 123051  
to whom there is probable cause to believe that the child may have 123052  
committed an act that would be a felony or an offense of violence 123053  
if committed by an adult shall furnish such material to the 123054  
superintendent of the bureau. Fingerprints, photographs, or other 123055  
descriptive information of a child who is under eighteen years of 123056

age, has not been arrested or otherwise taken into custody for 123057  
committing an act that would be a felony or an offense of violence 123058  
who is not in any other category of child specified in this 123059  
division, if committed by an adult, has not been adjudicated a 123060  
delinquent child for committing an act that would be a felony or 123061  
an offense of violence if committed by an adult, has not been 123062  
convicted of or pleaded guilty to committing a felony or an 123063  
offense of violence, and is not a child with respect to whom there 123064  
is probable cause to believe that the child may have committed an 123065  
act that would be a felony or an offense of violence if committed 123066  
by an adult shall not be procured by the superintendent or 123067  
furnished by any person in charge of any county, multicounty, 123068  
municipal, municipal-county, or multicounty-municipal jail or 123069  
workhouse, community-based correctional facility, halfway house, 123070  
alternative residential facility, or state correctional 123071  
institution, except as authorized in section 2151.313 of the 123072  
Revised Code. 123073

(2) Every clerk of a court of record in this state, other 123074  
than the supreme court or a court of appeals, shall send to the 123075  
superintendent of the bureau a weekly report containing a summary 123076  
of each case involving a felony, involving any crime constituting 123077  
a misdemeanor on the first offense and a felony on subsequent 123078  
offenses, involving a misdemeanor described in division (A)(1)(a), 123079  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 123080  
involving an adjudication in a case in which a child under 123081  
eighteen years of age was alleged to be a delinquent child for 123082  
committing an act that would be a felony or an offense of violence 123083  
if committed by an adult. The clerk of the court of common pleas 123084  
shall include in the report and summary the clerk sends under this 123085  
division all information described in divisions (A)(2)(a) to (f) 123086  
of this section regarding a case before the court of appeals that 123087  
is served by that clerk. The summary shall be written on the 123088

standard forms furnished by the superintendent pursuant to 123089  
division (B) of this section and shall include the following 123090  
information: 123091

(a) The incident tracking number contained on the standard 123092  
forms furnished by the superintendent pursuant to division (B) of 123093  
this section; 123094

(b) The style and number of the case; 123095

(c) The date of arrest, offense, summons, or arraignment; 123096

(d) The date that the person was convicted of or pleaded 123097  
guilty to the offense, adjudicated a delinquent child for 123098  
committing the act that would be a felony or an offense of 123099  
violence if committed by an adult, found not guilty of the 123100  
offense, or found not to be a delinquent child for committing an 123101  
act that would be a felony or an offense of violence if committed 123102  
by an adult, the date of an entry dismissing the charge, an entry 123103  
declaring a mistrial of the offense in which the person is 123104  
discharged, an entry finding that the person or child is not 123105  
competent to stand trial, or an entry of a nolle prosequi, or the 123106  
date of any other determination that constitutes final resolution 123107  
of the case; 123108

(e) A statement of the original charge with the section of 123109  
the Revised Code that was alleged to be violated; 123110

(f) If the person or child was convicted, pleaded guilty, or 123111  
was adjudicated a delinquent child, the sentence or terms of 123112  
probation imposed or any other disposition of the offender or the 123113  
delinquent child. 123114

If the offense involved the disarming of a law enforcement 123115  
officer or an attempt to disarm a law enforcement officer, the 123116  
clerk shall clearly state that fact in the summary, and the 123117  
superintendent shall ensure that a clear statement of that fact is 123118  
placed in the bureau's records. 123119

(3) The superintendent shall cooperate with and assist 123120  
sheriffs, chiefs of police, and other law enforcement officers in 123121  
the establishment of a complete system of criminal identification 123122  
and in obtaining fingerprints and other means of identification of 123123  
all persons arrested on a charge of a felony, any crime 123124  
constituting a misdemeanor on the first offense and a felony on 123125  
subsequent offenses, or a misdemeanor described in division 123126  
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 123127  
Revised Code and of all children under eighteen years of age 123128  
arrested or otherwise taken into custody for committing an act 123129  
that would be a felony or an offense of violence if committed by 123130  
an adult. The superintendent also shall file for record the 123131  
fingerprint impressions of all persons confined in a county, 123132  
multicounty, municipal, municipal-county, or multicounty-municipal 123133  
jail or workhouse, community-based correctional facility, halfway 123134  
house, alternative residential facility, or state correctional 123135  
institution for the violation of state laws and of all children 123136  
under eighteen years of age who are confined in a county, 123137  
multicounty, municipal, municipal-county, or multicounty-municipal 123138  
jail or workhouse, community-based correctional facility, halfway 123139  
house, alternative residential facility, or state correctional 123140  
institution or in any facility for delinquent children for 123141  
committing an act that would be a felony or an offense of violence 123142  
if committed by an adult, and any other information that the 123143  
superintendent may receive from law enforcement officials of the 123144  
state and its political subdivisions. 123145

(4) The superintendent shall carry out Chapter 2950. of the 123146  
Revised Code with respect to the registration of persons who are 123147  
convicted of or plead guilty to a sexually oriented offense or a 123148  
child-victim oriented offense and with respect to all other duties 123149  
imposed on the bureau under that chapter. 123150

(5) The bureau shall perform centralized recordkeeping 123151

functions for criminal history records and services in this state 123152  
for purposes of the national crime prevention and privacy compact 123153  
set forth in section 109.571 of the Revised Code and is the 123154  
criminal history record repository as defined in that section for 123155  
purposes of that compact. The superintendent or the 123156  
superintendent's designee is the compact officer for purposes of 123157  
that compact and shall carry out the responsibilities of the 123158  
compact officer specified in that compact. 123159

(B) The superintendent shall prepare and furnish to every 123160  
county, multicounty, municipal, municipal-county, or 123161  
multicounty-municipal jail or workhouse, community-based 123162  
correctional facility, halfway house, alternative residential 123163  
facility, or state correctional institution and to every clerk of 123164  
a court in this state specified in division (A)(2) of this section 123165  
standard forms for reporting the information required under 123166  
division (A) of this section. The standard forms that the 123167  
superintendent prepares pursuant to this division may be in a 123168  
tangible format, in an electronic format, or in both tangible 123169  
formats and electronic formats. 123170

(C)(1) The superintendent may operate a center for 123171  
electronic, automated, or other data processing for the storage 123172  
and retrieval of information, data, and statistics pertaining to 123173  
criminals and to children under eighteen years of age who are 123174  
adjudicated delinquent children for committing an act that would 123175  
be a felony or an offense of violence if committed by an adult, 123176  
criminal activity, crime prevention, law enforcement, and criminal 123177  
justice, and may establish and operate a statewide communications 123178  
network to be known as the Ohio law enforcement gateway to gather 123179  
and disseminate information, data, and statistics for the use of 123180  
law enforcement agencies and for other uses specified in this 123181  
division. The superintendent may gather, store, retrieve, and 123182  
disseminate information, data, and statistics that pertain to 123183



children who are under eighteen years of age and that are gathered 123184  
pursuant to sections 109.57 to 109.61 of the Revised Code together 123185  
with information, data, and statistics that pertain to adults and 123186  
that are gathered pursuant to those sections. 123187

(2) The superintendent or the superintendent's designee shall 123188  
gather information of the nature described in division (C)(1) of 123189  
this section that pertains to the offense and delinquency history 123190  
of a person who has been convicted of, pleaded guilty to, or been 123191  
adjudicated a delinquent child for committing a sexually oriented 123192  
offense or a child-victim oriented offense for inclusion in the 123193  
state registry of sex offenders and child-victim offenders 123194  
maintained pursuant to division (A)(1) of section 2950.13 of the 123195  
Revised Code and in the internet database operated pursuant to 123196  
division (A)(13) of that section and for possible inclusion in the 123197  
internet database operated pursuant to division (A)(11) of that 123198  
section. 123199

(3) In addition to any other authorized use of information, 123200  
data, and statistics of the nature described in division (C)(1) of 123201  
this section, the superintendent or the superintendent's designee 123202  
may provide and exchange the information, data, and statistics 123203  
pursuant to the national crime prevention and privacy compact as 123204  
described in division (A)(5) of this section. 123205

(4) The attorney general may adopt rules under Chapter 119. 123206  
of the Revised Code establishing guidelines for the operation of 123207  
and participation in the Ohio law enforcement gateway. The rules 123208  
may include criteria for granting and restricting access to 123209  
information gathered and disseminated through the Ohio law 123210  
enforcement gateway. The attorney general shall permit the state 123211  
medical board and board of nursing to access and view, but not 123212  
alter, information gathered and disseminated through the Ohio law 123213  
enforcement gateway. 123214

The attorney general may appoint a steering committee to 123215

advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee.

(D)(1) The following are not public records under section 149.43 of the Revised Code:

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;

(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;

(c) Information and materials furnished to any board or person under division (F) or (G) of this section.

(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.

(E)(1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A)(1), (2), or (3) of section

109.572 of the Revised Code, the request shall be treated as a 123247  
single request and only one fee shall be charged. 123248

(2) Except as otherwise provided in this division, a rule 123249  
adopted under division (E)(1) of this section may provide only for 123250  
the release of information gathered pursuant to division (A) of 123251  
this section that relates to the conviction of a person, or a 123252  
person's plea of guilty to, a criminal offense. The superintendent 123253  
shall not release, and the attorney general shall not adopt any 123254  
rule under division (E)(1) of this section that permits the 123255  
release of, any information gathered pursuant to division (A) of 123256  
this section that relates to an adjudication of a child as a 123257  
delinquent child, or that relates to a criminal conviction of a 123258  
person under eighteen years of age if the person's case was 123259  
transferred back to a juvenile court under division (B)(2) or (3) 123260  
of section 2152.121 of the Revised Code and the juvenile court 123261  
imposed a disposition or serious youthful offender disposition 123262  
upon the person under either division, unless either of the 123263  
following applies with respect to the adjudication or conviction: 123264

(a) The adjudication or conviction was for a violation of 123265  
section 2903.01 or 2903.02 of the Revised Code. 123266

(b) The adjudication or conviction was for a sexually 123267  
oriented offense, the juvenile court was required to classify the 123268  
child a juvenile offender registrant for that offense under 123269  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 123270  
classification has not been removed. 123271

(F)(1) As used in division (F)(2) of this section, "head 123272  
start agency" means an entity in this state that has been approved 123273  
to be an agency for purposes of subchapter II of the "Community 123274  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 123275  
as amended. 123276

(2)(a) In addition to or in conjunction with any request that 123277

is required to be made under section 109.572, 2151.86, 3301.32, 123278  
3301.541, division (C) of section 3310.58, or section 3319.39, 123279  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 123280  
5153.111 of the Revised Code or that is made under section 123281  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 123282  
board of education of any school district; the director of 123283  
developmental disabilities; any county board of developmental 123284  
disabilities; any provider or subcontractor as defined in section 123285  
5123.081 of the Revised Code; the chief administrator of any 123286  
chartered nonpublic school; the chief administrator of a 123287  
registered private provider that is not also a chartered nonpublic 123288  
school; the chief administrator of any home health agency; the 123289  
chief administrator of or person operating any child day-care 123290  
center, type A family day-care home, or type B family day-care 123291  
home licensed under Chapter 5104. of the Revised Code; the chief 123292  
administrator of any head start agency; the executive director of 123293  
a public children services agency; a private company described in 123294  
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 123295  
Code; or an employer described in division (J)(2) of section 123296  
3327.10 of the Revised Code may request that the superintendent of 123297  
the bureau investigate and determine, with respect to any 123298  
individual who has applied for employment in any position after 123299  
October 2, 1989, or any individual wishing to apply for employment 123300  
with a board of education may request, with regard to the 123301  
individual, whether the bureau has any information gathered under 123302  
division (A) of this section that pertains to that individual. On 123303  
receipt of the request, subject to division (E)(2) of this 123304  
section, the superintendent shall determine whether that 123305  
information exists and, upon request of the person, board, or 123306  
entity requesting information, also shall request from the federal 123307  
bureau of investigation any criminal records it has pertaining to 123308  
that individual. The superintendent or the superintendent's 123309  
designee also may request criminal history records from other 123310

states or the federal government pursuant to the national crime 123311  
prevention and privacy compact set forth in section 109.571 of the 123312  
Revised Code. Within thirty days of the date that the 123313  
superintendent receives a request, subject to division (E)(2) of 123314  
this section, the superintendent shall send to the board, entity, 123315  
or person a report of any information that the superintendent 123316  
determines exists, including information contained in records that 123317  
have been sealed under section 2953.32 of the Revised Code, and, 123318  
within thirty days of its receipt, subject to division (E)(2) of 123319  
this section, shall send the board, entity, or person a report of 123320  
any information received from the federal bureau of investigation, 123321  
other than information the dissemination of which is prohibited by 123322  
federal law. 123323

(b) When a board of education or a registered private 123324  
provider is required to receive information under this section as 123325  
a prerequisite to employment of an individual pursuant to division 123326  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 123327  
may accept a certified copy of records that were issued by the 123328  
bureau of criminal identification and investigation and that are 123329  
presented by an individual applying for employment with the 123330  
district in lieu of requesting that information itself. In such a 123331  
case, the board shall accept the certified copy issued by the 123332  
bureau in order to make a photocopy of it for that individual's 123333  
employment application documents and shall return the certified 123334  
copy to the individual. In a case of that nature, a district or 123335  
provider only shall accept a certified copy of records of that 123336  
nature within one year after the date of their issuance by the 123337  
bureau. 123338

(c) Notwithstanding division (F)(2)(a) of this section, in 123339  
the case of a request under section 3319.39, 3319.391, or 3327.10 123340  
of the Revised Code only for criminal records maintained by the 123341  
federal bureau of investigation, the superintendent shall not 123342

determine whether any information gathered under division (A) of 123343  
this section exists on the person for whom the request is made. 123344

(3) The state board of education may request, with respect to 123345  
any individual who has applied for employment after October 2, 123346  
1989, in any position with the state board or the department of 123347  
education, any information that a school district board of 123348  
education is authorized to request under division (F)(2) of this 123349  
section, and the superintendent of the bureau shall proceed as if 123350  
the request has been received from a school district board of 123351  
education under division (F)(2) of this section. 123352

(4) When the superintendent of the bureau receives a request 123353  
for information under section 3319.291 of the Revised Code, the 123354  
superintendent shall proceed as if the request has been received 123355  
from a school district board of education and shall comply with 123356  
divisions (F)(2)(a) and (c) of this section. 123357

(5) When a recipient of a classroom reading improvement grant 123358  
paid under section 3301.86 of the Revised Code requests, with 123359  
respect to any individual who applies to participate in providing 123360  
any program or service funded in whole or in part by the grant, 123361  
the information that a school district board of education is 123362  
authorized to request under division (F)(2)(a) of this section, 123363  
the superintendent of the bureau shall proceed as if the request 123364  
has been received from a school district board of education under 123365  
division (F)(2)(a) of this section. 123366

(G) In addition to or in conjunction with any request that is 123367  
required to be made under section 3701.881, 3712.09, or 3721.121 123368  
of the Revised Code with respect to an individual who has applied 123369  
for employment in a position that involves providing direct care 123370  
to an older adult or adult resident, the chief administrator of a 123371  
home health agency, hospice care program, home licensed under 123372  
Chapter 3721. of the Revised Code, or adult day-care program 123373  
operated pursuant to rules adopted under section 3721.04 of the 123374

Revised Code may request that the superintendent of the bureau 123375  
investigate and determine, with respect to any individual who has 123376  
applied after January 27, 1997, for employment in a position that 123377  
does not involve providing direct care to an older adult or adult 123378  
resident, whether the bureau has any information gathered under 123379  
division (A) of this section that pertains to that individual. 123380

In addition to or in conjunction with any request that is 123381  
required to be made under section 173.27 of the Revised Code with 123382  
respect to an individual who has applied for employment in a 123383  
position that involves providing ~~ombudsperson~~ ombudsman services 123384  
to residents of long-term care facilities or recipients of 123385  
community-based long-term care services, the state long-term care 123386  
~~ombudsperson~~ ombudsman, ~~ombudsperson's designee, or the~~ director 123387  
of ~~health aging, a regional long-term care ombudsman program, or~~ 123388  
~~the designee of the ombudsman, director, or program~~ may request 123389  
that the superintendent investigate and determine, with respect to 123390  
any individual who has applied for employment in a position that 123391  
does not involve providing such ~~ombudsperson~~ ombudsman services, 123392  
whether the bureau has any information gathered under division (A) 123393  
of this section that pertains to that applicant. 123394

In addition to or in conjunction with any request that is 123395  
required to be made under section ~~173.394~~ 173.38 of the Revised 123396  
Code with respect to an individual who has applied for employment 123397  
in a direct-care position ~~that involves providing direct care to~~ 123398  
~~an individual~~, the chief administrator of a ~~community-based~~ 123399  
~~long-term care agency~~ provider, as defined in section 173.39 of 123400  
the Revised Code, may request that the superintendent investigate 123401  
and determine, with respect to any individual who has applied for 123402  
employment in a position that ~~does is not involve providing direct~~ 123403  
~~care~~ a direct-care position, whether the bureau has any 123404  
information gathered under division (A) of this section that 123405  
pertains to that applicant. 123406

In addition to or in conjunction with any request that is required to be made under section 3712.09 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to a pediatric respite care patient, the chief administrator of a pediatric respite care program may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in a position that does not involve providing direct care to a pediatric respite care patient, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

On receipt of a request under this division, the superintendent shall determine whether that information exists and, on request of the individual requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to the applicant. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date a request is received, subject to division (E)(2) of this section, the superintendent shall send to the requester a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the requester a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(H) Information obtained by a government entity or person under this section is confidential and shall not be released or disseminated.

(I) The superintendent may charge a reasonable fee for



providing information or criminal records under division (F)(2) or 123439  
(G) of this section. 123440

(J) As used in this section: 123441

(1) "Pediatric respite care program" and "pediatric care 123442  
patient" have the same meanings as in section 3712.01 of the 123443  
Revised Code. 123444

(2) "Sexually oriented offense" and "child-victim oriented 123445  
offense" have the same meanings as in section 2950.01 of the 123446  
Revised Code. 123447

(3) "Registered private provider" means a nonpublic school or 123448  
entity registered with the superintendent of public instruction 123449  
under section 3310.41 of the Revised Code to participate in the 123450  
autism scholarship program or section 3310.58 of the Revised Code 123451  
to participate in the Jon Peterson special needs scholarship 123452  
program. 123453

**Sec. 2151.011.** (A) As used in the Revised Code: 123454

(1) "Juvenile court" means whichever of the following is 123455  
applicable that has jurisdiction under this chapter and Chapter 123456  
2152. of the Revised Code: 123457

(a) The division of the court of common pleas specified in 123458  
section 2101.022 or 2301.03 of the Revised Code as having 123459  
jurisdiction under this chapter and Chapter 2152. of the Revised 123460  
Code or as being the juvenile division or the juvenile division 123461  
combined with one or more other divisions; 123462

(b) The juvenile court of Cuyahoga county or Hamilton county 123463  
that is separately and independently created by section 2151.08 or 123464  
Chapter 2153. of the Revised Code and that has jurisdiction under 123465  
this chapter and Chapter 2152. of the Revised Code; 123466

(c) If division (A)(1)(a) or (b) of this section does not 123467  
apply, the probate division of the court of common pleas. 123468

|                                                                                                                                                                                                                                                                                                                              |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.                                                                                                                                                                                                                                        | 123469<br>123470                                         |
| (3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.                             | 123471<br>123472<br>123473<br>123474<br>123475           |
| (4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:                | 123476<br>123477<br>123478<br>123479<br>123480           |
| (a) Receives and cares for children for two or more consecutive weeks;                                                                                                                                                                                                                                                       | 123481<br>123482                                         |
| (b) Participates in the placement of children in certified foster homes;                                                                                                                                                                                                                                                     | 123483<br>123484                                         |
| (c) Provides adoption services in conjunction with a public children services agency or private child placing agency.                                                                                                                                                                                                        | 123485<br>123486                                         |
| (B) As used in this chapter:                                                                                                                                                                                                                                                                                                 | 123487                                                   |
| (1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs. | 123488<br>123489<br>123490<br>123491<br>123492<br>123493 |
| (2) "Adult" means an individual who is eighteen years of age or older.                                                                                                                                                                                                                                                       | 123494<br>123495                                         |
| (3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children                                                                                                                                     | 123496<br>123497<br>123498                               |

services agency or a private child placing agency. 123499

(4) "Alternative response" means the public children services 123500  
agency's response to a report of child abuse or neglect that 123501  
engages the family in a comprehensive evaluation of child safety, 123502  
risk of subsequent harm, and family strengths and needs and that 123503  
does not include a determination as to whether child abuse or 123504  
neglect occurred. 123505

(5) "Certified foster home" means a foster home, as defined 123506  
in section 5103.02 of the Revised Code, certified under section 123507  
5103.03 of the Revised Code. 123508

(6) "Child" means a person who is under eighteen years of 123509  
age, except that the juvenile court has jurisdiction over any 123510  
person who is adjudicated an unruly child prior to attaining 123511  
eighteen years of age until the person attains twenty-one years of 123512  
age, and, for purposes of that jurisdiction related to that 123513  
adjudication, a person who is so adjudicated an unruly child shall 123514  
be deemed a "child" until the person attains twenty-one years of 123515  
age. 123516

(7) "Child day camp," "child care," "child day-care center," 123517  
"part-time child day-care center," "type A family day-care home," 123518  
"licensed type B family day-care home," "type B family day-care 123519  
home," "administrator of a child day-care center," "administrator 123520  
of a type A family day-care home," and "in-home aide" have the 123521  
same meanings as in section 5104.01 of the Revised Code. 123522

(8) "Child care provider" means an individual who is a 123523  
child-care staff member or administrator of a child day-care 123524  
center, a type A family day-care home, or a type B family day-care 123525  
home, or an in-home aide or an individual who is licensed, is 123526  
regulated, is approved, operates under the direction of, or 123527  
otherwise is certified by the department of job and family 123528  
services, department of developmental disabilities, or the early 123529

childhood programs of the department of education. 123530

(9) "Chronic truant" has the same meaning as in section 123531  
2152.02 of the Revised Code. 123532

(10) "Commit" means to vest custody as ordered by the court. 123533

(11) "Counseling" includes both of the following: 123534

(a) General counseling services performed by a public 123535  
children services agency or shelter for victims of domestic 123536  
violence to assist a child, a child's parents, and a child's 123537  
siblings in alleviating identified problems that may cause or have 123538  
caused the child to be an abused, neglected, or dependent child. 123539

(b) Psychiatric or psychological therapeutic counseling 123540  
services provided to correct or alleviate any mental or emotional 123541  
illness or disorder and performed by a licensed psychiatrist, 123542  
licensed psychologist, or a person licensed under Chapter 4757. of 123543  
the Revised Code to engage in social work or professional 123544  
counseling. 123545

(12) "Custodian" means a person who has legal custody of a 123546  
child or a public children services agency or private child 123547  
placing agency that has permanent, temporary, or legal custody of 123548  
a child. 123549

(13) "Delinquent child" has the same meaning as in section 123550  
2152.02 of the Revised Code. 123551

(14) "Detention" means the temporary care of children pending 123552  
court adjudication or disposition, or execution of a court order, 123553  
in a public or private facility designed to physically restrict 123554  
the movement and activities of children. 123555

(15) "Developmental disability" has the same meaning as in 123556  
section 5123.01 of the Revised Code. 123557

(16) "Differential response approach" means an approach that 123558  
a public children services agency may use to respond to accepted 123559

reports of child abuse or neglect with either an alternative 123560  
response or a traditional response. 123561

(17) "Foster caregiver" has the same meaning as in section 123562  
5103.02 of the Revised Code. 123563

(18) "Guardian" means a person, association, or corporation 123564  
that is granted authority by a probate court pursuant to Chapter 123565  
2111. of the Revised Code to exercise parental rights over a child 123566  
to the extent provided in the court's order and subject to the 123567  
residual parental rights of the child's parents. 123568

(19) "Habitual truant" means any child of compulsory school 123569  
age who is absent without legitimate excuse for absence from the 123570  
public school the child is supposed to attend for five or more 123571  
consecutive school days, seven or more school days in one school 123572  
month, or twelve or more school days in a school year. 123573

(20) "Juvenile traffic offender" has the same meaning as in 123574  
section 2152.02 of the Revised Code. 123575

(21) "Legal custody" means a legal status that vests in the 123576  
custodian the right to have physical care and control of the child 123577  
and to determine where and with whom the child shall live, and the 123578  
right and duty to protect, train, and discipline the child and to 123579  
provide the child with food, shelter, education, and medical care, 123580  
all subject to any residual parental rights, privileges, and 123581  
responsibilities. An individual granted legal custody shall 123582  
exercise the rights and responsibilities personally unless 123583  
otherwise authorized by any section of the Revised Code or by the 123584  
court. 123585

(22) A "legitimate excuse for absence from the public school 123586  
the child is supposed to attend" includes, but is not limited to, 123587  
any of the following: 123588

(a) The fact that the child in question has enrolled in and 123589  
is attending another public or nonpublic school in this or another 123590

state; 123591

(b) The fact that the child in question is excused from 123592  
attendance at school for any of the reasons specified in section 123593  
3321.04 of the Revised Code; 123594

(c) The fact that the child in question has received an age 123595  
and schooling certificate in accordance with section 3331.01 of 123596  
the Revised Code. 123597

(23) "Mental illness" and "mentally ill person subject to 123598  
hospitalization by court order" have the same meanings as in 123599  
section 5122.01 of the Revised Code. 123600

(24) "Mental injury" means any behavioral, cognitive, 123601  
emotional, or mental disorder in a child caused by an act or 123602  
omission that is described in section 2919.22 of the Revised Code 123603  
and is committed by the parent or other person responsible for the 123604  
child's care. 123605

(25) "Mentally retarded person" has the same meaning as in 123606  
section 5123.01 of the Revised Code. 123607

(26) "Nonsecure care, supervision, or training" means care, 123608  
supervision, or training of a child in a facility that does not 123609  
confine or prevent movement of the child within the facility or 123610  
from the facility. 123611

(27) "Of compulsory school age" has the same meaning as in 123612  
section 3321.01 of the Revised Code. 123613

(28) "Organization" means any institution, public, 123614  
semipublic, or private, and any private association, society, or 123615  
agency located or operating in the state, incorporated or 123616  
unincorporated, having among its functions the furnishing of 123617  
protective services or care for children, or the placement of 123618  
children in certified foster homes or elsewhere. 123619

(29) "Out-of-home care" means detention facilities, shelter 123620

facilities, certified children's crisis care facilities, certified 123621  
foster homes, placement in a prospective adoptive home prior to 123622  
the issuance of a final decree of adoption, organizations, 123623  
certified organizations, child day-care centers, type A family 123624  
day-care homes, type B family day-care homes, child care provided 123625  
by in-home aides, group home providers, group homes, institutions, 123626  
state institutions, residential facilities, residential care 123627  
facilities, residential camps, day camps, public schools, 123628  
chartered nonpublic schools, educational service centers, 123629  
hospitals, and medical clinics that are responsible for the care, 123630  
physical custody, or control of children. 123631

(30) "Out-of-home care child abuse" means any of the 123632  
following when committed by a person responsible for the care of a 123633  
child in out-of-home care: 123634

(a) Engaging in sexual activity with a child in the person's 123635  
care; 123636

(b) Denial to a child, as a means of punishment, of proper or 123637  
necessary subsistence, education, medical care, or other care 123638  
necessary for a child's health; 123639

(c) Use of restraint procedures on a child that cause injury 123640  
or pain; 123641

(d) Administration of prescription drugs or psychotropic 123642  
medication to the child without the written approval and ongoing 123643  
supervision of a licensed physician; 123644

(e) Commission of any act, other than by accidental means, 123645  
that results in any injury to or death of the child in out-of-home 123646  
care or commission of any act by accidental means that results in 123647  
an injury to or death of a child in out-of-home care and that is 123648  
at variance with the history given of the injury or death. 123649

(31) "Out-of-home care child neglect" means any of the 123650  
following when committed by a person responsible for the care of a 123651

|                                                                                                                                                                                                                                                               |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| child in out-of-home care:                                                                                                                                                                                                                                    | 123652                               |
| (a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;                                                                                  | 123653<br>123654<br>123655           |
| (b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;             | 123656<br>123657<br>123658<br>123659 |
| (c) Failure to develop a process for all of the following:                                                                                                                                                                                                    | 123660                               |
| (i) Administration of prescription drugs or psychotropic drugs for the child;                                                                                                                                                                                 | 123661<br>123662                     |
| (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;                                                                                                                                               | 123663<br>123664                     |
| (iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.                                                                                                                         | 123665<br>123666<br>123667           |
| (d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;                                                                                            | 123668<br>123669<br>123670           |
| (e) Confinement of the child to a locked room without monitoring by staff;                                                                                                                                                                                    | 123671<br>123672                     |
| (f) Failure to provide ongoing security for all prescription and nonprescription medication;                                                                                                                                                                  | 123673<br>123674                     |
| (g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.                                                                   | 123675<br>123676<br>123677           |
| (32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or | 123678<br>123679<br>123680<br>123681 |



adoptive parents of all parental rights, privileges, and 123682  
obligations, including all residual rights and obligations. 123683

(33) "Permanent surrender" means the act of the parents or, 123684  
if a child has only one parent, of the parent of a child, by a 123685  
voluntary agreement authorized by section 5103.15 of the Revised 123686  
Code, to transfer the permanent custody of the child to a public 123687  
children services agency or a private child placing agency. 123688

(34) "Person" means an individual, association, corporation, 123689  
or partnership and the state or any of its political subdivisions, 123690  
departments, or agencies. 123691

(35) "Person responsible for a child's care in out-of-home 123692  
care" means any of the following: 123693

(a) Any foster caregiver, in-home aide, or provider; 123694

(b) Any administrator, employee, or agent of any of the 123695  
following: a public or private detention facility; shelter 123696  
facility; certified children's crisis care facility; organization; 123697  
certified organization; child day-care center; type A family 123698  
day-care home; licensed type B family day-care home; group home; 123699  
institution; state institution; residential facility; residential 123700  
care facility; residential camp; day camp; school district; 123701  
community school; chartered nonpublic school; educational service 123702  
center; hospital; or medical clinic; 123703

(c) Any person who supervises or coaches children as part of 123704  
an extracurricular activity sponsored by a school district, public 123705  
school, or chartered nonpublic school; 123706

(d) Any other person who performs a similar function with 123707  
respect to, or has a similar relationship to, children. 123708

(36) "Physically impaired" means having one or more of the 123709  
following conditions that substantially limit one or more of an 123710  
individual's major life activities, including self-care, receptive 123711

|                                                                                                                                                                                                                                              |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| and expressive language, learning, mobility, and self-direction:                                                                                                                                                                             | 123712                               |
| (a) A substantial impairment of vision, speech, or hearing;                                                                                                                                                                                  | 123713                               |
| (b) A congenital orthopedic impairment;                                                                                                                                                                                                      | 123714                               |
| (c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.                                                                                | 123715<br>123716<br>123717           |
| (37) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.       | 123718<br>123719<br>123720<br>123721 |
| (38) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.              | 123722<br>123723<br>123724<br>123725 |
| (39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:                                                                                                                | 123726<br>123727                     |
| (a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.                                                                              | 123728<br>123729<br>123730           |
| (b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.                             | 123731<br>123732<br>123733<br>123734 |
| (40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.                                                                                                   | 123735<br>123736<br>123737           |
| (41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code. | 123738<br>123739<br>123740<br>123741 |

(42) "Protective supervision" means an order of disposition 123742  
pursuant to which the court permits an abused, neglected, 123743  
dependent, or unruly child to remain in the custody of the child's 123744  
parents, guardian, or custodian and stay in the child's home, 123745  
subject to any conditions and limitations upon the child, the 123746  
child's parents, guardian, or custodian, or any other person that 123747  
the court prescribes, including supervision as directed by the 123748  
court for the protection of the child. 123749

(43) "Psychiatrist" has the same meaning as in section 123750  
5122.01 of the Revised Code. 123751

(44) "Psychologist" has the same meaning as in section 123752  
4732.01 of the Revised Code. 123753

(45) "Residential camp" means a program in which the care, 123754  
physical custody, or control of children is accepted overnight for 123755  
recreational or recreational and educational purposes. 123756

(46) "Residential care facility" means an institution, 123757  
residence, or facility that is licensed by the department of 123758  
~~mental health~~ mental health and addiction services under section 123759  
~~5119.22~~ 5119.34 of the Revised Code and that provides care for a 123760  
child. 123761

(47) "Residential facility" means a home or facility that is 123762  
licensed by the department of developmental disabilities under 123763  
section 5123.19 of the Revised Code and in which a child with a 123764  
developmental disability resides. 123765

(48) "Residual parental rights, privileges, and 123766  
responsibilities" means those rights, privileges, and 123767  
responsibilities remaining with the natural parent after the 123768  
transfer of legal custody of the child, including, but not 123769  
necessarily limited to, the privilege of reasonable visitation, 123770  
consent to adoption, the privilege to determine the child's 123771  
religious affiliation, and the responsibility for support. 123772

(49) "School day" means the school day established by the state board of education of the applicable school district pursuant to section ~~3313.48~~ 3313.481 of the Revised Code.

(50) "School ~~month~~ and "school year" ~~have~~ has the same ~~meanings~~ meaning as in section 3313.62 of the Revised Code.

(51) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

(52) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(53) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

(56) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to

visit or maintain contact with the child for more than ninety 123803  
days, regardless of whether the parents resume contact with the 123804  
child after that period of ninety days. 123805

**Sec. 2923.126.** (A) A concealed handgun license that is issued 123806  
under section 2923.125 of the Revised Code shall expire five years 123807  
after the date of issuance. A licensee who has been issued a 123808  
license under that section shall be granted a grace period of 123809  
thirty days after the licensee's license expires during which the 123810  
licensee's license remains valid. Except as provided in divisions 123811  
(B) and (C) of this section, a licensee who has been issued a 123812  
concealed handgun license under section 2923.125 or 2923.1213 of 123813  
the Revised Code may carry a concealed handgun anywhere in this 123814  
state if the licensee also carries a valid license and valid 123815  
identification when the licensee is in actual possession of a 123816  
concealed handgun. The licensee shall give notice of any change in 123817  
the licensee's residence address to the sheriff who issued the 123818  
license within forty-five days after that change. 123819

If a licensee is the driver or an occupant of a motor vehicle 123820  
that is stopped as the result of a traffic stop or a stop for 123821  
another law enforcement purpose and if the licensee is 123822  
transporting or has a loaded handgun in the motor vehicle at that 123823  
time, the licensee shall promptly inform any law enforcement 123824  
officer who approaches the vehicle while stopped that the licensee 123825  
has been issued a concealed handgun license and that the licensee 123826  
currently possesses or has a loaded handgun; the licensee shall 123827  
not knowingly disregard or fail to comply with lawful orders of a 123828  
law enforcement officer given while the motor vehicle is stopped, 123829  
knowingly fail to remain in the motor vehicle while stopped, or 123830  
knowingly fail to keep the licensee's hands in plain sight after 123831  
any law enforcement officer begins approaching the licensee while 123832  
stopped and before the officer leaves, unless directed otherwise 123833  
by a law enforcement officer; and the licensee shall not knowingly 123834

have contact with the loaded handgun by touching it with the 123835  
licensee's hands or fingers, in any manner in violation of 123836  
division (E) of section 2923.16 of the Revised Code, after any law 123837  
enforcement officer begins approaching the licensee while stopped 123838  
and before the officer leaves. Additionally, if a licensee is the 123839  
driver or an occupant of a commercial motor vehicle that is 123840  
stopped by an employee of the motor carrier enforcement unit for 123841  
the purposes defined in section 5503.04 of the Revised Code and if 123842  
the licensee is transporting or has a loaded handgun in the 123843  
commercial motor vehicle at that time, the licensee shall promptly 123844  
inform the employee of the unit who approaches the vehicle while 123845  
stopped that the licensee has been issued a concealed handgun 123846  
license and that the licensee currently possesses or has a loaded 123847  
handgun. 123848

If a licensee is stopped for a law enforcement purpose and if 123849  
the licensee is carrying a concealed handgun at the time the 123850  
officer approaches, the licensee shall promptly inform any law 123851  
enforcement officer who approaches the licensee while stopped that 123852  
the licensee has been issued a concealed handgun license and that 123853  
the licensee currently is carrying a concealed handgun; the 123854  
licensee shall not knowingly disregard or fail to comply with 123855  
lawful orders of a law enforcement officer given while the 123856  
licensee is stopped or knowingly fail to keep the licensee's hands 123857  
in plain sight after any law enforcement officer begins 123858  
approaching the licensee while stopped and before the officer 123859  
leaves, unless directed otherwise by a law enforcement officer; 123860  
and the licensee shall not knowingly remove, attempt to remove, 123861  
grasp, or hold the loaded handgun or knowingly have contact with 123862  
the loaded handgun by touching it with the licensee's hands or 123863  
fingers, in any manner in violation of division (B) of section 123864  
2923.12 of the Revised Code, after any law enforcement officer 123865  
begins approaching the licensee while stopped and before the 123866  
officer leaves. 123867

(B) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under division (B) of section 2923.12 of the Revised Code or in any manner prohibited under section 2923.16 of the Revised Code. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

(1) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation, a state correctional institution, jail, workhouse, or other detention facility, an airport passenger terminal, or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section ~~5119.02~~ 5119.14 of the Revised Code or division (A)(1) of section 5123.03 of the Revised Code;

(2) A school safety zone if the licensee's carrying the concealed handgun is in violation of section 2923.122 of the Revised Code;

(3) A courthouse or another building or structure in which a courtroom is located, in violation of section 2923.123 of the Revised Code;

(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code;

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle;

(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship

posts or permits otherwise; 123899

(7) A child day-care center, a type A family day-care home, 123900  
or a type B family day-care home, except that this division does 123901  
not prohibit a licensee who resides in a type A family day-care 123902  
home or a type B family day-care home from carrying a concealed 123903  
handgun at any time in any part of the home that is not dedicated 123904  
or used for day-care purposes, or from carrying a concealed 123905  
handgun in a part of the home that is dedicated or used for 123906  
day-care purposes at any time during which no children, other than 123907  
children of that licensee, are in the home; 123908

(8) An aircraft that is in, or intended for operation in, 123909  
foreign air transportation, interstate air transportation, 123910  
intrastate air transportation, or the transportation of mail by 123911  
aircraft; 123912

(9) Any building that is a government facility of this state 123913  
or a political subdivision of this state and that is not a 123914  
building that is used primarily as a shelter, restroom, parking 123915  
facility for motor vehicles, or rest facility and is not a 123916  
courthouse or other building or structure in which a courtroom is 123917  
located that is subject to division (B)(3) of this section; 123918

(10) A place in which federal law prohibits the carrying of 123919  
handguns. 123920

(C)(1) Nothing in this section shall negate or restrict a 123921  
rule, policy, or practice of a private employer that is not a 123922  
private college, university, or other institution of higher 123923  
education concerning or prohibiting the presence of firearms on 123924  
the private employer's premises or property, including motor 123925  
vehicles owned by the private employer. Nothing in this section 123926  
shall require a private employer of that nature to adopt a rule, 123927  
policy, or practice concerning or prohibiting the presence of 123928  
firearms on the private employer's premises or property, including 123929



motor vehicles owned by the private employer. 123930

(2)(a) A private employer shall be immune from liability in a 123931  
civil action for any injury, death, or loss to person or property 123932  
that allegedly was caused by or related to a licensee bringing a 123933  
handgun onto the premises or property of the private employer, 123934  
including motor vehicles owned by the private employer, unless the 123935  
private employer acted with malicious purpose. A private employer 123936  
is immune from liability in a civil action for any injury, death, 123937  
or loss to person or property that allegedly was caused by or 123938  
related to the private employer's decision to permit a licensee to 123939  
bring, or prohibit a licensee from bringing, a handgun onto the 123940  
premises or property of the private employer. As used in this 123941  
division, "private employer" includes a private college, 123942  
university, or other institution of higher education. 123943

(b) A political subdivision shall be immune from liability in 123944  
a civil action, to the extent and in the manner provided in 123945  
Chapter 2744. of the Revised Code, for any injury, death, or loss 123946  
to person or property that allegedly was caused by or related to a 123947  
licensee bringing a handgun onto any premises or property owned, 123948  
leased, or otherwise under the control of the political 123949  
subdivision. As used in this division, "political subdivision" has 123950  
the same meaning as in section 2744.01 of the Revised Code. 123951

(3)(a) Except as provided in division (C)(3)(b) of this 123952  
section, the owner or person in control of private land or 123953  
premises, and a private person or entity leasing land or premises 123954  
owned by the state, the United States, or a political subdivision 123955  
of the state or the United States, may post a sign in a 123956  
conspicuous location on that land or on those premises prohibiting 123957  
persons from carrying firearms or concealed firearms on or onto 123958  
that land or those premises. Except as otherwise provided in this 123959  
division, a person who knowingly violates a posted prohibition of 123960  
that nature is guilty of criminal trespass in violation of 123961

division (A)(4) of section 2911.21 of the Revised Code and is 123962  
guilty of a misdemeanor of the fourth degree. If a person 123963  
knowingly violates a posted prohibition of that nature and the 123964  
posted land or premises primarily was a parking lot or other 123965  
parking facility, the person is not guilty of criminal trespass in 123966  
violation of division (A)(4) of section 2911.21 of the Revised 123967  
Code and instead is subject only to a civil cause of action for 123968  
trespass based on the violation. 123969

(b) A landlord may not prohibit or restrict a tenant who is a 123970  
licensee and who on or after September 9, 2008, enters into a 123971  
rental agreement with the landlord for the use of residential 123972  
premises, and the tenant's guest while the tenant is present, from 123973  
lawfully carrying or possessing a handgun on those residential 123974  
premises. 123975

(c) As used in division (C)(3) of this section: 123976

(i) "Residential premises" has the same meaning as in section 123977  
5321.01 of the Revised Code, except "residential premises" does 123978  
not include a dwelling unit that is owned or operated by a college 123979  
or university. 123980

(ii) "Landlord," "tenant," and "rental agreement" have the 123981  
same meanings as in section 5321.01 of the Revised Code. 123982

(D) A person who holds a concealed handgun license issued by 123983  
another state that is recognized by the attorney general pursuant 123984  
to a reciprocity agreement entered into pursuant to section 109.69 123985  
of the Revised Code has the same right to carry a concealed 123986  
handgun in this state as a person who was issued a concealed 123987  
handgun license under section 2923.125 of the Revised Code and is 123988  
subject to the same restrictions that apply to a person who 123989  
carries a license issued under that section. 123990

(E) A peace officer has the same right to carry a concealed 123991  
handgun in this state as a person who was issued a concealed 123992

handgun license under section 2923.125 of the Revised Code. For 123993  
purposes of reciprocity with other states, a peace officer shall 123994  
be considered to be a licensee in this state. 123995

(F)(1) A qualified retired peace officer who possesses a 123996  
retired peace officer identification card issued pursuant to 123997  
division (F)(2) of this section and a valid firearms 123998  
requalification certification issued pursuant to division (F)(3) 123999  
of this section has the same right to carry a concealed handgun in 124000  
this state as a person who was issued a concealed handgun license 124001  
under section 2923.125 of the Revised Code and is subject to the 124002  
same restrictions that apply to a person who carries a license 124003  
issued under that section. For purposes of reciprocity with other 124004  
states, a qualified retired peace officer who possesses a retired 124005  
peace officer identification card issued pursuant to division 124006  
(F)(2) of this section and a valid firearms requalification 124007  
certification issued pursuant to division (F)(3) of this section 124008  
shall be considered to be a licensee in this state. 124009

(2)(a) Each public agency of this state or of a political 124010  
subdivision of this state that is served by one or more peace 124011  
officers shall issue a retired peace officer identification card 124012  
to any person who retired from service as a peace officer with 124013  
that agency, if the issuance is in accordance with the agency's 124014  
policies and procedures and if the person, with respect to the 124015  
person's service with that agency, satisfies all of the following: 124016

(i) The person retired in good standing from service as a 124017  
peace officer with the public agency, and the retirement was not 124018  
for reasons of mental instability. 124019

(ii) Before retiring from service as a peace officer with 124020  
that agency, the person was authorized to engage in or supervise 124021  
the prevention, detection, investigation, or prosecution of, or 124022  
the incarceration of any person for, any violation of law and the 124023  
person had statutory powers of arrest. 124024

(iii) At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

(iv) Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of fifteen years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the

credentials so issued to retired peace officers are stamped with 124057  
the word "RETIRED." 124058

(c) A public agency of this state or of a political 124059  
subdivision of this state may charge persons who retired from 124060  
service as a peace officer with the agency a reasonable fee for 124061  
issuing to the person a retired peace officer identification card 124062  
pursuant to division (F)(2)(a) of this section. 124063

(3) If a person retired from service as a peace officer with 124064  
a public agency of this state or of a political subdivision of 124065  
this state and the person satisfies the criteria set forth in 124066  
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 124067  
may provide the retired peace officer with the opportunity to 124068  
attend a firearms requalification program that is approved for 124069  
purposes of firearms requalification required under section 124070  
109.801 of the Revised Code. The retired peace officer may be 124071  
required to pay the cost of the course. 124072

If a retired peace officer who satisfies the criteria set 124073  
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 124074  
firearms requalification program that is approved for purposes of 124075  
firearms requalification required under section 109.801 of the 124076  
Revised Code, the retired peace officer's successful completion of 124077  
the firearms requalification program requalifies the retired peace 124078  
officer for purposes of division (F) of this section for five 124079  
years from the date on which the program was successfully 124080  
completed, and the requalification is valid during that five-year 124081  
period. If a retired peace officer who satisfies the criteria set 124082  
forth in divisions (F)(2)(a)(i) to (iv) of this section 124083  
satisfactorily completes such a firearms requalification program, 124084  
the retired peace officer shall be issued a firearms 124085  
requalification certification that identifies the retired peace 124086  
officer by name, identifies the entity that taught the program, 124087  
specifies that the retired peace officer successfully completed 124088

the program, specifies the date on which the course was 124089  
successfully completed, and specifies that the requalification is 124090  
valid for five years from that date of successful completion. The 124091  
firearms requalification certification for a retired peace officer 124092  
may be included in the retired peace officer identification card 124093  
issued to the retired peace officer under division (F)(2) of this 124094  
section. 124095

A retired peace officer who attends a firearms 124096  
requalification program that is approved for purposes of firearms 124097  
requalification required under section 109.801 of the Revised Code 124098  
may be required to pay the cost of the program. 124099

(G) As used in this section: 124100

(1) "Qualified retired peace officer" means a person who 124101  
satisfies all of the following: 124102

(a) The person satisfies the criteria set forth in divisions 124103  
(F)(2)(a)(i) to (v) of this section. 124104

(b) The person is not under the influence of alcohol or 124105  
another intoxicating or hallucinatory drug or substance. 124106

(c) The person is not prohibited by federal law from 124107  
receiving firearms. 124108

(2) "Retired peace officer identification card" means an 124109  
identification card that is issued pursuant to division (F)(2) of 124110  
this section to a person who is a retired peace officer. 124111

(3) "Government facility of this state or a political 124112  
subdivision of this state" means any of the following: 124113

(a) A building or part of a building that is owned or leased 124114  
by the government of this state or a political subdivision of this 124115  
state and where employees of the government of this state or the 124116  
political subdivision regularly are present for the purpose of 124117  
performing their official duties as employees of the state or 124118

political subdivision; 124119

(b) The office of a deputy registrar serving pursuant to 124120  
Chapter 4503. of the Revised Code that is used to perform deputy 124121  
registrar functions. 124122

**Sec. 5104.012.** (A)(1) At the times specified in this 124123  
division, the administrator of a child day-care center or a type A 124124  
family day-care home shall request the superintendent of the 124125  
bureau of criminal identification and investigation to conduct a 124126  
criminal records check with respect to any applicant who has 124127  
applied to the center or type A home for employment as a person 124128  
responsible for the care, custody, or control of a child. 124129

The administrator shall request a criminal records check 124130  
pursuant to this division at the time of the applicant's initial 124131  
application for employment and every ~~four~~ five years thereafter. 124132  
When the administrator requests pursuant to this division a 124133  
criminal records check for an applicant at the time of the 124134  
applicant's initial application for employment, the administrator 124135  
shall request that the superintendent obtain information from the 124136  
federal bureau of investigation as a part of the criminal records 124137  
check for the applicant, including fingerprint-based checks of 124138  
national crime information databases as described in 42 U.S.C. 124139  
671, for the person subject to the criminal records check. In all 124140  
other cases in which the administrator requests a criminal records 124141  
check for an applicant pursuant to this division, the 124142  
administrator may request that the superintendent include 124143  
information from the federal bureau of investigation in the 124144  
criminal records check, including fingerprint-based checks of 124145  
national crime information databases as described in 42 U.S.C. 124146  
671. 124147

(2) A person required by division (A)(1) of this section to 124148  
request a criminal records check shall provide to each applicant a 124149

copy of the form prescribed pursuant to division (C)(1) of section 124150  
109.572 of the Revised Code, provide to each applicant a standard 124151  
impression sheet to obtain fingerprint impressions prescribed 124152  
pursuant to division (C)(2) of section 109.572 of the Revised 124153  
Code, obtain the completed form and impression sheet from each 124154  
applicant, and forward the completed form and impression sheet to 124155  
the superintendent of the bureau of criminal identification and 124156  
investigation at the time the person requests a criminal records 124157  
check pursuant to division (A)(1) of this section. On and after 124158  
August 14, 2008, the administrator of a child day-care center or a 124159  
type A family day-care home shall review the results of the 124160  
criminal records check before the applicant has sole 124161  
responsibility for the care, custody, or control of any child. 124162

(3) An applicant who receives pursuant to division (A)(2) of 124163  
this section a copy of the form prescribed pursuant to division 124164  
(C)(1) of section 109.572 of the Revised Code and a copy of an 124165  
impression sheet prescribed pursuant to division (C)(2) of that 124166  
section and who is requested to complete the form and provide a 124167  
set of fingerprint impressions shall complete the form or provide 124168  
all the information necessary to complete the form and shall 124169  
provide the impression sheet with the impressions of the 124170  
applicant's fingerprints. If an applicant, upon request, fails to 124171  
provide the information necessary to complete the form or fails to 124172  
provide impressions of the applicant's fingerprints, the center or 124173  
type A home shall not employ that applicant for any position for 124174  
which a criminal records check is required by division (A)(1) of 124175  
this section. 124176

(B)(1) Except as provided in rules adopted under division (E) 124177  
of this section, no child day-care center or type A family 124178  
day-care home shall employ or contract with another entity for the 124179  
services of a person as a person responsible for the care, 124180  
custody, or control of a child if the person previously has been 124181



convicted of or pleaded guilty to any of the violations described 124182  
in division (A)(5) of section 109.572 of the Revised Code. 124183

(2) A child day-care center or type A family day-care home 124184  
may employ an applicant conditionally until the criminal records 124185  
check required by this section is completed and the center or home 124186  
receives the results of the criminal records check. If the results 124187  
of the criminal records check indicate that, pursuant to division 124188  
(B)(1) of this section, the applicant does not qualify for 124189  
employment, the center or home shall release the applicant from 124190  
employment. 124191

(C)(1) Each child day-care center and type A family day-care 124192  
home shall pay to the bureau of criminal identification and 124193  
investigation the fee prescribed pursuant to division (C)(3) of 124194  
section 109.572 of the Revised Code for each criminal records 124195  
check conducted in accordance with that section upon the request 124196  
pursuant to division (A)(1) of this section of the administrator 124197  
or provider of the center or home. 124198

(2) A child day-care center and type A family day-care home 124199  
may charge an applicant a fee for the costs it incurs in obtaining 124200  
a criminal records check under this section. A fee charged under 124201  
this division shall not exceed the amount of fees the center or 124202  
home pays under division (C)(1) of this section. If a fee is 124203  
charged under this division, the center or home shall notify the 124204  
applicant at the time of the applicant's initial application for 124205  
employment of the amount of the fee and that, unless the fee is 124206  
paid, the center or type A home will not consider the applicant 124207  
for employment. 124208

(D) The report of any criminal records check conducted by the 124209  
bureau of criminal identification and investigation in accordance 124210  
with section 109.572 of the Revised Code and pursuant to a request 124211  
under division (A)(1) of this section is not a public record for 124212  
the purposes of section 149.43 of the Revised Code and shall not 124213

be made available to any person other than the applicant who is 124214  
the subject of the criminal records check or the applicant's 124215  
representative; the center or type A home requesting the criminal 124216  
records check or its representative; the department of job and 124217  
family services or a county department of job and family services; 124218  
and any court, hearing officer, or other necessary individual 124219  
involved in a case dealing with the denial of employment to the 124220  
applicant. 124221

(E) The director of job and family services shall adopt rules 124222  
pursuant to Chapter 119. of the Revised Code to implement this 124223  
section, including rules specifying circumstances under which a 124224  
center or home may hire a person who has been convicted of an 124225  
offense listed in division (B)(1) of this section but who meets 124226  
standards in regard to rehabilitation set by the department. 124227

(F) Any person required by division (A)(1) of this section to 124228  
request a criminal records check shall inform each person, at the 124229  
time of the person's initial application for employment, that the 124230  
person is required to provide a set of impressions of the person's 124231  
fingerprints and that a criminal records check is required to be 124232  
conducted and satisfactorily completed in accordance with section 124233  
109.572 of the Revised Code if the person comes under final 124234  
consideration for appointment or employment as a precondition to 124235  
employment for that position. 124236

(G) As used in this section: 124237

(1) "Applicant" means a person who is under final 124238  
consideration for appointment to or employment in a position with 124239  
a child day-care center or a type A family day-care home as a 124240  
person responsible for the care, custody, or control of a child or 124241  
any person who would serve in any position with a child day-care 124242  
center or a type A family day-care home as a person responsible 124243  
for the care, custody, or control of a child pursuant to a 124244  
contract with another entity. 124245

(2) "Criminal records check" has the same meaning as in 124246  
section 109.572 of the Revised Code. 124247

**Sec. 5104.013.** (A)(1) At the times specified in division 124248  
(A)(3) of this section, the director of job and family services, 124249  
as part of the process of licensure of child day-care centers, 124250  
type A family day-care homes, and licensed type B family day-care 124251  
homes shall request the superintendent of the bureau of criminal 124252  
identification and investigation to conduct a criminal records 124253  
check with respect to the following persons: 124254

(a) Any owner, licensee, or administrator of a child day-care 124255  
center; 124256

(b) Any owner, licensee, or administrator of a type A family 124257  
day-care home and any person eighteen years of age or older who 124258  
resides in a type A family day-care home; 124259

(c) Any administrator of a licensed type B family day-care 124260  
home and any person eighteen years of age or older who resides in 124261  
a licensed type B family day-care home. 124262

(2) At the time specified in division (A)(3) of this section, 124263  
the director of a county department of job and family services, as 124264  
part of the process of certification of in-home aides, shall 124265  
request the superintendent of the bureau of criminal 124266  
identification and investigation to conduct a criminal records 124267  
check with respect to any in-home aide. 124268

(3) The director of job and family services shall request a 124269  
criminal records check pursuant to division (A)(1) of this section 124270  
at the time of the initial application for licensure and every 124271  
~~four~~ five years thereafter. The director of a county department of 124272  
job and family services shall request a criminal records check 124273  
pursuant to division (A)(2) of this section at the time of the 124274  
initial application for certification and every ~~four~~ five years 124275

thereafter. When the director of job and family services or the 124276  
director of a county department of job and family services 124277  
requests pursuant to division (A)(1) or (2) of this section a 124278  
criminal records check for a person at the time of the person's 124279  
initial application for licensure or certification, the director 124280  
shall request that the superintendent of the bureau of criminal 124281  
identification and investigation obtain information from the 124282  
federal bureau of investigation as a part of the criminal records 124283  
check for the person, including fingerprint-based checks of 124284  
national crime information databases as described in 42 U.S.C. 671 124285  
for the person subject to the criminal records check. In all other 124286  
cases in which the director of job and family services or the 124287  
director of a county department of job and family services 124288  
requests a criminal records check for an applicant pursuant to 124289  
division (A)(1) or (2) of this section, the director may request 124290  
that the superintendent include information from the federal 124291  
bureau of investigation in the criminal records check, including 124292  
fingerprint-based checks of national crime information databases 124293  
as described in 42 U.S.C. 671. 124294

(4) The director of job and family services shall review the 124295  
results of a criminal records check subsequent to a request made 124296  
pursuant to divisions (A)(1) and (3) of this section prior to 124297  
approval of a license. The director of a county department of job 124298  
and family services shall review the results of a criminal records 124299  
check subsequent to a request made pursuant to divisions (A)(2) 124300  
and (3) of this section prior to approval of certification. 124301

(B) The director of job and family services or the director 124302  
of a county department of job and family services shall provide to 124303  
each person for whom a criminal records check is required under 124304  
this section a copy of the form prescribed pursuant to division 124305  
(C)(1) of section 109.572 of the Revised Code and a standard 124306  
impression sheet to obtain fingerprint impressions prescribed 124307

pursuant to division (C)(2) of that section, obtain the completed 124308  
form and impression sheet from that person, and forward the 124309  
completed form and impression sheet to the superintendent of the 124310  
bureau of criminal identification and investigation. 124311

(C) A person who receives pursuant to division (B) of this 124312  
section a copy of the form and standard impression sheet described 124313  
in that division and who is requested to complete the form and 124314  
provide a set of fingerprint impressions shall complete the form 124315  
or provide all the information necessary to complete the form and 124316  
shall provide the impression sheet with the impressions of the 124317  
person's fingerprints. If the person, upon request, fails to 124318  
provide the information necessary to complete the form or fails to 124319  
provide impressions of the person's fingerprints, the director may 124320  
consider the failure as a reason to deny licensure or 124321  
certification. 124322

(D) Except as provided in rules adopted under division (G) of 124323  
this section, the director of job and family services shall not 124324  
grant a license to a child day-care center, type A family day-care 124325  
home, or type B family day-care home and a county director of job 124326  
and family services shall not certify an in-home aide if a person 124327  
for whom a criminal records check was required in connection with 124328  
the center or home previously has been convicted of or pleaded 124329  
guilty to any of the violations described in division (A)(5) of 124330  
section 109.572 of the Revised Code. 124331

(E) Each child day-care center, type A family day-care home, 124332  
and type B family day-care home shall pay to the bureau of 124333  
criminal identification and investigation the fee prescribed 124334  
pursuant to division (C)(3) of section 109.572 of the Revised Code 124335  
for each criminal records check conducted in accordance with that 124336  
section upon a request made pursuant to division (A) of this 124337  
section. 124338

(F) The report of any criminal records check conducted by the 124339

bureau of criminal identification and investigation in accordance 124340  
with section 109.572 of the Revised Code and pursuant to a request 124341  
made under division (A) of this section is not a public record for 124342  
the purposes of section 149.43 of the Revised Code and shall not 124343  
be made available to any person other than the person who is the 124344  
subject of the criminal records check or the person's 124345  
representative, the director of job and family services, the 124346  
director of a county department of job and family services, the 124347  
center, type A home, or type B home involved, and any court, 124348  
hearing officer, or other necessary individual involved in a case 124349  
dealing with a denial of licensure or certification related to the 124350  
criminal records check. 124351

(G) The director of job and family services shall adopt rules 124352  
in accordance with Chapter 119. of the Revised Code to implement 124353  
this section, including rules specifying exceptions to the 124354  
prohibition in division (D) of this section for persons who have 124355  
been convicted of an offense listed in that division but who meet 124356  
standards in regard to rehabilitation set by the director. 124357

(H) As used in this section, "criminal records check" has the 124358  
same meaning as in section 109.572 of the Revised Code. 124359

**Sec. 5104.03.** (A) Any person, firm, organization, 124360  
institution, or agency seeking to establish a child day-care 124361  
center, type A family day-care home, or licensed type B family 124362  
day-care home shall apply for a license to the director of job and 124363  
family services on such form as the director prescribes. The 124364  
director shall provide at no charge to each applicant for 124365  
licensure a copy of the child care license requirements in this 124366  
chapter and a copy of the rules adopted pursuant to this chapter. 124367  
The copies may be provided in paper or electronic form. 124368

Fees shall be set by the director pursuant to sections 124369  
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 124370

paid at the time of application for a license to operate a center, 124371  
type A home, or type B home. Fees collected under this section 124372  
shall be paid into the state treasury to the credit of the general 124373  
revenue fund. 124374

(B)(1) Upon filing of the application for a license, the 124375  
director shall investigate and inspect the center, type A home, or 124376  
type B home to determine the license capacity for each age 124377  
category of children of the center, type A home, or type B home 124378  
and to determine whether the center, type A home, or type B home 124379  
complies with this chapter and rules adopted pursuant to this 124380  
chapter. When, after investigation and inspection, the director is 124381  
satisfied that this chapter and rules adopted pursuant to it are 124382  
complied with, subject to division (H) of this section, a license 124383  
shall be issued as soon as practicable in such form and manner as 124384  
prescribed by the director. The license shall be designated as 124385  
provisional and shall be valid for twelve months from the date of 124386  
issuance unless revoked. 124387

(2) The director may contract with a government entity or a 124388  
private nonprofit entity for the entity to inspect and license 124389  
type B family day-care homes pursuant to this section. The 124390  
department, government entity, or nonprofit entity shall conduct 124391  
the inspection prior to the issuance of a license for the type B 124392  
home and, as part of that inspection, ensure that the type B home 124393  
is safe and sanitary. 124394

(C)(1) On receipt of an application for licensure as a type B 124395  
family day-care home to provide publicly funded child care, the 124396  
department shall search the uniform statewide automated child 124397  
welfare information system for information concerning any abuse or 124398  
neglect report made pursuant to section 2151.421 of the Revised 124399  
Code of which the applicant, any other adult residing in the 124400  
applicant's home, or a person designated by the applicant to be an 124401  
emergency or substitute caregiver for the applicant is the 124402

subject. 124403

(2) The department shall consider any information it 124404  
discovers pursuant to division (C)(1) of this section or that is 124405  
provided by a public children services agency pursuant to section 124406  
5153.175 of the Revised Code. If the department determines that 124407  
the information, when viewed within the totality of the 124408  
circumstances, reasonably leads to the conclusion that the 124409  
applicant may directly or indirectly endanger the health, safety, 124410  
or welfare of children, the department shall deny the application 124411  
for licensure or revoke the license of a type B family day-care 124412  
home. 124413

(D) The director shall investigate and inspect the center, 124414  
type A home, or type B home at least once during operation under a 124415  
license designated as provisional. If after the investigation and 124416  
inspection the director determines that the requirements of this 124417  
chapter and rules adopted pursuant to this chapter are met, 124418  
subject to division (H) of this section, the director shall issue 124419  
a new license to the center or home. 124420

(E) Each license shall state the name of the licensee, the 124421  
name of the administrator, the address of the center, type A home, 124422  
or licensed type B home, and the license capacity for each age 124423  
category of children. The license shall include thereon, in 124424  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 124425  
Revised Code, the toll-free telephone number to be used by persons 124426  
suspecting that the center, type A home, or licensed type B home 124427  
has violated a provision of this chapter or rules adopted pursuant 124428  
to this chapter. A license is valid only for the licensee, 124429  
administrator, address, and license capacity for each age category 124430  
of children designated on the license. The license capacity 124431  
specified on the license is the maximum number of children in each 124432  
age category that may be cared for in the center, type A home, or 124433  
licensed type B home at one time. 124434



The center or type A home licensee shall notify the director 124435  
when the administrator of the center or home changes. The director 124436  
shall amend the current license to reflect a change in an 124437  
administrator, if the administrator meets the requirements of this 124438  
chapter and rules adopted pursuant to this chapter, or a change in 124439  
license capacity for any age category of children as determined by 124440  
the director of job and family services. 124441

(F) If the director revokes the license of a center, a type A 124442  
home, or a type B home, the director shall not issue another 124443  
license to the owner of the center, type A home, or type B home 124444  
until five years have elapsed from the date the license is 124445  
revoked. 124446

If the director denies an application for a license, the 124447  
director shall not accept another application from the applicant 124448  
until five years have elapsed from the date the application is 124449  
denied. 124450

(G) If during the application for licensure process the 124451  
director determines that the license of the owner has been 124452  
revoked, the investigation of the center, type A home, or type B 124453  
home shall cease. This action does not constitute denial of the 124454  
application and may not be appealed under division (H) of this 124455  
section. 124456

(H) All actions of the director with respect to licensing 124457  
centers, type A homes, or type B homes, refusal to license, and 124458  
revocation of a license shall be in accordance with Chapter 119. 124459  
of the Revised Code. Any applicant who is denied a license or any 124460  
owner whose license is revoked may appeal in accordance with 124461  
section 119.12 of the Revised Code. 124462

(I) In no case shall the director issue a license under this 124463  
section for a center, type A home, or type B home if the director, 124464  
based on documentation provided by the appropriate county 124465

department of job and family services, determines that the 124466  
applicant had been certified as a type B family day-care home when 124467  
such certifications were issued by county departments prior to ~~the~~ 124468  
~~effective date of this amendment~~ January 1, 2014, that the county 124469  
department revoked that certification within the immediately 124470  
preceding five years, that the revocation was based on the 124471  
applicant's refusal or inability to comply with the criteria for 124472  
certification, and that the refusal or inability resulted in a 124473  
risk to the health or safety of children. 124474

(J)(1) Except as provided in division (J)(2) of this section, 124475  
an administrator of a type B family day-care home that receives a 124476  
license pursuant to this section to provide publicly funded child 124477  
care is an independent contractor and is not an employee of the 124478  
department of job and family services. 124479

(2) For purposes of Chapter 4141. of the Revised Code, 124480  
determinations concerning the employment of an administrator of a 124481  
type B family day-care home that receives a license pursuant to 124482  
this section shall be determined under Chapter 4141. of the 124483  
Revised Code. 124484

**Sec. 5104.08.** (A) There is hereby created in the department 124485  
of job and family services a child care advisory council to advise 124486  
and assist the department in the administration of this chapter 124487  
and in the development of child care. The council shall consist of 124488  
twenty-two voting members appointed by the director of job and 124489  
family services with the approval of the governor. The director of 124490  
job and family services, the director of developmental 124491  
disabilities, the director of ~~mental health~~ mental health and 124492  
addiction services, the superintendent of public instruction, the 124493  
director of health, the director of commerce, and the state fire 124494  
marshal shall serve as nonvoting members of the council. 124495

Six members shall be representatives of child care centers 124496

subject to licensing, the members to represent a variety of 124497  
centers, including nonprofit and proprietary, from different 124498  
geographical areas of the state. At least three members shall be 124499  
parents, guardians, or custodians of children receiving child care 124500  
or publicly funded child care in the child's own home, a center, a 124501  
type A home, a head start program, a licensed type B home, or a 124502  
type B home at the time of appointment. Three members shall be 124503  
representatives of in-home aides, type A homes, licensed type B 124504  
homes, or type B homes or head start programs. At least six 124505  
members shall represent county departments of job and family 124506  
services. The remaining members shall be representatives of the 124507  
teaching, child development, and health professions, and other 124508  
individuals interested in the welfare of children. At least six 124509  
members of the council shall not be employees or licensees of a 124510  
child day-care center, head start program, or type A home, or 124511  
providers operating a licensed type B home or type B home, or 124512  
in-home aides. 124513

Appointments shall be for three-year terms. Vacancies shall 124514  
be filled for the unexpired terms. A member of the council is 124515  
subject to removal by the director of job and family services for 124516  
a willful and flagrant exercise of authority or power that is not 124517  
authorized by law, for a refusal or willful neglect to perform any 124518  
official duty as a member of the council imposed by law, or for 124519  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 124520  
neglect of duty as a member of the council. 124521

There shall be two co-chairpersons of the council. One 124522  
co-chairperson shall be the director of job and family services or 124523  
the director's designee, and one co-chairperson shall be elected 124524  
by the members of the council. The council shall meet as often as 124525  
is necessary to perform its duties, provided that it shall meet at 124526  
least once in each quarter of each calendar year and at the call 124527  
of the co-chairpersons. The co-chairpersons or their designee 124528

shall send to each member a written notice of the date, time, and 124529  
place of each meeting. 124530

Members of the council shall serve without compensation, but 124531  
shall be reimbursed for necessary expenses. 124532

(B) The child care advisory council shall advise the director 124533  
on matters affecting the licensing of centers, type A homes, and 124534  
type B homes and the certification of in-home aides. The council 124535  
shall make an annual report to the director of job and family 124536  
services that addresses the availability, affordability, 124537  
accessibility, and quality of child care and that summarizes the 124538  
recommendations and plans of action that the council has proposed 124539  
to the director during the preceding fiscal year. The director of 124540  
job and family services shall provide copies of the report to the 124541  
governor, speaker and minority leader of the house of 124542  
representatives, and the president and minority leader of the 124543  
senate and, on request, shall make copies available to the public. 124544

(C) The director of job and family services shall adopt rules 124545  
in accordance with Chapter 119. of the Revised Code to implement 124546  
this section. 124547

**Sec. 5104.32.** (A) Except as provided in division (C) of this 124548  
section, all purchases of publicly funded child care shall be made 124549  
under a contract entered into by a licensed child day-care center, 124550  
licensed type A family day-care home, licensed type B family 124551  
day-care home, certified in-home aide, approved child day camp, 124552  
licensed preschool program, licensed school child program, or 124553  
border state child care provider and the department of job and 124554  
family services. All contracts for publicly funded child care 124555  
shall be contingent upon the availability of state and federal 124556  
funds. The department shall prescribe a standard form to be used 124557  
for all contracts for the purchase of publicly funded child care, 124558  
regardless of the source of public funds used to purchase the 124559

child care. To the extent permitted by federal law and 124560  
notwithstanding any other provision of the Revised Code that 124561  
regulates state contracts or contracts involving the expenditure 124562  
of state or federal funds, all contracts for publicly funded child 124563  
care shall be entered into in accordance with the provisions of 124564  
this chapter and are exempt from any other provision of the 124565  
Revised Code that regulates state contracts or contracts involving 124566  
the expenditure of state or federal funds. 124567

(B) Each contract for publicly funded child care shall 124568  
specify at least the following: 124569

(1) That the provider of publicly funded child care agrees to 124570  
be paid for rendering services at the lower of the rate 124571  
customarily charged by the provider for children enrolled for 124572  
child care or the reimbursement ceiling or rate of payment 124573  
established pursuant to section 5104.30 of the Revised Code; 124574

(2) That, if a provider provides child care to an individual 124575  
potentially eligible for publicly funded child care who is 124576  
subsequently determined to be eligible, the department agrees to 124577  
pay for all child care provided between the date the county 124578  
department of job and family services receives the individual's 124579  
completed application and the date the individual's eligibility is 124580  
determined; 124581

(3) Whether the county department of job and family services, 124582  
the provider, or a child care resource and referral service 124583  
organization will make eligibility determinations, whether the 124584  
provider or a child care resource and referral service 124585  
organization will be required to collect information to be used by 124586  
the county department to make eligibility determinations, and the 124587  
time period within which the provider or child care resource and 124588  
referral service organization is required to complete required 124589  
eligibility determinations or to transmit to the county department 124590  
any information collected for the purpose of making eligibility 124591

determinations; 124592

(4) That the provider, other than a border state child care 124593  
provider, shall continue to be licensed, approved, or certified 124594  
pursuant to this chapter and shall comply with all standards and 124595  
other requirements in this chapter and in rules adopted pursuant 124596  
to this chapter for maintaining the provider's license, approval, 124597  
or certification; 124598

(5) That, in the case of a border state child care provider, 124599  
the provider shall continue to be licensed, certified, or 124600  
otherwise approved by the state in which the provider is located 124601  
and shall comply with all standards and other requirements 124602  
established by that state for maintaining the provider's license, 124603  
certificate, or other approval; 124604

(6) Whether the provider will be paid by the state department 124605  
of job and family services or in some other manner as prescribed 124606  
by rules adopted under section 5104.42 of the Revised Code; 124607

(7) That the contract is subject to the availability of state 124608  
and federal funds. 124609

(C) Unless specifically prohibited by federal law or by rules 124610  
adopted under section 5104.42 of the Revised Code, the county 124611  
department of job and family services shall give individuals 124612  
eligible for publicly funded child care the option of obtaining 124613  
certificates that the individual may use to purchase services from 124614  
any provider qualified to provide publicly funded child care under 124615  
section 5104.31 of the Revised Code. Providers of publicly funded 124616  
child care may present these certificates for payment in 124617  
accordance with rules that the director of job and family services 124618  
shall adopt. Only providers may receive payment for certificates. 124619  
The value of the certificate shall be based on the lower of the 124620  
rate customarily charged by the provider or the rate of payment 124621  
established pursuant to section 5104.30 of the Revised Code. The 124622

county department may provide the certificates to the individuals 124623  
or may contract with child care providers or child care resource 124624  
and referral service organizations that make determinations of 124625  
eligibility for publicly funded child care pursuant to contracts 124626  
entered into under section 5104.34 of the Revised Code for the 124627  
providers or resource and referral service organizations to 124628  
provide the certificates to individuals whom they determine are 124629  
eligible for publicly funded child care. 124630

For each six-month period a provider of publicly funded child 124631  
care provides publicly funded child care to the child of an 124632  
individual given certificates, the individual shall provide the 124633  
provider certificates for days the provider would have provided 124634  
publicly funded child care to the child had the child been 124635  
present. The maximum number of days providers shall be provided 124636  
certificates shall not exceed ten days in a six-month period 124637  
during which publicly funded child care is provided to the child 124638  
regardless of the number of providers that provide publicly funded 124639  
child care to the child during that period. 124640

(D)(1) The department shall establish the Ohio electronic 124641  
child care system to track attendance and calculate payments for 124642  
publicly funded child care. The system shall include issuing an 124643  
electronic child care card to each caretaker parent to swipe 124644  
through a point of service device issued to an eligible provider, 124645  
as described in section 5104.31 of the Revised Code. 124646

(2) Each eligible provider that provides publicly funded 124647  
child care shall participate in the Ohio electronic child care 124648  
system. A provider participating in the system shall not do any of 124649  
the following: 124650

(a) Use or have possession of an electronic child care card 124651  
issued to a caretaker parent; 124652

(b) Falsify attendance records; 124653

|                                                                                                                                                                                                                                                                                                                                                                                                                                             |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>(c) Knowingly seek payment for publicly funded child care that was not provided;</u>                                                                                                                                                                                                                                                                                                                                                     | 124654 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                             | 124655 |
| <u>(d) Knowingly accept reimbursement for publicly funded child care that was not provided.</u>                                                                                                                                                                                                                                                                                                                                             | 124656 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                             | 124657 |
| <b>Section 110.21.</b> That the existing versions of sections 109.57, 2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, and 5104.32 of the Revised Code that are scheduled to take effect January 1, 2014, are hereby repealed.                                                                                                                                                                                                     | 124658 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                             | 124659 |
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| <b>Section 110.22.</b> Sections 110.20 and 110.21 of this act shall take effect January 1, 2014, except that the amendments by Sections 110.20 and 110.21 of this act to divisions (B)(49) and (50) of section 2151.011 of the Revised Code shall take effect July 1, 2014.                                                                                                                                                                 | 124662 |
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| <b>Section 110.30.</b> That the versions of sections 4501.01 and 4507.06 of the Revised Code that are scheduled to take effect January 1, 2017, be amended to read as follows:                                                                                                                                                                                                                                                              | 124667 |
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| <b>Sec. 4501.01.</b> As used in this chapter and Chapters 4503., 4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the Revised Code, and in the penal laws, except as otherwise provided:                                                                                                                                                                                                                                       | 124670 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                             | 124672 |
| (A) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions. | 124673 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                             | 124679 |
| (B) "Motor vehicle" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power                                                                                                                                                                                                                                                                                                                | 124680 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                             | 124681 |



other than muscular power or power collected from overhead 124682  
electric trolley wires. "Motor vehicle" does not include utility 124683  
vehicles as defined in division (VV) of this section, under-speed 124684  
vehicles as defined in division (XX) of this section, mini-trucks 124685  
as defined in division (BBB) of this section, motorized bicycles, 124686  
road rollers, traction engines, power shovels, power cranes, and 124687  
other equipment used in construction work and not designed for or 124688  
employed in general highway transportation, well-drilling 124689  
machinery, ditch-digging machinery, farm machinery, and trailers 124690  
that are designed and used exclusively to transport a boat between 124691  
a place of storage and a marina, or in and around a marina, when 124692  
drawn or towed on a public road or highway for a distance of no 124693  
more than ten miles and at a speed of twenty-five miles per hour 124694  
or less. 124695

(C) "Agricultural tractor" and "traction engine" mean any 124696  
self-propelling vehicle that is designed or used for drawing other 124697  
vehicles or wheeled machinery, but has no provisions for carrying 124698  
loads independently of such other vehicles, and that is used 124699  
principally for agricultural purposes. 124700

(D) "Commercial tractor," except as defined in division (C) 124701  
of this section, means any motor vehicle that has motive power and 124702  
either is designed or used for drawing other motor vehicles, or is 124703  
designed or used for drawing another motor vehicle while carrying 124704  
a portion of the other motor vehicle or its load, or both. 124705

(E) "Passenger car" means any motor vehicle that is designed 124706  
and used for carrying not more than nine persons and includes any 124707  
motor vehicle that is designed and used for carrying not more than 124708  
fifteen persons in a ridesharing arrangement. 124709

(F) "Collector's vehicle" means any motor vehicle or 124710  
agricultural tractor or traction engine that is of special 124711  
interest, that has a fair market value of one hundred dollars or 124712  
more, whether operable or not, and that is owned, operated, 124713

collected, preserved, restored, maintained, or used essentially as 124714  
a collector's item, leisure pursuit, or investment, but not as the 124715  
owner's principal means of transportation. "Licensed collector's 124716  
vehicle" means a collector's vehicle, other than an agricultural 124717  
tractor or traction engine, that displays current, valid license 124718  
tags issued under section 4503.45 of the Revised Code, or a 124719  
similar type of motor vehicle that displays current, valid license 124720  
tags issued under substantially equivalent provisions in the laws 124721  
of other states. 124722

(G) "Historical motor vehicle" means any motor vehicle that 124723  
is over twenty-five years old and is owned solely as a collector's 124724  
item and for participation in club activities, exhibitions, tours, 124725  
parades, and similar uses, but that in no event is used for 124726  
general transportation. 124727

(H) "Noncommercial motor vehicle" means any motor vehicle, 124728  
including a farm truck as defined in section 4503.04 of the 124729  
Revised Code, that is designed by the manufacturer to carry a load 124730  
of no more than one ton and is used exclusively for purposes other 124731  
than engaging in business for profit. 124732

(I) "Bus" means any motor vehicle that has motor power and is 124733  
designed and used for carrying more than nine passengers, except 124734  
any motor vehicle that is designed and used for carrying not more 124735  
than fifteen passengers in a ridesharing arrangement. 124736

(J) "Commercial car" or "truck" means any motor vehicle that 124737  
has motor power and is designed and used for carrying merchandise 124738  
or freight, or that is used as a commercial tractor. 124739

(K) "Bicycle" means every device, other than a tricycle that 124740  
is designed solely for use as a play vehicle by a child, that is 124741  
propelled solely by human power upon which any person may ride, 124742  
and that has two tandem wheels, or one wheel in front and two 124743  
wheels in the rear, or two wheels in the front and one wheel in 124744

the rear, any of which is more than fourteen inches in diameter. 124745

(L) "Motorized bicycle" or "moped" means any vehicle that 124746  
either has two tandem wheels or one wheel in the front and two 124747  
wheels in the rear, that may be pedaled, and that is equipped with 124748  
a helper motor of not more than fifty cubic centimeters piston 124749  
displacement that produces no more than one brake horsepower and 124750  
is capable of propelling the vehicle at a speed of no greater than 124751  
twenty miles per hour on a level surface. 124752

(M) "Trailer" means any vehicle without motive power that is 124753  
designed or used for carrying property or persons wholly on its 124754  
own structure and for being drawn by a motor vehicle, and includes 124755  
any such vehicle that is formed by or operated as a combination of 124756  
a semitrailer and a vehicle of the dolly type such as that 124757  
commonly known as a trailer dolly, a vehicle used to transport 124758  
agricultural produce or agricultural production materials between 124759  
a local place of storage or supply and the farm when drawn or 124760  
towed on a public road or highway at a speed greater than 124761  
twenty-five miles per hour, and a vehicle that is designed and 124762  
used exclusively to transport a boat between a place of storage 124763  
and a marina, or in and around a marina, when drawn or towed on a 124764  
public road or highway for a distance of more than ten miles or at 124765  
a speed of more than twenty-five miles per hour. "Trailer" does 124766  
not include a manufactured home or travel trailer. 124767

(N) "Noncommercial trailer" means any trailer, except a 124768  
travel trailer or trailer that is used to transport a boat as 124769  
described in division (B) of this section, but, where applicable, 124770  
includes a vehicle that is used to transport a boat as described 124771  
in division (M) of this section, that has a gross weight of no 124772  
more than ten thousand pounds, and that is used exclusively for 124773  
purposes other than engaging in business for a profit, such as the 124774  
transportation of personal items for personal or recreational 124775  
purposes. 124776

(O) "Mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

(P) "Semitrailer" means any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

(Q) "Recreational vehicle" means a vehicular portable structure that meets all of the following conditions:

(1) It is designed for the sole purpose of recreational travel.

(2) It is not used for the purpose of engaging in business for profit.

(3) It is not used for the purpose of engaging in intrastate commerce.

(4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.

(5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.

- (6) It is classed as one of the following: 124808
- (a) "Travel trailer" or "house vehicle" means a 124809  
nonsself-propelled recreational vehicle that does not exceed an 124810  
overall length of forty feet, exclusive of bumper and tongue or 124811  
coupling. "Travel trailer" includes a tent-type fold-out camping 124812  
trailer as defined in section 4517.01 of the Revised Code. 124813
- (b) "Motor home" means a self-propelled recreational vehicle 124814  
that has no fifth wheel and is constructed with permanently 124815  
installed facilities for cold storage, cooking and consuming of 124816  
food, and for sleeping. 124817
- (c) "Truck camper" means a nonsself-propelled recreational 124818  
vehicle that does not have wheels for road use and is designed to 124819  
be placed upon and attached to a motor vehicle. "Truck camper" 124820  
does not include truck covers that consist of walls and a roof, 124821  
but do not have floors and facilities enabling them to be used as 124822  
a dwelling. 124823
- (d) "Fifth wheel trailer" means a vehicle that is of such 124824  
size and weight as to be movable without a special highway permit, 124825  
that is constructed with a raised forward section that allows a 124826  
bi-level floor plan, and that is designed to be towed by a vehicle 124827  
equipped with a fifth-wheel hitch ordinarily installed in the bed 124828  
of a truck. 124829
- (e) "Park trailer" means a vehicle that is commonly known as 124830  
a park model recreational vehicle, meets the American national 124831  
standard institute standard A119.5 (1988) for park trailers, is 124832  
built on a single chassis, has a gross trailer area of four 124833  
hundred square feet or less when set up, is designed for seasonal 124834  
or temporary living quarters, and may be connected to utilities 124835  
necessary for the operation of installed features and appliances. 124836
- (R) "Pneumatic tires" means tires of rubber and fabric or 124837  
tires of similar material, that are inflated with air. 124838

(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load.

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(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires.

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(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products.

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(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers.

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(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of

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business is used to dismantle, salvage, or rebuild motor vehicles 124871  
by means of used parts, if such departments are operated for the 124872  
purpose of furthering and assisting in the business of 124873  
manufacturing, selling, displaying, offering for sale, or dealing 124874  
in motor vehicles. Places of business or departments in a place of 124875  
business used to dismantle, salvage, or rebuild motor vehicles by 124876  
means of using used parts are not considered as being maintained 124877  
for the purpose of assisting or furthering the manufacturing, 124878  
selling, displaying, and offering for sale or dealing in motor 124879  
vehicles. 124880

(X) "Operator" includes any person who drives or operates a 124881  
motor vehicle upon the public highways. 124882

(Y) "Chauffeur" means any operator who operates a motor 124883  
vehicle, other than a taxicab, as an employee for hire; or any 124884  
operator whether or not the owner of a motor vehicle, other than a 124885  
taxicab, who operates such vehicle for transporting, for gain, 124886  
compensation, or profit, either persons or property owned by 124887  
another. Any operator of a motor vehicle who is voluntarily 124888  
involved in a ridesharing arrangement is not considered an 124889  
employee for hire or operating such vehicle for gain, 124890  
compensation, or profit. 124891

(Z) "State" includes the territories and federal districts of 124892  
the United States, and the provinces of Canada. 124893

(AA) "Public roads and highways" for vehicles includes all 124894  
public thoroughfares, bridges, and culverts. 124895

(BB) "Manufacturer's number" means the manufacturer's 124896  
original serial number that is affixed to or imprinted upon the 124897  
chassis or other part of the motor vehicle. 124898

(CC) "Motor number" means the manufacturer's original number 124899  
that is affixed to or imprinted upon the engine or motor of the 124900  
vehicle. 124901

(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;

(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;

(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used for the transportation of chartered parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying



motor vehicle at a fixed charge for the vehicle in accordance with 124933  
the carrier's tariff, lawfully on file with the United States 124934  
department of transportation, for the purpose of group travel to a 124935  
specified destination or for a particular itinerary, either agreed 124936  
upon in advance or modified by the chartered group after having 124937  
left the place of origin. 124938

(HH) "International registration plan" means a reciprocal 124939  
agreement of member jurisdictions that is endorsed by the American 124940  
association of motor vehicle administrators, and that promotes and 124941  
encourages the fullest possible use of the highway system by 124942  
authorizing apportioned registration of fleets of vehicles and 124943  
recognizing registration of vehicles apportioned in member 124944  
jurisdictions. 124945

(II) "Restricted plate" means a license plate that has a 124946  
restriction of time, geographic area, mileage, or commodity, and 124947  
includes license plates issued to farm trucks under division (J) 124948  
of section 4503.04 of the Revised Code. 124949

(JJ) "Gross vehicle weight," with regard to any commercial 124950  
car, trailer, semitrailer, or bus that is taxed at the rates 124951  
established under section 4503.042 or 4503.65 of the Revised Code, 124952  
means the unladen weight of the vehicle fully equipped plus the 124953  
maximum weight of the load to be carried on the vehicle. 124954

(KK) "Combined gross vehicle weight" with regard to any 124955  
combination of a commercial car, trailer, and semitrailer, that is 124956  
taxed at the rates established under section 4503.042 or 4503.65 124957  
of the Revised Code, means the total unladen weight of the 124958  
combination of vehicles fully equipped plus the maximum weight of 124959  
the load to be carried on that combination of vehicles. 124960

(LL) "Chauffeured limousine" means a motor vehicle that is 124961  
designed to carry nine or fewer passengers and is operated for 124962  
hire ~~on an hourly basis~~ pursuant to a prearranged contract for the 124963

transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine ~~at a fixed rate per hour or trip~~. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

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(MM) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.

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(NN) "Acquired situs," with respect to a manufactured home or a mobile home, means to become located in this state by the placement of the home on real property, but does not include the placement of a manufactured home or a mobile home in the inventory of a new motor vehicle dealer or the inventory of a manufacturer, remanufacturer, or distributor of manufactured or mobile homes.

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(OO) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

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(PP) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

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(QQ) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

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(RR) "Financial transaction device" has the same meaning as in division (A) of section 113.40 of the Revised Code.

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(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria

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designated in section 4503.035 of the Revised Code for electronic 124995  
motor vehicle dealers and designates as an electronic motor 124996  
vehicle dealer under that section. 124997

(TT) "Electric personal assistive mobility device" means a 124998  
self-balancing two non-tandem wheeled device that is designed to 124999  
transport only one person, has an electric propulsion system of an 125000  
average of seven hundred fifty watts, and when ridden on a paved 125001  
level surface by an operator who weighs one hundred seventy pounds 125002  
has a maximum speed of less than twenty miles per hour. 125003

(UU) "Limited driving privileges" means the privilege to 125004  
operate a motor vehicle that a court grants under section 4510.021 125005  
of the Revised Code to a person whose driver's or commercial 125006  
driver's license or permit or nonresident operating privilege has 125007  
been suspended. 125008

(VV) "Utility vehicle" means a self-propelled vehicle 125009  
designed with a bed, principally for the purpose of transporting 125010  
material or cargo in connection with construction, agricultural, 125011  
forestry, grounds maintenance, lawn and garden, materials 125012  
handling, or similar activities. 125013

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 125014  
vehicle with an attainable speed in one mile on a paved level 125015  
surface of more than twenty miles per hour but not more than 125016  
twenty-five miles per hour and with a gross vehicle weight rating 125017  
less than three thousand pounds. 125018

(XX) "Under-speed vehicle" means a three- or four-wheeled 125019  
vehicle, including a vehicle commonly known as a golf cart, with 125020  
an attainable speed on a paved level surface of not more than 125021  
twenty miles per hour and with a gross vehicle weight rating less 125022  
than three thousand pounds. 125023

(YY) "Motor-driven cycle or motor scooter" means any vehicle 125024  
designed to travel on not more than three wheels in contact with 125025

the ground, with a seat for the driver and floor pad for the 125026  
driver's feet, and is equipped with a motor with a piston 125027  
displacement between fifty and one hundred fifty cubic centimeters 125028  
piston displacement that produces not more than five brake 125029  
horsepower and is capable of propelling the vehicle at a speed 125030  
greater than twenty miles per hour on a level surface. 125031

(ZZ) "Motorcycle" means a motor vehicle with motive power 125032  
having a seat or saddle for the use of the operator, designed to 125033  
travel on not more than three wheels in contact with the ground, 125034  
and having no occupant compartment top or occupant compartment top 125035  
that can be installed or removed by the user. 125036

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 125037  
motive power having a seat or saddle for the use of the operator, 125038  
designed to travel on not more than three wheels in contact with 125039  
the ground, and having an occupant compartment top or an occupant 125040  
compartment top that can be installed or removed by the user. 125041

(BBB) "Mini-truck" means a vehicle that has four wheels, is 125042  
propelled by an electric motor with a rated power of seven 125043  
thousand five hundred watts or less or an internal combustion 125044  
engine with a piston displacement capacity of six hundred sixty 125045  
cubic centimeters or less, has a total dry weight of nine hundred 125046  
to two thousand two hundred pounds, contains an enclosed cabin and 125047  
a seat for the vehicle operator, resembles a pickup truck or van 125048  
with a cargo area or bed located at the rear of the vehicle, and 125049  
was not originally manufactured to meet federal motor vehicle 125050  
safety standards. 125051

**Sec. 4507.06.** (A)(1) Every application for a driver's 125052  
license, motorcycle operator's license or endorsement, or 125053  
motor-driven cycle or motor scooter license or endorsement, or 125054  
duplicate of any such license or endorsement, shall be made upon 125055  
the approved form furnished by the registrar of motor vehicles and 125056

shall be signed by the applicant. 125057

Every application shall state the following: 125058

(a) The applicant's name, date of birth, social security 125059  
number if such has been assigned, sex, general description, 125060  
including height, weight, color of hair, and eyes, residence 125061  
address, including county of residence, duration of residence in 125062  
this state, and country of citizenship; 125063

(b) Whether the applicant previously has been licensed as an 125064  
operator, chauffeur, driver, commercial driver, or motorcycle 125065  
operator and, if so, when, by what state, and whether such license 125066  
is suspended or canceled at the present time and, if so, the date 125067  
of and reason for the suspension or cancellation; 125068

(c) Whether the applicant is now or ever has been afflicted 125069  
with epilepsy, or whether the applicant now is suffering from any 125070  
physical or mental disability or disease and, if so, the nature 125071  
and extent of the disability or disease, giving the names and 125072  
addresses of physicians then or previously in attendance upon the 125073  
applicant; 125074

(d) Whether an applicant for a duplicate driver's license, 125075  
duplicate license containing a motorcycle operator endorsement, or 125076  
duplicate license containing a motor-driven cycle or motor scooter 125077  
endorsement has pending a citation for violation of any motor 125078  
vehicle law or ordinance, a description of any such citation 125079  
pending, and the date of the citation; 125080

(e) ~~Whether~~ If an applicant has not certified the applicant's 125081  
willingness to make an anatomical gift under section 2108.05 of 125082  
the Revised Code, whether the applicant wishes to certify 125083  
willingness to make such an anatomical gift ~~under section 2108.05~~ 125084  
~~of the Revised Code~~, which shall be given no consideration in the 125085  
issuance of a license or endorsement; 125086

(f) Whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the applicant's license to indicate that the applicant has executed the instrument;

(g) On and after October 7, 2009, whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the applicant's license to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license.

(2) Every applicant for a driver's license shall be photographed in color at the time the application for the license is made. The application shall state any additional information that the registrar requires.

(B) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for a license or endorsement under division (A) of this section, or for a renewal or duplicate of the license or endorsement, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant a license or endorsement, or a renewal or duplicate.

(C) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall offer the opportunity of completing a notice of change of residence or change of name to any applicant for a driver's license or endorsement under division

(A) of this section, or for a renewal or duplicate of the license 125119  
or endorsement, if the applicant is a registered elector who has 125120  
changed the applicant's residence or name and has not filed such a 125121  
notice. 125122

(D) In addition to any other information it contains, on and 125123  
after October 7, 2009, the approved form furnished by the 125124  
registrar of motor vehicles for an application for a license or 125125  
endorsement or an application for a duplicate of any such license 125126  
or endorsement shall inform applicants that the applicant must 125127  
present a copy of the applicant's DD-214 or an equivalent document 125128  
in order to qualify to have the license or duplicate indicate that 125129  
the applicant is a veteran, active duty, or reservist of the armed 125130  
forces of the United States based on a request made pursuant to 125131  
division (A)(1)(g) of this section. 125132

**Section 110.31.** That the existing versions of sections 125133  
4501.01 and 4507.06 of the Revised Code that are scheduled to take 125134  
effect January 1, 2017, are hereby repealed. 125135

**Section 110.32.** Sections 110.30 and 110.31 of this act shall 125136  
take effect January 1, 2017. 125137

**Section 125.10.** (A) Sections 5168.01, 5168.02, 5168.03, 125138  
5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 125139  
5168.11, 5168.12, 5168.13, 5168.99, and 5168.991 of the Revised 125140  
Code are hereby repealed, effective October 16, 2015. 125141

(B) Any money remaining in the Legislative Budget Services 125142  
Fund on October 16, 2015, the date that section 5168.12 of the 125143  
Revised Code is repealed by division (A) of this section, shall be 125144  
used solely for the purposes stated in then former section 5168.12 125145  
of the Revised Code. When all money in the Legislative Budget 125146  
Services Fund has been spent after then former section 5168.12 of 125147  
the Revised Code is repealed under division (A) of this section, 125148

|                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| the fund shall cease to exist.                                                                                                                                                                                                                                                                                                                                                                                          | 125149                                                             |
| <b>Section 125.11.</b> Sections 5168.20, 5168.21, 5168.22, 5168.23,<br>5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised<br>Code are hereby repealed, effective October 1, 2015.                                                                                                                                                                                                                           | 125150<br>125151<br>125152                                         |
| <b>Section 125.11.10.</b> That Section 267.60.31 of Am. Sub. H.B.<br>153 of the 129th General Assembly is hereby repealed.                                                                                                                                                                                                                                                                                              | 125153<br>125154                                                   |
| <b>Section 125.12.</b> That Section 153 of Am. Sub. H.B. 117 of the<br>121st General Assembly, as most recently amended by Am. Sub. H.B.<br>153 of the 129th General Assembly, is hereby repealed.                                                                                                                                                                                                                      | 125155<br>125156<br>125157                                         |
| <b>Section 125.13.</b> That Section 125.10 of Am. Sub. H.B. 1 of the<br>128th General Assembly, as most recently amended by Am. Sub. H.B.<br>153 of the 129th General Assembly, is hereby repealed.                                                                                                                                                                                                                     | 125158<br>125159<br>125160                                         |
| <b>Section 201.10.</b> Except as otherwise provided in this act, all<br>appropriation items in this act are appropriated out of any moneys<br>in the state treasury to the credit of the designated fund that<br>are not otherwise appropriated. For all appropriations made in<br>this act, the amounts in the first column are for fiscal year 2014<br>and the amounts in the second column are for fiscal year 2015. | 125161<br>125162<br>125163<br>125164<br>125165<br>125166<br>125167 |
| <b>Section 203.10.</b> ACC ACCOUNTANCY BOARD OF OHIO                                                                                                                                                                                                                                                                                                                                                                    | 125168                                                             |
| General Services Fund Group                                                                                                                                                                                                                                                                                                                                                                                             | 125169                                                             |
| 4J80 889601 CPA Education \$ 325,000 \$ 325,000                                                                                                                                                                                                                                                                                                                                                                         | 125170                                                             |
| Assistance                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                    |
| 4K90 889609 Operating Expenses \$ 977,500 \$ 977,500                                                                                                                                                                                                                                                                                                                                                                    | 125171                                                             |
| TOTAL GSF General Services Fund                                                                                                                                                                                                                                                                                                                                                                                         | 125172                                                             |
| Group \$ 1,302,500 \$ 1,302,500                                                                                                                                                                                                                                                                                                                                                                                         | 125173                                                             |
| TOTAL ALL BUDGET FUND GROUPS \$ 1,302,500 \$ 1,302,500                                                                                                                                                                                                                                                                                                                                                                  | 125174                                                             |



|                                             |        |                       |                  |                   |
|---------------------------------------------|--------|-----------------------|------------------|-------------------|
| <b>Section 205.10. ADJ ADJUTANT GENERAL</b> |        |                       |                  | 125176            |
| General Revenue Fund                        |        |                       |                  | 125177            |
| GRF                                         | 745401 | Ohio Military Reserve | \$ 12,308 \$     | 12,308 125178     |
| GRF                                         | 745404 | Air National Guard    | \$ 1,810,606 \$  | 1,810,606 125179  |
| GRF                                         | 745407 | National Guard        | \$ 400,000 \$    | 400,000 125180    |
| Benefits                                    |        |                       |                  |                   |
| GRF                                         | 745409 | Central               | \$ 2,682,098 \$  | 2,682,098 125181  |
| Administration                              |        |                       |                  |                   |
| GRF                                         | 745499 | Army National Guard   | \$ 3,689,871 \$  | 3,689,871 125182  |
| TOTAL GRF General Revenue Fund              |        |                       | \$ 8,594,883 \$  | 8,594,883 125183  |
| General Services Fund Group                 |        |                       |                  | 125184            |
| 5340                                        | 745612 | Property Operations   | \$ 534,304 \$    | 534,304 125185    |
| Management                                  |        |                       |                  |                   |
| 5360                                        | 745605 | Marksmanship          | \$ 128,600 \$    | 128,600 125186    |
| Activities                                  |        |                       |                  |                   |
| 5360                                        | 745620 | Camp Perry and        | \$ 978,846 \$    | 978,846 125187    |
| Buckeye Inn                                 |        |                       |                  |                   |
| Operations                                  |        |                       |                  |                   |
| 5370                                        | 745604 | Ohio National Guard   | \$ 62,000 \$     | 62,000 125188     |
| Facilities                                  |        |                       |                  |                   |
| Maintenance                                 |        |                       |                  |                   |
| TOTAL GSF General Services Fund             |        |                       | \$ 1,703,750 \$  | 1,703,750 125189  |
| Group                                       |        |                       |                  |                   |
| Federal Special Revenue Fund Group          |        |                       |                  | 125190            |
| 3410                                        | 745615 | Air National Guard    | \$ 2,919,000 \$  | 2,919,000 125191  |
| Base Security                               |        |                       |                  |                   |
| 3420                                        | 745616 | Army National Guard   | \$ 15,063,000 \$ | 15,063,000 125192 |
| Service Agreement                           |        |                       |                  |                   |
| 3E80                                        | 745628 | Air National Guard    | \$ 16,850,000 \$ | 16,850,000 125193 |
| Operations and                              |        |                       |                  |                   |
| Maintenance                                 |        |                       |                  |                   |

|                                                                    |                             |    |            |    |            |        |
|--------------------------------------------------------------------|-----------------------------|----|------------|----|------------|--------|
| 3R80 745603                                                        | Counter Drug<br>Operations  | \$ | 15,000     | \$ | 15,000     | 125194 |
| TOTAL FED                                                          | Federal Special Revenue     | \$ | 34,847,000 | \$ | 34,847,000 | 125195 |
| Fund Group                                                         |                             |    |            |    |            |        |
| State Special Revenue Fund Group                                   |                             |    |            |    |            | 125196 |
| 5U80 745613                                                        | Community Match<br>Armories | \$ | 350,000    | \$ | 350,000    | 125197 |
| TOTAL SSR                                                          | State Special Revenue       | \$ | 350,000    | \$ | 350,000    | 125198 |
| Fund Group                                                         |                             |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                       |                             | \$ | 45,495,633 | \$ | 45,495,633 | 125199 |
| NATIONAL GUARD BENEFITS                                            |                             |    |            |    |            | 125200 |
| The foregoing appropriation item 745407, National Guard            |                             |    |            |    |            | 125201 |
| Benefits, shall be used for purposes of sections 5919.31 and       |                             |    |            |    |            | 125202 |
| 5919.33 of the Revised Code, and for administrative costs of the   |                             |    |            |    |            | 125203 |
| associated programs.                                               |                             |    |            |    |            | 125204 |
| If necessary, in order to pay benefits in a timely manner          |                             |    |            |    |            | 125205 |
| pursuant to sections 5919.31 and 5919.33 of the Revised Code, the  |                             |    |            |    |            | 125206 |
| Adjutant General may request the Director of Budget and Management |                             |    |            |    |            | 125207 |
| transfer appropriation from any appropriation item used by the     |                             |    |            |    |            | 125208 |
| Adjutant General to appropriation item 745407, National Guard      |                             |    |            |    |            | 125209 |
| Benefits. The Adjutant General may subsequently seek Controlling   |                             |    |            |    |            | 125210 |
| Board approval to restore the appropriation in the appropriation   |                             |    |            |    |            | 125211 |
| item from which such a transfer was made.                          |                             |    |            |    |            | 125212 |
| For active duty members of the Ohio National Guard who died        |                             |    |            |    |            | 125213 |
| after October 7, 2001, while performing active duty, the death     |                             |    |            |    |            | 125214 |
| benefit, pursuant to section 5919.33 of the Revised Code, shall be |                             |    |            |    |            | 125215 |
| paid to the beneficiary or beneficiaries designated on the         |                             |    |            |    |            | 125216 |
| member's Servicemembers' Group Life Insurance Policy.              |                             |    |            |    |            | 125217 |
| STATE ACTIVE DUTY COSTS                                            |                             |    |            |    |            | 125218 |
| Of the foregoing appropriation item 745409, Central                |                             |    |            |    |            | 125219 |
| Administration, \$50,000 in each fiscal year shall be used for the |                             |    |            |    |            | 125220 |

purpose of paying expenses related to state active duty of members 125221  
of the Ohio organized militia, in accordance with a proclamation 125222  
of the Governor. Expenses include, but are not limited to, the 125223  
cost of equipment, supplies, and services, as determined by the 125224  
Adjutant General's Department. 125225

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 125226

General Revenue Fund 125227

GRF 100403 Public Employees \$ 309,600 \$ 309,600 125228

Health Care Program

GRF 100414 MARCS Lease Rental \$ 5,133,700 \$ 5,135,800 125229

Payments

GRF 100415 OAKS Lease Rental \$ 22,998,500 \$ 22,982,500 125230

Payments

GRF 100416 STARS Lease Rental \$ 4,976,500 \$ 4,973,200 125231

Payments

GRF 100447 Administrative \$ 85,847,800 \$ 91,059,600 125232

Building Lease Rental

Payments

GRF 100448 Office Building \$ 20,000,000 \$ 20,000,000 125233

Operating Payments

GRF 100449 DAS - Building \$ 7,551,571 \$ 7,551,571 125234

Operating Payments

GRF 100452 Lean Ohio \$ 1,059,624 \$ 1,059,624 125235

GRF 100456 State IT Services \$ 1,739,038 \$ 1,739,038 125236

GRF 100457 Equal Opportunity \$ 1,910,516 \$ 1,910,516 125237

Services

GRF 100459 Ohio Business Gateway \$ 4,049,094 \$ 4,049,094 125238

GRF 100460 Local Government \$ 3,500,000 \$ 0 125239

Information Exchange

Grants

GRF 130321 State Agency Support \$ 2,477,008 \$ 2,477,008 125240

| Services                                          |    |             |    |                    |
|---------------------------------------------------|----|-------------|----|--------------------|
| TOTAL GRF General Revenue Fund                    | \$ | 161,552,951 | \$ | 163,247,551 125241 |
| General Services Fund Group                       |    |             |    | 125242             |
| 1120 100616 DAS Administration                    | \$ | 6,127,659   | \$ | 6,147,659 125243   |
| 1150 100632 Central Service Agency                | \$ | 911,580     | \$ | 927,699 125244     |
| 1170 100644 General Services                      | \$ | 12,993,870  | \$ | 12,993,870 125245  |
| Division - Operating                              |    |             |    |                    |
| 1220 100637 Fleet Management                      | \$ | 4,200,000   | \$ | 4,200,000 125246   |
| 1250 100622 Human Resources                       | \$ | 16,649,839  | \$ | 16,649,839 125247  |
| Division - Operating                              |    |             |    |                    |
| 1250 100657 Benefits Communication                | \$ | 712,316     | \$ | 712,316 125248     |
| 1280 100620 Office of Collective Bargaining       | \$ | 3,329,507   | \$ | 3,329,507 125249   |
| 1300 100606 Risk Management                       | \$ | 6,635,784   | \$ | 6,635,784 125250   |
| Reserve                                           |    |             |    |                    |
| 1320 100631 DAS Building Management               | \$ | 19,743,170  | \$ | 19,743,170 125251  |
| 1330 100607 IT Services Delivery                  | \$ | 57,521,975  | \$ | 57,521,975 125252  |
| 1880 100649 Equal Opportunity                     | \$ | 863,013     | \$ | 863,013 125253     |
| Division - Operating                              |    |             |    |                    |
| 2100 100612 State Printing                        | \$ | 20,459,526  | \$ | 20,459,526 125254  |
| 2290 100630 IT Governance                         | \$ | 16,446,474  | \$ | 16,446,474 125255  |
| 2290 100640 Leveraged Enterprise Purchases        | \$ | 7,065,639   | \$ | 7,065,639 125256   |
| 4270 100602 Investment Recovery                   | \$ | 3,885,000   | \$ | 2,900,000 125257   |
| 4N60 100617 Major IT Purchases                    | \$ | 56,888,635  | \$ | 56,888,635 125258  |
| 4P30 100603 DAS Information Services              | \$ | 6,400,070   | \$ | 6,400,070 125259   |
| 5C20 100605 MARCS Administration                  | \$ | 14,292,596  | \$ | 14,512,028 125260  |
| 5C30 100608 Minor Construction Project Management | \$ | 204,375     | \$ | 204,375 125261     |
| 5EB0 100635 OAKS Support Organization             | \$ | 25,813,077  | \$ | 19,813,077 125262  |

|                                    |                                        |    |             |    |             |        |
|------------------------------------|----------------------------------------|----|-------------|----|-------------|--------|
| 5EB0 100656                        | OAKS Updates and<br>Developments       | \$ | 9,886,923   | \$ | 2,636,923   | 125263 |
| 5HU0 100655                        | Construction Reform<br>Demo Compliance | \$ | 150,000     | \$ | 150,000     | 125264 |
| 5KZ0 100659                        | Building Improvement                   | \$ | 500,000     | \$ | 500,000     | 125265 |
| 5L70 100610                        | Professional<br>Development            | \$ | 2,100,000   | \$ | 2,100,000   | 125266 |
| 5LA0 100660                        | Building Operation                     | \$ | 27,000,767  | \$ | 27,214,648  | 125267 |
| 5LJ0 100661                        | IT Development                         | \$ | 13,200,000  | \$ | 13,200,000  | 125268 |
| 5V60 100619                        | Employee Educational<br>Development    | \$ | 800,000     | \$ | 800,000     | 125269 |
| TOTAL GSF                          | General Services Fund                  |    |             |    |             | 125270 |
| Group                              |                                        | \$ | 334,781,795 | \$ | 321,016,227 | 125271 |
| Federal Special Revenue Fund Group |                                        |    |             |    |             | 125272 |
| 3AJ0 100654                        | ARRA Broadband Mapping<br>Grant        | \$ | 1,723,009   | \$ | 1,723,009   | 125273 |
| TOTAL FED                          | Federal Special Revenue                |    |             |    |             | 125274 |
| Fund Group                         |                                        | \$ | 1,723,009   | \$ | 1,723,009   | 125275 |
| State Special Revenue Fund Group   |                                        |    |             |    |             | 125276 |
| 5JQ0 100658                        | Professionals<br>Licensing System      | \$ | 3,028,366   | \$ | 990,000     | 125277 |
| 5MV0 100662                        | Theater Equipment<br>Maintenance       | \$ | 80,891      | \$ | 80,891      | 125278 |
| TOTAL SSR                          | State Special Revenue                  |    |             |    |             | 125279 |
| Fund Group                         |                                        | \$ | 3,109,257   | \$ | 1,070,891   | 125280 |
| TOTAL ALL BUDGET FUND GROUPS       |                                        | \$ | 501,167,012 | \$ | 487,057,678 | 125281 |

**Section 207.20. OAKS LEASE RENTAL PAYMENTS** 125283

The foregoing appropriation item 100415, OAKS Lease Rental 125284  
 Payments, shall be used for payments at the times they are 125285  
 required to be made for the period from July 1, 2013, through June 125286  
 30, 2015, pursuant to leases and agreements entered into under 125287

Chapter 125. of the Revised Code, as supplemented by Section 125288  
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly and 125289  
other prior acts of the General Assembly, with respect to 125290  
financing the costs associated with the acquisition, development, 125291  
installation, and implementation of the Ohio Administrative 125292  
Knowledge System. If it is determined that additional 125293  
appropriations are necessary for this purpose, the amounts are 125294  
hereby appropriated. 125295

**Section 207.30. STARS LEASE RENTAL PAYMENTS** 125296

The foregoing appropriation item 100416, STARS Lease Rental 125297  
Payments, shall be used for payments at the times they are 125298  
required to be made for the period from July 1, 2013, through June 125299  
30, 2015, pursuant to leases and agreements entered into under 125300  
Chapter 125. of the Revised Code, as supplemented by Section 125301  
207.10.30 of Am. Sub. H.B. 1 of the 128th General Assembly and 125302  
other prior acts of the General Assembly, with respect to 125303  
financing the cost for the acquisition, development, installation, 125304  
and implementation of the State Taxation Accounting and Revenue 125305  
System (STARS). If it is determined that additional appropriations 125306  
are necessary for this purpose, the amounts are appropriated. 125307

The State Taxation Accounting and Revenue System (STARS) is 125308  
an integrated tax collection and audit system that will replace 125309  
all of the state's existing separate tax software and 125310  
administration systems for the various taxes collected by the 125311  
state. The Department of Administrative Services, in conjunction 125312  
with the Department of Taxation, may acquire STARS, including, but 125313  
not limited to, the application hardware and software and 125314  
installation and implementation thereof, for the use of the 125315  
Department of Taxation. Any lease-purchase agreement used under 125316  
Chapter 125. of the Revised Code to acquire STARS, including any 125317  
fractionalized interests as defined in division (N) of section 125318

133.01 of the Revised Code in the lease payments under that 125319  
agreement, shall provide at the end of the lease period that the 125320  
financed asset becomes the property of the state. The principal 125321  
amount of any new such financing is limited, excluding the 125322  
principal amounts of any lease-purchase financing heretofore 125323  
completed for STARS, to the amount of \$20,000,000. 125324

**Section 207.40. MARCS LEASE RENTAL PAYMENTS** 125325

The foregoing appropriation item 100414, MARCS Lease Rental 125326  
Payments, shall be used for payments at the times they are 125327  
required to be made for the period from July 1, 2013, through June 125328  
30, 2015, pursuant to leases and agreements entered into under 125329  
Chapter 125. of the Revised Code, as supplemented by Section 125330  
701.20 of Sub. H.B. 482 of the 129th General Assembly, with 125331  
respect to financing the cost for the acquisition, development, 125332  
installation, and implementation of the Multi-Agency Radio 125333  
Communication System (MARCS) upgrade. If it is determined that 125334  
additional appropriations are necessary for this purpose, the 125335  
amounts are hereby appropriated. 125336

**Section 207.50. MULTI-AGENCY RADIO COMMUNICATION SYSTEM** 125337  
**UPGRADE** 125338

The Multi-Agency Radio Communications System (MARCS) is a 125339  
statewide computer and communications network designed to provide 125340  
instant voice and data communication and supply a communications 125341  
backbone to public safety and emergency management. The Department 125342  
of Administrative Services may update or add functionality to 125343  
MARCS to upgrade the existing system to a 700/800 megahertz voice 125344  
and data system specifically designed to support interoperable 125345  
communications for public safety law enforcement and first 125346  
responders. The improvements may include, but are not limited to, 125347  
hardware and software and the installation and implementation 125348

thereof. Any lease-purchase agreement utilized under Chapter 125. 125349  
of the Revised Code to acquire MARCS and the enhancements 125350  
described above, including any fractionalized interest as defined 125351  
in division (N) of section 133.01 of the Revised Code in the lease 125352  
payments under that agreement, shall provide at the end of the 125353  
lease period that the financed asset becomes the property of the 125354  
state. The principal amount of any new such financing is limited, 125355  
in addition to the principal amounts of lease-purchase financing 125356  
heretofore completed for MARCS, to the amount of \$27,000,000. 125357

**Section 207.60. ADMINISTRATIVE BUILDING LEASE RENTAL PAYMENTS** 125358

The foregoing appropriation item 100447, Administrative 125359  
Building Lease Rental Payments, shall be used to meet all payments 125360  
at the times they are required to be made during the period from 125361  
July 1, 2013, through June 30, 2015, by the Department of 125362  
Administrative Services pursuant to leases and agreements under 125363  
Chapters 152. and 154. of the Revised Code. These appropriations 125364  
are the source of funds pledged for bond service charges on 125365  
related obligations issued under Chapters 152. and 154. of the 125366  
Revised Code. 125367

The foregoing appropriation item 100448, Office Building 125368  
Operating Payments, shall be used to pay the expenses of vacant 125369  
space, space undergoing renovation, agencies funded by the General 125370  
Revenue Fund, and the rent expenses of tenants that have been 125371  
relocated because of building renovations that occupy space in the 125372  
James A. Rhodes State Office Tower, the Vern Riffe Center for 125373  
Government and the Arts, the Frank J. Lausche State Office 125374  
Building, the Michael V. DiSalle Government Center, and the Oliver 125375  
R. Ocasek Government Office Building. 125376

At least once per year, the portion of appropriation item 125377  
100448, Office Building Operating Payments, that is not used for 125378  
expenses of agencies funded by the General Revenue Fund, vacant 125379



space, space undergoing renovation, and the rent expenses of 125380  
tenants that are relocated because of building renovations shall 125381  
be processed by the Department of Administrative Services through 125382  
intrastate voucher and placed in the Building Improvements Fund 125383  
(Fund 5KZ0). 125384

**Section 207.70. DAS - BUILDING OPERATING PAYMENTS** 125385

The foregoing appropriation item 100449, DAS - Building 125386  
Operating Payments, shall be used to pay the rent expenses of 125387  
veterans organizations pursuant to section 123.024 of the Revised 125388  
Code in fiscal years 2014 and 2015. 125389

The foregoing appropriation item, 100449, DAS - Building 125390  
Operating Payments, also may be used to provide funding for the 125391  
cost of property appraisals or building studies that the 125392  
Department of Administrative Services may be required to obtain 125393  
for property that is being sold by the state or property under 125394  
consideration to be renovated or purchased by the state. 125395

Notwithstanding section 125.28 of the Revised Code, the 125396  
remaining portion of the appropriation may be used to pay the 125397  
operating expenses of state facilities maintained by the 125398  
Department of Administrative Services that are not billed to 125399  
building tenants, or other costs associated with the Voinovich 125400  
Center in Youngstown, Ohio. These expenses may include, but are 125401  
not limited to, the costs for vacant space and space undergoing 125402  
renovation, and the rent expenses of tenants that are relocated 125403  
because of building renovations. These payments may be processed 125404  
by the Department of Administrative Services through intrastate 125405  
transfer vouchers and placed in the Building Management Fund (Fund 125406  
1320) or the Information Technology Services Fund (Fund 1330). 125407

CASH TRANSFER FROM THE WORKFORCE DEVELOPMENT FUND TO THE 125408  
HUMAN RESOURCES SERVICES FUND 125409

Upon request of the Director of Administrative Services, 125410  
during the FY 2014 - FY 2015 biennium, the Director of Budget and 125411  
Management shall transfer up to \$975,000 from the Workforce 125412  
Development Fund (Fund 5D70) to the Human Resources Services Fund 125413  
(Fund 1250) to support one-time human resources administration 125414  
activities for state agencies. 125415

**Section 207.73. LOCAL GOVERNMENT INFORMATION GRANTS** 125416

Of the foregoing appropriation item 100460, Local Government 125417  
Information Exchange Grants, up to \$100,000 in fiscal year 2014 125418  
shall be used by the Director of Administrative Services for 125419  
administration and maintenance of the Ohio Local Government 125420  
Information Exchange Grant Program and for administration of Local 125421  
Government Information Exchange grants. The remainder of the 125422  
foregoing appropriation item 100460, Local Government Information 125423  
Exchange Grants, shall be used by the Director of Administrative 125424  
Services to disburse grant awards to eligible local governments 125425  
under section 149.60 of the Revised Code. 125426

On July 1, 2014, or as soon as possible thereafter, the Chief 125427  
Information Officer may request that the Director of Budget and 125428  
Management approve the reappropriation of the unexpended, 125429  
unencumbered balance at the end of fiscal year 2014 of the 125430  
foregoing appropriation item 100460, Local Government Information 125431  
Exchange Grants, for fiscal year 2015. The Director of Budget and 125432  
Management may request additional information necessary for 125433  
evaluating the request, and the Director of Administrative 125434  
Services shall provide the requested information to the Director 125435  
of Budget and Management. Based on the information provided by the 125436  
Director of Administrative Services, the Director of Budget and 125437  
Management shall determine the amounts to be reappropriated, and 125438  
those amounts are hereby reappropriated for fiscal year 2015. 125439

**Section 207.80.** CENTRAL SERVICE AGENCY FUND 125440

Appropriation item 100632, Central Service Agency, shall be 125441  
used to purchase the equipment, products, and services that are 125442  
needed to maintain existing automated applications for the 125443  
professional licensing boards and the Casino Control Commission to 125444  
support board licensing functions in fiscal years 2014 and 2015 125445  
until these functions are replaced by the Ohio Professionals 125446  
Licensing System. The Department of Administrative Services shall 125447  
establish charges for recovering the costs of carrying out these 125448  
functions. The charges shall be billed to the professional 125449  
licensing boards and the Casino Control Commission, and deposited 125450  
via intrastate transfer vouchers to the credit of the Central 125451  
Service Agency Fund (Fund 1150). 125452

Upon implementation of the replacement Ohio Professionals 125453  
Licensing System and the decommissioning of the existing automated 125454  
applications, the Director of Budget and Management may transfer 125455  
any cash balances that remain in the Central Service Agency Fund 125456  
(Fund 1150) and that are attributable to the operation of the 125457  
existing automated applications to the Professions Licensing 125458  
System Fund (Fund 5JQ0). 125459

**Section 207.90.** GENERAL SERVICE CHARGES 125460

The Department of Administrative Services, with the approval 125461  
of the Director of Budget and Management, shall establish charges 125462  
for recovering the costs of administering the programs funded by 125463  
the General Services Fund (Fund 1170) and the State Printing Fund 125464  
(Fund 2100). Such charges within Fund 1170 may be used to recover 125465  
the cost of paying a vendor to establish reduced pricing for 125466  
contracted supplies or services. 125467

If the Director of Administrative Services determines that 125468  
additional amounts are necessary to pay for consulting and 125469

administrative costs related to securing lower pricing, the 125470  
Director of Administrative Services may request that the Director 125471  
of Budget and Management approve additional expenditures. Such 125472  
approved additional amounts are appropriated to appropriation item 125473  
100644, General Services Division-Operating. 125474

**Section 207.100. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 125475

With approval of the Director of Budget and Management, the 125476  
Department of Administrative Services may seek reimbursement from 125477  
state agencies for the actual costs and expenses the Department 125478  
incurs in the collective bargaining arbitration process. The 125479  
reimbursements shall be processed through intrastate transfer 125480  
vouchers and credited to the Collective Bargaining Fund (Fund 125481  
1280). 125482

**Section 207.110. EQUAL OPPORTUNITY PROGRAM** 125483

The Department of Administrative Services, with the approval 125484  
of the Director of Budget and Management, shall establish charges 125485  
for recovering the costs of administering the activities supported 125486  
by the State EEO Fund (Fund 1880). These charges shall be 125487  
deposited to the credit of the State EEO Fund (Fund 1880) upon 125488  
payment made by state agencies, state-supported or state-assisted 125489  
institutions of higher education, and tax-supported agencies, 125490  
municipal corporations, and other political subdivisions of the 125491  
state, for services rendered. 125492

**Section 207.113. LEVERAGED ENTERPRISE PURCHASES** 125493

The foregoing appropriation item 100640, Leveraged Enterprise 125494  
Purchases, shall be used by the Department of Administrative 125495  
Services to make information technology purchases for the benefit 125496  
of one or more government entities as authorized under division 125497  
(G) of section 125.18 of the Revised Code. If the Director of 125498

Administrative Services determines that additional amounts are 125499  
necessary to pay for pass-through information technology purchases 125500  
that will be billed to one or more state agencies, the Director of 125501  
Administrative Services shall seek Controlling Board approval for 125502  
an increase in appropriation to make the requested purchases. 125503

**Section 207.120. INVESTMENT RECOVERY FUND** 125504

Notwithstanding division (B) of section 125.14 of the Revised 125505  
Code, cash balances in the Investment Recovery Fund (Fund 4270) 125506  
may be used to support the operating expenses of the Federal 125507  
Surplus Operating Program created in sections 125.84 to 125.90 of 125508  
the Revised Code. 125509

Of the foregoing appropriation item 100602, Investment 125510  
Recovery, up to \$1,618,062 in fiscal year 2014 and up to 125511  
\$1,638,515 in fiscal year 2015 may be used to pay the operating 125512  
expenses of the State Surplus Property Program and the Surplus 125513  
Federal Property Program, under Chapter 125. of the Revised Code 125514  
and this section. If additional appropriations are necessary for 125515  
the operations of these programs, the Director of Administrative 125516  
Services shall seek increased appropriations from the Controlling 125517  
Board under section 131.35 of the Revised Code. 125518

Of the foregoing appropriation item 100602, Investment 125519  
Recovery, up to \$2,266,938 in fiscal year 2014 and up to 125520  
\$1,261,485 in fiscal year 2015 shall be used to transfer proceeds 125521  
from the sale of surplus property from the Investment Recovery 125522  
Fund to non-General Revenue Funds under division (A)(2) of section 125523  
125.14 of the Revised Code. If it is determined by the Director of 125524  
Administrative Services that additional amounts are necessary for 125525  
the transfer of such sale proceeds, the Director of Administrative 125526  
Services may request the Director of Budget and Management to 125527  
authorize additional amounts. Such authorized additional amounts 125528  
are hereby appropriated. 125529

**Section 207.130.** MAJOR IT PURCHASES CHARGES 125530

The Department of Administrative Services may bill agencies 125531  
for actual expenditures made for major IT purchases if those 125532  
expenditures are not recovered as part of the information 125533  
technology services rates the Department charges and deposits into 125534  
the Information Technology Fund (Fund 1330) created in section 125535  
125.15 of the Revised Code. These charges shall be deposited to 125536  
the credit of the Major IT Purchases Fund (Fund 4N60). 125537

**Section 207.140.** DAS INFORMATION SERVICES 125538

There is hereby established in the State Treasury the DAS 125539  
Information Services Fund. The foregoing appropriation item 125540  
100603, DAS Information Services, shall be used to pay the costs 125541  
of providing information systems and services in the Department of 125542  
Administrative Services. Any state agency, board, or commission 125543  
may use DAS Information Services by paying for the services 125544  
rendered. 125545

The Department of Administrative Services shall establish 125546  
user charges for all information systems and services that are 125547  
allowable in the statewide indirect cost allocation plan submitted 125548  
annually to the United States Department of Health and Human 125549  
Services. These charges shall comply with federal regulations and 125550  
shall be deposited to the credit of the DAS Information Services 125551  
Fund (Fund 4P30). 125552

**Section 207.150.** CASH TRANSFER FROM THE MARCS ADMINISTRATION 125553  
FUND TO GRF 125554

Upon the request of the Director of Administrative Services, 125555  
the Director of Budget and Management may transfer unobligated 125556  
cash in the MARCS Administration Fund (Fund 5C20) to the General 125557  
Revenue Fund to reimburse the General Revenue Fund for lease 125558

rental payments made on behalf of the MARCS upgrade. 125559

**Section 207.160.** PROFESSIONS LICENSING SYSTEM 125560

There is hereby created in the state treasury the Professions 125561  
Licensing System Fund (Fund 5JQ0). Appropriation item 100658, Ohio 125562  
Professionals Licensing System, shall be used to make payments 125563  
from the fund. The fund shall be used to purchase the equipment, 125564  
products, and services necessary to develop and maintain a 125565  
replacement automated licensing system for the professional 125566  
licensing boards. The Director of Budget and Management may 125567  
transfer up to a total of \$990,000 in cash from the Occupational 125568  
Licensing and Regulatory Fund (4K90), the State Medical Board 125569  
Operating Fund (Fund 5C60), and the Casino Control Commission - 125570  
Operating Fund (Fund 5HS0) to the Professions Licensing System 125571  
Fund during the FY 2014 - FY 2015 biennium. These transfers shall 125572  
be in proportion to the number of current licensees issued by the 125573  
professional licensing boards and current and anticipated licenses 125574  
in the case of the Casino Control Commission. The purpose of these 125575  
cash transfers is to fund the initial acquisition and development 125576  
of the system. Any cash balances not expended in fiscal year 2014 125577  
are hereby reappropriated in fiscal year 2015. 125578

Effective with the implementation of the replacement 125579  
licensing system, the Department of Administrative Services shall 125580  
establish charges for recovering the costs of ongoing maintenance 125581  
of the system. The charges shall be billed to the professional 125582  
licensing boards and the Casino Control Commission, and deposited 125583  
via intrastate transfer vouchers to the credit of the Professions 125584  
Licensing System Fund. 125585

**Section 207.170.** BUILDING IMPROVEMENT FUND 125586

The foregoing appropriation item 100659, Building 125587  
Improvement, shall be used to make payments from the Building 125588

Improvement Fund (Fund 5KZ0) for major maintenance or improvements 125589  
required in the James A. Rhodes State Office Tower, the Vern Riffe 125590  
Center for Government and the Arts, the Frank J. Lausche State 125591  
Office Building, the Michael V. DiSalle Government Center, and the 125592  
Oliver R. Ocasek Government Office. The Department of 125593  
Administrative Services shall conduct or contract for regular 125594  
assessments of these buildings and shall maintain a cash balance 125595  
in the Building Improvement Fund equal to the cost of the repairs 125596  
and improvements that are recommended to occur within the next 125597  
five years, with the following exception described below. 125598

Upon request of the Director of Administrative Services, the 125599  
Director of Budget and Management may permit a cash transfer from 125600  
the Building Improvement Fund (Fund 5KZ0) to the Building 125601  
Operating Fund (Fund 5LA0) to pay costs of operating and 125602  
maintaining the James A. Rhodes State Office Tower, the Vern Riffe 125603  
Center for Government and the Arts, the Frank J. Lausche State 125604  
Office Building, the Michael V. DiSalle Government Center, and the 125605  
Oliver R. Ocasek Government Office that are not charged to tenants 125606  
during the same fiscal year. 125607

Should the cash balance in the Building Operating Fund (Fund 125608  
5LA0) be determined to be sufficient, the Director of 125609  
Administrative Services may request that the Director of Budget 125610  
and Management transfer cash from the Building Operating Fund 125611  
(Fund 5LA0) to the Building Improvement Fund (Fund 5KZ0) in an 125612  
amount equal to the initial cash transfer made under this section 125613  
plus applicable interest. 125614

**Section 207.180. PROFESSIONAL DEVELOPMENT FUND** 125615

The foregoing appropriation item 100610, Professional 125616  
Development, shall be used to make payments from the Professional 125617  
Development Fund (Fund 5L70) under section 124.182 of the Revised 125618  
Code. If it is determined by the Director of Administrative 125619



Services that additional amounts are necessary, the Director of 125620  
Administrative Services may request that the Director of Budget 125621  
and Management approve additional amounts. Such approved 125622  
additional amounts are hereby appropriated. 125623

**Section 207.190. BUILDING OPERATING FUND** 125624

The foregoing appropriation item 100660, Building Operation, 125625  
shall be used to make payments from the Building Operating Fund 125626  
(Fund 5LA0) to pay costs of operating and maintaining the James A. 125627  
Rhodes State Office Tower, the Vern Riffe Center for Government 125628  
and the Arts, the Frank J. Lausche State Office Building, the 125629  
Michael V. DiSalle Government Center, and the Oliver R. Ocasek 125630  
Government Office. 125631

The Department of Administrative Services, with the approval 125632  
of the Director of Budget and Management, shall establish charges 125633  
to be reimbursed for the cost of operating these buildings. These 125634  
charges shall include the cost of applicable depreciation on the 125635  
buildings and the resulting revenue shall be deposited in the 125636  
Building Operating Fund (Fund 5LA0). 125637

**Section 207.200. INFORMATION TECHNOLOGY DEVELOPMENT** 125638

The foregoing appropriation item 100661, IT Development, 125639  
shall be used by the Department of Administrative Services to pay 125640  
the costs of modernizing the state's information technology 125641  
management and investment practices away from a limited, 125642  
agency-specific focus in favor of a statewide methodology 125643  
supporting development of enterprise solutions. 125644

The Department of Administrative Services, with the approval 125645  
of the Director of Budget and Management, may charge state 125646  
agencies an information technology development assessment based on 125647  
state agencies' information technology expenditures or other 125648  
methodology. The revenue from this assessment shall be deposited 125649

in the Information Technology Development Fund (Fund 5LJ0), which 125650  
is hereby created. 125651

**Section 207.210. EMPLOYEE EDUCATIONAL DEVELOPMENT** 125652

The foregoing appropriation item 100619, Employee Educational 125653  
Development, shall be used to make payments from the Employee 125654  
Educational Development Fund (Fund 5V60) under section 124.86 of 125655  
the Revised Code. The fund shall be used to pay the costs of 125656  
administering educational programs under existing collective 125657  
bargaining agreements with District 1199, the Health Care and 125658  
Social Service Union; State Council of Professional Educators; 125659  
Ohio Education Association and National Education Association; the 125660  
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 125661  
State Troopers Association, Units 1 and 15. 125662

If it is determined by the Director of Administrative 125663  
Services that additional amounts are necessary, the Director of 125664  
Administrative Services may request that the Director of Budget 125665  
and Management approve additional amounts. Such approved 125666  
additional amounts are hereby appropriated. 125667

**Section 207.220. CASH TRANSFERS TO THE MAJOR IT PURCHASES** 125668  
**FUND** 125669

Upon request of the Director of Administrative Services, the 125670  
Director of Budget and Management may transfer up to \$4,000,000 125671  
from the OAKS Support Organization Fund (Fund 5EB0) to the Major 125672  
IT Purchases Fund (Fund 4N60). This amount represents cash 125673  
transferred from Fund 4N60 during fiscal year 2010 pursuant to 125674  
Section 207.30.80 of Am. Sub. H.B. 1 of the 128th General 125675  
Assembly. Any portion of appropriation item 100617, Major IT 125676  
Purchases, that is unencumbered and unexpended at the end of 125677  
fiscal year 2014 is hereby reappropriated for fiscal year 2015. 125678

**Section 207.230.** MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 125679  
SERVICE PAYMENTS 125680

The Director of Administrative Services, in consultation with 125681  
the Multi-Agency Radio Communication System (MARCS) Steering 125682  
Committee and the Director of Budget and Management, shall 125683  
determine the share of debt service payments attributable to 125684  
spending for MARCS components that are not specific to any one 125685  
agency and that shall be charged to agencies supported by the 125686  
motor fuel tax. Such share of debt service payments shall be 125687  
calculated for MARCS capital disbursements made beginning July 1, 125688  
1997. Within thirty days of any payment made from appropriation 125689  
item 100447, Administrative Building Lease Payments, the Director 125690  
of Administrative Services shall certify to the Director of Budget 125691  
and Management the amount of this share. The Director of Budget 125692  
and Management shall transfer such amounts to the General Revenue 125693  
Fund from the State Highway Safety Fund (Fund 7036) established in 125694  
section 4501.06 of the Revised Code. 125695

The Director of Administrative Services shall consider 125696  
renting or leasing existing tower sites at reasonable or current 125697  
market rates, so long as these existing sites are equipped with 125698  
the technical capabilities to support the MARCS project. 125699

**Section 207.240.** ENTERPRISE IT STRATEGY IMPLEMENTATION 125700

The Director of Administrative Services shall determine and 125701  
implement strategies that benefit the enterprise by improving 125702  
efficiency, reducing costs or enhancing capacity of information 125703  
technology (IT) services. Such improvements and efficiencies may 125704  
result in the consolidation and transfer of such services. As 125705  
determined to be necessary for successful implementation of this 125706  
section and notwithstanding any provision of law to the contrary, 125707  
the Director of Administrative Services may request the Director 125708

of Budget and Management to consolidate or transfer IT-specific 125709  
budget authority between agencies as necessary to implement 125710  
enterprise IT cost containment strategies and related 125711  
efficiencies. Once the Director of Budget and Management is 125712  
satisfied that the proposed initiative is cost advantageous to the 125713  
enterprise, the Director of Budget and Management may transfer 125714  
appropriations, funds and cash as needed to implement the proposed 125715  
initiative. The establishment of any new fund or total increased 125716  
appropriation as a result of this section will be subject to 125717  
approval by the Controlling Board. 125718

The Director of Budget and Management and the Director of 125719  
Administrative Services may transfer any employees, assets, and 125720  
liabilities, including, but not limited to, records, contracts, 125721  
and agreements in order to facilitate the improvements determined 125722  
in accordance with this section. 125723

**Section 209.10. AGE DEPARTMENT OF AGING** 125724

General Revenue Fund 125725

GRF 490321 Operating Expenses \$ 1,487,418 \$ 1,487,418 125726

GRF 490410 Long-Term Care \$ 477,448 \$ 477,448 125727

Ombudsman

GRF 490411 Senior Community \$ 7,060,844 \$ 7,060,844 125728

Services

GRF 490414 Alzheimer's Respite \$ 1,995,245 \$ 1,995,245 125729

GRF 490506 National Senior \$ 241,413 \$ 241,413 125730

Service Corps

GRF 656423 Long-Term Care \$ 3,385,057 \$ 3,385,057 125731

Program Support -

State

TOTAL GRF General Revenue Fund \$ 14,647,425 \$ 14,647,425 125732

General Services Fund Group 125733

4800 490606 Senior Community \$ 372,523 \$ 372,523 125734

|                              |                         |                     |               |        |
|------------------------------|-------------------------|---------------------|---------------|--------|
|                              |                         | Outreach and        |               |        |
|                              |                         | Education           |               |        |
| TOTAL GSF                    | General Services Fund   |                     |               | 125735 |
| Group                        |                         | \$ 372,523          | \$ 372,523    | 125736 |
| Federal Special Revenue Fund | Group                   |                     |               | 125737 |
| 3220 490618                  | Federal Aging Grants    | \$ 12,000,000       | \$ 12,000,000 | 125738 |
| 3C40 656623                  | Long-Term Care          | \$ 3,385,057        | \$ 3,385,057  | 125739 |
|                              |                         | Program Support -   |               |        |
|                              |                         | Federal             |               |        |
| 3M40 490612                  | Federal Independence    | \$ 58,655,080       | \$ 58,655,080 | 125740 |
|                              |                         | Services            |               |        |
| TOTAL FED                    | Federal Special Revenue |                     |               | 125741 |
| Fund Group                   |                         | \$ 74,040,137       | \$ 74,040,137 | 125742 |
| State Special Revenue Fund   | Group                   |                     |               | 125743 |
| 4C40 490609                  | Regional Long-Term      | \$ 935,000          | \$ 935,000    | 125744 |
|                              |                         | Care Ombudsman      |               |        |
|                              |                         | Program             |               |        |
| 5BA0 490620                  | Ombudsman Support       | \$ 1,250,000        | \$ 1,250,000  | 125745 |
| 5K90 490613                  | Long-Term Care          | \$ 1,059,400        | \$ 1,059,400  | 125746 |
|                              |                         | Consumers Guide     |               |        |
| 5MT0 490627                  | Board of Executives     | \$ 600,000          | \$ 600,000    | 125747 |
|                              |                         | of LTSS             |               |        |
| 5W10 490616                  | Resident Services       | \$ 344,700          | \$ 344,700    | 125748 |
|                              |                         | Coordinator Program |               |        |
| TOTAL SSR                    | State Special Revenue   |                     |               | 125749 |
| Fund Group                   |                         | \$ 4,189,100        | \$ 4,189,100  | 125750 |
| TOTAL ALL BUDGET FUND GROUPS |                         | \$ 93,249,185       | \$ 93,249,185 | 125751 |

**Section 209.20. LONG-TERM CARE** 125753

Pursuant to an interagency agreement, the Department of 125754  
 Medicaid may designate the Department of Aging to perform 125755  
 assessments under section 5165.04 of the Revised Code. The 125756

Department of Aging shall provide long-term care consultations 125757  
under section 173.42 of the Revised Code to assist individuals in 125758  
planning for their long-term health care needs. 125759

The Department of Aging shall administer the Medicaid 125760  
waiver-funded PASSPORT Home Care Program, the Choices Program, the 125761  
Assisted Living Program, and PACE as delegated by the Department 125762  
of Medicaid in an interagency agreement. The foregoing 125763  
appropriation items 656423, Long-Term Care Program Support - 125764  
State, and 656623, Long-Term Care Program Support - Federal, may 125765  
be used to support the Department of Aging's administrative costs 125766  
associated with operating the PASSPORT, Choices, Assisted Living, 125767  
and PACE programs. 125768

PERFORMANCE-BASED REIMBURSEMENT 125769

The Department of Aging may design and utilize a payment 125770  
method for PASSPORT administrative agency operations that includes 125771  
a pay-for-performance incentive component that is earned by a 125772  
PASSPORT administrative agency when defined consumer and policy 125773  
outcomes are achieved. 125774

**Section 209.30. LONG-TERM CARE OMBUDSMAN** 125775

The foregoing appropriation item 490410, Long-Term Care 125776  
Ombudsman, shall be used to fund ombudsman program activities as 125777  
authorized in sections 173.14 to 173.27 and section 173.99 of the 125778  
Revised Code. 125779

The State Ombudsman may explore the design of a payment 125780  
method for the Ombudsman Program that includes a 125781  
pay-for-performance incentive component that is earned by 125782  
designated regional long-term care ombudsman programs. 125783

SENIOR COMMUNITY SERVICES 125784

The foregoing appropriation item 490411, Senior Community 125785  
Services, shall be used for services designated by the Department 125786

of Aging, including, but not limited to, home-delivered and 125787  
congregate meals, transportation services, personal care services, 125788  
respite services, adult day services, home repair, care 125789  
coordination, prevention and disease self-management, and decision 125790  
support systems. Service priority shall be given to low income, 125791  
frail, and cognitively impaired persons 60 years of age and over. 125792  
The department shall promote cost sharing by service recipients 125793  
for those services funded with senior community services funds, 125794  
including, when possible, sliding-fee scale payment systems based 125795  
on the income of service recipients. 125796

ALZHEIMER'S RESPITE 125797

The foregoing appropriation item 490414, Alzheimer's Respite, 125798  
shall be used to fund only Alzheimer's disease services under 125799  
section 173.04 of the Revised Code. 125800

NATIONAL SENIOR SERVICE CORPS 125801

The foregoing appropriation item 490506, National Senior 125802  
Service Corps, shall be used by the Department of Aging to fund 125803  
grants for three Corporation for National and Community 125804  
Service/Senior Corps programs: the Foster Grandparents Program, 125805  
the Senior Companion Program, and the Retired Senior Volunteer 125806  
Program. A recipient of these grant funds shall use the funds to 125807  
support priorities established by the Department and the Ohio 125808  
State Office of the Corporation for National and Community 125809  
Service. The expenditure of these funds by any grant recipient 125810  
shall be in accordance with Senior Corps policies and procedures, 125811  
as stated in the Domestic Volunteer Service Act of 1973, as 125812  
amended. Neither the Department nor any area agencies on aging 125813  
that are involved in the distribution of these funds to 125814  
lower-tiered grant recipients may use any portion of these funds 125815  
to cover administrative costs. 125816

SENIOR COMMUNITY OUTREACH AND EDUCATION 125817

The foregoing appropriation item 490606, Senior Community Outreach and Education, may be used to provide training to workers in the field of aging pursuant to division (G) of section 173.02 of the Revised Code.

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS

At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM

The foregoing appropriation item 490609, Regional Long-Term Care Ombudsman Program, shall be used to pay the costs of operating the regional long-term care ombudsman programs designated by the State Long-Term Care Ombudsman.

TRANSFER OF RESIDENT PROTECTION FUNDS

In each fiscal year, the Director of Budget and Management may transfer up to \$1,250,000 cash from the Resident Protection Fund (Fund 4E30), which is used by the Department of Medicaid, to the Ombudsman Support Fund (Fund 5BA0), which is used by the Department of Aging.

The Director of Aging and the Office of the State Long-Term Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 5BA0) to implement a nursing home quality initiative as specified in section 173.60 of the Revised Code.

LONG-TERM CARE CONSUMERS GUIDE



The foregoing appropriation item 490613, Long-Term Care Consumers Guide, shall be used to conduct annual consumer satisfaction surveys and to pay for other administrative expenses related to the publication of the Ohio Long-Term Care Consumer Guide. 125848  
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CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS FUND 125853  
125854

On July 1, 2013, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the cash balance relating to the Board of Examiners of Nursing Home Administrators in the General Operations Fund (Fund 4700), used by the Department of Health. Upon receiving this certification, the Director of Budget and Management may transfer this cash from the General Operations Fund (Fund 4700) to the Board of Executives of Long-Term Services and Supports Fund (Fund 5MT0), used by the Department of Aging. If this transfer occurs, the Director of Budget and Management shall cancel any existing encumbrances pertaining to the Board of Examiners of Nursing Home Administrators against appropriation item 440647, Fee Supported Programs, and re-establish them against appropriation item 490627, Board of Executives of LTSS. The re-established encumbrance amounts are hereby appropriated. 125855  
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**Section 209.40.** DEPARTMENT OF AGING'S APPROPRIATION ITEM STRUCTURE 125870  
125871

Upon request from the Director of Aging, the Director of Budget and Management may establish new funds, new appropriation items, and appropriations in order to support the transition to a new appropriation item structure in the Department of Aging's budget. Also, upon request of the Director of Aging, the Director of Budget and Management may transfer appropriations between GRF appropriation items, transfer cash between any funds used by the 125872  
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Department of Aging, abolish existing funds used by the Department 125879  
of Aging, and cancel and reestablish encumbrances. Any 125880  
establishment of new funds or appropriation items, any transfers 125881  
of appropriations or cash, and any increases in appropriation 125882  
under this section are subject to Controlling Board approval. 125883

**Section 209.50.** UPDATING AUTHORIZING STATUTE CITATIONS 125884

As used in this section, "authorizing statute" means a 125885  
Revised Code section or provision of a Revised Code section that 125886  
is cited in the Ohio Administrative Code as the statute that 125887  
authorizes the adoption of a rule. 125888

The Director of Aging is not required to amend any rule for 125889  
the sole purpose of updating the citation in the Ohio 125890  
Administrative Code to the rule's authorizing statute to reflect 125891  
that this act renumbers the authorizing statute or relocates it to 125892  
another Revised Code section. Such citations shall be updated as 125893  
the Director amends the rules for other purposes. 125894

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 125895

General Revenue Fund 125896

GRF 700401 Animal Disease Control \$ 3,936,687 \$ 3,936,687 125897

GRF 700403 Dairy Division \$ 1,088,115 \$ 1,088,115 125898

GRF 700404 Ohio Proud \$ 50,000 \$ 50,000 125899

GRF 700406 Consumer Analytical \$ 1,287,556 \$ 1,287,556 125900

Lab

GRF 700407 Food Safety \$ 848,792 \$ 848,792 125901

GRF 700409 Farmland Preservation \$ 72,750 \$ 72,750 125902

GRF 700412 Weights and Measures \$ 600,000 \$ 600,000 125903

GRF 700415 Poultry Inspection \$ 542,978 \$ 542,978 125904

GRF 700418 Livestock Regulation \$ 1,108,071 \$ 1,108,071 125905

Program

GRF 700424 Livestock Testing and \$ 102,770 \$ 102,770 125906

|             |                                    |             |               |               |        |  |
|-------------|------------------------------------|-------------|---------------|---------------|--------|--|
|             |                                    | Inspections |               |               |        |  |
| GRF 700426  | Dangerous and                      |             | \$ 800,000    | \$ 800,000    | 125907 |  |
|             | Restricted Animals                 |             |               |               |        |  |
| GRF 700427  | High Volume Breeder                |             | \$ 400,000    | \$ 200,000    | 125908 |  |
|             | Kennel Control                     |             |               |               |        |  |
| GRF 700499  | Meat Inspection                    |             | \$ 4,175,097  | \$ 4,175,097  | 125909 |  |
|             | Program - State Share              |             |               |               |        |  |
| GRF 700501  | County Agricultural                |             | \$ 391,415    | \$ 391,415    | 125910 |  |
|             | Societies                          |             |               |               |        |  |
| TOTAL GRF   | General Revenue Fund               |             | \$ 15,404,231 | \$ 15,204,231 | 125911 |  |
|             | General Services Fund Group        |             |               |               | 125912 |  |
| 5DA0 700644 | Laboratory                         |             | \$ 1,115,000  | \$ 1,115,000  | 125913 |  |
|             | Administration                     |             |               |               |        |  |
|             | Support                            |             |               |               |        |  |
| 5GH0 700655 | Central Support                    |             | \$ 4,368,013  | \$ 4,404,073  | 125914 |  |
|             | Indirect Cost                      |             |               |               |        |  |
| TOTAL GSF   | General Services Fund              |             | \$ 5,483,013  | \$ 5,519,073  | 125915 |  |
|             | Group                              |             |               |               |        |  |
|             | Federal Special Revenue Fund Group |             |               |               | 125916 |  |
| 3260 700618 | Meat Inspection                    |             | \$ 4,450,000  | \$ 4,450,000  | 125917 |  |
|             | Program - Federal                  |             |               |               |        |  |
|             | Share                              |             |               |               |        |  |
| 3360 700617 | Ohio Farm Loan                     |             | \$ 150,000    | \$ 150,000    | 125918 |  |
|             | Revolving Fund                     |             |               |               |        |  |
| 3820 700601 | Cooperative Contracts              |             | \$ 4,500,000  | \$ 4,500,000  | 125919 |  |
| 3AB0 700641 | Agricultural Easement              |             | \$ 1,000,000  | \$ 1,000,000  | 125920 |  |
| 3J40 700607 | Indirect Cost                      |             | \$ 1,100,000  | \$ 1,100,000  | 125921 |  |
| 3R20 700614 | Federal Plant                      |             | \$ 1,606,000  | \$ 1,606,000  | 125922 |  |
|             | Industry                           |             |               |               |        |  |
| TOTAL FED   | Federal Special Revenue            |             |               |               | 125923 |  |
|             | Fund Group                         |             | \$ 12,806,000 | \$ 12,806,000 | 125924 |  |
|             | State Special Revenue Fund Group   |             |               |               | 125925 |  |

|      |        |                                                |    |           |    |           |        |
|------|--------|------------------------------------------------|----|-----------|----|-----------|--------|
| 4900 | 700651 | License Plates -<br>Sustainable<br>Agriculture | \$ | 10,000    | \$ | 10,000    | 125926 |
| 4940 | 700612 | Agricultural<br>Commodity Marketing<br>Program | \$ | 218,000   | \$ | 213,000   | 125927 |
| 4960 | 700626 | Ohio Grape Industries                          | \$ | 970,000   | \$ | 970,000   | 125928 |
| 4970 | 700627 | Commodity Handlers<br>Regulatory Program       | \$ | 482,672   | \$ | 482,672   | 125929 |
| 4C90 | 700605 | Commercial Feed and<br>Seed                    | \$ | 1,760,000 | \$ | 1,760,000 | 125930 |
| 4D20 | 700609 | Auction Education                              | \$ | 35,000    | \$ | 35,000    | 125931 |
| 4E40 | 700606 | Utility Radiological<br>Safety                 | \$ | 130,000   | \$ | 130,000   | 125932 |
| 4P70 | 700610 | Food Safety<br>Inspection                      | \$ | 1,017,328 | \$ | 1,017,328 | 125933 |
| 4R00 | 700636 | Ohio Proud Marketing                           | \$ | 45,500    | \$ | 45,500    | 125934 |
| 4R20 | 700637 | Dairy Industry<br>Inspection                   | \$ | 1,738,247 | \$ | 1,738,247 | 125935 |
| 4T60 | 700611 | Poultry and Meat<br>Inspection                 | \$ | 120,000   | \$ | 120,000   | 125936 |
| 5780 | 700620 | Ride Inspection Fees                           | \$ | 1,175,142 | \$ | 1,175,142 | 125937 |
| 5880 | 700633 | Brand Registration                             | \$ | 5,000     | \$ | 5,000     | 125938 |
| 5B80 | 700629 | Auctioneers                                    | \$ | 340,000   | \$ | 340,000   | 125939 |
| 5CP0 | 700652 | License Plate<br>Scholarships                  | \$ | 10,000    | \$ | 10,000    | 125940 |
| 5FC0 | 700648 | Plant Pest Program                             | \$ | 1,190,000 | \$ | 1,190,000 | 125941 |
| 5H20 | 700608 | Metrology Lab and<br>Scale Certification       | \$ | 552,000   | \$ | 552,000   | 125942 |
| 5L80 | 700604 | Livestock Management<br>Program                | \$ | 145,000   | \$ | 145,000   | 125943 |
| 5MA0 | 700657 | Dangerous and<br>Restricted Animals            | \$ | 195,000   | \$ | 195,000   | 125944 |

|                                                                                                                                                                                                                                                                                              |        |                                                          |    |            |    |            |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------------------------------------------------|----|------------|----|------------|------------------------------------------------|
| 6520                                                                                                                                                                                                                                                                                         | 700634 | Animal and Consumer<br>Analytical Laboratory             | \$ | 4,966,383  | \$ | 4,966,383  | 125945                                         |
| 6690                                                                                                                                                                                                                                                                                         | 700635 | Pesticide,<br>Fertilizer, and Lime<br>Inspection Program | \$ | 3,418,041  | \$ | 3,418,041  | 125946                                         |
| TOTAL SSR State Special Revenue                                                                                                                                                                                                                                                              |        |                                                          |    |            |    |            | 125947                                         |
| Fund Group                                                                                                                                                                                                                                                                                   |        |                                                          | \$ | 18,523,313 | \$ | 18,518,313 | 125948                                         |
| Clean Ohio Conservation Fund Group                                                                                                                                                                                                                                                           |        |                                                          |    |            |    |            | 125949                                         |
| 7057                                                                                                                                                                                                                                                                                         | 700632 | Clean Ohio<br>Agricultural Easement                      | \$ | 310,000    | \$ | 310,000    | 125950                                         |
| TOTAL CLF Clean Ohio Conservation<br>Fund Group                                                                                                                                                                                                                                              |        |                                                          |    |            |    |            | 125951                                         |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                 |        |                                                          | \$ | 52,526,557 | \$ | 52,357,617 | 125952                                         |
| DANGEROUS AND RESTRICTED WILD ANIMALS                                                                                                                                                                                                                                                        |        |                                                          |    |            |    |            | 125953                                         |
| The foregoing GRF appropriation item 700426, Dangerous and<br>Restricted Animals, shall be used to administer the Dangerous and<br>Restricted Wild Animal Permitting Program.                                                                                                                |        |                                                          |    |            |    |            | 125954<br>125955<br>125956                     |
| COUNTY AGRICULTURAL SOCIETIES                                                                                                                                                                                                                                                                |        |                                                          |    |            |    |            | 125957                                         |
| The foregoing appropriation item 700501, County Agricultural<br>Societies, shall be used to reimburse county and independent<br>agricultural societies for expenses related to Junior Fair<br>activities.                                                                                    |        |                                                          |    |            |    |            | 125958<br>125959<br>125960<br>125961           |
| CLEAN OHIO AGRICULTURAL EASEMENT                                                                                                                                                                                                                                                             |        |                                                          |    |            |    |            | 125962                                         |
| The foregoing appropriation item 700632, Clean Ohio<br>Agricultural Easement, shall be used by the Department of<br>Agriculture in administering Ohio Agricultural Easement Fund (Fund<br>7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to<br>5301.70 of the Revised Code. |        |                                                          |    |            |    |            | 125963<br>125964<br>125965<br>125966<br>125967 |
| <b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>                                                                                                                                                                                                                                 |        |                                                          |    |            |    |            | 125968                                         |
| General Services Fund Group                                                                                                                                                                                                                                                                  |        |                                                          |    |            |    |            | 125969                                         |

|                              |                                  |    |           |    |           |        |
|------------------------------|----------------------------------|----|-----------|----|-----------|--------|
| 5EG0 898608                  | Energy Strategy                  | \$ | 240,681   | \$ | 240,681   | 125970 |
|                              | Development                      |    |           |    |           |        |
| TOTAL GSF                    | General Services Fund            | \$ | 240,681   | \$ | 240,681   | 125971 |
|                              | State Special Revenue Fund Group |    |           |    |           | 125972 |
| 4Z90 898602                  | Small Business                   | \$ | 288,232   | \$ | 288,232   | 125973 |
|                              | Ombudsman                        |    |           |    |           |        |
| 5700 898601                  | Operating Expenses               | \$ | 323,980   | \$ | 323,980   | 125974 |
| 5A00 898603                  | Small Business                   | \$ | 900,000   | \$ | 1,125,000 | 125975 |
|                              | Assistance                       |    |           |    |           |        |
| TOTAL SSR                    | State Special Revenue            | \$ | 1,512,212 | \$ | 1,737,212 | 125976 |
|                              | Fund Group                       |    |           |    |           |        |
| TOTAL ALL BUDGET FUND GROUPS |                                  | \$ | 1,752,893 | \$ | 1,977,893 | 125977 |

**Section 213.20. ENERGY STRATEGY DEVELOPMENT** 125979

The Energy Strategy Development Program shall develop energy 125980  
 initiatives, projects, and policy that align with the energy 125981  
 policy for the state. Issues addressed by such initiatives, 125982  
 projects, and policy shall not be limited to those governed by 125983  
 Chapter 3706. of the Revised Code. The Ohio Air Quality 125984  
 Development Authority shall be responsible for the monitoring of 125985  
 the program. 125986

There is hereby created in the state treasury the Energy 125987  
 Strategy Development Fund (Fund 5EG0). The fund shall consist of 125988  
 money credited to it and money obtained for advanced energy 125989  
 projects from federal or private grants, loans, or other sources. 125990  
 Money in the fund shall be used to carry out the purposes of the 125991  
 program. Interest earned on the money in the fund shall be 125992  
 credited to the General Revenue Fund. 125993

On July 1 of each fiscal year, or as soon as possible 125994  
 thereafter, the Director of Budget and Management may transfer 125995  
 cash from the funds specified below, up to the amounts specified 125996  
 below, to the Energy Strategy Development Fund. Fund 5EG0 may 125997

accept contributions and transfers made to the fund. On July 1, 125998  
 2015, or as soon as possible thereafter, the Director shall 125999  
 transfer to the General Revenue Fund all cash credited to Fund 126000  
 5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 126001

| <u>Fund</u> | <u>Fund Name</u>  | <u>User</u>       | <u>FY 2014</u> | <u>FY 2015</u> |        |
|-------------|-------------------|-------------------|----------------|----------------|--------|
| 1310        | State Agency      | Ohio Facilities   | \$27,405       | \$27,439       | 126002 |
|             | Construction      | Construction      |                |                | 126003 |
|             | Project Service   | Commission        |                |                |        |
| 5GH0        | Central Support   | Department of     | \$27,405       | \$27,439       | 126004 |
|             | Indirect Cost     | Agriculture       |                |                |        |
| 1350        | Supportive        | Development       | \$27,405       | \$27,439       | 126005 |
|             | Services          | Services Agency   |                |                |        |
| 2190        | Central Support   | Environmental     | \$27,405       | \$27,439       | 126006 |
|             | Indirect Cost     | Protection Agency |                |                |        |
| 1570        | Central Support   | Department of     | \$27,405       | \$27,439       | 126007 |
|             | Indirect          | Natural Resources |                |                |        |
|             | Chargeback        |                   |                |                |        |
| 7002        | Highway Operating | Department of     | \$39,150       | \$39,199       | 126008 |
|             |                   | Transportation    |                |                |        |

**Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT**

AUTHORITY TRUST ACCOUNT

Notwithstanding any other provision of law to the contrary,  
 the Air Quality Development Authority may reimburse the Air  
 Quality Development Authority trust account established under  
 section 3706.10 of the Revised Code from all operating funds of  
 the agency for expenses pertaining to the administration and  
 shared costs incurred by the Air Quality Development Authority in  
 the execution of responsibilities as prescribed in Chapter 3706.  
 of the Revised Code. Reimbursement shall be made by voucher and  
 completed in accordance with the administrative indirect costs  
 allocation plan approved by the Office of Budget and Management.

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|                                                                   |                     |                           |        |
|-------------------------------------------------------------------|---------------------|---------------------------|--------|
| <b>Section 215.10. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS</b> |                     |                           | 126021 |
| General Services Fund Group                                       |                     |                           | 126022 |
| 4K90 891609                                                       | Operating           | \$ 481,379 \$ 485,954     | 126023 |
| TOTAL GSF General Services Fund                                   |                     |                           | 126024 |
| Group                                                             |                     |                           | 126025 |
| TOTAL ALL BUDGET FUND GROUPS                                      |                     |                           | 126026 |
| <br><b>Section 217.10. ART OHIO ARTS COUNCIL</b>                  |                     |                           | 126028 |
| General Revenue Fund                                              |                     |                           | 126029 |
| GRF 370321                                                        | Operating Expenses  | \$ 1,599,204 \$ 1,599,204 | 126030 |
| GRF 370502                                                        | State Program       | \$ 8,850,000 \$ 8,850,000 | 126031 |
| Subsidies                                                         |                     |                           |        |
| TOTAL GRF General Revenue Fund                                    |                     |                           | 126032 |
| General Services Fund Group                                       |                     |                           | 126033 |
| 4600 370602                                                       | Management Expenses | \$ 247,000 \$ 247,000     | 126034 |
| and Donations                                                     |                     |                           |        |
| 4B70 370603                                                       | Percent for Art     | \$ 247,000 \$ 247,000     | 126035 |
| Acquisitions                                                      |                     |                           |        |
| TOTAL GSF General Services Fund                                   |                     |                           | 126036 |
| Group                                                             |                     |                           |        |
| Federal Special Revenue Fund Group                                |                     |                           | 126037 |
| 3140 370601                                                       | Federal Support     | \$ 1,000,000 \$ 1,000,000 | 126038 |
| TOTAL FED Federal Special Revenue                                 |                     |                           | 126039 |
| Fund Group                                                        |                     |                           |        |
| TOTAL ALL BUDGET FUND GROUPS                                      |                     |                           | 126040 |
| FEDERAL SUPPORT                                                   |                     |                           | 126041 |
| Notwithstanding any provision of law to the contrary, the         |                     |                           | 126042 |
| foregoing appropriation item 370601, Federal Support, shall be    |                     |                           | 126043 |
| used by the Ohio Arts Council for subsidies only, and not for its |                     |                           | 126044 |
| administrative costs, unless the Council is required to use a     |                     |                           | 126045 |
| portion of the funds for administrative costs under conditions of |                     |                           | 126046 |



|                                                |    |            |               |        |
|------------------------------------------------|----|------------|---------------|--------|
| the federal grant.                             |    |            |               | 126047 |
| <b>Section 219.10. ATH ATHLETIC COMMISSION</b> |    |            |               | 126048 |
| General Services Fund Group                    |    |            |               | 126049 |
| 4K90 175609 Operating Expenses                 | \$ | 312,000    | \$ 320,000    | 126050 |
| TOTAL GSF General Services Fund                | \$ | 312,000    | \$ 320,000    | 126051 |
| Group                                          |    |            |               |        |
| TOTAL ALL BUDGET FUND GROUPS                   | \$ | 312,000    | \$ 320,000    | 126052 |
| <b>Section 221.10. AGO ATTORNEY GENERAL</b>    |    |            |               | 126054 |
| General Revenue Fund                           |    |            |               | 126055 |
| GRF 055321 Operating Expenses                  | \$ | 42,514,169 | \$ 42,514,169 | 126056 |
| GRF 055405 Law-Related Education               | \$ | 100,000    | \$ 100,000    | 126057 |
| GRF 055407 Tobacco Settlement                  | \$ | 1,500,000  | \$ 1,500,000  | 126058 |
| Enforcement                                    |    |            |               |        |
| GRF 055411 County Sheriffs' Pay                | \$ | 757,921    | \$ 757,921    | 126059 |
| Supplement                                     |    |            |               |        |
| GRF 055415 County Prosecutors'                 | \$ | 831,499    | \$ 831,499    | 126060 |
| Pay Supplement                                 |    |            |               |        |
| TOTAL GRF General Revenue Fund                 | \$ | 45,703,589 | \$ 45,703,589 | 126061 |
| General Services Fund Group                    |    |            |               | 126062 |
| 1060 055612 General Reimbursement              | \$ | 54,806,192 | \$ 55,820,716 | 126063 |
| 1950 055660 Workers' Compensation              | \$ | 8,415,504  | \$ 8,415,504  | 126064 |
| Section                                        |    |            |               |        |
| 4180 055615 Charitable                         | \$ | 8,286,000  | \$ 8,286,000  | 126065 |
| Foundations                                    |    |            |               |        |
| 4200 055603 Attorney General                   | \$ | 1,839,074  | \$ 1,839,074  | 126066 |
| Antitrust                                      |    |            |               |        |
| 4210 055617 Police Officers'                   | \$ | 500,000    | \$ 500,000    | 126067 |
| Training Academy Fee                           |    |            |               |        |
| 4Z20 055609 BCI Asset Forfeiture               | \$ | 1,000,000  | \$ 1,000,000  | 126068 |
| and Cost                                       |    |            |               |        |

|         |         |                         |    |            |    |            |        |
|---------|---------|-------------------------|----|------------|----|------------|--------|
|         |         | Reimbursement           |    |            |    |            |        |
| 5900    | 055633  | Peace Officer Private   | \$ | 79,438     | \$ | 95,325     | 126069 |
|         |         | Security Fund           |    |            |    |            |        |
| 5A90    | 055618  | Telemarketing Fraud     | \$ | 45,000     | \$ | 10,000     | 126070 |
|         |         | Enforcement             |    |            |    |            |        |
| 5L50    | 055619  | Law Enforcement         | \$ | 375,255    | \$ | 187,627    | 126071 |
|         |         | Assistance Program      |    |            |    |            |        |
| 5LR0    | 055655  | Peace Officer           | \$ | 4,629,409  | \$ | 4,629,409  | 126072 |
|         |         | Training - Casino       |    |            |    |            |        |
| 5MP0    | 055657  | Peace Officer           | \$ | 25,000     | \$ | 25,000     | 126073 |
|         |         | Training Commission     |    |            |    |            |        |
| 6310    | 055637  | Consumer Protection     | \$ | 6,700,000  | \$ | 6,834,000  | 126074 |
|         |         | Enforcement             |    |            |    |            |        |
| TOTAL   | GSF     | General Services Fund   |    |            |    |            | 126075 |
| Group   |         |                         | \$ | 86,700,872 | \$ | 87,642,655 | 126076 |
| Federal | Special | Revenue Fund Group      |    |            |    |            | 126077 |
| 3060    | 055620  | Medicaid Fraud          | \$ | 4,537,408  | \$ | 4,628,156  | 126078 |
|         |         | Control                 |    |            |    |            |        |
| 3810    | 055611  | Civil Rights Legal      | \$ | 75,000     | \$ | 35,574     | 126079 |
|         |         | Service                 |    |            |    |            |        |
| 3830    | 055634  | Crime Victims           | \$ | 15,000,000 | \$ | 15,000,000 | 126080 |
|         |         | Assistance              |    |            |    |            |        |
| 3E50    | 055638  | Attorney General        | \$ | 599,999    | \$ | 599,999    | 126081 |
|         |         | Pass-Through Funds      |    |            |    |            |        |
| 3FV0    | 055656  | Crime Victim            | \$ | 7,000,000  | \$ | 7,000,000  | 126082 |
|         |         | Compensation            |    |            |    |            |        |
| 3R60    | 055613  | Attorney General        | \$ | 999,999    | \$ | 999,999    | 126083 |
|         |         | Federal Funds           |    |            |    |            |        |
| TOTAL   | FED     | Federal Special Revenue |    |            |    |            | 126084 |
| Fund    | Group   |                         | \$ | 28,212,406 | \$ | 28,263,728 | 126085 |
| State   | Special | Revenue Fund Group      |    |            |    |            | 126086 |
| 4020    | 055616  | Victims of Crime        | \$ | 16,456,769 | \$ | 16,456,769 | 126087 |

|                                                                                                                                                                                                  |        |                                                                        |    |             |    |             |                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------------------------------------------------------------|----|-------------|----|-------------|----------------------------|
| 4190                                                                                                                                                                                             | 055623 | Claims Section                                                         | \$ | 55,920,716  | \$ | 56,937,131  | 126088                     |
| 4L60                                                                                                                                                                                             | 055606 | DARE Programs                                                          | \$ | 3,578,901   | \$ | 3,486,209   | 126089                     |
| 4Y70                                                                                                                                                                                             | 055608 | Title Defect Recision                                                  | \$ | 600,000     | \$ | 600,000     | 126090                     |
| 6590                                                                                                                                                                                             | 055641 | Solid and Hazardous<br>Waste Background<br>Investigations              | \$ | 310,730     | \$ | 310,730     | 126091                     |
| TOTAL SSR State Special Revenue                                                                                                                                                                  |        |                                                                        |    |             |    |             | 126092                     |
| Fund Group                                                                                                                                                                                       |        |                                                                        | \$ | 76,867,116  | \$ | 77,790,839  | 126093                     |
| Holding Account Redistribution Fund Group                                                                                                                                                        |        |                                                                        |    |             |    |             | 126094                     |
| R004                                                                                                                                                                                             | 055631 | General Holding<br>Account                                             | \$ | 1,000,000   | \$ | 1,000,000   | 126095                     |
| R005                                                                                                                                                                                             | 055632 | Antitrust Settlements                                                  | \$ | 1,000       | \$ | 1,000       | 126096                     |
| R018                                                                                                                                                                                             | 055630 | Consumer Frauds                                                        | \$ | 750,000     | \$ | 750,000     | 126097                     |
| R042                                                                                                                                                                                             | 055601 | Organized Crime<br>Commission<br>Distributions                         | \$ | 25,025      | \$ | 25,025      | 126098                     |
| R054                                                                                                                                                                                             | 055650 | Collection Payment<br>Redistribution                                   | \$ | 4,500,000   | \$ | 4,500,000   | 126099                     |
| TOTAL 090 Holding Account<br>Redistribution Fund Group                                                                                                                                           |        |                                                                        |    |             |    |             | 126100                     |
|                                                                                                                                                                                                  |        |                                                                        | \$ | 6,276,025   | \$ | 6,276,025   | 126101                     |
| Tobacco Master Settlement Agreement Fund Group                                                                                                                                                   |        |                                                                        |    |             |    |             | 126102                     |
| U087                                                                                                                                                                                             | 055402 | Tobacco Settlement<br>Oversight,<br>Administration, and<br>Enforcement | \$ | 500,000     | \$ | 500,000     | 126103                     |
| TOTAL TSF Tobacco Master Settlement<br>Agreement Fund Group                                                                                                                                      |        |                                                                        |    |             |    |             | 126104                     |
|                                                                                                                                                                                                  |        |                                                                        | \$ | 500,000     | \$ | 500,000     | 126104                     |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                     |        |                                                                        |    |             |    |             | 126105                     |
|                                                                                                                                                                                                  |        |                                                                        | \$ | 244,260,008 | \$ | 246,176,836 | 126105                     |
| COUNTY SHERIFFS' PAY SUPPLEMENT                                                                                                                                                                  |        |                                                                        |    |             |    |             | 126106                     |
| The foregoing appropriation item 055411, County Sheriffs' Pay<br>Supplement, shall be used for the purpose of supplementing the<br>annual compensation of county sheriffs as required by section |        |                                                                        |    |             |    |             | 126107<br>126108<br>126109 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| 325.06 of the Revised Code.                                        | 126110 |
| At the request of the Attorney General, the Director of            | 126111 |
| Budget and Management may transfer appropriation from              | 126112 |
| appropriation item 055321, Operating Expenses, to appropriation    | 126113 |
| item 055411, County Sheriffs' Pay Supplement. Any appropriation so | 126114 |
| transferred shall be used to supplement the annual compensation of | 126115 |
| county sheriffs as required by section 325.06 of the Revised Code. | 126116 |
| COUNTY PROSECUTORS' PAY SUPPLEMENT                                 | 126117 |
| The foregoing appropriation item 055415, County Prosecutors'       | 126118 |
| Pay Supplement, shall be used for the purpose of supplementing the | 126119 |
| annual compensation of certain county prosecutors as required by   | 126120 |
| section 325.111 of the Revised Code.                               | 126121 |
| At the request of the Attorney General, the Director of            | 126122 |
| Budget and Management may transfer appropriation from              | 126123 |
| appropriation item 055321, Operating Expenses, to appropriation    | 126124 |
| item 055415, County Prosecutors' Pay Supplement. Any appropriation | 126125 |
| so transferred shall be used to supplement the annual compensation | 126126 |
| of county prosecutors as required by section 325.111 of the        | 126127 |
| Revised Code.                                                      | 126128 |
| CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL         | 126129 |
| REIMBURSEMENT FUND                                                 | 126130 |
| Notwithstanding any other provision of law to the contrary,        | 126131 |
| on July 1, 2013, or as soon as possible thereafter, the Director   | 126132 |
| of Budget and Management shall transfer \$80,000 cash from the     | 126133 |
| General Revenue Fund to the General Reimbursement Fund (Fund       | 126134 |
| 1060).                                                             | 126135 |
| WORKERS' COMPENSATION SECTION                                      | 126136 |
| The Workers' Compensation Fund (Fund 1950) is entitled to          | 126137 |
| receive payments from the Bureau of Workers' Compensation and the  | 126138 |
| Ohio Industrial Commission at the beginning of each quarter of     | 126139 |

each fiscal year to fund legal services to be provided to the 126140  
Bureau of Workers' Compensation and the Ohio Industrial Commission 126141  
during the ensuing quarter. The advance payment shall be subject 126142  
to adjustment. 126143

In addition, the Bureau of Workers' Compensation shall 126144  
transfer payments at the beginning of each quarter for the support 126145  
of the Workers' Compensation Fraud Unit. 126146

All amounts shall be mutually agreed upon by the Attorney 126147  
General, the Bureau of Workers' Compensation, and the Ohio 126148  
Industrial Commission. 126149

ATTORNEY GENERAL PASS-THROUGH FUNDS 126150

The foregoing appropriation item 055638, Attorney General 126151  
Pass-Through Funds, shall be used to receive federal grant funds 126152  
provided to the Attorney General by other state agencies, 126153  
including, but not limited to, the Department of Youth Services 126154  
and the Department of Public Safety. 126155

GENERAL HOLDING ACCOUNT 126156

The foregoing appropriation item 055631, General Holding 126157  
Account, shall be used to distribute moneys under the terms of 126158  
relevant court orders or other settlements received in a variety 126159  
of cases involving the Office of the Attorney General. If it is 126160  
determined that additional amounts are necessary for this purpose, 126161  
the amounts are hereby appropriated. 126162

ANTITRUST SETTLEMENTS 126163

The foregoing appropriation item 055632, Antitrust 126164  
Settlements, shall be used to distribute moneys under the terms of 126165  
relevant court orders or other out of court settlements in 126166  
antitrust cases or antitrust matters involving the Office of the 126167  
Attorney General. If it is determined that additional amounts are 126168  
necessary for this purpose, the amounts are hereby appropriated. 126169

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| CONSUMER FRAUDS                                                    | 126170 |
| The foregoing appropriation item 055630, Consumer Frauds,          | 126171 |
| shall be used for distribution of moneys from court-ordered        | 126172 |
| judgments against sellers in actions brought by the Office of      | 126173 |
| Attorney General under sections 1334.08 and 4549.48 and division   | 126174 |
| (B) of section 1345.07 of the Revised Code. These moneys shall be  | 126175 |
| used to provide restitution to consumers victimized by the fraud   | 126176 |
| that generated the court-ordered judgments. If it is determined    | 126177 |
| that additional amounts are necessary for this purpose, the        | 126178 |
| amounts are hereby appropriated.                                   | 126179 |
| ORGANIZED CRIME COMMISSION DISTRIBUTIONS                           | 126180 |
| The foregoing appropriation item 055601, Organized Crime           | 126181 |
| Commission Distributions, shall be used by the Organized Crime     | 126182 |
| Investigations Commission, as provided by section 177.011 of the   | 126183 |
| Revised Code, to reimburse political subdivisions for the expenses | 126184 |
| the political subdivisions incur when their law enforcement        | 126185 |
| officers participate in an organized crime task force. If it is    | 126186 |
| determined that additional amounts are necessary for this purpose, | 126187 |
| the amounts are hereby appropriated.                               | 126188 |
| COLLECTION PAYMENT REDISTRIBUTION                                  | 126189 |
| The foregoing appropriation item 055650, Collection Payment        | 126190 |
| Redistribution, shall be used for the purpose of allocating the    | 126191 |
| revenue where debtors mistakenly paid the client agencies instead  | 126192 |
| of the Attorney General's Collections Enforcement Section. If it   | 126193 |
| is determined that additional amounts are necessary for this       | 126194 |
| purpose, the amounts are hereby appropriated.                      | 126195 |
| <b>Section 223.10. AUD AUDITOR OF STATE</b>                        | 126196 |
| General Revenue Fund                                               | 126197 |
| GRF 070321 Operating Expenses \$ 27,434,452 \$ 27,434,452          | 126198 |
| GRF 070403 Fiscal \$ 800,000 \$ 800,000                            | 126199 |

|                              |                                                                    |    |            |    |            |
|------------------------------|--------------------------------------------------------------------|----|------------|----|------------|
|                              | Watch/Emergency                                                    |    |            |    |            |
|                              | Technical Assistance                                               |    |            |    |            |
| TOTAL GRF                    | General Revenue Fund                                               | \$ | 28,234,452 | \$ | 28,234,452 |
|                              | Auditor of State Fund Group                                        |    |            |    | 126200     |
| 1090 070601                  | Public Audit Expense                                               | \$ | 9,069,804  | \$ | 9,196,081  |
|                              | - Intra-State                                                      |    |            |    | 126202     |
| 4220 070602                  | Public Audit Expense                                               | \$ | 31,052,999 | \$ | 31,031,044 |
|                              | - Local Government                                                 |    |            |    | 126203     |
| 5840 070603                  | Training Program                                                   | \$ | 181,730    | \$ | 181,250    |
| 5JZ0 070606                  | LEAP Revolving Loans                                               | \$ | 650,000    | \$ | 650,000    |
| 6750 070605                  | Uniform Accounting                                                 | \$ | 3,241,533  | \$ | 3,160,637  |
|                              | Network                                                            |    |            |    |            |
| TOTAL AUD                    | Auditor of State Fund                                              |    |            |    | 126207     |
| Group                        |                                                                    | \$ | 44,196,066 | \$ | 44,219,012 |
| TOTAL ALL BUDGET FUND GROUPS |                                                                    | \$ | 72,430,518 | \$ | 72,453,464 |
|                              | FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE                        |    |            |    | 126210     |
|                              | The foregoing appropriation item 070403, Fiscal                    |    |            |    | 126211     |
|                              | Watch/Emergency Technical Assistance, shall be used for expenses   |    |            |    | 126212     |
|                              | incurred by the Office of the Auditor of State in its role         |    |            |    | 126213     |
|                              | relating to fiscal watch or fiscal emergency activities under      |    |            |    | 126214     |
|                              | Chapters 118. and 3316. of the Revised Code. Expenses include, but |    |            |    | 126215     |
|                              | are not limited to, the following: duties related to the           |    |            |    | 126216     |
|                              | determination or termination of fiscal watch or fiscal emergency   |    |            |    | 126217     |
|                              | of municipal corporations, counties, townships, or school          |    |            |    | 126218     |
|                              | districts; development of preliminary accounting reports;          |    |            |    | 126219     |
|                              | performance of annual forecasts; provision of performance audits;  |    |            |    | 126220     |
|                              | and supervisory, accounting, or auditing services for the          |    |            |    | 126221     |
|                              | municipal corporations, counties, townships, or school districts.  |    |            |    | 126222     |
|                              | <b>Section 225.10. BRB BOARD OF BARBER EXAMINERS</b>               |    |            |    | 126223     |
|                              | General Services Fund Group                                        |    |            |    | 126224     |
| 4K90 877609                  | Operating Expenses                                                 | \$ | 670,882    | \$ | 674,272    |
|                              |                                                                    |    |            |    | 126225     |

|                                                            |    |            |    |                   |
|------------------------------------------------------------|----|------------|----|-------------------|
| TOTAL GSF General Services Fund                            |    |            |    | 126226            |
| Group                                                      | \$ | 670,882    | \$ | 674,272 126227    |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 670,882    | \$ | 674,272 126228    |
| <b>Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT</b> |    |            |    | 126230            |
| General Revenue Fund                                       |    |            |    | 126231            |
| GRF 042321 Budget Development                              | \$ | 2,703,189  | \$ | 2,697,483 126232  |
| and Implementation                                         |    |            |    |                   |
| GRF 042409 Commission Closures                             | \$ | 304,000    | \$ | 155,000 126233    |
| GRF 042416 Office of Health                                | \$ | 484,486    | \$ | 498,571 126234    |
| Transformation                                             |    |            |    |                   |
| GRF 042425 Shared Services                                 | \$ | 1,250,000  | \$ | 1,250,000 126235  |
| Development                                                |    |            |    |                   |
| TOTAL GRF General Revenue Fund                             | \$ | 4,741,675  | \$ | 4,601,054 126236  |
| General Services Fund Group                                |    |            |    | 126237            |
| 1050 042603 Financial Management                           | \$ | 14,060,275 | \$ | 14,451,086 126238 |
| 1050 042620 Shared Services                                | \$ | 8,837,518  | \$ | 8,924,830 126239  |
| Operating                                                  |    |            |    |                   |
| TOTAL GSF General Services Fund                            | \$ | 22,897,793 | \$ | 23,375,916 126240 |
| Group                                                      |    |            |    |                   |
| Federal Special Revenue Fund Group                         |    |            |    | 126241            |
| 3CM0 042606 Office of Health                               | \$ | 438,723    | \$ | 438,723 126242    |
| Transformation -                                           |    |            |    |                   |
| Federal                                                    |    |            |    |                   |
| TOTAL FED Federal Special Revenue                          | \$ | 438,723    | \$ | 438,723 126243    |
| Fund Group                                                 |    |            |    |                   |
| Agency Fund Group                                          |    |            |    | 126244            |
| 5EH0 042604 Forgery Recovery                               | \$ | 40,000     | \$ | 40,000 126245     |
| TOTAL AGY Agency Fund Group                                | \$ | 40,000     | \$ | 40,000 126246     |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 28,118,191 | \$ | 28,455,693 126247 |
| COMMISSION CLOSURES                                        |    |            |    | 126248            |



The foregoing appropriation item 042409, Commission Closures, 126249  
may be used to pay obligations associated with the closure of any 126250  
state agency, whether in the executive, legislative, or judicial 126251  
branch of government. Notwithstanding any provision of law to the 126252  
contrary, this appropriation item may also be used to pay final 126253  
payroll expenses occurring after the closure of any state agency, 126254  
whether in the executive, legislative, or judicial branch of 126255  
government in the event that appropriations or cash in the closing 126256  
agency are insufficient to do so. 126257

The Director of Budget and Management may request Controlling 126258  
Board approval for funds to be transferred to appropriation item 126259  
042409, Commission Closures, from appropriation item 911614, CB 126260  
Emergency Purposes, for anticipated expenses associated with 126261  
agency closures. 126262

AUDIT COSTS AND DUES 126263

All centralized audit costs associated with either Single 126264  
Audit Schedules or financial statements prepared in conformance 126265  
with generally accepted accounting principles for the state shall 126266  
be paid from the foregoing appropriation item 042603, Financial 126267  
Management. 126268

Costs associated with the audit of the Auditor of State and 126269  
national association dues shall be paid from the foregoing 126270  
appropriation item 042321, Budget Development and Implementation. 126271

SHARED SERVICES CENTER 126272

The foregoing appropriation items 042425, Shared Services 126273  
Development, and 042620, Shared Services Operating, shall be used 126274  
by the Director of Budget and Management to support a Shared 126275  
Services Center within the Office of Budget and Management for the 126276  
purpose of consolidating statewide business functions and common 126277  
transactional processes. 126278

The Director of Budget and Management shall include the 126279

recovery of costs to operate the Shared Services Center in the 126280  
accounting and budgeting services payroll rate and through a 126281  
direct charges using intrastate transfer vouchers to agencies for 126282  
services rendered. The Director of Budget and Management shall 126283  
determine the cost recovery methodology. Such cost recovery 126284  
revenues shall be deposited to the credit of Fund 1050. 126285

INTERNAL AUDIT 126286

The Director of Budget and Management shall include the 126287  
recovery of costs to operate the Internal Audit Program in the 126288  
accounting and budgeting services payroll rate and through a 126289  
direct charge using intrastate transfer vouchers to agencies 126290  
reviewed by the program. The Director of Budget and Management, 126291  
with advice from the Internal Audit Advisory Council, shall 126292  
determine the cost recovery methodology. Such cost recovery 126293  
revenues shall be deposited to the credit of the Accounting and 126294  
Budgeting Fund (Fund 1050). 126295

FORGERY RECOVERY 126296

The foregoing appropriation item 042604, Forgery Recovery, 126297  
shall be used to reissue warrants that have been certified as 126298  
forgeries by the rightful recipient as determined by the Bureau of 126299  
Criminal Identification and Investigation and the Treasurer of 126300  
State. Upon receipt of funds to cover the reissuance of the 126301  
warrant, the Director of Budget and Management shall reissue a 126302  
state warrant of the same amount. Any additional amounts needed to 126303  
reissue warrants backed by the receipt of funds are hereby 126304  
appropriated. 126305

ABOLISHMENT OF FUND 5N40 AND FUND 5Z80 126306

On or before December 31, 2013, the Director of Budget and 126307  
Management shall transfer the cash balances of the OAKS Project 126308  
Implementation Fund (Fund 5N40) and the Office of Health 126309  
Transformation Administration Fund (Fund 5Z80) to the General 126310

Revenue Fund. Upon completion of the transfers, Fund 5N40 and Fund 126311  
5Z80 are abolished. 126312

**Section 229.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 126313

General Revenue Fund 126314

GRF 874100 Personal Services \$ 2,417,467 \$ 2,417,467 126315

GRF 874320 Maintenance and \$ 1,161,098 \$ 1,161,098 126316  
Equipment

TOTAL GRF General Revenue Fund \$ 3,578,565 \$ 3,578,565 126317

General Services Fund Group 126318

4G50 874603 Capitol Square \$ 5,882 \$ 5,882 126319

Education Center and  
Arts

4S70 874602 Statehouse Gift \$ 629,409 \$ 629,409 126320

Shop/Events

TOTAL GSF General Services 126321

Fund Group \$ 635,291 \$ 635,291 126322

Underground Parking Garage 126323

2080 874601 Underground Parking \$ 3,039,740 \$ 2,981,740 126324

Garage Operations

TOTAL UPG Underground Parking 126325

Garage \$ 3,039,740 \$ 2,981,740 126326

TOTAL ALL BUDGET FUND GROUPS \$ 7,253,596 \$ 7,195,596 126327

WAREHOUSE PAYMENTS 126328

Of the foregoing appropriation item 874601, Underground 126329

Parking Garage Operations, \$48,000 in each fiscal year shall be 126330

used to meet all payments at the times they are required to be 126331

made during the period from July 1, 2013, through June 30, 2015, 126332

to the Department of Administrative Services for bond service 126333

charges relating to the purchase and improvement of a warehouse 126334

acquired pursuant to section 105.41 of the Revised Code, in which 126335

|                                                                    |    |            |               |        |
|--------------------------------------------------------------------|----|------------|---------------|--------|
| to store items of the Capitol Collection Trust and, whenever       |    |            |               | 126336 |
| necessary, equipment or other property of the Board.               |    |            |               | 126337 |
| UNDERGROUND PARKING GARAGE FUND                                    |    |            |               | 126338 |
| Notwithstanding division (G) of section 105.41 of the Revised      |    |            |               | 126339 |
| Code and any other provision to the contrary, moneys in the        |    |            |               | 126340 |
| Underground Parking Garage Fund (Fund 2080) may be used for        |    |            |               | 126341 |
| personnel and operating costs related to the operations of the     |    |            |               | 126342 |
| Statehouse and the Statehouse Underground Parking Garage.          |    |            |               | 126343 |
| <b>Section 231.10.</b> SCR STATE BOARD OF CAREER COLLEGES AND      |    |            |               | 126344 |
| SCHOOLS                                                            |    |            |               | 126345 |
| General Services Fund Group                                        |    |            |               | 126346 |
| 4K90 233601 Operating Expenses                                     | \$ | 579,328    | \$ 579,328    | 126347 |
| TOTAL GSF General Services Fund                                    | \$ | 579,328    | \$ 579,328    | 126348 |
| Group                                                              |    |            |               |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 579,328    | \$ 579,328    | 126349 |
| <b>Section 233.10.</b> CAC CASINO CONTROL COMMISSION               |    |            |               | 126351 |
| State Special Revenue Fund Group                                   |    |            |               | 126352 |
| 5HS0 955321 Casino Control -                                       | \$ | 13,121,283 | \$ 13,542,674 | 126353 |
| Operating                                                          |    |            |               |        |
| TOTAL SSR State Special Revenue                                    | \$ | 13,121,283 | \$ 13,542,674 | 126354 |
| Fund Group                                                         |    |            |               |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 13,121,283 | \$ 13,542,674 | 126355 |
| <b>Section 235.10.</b> CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD |    |            |               | 126357 |
| General Services Fund Group                                        |    |            |               | 126358 |
| 4K90 930609 Operating Expenses                                     | \$ | 476,642    | \$ 469,349    | 126359 |
| TOTAL GSF General Services Fund                                    | \$ | 476,642    | \$ 469,349    | 126360 |
| Group                                                              |    |            |               |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 476,642    | \$ 469,349    | 126361 |

|                                                             |                         |               |               |        |
|-------------------------------------------------------------|-------------------------|---------------|---------------|--------|
| <b>Section 237.10. CHR STATE CHIROPRACTIC BOARD</b>         |                         |               |               | 126363 |
| General Services Fund Group                                 |                         |               |               | 126364 |
| 4K90 878609                                                 | Operating Expenses      | \$ 617,829    | \$ 630,775    | 126365 |
| TOTAL GSF                                                   | General Services Fund   | \$ 617,829    | \$ 630,775    | 126366 |
| Group                                                       |                         |               |               |        |
| TOTAL ALL BUDGET FUND GROUPS                                |                         | \$ 617,829    | \$ 630,775    | 126367 |
| <br><b>Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION</b> |                         |               |               | 126369 |
| General Revenue Fund                                        |                         |               |               | 126370 |
| GRF 876321                                                  | Operating Expenses      | \$ 4,725,784  | \$ 4,725,784  | 126371 |
| TOTAL GRF                                                   | General Revenue Fund    | \$ 4,725,784  | \$ 4,725,784  | 126372 |
| General Services Fund Group                                 |                         |               |               | 126373 |
| 2170 876604                                                 | Operations Support      | \$ 4,000      | \$ 4,000      | 126374 |
| TOTAL GSF                                                   | General Services        |               |               | 126375 |
| Fund Group                                                  |                         | \$ 4,000      | \$ 4,000      | 126376 |
| Federal Special Revenue Fund Group                          |                         |               |               | 126377 |
| 3340 876601                                                 | Federal Programs        | \$ 2,820,670  | \$ 2,947,983  | 126378 |
| TOTAL FED                                                   | Federal Special Revenue |               |               | 126379 |
| Fund Group                                                  |                         | \$ 2,820,670  | \$ 2,947,983  | 126380 |
| TOTAL ALL BUDGET FUND GROUPS                                |                         | \$ 7,550,454  | \$ 7,677,767  | 126381 |
| <br><b>Section 241.10. COM DEPARTMENT OF COMMERCE</b>       |                         |               |               | 126383 |
| General Services Fund Group                                 |                         |               |               | 126384 |
| 1630 800620                                                 | Division of             | \$ 6,200,000  | \$ 6,200,000  | 126385 |
|                                                             | Administration          |               |               |        |
| 1630 800637                                                 | Information Technology  | \$ 6,011,977  | \$ 6,011,977  | 126386 |
| 5430 800602                                                 | Unclaimed               | \$ 7,737,546  | \$ 7,737,546  | 126387 |
|                                                             | Funds-Operating         |               |               |        |
| 5430 800625                                                 | Unclaimed Funds-Claims  | \$ 64,000,000 | \$ 64,000,000 | 126388 |
| 5F10 800635                                                 | Small Government Fire   | \$ 300,000    | \$ 300,000    | 126389 |
|                                                             | Departments             |               |               |        |

|                                                       |    |            |    |            |        |
|-------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL GSF General Services Fund                       |    |            |    | 126390     |        |
| Group                                                 | \$ | 84,249,523 | \$ | 84,249,523 | 126391 |
| Federal Special Revenue Fund Group                    |    |            |    | 126392     |        |
| 3480 800622 Underground Storage Tanks                 | \$ | 1,129,518  | \$ | 1,129,518  | 126393 |
| 3480 800624 Leaking Underground Storage Tanks         | \$ | 1,556,211  | \$ | 1,556,211  | 126394 |
| TOTAL FED Federal Special Revenue Fund Group          |    |            |    | 126395     |        |
| Fund Group                                            | \$ | 2,685,729  | \$ | 2,685,729  | 126396 |
| State Special Revenue Fund Group                      |    |            |    | 126397     |        |
| 4B20 800631 Real Estate Appraisal Recovery            | \$ | 35,000     | \$ | 35,000     | 126398 |
| 4H90 800608 Cemeteries                                | \$ | 266,688    | \$ | 266,688    | 126399 |
| 4X20 800619 Financial Institutions                    | \$ | 1,854,298  | \$ | 1,854,298  | 126400 |
| 5440 800612 Banks                                     | \$ | 6,836,589  | \$ | 6,836,589  | 126401 |
| 5450 800613 Savings Institutions                      | \$ | 2,259,536  | \$ | 2,259,536  | 126402 |
| 5460 800610 Fire Marshal                              | \$ | 15,315,738 | \$ | 15,324,574 | 126403 |
| 5460 800639 Fire Department Grants                    | \$ | 2,198,802  | \$ | 2,198,802  | 126404 |
| 5470 800603 Real Estate Education/Research            | \$ | 69,655     | \$ | 69,655     | 126405 |
| 5480 800611 Real Estate Recovery                      | \$ | 50,000     | \$ | 50,000     | 126406 |
| 5490 800614 Real Estate                               | \$ | 3,310,412  | \$ | 3,310,412  | 126407 |
| 5500 800617 Securities                                | \$ | 4,238,814  | \$ | 4,238,814  | 126408 |
| 5520 800604 Credit Union                              | \$ | 3,297,888  | \$ | 3,297,888  | 126409 |
| 5530 800607 Consumer Finance                          | \$ | 3,481,692  | \$ | 3,481,692  | 126410 |
| 5560 800615 Industrial Compliance                     | \$ | 26,612,520 | \$ | 27,104,205 | 126411 |
| 5FW0 800616 Financial Literacy Education              | \$ | 200,000    | \$ | 200,000    | 126412 |
| 5GK0 800609 Securities Investor Education/Enforcement | \$ | 432,150    | \$ | 432,150    | 126413 |
| 5HV0 800641 Cigarette Enforcement                     | \$ | 118,800    | \$ | 118,800    | 126414 |
| 5LP0 800646 Liquor Regulatory                         | \$ | 7,988,921  | \$ | 7,844,537  | 126415 |

|                                                                     |                         |    |            |    |                                      |
|---------------------------------------------------------------------|-------------------------|----|------------|----|--------------------------------------|
|                                                                     | Operating Expenses      |    |            |    |                                      |
| 5X60 800623                                                         | Video Service           | \$ | 337,224    | \$ | 337,224 126416                       |
| 6530 800629                                                         | UST Registration/Permit | \$ | 3,831,888  | \$ | 3,612,588 126417                     |
|                                                                     | Fee                     |    |            |    |                                      |
| 6A40 800630                                                         | Real Estate             | \$ | 672,973    | \$ | 672,973 126418                       |
|                                                                     | Appraiser-Operating     |    |            |    |                                      |
| TOTAL SSR State Special Revenue                                     |                         |    |            |    | 126419                               |
| Fund Group                                                          |                         | \$ | 83,409,588 | \$ | 83,546,425 126420                    |
| Liquor Control Fund Group                                           |                         |    |            |    | 126421                               |
| 5LC0 800644                                                         | Liquor JobsOhio         | \$ | 209,279    | \$ | 198,097 126422                       |
|                                                                     | Extraordinary           |    |            |    |                                      |
|                                                                     | Allowance               |    |            |    |                                      |
| 5LN0 800645                                                         | Liquor Operating        | \$ | 5,231,967  | \$ | 4,952,417 126423                     |
|                                                                     | Services                |    |            |    |                                      |
| TOTAL LCF Liquor Control                                            |                         |    |            |    | 126424                               |
| Fund Group                                                          |                         | \$ | 5,441,246  | \$ | 5,150,514 126425                     |
| TOTAL ALL BUDGET FUND GROUPS                                        |                         |    |            |    | \$ 175,786,086 \$ 175,632,191 126426 |
| ADMINISTRATIVE ASSESSMENTS                                          |                         |    |            |    | 126427                               |
| Notwithstanding any other provision of law to the contrary,         |                         |    |            |    | 126428                               |
| the Division of Administration Fund (Fund 1630) is entitled to      |                         |    |            |    | 126429                               |
| receive assessments from all operating funds of the Department in   |                         |    |            |    | 126430                               |
| accordance with procedures prescribed by the Director of Commerce   |                         |    |            |    | 126431                               |
| and approved by the Director of Budget and Management.              |                         |    |            |    | 126432                               |
| UNCLAIMED FUNDS PAYMENTS                                            |                         |    |            |    | 126433                               |
| The foregoing appropriation item 800625, Unclaimed                  |                         |    |            |    | 126434                               |
| Funds-Claims, shall be used to pay claims under section 169.08 of   |                         |    |            |    | 126435                               |
| the Revised Code. If it is determined that additional amounts are   |                         |    |            |    | 126436                               |
| necessary, the amounts are appropriated.                            |                         |    |            |    | 126437                               |
| FIRE DEPARTMENT GRANTS                                              |                         |    |            |    | 126438                               |
| Of the foregoing appropriation item 800639, Fire Department         |                         |    |            |    | 126439                               |
| Grants, up to \$2,198,802 in each fiscal year shall be used to make |                         |    |            |    | 126440                               |

annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no



longer maintain a contract with the same fire protection service 126473  
provider as the other applicants, then the joint applicants shall, 126474  
with the assistance of the State Fire Marshal, mutually agree as 126475  
to how the jointly owned equipment is to be maintained, operated, 126476  
stored, disposed of, or owned. If the joint applicants cannot 126477  
agree how the grant equipment is to be maintained, operated, 126478  
stored, disposed of, or owned, the State Fire Marshal may, in its 126479  
discretion, require all of the equipment acquired by the joint 126480  
applicants with grant funds to be returned to the State Fire 126481  
Marshal. The State Fire Marshal may then award the returned 126482  
equipment to any eligible recipients. 126483

Except as otherwise provided in this section, the grants 126484  
shall be used by recipients to purchase firefighting or rescue 126485  
equipment or gear or similar items, to provide full or partial 126486  
reimbursement for the documented costs of firefighter training, 126487  
or, at the discretion of the State Fire Marshal, to cover fire 126488  
department costs for providing fire protection services in that 126489  
grant recipient's jurisdiction. 126490

Of the foregoing appropriation item 800639, up to \$500,000 126491  
per fiscal year may be used to pay for the State Fire Marshal's 126492  
costs of providing firefighter I certification classes or other 126493  
firefighter classes approved by the Department of Public Safety in 126494  
accordance with section 4765.55 of the Revised Code at no cost to 126495  
selected students attending the Ohio Fire Academy or other class 126496  
providers approved by the State Fire Marshal. The State Fire 126497  
Marshal may establish the qualifications and selection processes 126498  
for students to attend such classes by written policy, and such 126499  
students shall be considered eligible recipients of fire 126500  
department grants for the purposes of this portion of the grant 126501  
program. 126502

Grant awards for firefighting or rescue equipment or gear or 126503  
for fire department costs of providing fire protection services 126504

shall be up to \$15,000 per fiscal year, or up to \$25,000 per 126505  
fiscal year if an eligible entity serves a jurisdiction in which 126506  
the Governor declared a natural disaster during the preceding or 126507  
current fiscal year in which the grant was awarded. In addition to 126508  
any grant funds awarded for rescue equipment or gear, or for fire 126509  
department costs associated with the provision of fire protection 126510  
services, an eligible entity may receive a grant for up to \$15,000 126511  
per fiscal year for full or partial reimbursement of the 126512  
documented costs of firefighter training. For each fiscal year, 126513  
the State Fire Marshal shall determine the total amounts to be 126514  
allocated for each eligible purpose. 126515

The grant program shall be administered by the State Fire 126516  
Marshal in accordance with rules the State Fire Marshal adopts as 126517  
part of the state fire code adopted pursuant to section 3737.82 of 126518  
the Revised Code that are necessary for the administration and 126519  
operation of the grant program. The rules may further define the 126520  
entities eligible to receive grants and establish criteria for the 126521  
awarding and expenditure of grant funds, including methods the 126522  
State Fire Marshal may use to verify the proper use of grant funds 126523  
or to obtain reimbursement for or the return of equipment for 126524  
improperly used grant funds. Any amounts in appropriation item 126525  
800639, Fire Department Grants, in excess of the amount allocated 126526  
for these grants may be used for the administration of the grant 126527  
program. 126528

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 126529

The Director of Budget and Management, upon the request of 126530  
the Director of Commerce, may transfer up to \$500,000 in cash from 126531  
the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in 126532  
cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to 126533  
the Division of Real Estate Operating Fund (Fund 5490) during the 126534  
biennium ending June 30, 2015. 126535

|                                                                   |    |            |    |                   |
|-------------------------------------------------------------------|----|------------|----|-------------------|
| <b>Section 243.10.</b> OCC OFFICE OF CONSUMERS' COUNSEL           |    |            |    | 126536            |
| General Services Fund Group                                       |    |            |    | 126537            |
| 5F50 053601 Operating Expenses                                    | \$ | 5,641,093  | \$ | 5,641,093 126538  |
| TOTAL GSF General Services Fund                                   | \$ | 5,641,093  | \$ | 5,641,093 126539  |
| Group                                                             |    |            |    |                   |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 5,641,093  | \$ | 5,641,093 126540  |
| <br>                                                              |    |            |    |                   |
| <b>Section 245.10.</b> CEB CONTROLLING BOARD                      |    |            |    | 126542            |
| General Revenue Fund                                              |    |            |    | 126543            |
| GRF 911441 Ballot Advertising                                     | \$ | 475,000    | \$ | 475,000 126544    |
| Costs                                                             |    |            |    |                   |
| TOTAL GRF General Revenue Fund                                    | \$ | 475,000    | \$ | 475,000 126545    |
| General Services Fund Group                                       |    |            |    | 126546            |
| 5KM0 911614 CB Emergency Purposes                                 | \$ | 10,000,000 | \$ | 10,000,000 126547 |
| TOTAL GSF General Services Fund                                   | \$ | 10,000,000 | \$ | 10,000,000 126548 |
| Group                                                             |    |            |    |                   |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 10,475,000 | \$ | 10,475,000 126549 |
| <br>                                                              |    |            |    |                   |
| FEDERAL SHARE                                                     |    |            |    | 126550            |
| In transferring appropriations to or from appropriation items     |    |            |    | 126551            |
| that have federal shares identified in this act, the Controlling  |    |            |    | 126552            |
| Board shall add or subtract corresponding amounts of federal      |    |            |    | 126553            |
| matching funds at the percentages indicated by the state and      |    |            |    | 126554            |
| federal division of the appropriations in this act. Such changes  |    |            |    | 126555            |
| are hereby appropriated.                                          |    |            |    | 126556            |
| <br>                                                              |    |            |    |                   |
| DISASTER SERVICES                                                 |    |            |    | 126557            |
| <br>                                                              |    |            |    |                   |
| Pursuant to requests submitted by the Department of Public        |    |            |    | 126558            |
| Safety, the Controlling Board may approve transfers from the      |    |            |    | 126559            |
| Disaster Services Fund (5E20) to a fund and appropriation item    |    |            |    | 126560            |
| used by the Department of Public Safety to provide for assistance |    |            |    | 126561            |
| to political subdivisions made necessary by natural disasters or  |    |            |    | 126562            |

emergencies. These transfers may be requested and approved prior 126563  
to the occurrence of any specific natural disasters or emergencies 126564  
in order to facilitate the provision of timely assistance. The 126565  
Emergency Management Agency of the Department of Public Safety 126566  
shall use the funding to fund the State Disaster Relief Program 126567  
for disasters that have a written Governor's authorization, and 126568  
the State Individual Assistance Program for disasters that have a 126569  
written Governor's authorization and is declared by the federal 126570  
Small Business Administration. The Ohio Emergency Management 126571  
Agency shall publish and make available application packets 126572  
outlining procedures for the State Disaster Relief Program and the 126573  
State Individual Assistance Program. 126574

Fund 5E20 shall be used by the Controlling Board, pursuant to 126575  
requests submitted by state agencies, to transfer cash and 126576  
appropriations to any fund and appropriation item for the payment 126577  
of state agency disaster relief program expenses for disasters 126578  
that have a written Governor's authorization, if the Director of 126579  
Budget and Management determines that sufficient funds exist. 126580

Upon the request of the Department of Public Safety, the 126581  
Controlling Board may release up to \$3,000,000 for Blanchard River 126582  
flood mitigation projects. 126583

**BALLOT ADVERTISING COSTS** 126584

Pursuant to section 3501.17 of the Revised Code, and upon 126585  
requests submitted by the Secretary of State, the Controlling 126586  
Board shall approve transfers from the foregoing appropriation 126587  
item 911441, Ballot Advertising Costs, to appropriation item 126588  
050621, Statewide Ballot Advertising, in order to pay for the cost 126589  
of public notices associated with statewide ballot initiatives. 126590

**CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS** 126591  
**ELIGIBILITY** 126592

A state agency director shall request that the Controlling 126593

Board increase the amount of the agency's capital appropriations 126594  
 if the director determines such an increase is necessary for the 126595  
 agency to receive and use funds under the federal American 126596  
 Recovery and Reinvestment Act of 2009. The Controlling Board may 126597  
 increase the capital appropriations pursuant to the request up to 126598  
 the exact amount necessary under the federal act if the Board 126599  
 determines it is necessary for the agency to receive and use those 126600  
 federal funds. 126601

**Section 247.10. COS STATE BOARD OF COSMETOLOGY** 126602

General Services Fund Group 126603  
 4K90 879609 Operating Expenses \$ 3,474,030 \$ 3,474,030 126604  
 TOTAL GSF General Services Fund 126605  
 Group \$ 3,474,030 \$ 3,474,030 126606  
 TOTAL ALL BUDGET FUND GROUPS \$ 3,474,030 \$ 3,474,030 126607

**Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE** 126609

AND FAMILY THERAPIST BOARD 126610  
 General Services Fund Group 126611  
 4K90 899609 Operating Expenses \$ 1,265,856 \$ 1,281,478 126612  
 TOTAL GSF General Services Fund 126613  
 Group \$ 1,265,856 \$ 1,281,478 126614  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,265,856 \$ 1,281,478 126615

**Section 251.10. CLA COURT OF CLAIMS** 126617

General Revenue Fund 126618  
 GRF 015321 Operating Expenses \$ 2,501,052 \$ 2,501,052 126619  
 TOTAL GRF General Revenue Fund \$ 2,501,052 \$ 2,501,052 126620  
 State Special Revenue Fund Group 126621  
 5K20 015603 CLA Victims of Crime \$ 415,556 \$ 415,953 126622  
 TOTAL SSR State Special Revenue 126623  
 Fund Group \$ 415,556 \$ 415,953 126624

|                                                                   |    |                                        |    |           |        |
|-------------------------------------------------------------------|----|----------------------------------------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 2,916,608                              | \$ | 2,917,005 | 126625 |
| <br>                                                              |    |                                        |    |           |        |
| <b>Section 253.10.</b>                                            |    | <b>DEN STATE DENTAL BOARD</b>          |    |           | 126627 |
| <br>                                                              |    |                                        |    |           |        |
| General Services Fund Group                                       |    |                                        |    |           | 126628 |
| 4K90 880609 Operating Expenses                                    | \$ | 1,566,484                              | \$ | 1,566,484 | 126629 |
| TOTAL GSF General Services Fund                                   |    |                                        |    |           | 126630 |
| Group                                                             | \$ | 1,566,484                              | \$ | 1,566,484 | 126631 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 1,566,484                              | \$ | 1,566,484 | 126632 |
| <br>                                                              |    |                                        |    |           |        |
| <b>Section 255.10.</b>                                            |    | <b>BDP BOARD OF DEPOSIT</b>            |    |           | 126634 |
| <br>                                                              |    |                                        |    |           |        |
| General Services Fund Group                                       |    |                                        |    |           | 126635 |
| 4M20 974601 Board of Deposit                                      | \$ | 1,876,000                              | \$ | 1,876,000 | 126636 |
| TOTAL GSF General Services Fund                                   |    |                                        |    |           | 126637 |
| Group                                                             | \$ | 1,876,000                              | \$ | 1,876,000 | 126638 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 1,876,000                              | \$ | 1,876,000 | 126639 |
| <br>                                                              |    |                                        |    |           |        |
| <b>BOARD OF DEPOSIT EXPENSE FUND</b>                              |    |                                        |    |           | 126640 |
| <br>                                                              |    |                                        |    |           |        |
| Upon receiving certification of expenses from the Treasurer       |    |                                        |    |           | 126641 |
| of State, the Director of Budget and Management shall transfer    |    |                                        |    |           | 126642 |
| cash from the Investment Earnings Redistribution Fund (Fund 6080) |    |                                        |    |           | 126643 |
| to the Board of Deposit Expense Fund (Fund 4M20). The latter fund |    |                                        |    |           | 126644 |
| shall be used pursuant to section 135.02 of the Revised Code to   |    |                                        |    |           | 126645 |
| pay for any and all necessary expenses of the Board of Deposit or |    |                                        |    |           | 126646 |
| for banking charges and fees required for the operation of the    |    |                                        |    |           | 126647 |
| State of Ohio Regular Account.                                    |    |                                        |    |           | 126648 |
| <br>                                                              |    |                                        |    |           |        |
| <b>Section 257.10.</b>                                            |    | <b>DEV DEVELOPMENT SERVICES AGENCY</b> |    |           | 126649 |
| <br>                                                              |    |                                        |    |           |        |
| General Revenue Fund                                              |    |                                        |    |           | 126650 |
| GRF 195402 Coal Research                                          | \$ | 261,205                                | \$ | 261,405   | 126651 |
| Operating                                                         |    |                                        |    |           |        |
| GRF 195405 Minority Business                                      | \$ | 1,693,691                              | \$ | 1,693,691 | 126652 |
| Development                                                       |    |                                        |    |           |        |
| GRF 195407 Travel and Tourism                                     | \$ | 1,300,000                              | \$ | 0         | 126653 |

|           |        |                                                                                   |    |             |    |             |        |
|-----------|--------|-----------------------------------------------------------------------------------|----|-------------|----|-------------|--------|
| GRF       | 195415 | Business Development<br>Services                                                  | \$ | 2,413,387   | \$ | 2,413,387   | 126654 |
| GRF       | 195426 | Redevelopment<br>Assistance                                                       | \$ | 468,365     | \$ | 468,365     | 126655 |
| GRF       | 195497 | CDBG Operating Match                                                              | \$ | 1,015,000   | \$ | 1,015,000   | 126656 |
| GRF       | 195501 | Appalachian Local<br>Development Districts                                        | \$ | 440,000     | \$ | 440,000     | 126657 |
| GRF       | 195532 | Technology Programs<br>and Grants                                                 | \$ | 13,547,341  | \$ | 13,547,341  | 126658 |
| GRF       | 195533 | Business Assistance                                                               | \$ | 4,205,774   | \$ | 4,205,774   | 126659 |
| GRF       | 195535 | Appalachia Assistance                                                             | \$ | 3,846,482   | \$ | 3,846,482   | 126660 |
| GRF       | 195537 | Ohio-Israel<br>Agricultural<br>Initiative                                         | \$ | 150,000     | \$ | 150,000     | 126661 |
| GRF       | 195901 | Coal Research &<br>Development General<br>Obligation Debt<br>Service              | \$ | 2,858,900   | \$ | 4,327,200   | 126662 |
| GRF       | 195905 | Third Frontier<br>Research &<br>Development General<br>Obligation Debt<br>Service | \$ | 66,511,600  | \$ | 83,783,000  | 126663 |
| GRF       | 195912 | Job Ready Site<br>Development General<br>Obligation Debt<br>Service               | \$ | 15,498,400  | \$ | 19,124,500  | 126664 |
| TOTAL GRF |        | General Revenue Fund                                                              | \$ | 114,210,145 | \$ | 135,276,145 | 126665 |
|           |        | General Services Fund Group                                                       |    |             |    |             | 126666 |
| 1350      | 195684 | Development Services<br>Operations                                                | \$ | 10,800,000  | \$ | 10,800,000  | 126667 |
| 4W10      | 195646 | Minority Business<br>Enterprise Loan                                              | \$ | 2,500,000   | \$ | 2,500,000   | 126668 |

|                                    |        |                                                      |    |            |    |            |        |
|------------------------------------|--------|------------------------------------------------------|----|------------|----|------------|--------|
| 5KN0                               | 195640 | Local Government<br>Innovation                       | \$ | 19,130,986 | \$ | 20,000,000 | 126669 |
| 5MB0                               | 195623 | Business Incentive<br>Grants                         | \$ | 15,000,000 | \$ | 0          | 126670 |
| 5MK0                               | 195600 | Vacant Facilities<br>Grant                           | \$ | 1,000,000  | \$ | 1,000,000  | 126671 |
| 5W50                               | 195690 | Travel and Tourism<br>Cooperative Projects           | \$ | 150,000    | \$ | 150,000    | 126672 |
| 6850                               | 195636 | Development Services<br>Reimbursable<br>Expenditures | \$ | 700,000    | \$ | 700,000    | 126673 |
| TOTAL GSF General Services Fund    |        |                                                      |    |            |    |            | 126674 |
| Group                              |        |                                                      | \$ | 49,280,986 | \$ | 35,150,000 | 126675 |
| Federal Special Revenue Fund Group |        |                                                      |    |            |    |            | 126676 |
| 3080                               | 195602 | Appalachian Regional<br>Commission                   | \$ | 475,000    | \$ | 475,000    | 126677 |
| 3080                               | 195603 | Housing Assistance<br>Programs                       | \$ | 10,000,000 | \$ | 10,000,000 | 126678 |
| 3080                               | 195609 | Small Business<br>Administration Grants              | \$ | 5,271,381  | \$ | 5,271,381  | 126679 |
| 3080                               | 195618 | Energy Grants                                        | \$ | 9,307,779  | \$ | 4,109,193  | 126680 |
| 3080                               | 195670 | Home Weatherization<br>Program                       | \$ | 17,000,000 | \$ | 17,000,000 | 126681 |
| 3080                               | 195671 | Brownfield<br>Redevelopment                          | \$ | 5,000,000  | \$ | 5,000,000  | 126682 |
| 3080                               | 195672 | Manufacturing<br>Extension Partnership               | \$ | 5,359,305  | \$ | 5,359,305  | 126683 |
| 3080                               | 195675 | Procurement Technical<br>Assistance                  | \$ | 600,000    | \$ | 600,000    | 126684 |
| 3080                               | 195681 | SBDC Disability<br>Consulting                        | \$ | 1,300,000  | \$ | 1,300,000  | 126685 |
| 3350                               | 195610 | Energy Programs                                      | \$ | 200,000    | \$ | 200,000    | 126686 |
| 3AE0                               | 195643 | Workforce Development                                | \$ | 1,800,000  | \$ | 1,800,000  | 126687 |



|                                  |        | Initiatives                                                               |    |             |    |             |        |
|----------------------------------|--------|---------------------------------------------------------------------------|----|-------------|----|-------------|--------|
| 3DB0                             | 195642 | Federal Stimulus -<br>Energy Efficiency &<br>Conservation Block<br>Grants | \$ | 38,152      | \$ | 0           | 126688 |
| 3FJ0                             | 195626 | Small Business<br>Capital Access and<br>Collateral<br>Enhancement Program | \$ | 32,046,846  | \$ | 5,655,326   | 126689 |
| 3FJ0                             | 195661 | Technology Targeted<br>Investment Program                                 | \$ | 12,750,410  | \$ | 2,250,072   | 126690 |
| 3K80                             | 195613 | Community Development<br>Block Grant                                      | \$ | 65,000,000  | \$ | 65,000,000  | 126691 |
| 3K90                             | 195611 | Home Energy<br>Assistance Block<br>Grant                                  | \$ | 172,000,000 | \$ | 172,000,000 | 126692 |
| 3K90                             | 195614 | HEAP Weatherization                                                       | \$ | 22,000,000  | \$ | 22,000,000  | 126693 |
| 3L00                             | 195612 | Community Services<br>Block Grant                                         | \$ | 27,240,217  | \$ | 27,240,217  | 126694 |
| 3V10                             | 195601 | HOME Program                                                              | \$ | 30,000,000  | \$ | 30,000,000  | 126695 |
| TOTAL FED                        |        | Federal Special Revenue                                                   |    |             |    |             | 126696 |
| Fund Group                       |        |                                                                           | \$ | 417,389,090 | \$ | 375,260,494 | 126697 |
| State Special Revenue Fund Group |        |                                                                           |    |             |    |             | 126698 |
| 4500                             | 195624 | Minority Business<br>Bonding Program<br>Administration                    | \$ | 74,868      | \$ | 74,905      | 126699 |
| 4510                             | 195649 | Business Assistance<br>Programs                                           | \$ | 6,300,800   | \$ | 6,700,800   | 126700 |
| 4F20                             | 195639 | State Special Projects                                                    | \$ | 102,145     | \$ | 102,104     | 126701 |
| 4F20                             | 195699 | Utility Community<br>Assistance                                           | \$ | 500,000     | \$ | 500,000     | 126702 |
| 5CG0                             | 195679 | Alternative Fuel<br>Transportation                                        | \$ | 750,000     | \$ | 750,000     | 126703 |

|                          |        |                                                                |    |             |    |             |        |
|--------------------------|--------|----------------------------------------------------------------|----|-------------|----|-------------|--------|
| 5HR0                     | 195526 | Incumbent Workforce<br>Training Vouchers                       | \$ | 30,000,000  | \$ | 30,000,000  | 126704 |
| 5HR0                     | 195622 | Defense Development<br>Assistance                              | \$ | 5,000,000   | \$ | 5,000,000   | 126705 |
| 5JR0                     | 195635 | Redevelopment Program<br>Support                               | \$ | 100,000     | \$ | 100,000     | 126706 |
| 5KP0                     | 195645 | Historic Rehab<br>Operating                                    | \$ | 650,000     | \$ | 650,000     | 126707 |
| 5LU0                     | 195673 | Racetrack Facility<br>Community Economic<br>Redevelopment Fund | \$ | 12,000,000  | \$ | 0           | 126708 |
| 5M40                     | 195659 | Low Income Energy<br>Assistance (USF)                          | \$ | 350,000,000 | \$ | 350,000,000 | 126709 |
| 5M50                     | 195660 | Advanced Energy Loan<br>Programs                               | \$ | 8,000,000   | \$ | 8,000,000   | 126710 |
| 5MH0                     | 195644 | SiteOhio<br>Administration                                     | \$ | 100,000     | \$ | 100,000     | 126711 |
| 5MJ0                     | 195683 | TourismOhio<br>Administration                                  | \$ | 7,000,000   | \$ | 8,000,000   | 126712 |
| 5W60                     | 195691 | International Trade<br>Cooperative Projects                    | \$ | 18,000      | \$ | 18,000      | 126713 |
| 6170                     | 195654 | Volume Cap<br>Administration                                   | \$ | 32,562      | \$ | 32,562      | 126714 |
| 6460                     | 195638 | Low- and Moderate-<br>Income Housing Trust<br>Fund             | \$ | 53,000,000  | \$ | 53,000,000  | 126715 |
| TOTAL SSR                |        | State Special Revenue                                          |    |             |    |             | 126716 |
| Fund Group               |        |                                                                | \$ | 473,628,375 | \$ | 463,028,371 | 126717 |
| Facilities Establishment |        | Fund Group                                                     |    |             |    |             | 126718 |
| 5S90                     | 195628 | Capital Access Loan<br>Program                                 | \$ | 3,000,000   | \$ | 3,000,000   | 126719 |
| 7009                     | 195664 | Innovation Ohio                                                | \$ | 15,000,000  | \$ | 15,000,000  | 126720 |
| 7010                     | 195665 | Research and                                                   | \$ | 22,000,000  | \$ | 22,000,000  | 126721 |

|       |        |                                                  |    |             |    |                    |
|-------|--------|--------------------------------------------------|----|-------------|----|--------------------|
|       |        | Development                                      |    |             |    |                    |
| 7037  | 195615 | Facilities                                       | \$ | 50,000,000  | \$ | 50,000,000 126722  |
|       |        | Establishment                                    |    |             |    |                    |
| TOTAL | 037    | Facilities                                       |    |             |    | 126723             |
|       |        | Establishment Fund Group                         | \$ | 90,000,000  | \$ | 90,000,000 126724  |
|       |        | Clean Ohio Revitalization Fund                   |    |             |    | 126725             |
| 7003  | 195663 | Clean Ohio Program                               | \$ | 950,000     | \$ | 950,000 126726     |
| TOTAL | 7003   | Clean Ohio                                       | \$ | 950,000     | \$ | 950,000 126727     |
|       |        | Revitalization Fund                              |    |             |    |                    |
|       |        | Third Frontier Research & Development Fund Group |    |             |    | 126728             |
| 7011  | 195686 | Third Frontier                                   | \$ | 1,149,750   | \$ | 1,149,750 126729   |
|       |        | Operating                                        |    |             |    |                    |
| 7011  | 195687 | Third Frontier                                   | \$ | 90,850,250  | \$ | 90,850,250 126730  |
|       |        | Research &                                       |    |             |    |                    |
|       |        | Development Projects                             |    |             |    |                    |
| 7014  | 195620 | Third Frontier                                   | \$ | 1,700,000   | \$ | 1,700,000 126731   |
|       |        | Operating - Tax                                  |    |             |    |                    |
| 7014  | 195692 | Research &                                       | \$ | 38,300,000  | \$ | 38,300,000 126732  |
|       |        | Development Taxable                              |    |             |    |                    |
|       |        | Bond Projects                                    |    |             |    |                    |
| TOTAL | 011    | Third Frontier Research &                        | \$ | 132,000,000 | \$ | 132,000,000 126733 |
|       |        | Development Fund Group                           |    |             |    |                    |
|       |        | Job Ready Site Development Fund Group            |    |             |    | 126734             |
| 7012  | 195688 | Job Ready Site                                   | \$ | 800,000     | \$ | 800,000 126735     |
|       |        | Development                                      |    |             |    |                    |
| TOTAL | 012    | Job Ready Site                                   | \$ | 800,000     | \$ | 800,000 126736     |
|       |        | Development Fund Group                           |    |             |    |                    |
|       |        | Tobacco Master Settlement Agreement Fund Group   |    |             |    | 126737             |
| M087  | 195435 | Biomedical Research                              | \$ | 1,896,595   | \$ | 1,906,025 126738   |
|       |        | and Technology                                   |    |             |    |                    |
|       |        | Transfer                                         |    |             |    |                    |
| TOTAL | TSF    | Tobacco Master Settlement                        | \$ | 1,896,595   | \$ | 1,906,025 126739   |

Agreement Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,280,155,191 \$ 1,234,371,035 126740

**Section 257.20.** COAL RESEARCH OPERATING 126742

The foregoing appropriation item 195402, Coal Research 126743  
Operating, shall be used for the operating expenses of the 126744  
Community Services Division in support of the Ohio Coal 126745  
Development Office. 126746

TRAVEL AND TOURISM 126747

The foregoing appropriation item 195407, Travel and Tourism, 126748  
shall be used for marketing the state of Ohio as a tourism 126749  
destination and to support administrative expenses and contracts 126750  
necessary to market Ohio. 126751

BUSINESS DEVELOPMENT SERVICES 126752

The foregoing appropriation item 195415, Business Development 126753  
Services, shall be used for the operating expenses of the Business 126754  
Services Division and the regional economic development offices 126755  
and for grants for cooperative economic development ventures. 126756

REDEVELOPMENT ASSISTANCE 126757

The foregoing appropriation item 195426, Redevelopment 126758  
Assistance, shall be used to fund the costs of administering the 126759  
Clean Ohio Revitalization program and other urban revitalization 126760  
programs that may be implemented by the Development Services 126761  
Agency. 126762

CDBG OPERATING MATCH 126763

The foregoing appropriation item 195497, CDBG Operating 126764  
Match, shall be used as matching funds for grants from the United 126765  
States Department of Housing and Urban Development pursuant to the 126766  
Housing and Community Development Act of 1974 and regulations and 126767  
policy guidelines for the programs pursuant thereto. 126768

APPALACHIAN LOCAL DEVELOPMENT DISTRICTS 126769

The foregoing appropriation item 195501, Appalachian Local 126770  
Development Districts, shall be used to support four local 126771  
development districts. Of the foregoing appropriation amount in 126772  
each fiscal year, up to \$135,000 shall be allocated to the Ohio 126773  
Valley Regional Development Commission, up to \$135,000 shall be 126774  
allocated to the Ohio Mid-Eastern Government Association, up to 126775  
\$135,000 shall be allocated to the Buckeye Hills-Hocking Valley 126776  
Regional Development District, and up to \$35,000 shall be 126777  
allocated to the Eastgate Regional Council of Governments. Local 126778  
development districts receiving funding under this section shall 126779  
use the funds for the implementation and administration of 126780  
programs and duties under section 107.21 of the Revised Code. 126781

TECHNOLOGY PROGRAMS AND GRANTS 126782

Of the foregoing appropriation item 195532, Technology 126783  
Programs and Grants, up to \$547,341 in each fiscal year shall be 126784  
used for operating expenses incurred in administering the Ohio 126785  
Third Frontier pursuant to sections 184.10 to 184.20 of the 126786  
Revised Code; and up to \$13,000,000 in each fiscal year shall be 126787  
used for the Thomas Edison Program pursuant to sections 122.28 to 126788  
122.38 of the Revised Code, of which not less than \$8,700,000 126789  
shall be allocated for the Edison Center Network entities defined 126790  
in division (C) of section 122.33 of the Revised Code, and not 126791  
more than ten per cent shall be used for operating expenses 126792  
incurred in administering the program. 126793

BUSINESS ASSISTANCE 126794

The foregoing appropriation item 195533, Business Assistance, 126795  
may be used to provide a range of business assistance, including 126796  
grants to local organizations to support economic development 126797  
activities that promote minority business development, small 126798  
business development, entrepreneurship, and exports of Ohio's 126799

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| goods and services. This appropriation item shall also be used as  | 126800 |
| matching funds for grants from the United States Small Business    | 126801 |
| Administration and other federal agencies, pursuant to Public Law  | 126802 |
| No. 96-302 as amended by Public Law No. 98-395, and regulations    | 126803 |
| and policy guidelines for the programs pursuant thereto.           | 126804 |
| APPALACHIA ASSISTANCE                                              | 126805 |
| The foregoing appropriation item 195535, Appalachia                | 126806 |
| Assistance, may be used for the administrative costs of planning   | 126807 |
| and liaison activities for the Governor's Office of Appalachia, to | 126808 |
| provide financial assistance to projects in Ohio's Appalachian     | 126809 |
| counties, and to pay dues for the Appalachian Regional Commission. | 126810 |
| These funds may be used to match federal funds from the            | 126811 |
| Appalachian Regional Commission.                                   | 126812 |
| OHIO-ISRAEL AGRICULTURE INITIATIVE                                 | 126813 |
| The foregoing appropriation item 195537, Ohio-Israel               | 126814 |
| Agricultural Initiative, shall be used for the Ohio-Israel         | 126815 |
| Agricultural Initiative.                                           | 126816 |
| COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE      | 126817 |
| The foregoing appropriation line item 195901, Coal Research        | 126818 |
| and Development General Obligation Debt Service, shall be used to  | 126819 |
| pay all debt service and related financing costs during the period | 126820 |
| July 1, 2013, through June 30, 2015 for obligations issued under   | 126821 |
| sections 151.01 and 151.07 of the Revised Code.                    | 126822 |
| THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT      | 126823 |
| SERVICE                                                            | 126824 |
| The foregoing appropriation item 195905, Third Frontier            | 126825 |
| Research & Development General Obligation Debt Service, shall be   | 126826 |
| used to pay all debt service and related financing costs during    | 126827 |
| the period from July 1, 2013, through June 30, 2015, on            | 126828 |
| obligations issued for research and development purposes under     | 126829 |

sections 151.01 and 151.10 of the Revised Code. 126830

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 126831

The foregoing appropriation item 195912, Job Ready Site 126832  
Development General Obligation Debt Service, shall be used to pay 126833  
all debt service and related financing costs during the period 126834  
from July 1, 2013, through June 30, 2015, on obligations issued 126835  
for job ready site development purposes under sections 151.01 and 126836  
151.11 of the Revised Code. 126837

**Section 257.30. DEVELOPMENT SERVICES OPERATIONS** 126838

The Director of Development Services may assess offices of 126839  
the agency for the cost of central service operations. An 126840  
assessment shall contain the characteristics of administrative 126841  
ease and uniform application. A division's payments shall be 126842  
credited to the Supportive Services Fund (Fund 1350) using an 126843  
intrastate transfer voucher. 126844

LOCAL GOVERNMENT INNOVATION FUND 126845

On July 1, 2013, or as soon as possible thereafter, the 126846  
Director of Budget and Management shall transfer \$3,000,000 in 126847  
cash from the General Revenue Fund to the Local Government 126848  
Innovation Fund (Fund 5KN0). On July 1, 2014, or as soon as 126849  
possible thereafter, the Director of Budget and Management shall 126850  
transfer \$4,000,000 in cash from the General Revenue Fund to the 126851  
Local Government Innovation Fund (5KN0). 126852

The foregoing appropriation item 195640, Local Government 126853  
Innovation, shall be used for the purposes of making loans and 126854  
grants to political subdivisions under the Local Government 126855  
Innovation Program in accordance with sections 189.01 to 189.10 of 126856  
the Revised Code. Notwithstanding section 189.04 of the Revised 126857  
Code, of the foregoing appropriation item 195640, Local Government 126858  
Innovation, up to \$3,000,000 in fiscal year 2014 and \$4,000,000 in 126859

fiscal year 2015 shall be used for grants under the Local 126860  
Government Innovation Program established in section 189.02 of the 126861  
Revised Code, and up to \$175,000 in each fiscal year shall be used 126862  
for administrative costs incurred by the Development Services 126863  
Agency. 126864

TRAVEL AND TOURISM COOPERATIVE PROJECTS 126865

The foregoing appropriation item 195690, Travel and Tourism 126866  
Cooperative Projects, shall consist solely of leveraged private 126867  
sector paid advertising dollars received in tourism marketing 126868  
assistance and co-op programs. These funds are to be used for the 126869  
marketing and promotion of travel and tourism in Ohio. 126870

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 126871

The foregoing appropriation item 195636, Development Services 126872  
Reimbursable Expenditures, shall be used for reimbursable costs 126873  
incurred by the agency. Revenues to the General Reimbursement Fund 126874  
(Fund 6850) shall consist of moneys charged for administrative 126875  
costs that are not central service costs. 126876

**Section 257.40.** WORKFORCE DEVELOPMENT INITIATIVES 126877

Of the foregoing appropriation item 195643, Workforce 126878  
Development Initiatives, \$500,000 in fiscal year 2014 shall be 126879  
used to fund the Heavy Machinery Pilot Program at Central Ohio 126880  
Technical College for tuition support and reimbursement to train 126881  
approximately 30 students for careers in construction and the oil 126882  
and gas industries in Eastern Ohio and statewide. 126883

HEAP WEATHERIZATION 126884

Not less than fifteen per cent of the federal funds deposited 126885  
to the credit of the Home Energy Assistance Block Grant Fund (Fund 126886  
3K90) shall be expended from appropriation item 195614, HEAP 126887  
Weatherization, to provide home weatherization services in the 126888  
state as determined by the Director of Development Services. Any 126889



transfers or increases in appropriation for the foregoing 126890  
appropriation items 195614, HEAP Weatherization, or 195611, Home 126891  
Energy Assistance Block Grant, shall be subject to approval by the 126892  
Controlling Board. 126893

**Section 257.50. BUSINESS ASSISTANCE PROGRAMS** 126894

The foregoing appropriation item 195649, Business Assistance 126895  
Programs, shall be used for administrative expenses associated 126896  
with the operation of tax credit programs, loan servicing, the 126897  
Ohio Film Office, workforce initiatives, and the Office of 126898  
Strategic Business Investments, and for payments to the JobsOhio 126899  
corporation established in Chapter 187. of the Revised Code for 126900  
services provided for the administration of the 166 Direct Loan 126901  
Program, Ohio Enterprise Bond Fund, Research and Development Loan 126902  
Program, and Innovation Ohio Loan Program. 126903

**STATE SPECIAL PROJECTS** 126904

The State Special Projects Fund (Fund 4F20), may be used for 126905  
the deposit of private-sector funds from utility companies and for 126906  
the deposit of other miscellaneous state funds. State moneys so 126907  
deposited may also be used to match federal housing grants for the 126908  
homeless. 126909

**MINORITY BUSINESS ENTERPRISE LOAN** 126910

All repayments from the Minority Development Financing 126911  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 126912  
Program shall be deposited in the State Treasury to the credit of 126913  
the Minority Business Enterprise Loan Fund (Fund 4W10). 126914

**MINORITY BUSINESS BONDING FUND** 126915

Notwithstanding Chapters 122., 169., and 175. of the Revised 126916  
Code, the Director of Development Services may, upon the 126917  
recommendation of the Minority Development Financing Advisory 126918  
Board, pledge up to \$10,000,000 in the fiscal year 2014-fiscal 126919

year 2015 biennium of unclaimed funds administered by the Director 126920  
of Commerce and allocated to the Minority Business Bonding Program 126921  
under section 169.05 of the Revised Code. 126922

If needed for the payment of losses arising from the Minority 126923  
Business Bonding Program, the Director of Budget and Management 126924  
may, at the request of the Director of Development Services, 126925  
request that the Director of Commerce transfer unclaimed funds 126926  
that have been reported by holders of unclaimed funds under 126927  
section 169.05 of the Revised Code to the Minority Bonding Fund 126928  
(Fund 4490). The transfer of unclaimed funds shall only occur 126929  
after proceeds of the initial transfer of \$2,700,000 by the 126930  
Controlling Board to the Minority Business Bonding Program have 126931  
been used for that purpose. If expenditures are required for 126932  
payment of losses arising from the Minority Business Bonding 126933  
Program, such expenditures shall be made from appropriation item 126934  
195658, Minority Business Bonding Contingency in the Minority 126935  
Business Bonding Fund, and such amounts are hereby appropriated. 126936

INCUMBENT WORKFORCE TRAINING VOUCHERS 126937

(A) The Director of Budget and Management may transfer up to 126938  
\$30,000,000 cash in each fiscal year from the Economic Development 126939  
Programs Fund (Fund 5JC0) used by the Board of Regents to the Ohio 126940  
Incumbent Workforce Job Training Fund (Fund 5HR0) used by the 126941  
Development Services Agency. 126942

(B) Of the foregoing appropriation item 195526, Incumbent 126943  
Workforce Training Vouchers, up to \$30,000,000 in each fiscal year 126944  
shall be used to support the Ohio Incumbent Workforce Training 126945  
Voucher Program. 126946

(C) The Ohio Incumbent Workforce Training Voucher Program 126947  
shall conform to guidelines for the operation of the program, 126948  
including, but not limited to, the following: 126949

(1) A requirement that a training voucher under the program 126950

shall not exceed \$6,000 per worker per year; 126951

(2) A provision for an employer of an eligible employee to 126952  
apply for a voucher on behalf of the eligible employee; 126953

(3) A provision for an eligible employee to apply directly 126954  
for a training voucher with the pre-approval of the employee's 126955  
employer; and 126956

(4) A requirement that an employee participating in the 126957  
program, or the employee's employer, shall pay for not less than 126958  
thirty-three per cent of the training costs under the program. 126959

On July 1, 2014, or as soon as possible thereafter, the 126960  
Director of Development Services may request that the Director of 126961  
Budget and Management reappropriate any unexpended, unencumbered 126962  
balance of the prior fiscal year's appropriation to the foregoing 126963  
appropriation item 195526, Incumbent Workforce Training Vouchers, 126964  
for fiscal year 2015. The Director of Budget and Management may 126965  
request additional information necessary for evaluating the 126966  
request, and the Director of Development Services shall provide 126967  
the requested information to the Director of Budget and 126968  
Management. Based on the information provided by the Director of 126969  
Development Services, the Director of Budget and Management shall 126970  
determine the amount to be reappropriated, and those amounts are 126971  
hereby reappropriated for fiscal year 2015. 126972

DEFENSE DEVELOPMENT ASSISTANCE 126973

The Director of Budget and Management may transfer up to 126974  
\$5,000,000 in cash in each fiscal year from the Economic 126975  
Development Programs Fund (Fund 5JC0) used by the Board of Regents 126976  
to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used 126977  
by the Development Services Agency. The transferred funds shall be 126978  
used for appropriation item 195622, Defense Development 126979  
Assistance, for economic development programs and the creation of 126980  
new jobs to leverage and support mission gains at Department of 126981

Defense facilities in Ohio by working with future base realignment 126982  
and closure activities and ongoing Department of Defense 126983  
efficiency initiatives, assisting efforts to secure Department of 126984  
Defense support contracts for Ohio companies, assessing and 126985  
supporting regional job training and workforce development needs 126986  
generated by the Department of Defense and the Ohio aerospace 126987  
industry, and for expanding job training and economic development 126988  
programs in human performance related initiatives. A portion of 126989  
these funds shall be matched by private industry partners or the 126990  
Department of Defense. 126991

On July 1, 2014, or as soon as possible thereafter, the 126992  
Director of Development Services may request that the Director of 126993  
Budget and Management reappropriate any unexpended, unencumbered 126994  
balance of the prior fiscal year's appropriation to the foregoing 126995  
appropriation item 195622, Defense Development Assistance, for 126996  
fiscal year 2015. The Director of Budget and Management may 126997  
request additional information necessary for evaluating the 126998  
request, and the Director of Development Services shall provide 126999  
the requested information to the Director of Budget and 127000  
Management. Based on the information provided by the Director of 127001  
Development Services, the Director of Budget and Management shall 127002  
determine the amount to be reappropriated, and those amounts are 127003  
hereby reappropriated for fiscal year 2015. 127004

ADVANCED ENERGY LOAN PROGRAMS 127005

The foregoing appropriation item 195660, Advanced Energy Loan 127006  
Programs, shall be used to provide financial assistance to 127007  
customers for eligible advanced energy projects for residential, 127008  
commercial, and industrial business, local government, educational 127009  
institution, nonprofit, and agriculture customers, and to pay for 127010  
the program's administrative costs as provided in sections 4928.61 127011  
to 4928.63 of the Revised Code and rules adopted by the Director 127012  
of Development Services. 127013

|                                                                                                                                                                                                                                                                                                                                                                                                   |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| VOLUME CAP ADMINISTRATION                                                                                                                                                                                                                                                                                                                                                                         | 127014                                                   |
| The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.                                 | 127015<br>127016<br>127017<br>127018<br>127019<br>127020 |
| <b>Section 257.60. CAPITAL ACCESS LOAN PROGRAM</b>                                                                                                                                                                                                                                                                                                                                                | 127021                                                   |
| The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing. | 127022<br>127023<br>127024<br>127025<br>127026<br>127027 |
| INNOVATION OHIO LOAN FUND                                                                                                                                                                                                                                                                                                                                                                         | 127028                                                   |
| The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.                                                                                                                                                           | 127029<br>127030<br>127031<br>127032                     |
| RESEARCH AND DEVELOPMENT                                                                                                                                                                                                                                                                                                                                                                          | 127033                                                   |
| The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.                                                                                                                                                            | 127034<br>127035<br>127036<br>127037                     |
| FACILITIES ESTABLISHMENT                                                                                                                                                                                                                                                                                                                                                                          | 127038                                                   |
| The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.                                                                                                                                                                                                        | 127039<br>127040<br>127041<br>127042                     |

Notwithstanding Chapter 166. of the Revised Code, an amount 127043  
not to exceed \$3,000,000 in cash in each fiscal year may be 127044  
transferred from the Facilities Establishment Fund (Fund 7037) to 127045  
the Business Assistance Fund (Fund 4510). The transfer is subject 127046  
to Controlling Board approval under division (B) of section 166.03 127047  
of the Revised Code. 127048

Notwithstanding Chapter 166. of the Revised Code, the 127049  
Director of Budget and Management may transfer an amount not to 127050  
exceed \$1,000,000 in cash in each fiscal year from the Facilities 127051  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 127052  
Loan Fund (Fund 4W10). 127053

Notwithstanding Chapter 166. of the Revised Code, the 127054  
Director of Budget and Management may transfer an amount not to 127055  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 127056  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 127057  
(Fund 5S90). 127058

**Section 257.70. CLEAN OHIO OPERATING EXPENSES** 127059

The foregoing appropriation item 195663, Clean Ohio Program, 127060  
shall be used by the Development Services Agency in administering 127061  
Clean Ohio Revitalization Fund (Fund 7003) projects pursuant to 127062  
sections 122.65 to 122.658 of the Revised Code. 127063

**Section 257.80. THIRD FRONTIER OPERATING** 127064

The foregoing appropriation items 195686, Third Frontier 127065  
Operating, and 195620, Third Frontier Operating - Tax, shall be 127066  
used for operating expenses incurred by the Development Services 127067  
Agency in administering projects pursuant to sections 184.10 to 127068  
184.20 of the Revised Code. Operating expenses paid from item 127069  
195686 shall be limited to the administration of projects funded 127070  
from the Third Frontier Research & Development Fund (Fund 7011) 127071  
and operating expenses paid from item 195620 shall be limited to 127072

the administration of projects funded from the Third Frontier 127073  
Research & Development Taxable Bond Project Fund (Fund 7014). 127074

THIRD FRONTIER RESEARCH AND DEVELOPMENT PROJECTS AND RESEARCH 127075  
AND DEVELOPMENT TAXABLE BOND PROJECTS 127076

The foregoing appropriation items 195687, Third Frontier 127077  
Research & Development Projects, 195692, Research & Development 127078  
Taxable Bond Projects, and 195620, Third Frontier Operating - Tax, 127079  
shall be used by the Development Services Agency to fund selected 127080  
projects. Eligible costs are those costs of research and 127081  
development projects to which the proceeds of the Third Frontier 127082  
Research & Development Fund (Fund 7011) and the Research & 127083  
Development Taxable Bond Project Fund (Fund 7014) are to be 127084  
applied. 127085

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 127086

The Director of Budget and Management may approve written 127087  
requests from the Director of Development Services for the 127088  
transfer of appropriations between appropriation items 195687, 127089  
Third Frontier Research & Development Projects, and 195692, 127090  
Research & Development Taxable Bond Projects, based upon awards 127091  
recommended by the Third Frontier Commission. The transfers are 127092  
subject to approval by the Controlling Board. 127093

In fiscal year 2015, the Director of Development Services may 127094  
request that the Director of Budget and Management reappropriate 127095  
any unexpended, unencumbered balances of the prior fiscal year's 127096  
appropriation to the foregoing appropriation items 195687, Third 127097  
Frontier Research & Development Projects, and 195692, Research & 127098  
Development Taxable Bond Projects, for fiscal year 2015. The 127099  
Director of Budget and Management may request additional 127100  
information necessary for evaluating these requests, and the 127101  
Director of Development Services shall provide the requested 127102  
information to the Director of Budget and Management. Based on the 127103

information provided by the Director of Development Services, the 127104  
Director of Budget and Management shall determine the amounts to 127105  
be reappropriated, and those amounts are hereby reappropriated for 127106  
fiscal year 2015. 127107

**AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS** 127108

The Ohio Public Facilities Commission is hereby authorized to 127109  
issue and sell, in accordance with Section 2p of Article VIII, 127110  
Ohio Constitution, and particularly sections 151.01 and 151.10 of 127111  
the Revised Code, original obligations of the State of Ohio in an 127112  
aggregate amount not to exceed \$350,000,000 in addition to the 127113  
original issuance of obligations authorized by prior acts of the 127114  
General Assembly. The authorized obligations shall be issued and 127115  
sold from time to time and in amounts necessary to ensure 127116  
sufficient moneys to the credit of the Third Frontier Research and 127117  
Development Fund (Fund 7011) and the Third Frontier Research and 127118  
Development Taxable Bond Fund (Fund 7014) to pay costs of research 127119  
and development projects. 127120

**Section 257.90. JOB READY SITE PROGRAM** 127121

The foregoing appropriation item 195688, Job Ready Site 127122  
Development, shall be used for operating expenses incurred by the 127123  
Development Services Agency in administering Job Ready Site 127124  
Development Fund (Fund 7012) projects pursuant to sections 122.085 127125  
to 122.0820 of the Revised Code. Operating expenses include, but 127126  
are not limited to, certain qualified expenses of the District 127127  
Public Works Integrating Committees, as applicable, engineering 127128  
review of submitted applications by the State Architect or a 127129  
third-party engineering firm, audit and accountability activities, 127130  
and costs associated with formal certifications verifying that 127131  
site infrastructure is in place and is functional. 127132

**Section 257.110. (A) ASSORTED TRANSFERS FOR RESTRUCTURING** 127133



On July 1, 2013, or as soon as possible thereafter, the 127134  
Director of Budget and Management may transfer up to the cash 127135  
balances in the Tax Incentive Program Operating Fund (Fund 4S00) 127136  
and the Tax Credit Operating Fund (Fund 4S10) to the Business 127137  
Assistance Fund (Fund 4510). 127138

On July 1, 2013, or as soon as possible thereafter, the 127139  
Director of Budget and Management may transfer up to the cash 127140  
balances in the Family Farm Loan Fund (Fund 5H10) and the First 127141  
Frontier Fund (Fund 4H40) to the Facility Establishment Fund (Fund 127142  
7037). 127143

On July 1, 2013, or as soon as possible thereafter, the 127144  
Director of Budget and Management may transfer up to the cash 127145  
balance in the Brownfield Stormwater Loan Fund (Fund 5KD0) to the 127146  
New Markets Tax Credit Program Fund (Fund 5JR0). 127147

On July 1, 2013, or as soon as possible thereafter, the 127148  
Director of Budget and Management may transfer up to the cash 127149  
balances in the Water and Sewer Fund (Fund 4440) and the Water and 127150  
Sewer Administrative Fund (Fund 6110) to the General 127151  
Reimbursements Fund (Fund 6850). 127152

On July 1, 2013, or as soon as possible thereafter, the 127153  
Director of Budget and Management may transfer up to the cash 127154  
balance in the Local Government Services Collaboration Grant Fund 127155  
(Fund 7088) to the Local Government Innovation Fund (Fund 5KN0). 127156

(B) ABOLISHMENT OF FUNDS 127157

On July 1, 2013, or as soon as possible thereafter, upon 127158  
completion of a transfer of the cash balance in a fund as 127159  
described in division (A) of this section by the Director of 127160  
Budget and Management, notwithstanding the establishment authority 127161  
of the fund, the fund is hereby abolished. 127162

On July 1, 2013, or as soon as possible thereafter, the 127163  
Director of Budget and Management shall transfer the cash balance 127164

in the Exempt Facility Inspection Fund (Fund 5X10) to the Advanced Energy Fund (Fund 5M50). After completion of the transfer and on the effective date of its repeal by this act, Fund 5X10 shall be abolished.

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Rapid Outreach Loan Fund (Fund 7022) to the Facilities Establishment Fund (Fund 7037). After completion of the transfer and on the effective date of its repeal by this act, Fund 7022 shall be abolished.

The following funds, which, like Funds 5HJ0, 5X10, and 7022, were created in the Revised Code, are determined to be dormant and shall be abolished on the effective date of their repeal by this act: Diesel Emissions Grant Fund (Fund 3BD0), Shovel Ready Sites Fund (Fund 5CA0), Energy Projects Fund (Fund 5DU0), Business Development and Assistance Fund (Fund 5LK0), Clean Ohio Revitalization Revolving Loan Fund (Fund 7007), and Logistics & Distribution Infrastructure Taxable Bond Fund (Fund 7048).

(C) ELIMINATION OF DORMANT FUNDS

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management may determine whether the following funds are dormant. If the Director of Budget and Management determines a fund to be dormant, notwithstanding the establishment authority of the fund, the fund is hereby abolished. The funds are:

| Fund Number | Fund Name               |  |
|-------------|-------------------------|--|
| 1360        | International Trade     |  |
| 3800        | Ohio Housing Agency     |  |
| 3BJ0        | TANF Heating Assistance |  |
| 3X30        | TANF Housing            |  |
| 4450        | OHFA Administration     |  |

|                                                                     |                      |                                   |                |                |        |
|---------------------------------------------------------------------|----------------------|-----------------------------------|----------------|----------------|--------|
| 4480                                                                |                      | Ohio Coal Development             |                |                | 127196 |
| 4D00                                                                |                      | Public & Private Assistance       |                |                | 127197 |
| 5CV0                                                                |                      | Defense Conversion Assistance     |                |                | 127198 |
| 5D10                                                                |                      | Port Authority Bond Reserves      |                |                | 127199 |
| 5D20                                                                |                      | Urban Redevelopment Loan          |                |                | 127200 |
| 5F70                                                                |                      | Local Government Y2K Loan Program |                |                | 127201 |
| 5X50                                                                |                      | Family Homelessness Prevention    |                |                | 127202 |
|                                                                     |                      | Pilot                             |                |                |        |
| 5Y60                                                                |                      | Economic Development Contingency  |                |                | 127203 |
| 5Z30                                                                |                      | Jobs                              |                |                | 127204 |
| QA70                                                                |                      | Electric Revenue Development      |                |                | 127205 |
| <b>Section 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES</b> |                      |                                   |                |                | 127206 |
| General Revenue Fund                                                |                      |                                   |                |                | 127207 |
| GRF                                                                 | 320412               | Protective Services               | \$ 1,918,196   | \$ 1,918,196   | 127208 |
| GRF                                                                 | 320415               | Lease-Rental Payments             | \$ 15,843,300  | \$ 16,076,700  | 127209 |
| GRF                                                                 | 322420               | Screening and Early               | \$ 300,000     | \$ 300,000     | 127210 |
|                                                                     |                      | Intervention                      |                |                |        |
| GRF                                                                 | 322451               | Family Support                    | \$ 5,932,758   | \$ 5,932,758   | 127211 |
|                                                                     |                      | Services                          |                |                |        |
| GRF                                                                 | 322501               | County Boards                     | \$ 44,449,280  | \$ 44,449,280  | 127212 |
|                                                                     |                      | Subsidies                         |                |                |        |
| GRF                                                                 | 322503               | Tax Equity                        | \$ 14,000,000  | \$ 14,000,000  | 127213 |
| GRF                                                                 | 322507               | County Board Case                 | \$ 2,500,000   | \$ 2,500,000   | 127214 |
|                                                                     |                      | Management                        |                |                |        |
| GRF                                                                 | 322508               | Employment First                  | \$ 3,000,000   | \$ 3,000,000   | 127215 |
|                                                                     |                      | Pilot Program                     |                |                |        |
| GRF                                                                 | 653321               | Medicaid Program                  | \$ 6,186,694   | \$ 6,186,694   | 127216 |
|                                                                     |                      | Support - State                   |                |                |        |
| GRF                                                                 | 653407               | Medicaid Services                 | \$ 430,056,111 | \$ 435,574,237 | 127217 |
| TOTAL GRF                                                           | General Revenue Fund |                                   | \$ 524,186,339 | \$ 529,937,865 | 127218 |
| General Services Fund Group                                         |                      |                                   |                |                | 127219 |

|                                    |        |                                            |    |               |    |               |        |
|------------------------------------|--------|--------------------------------------------|----|---------------|----|---------------|--------|
| 1520                               | 653609 | DC and Residential<br>Operating Services   | \$ | 3,414,317     | \$ | 3,414,317     | 127220 |
| TOTAL                              | GSF    | General Services Fund<br>Group             | \$ | 3,414,317     | \$ | 3,414,317     | 127221 |
| Federal Special Revenue Fund Group |        |                                            |    |               |    |               | 127222 |
| 3A50                               | 320613 | DD Council                                 | \$ | 3,297,656     | \$ | 3,324,187     | 127223 |
| 3250                               | 322612 | Community Social<br>Service Programs       | \$ | 10,604,896    | \$ | 10,604,896    | 127224 |
| 3A40                               | 653604 | DC & ICF/MR Program<br>Support             | \$ | 8,013,611     | \$ | 8,013,611     | 127225 |
| 3A40                               | 653605 | DC and Residential<br>Services and Support | \$ | 159,548,565   |    | 159,548,565   | 127226 |
| 3A40                               | 653653 | ICF/MR                                     | \$ | 354,712,840   | \$ | 353,895,717   | 127227 |
| 3G60                               | 653639 | Medicaid Waiver<br>Services                | \$ | 932,073,249   | \$ | 1,022,485,423 | 127228 |
| 3G60                               | 653640 | Medicaid Waiver<br>Program Support         | \$ | 36,934,303    | \$ | 36,170,872    | 127229 |
| 3M70                               | 653650 | CAFS Medicaid                              | \$ | 3,000,000     | \$ | 3,000,000     | 127230 |
| TOTAL                              | FED    | Federal Special Revenue<br>Fund Group      | \$ | 1,508,185,120 | \$ | 1,597,043,271 | 127231 |
| State Special Revenue Fund Group   |        |                                            |    |               |    |               | 127232 |
| 5GE0                               | 320606 | Operating and<br>Services                  | \$ | 7,407,297     | \$ | 7,407,297     | 127233 |
| 2210                               | 322620 | Supplement Service<br>Trust                | \$ | 150,000       | \$ | 150,000       | 127234 |
| 5DJ0                               | 322625 | Targeted Case<br>Management Match          | \$ | 33,750,000    | \$ | 37,260,000    | 127235 |
| 5DK0                               | 322629 | Capital Replacement<br>Facilities          | \$ | 750,000       | \$ | 750,000       | 127236 |
| 5H00                               | 322619 | Medicaid Repayment                         | \$ | 160,000       | \$ | 160,000       | 127237 |
| 5JX0                               | 322651 | Interagency Workgroup<br>- Autism          | \$ | 45,000        |    | 45,000        | 127238 |

|                  |                       |                                      |    |               |    |               |        |
|------------------|-----------------------|--------------------------------------|----|---------------|----|---------------|--------|
| 4890             | 653632                | DC Direct Care<br>Services           | \$ | 16,497,169    | \$ | 16,497,169    | 127239 |
| 5CT0             | 653607                | Intensive Behavioral<br>Needs        | \$ | 1,000,000     | \$ | 1,000,000     | 127240 |
| 5DJ0             | 653626                | Targeted Case<br>Management Services | \$ | 91,740,000    | \$ | 100,910,000   | 127241 |
| 5EV0             | 653627                | Medicaid Program<br>Support          | \$ | 685,000       | \$ | 685,000       | 127242 |
| 5GE0             | 653606                | ICF/MR and Waiver<br>Match           | \$ | 40,353,139    | \$ | 39,106,638    | 127243 |
| 5S20             | 653622                | Medicaid Admin and<br>Oversight      | \$ | 17,341,201    | \$ | 19,032,154    | 127244 |
| 5Z10             | 653624                | County Board Waiver<br>Match         | \$ | 284,740,000   | \$ | 336,480,000   | 127245 |
| TOTAL SSR        | State Special Revenue |                                      | \$ | 494,618,806   | \$ | 559,483,258   | 127246 |
| Fund Group       |                       |                                      |    |               |    |               |        |
| TOTAL ALL BUDGET | FUND GROUPS           |                                      | \$ | 2,530,404,582 | \$ | 2,689,878,711 | 127247 |

**Section 259.20. LEASE-RENTAL PAYMENTS** 127249

The foregoing appropriation item 320415, Lease-Rental 127250  
 Payments, shall be used to meet all payments at the times they are 127251  
 required to be made during the period from July 1, 2013, through 127252  
 June 30, 2015, by the Department of Developmental Disabilities 127253  
 under leases and agreements made under section 154.20 of the 127254  
 Revised Code. These appropriations are the source of funds pledged 127255  
 for bond service charges on related obligations issued under 127256  
 Chapter 154. of the Revised Code. 127257

**Section 259.30. SCREENING AND EARLY INTERVENTION** 127258

The foregoing appropriation item 322420, Screening and Early 127259  
 Intervention, shall be used for screening and early intervention 127260  
 programs for children with autism selected by the Director of 127261  
 Developmental Disabilities. 127262

**Section 259.40.** FAMILY SUPPORT SERVICES SUBSIDY 127263

The foregoing appropriation item 322451, Family Support 127264  
Services, may be used as follows in fiscal year 2014 and fiscal 127265  
year 2015: 127266

(A) The appropriation item may be used to provide a subsidy 127267  
to county boards of developmental disabilities for family support 127268  
services provided under section 5126.11 of the Revised Code. The 127269  
subsidy shall be paid in quarterly installments and allocated to 127270  
county boards according to a formula the Director of Developmental 127271  
Disabilities shall develop in consultation with representatives of 127272  
county boards. A county board shall use not more than seven per 127273  
cent of its subsidy for administrative costs. 127274

(B) The appropriation item may be used to distribute funds to 127275  
county boards for the purpose of addressing economic hardships and 127276  
to promote efficiency of operations. In consultation with 127277  
representatives of county boards, the Director shall determine the 127278  
amount of funds to distribute for these purposes and the criteria 127279  
for distributing the funds. 127280

**Section 259.50.** STATE SUBSIDY TO COUNTY DD BOARDS 127281

(A) Except as provided in the section of this act titled 127282  
"NONFEDERAL SHARE OF ICF/MR SERVICES," the foregoing appropriation 127283  
item 322501, County Boards Subsidies, shall be used for the 127284  
following purposes: 127285

(1) To provide a subsidy to county boards of developmental 127286  
disabilities in quarterly installments and allocated according to 127287  
a formula developed by the Director of Developmental Disabilities 127288  
in consultation with representatives of county boards. Except as 127289  
provided in section 5126.0511 of the Revised Code or in division 127290  
(B) of this section, county boards shall use the subsidy for early 127291  
childhood services and adult services provided under section 127292

5126.05 of the Revised Code, service and support administration 127293  
provided under section 5126.15 of the Revised Code, or supported 127294  
living as defined in section 5126.01 of the Revised Code. 127295

(2) To provide funding, as determined necessary by the 127296  
Director, for residential services, including room and board, and 127297  
support service programs that enable individuals with 127298  
developmental disabilities to live in the community. 127299

(3) To distribute funds to county boards of developmental 127300  
disabilities to address economic hardships and promote efficiency 127301  
of operations. The Director shall determine, in consultation with 127302  
representatives of county boards, the amount of funds to 127303  
distribute for these purposes and the criteria for distributing 127304  
the funds. 127305

(B) In collaboration with the county's family and children 127306  
first council, a county board of developmental disabilities may 127307  
transfer portions of funds received under this section, to a 127308  
flexible funding pool in accordance with the section of this act 127309  
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 127310

**Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES** 127311

As used in this section, "home and community-based services" 127312  
has the same meaning as in section 5123.01 of the Revised Code. 127313

The Director of Developmental Disabilities shall establish a 127314  
methodology to be used in fiscal year 2014 and fiscal year 2015 to 127315  
estimate the quarterly amount each county board of developmental 127316  
disabilities is to pay of the nonfederal share of home and 127317  
community-based services that section 5126.0510 of the Revised 127318  
Code requires county boards to pay. Each quarter, the Director 127319  
shall submit to a county board written notice of the amount the 127320  
county board is to pay for that quarter. The notice shall specify 127321  
when the payment is due. 127322

**Section 259.70. TAX EQUITY** 127323

Notwithstanding section 5126.18 of the Revised Code, the 127324  
foregoing appropriation item 322503, Tax Equity, may be used to 127325  
distribute funds to county boards of developmental disabilities to 127326  
address economic hardships and promote efficiency of operations. 127327  
The Director of Developmental Disabilities shall determine, in 127328  
consultation with representatives of county boards, the amount of 127329  
funds to distribute for these purposes and the criteria for 127330  
distributing the funds. 127331

**Section 259.80. MEDICAID SERVICES** 127332

Except as provided in section 5123.0416 of the Revised Code, 127333  
the purposes for which the foregoing appropriation item 653407, 127334  
Medicaid Services, shall be used include the following: 127335

(A) Home and community-based services, as defined in section 127336  
5123.01 of the Revised Code; 127337

(B) Implementation of the requirements of the agreement 127338  
settling the consent decree in *Sermak v. Manuel*, Case No. 127339  
C-2-80-220, United States District Court for the Southern District 127340  
of Ohio, Eastern Division; 127341

(C) Implementation of the requirements of the agreement 127342  
settling the consent decree in the *Martin v. Strickland*, Case No. 127343  
89-CV-00362, United States District Court for the Southern 127344  
District of Ohio, Eastern Division; 127345

(D) ICF/MR services, as defined in section 5124.01 of the 127346  
Revised Code; 127347

(E) Other programs as identified by the Director of 127348  
Developmental Disabilities. 127349

**Section 259.90. EMPLOYMENT FIRST PILOT PROGRAM** 127350



The foregoing appropriation item 322508, Employment First Pilot Program, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First Pilot Program, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Rehabilitation Services Commission an amount agreed upon by the Director of Developmental Disabilities and the Administrator of the Rehabilitation Services Commission. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Pilot Program. The Rehabilitation Services Commission shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Rehabilitation Services Commission shall be used for the pilot program. The Director of Developmental Disabilities and the Administrator of the Rehabilitation Services Commission shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the pilot program. Under the interagency agreement, the Rehabilitation Services Commission shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Pilot Program, shall be used to develop a long term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5126.01 of the Revised Code.

**Section 259.100.** EMPLOYMENT FIRST TASKFORCE FUND 127382

If an employment first task force is established by the 127383  
Director of Developmental Disabilities in accordance with section 127384  
5123.023 of the Revised Code, the Director of Budget and 127385  
Management shall establish an appropriation item from the 127386  
Employment First Taskforce Fund for use by the Department of 127387  
Developmental Disabilities to support the work of the task force. 127388  
In fiscal year 2014 and fiscal year 2015, if an employment first 127389  
task force is established, the Director of Developmental 127390  
Disabilities shall certify to the Director of Budget and 127391  
Management the appropriation amounts necessary for the Department 127392  
of Developmental Disabilities to fulfill its obligation to support 127393  
the work of the task force. Once the certification required under 127394  
this section has been submitted and approved by the Director of 127395  
Budget and Management, the appropriations established under this 127396  
section are hereby appropriated in the amounts approved by the 127397  
Director of Budget and Management. 127398

**Section 259.110.** TRANSFER TO OPERATING AND SERVICES FUND 127399

On July 1, 2013, or as soon as possible thereafter, the 127400  
Director of Developmental Disabilities shall request the Director 127401  
of Budget and Management to transfer the cash balance in the Home 127402  
and Community-Based Services Fund (Fund 4K80) to the Operating and 127403  
Services Fund (Fund 5GE0). Upon completion of the transfer, Fund 127404  
4K80 is hereby abolished. The Director of Budget and Management 127405  
shall cancel any existing encumbrances against appropriation item 127406  
322604, Medicaid Waiver - State Match, and reestablish them 127407  
against appropriation item 653606, ICF/MR and Waiver Match. The 127408  
reestablished encumbrance amounts are hereby appropriated. 127409

**Section 259.120.** OPERATING AND SERVICES 127410

Of the foregoing appropriation item 320606, Operating and 127411

Services, \$100,000 in each fiscal year shall be provided to the 127412  
Ohio Center for Autism and Low Incidence to establish a lifespan 127413  
autism hub to support families and professionals. 127414

**Section 259.130. TARGETED CASE MANAGEMENT SERVICES** 127415

County boards of developmental disabilities shall pay the 127416  
nonfederal portion of targeted case management costs to the 127417  
Department of Developmental Disabilities. 127418

The Director of Developmental Disabilities and the Medicaid 127419  
Director may enter into an interagency agreement under which the 127420  
Department of Developmental Disabilities shall transfer cash from 127421  
the Targeted Case Management Fund (Fund 5DJ0) to the Health 127422  
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 127423  
Department of Medicaid in an amount equal to the nonfederal 127424  
portion of the cost of targeted case management services paid by 127425  
county boards. Under the agreement, the Department of Medicaid 127426  
shall pay the total cost of targeted case management claims. The 127427  
transfer shall be made using an intrastate transfer voucher. 127428

**Section 259.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT** 127429

If a county board of developmental disabilities does not 127430  
fully pay any amount owed to the Department of Developmental 127431  
Disabilities by the due date established by the Department, the 127432  
Director of Developmental Disabilities may withhold the amount the 127433  
county board did not pay from any amounts due to the county board. 127434  
The Director may use any appropriation item or fund used by the 127435  
Department to transfer cash to any other fund used by the 127436  
Department in an amount equal to the amount owed the Department 127437  
that the county board did not pay. Transfers under this section 127438  
shall be made using an intrastate transfer voucher. 127439

**Section 259.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES** 127440

Developmental centers of the Department of Developmental 127441  
Disabilities may provide services to persons with mental 127442  
retardation or developmental disabilities living in the community 127443  
or to providers of services to these persons. The Department may 127444  
develop a method for recovery of all costs associated with the 127445  
provision of these services. 127446

**Section 259.160.** TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 127447  
PHARMACY PROGRAMS 127448

The Director of Developmental Disabilities shall quarterly 127449  
transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the 127450  
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used 127451  
by the Department of Medicaid, in an amount equal to the 127452  
nonfederal share of Medicaid prescription drug claim costs for all 127453  
developmental centers paid by the Department of Medicaid. The 127454  
quarterly transfer shall be made using an intrastate transfer 127455  
voucher. 127456

**Section 259.170.** NONFEDERAL MATCH FOR ACTIVE TREATMENT 127457  
SERVICES 127458

Any county funds received by the Department of Developmental 127459  
Disabilities from county boards of developmental disabilities for 127460  
active treatment shall be deposited in the Developmental 127461  
Disabilities Operating Fund (Fund 4890). 127462

**Section 259.180.** ODODD INNOVATIVE PILOT PROJECTS 127463

(A) In fiscal year 2014 and fiscal year 2015, the Director of 127464  
Developmental Disabilities may authorize the continuation or 127465  
implementation of one or more innovative pilot projects that, in 127466  
the judgment of the Director, are likely to assist in promoting 127467  
the objectives of Chapter 5123. or 5126. of the Revised Code. 127468  
Subject to division (B) of this section and notwithstanding any 127469

provision of Chapters 5123. and 5126. of the Revised Code and any 127470  
rule adopted under either chapter, a pilot project authorized by 127471  
the Director may be continued or implemented in a manner 127472  
inconsistent with one or more provisions of either chapter or one 127473  
or more rules adopted under either chapter. Before authorizing a 127474  
pilot program, the Director shall consult with entities interested 127475  
in the issue of developmental disabilities, including the Ohio 127476  
Provider Resource Association, Ohio Association of County Boards 127477  
of Developmental Disabilities, Ohio Health Care Association/Ohio 127478  
Centers for Intellectual Disabilities, and ARC of Ohio. 127479

(B) The Director may not authorize a pilot project to be 127480  
implemented in a manner that would cause the state to be out of 127481  
compliance with any requirements for a program funded in whole or 127482  
in part with federal funds. 127483

**Section 259.190.** DEPARTMENT OF DEVELOPMENTAL DISABILITIES' 127484  
APPROPRIATION ITEM STRUCTURE 127485

Upon request from the Director of Developmental Disabilities, 127486  
the Director of Budget and Management may establish new funds, new 127487  
appropriation items, and appropriations in order to support the 127488  
transition to a new appropriation item structure in the Department 127489  
of Developmental Disabilities' budget. Also, upon request of the 127490  
Director of Developmental Disabilities, the Director of Budget and 127491  
Management may transfer appropriations between GRF appropriation 127492  
items, transfer cash between any funds used by the Department of 127493  
Developmental Disabilities, abolish existing funds used by the 127494  
Department of Developmental Disabilities, and cancel and 127495  
reestablish encumbrances. Any establishment of new funds or 127496  
appropriation items, any transfers of appropriations or cash, and 127497  
any increases in appropriation under this section are subject to 127498  
Controlling Board approval. 127499

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| <b>Section 259.200.</b> FISCAL YEAR 2014 MEDICAID PAYMENT RATES FOR | 127500 |
| ICFs/MR                                                             | 127501 |
| (A) As used in this section:                                        | 127502 |
| "Capped per diem rate" means the per Medicaid day payment           | 127503 |
| rate calculated for an ICF/MR under division (D) of this section.   | 127504 |
| "Change of operator," "entering operator," "exiting                 | 127505 |
| operator," "ICF/MR," "ICF/MR services," "Medicaid days,"            | 127506 |
| "provider," and "provider agreement" have the same meanings as in   | 127507 |
| section 5124.01 of the Revised Code.                                | 127508 |
| "Franchise permit fee" means the fee imposed by sections            | 127509 |
| 5168.60 to 5168.71 of the Revised Code.                             | 127510 |
| "Modified per diem rate" means the per Medicaid day payment         | 127511 |
| rate calculated for an ICF/MR under division (C) of this section.   | 127512 |
| "Unmodified per diem rate" means the per Medicaid day payment       | 127513 |
| rate calculated for an ICF/MR under Chapter 5124. of the Revised    | 127514 |
| Code.                                                               | 127515 |
| (B) This section applies to each ICF/MR provider to which           | 127516 |
| either of the following applies:                                    | 127517 |
| (1) The provider has a valid Medicaid provider agreement for        | 127518 |
| the ICF/MR on June 30, 2013, and a valid Medicaid provider          | 127519 |
| agreement for the ICF/MR during fiscal year 2014.                   | 127520 |
| (2) The ICF/MR undergoes a change of operator that takes            | 127521 |
| effect during fiscal year 2014, the exiting operator has a valid    | 127522 |
| Medicaid provider agreement for the ICF/MR on the day immediately   | 127523 |
| preceding the effective date of the change of operator, and the     | 127524 |
| entering operator has a valid Medicaid provider agreement for the   | 127525 |
| ICF/MR during fiscal year 2014.                                     | 127526 |
| (C) An ICF/MR's total modified per diem rate for fiscal year        | 127527 |
| 2014 shall be the ICF/MR's total unmodified per diem rate for that  | 127528 |

fiscal year with the following modifications: 127529

(1) In place of the inflation adjustment otherwise made under 127530  
section 5124.23 of the Revised Code, the ICF/MR's desk-reviewed, 127531  
actual, allowable, per diem other protected costs, excluding the 127532  
franchise permit fee, from calendar year 2012 shall be multiplied 127533  
by 1.0123. 127534

(2) In place of the maximum cost per case-mix unit 127535  
established for the ICF/MR's peer group under division (C) of 127536  
section 5124.23 of the Revised Code, the ICF/MR's maximum costs 127537  
per case-mix unit shall be the following: 127538

(a) In the case of an ICF/MR with more than eight beds, 127539  
\$108.21; 127540

(b) In the case of an ICF/MR with eight or fewer beds, 127541  
\$102.21. 127542

(3) In place of the inflation adjustment otherwise calculated 127543  
under division (D) of section 5124.19 of the Revised Code for the 127544  
purpose of division (A)(1)(b) of that section, an inflation 127545  
adjustment of 1.0123 shall be used. 127546

(4) In place of the maximum rate for indirect care costs 127547  
established for the ICF/MR's peer group under division (C) of 127548  
section 5124.21 of the Revised Code, the maximum rate for indirect 127549  
care costs for the ICF/MR's peer group shall be the following: 127550

(a) In the case of an ICF/MR with more than eight beds, 127551  
\$68.98; 127552

(b) In the case of an ICF/MR with eight or fewer beds, 127553  
\$59.60. 127554

(5) In place of the inflation adjustment otherwise calculated 127555  
under division (D)(1) of section 5124.21 of the Revised Code for 127556  
the purpose of division (B)(1) of that section only, an inflation 127557  
adjustment of 1.0123 shall be used. 127558

(6) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.21 of the Revised Code, the ICF/MR's efficiency incentive for indirect care costs shall be the following:

(a) In the case of an ICF/MR with more than eight beds, \$3.69;

(b) In the case of an ICF/MR with eight or fewer beds, \$3.19.

(7) The ICF/MR's efficiency incentive for capital costs, as determined under division (E) of section 5124.17 of the Revised Code, shall be reduced by 50%.

(D) An ICF/MR's total capped per diem rate for fiscal year 2014 shall be the ICF/MR's total unmodified per diem rate for that fiscal year reduced by the percentage by which the mean total unmodified per diem rates for all ICFs/MR in this state for fiscal year 2014, weighted by May 2013 Medicaid days and calculated as of July 1, 2013, exceeds \$282.84.

(E) Except as otherwise provided by this section, an ICF/MR provider to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2014, a total per diem rate determined as follows:

(1) Add the ICF/MR's total modified per diem rate to the ICF/MR's total capped per diem rate;

(2) Divide the amount determined under division (E)(1) of this section by two.

(F) If the mean total per diem rate for all ICFs/MR to which this section applies, weighted by May 2013 Medicaid days and determined under division (E) of this section as of July 1, 2013, is other than \$282.84, the Department of Developmental Disabilities shall adjust, for fiscal year 2014, the total per diem rate for each ICF/MR to which this section applies by a



percentage that is equal to the percentage by which the mean total 127589  
per diem rate is greater or less than \$282.84. 127590

(G) If the United States Centers for Medicare and Medicaid 127591  
Services requires that the franchise permit fee be reduced or 127592  
eliminated, the Department of Developmental Disabilities shall 127593  
reduce the amount it pays ICF/MR providers under this section as 127594  
necessary to reflect the loss to the state of the revenue and 127595  
federal financial participation generated from the franchise 127596  
permit fee. 127597

(H) The Department of Developmental Disabilities shall follow 127598  
this section in determining the rate to be paid ICF/MR providers 127599  
subject to this section notwithstanding anything to the contrary 127600  
in Chapter 5124. of the Revised Code. 127601

Of the foregoing appropriation items 653407, Medicaid 127602  
Services, 653606, ICF/MR and Waiver Match, and 653653, ICF/MR, 127603  
portions shall be used to pay the Medicaid payment rates 127604  
determined in accordance with this section for ICF/MR services 127605  
provided during fiscal year 2014. 127606

**Section 259.210.** FISCAL YEAR 2015 MEDICAID PAYMENT RATES FOR 127607  
ICFs/MR 127608

(A) As used in this section: 127609

"Capped per diem rate" means the per Medicaid day payment 127610  
rate calculated for an ICF/MR under division (D) of this section. 127611

"Change of operator," "entering operator," "exiting 127612  
operator," "ICF/MR," "ICF/MR services," "Medicaid days," 127613  
"provider," and "provider agreement" have the same meanings as in 127614  
section 5124.01 of the Revised Code. 127615

"Franchise permit fee" means the fee imposed by sections 127616  
5168.60 to 5168.71 of the Revised Code. 127617

"Modified per diem rate" means the per Medicaid day payment 127618

rate calculated for an ICF/MR under division (C) of this section. 127619

"Unmodified per diem rate" means the per Medicaid day payment 127620  
rate calculated for an ICF/MR under Chapter 5124. of the Revised 127621  
Code. 127622

(B) This section applies to each ICF/MR provider to which 127623  
either of the following applies: 127624

(1) The provider has a valid Medicaid provider agreement for 127625  
the ICF/MR on June 30, 2014, and a valid Medicaid provider 127626  
agreement for the ICF/MR during fiscal year 2015. 127627

(2) The ICF/MR undergoes a change of operator that takes 127628  
effect during fiscal year 2015, the exiting operator has a valid 127629  
Medicaid provider agreement for the ICF/MR on the day immediately 127630  
preceding the effective date of the change of operator, and the 127631  
entering operator has a valid Medicaid provider agreement for the 127632  
ICF/MR during fiscal year 2015. 127633

(C) An ICF/MR's total modified per diem rate for fiscal year 127634  
2015 shall be the ICF/MR's total unmodified per diem rate for that 127635  
fiscal year with the following modifications: 127636

(1) In place of the inflation adjustment otherwise made under 127637  
section 5124.23 of the Revised Code, the ICF/MR's desk-reviewed, 127638  
actual, allowable, per diem other protected costs, excluding the 127639  
franchise permit fee, from calendar year 2013 shall be multiplied 127640  
by 1.0123. 127641

(2) In place of the maximum cost per case-mix unit 127642  
established for the ICF/MR's peer group under division (C) of 127643  
section 5124.19 of the Revised Code, the ICF/MR's maximum costs 127644  
per case-mix unit shall be the following: 127645

(a) In the case of an ICF/MR with more than eight beds, 127646  
\$108.21; 127647

(b) In the case of an ICF/MR with eight or fewer beds, 127648

\$102.21. 127649

(3) In place of the inflation adjustment otherwise calculated 127650  
under division (D) of section 5124.19 of the Revised Code for the 127651  
purpose of division (A)(1)(b) of that section, an inflation 127652  
adjustment of 1.0123 shall be used. 127653

(4) In place of the maximum rate for indirect care costs 127654  
established for the ICF/MR's peer group under division (C) of 127655  
section 5124.21 of the Revised Code, the maximum rate for indirect 127656  
care costs for the ICF/MR's peer group shall be the following: 127657

(a) In the case of an ICF/MR with more than eight beds, 127658  
\$68.98; 127659

(b) In the case of an ICF/MR with eight or fewer beds, 127660  
\$59.60. 127661

(5) In place of the inflation adjustment otherwise calculated 127662  
under divisions (D)(1) and (2) of section 5124.21 of the Revised 127663  
Code for the purpose of division (B)(1) of that section only, an 127664  
inflation adjustment of 1.0123 shall be used. 127665

(6) In place of the efficiency incentive otherwise calculated 127666  
under division (B)(2) of section 5124.21 of the Revised Code, the 127667  
ICF/MR's efficiency incentive for indirect care costs shall be the 127668  
following: 127669

(a) In the case of an ICF/MR with more than eight beds, 127670  
\$3.69; 127671

(b) In the case of an ICF/MR with eight or fewer beds, \$3.19. 127672

(7) The ICF/MR's efficiency incentive for capital costs, as 127673  
determined under division (E) of section 5124.17 of the Revised 127674  
Code, shall be reduced by 50%. 127675

(D) An ICF/MR's total capped per diem rate for fiscal year 127676  
2015 shall be the ICF/MR's total unmodified per diem rate for that 127677  
fiscal year reduced by the percentage by which the mean total 127678

unmodified per diem rates for all ICFs/MR in this state for fiscal 127679  
year 2015, weighted by May 2014 Medicaid days and calculated as of 127680  
July 1, 2014, exceeds \$282.77. 127681

(E) Except as otherwise provided by this section, an ICF/MR 127682  
provider to which this section applies shall be paid, for ICF/MR 127683  
services the ICF/MR provides during fiscal year 2015, a total per 127684  
diem rate determined as follows: 127685

(1) Add the ICF/MR's total modified per diem rate to the 127686  
ICF/MR's total capped per diem rate; 127687

(2) Divide the amount determined under division (E)(1) of 127688  
this section by two. 127689

(F) If the mean total per diem rate for all ICFs/MR to which 127690  
this section applies, weighted by May 2014 Medicaid days and 127691  
determined under division (E) of this section as of July 1, 2014, 127692  
is other than \$282.77, the Department of Developmental 127693  
Disabilities shall adjust, for fiscal year 2015, the total per 127694  
diem rate for each ICF/MR to which this section applies by a 127695  
percentage that is equal to the percentage by which the mean total 127696  
per diem rate is greater or less than \$282.77. 127697

(G) If the United States Centers for Medicare and Medicaid 127698  
Services requires that the franchise permit fee be reduced or 127699  
eliminated, the Department of Developmental Disabilities shall 127700  
reduce the amount it pays ICF/MR providers under this section as 127701  
necessary to reflect the loss to the state of the revenue and 127702  
federal financial participation generated from the franchise 127703  
permit fee. 127704

(H) The Department of Developmental Disabilities shall follow 127705  
this section in determining the rate to be paid ICF/MR providers 127706  
subject to this section notwithstanding anything to the contrary 127707  
in Chapter 5124. of the Revised Code. 127708

Of the foregoing appropriation items 653407, Medicaid 127709

Services, 653606, ICF/MR and Waiver Match, and 653653, ICF/MR, 127710  
portions shall be used to pay the Medicaid payment rates 127711  
determined in accordance with this section for ICF/MR services 127712  
provided during fiscal year 2015. 127713

**Section 259.220.** TRANSFER OF FUNDS FOR OUTLIER SERVICES 127714  
PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/MR RESIDENTS 127715

As used in this section, "ICF/MR" and "ICF/MR services" have 127716  
the same meanings as in section 5124.01 of the Revised Code. 127717

Each quarter during fiscal year 2015, the Director of 127718  
Developmental Disabilities shall certify to the Director of Budget 127719  
and Management the amount needed to pay the nonfederal share of 127720  
the costs of the Medicaid rate add-on paid to ICFs/MR pursuant to 127721  
section 5124.25 of the Revised Code for providing outlier ICF/MR 127722  
services to residents who qualify for the services and are 127723  
transferred to ICFs/MR from hospitals at which they receive 127724  
ventilator services at the time of their transfer to the ICFs/MR. 127725

On receipt of a certification, the Director of Budget and 127726  
Management shall transfer appropriations equaling the certified 127727  
amount from appropriation item 651525, Medicaid/Health Care 127728  
Services, to appropriation item 653407, Medicaid Services, and, in 127729  
addition, shall reduce the appropriation in 651525, 127730  
Medicaid/Health Care Services, by the corresponding federal share. 127731

If receipts credited to the Developmental Center and 127732  
Residential Facility Services and Support Fund (Fund 3A40), used 127733  
by the Department of Developmental Disabilities, exceed the 127734  
amounts appropriated in appropriation item 653653, ICF/MR, the 127735  
Director of Developmental Disabilities may request the Director of 127736  
Budget and Management to authorize expenditures from the fund in 127737  
excess of the amounts appropriated. Upon approval of the Director 127738  
of Budget and Management, the additional amounts are hereby 127739  
appropriated. 127740

**Section 259.230.** ICF/MR MEDICAID RATE WORKGROUP 127741

As used in this section, "ICF/MR," "ICF/MR services," and 127742  
"Medicaid-certified capacity" have the same meanings as in section 127743  
5124.01 of the Revised Code. 127744

For the purpose of assisting the Department of Developmental 127745  
Disabilities during fiscal year 2014 and fiscal year 2015 with an 127746  
evaluation of revisions to the formula used to determine Medicaid 127747  
payment rates for ICF/MR services, the Department shall retain the 127748  
workgroup that was created to assist with the study required by 127749  
Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 127750  
Assembly. In conducting the evaluation, the Department and 127751  
workgroup shall do both of the following: 127752

(A) Focus primarily on the service needs of individuals with 127753  
complex challenges that ICFs/MR are able to meet; 127754

(B) Pursue the goal of reducing the Medicaid-certified 127755  
capacity of individual ICFs/MR and the total number of ICF/MR beds 127756  
in the state for the purpose of increasing the service choices and 127757  
community integration of individuals eligible for ICF/MR services. 127758

**Section 259.240.** NONFEDERAL SHARE OF ICF/MR SERVICES 127759

(A) As used in this section, "ICF/MR," "ICF/MR services," and 127760  
"Medicaid-certified capacity" have the same meanings as in section 127761  
5124.01 of the Revised Code. 127762

(B) The Director of Developmental Disabilities shall pay the 127763  
nonfederal share of a claim for ICF/MR services using funds 127764  
specified in division (C) of this section if all of the following 127765  
apply: 127766

(1) Medicaid covers the ICF/MR services. 127767

(2) The ICF/MR services are provided to a Medicaid recipient 127768  
to whom both of the following apply: 127769

|                                                                                                                                                                                                                                                                                                                      |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (a) The Medicaid recipient is eligible for the ICF/MR services;                                                                                                                                                                                                                                                      | 127770<br>127771                               |
| (b) The Medicaid recipient does not occupy a bed in the ICF/MR that used to be included in the Medicaid-certified capacity of another ICF/MR certified by the Director of Health before June 1, 2003.                                                                                                                | 127772<br>127773<br>127774<br>127775           |
| (3) The ICF/MR services are provided by an ICF/MR whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.                                                                                                                                 | 127776<br>127777<br>127778                     |
| (4) The provider of the ICF/MR services has a valid Medicaid provider agreement for the services for the time that the services are provided.                                                                                                                                                                        | 127779<br>127780<br>127781                     |
| (C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:                                                                                                                                 | 127782<br>127783<br>127784                     |
| (1) Funds available from appropriation item 322501, County Boards Subsidies, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/MR that provided the ICF/MR services for which the claim is made;                                                     | 127785<br>127786<br>127787<br>127788<br>127789 |
| (2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 322501, County Boards Subsidies. | 127790<br>127791<br>127792<br>127793<br>127794 |
| <b>Section 259.250. FY 2014 AND FY 2015 RATES FOR CERTAIN<br/>HOMEMAKER/PERSONAL CARE SERVICES UNDER IO WAIVER</b>                                                                                                                                                                                                   | 127795<br>127796                               |
| (A) As used in this section:                                                                                                                                                                                                                                                                                         | 127797                                         |
| "Converted facility" means an ICF/MR, or former ICF/MR, that converted some or all of its beds to providing home and                                                                                                                                                                                                 | 127798<br>127799                               |

community-based services under the IO Waiver pursuant to section 127800  
5124.60 of the Revised Code. 127801

"Developmental center" and "ICF/MR" have the same meanings as 127802  
in section 5124.01 of the Revised Code. 127803

"H.B. 153 increased Medicaid payment rate" means the total 127804  
Medicaid payment rate for each fifteen minutes of routine 127805  
homemaker/personal care services that was set by Section 263.20.70 127806  
of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by 127807  
Am. Sub. H.B. 487 of the 129th General Assembly. 127808

"IO Waiver" means the Medicaid waiver component, as defined 127809  
in section 5166.01 of the Revised Code, known as Individual 127810  
Options. 127811

"Public hospital" has the same meaning as in section 5122.01 127812  
of the Revised Code. 127813

"Regular Medicaid payment rate" means the total Medicaid 127814  
payment rate for each fifteen minutes of routine 127815  
homemaker/personal care services that are available under the IO 127816  
Waiver and to which this section does not apply. 127817

(B) This section applies to routine homemaker/personal care 127818  
services to which both of the following apply: 127819

(1) The services are provided to an IO Waiver enrollee to 127820  
whom all of the following apply: 127821

(a) The enrollee began to receive the services from the 127822  
provider on or after July 1, 2011. 127823

(b) The enrollee resided in a developmental center, converted 127824  
facility, or public hospital immediately before enrolling in the 127825  
IO Wavier. 127826

(c) The Director of Developmental Disabilities has determined 127827  
that the enrollee's special circumstances (including the 127828  
enrollee's diagnosis, service needs, or length of stay at the 127829



developmental center, converted facility, or public hospital) 127830  
warrants paying the Medicaid payment rate authorized by this 127831  
section. 127832

(2) The provider of the services has a valid Medicaid 127833  
provider agreement for the services for the period during which 127834  
the enrollee receives the services from the provider. 127835

(C) The total Medicaid payment rate for each fifteen minutes 127836  
of routine homemaker/personal care services to which this section 127837  
applies and that are provided during the period beginning July 1, 127838  
2013, and ending June 30, 2015, shall be the greater of the 127839  
following: 127840

(1) The H.B. 153 increased Medicaid payment rate; 127841

(2) The regular Medicaid payment rate in effect at the time 127842  
the services are provided. 127843

(D) Of the foregoing appropriation items 653407, Medicaid 127844  
Services, and 653639, Medicaid Waiver Services, portions shall be 127845  
used to pay the Medicaid payment rates determined in accordance 127846  
with this section for certain homemaker/personal care services 127847  
under the IO Waiver. 127848

**Section 259.260.** UPDATING AUTHORIZING STATUTE CITATIONS 127849

As used in this section, "authorizing statute" means a 127850  
Revised Code section or provision of a Revised Code section that 127851  
is cited in the Ohio Administrative Code as the statute that 127852  
authorizes the adoption of a rule. 127853

The Director of Developmental Disabilities is not required to 127854  
amend any rule for the sole purpose of updating the citation in 127855  
the Ohio Administrative Code to the rule's authorizing statute to 127856  
reflect that this act renumbers the authorizing statute or 127857  
relocates it to another Revised Code section. Such citations shall 127858  
be updated as the Director amends the rules for other purposes. 127859

|                              |                                                                    |    |            |    |            |
|------------------------------|--------------------------------------------------------------------|----|------------|----|------------|
| <b>Section 259.270.</b>      | REASON FOR THE REPEAL OF R.C. 5111.236                             |    |            |    | 127860     |
|                              | This act repeals section 5111.236 of the Revised Code to           |    |            |    | 127861     |
|                              | carry out the intent of the Governor as indicated in the veto      |    |            |    | 127862     |
|                              | message regarding Am. Sub. H.B. 1 of the 128th General Assembly    |    |            |    | 127863     |
|                              | transmitted to the Clerk of the House of Representatives on July   |    |            |    | 127864     |
|                              | 17, 2009. The actual veto removed the section from the title and   |    |            |    | 127865     |
|                              | enacting clause of H.B. 1 and an earmark related to the section.   |    |            |    | 127866     |
|                              | However, the actual veto inadvertently showed only division (C) of |    |            |    | 127867     |
|                              | the section, rather than the entire section, as being vetoed.      |    |            |    | 127868     |
| <br>                         |                                                                    |    |            |    |            |
| <b>Section 261.10.</b>       | OBD OHIO BOARD OF DIETETICS                                        |    |            |    | 127869     |
|                              | General Services Fund Group                                        |    |            |    | 127870     |
| 4K90 860609                  | Operating Expenses                                                 | \$ | 330,592    | \$ | 342,592    |
|                              |                                                                    |    |            |    | 127871     |
| TOTAL GSF                    | General Services Fund                                              |    |            |    | 127872     |
| Group                        |                                                                    | \$ | 330,592    | \$ | 342,592    |
|                              |                                                                    |    |            |    | 127873     |
| TOTAL ALL BUDGET FUND GROUPS |                                                                    | \$ | 330,592    | \$ | 342,592    |
|                              |                                                                    |    |            |    | 127874     |
| <br>                         |                                                                    |    |            |    |            |
| <b>Section 263.10.</b>       | EDU DEPARTMENT OF EDUCATION                                        |    |            |    | 127876     |
|                              | General Revenue Fund                                               |    |            |    | 127877     |
| GRF 200321                   | Operating Expenses                                                 | \$ | 13,142,780 | \$ | 13,142,780 |
|                              |                                                                    |    |            |    | 127878     |
| GRF 200408                   | Early Childhood                                                    | \$ | 23,268,341 | \$ | 25,268,341 |
|                              | Education                                                          |    |            |    | 127879     |
| GRF 200420                   | Information Technology                                             | \$ | 4,241,296  | \$ | 4,241,296  |
|                              | Development and                                                    |    |            |    | 127880     |
|                              | Support                                                            |    |            |    |            |
| GRF 200421                   | Alternative Education                                              | \$ | 7,403,998  | \$ | 7,403,998  |
|                              | Programs                                                           |    |            |    | 127881     |
| GRF 200422                   | School Management                                                  | \$ | 3,000,000  | \$ | 3,000,000  |
|                              | Assistance                                                         |    |            |    | 127882     |
| GRF 200424                   | Policy Analysis                                                    | \$ | 328,558    | \$ | 328,558    |
|                              |                                                                    |    |            |    | 127883     |
| GRF 200425                   | Tech Prep Consortia                                                | \$ | 260,542    | \$ | 260,542    |
|                              |                                                                    |    |            |    | 127884     |

|     |        |                        |    |               |    |                      |
|-----|--------|------------------------|----|---------------|----|----------------------|
|     |        | Support                |    |               |    |                      |
| GRF | 200426 | Ohio Educational       | \$ | 29,625,569    | \$ | 19,625,569 127885    |
|     |        | Computer Network       |    |               |    |                      |
| GRF | 200427 | Academic Standards     | \$ | 3,800,000     | \$ | 3,800,000 127886     |
| GRF | 200437 | Student Assessment     | \$ | 55,895,000    | \$ | 75,895,000 127887    |
| GRF | 200439 | Accountability/Report  | \$ | 3,500,000     | \$ | 3,750,000 127888     |
|     |        | Cards                  |    |               |    |                      |
| GRF | 200442 | Child Care Licensing   | \$ | 827,140       | \$ | 827,140 127889       |
| GRF | 200446 | Education Management   | \$ | 6,833,070     | \$ | 6,833,070 127890     |
|     |        | Information System     |    |               |    |                      |
| GRF | 200447 | GED Testing            | \$ | 879,551       | \$ | 879,551 127891       |
| GRF | 200448 | Educator Preparation   | \$ | 850,000       | \$ | 850,000 127892       |
| GRF | 200455 | Community Schools and  | \$ | 2,438,685     | \$ | 2,491,395 127893     |
|     |        | Choice Programs        |    |               |    |                      |
| GRF | 200464 | General Technology     | \$ | 192,097       | \$ | 192,097 127894       |
|     |        | Operations             |    |               |    |                      |
| GRF | 200465 | Technology Integration | \$ | 1,778,879     | \$ | 1,778,879 127895     |
|     |        | and Professional       |    |               |    |                      |
|     |        | Development            |    |               |    |                      |
| GRF | 200468 | Ready to Learn         | \$ | 5,000,000     | \$ | 5,000,000 127896     |
| GRF | 200502 | Pupil Transportation   | \$ | 505,013,527   | \$ | 518,513,527 127897   |
| GRF | 200505 | School Lunch Match     | \$ | 9,100,000     | \$ | 9,100,000 127898     |
| GRF | 200511 | Auxiliary Services     | \$ | 130,547,795   | \$ | 134,881,982 127899   |
| GRF | 200532 | Nonpublic              | \$ | 58,973,586    | \$ | 60,931,509 127900    |
|     |        | Administrative Cost    |    |               |    |                      |
|     |        | Reimbursement          |    |               |    |                      |
| GRF | 200540 | Special Education      | \$ | 156,871,292   | \$ | 157,871,292 127901   |
|     |        | Enhancements           |    |               |    |                      |
| GRF | 200545 | Career-Technical       | \$ | 9,072,999     | \$ | 9,072,999 127902     |
|     |        | Education Enhancements |    |               |    |                      |
| GRF | 200550 | Foundation Funding     | \$ | 5,810,807,929 | \$ | 6,004,142,692 127903 |
| GRF | 200901 | Property Tax           | \$ | 1,138,800,000 | \$ | 1,184,352,000 127904 |
|     |        | Allocation - Education |    |               |    |                      |

|                                    |                  |                  |        |
|------------------------------------|------------------|------------------|--------|
| TOTAL GRF General Revenue Fund     | \$ 7,982,452,634 | \$ 8,254,434,217 | 127905 |
| General Services Fund Group        |                  |                  | 127906 |
| 1380 200606 Information            | \$ 6,850,090     | \$ 6,850,090     | 127907 |
| Technology                         |                  |                  |        |
| Development and                    |                  |                  |        |
| Support                            |                  |                  |        |
| 4520 200638 Fees and Refunds       | \$ 500,000       | \$ 500,000       | 127908 |
| 4L20 200681 Teacher Certification  | \$ 8,313,762     | \$ 13,658,274    | 127909 |
| and Licensure                      |                  |                  |        |
| 5960 200656 Ohio Career            | \$ 529,761       | \$ 529,761       | 127910 |
| Information System                 |                  |                  |        |
| 5H30 200687 School District        | \$ 25,000,000    | \$ 25,000,000    | 127911 |
| Solvency Assistance                |                  |                  |        |
| 5KX0 200691 Ohio School            | \$ 487,419       | \$ 487,419       | 127912 |
| Sponsorship Program                |                  |                  |        |
| 5KY0 200693 Community Schools      | \$ 83,000        | \$ 83,000        | 127913 |
| Temporary Sponsorship              |                  |                  |        |
| TOTAL GSF General Services         |                  |                  | 127914 |
| Fund Group                         | \$ 41,764,032    | \$ 47,108,544    | 127915 |
| Federal Special Revenue Fund Group |                  |                  | 127916 |
| 3090 200601 Neglected and          | \$ 2,168,642     | \$ 2,168,642     | 127917 |
| Delinquent Education               |                  |                  |        |
| 3670 200607 School Food Services   | \$ 8,200,664     | \$ 8,700,149     | 127918 |
| 3700 200624 Education of           | \$ 1,530,000     | \$ 1,530,000     | 127919 |
| Exceptional Children               |                  |                  |        |
| 3AF0 200603 Schools Medicaid       | \$ 750,000       | \$ 750,000       | 127920 |
| Administrative Claims              |                  |                  |        |
| 3AN0 200671 School Improvement     | \$ 20,400,000    | \$ 20,400,000    | 127921 |
| Grants                             |                  |                  |        |
| 3BK0 200628 Longitudinal Data      | \$ 1,250,000     | \$ 0             | 127922 |
| Systems                            |                  |                  |        |
| 3C50 200661 Early Childhood        | \$ 14,554,749    | \$ 14,554,749    | 127923 |

|      |        |                                |    |             |    |                    |
|------|--------|--------------------------------|----|-------------|----|--------------------|
|      |        | Education                      |    |             |    |                    |
| 3CG0 | 200646 | Teacher Incentive              | \$ | 15,125,588  | \$ | 15,183,285 127924  |
| 3D20 | 200667 | Math Science                   | \$ | 6,000,000   | \$ | 6,000,000 127925   |
|      |        | Partnerships                   |    |             |    |                    |
| 3EC0 | 200653 | Teacher Incentive -            | \$ | 1,300,000   | \$ | 0 127926           |
|      |        | Federal Stimulus               |    |             |    |                    |
| 3EH0 | 200620 | Migrant Education              | \$ | 2,900,000   | \$ | 2,900,000 127927   |
| 3EJ0 | 200622 | Homeless Children              | \$ | 2,600,000   | \$ | 2,600,000 127928   |
|      |        | Education                      |    |             |    |                    |
| 3EK0 | 200637 | Advanced Placement             | \$ | 450,000     | \$ | 450,000 127929     |
| 3EN0 | 200655 | State Data Systems -           | \$ | 1,250,000   | \$ | 0 127930           |
|      |        | Federal Stimulus               |    |             |    |                    |
| 3FD0 | 200665 | Race to the Top                | \$ | 136,000,000 | \$ | 58,074,046 127931  |
| 3FN0 | 200672 | Early Learning                 | \$ | 7,040,000   | \$ | 7,040,000 127932   |
|      |        | Challenge - Race to<br>the Top |    |             |    |                    |
| 3GE0 | 200674 | Summer Food Service            | \$ | 13,596,000  | \$ | 14,003,800 127933  |
|      |        | Program                        |    |             |    |                    |
| 3GF0 | 200675 | Miscellaneous                  | \$ | 700,000     | \$ | 700,000 127934     |
|      |        | Nutrition Grants               |    |             |    |                    |
| 3GG0 | 200676 | Fresh Fruit and                | \$ | 4,738,000   | \$ | 4,880,140 127935   |
|      |        | Vegetable Program              |    |             |    |                    |
| 3H90 | 200605 | Head Start                     | \$ | 225,000     | \$ | 225,000 127936     |
|      |        | Collaboration Project          |    |             |    |                    |
| 3L60 | 200617 | Federal School Lunch           | \$ | 350,608,075 | \$ | 361,126,273 127937 |
| 3L70 | 200618 | Federal School                 | \$ | 108,480,590 | \$ | 112,819,813 127938 |
|      |        | Breakfast                      |    |             |    |                    |
| 3L80 | 200619 | Child/Adult Food               | \$ | 106,992,650 | \$ | 110,202,428 127939 |
|      |        | Programs                       |    |             |    |                    |
| 3L90 | 200621 | Career-Technical               | \$ | 44,663,900  | \$ | 44,663,900 127940  |
|      |        | Education Basic Grant          |    |             |    |                    |
| 3M00 | 200623 | ESEA Title 1A                  | \$ | 560,000,000 | \$ | 560,000,000 127941 |
| 3M20 | 200680 | Individuals with               | \$ | 443,170,050 | \$ | 443,170,050 127942 |

|                                  |        |                       |    |               |    |               |        |
|----------------------------------|--------|-----------------------|----|---------------|----|---------------|--------|
|                                  |        | Disabilities          |    |               |    |               |        |
|                                  |        | Education Act         |    |               |    |               |        |
| 3T40                             | 200613 | Public Charter        | \$ | 500,000       | \$ | 0             | 127943 |
|                                  |        | Schools               |    |               |    |               |        |
| 3Y20                             | 200688 | 21st Century          | \$ | 48,201,810    | \$ | 50,611,900    | 127944 |
|                                  |        | Community Learning    |    |               |    |               |        |
|                                  |        | Centers               |    |               |    |               |        |
| 3Y60                             | 200635 | Improving Teacher     | \$ | 101,900,000   | \$ | 101,900,000   | 127945 |
|                                  |        | Quality               |    |               |    |               |        |
| 3Y70                             | 200689 | English Language      | \$ | 9,700,000     | \$ | 9,700,000     | 127946 |
|                                  |        | Acquisition           |    |               |    |               |        |
| 3Y80                             | 200639 | Rural and Low Income  | \$ | 3,300,000     | \$ | 3,300,000     | 127947 |
|                                  |        | Technical Assistance  |    |               |    |               |        |
| 3Z20                             | 200690 | State Assessments     | \$ | 11,800,000    | \$ | 11,800,000    | 127948 |
| 3Z30                             | 200645 | Consolidated Federal  | \$ | 7,949,280     | \$ | 7,949,280     | 127949 |
|                                  |        | Grant Administration  |    |               |    |               |        |
| TOTAL FED Federal Special        |        |                       |    |               |    |               | 127950 |
| Revenue Fund Group               |        |                       | \$ | 2,038,044,998 | \$ | 1,977,403,455 | 127951 |
| State Special Revenue Fund Group |        |                       |    |               |    |               | 127952 |
| 4540                             | 200610 | GED Testing           | \$ | 1,050,000     | \$ | 250,000       | 127953 |
| 4550                             | 200608 | Commodity Foods       | \$ | 24,000,000    | \$ | 24,000,000    | 127954 |
| 4R70                             | 200695 | Indirect Operational  | \$ | 6,600,000     | \$ | 6,600,000     | 127955 |
|                                  |        | Support               |    |               |    |               |        |
| 4V70                             | 200633 | Interagency Program   | \$ | 717,725       | \$ | 717,725       | 127956 |
|                                  |        | Support               |    |               |    |               |        |
| 5980                             | 200659 | Auxiliary Services    | \$ | 1,328,910     | \$ | 1,328,910     | 127957 |
|                                  |        | Reimbursement         |    |               |    |               |        |
| 5BJ0                             | 200626 | Half-Mill Maintenance | \$ | 19,000,000    | \$ | 20,000,000    | 127958 |
|                                  |        | Equalization          |    |               |    |               |        |
| 5MM0                             | 200677 | Child Nutrition       | \$ | 500,000       | \$ | 500,000       | 127959 |
|                                  |        | Refunds               |    |               |    |               |        |
| 5T30                             | 200668 | Gates Foundation      | \$ | 200,000       | \$ | 153,000       | 127960 |
|                                  |        | Grants                |    |               |    |               |        |

|                                      |        |                      |    |             |    |             |                                          |
|--------------------------------------|--------|----------------------|----|-------------|----|-------------|------------------------------------------|
| 5U20                                 | 200685 | National Education   | \$ | 300,000     | \$ | 300,000     | 127961                                   |
|                                      |        | Statistics           |    |             |    |             |                                          |
| 6200                                 | 200615 | Educational          | \$ | 300,000     | \$ | 300,000     | 127962                                   |
|                                      |        | Improvement Grants   |    |             |    |             |                                          |
| TOTAL SSR State Special Revenue      |        |                      |    |             |    |             | 127963                                   |
| Fund Group                           |        |                      | \$ | 53,996,635  | \$ | 54,149,635  | 127964                                   |
| Lottery Profits Education Fund Group |        |                      |    |             |    |             | 127965                                   |
| 7017                                 | 200612 | Foundation Funding   | \$ | 775,000,000 | \$ | 850,000,000 | 127966                                   |
| 7017                                 | 200648 | Straight A Fund      | \$ | 50,000,000  | \$ | 100,000,000 | 127967                                   |
| 7017                                 | 200666 | EdChoice Expansion   | \$ | 8,500,000   | \$ | 17,000,000  | 127968                                   |
| 7017                                 | 200684 | Community School     | \$ | 7,500,000   | \$ | 7,500,000   | 127969                                   |
|                                      |        | Facilities           |    |             |    |             |                                          |
| TOTAL LPE Lottery Profits            |        |                      |    |             |    |             | 127970                                   |
| Education Fund Group                 |        |                      | \$ | 841,000,000 | \$ | 974,500,000 | 127971                                   |
| Revenue Distribution Fund Group      |        |                      |    |             |    |             | 127972                                   |
| 7047                                 | 200909 | School District      | \$ | 482,000,000 | \$ | 482,000,000 | 127973                                   |
|                                      |        | Property Tax         |    |             |    |             |                                          |
|                                      |        | Replacement-Business |    |             |    |             |                                          |
| 7053                                 | 200900 | School District      | \$ | 28,000,000  | \$ | 28,000,000  | 127974                                   |
|                                      |        | Property Tax         |    |             |    |             |                                          |
|                                      |        | Replacement-Utility  |    |             |    |             |                                          |
| TOTAL RDF Revenue Distribution       |        |                      |    |             |    |             | 127975                                   |
| Fund Group                           |        |                      | \$ | 510,000,000 | \$ | 510,000,000 | 127976                                   |
| TOTAL ALL BUDGET FUND GROUPS         |        |                      |    |             |    |             | \$11,467,258,299 \$11,817,595,851 127977 |

**Section 263.20. OPERATING EXPENSES** 127979

A portion of the foregoing appropriation item 200321, 127980  
 Operating Expenses, shall be used by the Department of Education 127981  
 to provide matching funds under 20 U.S.C. 2321. 127982

**EARLY CHILDHOOD EDUCATION** 127983

The Department of Education shall distribute the foregoing 127984  
 appropriation item 200408, Early Childhood Education, to pay the 127985

costs of early childhood education programs. 127986

(A) As used in this section: 127987

(1) "Provider" means a city, local, exempted village, or 127988  
joint vocational school district, or an educational service 127989  
center. 127990

(2) In the case of a city, local, or exempted village school 127991  
district, "new eligible provider" means a district that did not 127992  
receive state funding for Early Childhood Education in the 127993  
previous fiscal year or demonstrates a need for early childhood 127994  
programs as defined in division (D) of this section. 127995

(3) "Eligible child" means a child who is at least three 127996  
years of age as of the district entry date for kindergarten, is 127997  
not of the age to be eligible for kindergarten, and whose family 127998  
earns not more than two hundred per cent of the federal poverty 127999  
guidelines as defined in division (A)(3) of section 5101.46 of the 128000  
Revised Code. Children with an Individualized Education Program 128001  
and where the Early Childhood Education program is the least 128002  
restrictive environment may be enrolled on their third birthday. 128003

(4) "Early learning program standards" means early learning 128004  
program standards for school readiness developed by the Department 128005  
to assess the operation of early learning programs. 128006

(B) In each fiscal year, up to two per cent of the total 128007  
appropriation may be used by the Department for program support 128008  
and technical assistance. The Department shall distribute the 128009  
remainder of the appropriation in each fiscal year to serve 128010  
eligible children. 128011

(C) The Department shall provide an annual report to the 128012  
Governor, the Speaker of the House of Representatives, and the 128013  
President of the Senate and post the report to the Department's 128014  
web site, regarding early childhood education programs operated 128015  
under this section and the early learning program standards. 128016



(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2014, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 267.10.10 of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, in the previous fiscal year and the balance to new eligible providers of early childhood education programs under this section or to existing providers to serve more eligible children or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2015, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or childcare services, and demonstration of high quality preschool services as determined by the Department using new metrics developed pursuant to Ohio's Race to the Top—Early Learning Challenge Grant, awarded to the Department in December 2011.

Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section.

(F) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved provider shall administer and use such property and funds for the purposes specified.

(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early childhood education program shall propose and implement a corrective action plan that has been approved by the

Department. The approved corrective action plan shall be signed by 128081  
the chief executive officer and the executive of the official 128082  
governing body of the provider. The corrective action plan shall 128083  
include a schedule for monitoring by the Department. Such 128084  
monitoring may include monthly reports, inspections, a timeline 128085  
for correction of deficiencies, and technical assistance to be 128086  
provided by the Department or obtained by the early childhood 128087  
education program. The Department may withhold funding pending 128088  
corrective action. If an early childhood education program fails 128089  
to satisfactorily complete a corrective action plan, the 128090  
Department may deny expansion funding to the program or withdraw 128091  
all or part of the funding to the program and establish a new 128092  
eligible provider through a selection process established by the 128093  
Department. 128094

(H) Each early childhood education program shall do all of 128095  
the following: 128096

(1) Meet teacher qualification requirements prescribed by 128097  
section 3301.311 of the Revised Code; 128098

(2) Align curriculum to the early learning content standards 128099  
developed by the Department; 128100

(3) Meet any child or program assessment requirements 128101  
prescribed by the Department; 128102

(4) Require teachers, except teachers enrolled and working to 128103  
obtain a degree pursuant to section 3301.311 of the Revised Code, 128104  
to attend a minimum of twenty hours every two years of 128105  
professional development as prescribed by the Department; 128106

(5) Document and report child progress as prescribed by the 128107  
Department; 128108

(6) Meet and report compliance with the early learning 128109  
program standards as prescribed by the Department; 128110

(7) Participate in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code. Effective July 1, 2016, all programs shall be rated through the system.

(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule.

(J) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the early childhood education program.

The Department shall conduct an annual survey of each provider to determine whether the provider charges families

tuition or fees, the amount families are charged relative to 128143  
family income levels, and the number of families and students 128144  
charged tuition and fees for the early childhood program. 128145

(K) If an early childhood education program voluntarily 128146  
waives its right for funding, or has its funding eliminated for 128147  
not meeting financial standards or the early learning program 128148  
standards, the provider shall transfer control of title to 128149  
property, equipment, and remaining supplies obtained through the 128150  
program to providers designated by the Department and return any 128151  
unexpended funds to the Department along with any reports 128152  
prescribed by the Department. The funding made available from a 128153  
program that waives its right for funding or has its funding 128154  
eliminated or reduced may be used by the Department for new grant 128155  
awards or expansion grants. The Department may award new grants or 128156  
expansion grants to eligible providers who apply. The eligible 128157  
providers who apply must do so in accordance with the selection 128158  
process established by the Department. 128159

(L) Eligible expenditures for the Early Childhood Education 128160  
Program shall be claimed each fiscal year to help meet the state's 128161  
TANF maintenance of effort requirement. The Superintendent of 128162  
Public Instruction and the Director of Job and Family Services 128163  
shall enter into an interagency agreement to carry out the 128164  
requirements under this division, which shall include developing 128165  
reporting guidelines for these expenditures. 128166

**Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 128167**  
**SUPPORT 128168**

The foregoing appropriation item 200420, Information 128169  
Technology Development and Support, shall be used to support the 128170  
development and implementation of information technology solutions 128171  
designed to improve the performance and services of the Department 128172  
of Education. Funds may be used for personnel, maintenance, and 128173

equipment costs related to the development and implementation of 128174  
these technical system projects. Implementation of these systems 128175  
shall allow the Department to provide greater levels of assistance 128176  
to school districts and to provide more timely information to the 128177  
public, including school districts, administrators, and 128178  
legislators. Funds may also be used to support data-driven 128179  
decision-making and differentiated instruction, as well as to 128180  
communicate academic content standards and curriculum models to 128181  
schools through web-based applications. 128182

**Section 263.40. ALTERNATIVE EDUCATION PROGRAMS** 128183

The foregoing appropriation item 200421, Alternative 128184  
Education Programs, shall be used for the renewal of successful 128185  
implementation grants and for competitive matching grants to 128186  
school districts for alternative educational programs for existing 128187  
and new at-risk and delinquent youth. Programs shall be focused on 128188  
youth in one or more of the following categories: those who have 128189  
been expelled or suspended, those who have dropped out of school 128190  
or who are at risk of dropping out of school, those who are 128191  
habitually truant or disruptive, or those on probation or on 128192  
parole from a Department of Youth Services facility. Grants shall 128193  
be awarded only to programs in which the grant will not serve as 128194  
the program's primary source of funding. These grants shall be 128195  
administered by the Department of Education. 128196

The Department of Education may waive compliance with any 128197  
minimum education standard established under section 3301.07 of 128198  
the Revised Code for any alternative school that receives a grant 128199  
under this section on the grounds that the waiver will enable the 128200  
program to more effectively educate students enrolled in the 128201  
alternative school. 128202

Of the foregoing appropriation item 200421, Alternative 128203  
Education Programs, a portion may be used for program 128204

administration, monitoring, technical assistance, support, 128205  
research, and evaluation. 128206

**Section 263.50. SCHOOL MANAGEMENT ASSISTANCE** 128207

Of the foregoing appropriation item 200422, School Management 128208  
Assistance, \$1,000,000 in each fiscal year shall be used by the 128209  
Auditor of State in consultation with the Department of Education 128210  
for expenses incurred in the Auditor of State's role relating to 128211  
fiscal caution, fiscal watch, and fiscal emergency activities as 128212  
defined in Chapter 3316. of the Revised Code, unless an amount 128213  
less than \$1,000,000 is needed and mutually agreed to by the 128214  
Department and the Auditor of State. This set-aside may also be 128215  
used by the Auditor of State to conduct performance audits of 128216  
other school districts with priority given to districts in fiscal 128217  
distress. Districts in fiscal distress shall be determined by the 128218  
Auditor of State and shall include districts that the Auditor of 128219  
State, in consultation with the Department of Education, 128220  
determines are employing fiscal practices or experiencing 128221  
budgetary conditions that could produce a state of fiscal watch or 128222  
fiscal emergency. 128223

The remainder of appropriation item 200422, School Management 128224  
Assistance, shall be used by the Department of Education to 128225  
provide fiscal technical assistance and inservice education for 128226  
school district management personnel and to administer, monitor, 128227  
and implement the fiscal caution, fiscal watch, and fiscal 128228  
emergency provisions under Chapter 3316. of the Revised Code. 128229

**Section 263.60. POLICY ANALYSIS** 128230

The foregoing appropriation item 200424, Policy Analysis, 128231  
shall be used by the Department of Education to support a system 128232  
of administrative, statistical, and legislative education 128233  
information to be used for policy analysis. Staff supported by 128234

this appropriation shall administer the development of reports, 128235  
analyses, and briefings to inform education policymakers of 128236  
current trends in education practice, efficient and effective use 128237  
of resources, and evaluation of programs to improve education 128238  
results. The database shall be kept current at all times. These 128239  
research efforts shall be used to supply information and analysis 128240  
of data to the General Assembly and other state policymakers, 128241  
including the Office of Budget and Management, the Governor's 128242  
Office of 21st Century Education, and the Legislative Service 128243  
Commission. 128244

The Department of Education may use funding from this 128245  
appropriation item to purchase or contract for the development of 128246  
software systems or contract for policy studies that will assist 128247  
in the provision and analysis of policy-related information. 128248  
Funding from this appropriation item also may be used to monitor 128249  
and enhance quality assurance for research-based policy analysis 128250  
and program evaluation to enhance the effective use of education 128251  
information to inform education policymakers. 128252

**TECH PREP CONSORTIA SUPPORT** 128253

The foregoing appropriation item 200425, Tech Prep Consortia 128254  
Support, shall be used by the Department of Education to support 128255  
state-level activities designed to support, promote, and expand 128256  
tech prep programs. Use of these funds shall include, but not be 128257  
limited to, administration of grants, program evaluation, 128258  
professional development, curriculum development, assessment 128259  
development, program promotion, communications, and statewide 128260  
coordination of tech prep consortia. 128261

**Section 263.70. OHIO EDUCATIONAL COMPUTER NETWORK** 128262

The foregoing appropriation item 200426, Ohio Educational 128263  
Computer Network, shall be used by the Department of Education to 128264  
maintain a system of information technology throughout Ohio and to 128265



provide technical assistance for such a system in support of the 128266  
P-16 State Education Technology Plan developed under section 128267  
3353.09 of the Revised Code. 128268

Of the foregoing appropriation item 200426, Ohio Educational 128269  
Computer Network, up to \$10,705,569 in each fiscal year shall be 128270  
used by the Department of Education to support connection of all 128271  
public school buildings and participating chartered nonpublic 128272  
schools to the state's education network, to each other, and to 128273  
the Internet. In each fiscal year the Department of Education 128274  
shall use these funds to assist information technology centers or 128275  
school districts with the operational costs associated with this 128276  
connectivity. The Department of Education shall develop a formula 128277  
and guidelines for the distribution of these funds to information 128278  
technology centers or individual school districts. As used in this 128279  
section, "public school building" means a school building of any 128280  
city, local, exempted village, or joint vocational school 128281  
district, any community school established under Chapter 3314. of 128282  
the Revised Code, any college preparatory boarding school 128283  
established under Chapter 3328. of the Revised Code, any STEM 128284  
school established under Chapter 3326. of the Revised Code, any 128285  
educational service center building used for instructional 128286  
purposes, the Ohio School for the Deaf and the Ohio School for the 128287  
Blind, high schools chartered by the Ohio Department of Youth 128288  
Services, or high schools operated by Ohio Department of 128289  
Rehabilitation and Corrections' Ohio Central School System. 128290

Of the foregoing appropriation item 200426, Ohio Educational 128291  
Computer Network, up to \$2,500,000 in each fiscal year shall be 128292  
used for the Union Catalog and InfOhio Network and to support the 128293  
provision of electronic resources with priority given to resources 128294  
that support the teaching of state academic content standards in 128295  
all public schools. Consideration shall be given by the Department 128296  
of Education to coordinating the allocation of these moneys with 128297

the efforts of Libraries Connect Ohio, whose members include 128298  
OhioLINK, the Ohio Public Information Network, and the State 128299  
Library of Ohio. 128300

Of the foregoing appropriation item 200426, Ohio Educational 128301  
Computer Network, up to \$5,220,000 in each fiscal year shall be 128302  
used, through a formula and guidelines devised by the Department, 128303  
to subsidize the activities of designated information technology 128304  
centers, as defined by State Board of Education rules, to provide 128305  
school districts and chartered nonpublic schools with 128306  
computer-based student and teacher instructional and 128307  
administrative information services, including approved 128308  
computerized financial accounting, and to ensure the effective 128309  
operation of local automated administrative and instructional 128310  
systems. 128311

Of the foregoing appropriation item 200426, Ohio Educational 128312  
Computer Network, up to \$10,000,000 in fiscal year 2014 shall be 128313  
used for middle mile connections for the information technology 128314  
centers established under section 3301.075 of the Revised Code and 128315  
select large urban districts to connect to the state broadband 128316  
backbone managed by the Ohio Technology Consortium and for other 128317  
connectivity upgrades necessary for K-12 school buildings with 128318  
severely restricted broadband connections. The Department of 128319  
Education shall develop an expenditure plan aligned with the 128320  
capacity and timeline requirements of the achievement assessments 128321  
developed by the Partnership for Assessment of Readiness for 128322  
College and Careers and other instructional technology/blended 128323  
learning initiatives. The State Chief Information Officer and the 128324  
Education Technology Division of the Ohio Board of Regents shall 128325  
review the plan to ensure it coincides with State of Ohio and 128326  
higher education network strategies and shall either approve or 128327  
reject the plan. If the plan is rejected, the State Chief 128328  
Information Officer and the Education Technology Division of the 128329

Ohio Board of Regents shall identify deficiencies in the plan and 128330  
work with the Department to complete an acceptable plan. "Select 128331  
large urban districts" are those districts that connect to the 128332  
state broadband backbone directly rather than through an 128333  
information technology center. At the request of the 128334  
Superintendent of Public Instruction, the Director of Budget and 128335  
Management may authorize the expenditure in fiscal year 2015 of 128336  
any unexpended and unencumbered portion of this set-aside at the 128337  
end of fiscal year 2014. The authorized expenditure is hereby 128338  
reappropriated to the Department for the same purpose for fiscal 128339  
year 2015. 128340

The remainder of appropriation item 200426, Ohio Educational 128341  
Computer Network, shall be used to support the work of the 128342  
development, maintenance, and operation of a network of uniform 128343  
and compatible computer-based information and instructional 128344  
systems as well as the teacher student linkage/roster verification 128345  
process and the eTranscript/student records exchange initiative. 128346  
This technical assistance shall include, but not be restricted to, 128347  
development and maintenance of adequate computer software systems 128348  
to support network activities. In order to improve the efficiency 128349  
of network activities, the Department and information technology 128350  
centers may jointly purchase equipment, materials, and services 128351  
from funds provided under this appropriation for use by the 128352  
network and, when considered practical by the Department, may 128353  
utilize the services of appropriate state purchasing agencies. 128354

**Section 263.80. ACADEMIC STANDARDS** 128355

The foregoing appropriation item 200427, Academic Standards, 128356  
shall be used by the Department of Education to develop, revise, 128357  
and communicate to school districts academic content standards and 128358  
curriculum models and to develop professional development programs 128359  
and other tools on the new content standards and model curriculum. 128360

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| <b>Section 263.90. STUDENT ASSESSMENT</b>                          | 128361 |
| Of the foregoing appropriation item 200437, Student                | 128362 |
| Assessment, up to \$95,000 in each fiscal year may be used to      | 128363 |
| support the assessments required under section 3301.0715 of the    | 128364 |
| Revised Code.                                                      | 128365 |
| The remainder of appropriation item 200437, Student                | 128366 |
| Assessment, shall be used to develop, field test, print,           | 128367 |
| distribute, score, report results, and support other associated    | 128368 |
| costs for the tests required under sections 3301.0710, 3301.0711,  | 128369 |
| and 3301.0712 of the Revised Code and for similar purposes as      | 128370 |
| required by section 3301.27 of the Revised Code. The funds may     | 128371 |
| also be used to update and develop diagnostic assessments required | 128372 |
| under sections 3301.079, 3301.0715, and 3313.608 of the Revised    | 128373 |
| Code.                                                              | 128374 |
| DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT        | 128375 |
| ASSESSMENT                                                         | 128376 |
| In fiscal year 2014 and fiscal year 2015, if the                   | 128377 |
| Superintendent of Public Instruction determines that additional    | 128378 |
| funds are needed to fully fund the requirements of sections        | 128379 |
| 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code   | 128380 |
| and this act for assessments of student performance, the           | 128381 |
| Superintendent of Public Instruction may recommend the             | 128382 |
| reallocation of unexpended and unencumbered General Revenue Fund   | 128383 |
| appropriations within the Department of Education to appropriation | 128384 |
| item 200437, Student Assessment, to the Director of Budget and     | 128385 |
| Management. If the Director of Budget and Management determines    | 128386 |
| that such a reallocation is required, the Director of Budget and   | 128387 |
| Management may transfer unexpended and unencumbered appropriations | 128388 |
| within the Department of Education as necessary to appropriation   | 128389 |
| item 200437, Student Assessment. If these transferred              | 128390 |
| appropriations are not sufficient to fully fund the assessment     | 128391 |

requirements in fiscal year 2014 or fiscal year 2015, the 128392  
Superintendent of Public Instruction may request that the 128393  
Controlling Board transfer up to \$9,000,000 cash from the Lottery 128394  
Profits Education Reserve Fund (Fund 7018) to the General Revenue 128395  
Fund. Upon approval of the Controlling Board, the Director of 128396  
Budget and Management shall transfer the cash. These transferred 128397  
funds are hereby appropriated for the same purpose as 128398  
appropriation item 200437, Student Assessment. 128399

**Section 263.100.** Notwithstanding anything to the contrary in 128400  
sections 3301.0710 and 3301.0711 of the Revised Code, in the 128401  
2013-2014 school year, the Department of Education shall not 128402  
furnish, and school districts and schools shall not administer, 128403  
the elementary writing and social studies achievement assessments 128404  
prescribed by section 3301.0710 of the Revised Code, unless the 128405  
Superintendent of Public Instruction determines the Department has 128406  
sufficient funds to pay the costs of furnishing and scoring those 128407  
assessments. 128408

**Section 263.110. ACCOUNTABILITY/REPORT CARDS** 128409

Of the foregoing appropriation item 200439, 128410  
Accountability/Report Cards, a portion in each fiscal year may be 128411  
used to train district and regional specialists and district 128412  
educators in the use of the value-added progress dimension and in 128413  
the use of data as it relates to improving student achievement. 128414  
This training may include teacher and administrator professional 128415  
development in the use of data to improve instruction and student 128416  
learning, and teacher and administrator training in understanding 128417  
teacher value-added reports and how they can be used as a 128418  
component in measuring teacher and administrator effectiveness. A 128419  
portion of this funding may be provided to a credible nonprofit 128420  
organization with expertise in value-added progress dimensions. 128421

The remainder of appropriation item 200439, 128422  
Accountability/Report Cards, shall be used by the Department to 128423  
incorporate a statewide value-added progress dimension into 128424  
performance ratings for school districts and for the development 128425  
of an accountability system that includes the preparation and 128426  
distribution of school report cards, funding and expenditure 128427  
accountability reports under sections 3302.03 and 3302.031 of the 128428  
Revised Code, and the development and maintenance of teacher 128429  
value-added reports. 128430

CHILD CARE LICENSING 128431

The foregoing appropriation item 200442, Child Care 128432  
Licensing, shall be used by the Department of Education to license 128433  
and to inspect preschool and school-age child care programs under 128434  
sections 3301.52 to 3301.59 of the Revised Code. 128435

**Section 263.120.** EDUCATION MANAGEMENT INFORMATION SYSTEM 128436

The foregoing appropriation item 200446, Education Management 128437  
Information System, shall be used by the Department of Education 128438  
to improve the Education Management Information System (EMIS). 128439

Of the foregoing appropriation item 200446, Education 128440  
Management Information System, up to \$729,000 in each fiscal year 128441  
shall be distributed to designated information technology centers 128442  
for costs relating to processing, storing, and transferring data 128443  
for the effective operation of the EMIS. These costs may include, 128444  
but are not limited to, personnel, hardware, software development, 128445  
communications connectivity, professional development, and support 128446  
services, and to provide services to participate in the State 128447  
Education Technology Plan developed under section 3353.09 of the 128448  
Revised Code. 128449

The remainder of appropriation item 200446, Education 128450  
Management Information System, shall be used to develop and 128451

support a common core of data definitions and standards as adopted 128452  
by the Education Management Information System Advisory Board, 128453  
including the ongoing development and maintenance of the data 128454  
dictionary and data warehouse. In addition, such funds shall be 128455  
used to support the development and implementation of data 128456  
standards; the design, development, and implementation of a new 128457  
data exchange system; and responsibilities related to the school 128458  
report cards prescribed by section 3302.03 of the Revised Code and 128459  
value-added progress dimension calculations. 128460

Any provider of software meeting the standards approved by 128461  
the Education Management Information System Advisory Board shall 128462  
be designated as an approved vendor and may enter into contracts 128463  
with local school districts, community schools, STEMS schools, 128464  
information technology centers, or other educational entities for 128465  
the purpose of collecting and managing data required under Ohio's 128466  
education management information system (EMIS) laws. On an annual 128467  
basis, the Department of Education shall convene an advisory group 128468  
of school districts, community schools, and other 128469  
education-related entities to review the Education Management 128470  
Information System data definitions and data format standards. The 128471  
advisory group shall recommend changes and enhancements based upon 128472  
surveys of its members, education agencies in other states, and 128473  
current industry practices, to reflect best practices, align with 128474  
federal initiatives, and meet the needs of school districts. 128475

School districts, STEM schools, and community schools not 128476  
implementing a common and uniform set of data definitions and data 128477  
format standards for Education Management Information System 128478  
purposes shall have all EMIS funding withheld until they are in 128479  
compliance. 128480

**Section 263.130. GED TESTING** 128481

The foregoing appropriation item 200447, GED Testing, shall 128482

be used to provide General Educational Development (GED) testing 128483  
under rules adopted by the State Board of Education. 128484

**Section 263.140. EDUCATOR PREPARATION** 128485

Of the foregoing appropriation item 200448, Educator 128486  
Preparation, up to \$500,000 in each fiscal year may be used by the 128487  
Department of Education to monitor and support Ohio's State System 128488  
of Support in accordance with the "No Child Left Behind Act of 128489  
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 128490  
and Secondary Education Act flexibility waivers approved for Ohio 128491  
by the United States Department of Education. 128492

Of the foregoing appropriation item 200448, Educator 128493  
Preparation, up to \$100,000 in each fiscal year may be used by the 128494  
Department to support the Educator Standards Board under section 128495  
3319.61 of the Revised Code and reforms under sections 3302.042, 128496  
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 128497  
3319.58 of the Revised Code. 128498

The remainder of the foregoing appropriation item 200448, 128499  
Educator Preparation, in fiscal year 2015 may be used for 128500  
implementation of teacher and principal evaluation systems, 128501  
including incorporation of student growth as a metric in those 128502  
systems, and teacher value-added reports. 128503

**Section 263.150. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 128504

The foregoing appropriation item 200455, Community Schools 128505  
and Choice Programs, may be used by the Department of Education 128506  
for additional services and responsibilities under section 3314.11 128507  
of the Revised Code and for operation of the school choice 128508  
programs. 128509

Of the foregoing appropriation item 200455, Community Schools 128510  
and Choice Programs, a portion in each fiscal year may be used by 128511  
the Department of Education for developing and conducting training 128512



sessions for community schools and sponsors and prospective 128513  
sponsors of community schools as prescribed in division (A)(1) of 128514  
section 3314.015 of the Revised Code, and other schools 128515  
participating in school choice programs. 128516

**Section 263.160.** TECHNOLOGY INTEGRATION AND PROFESSIONAL 128517  
DEVELOPMENT 128518

The foregoing appropriation item 200465, Technology 128519  
Integration and Professional Development, shall be used by the 128520  
Department of Education to contract with educational television 128521  
stations and education technology centers to provide Ohio public 128522  
schools with instructional resources and services, with priority 128523  
given to resources and services aligned with state academic 128524  
content standards. Such resources and services shall be based upon 128525  
the advice and approval of the Department, based on a formula used 128526  
by the former eTech Ohio Commission unless and until a substitute 128527  
formula is developed in consultation with the Ohio Board of 128528  
Regents. 128529

**Section 263.163.** READY TO LEARN 128530

The Department of Education shall distribute the foregoing 128531  
appropriation item 200468, Ready to Learn, to contract with 128532  
eligible providers of early childhood education programs under 128533  
this section. 128534

(A) As used in this section: 128535

(1) "Eligible provider" means a private early childhood 128536  
education program provider that meets at least the third highest 128537  
rating level in the tiered quality rating and improvement system 128538  
developed under section 5104.30 of the Revised Code or a public 128539  
early childhood education provider. 128540

(2) "Eligible child" means a child who is at least three 128541  
years of age as of the district entry date for kindergarten, is 128542

not enrolled in kindergarten, and whose family earns not more than 128543  
two hundred per cent of the federal poverty guidelines as defined 128544  
in division (A)(3) of section 5101.46 of the Revised Code. 128545

(3) "Early learning program standards" means early learning 128546  
program standards for school readiness developed by the Department 128547  
to assess the operation of early learning programs. 128548

(B) The Department shall distribute funding to eligible 128549  
providers on a per-pupil basis. The per-pupil amount shall be such 128550  
that funding is provided for 2,200 eligible children in each 128551  
fiscal year. The Department shall distribute funding so that at 128552  
least three eligible children are funded in each county. 128553

(C) Each early childhood education program receiving funding 128554  
under this section shall do all of the following: 128555

(1) Meet teacher qualification requirements prescribed by 128556  
section 3301.311 of the Revised Code; 128557

(2) Align curriculum to the early learning content standards 128558  
developed by the Department; 128559

(3) Meet any child or program assessment requirements 128560  
prescribed by the Department; 128561

(4) Require teachers, except teachers enrolled and working to 128562  
obtain a degree pursuant to section 3301.311 of the Revised Code, 128563  
to attend a minimum of twenty hours every two years of 128564  
professional development as prescribed by the Department; 128565

(5) Document and report child progress as prescribed by the 128566  
Department; 128567

(6) Meet and report compliance with the early learning 128568  
program standards as prescribed by the Department; 128569

(7) Participate in the tiered quality rating and improvement 128570  
system developed under section 5104.30 of the Revised Code. 128571

**Section 263.170.** PUPIL TRANSPORTATION 128572

Of the foregoing appropriation item 200502, Pupil 128573  
Transportation, up to \$838,930 in each fiscal year may be used by 128574  
the Department of Education for training prospective and 128575  
experienced school bus drivers in accordance with training 128576  
programs prescribed by the Department. Up to \$60,469,220 in each 128577  
fiscal year may be used by the Department of Education for special 128578  
education transportation reimbursements to school districts and 128579  
county DD boards for transportation operating costs as provided in 128580  
divisions (C) and (F) of section 3317.024 of the Revised Code. Up 128581  
to \$5,000,000 in fiscal year 2014 may be used by the Department of 128582  
Education to reimburse school districts that make payments to 128583  
parents in lieu of transportation under section 3327.02 of the 128584  
Revised Code and whose transportation is not funded under division 128585  
(C) of section 3317.024 of the Revised Code. 128586

Of the foregoing appropriation item 200502, Pupil 128587  
Transportation, up to \$25,300,000 in fiscal year 2014 and up to 128588  
\$23,100,000 in fiscal year 2015 shall be used for additional 128589  
transportation aid for school districts as provided by division 128590  
(G)(2) of section 3317.0212 of the Revised Code, as amended by 128591  
this act. The Department shall pay each school district a pro rata 128592  
portion of the amounts calculated so that the amount appropriated 128593  
is not exceeded. 128594

The remainder of appropriation item 200502, Pupil 128595  
Transportation, shall be used to distribute the amounts calculated 128596  
for transportation aid under division (G)(1) of section 3317.0212 128597  
of the Revised Code, as amended by this act. 128598

**Section 263.180.** SCHOOL LUNCH MATCH 128599

The foregoing appropriation item 200505, School Lunch Match, 128600  
shall be used to provide matching funds to obtain federal funds 128601

for the school lunch program. 128602

Any remaining appropriation after providing matching funds 128603  
for the school lunch program may be used to partially reimburse 128604  
school buildings within school districts that are required to have 128605  
a school breakfast program under section 3313.813 of the Revised 128606  
Code, at a rate decided by the Department. 128607

**Section 263.190. AUXILIARY SERVICES** 128608

The foregoing appropriation item 200511, Auxiliary Services, 128609  
shall be used by the Department of Education for the purpose of 128610  
implementing section 3317.06 of the Revised Code. Of the 128611  
appropriation, up to \$1,888,106 in fiscal year 2014 and up to 128612  
\$1,944,949 in fiscal year 2015 may be used for payment of the 128613  
Post-Secondary Enrollment Program for nonpublic students, except 128614  
that in fiscal year 2014 the Department may spend above the 128615  
set-aside to pay for outstanding obligations for the 128616  
Post-Secondary Enrollment Options Program in fiscal year 2013. 128617

**Section 263.200. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 128618

The foregoing appropriation item 200532, Nonpublic 128619  
Administrative Cost Reimbursement, shall be used by the Department 128620  
of Education for the purpose of implementing section 3317.063 of 128621  
the Revised Code. 128622

**Section 263.210. SPECIAL EDUCATION ENHANCEMENTS** 128623

Of the foregoing appropriation item 200540, Special Education 128624  
Enhancements, up to \$50,000,000 in each fiscal year shall be used 128625  
to fund special education and related services at county boards of 128626  
developmental disabilities for eligible students under section 128627  
3317.20 of the Revised Code and at institutions for eligible 128628  
students under section 3317.201 of the Revised Code. If necessary, 128629  
the Department shall proportionately reduce the amount calculated 128630

for each county board of developmental disabilities and 128631  
institution so as not to exceed the amount appropriated in each 128632  
fiscal year. 128633

Of the foregoing appropriation item 200540, Special Education 128634  
Enhancements, up to \$1,333,468 in each fiscal year shall be used 128635  
for parent mentoring programs. 128636

Of the foregoing appropriation item 200540, Special Education 128637  
Enhancements, up to \$2,537,824 in each fiscal year may be used for 128638  
school psychology interns. 128639

The remainder of appropriation item 200540, Special Education 128640  
Enhancements, shall be distributed by the Department of Education 128641  
to school districts and institutions, as defined in section 128642  
3323.091 of the Revised Code, for preschool special education 128643  
funding under section 3317.0213 of the Revised Code. If necessary, 128644  
the Department shall proportionately reduce the amount calculated 128645  
for each school district and institution so as not to exceed the 128646  
amount appropriated in each fiscal year. 128647

The Department may reimburse school districts and 128648  
institutions for services provided by instructional assistants, 128649  
related services as defined in rule 3301-51-11 of the 128650  
Administrative Code, physical therapy services provided by a 128651  
licensed physical therapist or physical therapist assistant under 128652  
the supervision of a licensed physical therapist as required under 128653  
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 128654  
Administrative Code and occupational therapy services provided by 128655  
a licensed occupational therapist or occupational therapy 128656  
assistant under the supervision of a licensed occupational 128657  
therapist as required under Chapter 4755. of the Revised Code and 128658  
Chapter 4755-7 of the Administrative Code. Nothing in this section 128659  
authorizes occupational therapy assistants or physical therapist 128660  
assistants to generate or manage their own caseloads. 128661

The Department of Education shall require school districts, 128662  
educational service centers, county DD boards, and institutions 128663  
serving preschool children with disabilities to adhere to Ohio's 128664  
early learning program standards, participate in the tiered 128665  
quality rating and improvement system developed under section 128666  
5104.30 of the Revised Code, and document child progress using 128667  
research-based indicators prescribed by the Department and report 128668  
results annually. The reporting dates and method shall be 128669  
determined by the Department. Effective July 1, 2018, all programs 128670  
shall be rated through the tiered quality rating and improvement 128671  
system. 128672

**Section 263.220. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 128673

Of the foregoing appropriation item 200545, Career-Technical 128674  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 128675  
be used to fund secondary career-technical education at 128676  
institutions using a grant-based methodology, notwithstanding 128677  
section 3317.05 of the Revised Code. 128678

Of the foregoing appropriation item 200545, Career-Technical 128679  
Education Enhancements, up to \$2,838,281 in each fiscal year shall 128680  
be used by the Department of Education to fund competitive grants 128681  
to tech prep consortia that expand the number of students enrolled 128682  
in tech prep programs. These grant funds shall be used to directly 128683  
support expanded tech prep programs provided to students enrolled 128684  
in school districts, including joint vocational school districts, 128685  
and affiliated higher education institutions. This support may 128686  
include the purchase of equipment. 128687

Of the foregoing appropriation item 200545, Career-Technical 128688  
Education Enhancements, up to \$3,100,850 in each fiscal year shall 128689  
be used by the Department of Education to support existing High 128690  
Schools That Work (HSTW) sites, develop and support new sites, 128691  
fund technical assistance, and support regional centers and middle 128692

school programs. The purpose of HSTW is to combine challenging 128693  
academic courses and modern career-technical studies to raise the 128694  
academic achievement of students. HSTW provides intensive 128695  
technical assistance, focused staff development, targeted 128696  
assessment services, and ongoing communications and networking 128697  
opportunities. 128698

Of the foregoing appropriation item 200545, Career-Technical 128699  
Education Enhancements, up to \$300,000 in each fiscal year shall 128700  
be used by the Department of Education to enable students in 128701  
agricultural programs to enroll in a fifth quarter of instruction 128702  
based on the agricultural education model of delivering work-based 128703  
learning through supervised agricultural experience. The 128704  
Department of Education shall determine eligibility criteria and 128705  
the reporting process for the Agriculture 5th Quarter Project and 128706  
shall fund as many programs as possible given the set aside. 128707

Of the foregoing appropriation item, 200545, Career-Technical 128708  
Education Enhancements, up to \$162,200 in each fiscal year shall 128709  
be distributed to the Cleveland Municipal School District and the 128710  
Cincinnati City School District to be used for a VoAg Program in 128711  
one at-risk nonvocational school in each district. The amount 128712  
distributed to the Cleveland Municipal School District shall be 128713  
equal to \$78,600 minus the funding allocated to the district under 128714  
division (A)(8) of section 3317.022 of the Revised Code for the 128715  
students participating in the program. The amount distributed to 128716  
the Cincinnati City School District shall be equal to \$83,600 128717  
minus the funding allocated to the district under section 3317.162 128718  
of the Revised Code for the students participating in the program. 128719

Of the foregoing appropriation item 200545, Career-Technical 128720  
Education Enhancements, \$108,100 in each fiscal year shall be used 128721  
to prepare students for careers in culinary arts and restaurant 128722  
management under the Ohio ProStart school restaurant program. 128723

Section 263.230. FOUNDATION FUNDING 128724

Of the foregoing appropriation item 200550, Foundation 128725  
Funding, up to \$675,000 in each fiscal year shall be used to 128726  
support the work of the College of Education and Human Ecology at 128727  
the Ohio State University in reviewing and assessing the alignment 128728  
of courses offered through the distance learning clearinghouse 128729  
established in sections 3333.81 to 3333.88 of the Revised Code 128730  
with the academic content standards adopted under division (A) of 128731  
section 3301.079 of the Revised Code. 128732

Of the foregoing appropriation item 200550, Foundation 128733  
Funding, up to \$40,000,000 in each fiscal year shall be used to 128734  
provide additional state aid to school districts, joint vocational 128735  
school districts, community schools, and STEM schools for special 128736  
education students under division (C)(3) of section 3314.08, 128737  
section 3317.0214, division (B) of section 3317.16, and section 128738  
3326.34 of the Revised Code, except that the Controlling Board may 128739  
increase these amounts if presented with such a request from the 128740  
Department of Education at the final meeting of the fiscal year. 128741

Of the foregoing appropriation item 200550, Foundation 128742  
Funding, up to \$2,000,000 in each fiscal year shall be reserved 128743  
for Youth Services tuition payments under section 3317.024 of the 128744  
Revised Code. 128745

Of the foregoing appropriation item 200550, Foundation 128746  
Funding, up to \$3,800,000 in each fiscal year shall be used to 128747  
fund gifted education at educational service centers. The 128748  
Department shall distribute the funding through the unit-based 128749  
funding methodology in place under division (L) of section 128750  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 128751  
and (C) of section 3317.053 of the Revised Code as they existed 128752  
prior to fiscal year 2010. 128753

Of the foregoing appropriation item 200550, Foundation 128754



Funding, up to \$43,500,000 in fiscal year 2014 and up to 128755  
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 128756  
state reimbursement of educational service centers under the 128757  
section of this act entitled "EDUCATIONAL SERVICE CENTERS 128758  
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 128759  
distributed to educational service centers for School Improvement 128760  
Initiatives and, in consultation with the Governor's Director of 128761  
21st Century Education, for the provision of technical assistance 128762  
as required by the Elementary and Secondary Education Act 128763  
Flexibility waivers approved for Ohio by the United States 128764  
Department of Education. Educational service centers shall be 128765  
required to support districts in the development and 128766  
implementation of their continuous improvement plans as required 128767  
in section 3302.04 of the Revised Code and to provide technical 128768  
assistance and support in accordance with Title I of the "No Child 128769  
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317, as 128770  
administered pursuant to the Elementary and Secondary Education 128771  
Act Flexibility waivers approved for Ohio by the United States 128772  
Department of Education. 128773

Of the foregoing appropriation item 200550, Foundation 128774  
Funding, up to \$20,000,000 in each fiscal year shall be reserved 128775  
for payments under sections 3317.026, 3317.027, and 3317.028 of 128776  
the Revised Code. If this amount is not sufficient, the Department 128777  
of Education shall prorate the payment amounts so that the 128778  
aggregate amount allocated in this paragraph is not exceeded. 128779

Of the foregoing appropriation item 200550, Foundation 128780  
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 128781  
career-technical planning districts for the amounts reimbursed to 128782  
students, as prescribed in this paragraph. Each career-technical 128783  
planning district shall reimburse individuals taking the online 128784  
General Educational Development (GED) test for the first time for 128785  
application/test fees in excess of \$40. Each career-technical 128786

planning district shall designate a site or sites where 128787  
individuals may register and take the exam. For each individual 128788  
that registers for the exam, the career-technical planning 128789  
district shall make available and offer career counseling 128790  
services, including information on adult education programs that 128791  
are available. 128792

Of the foregoing appropriation item 200550, Foundation 128793  
Funding, up to \$410,000 in each fiscal year shall be used to pay 128794  
career-technical planning districts \$500 for each student that 128795  
receives a journeyman certification, as recognized by the United 128796  
States Department of Labor. 128797

Of the foregoing appropriation item 200550, Foundation 128798  
Funding, up to \$18,713,327 in each fiscal year shall be used to 128799  
support school choice programs. 128800

Of the portion of the funds distributed to the Cleveland 128801  
Municipal School District under this section, up to \$11,901,887 in 128802  
each fiscal year shall be used to operate the school choice 128803  
program in the Cleveland Municipal School District under sections 128804  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 128805  
divisions (B) and (C) of section 3313.978 and division (C) of 128806  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 128807  
fiscal year of this amount shall be used by the Cleveland 128808  
Municipal School District to provide tutorial assistance as 128809  
provided in division (H) of section 3313.974 of the Revised Code. 128810  
The Cleveland Municipal School District shall report the use of 128811  
these funds in the district's three-year continuous improvement 128812  
plan as described in section 3302.04 of the Revised Code in a 128813  
manner approved by the Department of Education. 128814

Of the foregoing appropriation item 200550, Foundation 128815  
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 128816  
college-preparatory boarding schools the per pupil boarding amount 128817  
pursuant to section 3328.34 of the Revised Code. 128818

Of the foregoing appropriation item 200550, Foundation 128819  
Funding, up to \$500,000 in each fiscal year shall be used to 128820  
support Jobs for Ohio's Graduates. 128821

Of the foregoing appropriation item 200550, Foundation 128822  
Funding, up to \$250,000 in fiscal year 2015 may be used for 128823  
payment of the Post-Secondary Enrollment Options Program for 128824  
students instructed at home pursuant to section 3321.04 of the 128825  
Revised Code. 128826

Of the foregoing appropriation item 200550, Foundation 128827  
Funding, an amount shall be available in each fiscal year to be 128828  
paid to joint vocational school districts in accordance with 128829  
division (A) of section 3317.16 of the Revised Code and the 128830  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 128831  
VOCATIONAL SCHOOL DISTRICTS." 128832

Of the foregoing appropriation item 200550, Foundation 128833  
Funding, up to \$700,000 in each fiscal year shall be used by the 128834  
Department of Education for a program to pay for educational 128835  
services for youth who have been assigned by a juvenile court or 128836  
other authorized agency to any of the facilities described in 128837  
division (A) of the section of this act entitled "PRIVATE 128838  
TREATMENT FACILITY PROJECT." 128839

The remainder of appropriation item 200550, Foundation 128840  
Funding, shall be used to distribute the amounts calculated for 128841  
formula aid under section 3317.022 of the Revised Code and the 128842  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 128843  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 128844

Appropriation items 200502, Pupil Transportation, 200540, 128845  
Special Education Enhancements, and 200550, Foundation Funding, 128846  
other than specific set-asides, are collectively used in each 128847  
fiscal year to pay state formula aid obligations for school 128848  
districts, community schools, STEM schools, college preparatory 128849

boarding schools, and joint vocational school districts under this 128850  
act. The first priority of these appropriation items, with the 128851  
exception of specific set-asides, is to fund state formula aid 128852  
obligations. It may be necessary to reallocate funds among these 128853  
appropriation items or use excess funds from other general revenue 128854  
fund appropriation items in the Department of Education's budget 128855  
in each fiscal year, in order to meet state formula aid 128856  
obligations. If it is determined that it is necessary to transfer 128857  
funds among these appropriation items or to transfer funds from 128858  
other General Revenue Fund appropriations in the Department of 128859  
Education's budget to meet state formula aid obligations, the 128860  
Department of Education shall seek approval from the Controlling 128861  
Board to transfer funds as needed. 128862

The Superintendent of Public Instruction shall make payments, 128863  
transfers, and deductions, as authorized by Title XXXVIII of the 128864  
Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 128865  
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in 128866  
amounts substantially equal to those made in the prior year, or 128867  
otherwise, at the discretion of the Superintendent, until at least 128868  
the effective date of the amendments and enactments made to Title 128869  
XXXVIII by this act. If a new school district, community school, or 128870  
STEM school opens prior to the effective date of this act, the 128871  
Department of Education shall pay to the district or school an 128872  
amount of \$5,000 per pupil, based upon the estimated number of 128873  
students that the district or school is expected to serve. Any 128874  
funds paid to districts or schools under this section shall be 128875  
credited toward the annual funds calculated for the district or 128876  
school after the changes made to Title XXXVIII in this act are 128877  
effective. Upon the effective date of changes made to Title XXXVIII 128878  
in this act, funds shall be calculated as an annual amount. 128879

**Section 263.240.** TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 128880  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 128881

The Department of Education shall distribute funds within 128882  
appropriation item 200550, Foundation Funding, for temporary 128883  
transitional aid in each fiscal year to each qualifying city, 128884  
local, and exempted village school district. 128885

(A) For fiscal years 2014 and 2015, the Department shall pay 128886  
temporary transitional aid to each city, local, or exempted 128887  
village school district that experiences any decrease in its state 128888  
foundation funding for the current fiscal year from its 128889  
transitional aid guarantee base. The amount of the temporary 128890  
transitional aid payment shall equal the difference between its 128891  
foundation funding for the current fiscal year and its 128892  
transitional aid guarantee base. If the computation made under 128893  
this division results in a negative number, the district's funding 128894  
under this division shall be zero. 128895

(1) As used in this section, foundation funding for each 128896  
city, local, and exempted village school district for a given 128897  
fiscal year equals the sum of the amount calculated for the 128898  
district under section 3317.022 of the Revised Code, as re-enacted 128899  
by this act, and the amounts calculated for the district under 128900  
divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, 128901  
as amended by this act, for that fiscal year. 128902

(2) The transitional aid guarantee base for each city, local, 128903  
and exempted village school district equals the sum of the amounts 128904  
computed for the district for fiscal year 2013, under Sections 128905  
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 128906  
129th General Assembly. 128907

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 128908  
as re-enacted by this act, in fiscal year 2014, no city, local, or 128909  
exempted village school district shall be allocated foundation 128910  
funding that is greater than 1.06 times the district's 128911  
transitional aid guarantee base. 128912

(2) Notwithstanding section 3317.022 of the Revised Code, as re-enacted by this act, in fiscal year 2015, no city, local, or exempted village school district shall be allocated foundation funding that is greater than 1.06 times the amount computed for foundation funding for the district for fiscal year 2014 plus any amount calculated for temporary transitional aid for fiscal year 2014 under division (A) of this section and after any reductions made for fiscal year 2014 under division (B)(1) of this section.

(3) The Department shall reduce a district's payments under divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 of the Revised Code, as re-enacted by this act, and divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, as amended by this act, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under divisions (A)(3), (8), and (9) of section 3317.022 of the Revised Code, as re-enacted by this act.

**Section 263.250. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS**

The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional aid in each fiscal year to each qualifying joint vocational school district.

(A) For fiscal years 2014 and 2015, the Department shall pay temporary transitional aid to each joint vocational school district that experiences any decrease in its state core foundation funding under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, for the current fiscal year from its transitional aid guarantee base. The amount of the temporary transitional aid payment shall equal the difference between the district's funding under division (A) of section

3317.16 of the Revised Code for the current fiscal year and its 128944  
transitional aid guarantee base. If the computation made under 128945  
this division results in a negative number, the district's funding 128946  
under this division shall be zero. 128947

The transitional aid guarantee base for each joint vocational 128948  
school district equals the amount computed for the district for 128949  
fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of 128950  
the 129th General Assembly. 128951

(B)(1) Notwithstanding division (A) of section 3317.16 of the 128952  
Revised Code, as re-enacted by this act, in fiscal year 2014, no 128953  
joint vocational school district shall be allocated state core 128954  
foundation funding, as computed under division (A) of section 128955  
3317.16 of the Revised Code, as re-enacted by this act, that is 128956  
greater than 1.06 times the district's transitional aid guarantee 128957  
base. 128958

(2) Notwithstanding division (A) of section 3317.16 of the 128959  
Revised Code, as re-enacted by this act, in fiscal year 2015, no 128960  
joint vocational school district shall be allocated state core 128961  
foundation funding, under division (A) of section 3317.16 of the 128962  
Revised Code, as re-enacted by this act, that is greater than 1.06 128963  
times the amount computed for state core foundation funding for 128964  
the district for fiscal year 2014 under division (A) of section 128965  
3317.16 of the Revised Code, as re-enacted by this act, plus any 128966  
amount calculated for temporary transitional aid for fiscal year 128967  
2014 under division (A) of this section and after any reductions 128968  
made for fiscal year 2014 under division (B)(1) of this section. 128969

(3) The Department shall reduce a district's payments under 128970  
divisions (A)(1), (3), and (4) of section 3317.16 of the Revised 128971  
Code, as re-enacted by this act, proportionately as necessary in 128972  
order to comply with this division. If those amounts are 128973  
insufficient, the Department shall proportionately reduce a 128974  
district's payments under divisions (A)(2), (5), and (6) of 128975

section 3317.16 of the Revised Code, as re-enacted by this act. 128976

**Section 263.260.** PROPERTY TAX ALLOCATION - EDUCATION 128977

The Superintendent of Public Instruction shall not request, 128978  
and the Controlling Board shall not approve, the transfer of 128979  
appropriation from appropriation item 200901, Property Tax 128980  
Allocation - Education, to any other appropriation item. 128981

The appropriation item 200901, Property Tax Allocation - 128982  
Education, is appropriated to pay for the state's costs incurred 128983  
because of the homestead exemption, the property tax rollback, and 128984  
payments required under division (C) of section 5705.2110 of the 128985  
Revised Code. In cooperation with the Department of Taxation, the 128986  
Department of Education shall distribute these funds directly to 128987  
the appropriate school districts of the state, notwithstanding 128988  
sections 321.24 and 323.156 of the Revised Code, which provide for 128989  
payment of the homestead exemption and property tax rollback by 128990  
the Tax Commissioner to the appropriate county treasurer and the 128991  
subsequent redistribution of these funds to the appropriate local 128992  
taxing districts by the county auditor. 128993

Upon receipt of these amounts, each school district shall 128994  
distribute the amount among the proper funds as if it had been 128995  
paid as real or tangible personal property taxes. Payments for the 128996  
costs of administration shall continue to be paid to the county 128997  
treasurer and county auditor as provided for in sections 319.54, 128998  
321.26, and 323.156 of the Revised Code. 128999

Any sums, in addition to the amount specifically appropriated 129000  
in appropriation items 200901, Property Tax Allocation - 129001  
Education, for the homestead exemption and the property tax 129002  
rollback payments, and payments required under division (C) of 129003  
section 5705.2110 of the Revised Code, which are determined to be 129004  
necessary for these purposes, are hereby appropriated. 129005



**Section 263.270.** TEACHER CERTIFICATION AND LICENSURE 129006

The foregoing appropriation item 200681, Teacher 129007  
Certification and Licensure, shall be used by the Department of 129008  
Education in each year of the biennium to administer and support 129009  
teacher certification and licensure activities. 129010

SCHOOL DISTRICT SOLVENCY ASSISTANCE 129011

(A) Of the foregoing appropriation item 200687, School 129012  
District Solvency Assistance, \$20,000,000 in each fiscal year 129013  
shall be allocated to the School District Shared Resource Account 129014  
and \$5,000,000 in each fiscal year shall be allocated to the 129015  
Catastrophic Expenditures Account. These funds shall be used to 129016  
provide assistance and grants to school districts to enable them 129017  
to remain solvent under section 3316.20 of the Revised Code. 129018  
Assistance and grants shall be subject to approval by the 129019  
Controlling Board. Except as provided under division (C) of this 129020  
section, any required reimbursements from school districts for 129021  
solvency assistance shall be made to the appropriate account in 129022  
the School District Solvency Assistance Fund (Fund 5H30). 129023

(B) Notwithstanding any provision of law to the contrary, 129024  
upon the request of the Superintendent of Public Instruction, the 129025  
Director of Budget and Management may make transfers to the School 129026  
District Solvency Assistance Fund (Fund 5H30) from any fund used 129027  
by the Department of Education or the General Revenue Fund to 129028  
maintain sufficient cash balances in Fund 5H30 in fiscal years 129029  
2014 and 2015. Any cash transferred is hereby appropriated. The 129030  
transferred cash may be used by the Department of Education to 129031  
provide assistance and grants to school districts to enable them 129032  
to remain solvent and to pay unforeseeable expenses of a temporary 129033  
or emergency nature that the school district is unable to pay from 129034  
existing resources. The Director of Budget and Management shall 129035  
notify the members of the Controlling Board of any such transfers. 129036

(C) If the cash balance of the School District Solvency Assistance Fund (Fund 5H30) is insufficient to pay solvency assistance in fiscal years 2014 and 2015, at the request of the Superintendent of Public Instruction, and with the approval of the Controlling Board, the Director of Budget and Management may transfer cash from the Lottery Profits Education Reserve Fund (Fund 7018) to Fund 5H30 to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary nature that they are unable to pay from existing resources under section 3316.20 of the Revised Code. Such transfers are hereby appropriated to appropriation item 200670, School District Solvency Assistance - Lottery. Any required reimbursements from school districts for solvency assistance granted from appropriation item 200670, School District Solvency Assistance - Lottery, shall be made to Fund 7018.

**Section 263.280. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS**

Upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may transfer up to \$750,000 cash in each fiscal year from the General Revenue Fund to the Schools Medicaid Administrative Claims Fund (Fund 3AF0). The transferred cash is to be used by the Department of Education to pay the expenses the Department incurs in administering the Medicaid School Component of the Medicaid program established under sections 5162.36 to 5162.364 of the Revised Code. On June 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer cash from Fund 3AF0 back to the General Revenue Fund in an amount equal to the total amount transferred to Fund 3AF0 in that fiscal year.

The money deposited into Fund 3AF0 under division (B) of section 5162.64 of the Revised Code is hereby appropriated for

fiscal years 2014 and 2015 and shall be used in accordance with 129068  
division (C) of section 5162.64 of the Revised Code. 129069

**Section 263.290. HALF-MILL MAINTENANCE EQUALIZATION** 129070

The foregoing appropriation item 200626, Half-Mill 129071  
Maintenance Equalization, shall be used to make payments pursuant 129072  
to section 3318.18 of the Revised Code. 129073

**Section 263.300. GATES FOUNDATION GRANTS** 129074

The foregoing appropriation item 200668, Gates Foundation 129075  
Grants, shall be used by the Department of Education to provide 129076  
professional development to school district principals, 129077  
superintendents, and other administrative staff on the use of 129078  
education technology. 129079

**Section 263.310. AUXILIARY SERVICES REIMBURSEMENT** 129080

Notwithstanding section 3317.064 of the Revised Code, if the 129081  
unexpended, unencumbered cash balance is sufficient, the Treasurer 129082  
of State shall transfer \$1,500,000 in fiscal year 2014 within 129083  
thirty days after the effective date of this section, and 129084  
\$1,500,000 in fiscal year 2015 by August 1, 2014, from the 129085  
Auxiliary Services Personnel Unemployment Compensation Fund to the 129086  
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 129087  
Department of Education. 129088

**Section 263.320. LOTTERY PROFITS EDUCATION FUND** 129089

Appropriation item 200612, Foundation Funding (Fund 7017), 129090  
shall be used in conjunction with appropriation item 200550, 129091  
Foundation Funding (GRF), to provide state foundation payments to 129092  
school districts. 129093

The Department of Education, with the approval of the 129094  
Director of Budget and Management, shall determine the monthly 129095

distribution schedules of appropriation item 200550, Foundation Funding (GRF), and appropriation item 200612, Foundation Funding (Fund 7017). If adjustments to the monthly distribution schedule are necessary, the Department of Education shall make such adjustments with the approval of the Director of Budget and Management.

STRAIGHT A FUND

Of the foregoing appropriation item, 200648, Straight A Fund, up to \$375,000 in each fiscal year shall be used to provide scholarships to parents of high needs children enrolled in the Get Ready for Kindergarten pilot program. These scholarships shall be administered as provided under the section of this act entitled "GET READY FOR KINDERGARTEN."

Of the foregoing appropriation item 200648, Straight A Fund, up to \$500,000 in fiscal year 2014 and up to \$3,000,000 in fiscal year 2015 shall be used for the New Leaders for Ohio Schools Pilot Project in accordance with Section 733.40 of this act.

The remainder of appropriation item 200648, Straight A Fund, shall be used to make competitive grants in accordance with Section 263.325 of this act.

EDCHOICE EXPANSION

The foregoing appropriation item 200666, EdChoice Expansion, shall be used as follows:

(A) In fiscal year 2014, notwithstanding section 3310.032 of the Revised Code, the Department of Education shall administer an expansion of the Educational Choice Scholarship program as follows:

(1) A student is an "eligible student" for purposes of the expansion of the Educational Choice Scholarship Pilot Program under division (A) of this section if the student's resident

district is not a school district in which the pilot project 129126  
scholarship program is operating under sections 3313.974 to 129127  
3313.979 of the Revised Code and the student's family income is at 129128  
or below two hundred per cent of the federal poverty guidelines, 129129  
as defined in section 5101.46 of the Revised Code. 129130

(2) The Department shall pay scholarships to attend chartered 129131  
nonpublic schools in accordance with section 3310.08 of the 129132  
Revised Code. The number of scholarships awarded under division 129133  
(A) of this section shall not exceed the number that can be funded 129134  
with appropriations made by the general assembly for this purpose. 129135

(3) Scholarships under division (A) of this section shall be 129136  
awarded for the 2013-2014 school year, to eligible students who 129137  
are entering kindergarten in that school year for the first time. 129138

(4) If the number of eligible students who apply for a 129139  
scholarship exceeds the scholarships available based on the 129140  
appropriation for division (A) of this section, the department 129141  
shall award scholarships in the following order of priority: 129142

(a) First, to eligible students with family incomes at or 129143  
below one hundred per cent of the federal poverty guidelines. 129144

(b) Second, to other eligible students who qualify under 129145  
division (A) of this section. If the number of students described 129146  
in division (A)(4)(b) of this section exceeds the number of 129147  
available scholarships after awards are made under division 129148  
(A)(4)(a) of this section, the department shall select students 129149  
described in division (A)(4)(b) of this section by lot to receive 129150  
any remaining scholarships. 129151

(5) A student who receives a scholarship under division (A) 129152  
of this section remains an eligible student and may continue to 129153  
receive scholarships under section 3310.032 of the Revised Code in 129154  
subsequent school years until the student completes grade twelve, 129155  
so long as the student satisfies the conditions specified in 129156

divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 129157

Once a scholarship is awarded under this section, the student 129158  
shall remain eligible for that scholarship for the current and 129159  
subsequent school years, even if the student's family income rises 129160  
above the amount specified in division (A) of section 3310.032 of 129161  
the Revised Code, provided the student remains enrolled in a 129162  
chartered nonpublic school. 129163

(B) In fiscal year 2015, to provide for the scholarships 129164  
awarded under the expansion of the educational choice program 129165  
established under section 3310.032 of the Revised Code. The number 129166  
of scholarships awarded under the expansion of the educational 129167  
choice program shall not exceed the number that can be funded with 129168  
the appropriations made by the General Assembly for this purpose. 129169

COMMUNITY SCHOOL FACILITIES 129170

The foregoing appropriation item 200684, Community School 129171  
Facilities, shall be used to pay each community school established 129172  
under Chapter 3314. of the Revised Code that is not an internet- 129173  
or computer-based community school an amount equal to \$100 for 129174  
each full-time equivalent pupil for assistance with the cost 129175  
associated with facilities. If the amount appropriated is not 129176  
sufficient, the Department of Education shall prorate the amounts 129177  
so that the aggregate amount appropriated is not exceeded. 129178

**Section 263.323. GET READY FOR KINDERGARTEN** 129179

(A) A preschool is an "eligible preschool" for the purposes 129180  
of this section if the preschool has a quality rating in the top 129181  
two tiers of the tiered rating improvement system developed under 129182  
division (C)(3)(d) of section 5104.30 of the Revised Code. 129183

(B) The Department of Education shall provide scholarships to 129184  
parents of high needs children to enroll in eligible preschools as 129185  
defined in division (A) of this section. 129186

(C) Scholarships under this section shall be awarded to 129187  
students who are at least age three but are not of compulsory 129188  
school age, as defined in section 3321.01 of the Revised Code, and 129189  
who are not currently enrolled in kindergarten. Students who 129190  
receive scholarships under this section shall enroll in eligible 129191  
preschools between July 1, 2013, and December 31, 2013. 129192

**Section 263.325.** (A) The Straight A Program is hereby created 129193  
for fiscal years 2014 and 2015 to provide grants to city, local, 129194  
exempted village, and joint vocational school districts, 129195  
educational service centers, community schools established under 129196  
Chapter 3314., STEM schools established under Chapter 3326., 129197  
college-preparatory boarding schools established under Chapter 129198  
3328. of the Revised Code, individual school buildings, and 129199  
education consortia (which may represent a partnership among 129200  
school districts, school buildings, community schools, or STEM 129201  
schools to partner with institutions of higher education and 129202  
private entities) for projects that aim to achieve at least the 129203  
following goals: 129204

(1) Increased student achievement and progress; 129205

(2) Improved productivity; 129206

(3) Sustainable cost reduction of operations. 129207

(B)(1) Grants shall be awarded by an eight-member governing 129208  
board consisting of the Superintendent of Public Instruction, or 129209  
the Superintendent's designee, three members appointed by the 129210  
Governor, two members appointed by the Speaker of the House of 129211  
Representatives, and two members appointed by the President of the 129212  
Senate. The Department of Education shall provide administrative 129213  
support to the board. No member shall be compensated for the 129214  
member's service on the board. 129215

(2) The board may establish an advisory council consisting of 129216

grant advisors with fiscal expertise and education expertise. 129217  
These advisors shall evaluate proposals from grant applicants, 129218  
consult with the governing board regarding strategic planning, and 129219  
advise the staff administering the program. No advisor shall be 129220  
compensated for this service. 129221

(3) The board shall issue an annual report to the Governor, 129222  
the Speaker of the House of Representatives, the President of the 129223  
Senate, and the chairpersons of the House and Senate committees 129224  
that primarily deal with education regarding the types of grants 129225  
awarded, the grant recipients, and the effectiveness of the grant 129226  
program. 129227

(4) The board shall create a grant application and publish on 129228  
the Department's web site the application and timeline for the 129229  
submission, review, notification, and awarding of grant proposals. 129230

(5) With the approval of the board, the Department shall 129231  
establish a system for evaluating and scoring the grant 129232  
applications received under this section. The system shall give 129233  
priority to applicants whose goals demonstrate particular attempts 129234  
in achieving the following: 129235

(a) Cost reduction in the delivery of services; 129236

(b) Progress in improving literacy in grades kindergarten to 129237  
three; 129238

(c) Achievement and progress for each subgroup of students 129239  
specified under division (A) of section 3317.40 of the Revised 129240  
Code; 129241

(d) Improving the performance measures included in the 129242  
Prepared for Success components specified under division (B)(2) of 129243  
section 3302.03 of the Revised Code; 129244

(e) Utilizing programs recognized as innovative under the 129245  
federal Race to the Top program. 129246



(C) Each grant applicant shall submit a proposal that 129247  
includes all of the following: 129248

(1) A description of the project for which the applicant is 129249  
seeking a grant, including a description of how the project will 129250  
have substantial value and lasting impact; 129251

(2) An explanation of how the project will be 129252  
self-sustaining. If the project will result in increased ongoing 129253  
spending, the applicant shall show how the spending will be offset 129254  
by verifiable, credible, permanent spending reductions. 129255

(3) A description of quantifiable results of the project that 129256  
can be benchmarked. 129257

If an education consortia described in division (A) of this 129258  
section applies for a grant, the lead applicant shall be the 129259  
school district, school building, community school, or STEM school 129260  
that is a member of the consortia and shall so indicate on the 129261  
grant application. 129262

(D)(1) Within seventy-five days after receiving a grant 129263  
application, the board shall issue a decision on the application 129264  
of "yes," "no," "hold," or "edit." In making its decision, the 129265  
board shall consider whether the project has the capability of 129266  
being replicated in other school districts and schools or creates 129267  
something that can be used in other districts and schools. A grant 129268  
awarded under this section to a school district, educational 129269  
service center, community school, STEM school, college-preparatory 129270  
boarding school, or individual school building shall not exceed 129271  
\$500,000. A grant awarded to an education consortia shall not 129272  
exceed \$1,000,000. 129273

(2) If the board issues a "hold" or "edit" decision for an 129274  
application, it shall, upon returning the application to the 129275  
applicant, specify the process for reconsideration of the 129276  
application. An applicant may work with the grant advisors and 129277

|                                                                                                                                                                                                                                    |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| staff to modify or improve a grant application.                                                                                                                                                                                    | 129278                               |
| (E) Upon deciding to award a grant to an applicant, the board shall enter into a grant agreement with the applicant that includes all of the following:                                                                            | 129279<br>129280<br>129281           |
| (1) The content of the applicant's proposal as outlined under division (C) of this section;                                                                                                                                        | 129282<br>129283                     |
| (2) The project's deliverables and a timetable for their completion;                                                                                                                                                               | 129284<br>129285                     |
| (3) Conditions for receiving grant funding;                                                                                                                                                                                        | 129286                               |
| (4) Conditions for receiving funding in future years if the contract is a multi-year contract;                                                                                                                                     | 129287<br>129288                     |
| (5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement, as determined by the Auditor of State.                                                                    | 129289<br>129290<br>129291           |
| (6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.                                                                                                              | 129292<br>129293                     |
| (F) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.                                                                                         | 129294<br>129295<br>129296           |
| <b>Section 263.330. LOTTERY PROFITS EDUCATION RESERVE FUND</b>                                                                                                                                                                     | 129297                               |
| (A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.                         | 129298<br>129299<br>129300<br>129301 |
| (B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2014 and fiscal year 2015. | 129302<br>129303<br>129304<br>129305 |
| (C) On July 15, 2013, or as soon as possible thereafter, the                                                                                                                                                                       | 129306                               |

Director of the Ohio Lottery Commission shall certify to the 129307  
Director of Budget and Management the amount by which lottery 129308  
profit transfers received by Fund 7017 exceeded \$680,500,000 in 129309  
fiscal year 2013. 129310

(D) On July 15, 2014, or as soon as possible thereafter, the 129311  
Director of the Ohio Lottery Commission shall certify to the 129312  
Director of Budget and Management the amount by which lottery 129313  
profit transfers received by Fund 7017 exceeded \$841,000,000 in 129314  
fiscal year 2014. 129315

(E) Notwithstanding any provision of law to the contrary, in 129316  
fiscal year 2014 and fiscal year 2015, the Director of Budget and 129317  
Management may transfer cash in excess of the amounts necessary to 129318  
support appropriations in Fund 7017 from that fund to Fund 7018. 129319

**Section 263.340.** GENERAL REVENUE FUND TRANSFERS TO SCHOOL 129320  
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 129321

Notwithstanding any provision of law to the contrary, in 129322  
fiscal year 2014 and fiscal year 2015 the Director of Budget and 129323  
Management may make temporary transfers between the General 129324  
Revenue Fund and the School District Property Tax Replacement - 129325  
Business Fund (Fund 7047), used by the Department of Education, to 129326  
ensure sufficient balances in Fund 7047 and to replenish the 129327  
General Revenue Fund for such transfers. 129328

**Section 263.350.** SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 129329  
BUSINESS 129330

The foregoing appropriation item 200909, School District 129331  
Property Tax Replacement - Business, shall be used by the 129332  
Department of Education, in consultation with the Department of 129333  
Taxation, to make payments to school districts and joint 129334  
vocational school districts under section 5751.21 of the Revised 129335  
Code. If it is determined by the Director of Budget and Management 129336

that additional appropriations are necessary for this purpose, 129337  
such amounts are hereby appropriated. 129338

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 129339

The foregoing appropriation item 200900, School District 129340  
Property Tax Replacement-Utility, shall be used by the Department 129341  
of Education, in consultation with the Department of Taxation, to 129342  
make payments to school districts and joint vocational school 129343  
districts under section 5727.85 of the Revised Code. If it is 129344  
determined by the Director of Budget and Management that 129345  
additional appropriations are necessary for this purpose, such 129346  
amounts are hereby appropriated. 129347

DISTRIBUTION FORMULAS 129348

The Department of Education shall report the following to the 129349  
Director of Budget and Management and the Legislative Service 129350  
Commission: 129351

(A) Changes in formulas for distributing state 129352  
appropriations, including administratively defined formula 129353  
factors; 129354

(B) Discretionary changes in formulas for distributing 129355  
federal appropriations; 129356

(C) Federally mandated changes in formulas for distributing 129357  
federal appropriations. 129358

Any such changes shall be reported two weeks prior to the 129359  
effective date of the change. 129360

**Section 263.360.** EDUCATIONAL SERVICE CENTERS FUNDING 129361

In fiscal year 2014, the Department of Education shall pay 129362  
the governing board of each primary educational service center 129363  
state funds equal to thirty-seven dollars times its student count, 129364  
as calculated under division (G)(2) of section 3313.843 of the 129365

Revised Code. 129366

In fiscal year 2015, the Department of Education shall pay 129367  
the governing board of each primary educational service center 129368  
state funds equal to thirty-five dollars times its student count, 129369  
as calculated under division (G)(2) of section 3313.843 of the 129370  
Revised Code. 129371

If the amount earmarked for the state reimbursement of 129372  
educational service centers in appropriation item 200550, 129373  
Foundation Funding, is not sufficient, the Department of Education 129374  
shall prorate the payment amounts so that the appropriation is not 129375  
exceeded. 129376

Notwithstanding any provision of law to the contrary, the 129377  
Department of Education shall modify the payments under this 129378  
section as follows: 129379

(A) If an educational service center ceases operation, the 129380  
Department shall redistribute that center's funding, as calculated 129381  
under this section, to the remaining centers in proportion to each 129382  
center's service center ADM as defined in former section 3317.11 129383  
of the Revised Code, as that section existed prior to the date of 129384  
its repeal. 129385

(B) If two or more educational service centers merge 129386  
operations to create a single service center, the Department shall 129387  
distribute the sum of the original service centers' funding, as 129388  
calculated under this section, to the new service center. 129389

**Section 263.370.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 129390  
ASSESSMENT OF EDUCATION PROGRESS 129391

The General Assembly intends for the Superintendent of Public 129392  
Instruction to provide for school district participation in the 129393  
administration of the National Assessment of Education Progress in 129394  
accordance with section 3301.27 of the Revised Code. Each school 129395

and school district selected for participation by the 129396  
Superintendent of Public Instruction shall participate. 129397

**Section 263.373. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 129398**  
STUDENTS 129399

(A) As used in this section: 129400

(1) "IEP" has the same meaning as in section 3323.01 of the 129401  
Revised Code. 129402

(2) "SBH student" means a student receiving special education 129403  
and related services for severe behavior disabilities pursuant to 129404  
an IEP. 129405

(B) This section applies only to a community school 129406  
established under Chapter 3314. of the Revised Code that in each 129407  
of fiscal years 2014 and 2015 enrolls a number of SBH students 129408  
equal to at least fifty per cent of the total number of students 129409  
enrolled in the school in the applicable fiscal year. 129410

(C) In addition to any state foundation payments made, in 129411  
each of fiscal years 2014 and 2015, the Department of Education 129412  
shall pay to a community school to which this section applies a 129413  
subsidy equal to the difference between the aggregate amount 129414  
calculated and paid in that fiscal year to the community school 129415  
for special education and related services additional weighted 129416  
costs for the SBH students enrolled in the school and the 129417  
aggregate amount that would have been calculated for the school 129418  
for special education and related services additional weighted 129419  
costs for those same students in fiscal year 2001. If the 129420  
difference is a negative number, the amount of the subsidy shall 129421  
be zero. 129422

(D) The amount of any subsidy paid to a community school 129423  
under this section shall not be deducted from the school district 129424  
in which any of the students enrolled in the community school are 129425

entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department of Education in appropriation item 200550, Foundation Funding.

**Section 263.380. EARMARK ACCOUNTABILITY**

At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the chairpersons of the committees of the House of Representatives and the Senate primarily concerned with education and to the Department of Education a report that includes a description of the services supported by the funds, a description of the results achieved by those services, an analysis of the effectiveness of the program, and an opinion as to the program's applicability to other school districts. For an earmarked entity that received state funds from an earmark in the prior fiscal year, no funds shall be provided by the Department of Education to an earmarked entity for a fiscal year until its report for the prior fiscal year has been submitted.

**Section 263.390. COMMUNITY SCHOOL OPERATING FROM HOME**

A community school established under Chapter 3314. of the Revised Code that was open for operation as a community school as of May 1, 2005, may operate from or in any home, as defined in section 3313.64 of the Revised Code, located in the state, regardless of when the community school's operations from or in a particular home began.

**Section 263.400. USE OF VOLUNTEERS**

The Department of Education may utilize the services of

volunteers to accomplish any of the purposes of the Department. 129455  
The Superintendent of Public Instruction shall approve for what 129456  
purposes volunteers may be used and for these purposes may 129457  
recruit, train, and oversee the services of volunteers. The 129458  
Superintendent may reimburse volunteers for necessary and 129459  
appropriate expenses in accordance with state guidelines and may 129460  
designate volunteers as state employees for the purpose of motor 129461  
vehicle accident liability insurance under section 9.83 of the 129462  
Revised Code, for immunity under section 9.86 of the Revised Code, 129463  
and for indemnification from liability incurred in the performance 129464  
of their duties under section 9.87 of the Revised Code. 129465

**Section 263.410. RESTRICTION OF LIABILITY FOR CERTAIN** 129466  
**REIMBURSEMENTS** 129467

(A) Except as expressly required under a court judgment not 129468  
subject to further appeals, or a settlement agreement with a 129469  
school district executed on or before June 1, 2009, in the case of 129470  
a school district for which the formula ADM for fiscal year 2005, 129471  
as reported for that fiscal year under division (A) of section 129472  
3317.03 of the Revised Code, was reduced based on enrollment 129473  
reports for community schools, made under section 3314.08 of the 129474  
Revised Code, regarding students entitled to attend school in the 129475  
district, which reduction of formula ADM resulted in a reduction 129476  
of foundation funding or transitional aid funding for fiscal year 129477  
2005, 2006, or 2007, no school district, except a district named 129478  
in the court's judgment or the settlement agreement, shall have a 129479  
legal claim for reimbursement of the amount of such reduction in 129480  
foundation funding or transitional aid funding, and the state 129481  
shall not have liability for reimbursement of the amount of such 129482  
reduction in foundation funding or transitional aid funding. 129483

(B) As used in this section: 129484

(1) "Community school" means a community school established 129485



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| under Chapter 3314. of the Revised Code.                           | 129486 |
| (2) "Entitled to attend school" means entitled to attend           | 129487 |
| school in a school district under section 3313.64 or 3313.65 of    | 129488 |
| the Revised Code.                                                  | 129489 |
| (3) "Foundation funding" means payments calculated for the         | 129490 |
| respective fiscal year under Chapter 3317. of the Revised Code.    | 129491 |
| (4) "Transitional aid funding" means payments calculated for       | 129492 |
| the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 | 129493 |
| of the 125th General Assembly, as subsequently amended; Section    | 129494 |
| 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as    | 129495 |
| subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119   | 129496 |
| of the 127th General Assembly.                                     | 129497 |
| <b>Section 263.420. UNAUDITABLE COMMUNITY SCHOOL</b>               | 129498 |
| (A) If the Auditor of State or a public accountant, pursuant       | 129499 |
| to section 117.41 of the Revised Code, declares a community school | 129500 |
| established under Chapter 3314. of the Revised Code to be          | 129501 |
| unauditable, the Auditor of State shall provide written            | 129502 |
| notification of that declaration to the school, the school's       | 129503 |
| sponsor, and the Department of Education. The Auditor of State     | 129504 |
| also shall post the notification on the Auditor of State's web     | 129505 |
| site.                                                              | 129506 |
| (B) Notwithstanding any provision to the contrary in Chapter       | 129507 |
| 3314. of the Revised Code or any other provision of law, a sponsor | 129508 |
| of a community school that is notified by the Auditor of State     | 129509 |
| under division (A) of this section that a community school it      | 129510 |
| sponsors is unauditabile shall not enter into contracts with any   | 129511 |
| additional community schools under section 3314.03 of the Revised  | 129512 |
| Code until the Auditor of State or a public accountant has         | 129513 |
| completed a financial audit of that school.                        | 129514 |
| (C) Not later than forty-five days after receiving                 | 129515 |

notification by the Auditor of State under division (A) of this 129516  
section that a community school is unauditabile, the sponsor of the 129517  
school shall provide a written response to the Auditor of State. 129518  
The response shall include the following: 129519

(1) An overview of the process the sponsor will use to review 129520  
and understand the circumstances that led to the community school 129521  
becoming unauditabile; 129522

(2) A plan for providing the Auditor of State with the 129523  
documentation necessary to complete an audit of the community 129524  
school and for ensuring that all financial documents are available 129525  
in the future; 129526

(3) The actions the sponsor will take to ensure that the plan 129527  
described in division (C)(2) of this section is implemented. 129528

(D) If a community school fails to make reasonable efforts 129529  
and continuing progress to bring its accounts, records, files, or 129530  
reports into an auditabile condition within ninety days after being 129531  
declared unauditabile, the Auditor of State, in addition to 129532  
requesting legal action under sections 117.41 and 117.42 of the 129533  
Revised Code, shall notify the Department of the school's failure. 129534  
If the Auditor of State or a public accountant subsequently is 129535  
able to complete a financial audit of the school, the Auditor of 129536  
State shall notify the Department that the audit has been 129537  
completed. 129538

(E) Notwithstanding any provision to the contrary in Chapter 129539  
3314. of the Revised Code or any other provision of law, upon 129540  
notification by the Auditor of State under division (D) of this 129541  
section that a community school has failed to make reasonable 129542  
efforts and continuing progress to bring its accounts, records, 129543  
files, or reports into an auditabile condition following a 129544  
declaration that the school is unauditabile, the Department shall 129545  
immediately cease all payments to the school under Chapter 3314. 129546

of the Revised Code and any other provision of law. Upon 129547  
subsequent notification from the Auditor of State under that 129548  
division that the Auditor of State or a public accountant was able 129549  
to complete a financial audit of the community school, the 129550  
Department shall release all funds withheld from the school under 129551  
this section. 129552

**Section 263.430. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 129553

In collaboration with the County Family and Children First 129554  
Council, a city, local, or exempted village school district, 129555  
community school, STEM school, joint vocational school district, 129556  
educational service center, or county board of developmental 129557  
disabilities that receives allocations from the Department of 129558  
Education from appropriation item 200550, Foundation Funding, or 129559  
appropriation item 200540, Special Education Enhancements, may 129560  
transfer portions of those allocations to a flexible funding pool 129561  
authorized by the Section of this act entitled "FAMILY AND 129562  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 129563  
maintenance of effort or for federal or state funding matching 129564  
requirements shall not be transferred unless the allocation may 129565  
still be used to meet such requirements. 129566

**Section 263.433.** The Department of Education shall conduct a 129567  
study to determine the appropriate amounts and methods of funding 129568  
for each category and sub-category of students identified as 129569  
gifted under Chapter 3324. of the Revised Code. Elements of the 129570  
study shall include, but not be limited to, costs for effective 129571  
and appropriate identification, staffing, professional 129572  
development, technology, and materials and supplies at the 129573  
district level. In addition, the Department shall determine the 129574  
costs of statewide support needed for this population. Not later 129575  
than March 31, 2014, the Department shall issue a report of its 129576  
findings to the General Assembly in accordance with section 101.68 129577

of the Revised Code. 129578

**Section 263.440.** The Department of Education shall conduct a 129579  
formative evaluation of the Jon Peterson Special Needs Scholarship 129580  
Program established under sections 3310.51 to 3310.64 of the 129581  
Revised Code and shall report its findings to the General 129582  
Assembly, in accordance with section 101.68 of the Revised Code, 129583  
not later than December 31, 2014. 129584

In conducting the evaluation, the Department shall to the 129585  
extent possible gather comments from parents who have been awarded 129586  
scholarships under the program, school district officials, 129587  
representatives of registered private providers, educators, and 129588  
representatives of educational organizations for inclusion in the 129589  
report required under this section. 129590

**Section 263.450.** (A) The Ohio Open Enrollment Task Force is 129591  
hereby established to review and make recommendations on open 129592  
enrollment. The Superintendent of Public Instruction shall consult 129593  
with the Governor's Office of 21st Century Education to convene a 129594  
taskforce that consists of representatives from school districts 129595  
that represent all sectors of Ohio's educational community. 129596

(B) The Superintendent shall designate the chairperson of the 129597  
Task Force. All meetings of the Task Force shall be held at the 129598  
call of the chairperson. 129599

(C) The Task Force shall review and make recommendations 129600  
regarding the process by which students may enroll in other school 129601  
districts under open enrollment and the funding mechanisms 129602  
associated with open enrollment deductions and credits. 129603

(D) Not later than December 31, 2013, the Task Force shall 129604  
issue a report of its findings and recommendations to the 129605  
Governor, the President of the Senate, and the Speaker of the 129606

House of Representatives. Upon issuance of the report, the Task Force shall cease to exist.

**Section 263.463.** (A) In order to implement the transportation subsidy prescribed by new section 3327.02 of the Revised Code, as enacted by this act, the Department of Education shall prescribe procedures and deadlines for parents or students to apply for that subsidy for the 2014-2015 school year. The application and notice procedures and deadlines prescribed by the Department shall allow sufficient time for school district boards of education to take the exercise of the parent's or student's option to receive the subsidy, in lieu of transportation, into account when planning transportation routes and schedules for the 2014-2015 school year.

(B) The State Board of Education shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section and new section 3327.02 of the Revised Code, as enacted by this act.

**Section 263.470.** (A) On July 1, 2013, or as soon as possible thereafter, notwithstanding any provision of law to the contrary, and if requested by the Department of Education, the Director of Budget and Management shall make budget changes made necessary by the transfer of the operations and related management functions of the eTech Ohio Commission to the Department of Education, if any, including administrative organization, program transfers, the creation of new funds, the transfer of state funds, and the consolidation of funds, as authorized by this section. The Director of Budget and Management may, if necessary, establish encumbrances or parts of encumbrances in the fiscal year 2014-2015 biennium in the appropriate fund and appropriation item for the same purpose and for payment to the same vendor. The established encumbrances plus any additional amounts determined to be necessary for the Ohio Department of Education to perform the

operations and related management functions of the eTech Ohio Commission are hereby appropriated. 129638  
129639

(B) Effective July 1, 2013, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 935607, Gates Foundation Grants, and re-establish them against appropriation item 200668, Gates Foundation Grants. The re-established encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 935607 by July 1, 2013, shall be completed under appropriation item 200668 in the same manner and with the same effect as if it were completed with regard to appropriation item 935607. 129640  
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(C) Effective July 1, 2013, the Director of Budget and Management shall cancel existing encumbrances against appropriation item 935408, General Operations, and re-establish them, as determined to be appropriate by the Director of Budget and Management, against appropriation item 200464, General Technology Operations. The re-established encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 935408 by July 1, 2013, shall be completed, as determined to be appropriate by the Director of Budget and Management, under appropriation item 200464 in the same manner and with the same effect as if it were completed with regard to appropriation item 935408. 129650  
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(D) Effective July 1, 2013, the Director of Budget and Management shall cancel existing encumbrances against appropriation item 935411, Technology Integration and Professional Development, and re-establish them, as determined to be appropriate by the Director of Budget and Management, against appropriation item 200465, Technology Integration and Professional Development. The re-established encumbrance amounts are hereby 129662  
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appropriated. Any business commenced but not completed under 129669  
appropriation item 935411 by July 1, 2013, shall be completed, as 129670  
determined to be appropriate by the Director of Budget and 129671  
Management, under appropriation item 200465 in the same manner and 129672  
with the same effect as if it were completed with regard to 129673  
appropriation item 935411. 129674

(E) There is hereby created the Educational Technology 129675  
Practice Office as a cross-functional office comprised of 129676  
employees of the Ohio Board of Regents and the Department of 129677  
Education, including former employees of the eTech Ohio Commission 129678  
transferred to the Ohio Board of Regents and the Department of 129679  
Education. The Office shall work with educational service centers 129680  
and information technology centers to develop digital learning, 129681  
blended learning, and professional development materials using 129682  
shared infrastructure. The Office shall also evaluate new 129683  
educational technology and methodologies of teaching and learning 129684  
and work with educators to increase awareness of such new 129685  
technology and methodologies shown to be helpful to Ohio students. 129686

**Section 263.473.** Notwithstanding section 3321.01 of the 129687  
Revised Code, no student who has been admitted to and has 129688  
successfully completed kindergarten in the 2012-2013 school year 129689  
shall be required to repeat kindergarten based solely on the age 129690  
of the student. 129691

**Section 263.480.** PRIVATE TREATMENT FACILITY PROJECT 129692

(A) As used in this section: 129693

(1) The following are "participating residential treatment 129694  
centers": 129695

(a) Private residential treatment facilities that have 129696  
entered into a contract with the Department of Youth Services to 129697  
provide services to children placed at the facility by the 129698

Department and which, in fiscal year 2014 or fiscal year 2015 or 129699  
both, the Department pays through appropriation item 470401, 129700  
RECLAIM Ohio; 129701

(b) Abraxas, in Shelby; 129702

(c) Paint Creek, in Bainbridge; 129703

(d) F.I.R.S.T., in Mansfield. 129704

(2) "Education program" means an elementary or secondary 129705  
education program or a special education program and related 129706  
services. 129707

(3) "Served child" means any child receiving an education 129708  
program pursuant to division (B) of this section. 129709

(4) "School district responsible for tuition" means a city, 129710  
exempted village, or local school district that, if tuition 129711  
payment for a child by a school district is required under law 129712  
that existed in fiscal year 1998, is the school district required 129713  
to pay that tuition. 129714

(5) "Residential child" means a child who resides in a 129715  
participating residential treatment center and who is receiving an 129716  
educational program under division (B) of this section. 129717

(B) A youth who is a resident of the state and has been 129718  
assigned by a juvenile court or other authorized agency to a 129719  
residential treatment facility specified in division (A) of this 129720  
section shall be enrolled in an approved educational program 129721  
located in or near the facility. Approval of the educational 129722  
program shall be contingent upon compliance with the criteria 129723  
established for such programs by the Department of Education. The 129724  
educational program shall be provided by a school district or 129725  
educational service center, or by the residential facility itself. 129726  
Maximum flexibility shall be given to the residential treatment 129727  
facility to determine the provider. In the event that a voluntary 129728



agreement cannot be reached and the residential facility does not 129729  
choose to provide the educational program, the educational service 129730  
center in the county in which the facility is located shall 129731  
provide the educational program at the treatment center to 129732  
children under twenty-two years of age residing in the treatment 129733  
center. 129734

(C) Any school district responsible for tuition for a 129735  
residential child shall, notwithstanding any conflicting provision 129736  
of the Revised Code regarding tuition payment, pay tuition for the 129737  
child for fiscal year 2014 and fiscal year 2015 to the education 129738  
program provider and in the amount specified in this division. If 129739  
there is no school district responsible for tuition for a 129740  
residential child and if the participating residential treatment 129741  
center to which the child is assigned is located in the city, 129742  
exempted village, or local school district that, if the child were 129743  
not a resident of that treatment center, would be the school 129744  
district where the child is entitled to attend school under 129745  
sections 3313.64 and 3313.65 of the Revised Code, that school 129746  
district, notwithstanding any conflicting provision of the Revised 129747  
Code, shall pay tuition for the child for fiscal year 2014 and 129748  
fiscal year 2015 under this division unless that school district 129749  
is providing the educational program to the child under division 129750  
(B) of this section. 129751

A tuition payment under this division shall be made to the 129752  
school district, educational service center, or residential 129753  
treatment facility providing the educational program to the child. 129754

The amount of tuition paid shall be: 129755

(1) The amount of tuition determined for the district under 129756  
division (A) of section 3317.08 of the Revised Code; 129757

(2) In addition, for any student receiving special education 129758  
pursuant to an individualized education program as defined in 129759

section 3323.01 of the Revised Code, a payment for excess costs. 129760  
This payment shall equal the actual cost to the school district, 129761  
educational service center, or residential treatment facility of 129762  
providing special education and related services to the student 129763  
pursuant to the student's individualized education program, minus 129764  
the tuition paid for the child under division (C)(1) of this 129765  
section. 129766

A school district paying tuition under this division shall 129767  
not include the child for whom tuition is paid in the district's 129768  
average daily membership certified under division (A) of section 129769  
3317.03 of the Revised Code. 129770

(D) In each of fiscal years 2014 and 2015, the Department of 129771  
Education shall reimburse, from appropriations made for the 129772  
purpose, a school district, educational service center, or 129773  
residential treatment facility, whichever is providing the 129774  
service, that has demonstrated that it is in compliance with the 129775  
funding criteria for each served child for whom a school district 129776  
must pay tuition under division (C) of this section. The amount of 129777  
the reimbursement shall be the amount appropriated for this 129778  
purpose divided by the full-time equivalent number of children for 129779  
whom reimbursement is to be made. 129780

(E) Funds provided to a school district, educational service 129781  
center, or residential treatment facility under this section shall 129782  
be used to supplement, not supplant, funds from other public 129783  
sources for which the school district, service center, or 129784  
residential treatment facility is entitled or eligible. 129785

(F) The Department of Education shall track the utilization 129786  
of funds provided to school districts, educational service 129787  
centers, and residential treatment facilities under this section 129788  
and monitor the effect of the funding on the educational programs 129789  
they provide in participating residential treatment facilities. 129790  
The Department shall monitor the programs for educational 129791

accountability. 129792

**Section 263.490.** (A) The Superintendent of Public Instruction 129793  
may establish an academic distress commission for any school 129794  
district that is found by the Auditor of State to have knowingly 129795  
manipulated student data with evidence of intent to deceive. 129796

Each commission established under this section shall assist 129797  
the district for which it was established in improving the 129798  
district's academic performance. 129799

Each commission is a body both corporate and politic, 129800  
constituting an agency and instrumentality of the state and 129801  
performing essential governmental functions of the state. A 129802  
commission shall be known as the "academic distress commission for 129803  
..... (name of school district)," and, in that name, may 129804  
exercise all authority vested in such a commission by this 129805  
section. A separate commission shall be established for each 129806  
school district to which this section applies. 129807

(B) The academic distress commission shall consist of five 129808  
voting members, three of whom shall be appointed by the 129809  
Superintendent of Public Instruction and two of whom shall be 129810  
residents of the applicable school district appointed by the mayor 129811  
of the largest municipal corporation within the district. When a 129812  
school district becomes subject to this section, the 129813  
Superintendent of Public Instruction shall provide written 129814  
notification of that fact to the mayor described in this division 129815  
and shall request the mayor to submit to the Superintendent of 129816  
Public Instruction, in writing, the names of the mayor's 129817  
appointees to the commission. The Superintendent of Public 129818  
Instruction and the mayor shall make appointments to the 129819  
commission within thirty days after the district is notified that 129820  
it is subject to this section. 129821

Members of the commission shall serve at the pleasure of 129822

their appointing authority during the life of the commission. In 129823  
the event of the death, resignation, incapacity, removal, or 129824  
ineligibility to serve of a member, the appointing authority shall 129825  
appoint a successor within fifteen days after the vacancy occurs. 129826  
Members shall serve without compensation, but shall be paid by the 129827  
commission their necessary and actual expenses incurred while 129828  
engaged in the business of the commission. 129829

(C) An academic distress commission established under this 129830  
section shall comply with the requirements of divisions (C) to (K) 129831  
of section 3302.10 of the Revised Code. 129832

(D) An academic distress commission established under this 129833  
section shall cease to exist based on rules adopted by the State 129834  
Board of Education. Upon termination of the commission, the 129835  
Department of Education shall compile a final report of the 129836  
commission's activities to assist other academic distress 129837  
commissions in the conduct of their functions. 129838

(E) Not later than ninety days after the effective date of 129839  
this section, the State Board shall adopt rules for the 129840  
dissolution of an academic distress commission established under 129841  
this section. 129842

**Section 265.10. ELC OHIO ELECTIONS COMMISSION** 129843

General Revenue Fund 129844

|            |                    |    |         |    |         |        |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 051321 | Operating Expenses | \$ | 333,117 | \$ | 333,117 | 129845 |
|------------|--------------------|----|---------|----|---------|--------|

|           |                      |    |         |    |         |        |
|-----------|----------------------|----|---------|----|---------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 333,117 | \$ | 333,117 | 129846 |
|-----------|----------------------|----|---------|----|---------|--------|

General Services Fund Group 129847

|             |                |    |         |    |         |        |
|-------------|----------------|----|---------|----|---------|--------|
| 4P20 051601 | Ohio Elections | \$ | 225,000 | \$ | 225,000 | 129848 |
|-------------|----------------|----|---------|----|---------|--------|

Commission Fund

|           |                       |    |         |    |         |        |
|-----------|-----------------------|----|---------|----|---------|--------|
| TOTAL GSF | General Services Fund | \$ | 225,000 | \$ | 225,000 | 129849 |
|-----------|-----------------------|----|---------|----|---------|--------|

Group

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 558,117 | \$ | 558,117 | 129850 |
|------------------------------|--|----|---------|----|---------|--------|

|                                                              |    |               |                  |        |
|--------------------------------------------------------------|----|---------------|------------------|--------|
| Section 267.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL     |    |               |                  | 129852 |
| DIRECTORS                                                    |    |               |                  | 129853 |
| General Services Fund Group                                  |    |               |                  | 129854 |
| 4K90 881609 Operating Expenses                               | \$ | 737,000       | \$ 741,000       | 129855 |
| TOTAL GSF General Services                                   |    |               |                  | 129856 |
| Fund Group                                                   | \$ | 737,000       | \$ 741,000       | 129857 |
| TOTAL ALL BUDGET FUND GROUPS                                 | \$ | 737,000       | \$ 741,000       | 129858 |
| <br>                                                         |    |               |                  |        |
| Section 269.10. PAY EMPLOYEE BENEFITS FUNDS                  |    |               |                  | 129860 |
| Accrued Leave Liability Fund Group                           |    |               |                  | 129861 |
| 8060 995666 Accrued Leave Fund                               | \$ | 73,494,242    | \$ 74,964,127    | 129862 |
| 8070 995667 Disability Fund                                  | \$ | 26,593,747    | \$ 27,345,147    | 129863 |
| TOTAL ALF Accrued Leave Liability                            |    |               |                  | 129864 |
| Fund Group                                                   | \$ | 100,087,989   | \$ 102,309,274   | 129865 |
| Agency Fund Group                                            |    |               |                  | 129866 |
| 1240 995673 Payroll Deductions                               | \$ | 775,712,468   | \$ 814,498,091   | 129867 |
| 8080 995668 State Employee Health                            | \$ | 689,654,314   | \$ 758,608,963   | 129868 |
| Benefit Fund                                                 |    |               |                  |        |
| 8090 995669 Dependent Care                                   | \$ | 2,967,711     | \$ 3,116,097     | 129869 |
| Spending Account                                             |    |               |                  |        |
| 8100 995670 Life Insurance                                   | \$ | 2,143,053     | \$ 2,143,053     | 129870 |
| Investment Fund                                              |    |               |                  |        |
| 8110 995671 Parental Leave                                   | \$ | 3,668,471     | \$ 3,741,840     | 129871 |
| Benefit Fund                                                 |    |               |                  |        |
| 8130 995672 Health Care Spending                             | \$ | 8,033,020     | \$ 8,434,671     | 129872 |
| Account                                                      |    |               |                  |        |
| TOTAL AGY Agency Fund Group                                  | \$ | 1,482,179,037 | \$ 1,590,542,715 | 129873 |
|                                                              |    |               |                  | 129874 |
| TOTAL ALL BUDGET FUND GROUPS                                 | \$ | 1,582,267,026 | \$ 1,692,851,989 | 129875 |
| <br>                                                         |    |               |                  |        |
| ACCRUED LEAVE LIABILITY FUND                                 |    |               |                  | 129876 |
| <br>                                                         |    |               |                  |        |
| The foregoing appropriation item 995666, Accrued Leave Fund, |    |               |                  | 129877 |

shall be used to make payments from the Accrued Leave Liability Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND

The foregoing appropriation item 995667, Disability Fund, shall be used to make payments from the State Employee Disability Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PAYROLL DEDUCTION FUND

The foregoing appropriation item 995673, Payroll Deductions, shall be used to make payments from the Payroll Deduction Fund (Fund 1240) pursuant to section 125.21 of the Revised Code. If it is determined by the Director of Budget and Management that additional appropriation amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE HEALTH BENEFIT FUND

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for

dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Administrative Services that additional appropriation amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

|                              |                                                                   |    |           |    |           |
|------------------------------|-------------------------------------------------------------------|----|-----------|----|-----------|
| <b>Section 269.20.</b>       | CASH TRANSFERS FROM THE COST SAVINGS FUND                         |    |           |    | 129939    |
|                              | On July 1, 2013, or as soon as possible thereafter, the           |    |           |    | 129940    |
|                              | Director of Budget and Management shall transfer \$735,000 cash   |    |           |    | 129941    |
|                              | from the Cost Savings Fund (Fund 8140) to the Investment Recovery |    |           |    | 129942    |
|                              | Fund (Fund 4270) used by the Department of Administrative         |    |           |    | 129943    |
|                              | Services, and up to \$5,200,000 cash from the Cost Savings Fund   |    |           |    | 129944    |
|                              | (Fund 8140) to the Accrued Leave Fund (Fund 8060) in order to     |    |           |    | 129945    |
|                              | support accrued leave payouts to state employees who are          |    |           |    | 129946    |
|                              | participating in an annual leave conversion or who are separating |    |           |    | 129947    |
|                              | from state service.                                               |    |           |    | 129948    |
| <br>                         |                                                                   |    |           |    |           |
| <b>Section 271.10.</b>       | ERB STATE EMPLOYMENT RELATIONS BOARD                              |    |           |    | 129949    |
|                              | General Revenue Fund                                              |    |           |    | 129950    |
| GRF 125321                   | Operating Expenses                                                | \$ | 3,761,457 | \$ | 3,761,457 |
| TOTAL GRF                    | General Revenue Fund                                              | \$ | 3,761,457 | \$ | 3,761,457 |
|                              | General Services Fund Group                                       |    |           |    | 129953    |
| 5720 125603                  | Training and                                                      | \$ | 85,000    | \$ | 85,000    |
|                              | Publications                                                      |    |           |    | 129954    |
| TOTAL GSF                    | General Services                                                  |    |           |    | 129955    |
| Fund Group                   |                                                                   | \$ | 85,000    | \$ | 85,000    |
| TOTAL ALL BUDGET FUND GROUPS |                                                                   | \$ | 3,846,457 | \$ | 3,846,457 |
|                              |                                                                   |    |           |    | 129957    |
| <br>                         |                                                                   |    |           |    |           |
| <b>Section 273.10.</b>       | ENG STATE BOARD OF ENGINEERS AND SURVEYORS                        |    |           |    | 129959    |
|                              | General Services Fund Group                                       |    |           |    | 129960    |
| 4K90 892609                  | Operating                                                         | \$ | 996,938   | \$ | 993,889   |
| TOTAL GSF                    | General Services                                                  |    |           |    | 129962    |
| Fund Group                   |                                                                   | \$ | 996,938   | \$ | 993,889   |
| TOTAL ALL BUDGET FUND GROUPS |                                                                   | \$ | 996,938   | \$ | 993,889   |
|                              |                                                                   |    |           |    | 129964    |
| <br>                         |                                                                   |    |           |    |           |
| <b>Section 275.10.</b>       | EPA ENVIRONMENTAL PROTECTION AGENCY                               |    |           |    | 129966    |
|                              | General Revenue Fund                                              |    |           |    | 129967    |



|           |        |                                    |    |            |    |            |        |
|-----------|--------|------------------------------------|----|------------|----|------------|--------|
| GRF       | 715502 | Auto Emissions                     | \$ | 10,923,093 | \$ | 10,923,093 | 129968 |
|           |        | e-Check Program                    |    |            |    |            |        |
| TOTAL GRF |        | General Revenue Fund               | \$ | 10,923,093 | \$ | 10,923,093 | 129969 |
|           |        | General Services Fund Group        |    |            |    |            | 129970 |
| 1990      | 715602 | Laboratory Services                | \$ | 252,153    | \$ | 326,029    | 129971 |
| 2190      | 715604 | Central Support                    | \$ | 10,255,680 | \$ | 10,255,680 | 129972 |
|           |        | Indirect                           |    |            |    |            |        |
| 4A10      | 715640 | Operating Expenses                 | \$ | 2,600,000  | \$ | 2,602,000  | 129973 |
| 4D50      | 715618 | Recycled State                     | \$ | 50,000     | \$ | 50,000     | 129974 |
|           |        | Materials                          |    |            |    |            |        |
| TOTAL GSF |        | General Services                   |    |            |    |            | 129975 |
|           |        | Fund Group                         | \$ | 13,157,833 | \$ | 13,233,709 | 129976 |
|           |        | Federal Special Revenue Fund Group |    |            |    |            | 129977 |
| 3530      | 715612 | Public Water Supply                | \$ | 2,562,578  | \$ | 2,474,605  | 129978 |
| 3540      | 715614 | Hazardous Waste                    | \$ | 4,088,383  | \$ | 4,088,383  | 129979 |
|           |        | Management - Federal               |    |            |    |            |        |
| 3570      | 715619 | Air Pollution Control              | \$ | 6,310,203  | \$ | 6,310,203  | 129980 |
|           |        | - Federal                          |    |            |    |            |        |
| 3620      | 715605 | Underground Injection              | \$ | 111,874    | \$ | 111,874    | 129981 |
|           |        | Control - Federal                  |    |            |    |            |        |
| 3BU0      | 715684 | Water Quality                      | \$ | 16,205,000 | \$ | 15,280,000 | 129982 |
|           |        | Protection                         |    |            |    |            |        |
| 3CS0      | 715688 | Federal NRD                        | \$ | 200,000    | \$ | 200,000    | 129983 |
|           |        | Settlements                        |    |            |    |            |        |
| 3F20      | 715630 | Revolving Loan Fund -              | \$ | 832,543    | \$ | 1,114,543  | 129984 |
|           |        | Operating                          |    |            |    |            |        |
| 3F30      | 715632 | Federally Supported                | \$ | 3,012,021  | \$ | 3,012,991  | 129985 |
|           |        | Cleanup and Response               |    |            |    |            |        |
| 3FH0      | 715693 | Diesel Emission                    | \$ | 10,000,000 | \$ | 10,000,000 | 129986 |
|           |        | Reduction Grants                   |    |            |    |            |        |
| 3T30      | 715669 | Drinking Water State               | \$ | 2,609,198  | \$ | 2,824,076  | 129987 |
|           |        | Revolving Fund                     |    |            |    |            |        |

|                                  |        |                                     |    |            |    |            |        |
|----------------------------------|--------|-------------------------------------|----|------------|----|------------|--------|
| 3V70                             | 715606 | Agencywide Grants                   | \$ | 600,000    | \$ | 600,000    | 129988 |
| TOTAL FED                        |        | Federal Special Revenue             |    |            |    |            | 129989 |
| Fund Group                       |        |                                     | \$ | 46,531,800 | \$ | 46,016,675 | 129990 |
| State Special Revenue Fund Group |        |                                     |    |            |    |            | 129991 |
| 4J00                             | 715638 | Underground Injection Control       | \$ | 389,126    | \$ | 402,697    | 129992 |
| 4K20                             | 715648 | Clean Air - Non Title V             | \$ | 3,165,400  | \$ | 3,237,450  | 129993 |
| 4K30                             | 715649 | Solid Waste                         | \$ | 15,685,342 | \$ | 16,330,873 | 129994 |
| 4K40                             | 715650 | Surface Water Protection            | \$ | 6,993,800  | \$ | 7,688,800  | 129995 |
| 4K40                             | 715686 | Environmental Laboratory Services   | \$ | 2,096,007  | \$ | 2,096,007  | 129996 |
| 4K50                             | 715651 | Drinking Water Protection           | \$ | 6,316,772  | \$ | 6,476,011  | 129997 |
| 4P50                             | 715654 | Cozart Landfill                     | \$ | 100,000    | \$ | 100,000    | 129998 |
| 4R50                             | 715656 | Scrap Tire Management               | \$ | 1,059,378  | \$ | 1,070,532  | 129999 |
| 4R90                             | 715658 | Voluntary Action Program            | \$ | 916,690    | \$ | 945,195    | 130000 |
| 4T30                             | 715659 | Clean Air - Title V Permit Program  | \$ | 14,528,885 | \$ | 15,080,366 | 130001 |
| 4U70                             | 715660 | Construction and Demolition Debris  | \$ | 335,000    | \$ | 335,000    | 130002 |
| 5000                             | 715608 | Immediate Removal Special Account   | \$ | 660,033    | \$ | 660,293    | 130003 |
| 5030                             | 715621 | Hazardous Waste Facility Management | \$ | 7,615,403  | \$ | 8,224,041  | 130004 |
| 5050                             | 715623 | Hazardous Waste Cleanup             | \$ | 14,528,609 | \$ | 14,933,345 | 130005 |
| 5050                             | 715674 | Clean Ohio Environmental Review     | \$ | 108,104    | \$ | 108,104    | 130006 |
| 5320                             | 715646 | Recycling and Litter Control        | \$ | 4,514,500  | \$ | 4,535,500  | 130007 |

|      |        |                                           |    |            |    |            |        |
|------|--------|-------------------------------------------|----|------------|----|------------|--------|
| 5410 | 715670 | Site Specific Cleanup                     | \$ | 1,548,101  | \$ | 1,548,101  | 130008 |
| 5420 | 715671 | Risk Management<br>Reporting              | \$ | 208,936    | \$ | 214,826    | 130009 |
| 5860 | 715637 | Scrap Tire Market<br>Development          | \$ | 1,497,645  | \$ | 1,497,645  | 130010 |
| 5BC0 | 715617 | Clean Ohio                                | \$ | 611,455    | \$ | 611,455    | 130011 |
| 5BC0 | 715622 | Local Air Pollution<br>Control            | \$ | 2,297,980  | \$ | 2,297,980  | 130012 |
| 5BC0 | 715624 | Surface Water                             | \$ | 9,614,974  | \$ | 9,614,974  | 130013 |
| 5BC0 | 715672 | Air Pollution Control                     | \$ | 5,684,758  | \$ | 5,684,758  | 130014 |
| 5BC0 | 715673 | Drinking and Ground<br>Water              | \$ | 4,863,521  | \$ | 4,863,521  | 130015 |
| 5BC0 | 715676 | Assistance and<br>Prevention              | \$ | 695,069    | \$ | 695,069    | 130016 |
| 5BC0 | 715677 | Laboratory                                | \$ | 1,358,586  | \$ | 1,558,586  | 130017 |
| 5BC0 | 715678 | Corrective Actions                        | \$ | 705,423    | \$ | 705,423    | 130018 |
| 5BC0 | 715687 | Areawide Planning<br>Agencies             | \$ | 450,000    | \$ | 450,000    | 130019 |
| 5BC0 | 715692 | Administration                            | \$ | 10,582,627 | \$ | 10,582,627 | 130020 |
| 5BC0 | 715694 | Environmental Resource<br>Coordination    | \$ | 170,000    | \$ | 170,000    | 130021 |
| 5BT0 | 715679 | C&DD Groundwater<br>Monitoring            | \$ | 203,800    | \$ | 203,800    | 130022 |
| 5CD0 | 715682 | Clean Diesel School<br>Buses              | \$ | 475,000    | \$ | 475,000    | 130023 |
| 5H40 | 715664 | Groundwater Support                       | \$ | 128,212    | \$ | 223,212    | 130024 |
| 5Y30 | 715685 | Surface Water<br>Improvement              | \$ | 1,800,000  | \$ | 1,800,000  | 130025 |
| 6440 | 715631 | Emergency Response<br>Radiological Safety | \$ | 284,266    | \$ | 290,674    | 130026 |
| 6600 | 715629 | Infectious Waste<br>Management            | \$ | 88,764     | \$ | 88,764     | 130027 |
| 6760 | 715642 | Water Pollution                           | \$ | 3,921,605  | \$ | 3,921,605  | 130028 |

|                              |        |                                                                    |    |             |    |                    |
|------------------------------|--------|--------------------------------------------------------------------|----|-------------|----|--------------------|
|                              |        | Control Loan                                                       |    |             |    |                    |
|                              |        | Administration                                                     |    |             |    |                    |
| 6780                         | 715635 | Air Toxic Release                                                  | \$ | 133,636     | \$ | 133,636 130029     |
| 6790                         | 715636 | Emergency Planning                                                 | \$ | 2,623,252   | \$ | 2,623,252 130030   |
| 6960                         | 715643 | Air Pollution Control                                              | \$ | 1,100,000   | \$ | 1,125,000 130031   |
|                              |        | Administration                                                     |    |             |    |                    |
| 6990                         | 715644 | Water Pollution                                                    | \$ | 345,000     | \$ | 345,000 130032     |
|                              |        | Control Administration                                             |    |             |    |                    |
| 6A10                         | 715645 | Environmental                                                      | \$ | 1,350,000   | \$ | 1,350,000 130033   |
|                              |        | Education                                                          |    |             |    |                    |
| TOTAL SSR                    |        | State Special Revenue                                              | \$ | 131,755,659 | \$ | 135,299,122 130034 |
|                              |        | Fund Group                                                         |    |             |    |                    |
|                              |        | Clean Ohio Conservation Fund Group                                 |    |             |    | 130035             |
| 5S10                         | 715607 | Clean Ohio -                                                       | \$ | 284,124     | \$ | 284,124 130036     |
|                              |        | Operating                                                          |    |             |    |                    |
| TOTAL CLF                    |        | Clean Ohio Conservation                                            | \$ | 284,124     | \$ | 284,124 130037     |
|                              |        | Fund Group                                                         |    |             |    |                    |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                                    | \$ | 202,652,509 | \$ | 205,756,723 130038 |
|                              |        | AREAWIDE PLANNING AGENCIES                                         |    |             |    | 130039             |
|                              |        | The Director of Environmental Protection Agency may award          |    |             |    | 130040             |
|                              |        | grants from appropriation item 715687, Areawide Planning Agencies, |    |             |    | 130041             |
|                              |        | to areawide planning agencies engaged in areawide water quality    |    |             |    | 130042             |
|                              |        | management and planning activities in accordance with Section 208  |    |             |    | 130043             |
|                              |        | of the "Federal Clean Water Act," 33 U.S.C. 1288.                  |    |             |    | 130044             |
|                              |        | CASH TRANSFERS                                                     |    |             |    | 130045             |
|                              |        | On July 1, 2013, or as soon as possible thereafter, the            |    |             |    | 130046             |
|                              |        | Director of Budget and Management may transfer up to \$11,400,000  |    |             |    | 130047             |
|                              |        | cash from the Hazardous Waste Management Fund (Fund 5030) to the   |    |             |    | 130048             |
|                              |        | Hazardous Waste Cleanup Fund (Fund 5050) to support closure and    |    |             |    | 130049             |
|                              |        | corrective action programs that were transferred to the Division   |    |             |    | 130050             |
|                              |        | of Environmental Response and Revitalization.                      |    |             |    | 130051             |

On July 1, 2013, or as soon as possible thereafter, the 130052  
 Director of Environmental Protection shall certify to the Director 130053  
 of Budget and Management the cash balance in the Dredge and Fill 130054  
 Fund (Fund 5N20). The Director of Budget and Management shall 130055  
 transfer the certified amount from Fund 5N20 to the Surface Water 130056  
 Protection Fund (Fund 4K40). Any existing encumbrances against 130057  
 appropriation item 715613, Dredge and Fill, shall be canceled and 130058  
 reestablished against appropriation item 715650, Surface Water 130059  
 Protection. The reestablished encumbrance amounts are hereby 130060  
 appropriated and Fund 5N20 is abolished. 130061

**Section 277.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION** 130062

General Revenue Fund 130063  
 GRF 172321 Operating Expenses \$ 545,530 \$ 545,530 130064  
 TOTAL GRF General Revenue Fund \$ 545,530 \$ 545,530 130065  
 TOTAL ALL BUDGET FUND GROUPS \$ 545,530 \$ 545,530 130066

**Section 278.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION** 130068

General Revenue Fund 130069  
 GRF 935401 Statehouse News \$ 215,561 \$ 215,561 130070  
 Bureau  
 GRF 935402 Ohio Government \$ 1,002,089 \$ 1,002,089 130071  
 Telecommunications  
 Services  
 GRF 935408 General Operations \$ 750,000 \$ 750,000 130072  
 GRF 935409 Technology Operations \$ 2,500,000 \$ 2,500,000 130073  
 GRF 935410 Content Development, \$ 2,607,094 \$ 2,607,094 130074  
 Acquisition, and  
 Distribution  
 GRF 935412 Information \$ 500,000 \$ 500,000 130075  
 Technology  
 TOTAL GRF General Revenue Fund \$ 7,574,744 \$ 7,574,744 130076

|                                 |                               |    |           |    |                  |
|---------------------------------|-------------------------------|----|-----------|----|------------------|
| General Services Fund Group     |                               |    |           |    | 130077           |
| 4F30 935603                     | Affiliate Services            | \$ | 50,000    | \$ | 0 130078         |
| 4T20 935605                     | Government                    | \$ | 30,000    | \$ | 0 130079         |
|                                 | Television/Telecommunications |    |           |    |                  |
|                                 | Operating                     |    |           |    |                  |
| TOTAL GSF General Services Fund |                               | \$ | 80,000    | \$ | 0 130080         |
| Group                           |                               |    |           |    |                  |
| TOTAL ALL BUDGET FUND GROUPS    |                               | \$ | 7,654,744 | \$ | 7,574,744 130081 |

**Section 278.20. STATEHOUSE NEWS BUREAU** 130083

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 130084  
130085  
130086

**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 130087

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 130088  
130089  
130090  
130091  
130092  
130093  
130094

**TECHNOLOGY OPERATIONS** 130095

Of the foregoing appropriation item 935409, Technology Operations, the Broadcast Educational Media Commission shall provide up to \$1,000,000 in each fiscal year to the Board of Regents in order for the Board of Regents to provide grants on a competitive basis to public and chartered nonpublic schools for their participation in the electronic textbook pilot project. These grants shall be administered as provided under the section of this act entitled ELECTRONIC TEXTBOOK PILOT PROJECT. On July 1, 2014, or as soon as possible thereafter, the Chancellor of the 130096  
130097  
130098  
130099  
130100  
130101  
130102  
130103  
130104

Board of Regents may certify to the Director of Budget and 130105  
Management the amount of the unexpended, unencumbered balance of 130106  
this set aside at the end of fiscal year 2014 to be appropriated 130107  
to fiscal year 2015. The amount certified is hereby reappropriated 130108  
for the same purpose for fiscal year 2015. 130109

The remainder of the foregoing appropriation item 935409, 130110  
Technology Operations, shall be used by the Broadcast Educational 130111  
Media Commission to pay expenses of the network infrastructure, 130112  
which includes the television and radio transmission 130113  
infrastructure and infrastructure that shall link all public K-12 130114  
classrooms to each other and to the Internet, and provide access 130115  
to voice, video, other communication services, and data 130116  
educational resources for students and teachers. 130117

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 130118

The foregoing appropriation item 935410, Content Development, 130119  
Acquisition, and Distribution, shall be used for the development, 130120  
acquisition, and distribution of information resources by public 130121  
media and radio reading services and for educational use in the 130122  
classroom and online. 130123

Of the foregoing appropriation item 935410, Content 130124  
Development, Acquisition, and Distribution, up to \$658,099 in each 130125  
fiscal year shall be allocated equally among the 12 Ohio 130126  
educational television stations. Funds shall be used for the 130127  
production of interactive instructional programming series with 130128  
priority given to resources aligned with state academic content 130129  
standards. The programming shall be targeted to the needs of the 130130  
poorest two hundred school districts as determined by the 130131  
district's adjusted valuation per pupil as defined in former 130132  
section 3317.0213 of the Revised Code as that section existed 130133  
prior to June 30, 2005. 130134

Of the foregoing appropriation item 935410, Content 130135

Development, Acquisition, and Distribution, up to \$1,749,283 in 130136  
each fiscal year shall be distributed by the Broadcast Educational 130137  
Media Commission to Ohio's qualified public educational television 130138  
stations and educational radio stations to support their 130139  
operations. The funds shall be distributed pursuant to an 130140  
allocation formula used by the Ohio Educational Telecommunications 130141  
Network Commission unless a substitute formula is developed by the 130142  
Broadcast Educational Media Commission in consultation with Ohio's 130143  
qualified public educational television stations and educational 130144  
radio stations. 130145

Of the foregoing appropriation item 935410, Content 130146  
Development, Acquisition, and Distribution, up to \$199,712 in each 130147  
fiscal year shall be distributed by the Broadcast Educational 130148  
Media Commission to Ohio's qualified radio reading services to 130149  
support their operations. The funds shall be distributed pursuant 130150  
to an allocation formula used by the Ohio Educational 130151  
Telecommunications Network Commission unless a substitute formula 130152  
is developed by the Broadcast Educational Media Commission in 130153  
consultation with Ohio's qualified radio reading services. 130154

**Section 279.10. ETH OHIO ETHICS COMMISSION** 130155

General Revenue Fund 130156

|                                |    |           |    |           |        |
|--------------------------------|----|-----------|----|-----------|--------|
| GRF 146321 Operating Expenses  | \$ | 1,409,751 | \$ | 1,381,556 | 130157 |
| TOTAL GRF General Revenue Fund | \$ | 1,409,751 | \$ | 1,381,556 | 130158 |

General Services Fund Group 130159

|                                |    |         |    |         |        |
|--------------------------------|----|---------|----|---------|--------|
| 4M60 146601 Operating Expenses | \$ | 636,388 | \$ | 641,000 | 130160 |
| TOTAL GSF General Services     |    |         |    |         | 130161 |

|            |    |         |    |         |        |
|------------|----|---------|----|---------|--------|
| Fund Group | \$ | 636,388 | \$ | 641,000 | 130162 |
|------------|----|---------|----|---------|--------|

|                              |    |           |    |           |        |
|------------------------------|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 2,046,139 | \$ | 2,022,556 | 130163 |
|------------------------------|----|-----------|----|-----------|--------|

**Section 281.10. EXP OHIO EXPOSITIONS COMMISSION** 130165

General Revenue Fund 130166



|                              |                                                                    |    |             |    |             |        |
|------------------------------|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| GRF 723403                   | Junior Fair Subsidy                                                | \$ | 250,000     | \$ | 250,000     | 130167 |
| TOTAL GRF                    | General Revenue Fund                                               | \$ | 250,000     | \$ | 250,000     | 130168 |
|                              | State Special Revenue Fund Group                                   |    |             |    |             | 130169 |
| 4N20 723602                  | Ohio State Fair                                                    | \$ | 235,000     | \$ | 235,000     | 130170 |
|                              | Harness Racing                                                     |    |             |    |             |        |
| 5060 723601                  | Operating Expenses                                                 | \$ | 12,894,000  | \$ | 12,894,000  | 130171 |
| TOTAL SSR                    | State Special Revenue                                              |    |             |    |             | 130172 |
| Fund Group                   |                                                                    | \$ | 13,129,000  | \$ | 13,129,000  | 130173 |
| TOTAL ALL BUDGET FUND GROUPS |                                                                    | \$ | 13,379,000  | \$ | 13,379,000  | 130174 |
|                              | STATE FAIR RESERVE                                                 |    |             |    |             | 130175 |
|                              | The General Manager of the Expositions Commission, in              |    |             |    |             | 130176 |
|                              | consultation with the Director of Budget and Management, may       |    |             |    |             | 130177 |
|                              | submit a request to the Controlling Board to use available amounts |    |             |    |             | 130178 |
|                              | in the State Fair Reserve Fund (Fund 6400) if revenues for the     |    |             |    |             | 130179 |
|                              | Ohio State Fair for the 2013 or 2014 Ohio State Fair are           |    |             |    |             | 130180 |
|                              | unexpectedly low.                                                  |    |             |    |             | 130181 |
|                              | <b>Section 282.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION</b> |    |             |    |             | 130182 |
|                              | General Revenue Fund                                               |    |             |    |             | 130183 |
| GRF 230401                   | Lease Rental Payments                                              | \$ | 33,106,400  | \$ | 29,854,500  | 130184 |
|                              | - Cultural Facilities                                              |    |             |    |             |        |
| GRF 230458                   | State Construction                                                 | \$ | 2,495,751   | \$ | 2,245,751   | 130185 |
|                              | Management Services                                                |    |             |    |             |        |
| GRF 230908                   | Common Schools                                                     | \$ | 351,806,100 | \$ | 377,364,700 | 130186 |
|                              | General Obligation                                                 |    |             |    |             |        |
|                              | Debt Service                                                       |    |             |    |             |        |
| TOTAL GRF                    | General Revenue Fund                                               | \$ | 387,408,251 | \$ | 409,464,951 | 130187 |
|                              | General Services Fund Group                                        |    |             |    |             | 130188 |
| 1310 230639                  | State Construction                                                 | \$ | 9,463,342   | \$ | 9,463,342   | 130189 |
|                              | Management Operations                                              |    |             |    |             |        |
| TOTAL GSF                    | General Services Fund                                              | \$ | 9,463,342   | \$ | 9,463,342   | 130190 |

Group

|                                  |    |             |    |             |        |
|----------------------------------|----|-------------|----|-------------|--------|
| State Special Revenue Fund Group |    |             |    |             | 130191 |
| 4T80 230603 Community Project    | \$ | 200,000     | \$ | 200,000     | 130192 |
| Administration                   |    |             |    |             |        |
| 5E30 230644 Operating Expenses   | \$ | 8,550,000   | \$ | 8,550,000   | 130193 |
| TOTAL SSR State Special Revenue  |    |             |    |             | 130194 |
| Fund Group                       | \$ | 8,750,000   | \$ | 8,750,000   | 130195 |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 405,621,593 | \$ | 427,678,293 | 130196 |

**Section 282.20. LEASE RENTAL PAYMENTS** 130198

The foregoing appropriation item 230401, Lease Rental 130199  
 Payments - Cultural Facilities, shall be used to meet all payments 130200  
 at the times they are required to be made during the period from 130201  
 July 1, 2013 through June 30, 2015, from the Ohio Facilities 130202  
 Construction Commission under the primary leases and agreements 130203  
 for those arts and sports facilities made under Chapters 152. and 130204  
 154. of the Revised Code. These appropriations are the source of 130205  
 funds pledged for bond service charges on related obligations 130206  
 issued under Chapters 152. and 154. of the Revised Code. 130207

**COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE** 130208

The foregoing appropriation item 230908, Common Schools 130209  
 General Obligation Debt Service, shall be used to pay all debt 130210  
 service and related financing costs at the times they are required 130211  
 to be made during the period from July 1, 2013, through June 30, 130212  
 2015, for obligations issued under sections 151.01 and 151.03 of 130213  
 the Revised Code. 130214

**Section 282.30. COMMUNITY PROJECT ADMINISTRATION** 130215

The foregoing appropriation item 230603, Community Project 130216  
 Administration, shall be used by the Ohio Facilities Construction 130217  
 Commission in administering Cultural and Sports Facilities 130218  
 Building Fund (Fund 7030) projects pursuant to section 123.201 of 130219

the Revised Code. 130220

**Section 282.40. OPERATING EXPENSES** 130221

The foregoing appropriation item 230644, Operating Expenses, 130222  
shall be used by the Ohio School Facilities Commission to carry 130223  
out its responsibilities under this section and Chapter 3318. of 130224  
the Revised Code. 130225

In both fiscal years 2014 and 2015, the Executive Director of 130226  
the Ohio School Facilities Commission shall certify on a quarterly 130227  
basis to the Director of Budget and Management the amount of cash 130228  
from interest earnings to be transferred from the School Building 130229  
Assistance Fund (Fund 7032), the Public School Building Fund (Fund 130230  
7021), and the Educational Facilities Trust Fund (Fund N087) to 130231  
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 130232  
transferred from the School Building Assistance Fund (Fund 7032) 130233  
may not exceed investment earnings credited to the fund, less any 130234  
amount required to be paid for federal arbitrage rebate purposes. 130235

If the Executive Director of the Ohio Facilities Construction 130236  
Commission determines that transferring cash from interest 130237  
earnings is insufficient to support operations and carry out its 130238  
responsibilities under this section and Chapter 3318. of the 130239  
Revised Code, the Commission may, with the approval of the 130240  
Controlling Board, transfer cash not generated from interest from 130241  
the Public School Building Fund (Fund 7021) and the Educational 130242  
Trust Fund (Fund N087) to the Ohio School Facilities Commission 130243  
Fund (Fund 5E30). 130244

**SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION** 130245

At the request of the Executive Director of the Ohio School 130246  
Facilities Commission, the Director of Budget and Management may 130247  
cancel encumbrances for school district projects from a previous 130248  
biennium if the district has not raised its local share of project 130249

costs within thirteen months of receiving Controlling Board 130250  
approval under section 3318.05 or 3318.41 of the Revised Code. The 130251  
Executive Director of the Ohio School Facilities Commission shall 130252  
certify the amounts of the canceled encumbrances to the Director 130253  
of Budget and Management on a quarterly basis. The amounts of the 130254  
canceled encumbrances are hereby appropriated. 130255

**Section 282.50. CAPITAL DONATIONS FUND CERTIFICATIONS AND 130256**  
APPROPRIATIONS 130257

The Executive Director of the Facilities Construction 130258  
Commission shall certify to the Director of Budget and Management 130259  
the amount of cash receipts and related investment income, 130260  
irrevocable letters of credit from a bank, or certification of the 130261  
availability of funds that have been received from a county or a 130262  
municipal corporation for deposit into the Capital Donations Fund 130263  
(Fund 5A10) and that are related to an anticipated project. These 130264  
amounts are hereby appropriated to appropriation item C37146, 130265  
Capital Donations. Prior to certifying these amounts to the 130266  
Director, the Executive Director shall make a written agreement 130267  
with the participating entity on the necessary cash flows required 130268  
for the anticipated construction or equipment acquisition project. 130269

**Section 282.60. AMENDMENT TO PROJECT AGREEMENT FOR 130270**  
MAINTENANCE LEVY 130271

The Ohio School Facilities Commission shall amend the project 130272  
agreement between the Commission and a school district that is 130273  
participating in the Accelerated Urban School Building Assistance 130274  
Program on the effective date of this section, if the Commission 130275  
determines that it is necessary to do so in order to comply with 130276  
division (B)(3)(c) of section 3318.38 of the Revised Code. 130277

**Section 282.70. Notwithstanding any other provision of law to 130278**  
the contrary, the Ohio School Facilities Commission may determine 130279

the amount of funding available for disbursement in a given fiscal 130280  
year for any project approved under sections 3318.01 to 3318.20 of 130281  
the Revised Code in order to keep aggregate state capital spending 130282  
within approved limits and may take actions including, but not 130283  
limited to, determining the schedule for design or bidding of 130284  
approved projects, to ensure appropriate and supportable cash 130285  
flow. 130286

**Section 282.80.** Notwithstanding division (B) of section 130287  
3318.40 of the Revised Code, the Ohio School Facilities Commission 130288  
may provide assistance to at least one joint vocational school 130289  
district each fiscal year for the acquisition of classroom 130290  
facilities in accordance with sections 3318.40 to 3318.45 of the 130291  
Revised Code. 130292

**Section 282.90.** The Ohio Cultural Facilities Commission is 130293  
abolished. Except as otherwise provided in this section, all 130294  
obligations of the Ohio Cultural Facilities Commission under 130295  
agreements to which the Ohio Cultural Facilities Commission is a 130296  
party, and all records and assets of the Ohio Cultural Facilities 130297  
Commission, including, without limitation, equipment, inventory, 130298  
contract rights, accounts, and general intangibles, are 130299  
transferred to the Ohio Facilities Construction Commission. 130300

The Ohio Facilities Construction Commission shall designate 130301  
the positions, if any, to be transferred to the Ohio Facilities 130302  
Construction Commission, along with any equipment assigned to 130303  
those positions. Any employee transferred to the Ohio Facilities 130304  
Construction Commission retains the employee's respective 130305  
classification, but the Ohio Facilities Construction Commission 130306  
may reassign and reclassify the employee's position and 130307  
compensation as the Ohio Facilities Construction Commission 130308  
determines to be in the best interest of office administration. 130309

The Ohio Facilities Construction Commission shall complete 130310  
any activities related to the design, planning, construction, and 130311  
related management functions commenced but not completed by the 130312  
Ohio Cultural Facilities Commission in the same manner and with 130313  
the same effect as if the Ohio Cultural Facilities Commission had 130314  
completed them. The consolidation of the commissions shall not 130315  
cause the loss or impairment of any validation, cure, right, 130316  
privilege, remedy, obligation, or liability, which the Ohio 130317  
Facilities Construction Commission shall administer. 130318

All rules, orders, and determinations related to the design, 130319  
planning, and construction and related management functions of the 130320  
Ohio Cultural Facilities Commission continue in effect as rules, 130321  
orders, and determinations of the Ohio Facilities Construction 130322  
Commission until the Ohio Facilities Construction Commission 130323  
modifies or rescinds them. The Director of the Legislative Service 130324  
Commission shall renumber the rules of the Ohio Cultural 130325  
Facilities Commission related to that commission's design, 130326  
planning, and construction and related management functions to 130327  
reflect their transfer to the Ohio Facilities Construction 130328  
Commission. 130329

The transfer of functions from the Ohio Cultural Facilities 130330  
Commission to the Ohio Facilities Construction Commission does not 130331  
affect any pending judicial or administrative action or proceeding 130332  
to which the Ohio Cultural Facilities Commission is a party and 130333  
that is related to that commission's design, planning, 130334  
construction, capital funding, or related management functions. 130335  
Any such action or proceeding shall be prosecuted or defended in 130336  
the name of the Ohio Facilities Construction Commission. On 130337  
application to the court or agency, the Ohio Facilities 130338  
Construction Commission shall be substituted for the Ohio Cultural 130339  
Facilities Commission as a party to the action or proceeding. 130340

Effective July 1, 2013, the Director of Budget and Management 130341

shall cancel any existing encumbrances against appropriation item 130342  
371603, Project Administration, and re-establish them against 130343  
appropriation item 230603, Community Project Administration. The 130344  
re-established encumbrance amounts are hereby appropriated. Any 130345  
business commenced but not completed under appropriation item 130346  
371603 by July 1, 2013, shall be completed under appropriation 130347  
item 230603 in the same manner and with the same effect as if it 130348  
were completed with regard to appropriation item 371603. 130349

Funds collected as part of a management contract for the 130350  
Riffe Theatres, which previously were deposited in the Ohio 130351  
Cultural Facilities Commission Administration Fund (Fund 4T80), 130352  
shall be credited to the Theater Equipment Maintenance Fund (Fund 130353  
5MV0), which is hereby created in the State Treasury. The Director 130354  
of Budget and Management shall transfer from the Ohio Cultural 130355  
Facilities Commission Administration Fund to the Theater Equipment 130356  
Maintenance Fund any remaining cash balances from funds collected 130357  
as part of a management contract for the Riffe Theatres. In order 130358  
to facilitate this transfer, the Executive Director of the Ohio 130359  
Facilities Construction Commission, by July 1, 2013, or as soon as 130360  
possible thereafter, shall certify to the Director of Budget and 130361  
Management an estimate of the amount to be transferred. The 130362  
Department of Administrative Services shall use appropriation item 130363  
100662, Theater Equipment Maintenance, to spend cash in the 130364  
Theater Equipment Maintenance Fund (Fund 5MV0). 130365

The Ohio Facilities Construction Commission may enter into an 130366  
interagency agreement with the Department of Administrative 130367  
Services for the Department to perform any of the functions 130368  
transferred to the Ohio Facilities Construction Commission under 130369  
this section. 130370

Any reference to the Ohio Cultural Facilities Commission in 130371  
any statute, rule, contract, grant, or other document is deemed to 130372  
refer to the Ohio Facilities Construction Commission. 130373

The Ohio Facilities Construction Commission, the Ohio Public Facilities Commission, and the issuing authority of any obligations issued for the financing of capital facilities for Ohio cultural facilities and Ohio sports facilities may execute instruments, documents, and agreements and may take necessary or appropriate actions to effect the orderly transfer of those obligations from the Ohio Cultural Facilities Commission to the Ohio Facilities Construction Commission.

This section takes effect July 1, 2013.

**Section 283.10. GOV OFFICE OF THE GOVERNOR**

General Revenue Fund

GRF 040321 Operating Expenses \$ 2,851,552 \$ 2,851,552

TOTAL GRF General Revenue Fund \$ 2,851,552 \$ 2,851,552

General Services Fund Group

5AK0 040607 Government Relations \$ 365,149 \$ 365,149

TOTAL GSF General Services Fund \$ 365,149 \$ 365,149

Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,216,701 \$ 3,216,701

**GOVERNMENT RELATIONS**

A portion of the foregoing appropriation item 040607, Government Relations, may be used to support Ohio's membership in national or regional associations.

The Office of the Governor may charge any state agency of the executive branch using an intrastate transfer voucher such amounts necessary to defray the costs incurred for the conduct of governmental relations associated with issues that can be attributed to the agency. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0).

**Section 285.10. DOH DEPARTMENT OF HEALTH**



|                      |                                             |    |            |    |                   |
|----------------------|---------------------------------------------|----|------------|----|-------------------|
| General Revenue Fund |                                             |    |            |    | 130402            |
| GRF 440412           | Cancer Incidence<br>Surveillance System     | \$ | 600,000    | \$ | 600,000 130403    |
| GRF 440413           | Local Health<br>Departments                 | \$ | 823,061    | \$ | 823,061 130404    |
| GRF 440416           | Mothers and Children<br>Safety Net Services | \$ | 4,428,015  | \$ | 4,428,015 130405  |
| GRF 440418           | Immunizations                               | \$ | 8,825,829  | \$ | 8,825,829 130406  |
| GRF 440431           | Free Clinics Safety<br>Net Services         | \$ | 437,326    | \$ | 437,326 130407    |
| GRF 440438           | Breast and Cervical<br>Cancer Screening     | \$ | 823,217    | \$ | 823,217 130408    |
| GRF 440444           | AIDS Prevention and<br>Treatment            | \$ | 5,842,315  | \$ | 5,842,315 130409  |
| GRF 440451           | Public Health<br>Laboratory                 | \$ | 3,655,449  | \$ | 3,655,449 130410  |
| GRF 440452           | Child and Family<br>Health Services Match   | \$ | 630,444    | \$ | 630,444 130411    |
| GRF 440453           | Health Care Quality<br>Assurance            | \$ | 4,874,361  | \$ | 4,874,361 130412  |
| GRF 440454           | Environmental Health                        | \$ | 1,194,634  | \$ | 1,194,634 130413  |
| GRF 440459           | Help Me Grow                                | \$ | 33,673,987 | \$ | 33,673,987 130414 |
| GRF 440465           | Federally Qualified<br>Health Centers       | \$ | 2,686,688  | \$ | 2,686,688 130415  |
| GRF 440467           | Access to Dental Care                       | \$ | 540,484    | \$ | 540,484 130416    |
| GRF 440468           | Chronic Disease and<br>Injury Prevention    | \$ | 2,447,251  | \$ | 2,447,251 130417  |
| GRF 440472           | Alcohol Testing                             | \$ | 1,100,000  | \$ | 1,100,000 130418  |
| GRF 440473           | Tobacco Prevention and<br>Cessation         | \$ | 1,050,000  | \$ | 1,050,000 130419  |
| GRF 440474           | Infant Vitality                             | \$ | 3,116,688  | \$ | 3,116,688 130420  |
| GRF 440505           | Medically Handicapped<br>Children           | \$ | 7,512,451  | \$ | 7,512,451 130421  |

|                                |                                    |    |             |    |             |        |
|--------------------------------|------------------------------------|----|-------------|----|-------------|--------|
| GRF 440507                     | Targeted Health Care               | \$ | 1,045,414   | \$ | 1,045,414   | 130422 |
|                                | Services Over 21                   |    |             |    |             |        |
| GRF 654453                     | Medicaid - Health Care             | \$ | 3,300,000   | \$ | 3,300,000   | 130423 |
|                                | Quality Assurance                  |    |             |    |             |        |
| TOTAL GRF General Revenue Fund |                                    | \$ | 88,607,614  | \$ | 88,607,614  | 130424 |
|                                | State Highway Safety Fund Group    |    |             |    |             | 130425 |
| 4T40 440603                    | Child Highway Safety               | \$ | 233,894     | \$ | 233,894     | 130426 |
| TOTAL HSF State Highway Safety |                                    |    |             |    |             | 130427 |
| Fund Group                     |                                    | \$ | 233,894     | \$ | 233,894     | 130428 |
|                                | General Services Fund Group        |    |             |    |             | 130429 |
| 1420 440646                    | Agency Health                      | \$ | 820,998     | \$ | 820,998     | 130430 |
|                                | Services                           |    |             |    |             |        |
| 2110 440613                    | Central Support                    | \$ | 30,615,591  | \$ | 31,052,469  | 130431 |
|                                | Indirect Costs                     |    |             |    |             |        |
| 4730 440622                    | Lab Operating                      | \$ | 5,000,000   | \$ | 5,000,000   | 130432 |
|                                | Expenses                           |    |             |    |             |        |
| 6830 440633                    | Employee Assistance                | \$ | 1,100,000   | \$ | 1,100,000   | 130433 |
|                                | Program                            |    |             |    |             |        |
| 6980 440634                    | Nurse Aide Training                | \$ | 99,265      | \$ | 99,265      | 130434 |
| TOTAL GSF General Services     |                                    |    |             |    |             | 130435 |
| Fund Group                     |                                    | \$ | 37,635,854  | \$ | 38,072,732  | 130436 |
|                                | Federal Special Revenue Fund Group |    |             |    |             | 130437 |
| 3200 440601                    | Maternal Child Health              | \$ | 23,889,057  | \$ | 23,889,057  | 130438 |
|                                | Block Grant                        |    |             |    |             |        |
| 3870 440602                    | Preventive Health                  | \$ | 6,000,000   | \$ | 6,000,000   | 130439 |
|                                | Block Grant                        |    |             |    |             |        |
| 3890 440604                    | Women, Infants, and                | \$ | 250,000,000 | \$ | 250,000,000 | 130440 |
|                                | Children                           |    |             |    |             |        |
| 3910 440606                    | Medicare Survey and                | \$ | 19,449,282  | \$ | 19,961,405  | 130441 |
|                                | Certification                      |    |             |    |             |        |
| 3920 440618                    | Federal Public Health              | \$ | 134,546,304 | \$ | 135,140,586 | 130442 |
|                                | Programs                           |    |             |    |             |        |

|                                  |        |                         |    |             |    |             |        |
|----------------------------------|--------|-------------------------|----|-------------|----|-------------|--------|
| 3GD0                             | 654601 | Medicaid Program        | \$ | 21,126,014  | \$ | 22,392,094  | 130443 |
|                                  |        | Support                 |    |             |    |             |        |
| TOTAL FED                        |        | Federal Special Revenue |    |             |    |             | 130444 |
| Fund Group                       |        |                         | \$ | 455,010,657 | \$ | 457,383,142 | 130445 |
| State Special Revenue Fund Group |        |                         |    |             |    |             | 130446 |
| 4700                             | 440647 | Fee Supported           | \$ | 25,305,250  | \$ | 25,613,586  | 130447 |
|                                  |        | Programs                |    |             |    |             |        |
| 4710                             | 440619 | Certificate of Need     | \$ | 878,433     | \$ | 878,433     | 130448 |
| 4770                             | 440627 | Medically Handicapped   | \$ | 3,692,703   | \$ | 3,692,703   | 130449 |
|                                  |        | Children Audit          |    |             |    |             |        |
| 4D60                             | 440608 | Genetics Services       | \$ | 3,311,039   | \$ | 3,311,039   | 130450 |
| 4F90                             | 440610 | Sickle Cell Disease     | \$ | 1,032,824   | \$ | 1,032,824   | 130451 |
|                                  |        | Control                 |    |             |    |             |        |
| 4G00                             | 440636 | Heirloom Birth          | \$ | 5,000       | \$ | 5,000       | 130452 |
|                                  |        | Certificate             |    |             |    |             |        |
| 4G00                             | 440637 | Birth Certificate       | \$ | 5,000       | \$ | 5,000       | 130453 |
|                                  |        | Surcharge               |    |             |    |             |        |
| 4L30                             | 440609 | HIV Care and            | \$ | 8,333,164   | \$ | 8,333,164   | 130454 |
|                                  |        | Miscellaneous           |    |             |    |             |        |
|                                  |        | Expenses                |    |             |    |             |        |
| 4P40                             | 440628 | Ohio Physician Loan     | \$ | 476,870     | \$ | 476,870     | 130455 |
|                                  |        | Repayment               |    |             |    |             |        |
| 4V60                             | 440641 | Save Our Sight          | \$ | 2,255,789   | \$ | 2,255,789   | 130456 |
| 5B50                             | 440616 | Quality, Monitoring,    | \$ | 878,997     | \$ | 878,997     | 130457 |
|                                  |        | and Inspection          |    |             |    |             |        |
| 5CN0                             | 440645 | Choose Life             | \$ | 75,000      | \$ | 75,000      | 130458 |
| 5D60                             | 440620 | Second Chance Trust     | \$ | 1,151,902   | \$ | 1,151,902   | 130459 |
| 5ED0                             | 440651 | Smoke Free Indoor Air   | \$ | 250,000     | \$ | 250,000     | 130460 |
| 5G40                             | 440639 | Adoption Services       | \$ | 20,000      | \$ | 20,000      | 130461 |
| 5Z70                             | 440624 | Ohio Dentist Loan       | \$ | 140,000     | \$ | 140,000     | 130462 |
|                                  |        | Repayment               |    |             |    |             |        |
| 6100                             | 440626 | Radiation Emergency     | \$ | 1,049,954   | \$ | 1,086,098   | 130463 |
|                                  |        | Response                |    |             |    |             |        |

|                                                |        |                       |    |             |    |             |        |
|------------------------------------------------|--------|-----------------------|----|-------------|----|-------------|--------|
| 6660                                           | 440607 | Medically Handicapped | \$ | 19,739,617  | \$ | 19,739,617  | 130464 |
|                                                |        | Children - County     |    |             |    |             |        |
|                                                |        | Assessments           |    |             |    |             |        |
| TOTAL SSR State Special Revenue                |        |                       |    |             |    |             | 130465 |
| Fund Group                                     |        |                       | \$ | 68,601,542  | \$ | 68,946,022  | 130466 |
| Holding Account Redistribution Fund Group      |        |                       |    |             |    |             | 130467 |
| R014                                           | 440631 | Vital Statistics      | \$ | 44,986      | \$ | 44,986      | 130468 |
| R048                                           | 440625 | Refunds, Grants       | \$ | 20,000      | \$ | 20,000      | 130469 |
|                                                |        | Reconciliation, and   |    |             |    |             |        |
|                                                |        | Audit Settlements     |    |             |    |             |        |
| TOTAL 090 Holding Account                      |        |                       |    |             |    |             | 130470 |
| Redistribution Fund Group                      |        |                       | \$ | 64,986      | \$ | 64,986      | 130471 |
| Tobacco Master Settlement Agreement Fund Group |        |                       |    |             |    |             | 130472 |
| 5BX0                                           | 440656 | Tobacco Use           | \$ | 1,450,000   | \$ | 1,450,000   | 130473 |
|                                                |        | Prevention            |    |             |    |             |        |
| TOTAL TSF Tobacco Master Settlement            |        |                       |    |             |    |             | 130474 |
| Agreement Fund Group                           |        |                       | \$ | 1,450,000   | \$ | 1,450,000   | 130474 |
| TOTAL ALL BUDGET FUND GROUPS                   |        |                       |    |             |    |             | 130475 |
|                                                |        |                       | \$ | 651,604,547 | \$ | 654,758,390 | 130475 |

**Section 285.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 130477

Of the foregoing appropriation item 440416, Mothers and 130478  
 Children Safety Net Services, \$200,000 in each fiscal year shall 130479  
 be used to assist families with hearing impaired children under 130480  
 twenty-one years of age in purchasing hearing aids. The Director 130481  
 of Health shall adopt rules governing the distribution of these 130482  
 funds, including rules that do both of the following: (1) 130483  
 establish eligibility criteria to include families with incomes at 130484  
 or below four hundred per cent of the federal poverty guidelines 130485  
 as defined in section 5101.46 of the Revised Code, and (2) develop 130486  
 a sliding scale of disbursements under this section based on 130487  
 family income. The Director may adopt other rules as necessary to 130488  
 implement this section. Rules adopted under this section shall be 130489

adopted in accordance with Chapter 119. of the Revised Code. 130490

The Department shall disburse all of the funds appropriated 130491  
under this section. 130492

HIV/AIDS PREVENTION/TREATMENT 130493

The foregoing appropriation item 440444, AIDS Prevention and 130494  
Treatment, shall be used to assist persons with HIV/AIDS in 130495  
acquiring HIV-related medications and to administer educational 130496  
prevention initiatives. 130497

PUBLIC HEALTH LABORATORY 130498

A portion of the foregoing appropriation item 440451, Public 130499  
Health Laboratory, shall be used for coordination and management 130500  
of prevention program operations and the purchase of drugs for 130501  
sexually transmitted diseases. 130502

HELP ME GROW 130503

The foregoing appropriation item 440459, Help Me Grow, shall 130504  
be used by the Department of Health to implement the Help Me Grow 130505  
Program. Funds shall be distributed to counties through 130506  
agreements, contracts, grants, or subsidies in accordance with 130507  
section 3701.61 of the Revised Code. Appropriation item 440459, 130508  
Help Me Grow, may be used in conjunction with other early 130509  
childhood funds and services to promote the optimal development of 130510  
young children and family-centered programs and services that 130511  
acknowledge and support the social, emotional, cognitive, 130512  
intellectual, and physical development of children and the vital 130513  
role of families in ensuring the well-being and success of 130514  
children. The Department of Health shall enter into interagency 130515  
agreements with the Department of Education, Department of 130516  
Developmental Disabilities, Department of Job and Family Services, 130517  
and Department of Mental Health and Addiction Services to ensure 130518  
that all early childhood programs and initiatives are coordinated 130519  
and school linked. 130520

|                                                                   |        |
|-------------------------------------------------------------------|--------|
| The foregoing appropriation item 440459, Help Me Grow, may        | 130521 |
| also be used for the Developmental Autism and Screening Program.  | 130522 |
| INFANT VITALITY                                                   | 130523 |
| The foregoing appropriation item 440474, Infant Vitality,         | 130524 |
| shall be used to fund the following projects, which are hereby    | 130525 |
| created:                                                          | 130526 |
| (A) The Infant Safe Sleep Campaign to educate parents and         | 130527 |
| caregivers with a uniform message regarding safe sleep            | 130528 |
| environments;                                                     | 130529 |
| (B) The Progesterone Prematurity Prevention Project to enable     | 130530 |
| prenatal care providers to identify, screen, treat, and track     | 130531 |
| outcomes for women eligible for progesterone supplementation; and | 130532 |
| (C) The Prenatal Smoking Cessation Project to enable prenatal     | 130533 |
| care providers who work with women of reproductive age, including | 130534 |
| pregnant women, to have the tools, training, and technical        | 130535 |
| assistance needed to treat smokers effectively.                   | 130536 |
| TARGETED HEALTH CARE SERVICES OVER 21                             | 130537 |
| The foregoing appropriation item 440507, Targeted Health Care     | 130538 |
| Services Over 21, shall be used to administer the Cystic Fibrosis | 130539 |
| Program and to implement the Hemophilia Insurance Premium Payment | 130540 |
| Program.                                                          | 130541 |
| The foregoing appropriation item 440507, Targeted Health Care     | 130542 |
| Services Over 21, shall also be used to provide essential         | 130543 |
| medications and to pay the copayments for drugs approved by the   | 130544 |
| Department of Health and covered by Medicare Part D that are      | 130545 |
| dispensed to Bureau for Children with Medical Handicaps (BCMH)    | 130546 |
| participants for the Cystic Fibrosis Program.                     | 130547 |
| The Department shall expend all of these funds.                   | 130548 |
| GENETICS SERVICES                                                 | 130549 |
| The foregoing appropriation item 440608, Genetics Services        | 130550 |

(Fund 4D60), shall be used by the Department of Health to 130551  
administer programs authorized by sections 3701.501 and 3701.502 130552  
of the Revised Code. None of these funds shall be used to counsel 130553  
or refer for abortion, except in the case of a medical emergency. 130554

MEDICALLY HANDICAPPED CHILDREN AUDIT 130555

The Medically Handicapped Children Audit Fund (Fund 4770) 130556  
shall receive revenue from audits of hospitals and recoveries from 130557  
third-party payers. Moneys may be expended for payment of audit 130558  
settlements and for costs directly related to obtaining recoveries 130559  
from third-party payers and for encouraging Medically Handicapped 130560  
Children's Program recipients to apply for third-party benefits. 130561  
Moneys also may be expended for payments for diagnostic and 130562  
treatment services on behalf of medically handicapped children, as 130563  
defined in division (A) of section 3701.022 of the Revised Code, 130564  
and Ohio residents who are twenty-one or more years of age and who 130565  
are suffering from cystic fibrosis or hemophilia. Moneys may also 130566  
be expended for administrative expenses incurred in operating the 130567  
Medically Handicapped Children's Program. 130568

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 130569

The foregoing appropriation item 440607, Medically 130570  
Handicapped Children - County Assessments (Fund 6660), shall be 130571  
used to make payments under division (E) of section 3701.023 of 130572  
the Revised Code. 130573

CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO 130574  
THE TOBACCO USE PREVENTION FUND 130575

On July 1, 2013, or as soon as possible thereafter, the 130576  
Director of Budget and Management shall transfer \$2,439,230 cash 130577  
from the Public Health Priorities Trust Fund (Fund L087) to the 130578  
Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating 130579  
needs of the Department of Health's tobacco enforcement and 130580  
cessation efforts. 130581

|                        |                                                                    |    |         |            |        |
|------------------------|--------------------------------------------------------------------|----|---------|------------|--------|
| <b>Section 285.30.</b> | DEPARTMENT OF HEALTH'S APPROPRIATION ITEM                          |    |         |            | 130582 |
|                        | STRUCTURE                                                          |    |         |            | 130583 |
|                        | Upon request from the Director of Health, the Director of          |    |         |            | 130584 |
|                        | Budget and Management may establish new funds, new appropriation   |    |         |            | 130585 |
|                        | items, and appropriations in order to support the transition to a  |    |         |            | 130586 |
|                        | new appropriation item structure in the Department of Health's     |    |         |            | 130587 |
|                        | budget. Also, upon request of the Director of Health, the Director |    |         |            | 130588 |
|                        | of Budget and Management may transfer appropriations between GRF   |    |         |            | 130589 |
|                        | appropriation items, transfer cash between any funds used by the   |    |         |            | 130590 |
|                        | Department of Health, abolish existing funds used by the           |    |         |            | 130591 |
|                        | Department of Health, and cancel and reestablish encumbrances. Any |    |         |            | 130592 |
|                        | establishment of new funds or appropriation items, any transfers   |    |         |            | 130593 |
|                        | of appropriations or cash, and any increases in appropriation      |    |         |            | 130594 |
|                        | under this section are subject to Controlling Board approval.      |    |         |            | 130595 |
| <br>                   |                                                                    |    |         |            |        |
| <b>Section 287.10.</b> | HEF HIGHER EDUCATIONAL FACILITY COMMISSION                         |    |         |            | 130596 |
|                        | Agency Fund Group                                                  |    |         |            | 130597 |
|                        | 4610 372601 Operating Expenses                                     | \$ | 12,500  | \$ 12,500  | 130598 |
|                        | TOTAL AGY Agency Fund Group                                        | \$ | 12,500  | \$ 12,500  | 130599 |
|                        | TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 12,500  | \$ 12,500  | 130600 |
| <br>                   |                                                                    |    |         |            |        |
| <b>Section 289.10.</b> | SPA COMMISSION ON HISPANIC/LATINO AFFAIRS                          |    |         |            | 130602 |
|                        | General Revenue Fund                                               |    |         |            | 130603 |
|                        | GRF 148100 Personal Services                                       | \$ | 279,998 | \$ 279,998 | 130604 |
|                        | GRF 148402 Community Programs                                      | \$ | 44,924  | \$ 44,924  | 130605 |
|                        | TOTAL GRF General Revenue Fund                                     | \$ | 324,922 | \$ 324,922 | 130606 |
|                        | General Services Fund Group                                        |    |         |            | 130607 |
|                        | 6010 148602 Special Initiatives                                    | \$ | 24,558  | \$ 24,558  | 130608 |
|                        | TOTAL GSF General Services                                         |    |         |            | 130609 |
|                        | Fund Group                                                         | \$ | 24,558  | \$ 24,558  | 130610 |
|                        | TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 349,480 | \$ 349,480 | 130611 |



|                              |                                                                   |                                  |    |           |    |            |        |
|------------------------------|-------------------------------------------------------------------|----------------------------------|----|-----------|----|------------|--------|
|                              | <b>Section 291.10.</b>                                            | OHS OHIO HISTORICAL SOCIETY      |    |           |    | 130613     |        |
|                              | General Revenue Fund                                              |                                  |    |           |    | 130614     |        |
| GRF                          | 360501                                                            | Education and<br>Collections     | \$ | 3,618,997 | \$ | 3,618,997  | 130615 |
| GRF                          | 360502                                                            | Site and Museum<br>Operations    | \$ | 4,426,288 | \$ | 4,926,288  | 130616 |
| GRF                          | 360504                                                            | Ohio Preservation<br>Office      | \$ | 290,000   | \$ | 290,000    | 130617 |
| GRF                          | 360505                                                            | National<br>Afro-American Museum | \$ | 414,798   | \$ | 414,798    | 130618 |
| GRF                          | 360506                                                            | Hayes Presidential<br>Center     | \$ | 309,147   | \$ | 309,147    | 130619 |
| GRF                          | 360508                                                            | State Historical<br>Grants       | \$ | 400,000   | \$ | 400,000    | 130620 |
| GRF                          | 360509                                                            | Outreach and<br>Partnership      | \$ | 90,395    | \$ | 90,395     | 130621 |
| TOTAL GRF                    | General Revenue Fund                                              |                                  | \$ | 9,549,625 | \$ | 10,049,625 | 130622 |
|                              | Agency Fund Group                                                 |                                  |    |           |    | 130623     |        |
| 5KL0                         | 360602                                                            | Ohio History Tax<br>Check-off    | \$ | 250,000   | \$ | 250,000    | 130624 |
| TOTAL AGY                    | Agency Fund Group                                                 |                                  | \$ | 250,000   | \$ | 250,000    | 130625 |
| TOTAL ALL BUDGET FUND GROUPS |                                                                   |                                  | \$ | 9,799,625 | \$ | 10,299,625 | 130626 |
|                              | SUBSIDY APPROPRIATION                                             |                                  |    |           |    | 130627     |        |
|                              | Upon approval by the Director of Budget and Management, the       |                                  |    |           |    | 130628     |        |
|                              | foregoing appropriation items shall be released to the Ohio       |                                  |    |           |    | 130629     |        |
|                              | Historical Society in quarterly amounts that in total do not      |                                  |    |           |    | 130630     |        |
|                              | exceed the annual appropriations. The funds and fiscal records of |                                  |    |           |    | 130631     |        |
|                              | the society for fiscal year 2014 and fiscal year 2015 shall be    |                                  |    |           |    | 130632     |        |
|                              | examined by independent certified public accountants approved by  |                                  |    |           |    | 130633     |        |
|                              | the Auditor of State, and a copy of the audited financial         |                                  |    |           |    | 130634     |        |
|                              | statements shall be filed with the Office of Budget and           |                                  |    |           |    | 130635     |        |

Management. The society shall prepare and submit to the Office of 130636  
 Budget and Management the following: 130637

(A) An estimated operating budget for each fiscal year of the 130638  
 biennium. The operating budget shall be submitted at or near the 130639  
 beginning of each calendar year. 130640

(B) Financial reports, indicating actual receipts and 130641  
 expenditures for the fiscal year to date. These reports shall be 130642  
 filed at least semiannually during the fiscal biennium. 130643

The foregoing appropriations shall be considered to be the 130644  
 contractual consideration provided by the state to support the 130645  
 state's offer to contract with the Ohio Historical Society under 130646  
 section 149.30 of the Revised Code. 130647

STATE HISTORICAL GRANTS 130648

Of the foregoing appropriation item 360508, State Historical 130649  
 Grants, \$200,000 in each fiscal year shall be used for the 130650  
 Cincinnati Museum Center, and \$200,000 in each fiscal year shall 130651  
 be used for the Western Reserve Historical Society. 130652

130653

**Section 293.10.** REP OHIO HOUSE OF REPRESENTATIVES 130654

General Revenue Fund 130655

|            |                    |    |            |    |            |        |
|------------|--------------------|----|------------|----|------------|--------|
| GRF 025321 | Operating Expenses | \$ | 21,031,091 | \$ | 21,031,091 | 130656 |
|------------|--------------------|----|------------|----|------------|--------|

|           |                      |    |            |    |            |        |
|-----------|----------------------|----|------------|----|------------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 21,031,091 | \$ | 21,031,091 | 130657 |
|-----------|----------------------|----|------------|----|------------|--------|

General Services Fund Group 130658

|             |                     |    |           |    |           |        |
|-------------|---------------------|----|-----------|----|-----------|--------|
| 1030 025601 | House Reimbursement | \$ | 1,433,664 | \$ | 1,433,664 | 130659 |
|-------------|---------------------|----|-----------|----|-----------|--------|

|             |                     |    |        |    |        |        |
|-------------|---------------------|----|--------|----|--------|--------|
| 4A40 025602 | Miscellaneous Sales | \$ | 37,849 | \$ | 37,849 | 130660 |
|-------------|---------------------|----|--------|----|--------|--------|

|           |                  |  |  |  |  |        |
|-----------|------------------|--|--|--|--|--------|
| TOTAL GSF | General Services |  |  |  |  | 130661 |
|-----------|------------------|--|--|--|--|--------|

|            |  |    |           |    |           |        |
|------------|--|----|-----------|----|-----------|--------|
| Fund Group |  | \$ | 1,471,513 | \$ | 1,471,513 | 130662 |
|------------|--|----|-----------|----|-----------|--------|

|                  |             |    |            |    |            |        |
|------------------|-------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET | FUND GROUPS | \$ | 22,502,604 | \$ | 22,502,604 | 130663 |
|------------------|-------------|----|------------|----|------------|--------|

OPERATING EXPENSES 130664

On July 1, 2013, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2013 to be reappropriated to fiscal year 2014. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2014.

On July 1, 2014, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2014 to be reappropriated to fiscal year 2015. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2015.

HOUSE REIMBURSEMENT

If it is determined by the Chief Administrative Officer of the House of Representatives that additional appropriations are necessary for the foregoing appropriation item 025601, House Reimbursement, the amounts are hereby appropriated.

**Section 295.10.** HFA OHIO HOUSING FINANCE AGENCY

State Special Revenue Fund Group  
5AZ0 997601 Housing Finance Agency \$ 12,156,982 \$ 12,156,982  
Personal Services  
TOTAL SSR State Special Revenue \$ 12,156,982 \$ 12,156,982  
Fund Group  
TOTAL ALL BUDGET FUND GROUPS \$ 12,156,982 \$ 12,156,982

**Section 297.10.** IGO OFFICE OF THE INSPECTOR GENERAL

General Revenue Fund

|                              |                                                    |               |               |        |
|------------------------------|----------------------------------------------------|---------------|---------------|--------|
| GRF 965321                   | Operating Expenses                                 | \$ 1,175,598  | \$ 1,175,598  | 130694 |
| GRF 965404                   | Deputy Inspector                                   | \$ 475,000    | \$ 350,000    | 130695 |
|                              | General for ARRA                                   |               |               |        |
| TOTAL GRF                    | General Revenue Fund                               | \$ 1,650,598  | \$ 1,525,598  | 130696 |
|                              | General Services Fund Group                        |               |               | 130697 |
| 5FA0 965603                  | Deputy Inspector                                   | \$ 400,000    | \$ 400,000    | 130698 |
|                              | General for ODOT                                   |               |               |        |
| 5FT0 965604                  | Deputy Inspector                                   | \$ 425,000    | \$ 425,000    | 130699 |
|                              | General for BWC/OIC                                |               |               |        |
| 5GI0 965605                  | Deputy Inspector                                   | \$ 25,000     | \$ 0          | 130700 |
|                              | General for ARRA                                   |               |               |        |
| TOTAL GSF                    | General Services Fund                              | \$ 850,000    | \$ 825,000    | 130701 |
|                              | Group                                              |               |               |        |
| TOTAL ALL BUDGET FUND GROUPS |                                                    | \$ 2,500,598  | \$ 2,350,598  | 130702 |
|                              | <b>Section 299.10. INS DEPARTMENT OF INSURANCE</b> |               |               | 130704 |
|                              | Federal Special Revenue Fund Group                 |               |               | 130705 |
| 3EV0 820610                  | Health Insurance                                   | \$ 1,300,000  | \$ 1,300,000  | 130706 |
|                              | Premium Review                                     |               |               |        |
| 3U50 820602                  | OSHIIP Operating                                   | \$ 1,970,725  | \$ 1,970,725  | 130707 |
|                              | Grant                                              |               |               |        |
| TOTAL FED                    | Federal Special                                    |               |               | 130708 |
|                              | Revenue Fund Group                                 | \$ 3,270,725  | \$ 3,270,725  | 130709 |
|                              | State Special Revenue Fund Group                   |               |               | 130710 |
| 5540 820601                  | Operating Expenses -                               | \$ 180,000    | \$ 180,000    | 130711 |
|                              | OSHIIP                                             |               |               |        |
| 5540 820606                  | Operating Expenses                                 | \$ 27,570,433 | \$ 24,910,367 | 130712 |
| 5550 820605                  | Examination                                        | \$ 8,184,065  | \$ 8,184,065  | 130713 |
| TOTAL SSR                    | State Special Revenue                              |               |               | 130714 |
|                              | Fund Group                                         | \$ 35,934,498 | \$ 33,274,432 | 130715 |
| TOTAL ALL BUDGET FUND GROUPS |                                                    | \$ 39,205,223 | \$ 36,545,157 | 130716 |
|                              | MARKET CONDUCT EXAMINATION                         |               |               | 130717 |

When conducting a market conduct examination of any insurer 130718  
doing business in this state, the Superintendent of Insurance may 130719  
assess the costs of the examination against the insurer. The 130720  
superintendent may enter into consent agreements to impose 130721  
administrative assessments or fines for conduct discovered that 130722  
may be violations of statutes or rules administered by the 130723  
Superintendent. All costs, assessments, or fines collected shall 130724  
be deposited to the credit of the Department of Insurance 130725  
Operating Fund (Fund 5540). 130726

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 130727

The Director of Budget and Management, at the request of the 130728  
Superintendent of Insurance, may transfer funds from the 130729  
Department of Insurance Operating Fund (Fund 5540), established by 130730  
section 3901.021 of the Revised Code, to the Superintendent's 130731  
Examination Fund (Fund 5550), established by section 3901.071 of 130732  
the Revised Code, only for expenses incurred in examining domestic 130733  
fraternal benefit societies as required by section 3921.28 of the 130734  
Revised Code. 130735

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 130736

Not later than the thirty-first day of July each fiscal year, 130737  
the Director of Budget and Management shall transfer \$5,000,000 130738  
from the Department of Insurance Operating Fund (Fund 5540) to the 130739  
General Revenue Fund. 130740

**Section 301.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 130741

General Revenue Fund 130742

GRF 600321 Program Support \$ 31,320,964 \$ 31,109,751 130743

GRF 600410 TANF State/Maintenance \$ 151,386,934 \$ 151,386,934 130744  
of Effort

GRF 600413 Child Care \$ 84,732,730 \$ 84,732,730 130745  
State/Maintenance of

|            |                         |    |             |    |                    |
|------------|-------------------------|----|-------------|----|--------------------|
|            | Effort                  |    |             |    |                    |
| GRF 600416 | Information Technology  | \$ | 54,223,871  | \$ | 54,184,700 130746  |
|            | Projects                |    |             |    |                    |
| GRF 600420 | Child Support Programs  | \$ | 6,498,667   | \$ | 6,591,048 130747   |
| GRF 600421 | Family Assistance       | \$ | 3,161,930   | \$ | 3,161,930 130748   |
|            | Programs                |    |             |    |                    |
| GRF 600423 | Families and Children   | \$ | 6,384,514   | \$ | 6,542,517 130749   |
|            | Programs                |    |             |    |                    |
| GRF 600502 | Child Support - Local   | \$ | 23,814,103  | \$ | 23,814,103 130750  |
| GRF 600511 | Disability Financial    | \$ | 22,000,000  | \$ | 22,000,000 130751  |
|            | Assistance              |    |             |    |                    |
| GRF 600521 | Family Assistance -     | \$ | 41,132,751  | \$ | 41,132,751 130752  |
|            | Local                   |    |             |    |                    |
| GRF 600523 | Family and Children     | \$ | 55,605,323  | \$ | 54,105,323 130753  |
|            | Services                |    |             |    |                    |
| GRF 600528 | Adoption Services       |    |             |    | 130754             |
|            | State                   | \$ | 28,623,389  | \$ | 28,623,389 130755  |
|            | Federal                 | \$ | 38,202,557  | \$ | 38,202,557 130756  |
|            | Adoption Services Total | \$ | 66,825,946  | \$ | 66,825,946 130757  |
| GRF 600533 | Child, Family, and      | \$ | 13,500,000  | \$ | 13,500,000 130758  |
|            | Adult Community &       |    |             |    |                    |
|            | Protective Services     |    |             |    |                    |
| GRF 600534 | Adult Protective        | \$ | 366,003     | \$ | 366,003 130759     |
|            | Services                |    |             |    |                    |
| GRF 600535 | Early Care and          | \$ | 123,596,474 | \$ | 123,596,474 130760 |
|            | Education               |    |             |    |                    |
| GRF 600540 | Food Banks              | \$ | 6,000,000   | \$ | 6,000,000 130761   |
| GRF 600541 | Kinship Permanency      | \$ | 3,500,000   | \$ | 3,500,000 130762   |
|            | Incentive Program       |    |             |    |                    |
| GRF 655522 | Medicaid Program        | \$ | 31,067,970  | \$ | 31,067,970 130763  |
|            | Support - Local         |    |             |    |                    |
| GRF 655523 | Medicaid Program        | \$ | 30,680,495  | \$ | 30,680,495 130764  |
|            | Support - Local         |    |             |    |                    |

| Transportation                     |    |             |    |                    |
|------------------------------------|----|-------------|----|--------------------|
| TOTAL GRF General Revenue Fund     |    |             |    | 130765             |
| State                              | \$ | 717,596,118 | \$ | 716,096,118 130766 |
| Federal                            | \$ | 38,202,557  | \$ | 38,202,557 130767  |
| GRF Total                          | \$ | 755,798,675 | \$ | 754,298,675 130768 |
| General Services Fund Group        |    |             |    | 130769             |
| 4A80 600658 Public Assistance      | \$ | 34,000,000  | \$ | 34,000,000 130770  |
| Activities                         |    |             |    |                    |
| 5DM0 600633 Administration &       | \$ | 19,660,339  | \$ | 19,660,339 130771  |
| Operating                          |    |             |    |                    |
| 5HC0 600695 Unemployment           | \$ | 60,000,000  | \$ | 60,000,000 130772  |
| Compensation Interest              |    |             |    |                    |
| 5HL0 600602 State and County       | \$ | 3,020,000   | \$ | 3,020,000 130773   |
| Shared Services                    |    |             |    |                    |
| 6130 600645 Training Activities    | \$ | 8,100,000   | \$ | 92,989 130774      |
| TOTAL GSF General Services         |    |             |    | 130775             |
| Fund Group                         | \$ | 124,780,339 | \$ | 116,773,328 130776 |
| Federal Special Revenue Fund Group |    |             |    | 130777             |
| 3270 600606 Child Welfare          | \$ | 29,769,866  | \$ | 29,769,866 130778  |
| 3310 600615 Veterans Programs      | \$ | 8,000,000   | \$ | 8,000,000 130779   |
| 3310 600624 Employment Services    | \$ | 26,000,000  | \$ | 26,000,000 130780  |
| Programs                           |    |             |    |                    |
| 3310 600686 Workforce Programs     | \$ | 6,260,000   | \$ | 6,260,000 130781   |
| 3840 600610 Food Assistance        | \$ | 209,333,246 | \$ | 180,381,394 130782 |
| Programs                           |    |             |    |                    |
| 3850 600614 Refugee Services       | \$ | 12,564,952  | \$ | 12,564,952 130783  |
| 3950 600616 Federal Discretionary  | \$ | 2,259,264   | \$ | 2,259,264 130784   |
| Grants                             |    |             |    |                    |
| 3960 600620 Social Services Block  | \$ | 47,000,000  | \$ | 47,000,000 130785  |
| Grant                              |    |             |    |                    |
| 3970 600626 Child Support -        | \$ | 235,000,000 | \$ | 235,000,000 130786 |
| Federal                            |    |             |    |                    |

|                                   |        |                                                     |    |               |    |               |        |
|-----------------------------------|--------|-----------------------------------------------------|----|---------------|----|---------------|--------|
| 3980                              | 600627 | Adoption Program -<br>Federal                       | \$ | 174,178,779   | \$ | 174,178,779   | 130787 |
| 3A20                              | 600641 | Emergency Food<br>Distribution                      | \$ | 5,000,000     | \$ | 5,000,000     | 130788 |
| 3D30                              | 600648 | Children's Trust Fund<br>Federal                    | \$ | 3,477,699     | \$ | 3,477,699     | 130789 |
| 3F01                              | 655624 | Medicaid Program<br>Support                         | \$ | 110,680,495   | \$ | 110,680,495   | 130790 |
| 3H70                              | 600617 | Child Care Federal                                  | \$ | 241,987,805   | \$ | 222,212,089   | 130791 |
| 3N00                              | 600628 | Foster Care Program -<br>Federal                    | \$ | 311,968,616   | \$ | 311,968,616   | 130792 |
| 3S50                              | 600622 | Child Support Projects                              | \$ | 534,050       | \$ | 534,050       | 130793 |
| 3V00                              | 600688 | Workforce Investment<br>Act Programs                | \$ | 136,000,000   | \$ | 136,000,000   | 130794 |
| 3V40                              | 600678 | Federal Unemployment<br>Programs                    | \$ | 182,814,212   | \$ | 182,814,212   | 130795 |
| 3V40                              | 600679 | UC Review Commission -<br>Federal                   | \$ | 6,185,788     | \$ | 6,185,788     | 130796 |
| 3V60                              | 600689 | TANF Block Grant                                    | \$ | 777,957,809   | \$ | 790,304,845   | 130797 |
| TOTAL FED Federal Special Revenue |        |                                                     |    |               |    |               | 130798 |
| Fund Group                        |        |                                                     | \$ | 2,526,972,581 | \$ | 2,490,592,049 | 130799 |
| State Special Revenue Fund Group  |        |                                                     |    |               |    |               | 130800 |
| 1980                              | 600647 | Children's Trust Fund                               | \$ | 5,873,848     | \$ | 5,873,848     | 130801 |
| 4A90                              | 600607 | Unemployment<br>Compensation<br>Administration Fund | \$ | 9,006,000     | \$ | 9,006,000     | 130802 |
| 4E70                              | 600604 | Family and Children<br>Services Collections         | \$ | 400,000       | \$ | 400,000       | 130803 |
| 4F10                              | 600609 | Family and Children<br>Activities                   | \$ | 683,549       | \$ | 683,549       | 130804 |
| 5DB0                              | 600637 | Military Injury Relief<br>Subsidies                 | \$ | 2,000,000     | \$ | 2,000,000     | 130805 |
| 5DP0                              | 600634 | Adoption Assistance                                 | \$ | 500,000       | \$ | 500,000       | 130806 |



|                                                                    |                                              |    |               |    |                      |
|--------------------------------------------------------------------|----------------------------------------------|----|---------------|----|----------------------|
|                                                                    | Loan                                         |    |               |    |                      |
| 5ES0 600630                                                        | Food Bank Assistance                         | \$ | 500,000       | \$ | 500,000 130807       |
| 5KU0 600611                                                        | Unemployment                                 | \$ | 2,000,000     | \$ | 2,000,000 130808     |
|                                                                    | Compensation Support -                       |    |               |    |                      |
|                                                                    | Other Sources                                |    |               |    |                      |
| 5NG0 600660                                                        | Victims of Human                             | \$ | 100,000       | \$ | 100,000 130809       |
|                                                                    | Trafficking                                  |    |               |    |                      |
| 5U60 600663                                                        | Family and Children                          | \$ | 4,000,000     | \$ | 4,000,000 130810     |
|                                                                    | Support                                      |    |               |    |                      |
| TOTAL SSR                                                          | State Special Revenue                        |    |               |    | 130811               |
| Fund Group                                                         |                                              | \$ | 25,063,397    | \$ | 25,063,397 130812    |
| Agency Fund Group                                                  |                                              |    |               |    | 130813               |
| 1920 600646                                                        | Child Support                                | \$ | 129,250,000   | \$ | 129,250,000 130814   |
|                                                                    | Intercept - Federal                          |    |               |    |                      |
| 5830 600642                                                        | Child Support                                | \$ | 14,000,000    | \$ | 14,000,000 130815    |
|                                                                    | Intercept - State                            |    |               |    |                      |
| 5B60 600601                                                        | Food Assistance                              | \$ | 1,000,000     | \$ | 1,000,000 130816     |
|                                                                    | Intercept                                    |    |               |    |                      |
| TOTAL AGY                                                          | Agency Fund Group                            | \$ | 144,250,000   | \$ | 144,250,000 130817   |
| Holding Account                                                    | Redistribution Fund Group                    |    |               |    | 130818               |
| R012 600643                                                        | Refunds and Audit                            | \$ | 2,200,000     | \$ | 2,200,000 130819     |
|                                                                    | Settlements                                  |    |               |    |                      |
| R013 600644                                                        | Forgery Collections                          | \$ | 10,000        | \$ | 10,000 130820        |
| TOTAL 090                                                          | Holding Account                              | \$ | 2,210,000     | \$ | 2,210,000 130821     |
| Redistribution                                                     | Fund Group                                   |    |               |    |                      |
| TOTAL ALL BUDGET                                                   | FUND GROUPS                                  | \$ | 3,579,074,992 | \$ | 3,533,187,449 130822 |
| <b>Section 301.20.</b>                                             | TRANSFER TO STATE AND COUNTY SHARED SERVICES |    |               |    | 130824               |
| FUND                                                               |                                              |    |               |    | 130825               |
| Within thirty days of the effective date of this act, or as        |                                              |    |               |    | 130826               |
| soon as possible thereafter, the Director of Budget and Management |                                              |    |               |    | 130827               |
| shall transfer the cash balance in the County Technologies Fund    |                                              |    |               |    | 130828               |

(Fund 5N10) to the State and County Shared Services Fund (Fund 130829  
5HL0). 130830

**Section 301.30. AGENCY AND HOLDING ACCOUNT REDISTRIBUTION 130831**  
FUND GROUPS 130832

The Agency Fund Group and Holding Account Redistribution Fund 130833  
Group shall be used to hold revenues until the appropriate fund is 130834  
determined or until the revenues are directed to the appropriate 130835  
governmental agency other than the Department of Job and Family 130836  
Services. If receipts credited to the Support Intercept - Federal 130837  
Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 130838  
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 130839  
Settlements Fund (Fund R012), or the Forgery Collections Fund 130840  
(Fund R013) exceed the amounts appropriated from the fund, the 130841  
Director of Job and Family Services may request the Director of 130842  
Budget and Management to authorize expenditures from the fund in 130843  
excess of the amounts appropriated. Upon the approval of the 130844  
Director of Budget and Management, the additional amounts are 130845  
hereby appropriated. 130846

**Section 301.40. COUNTY ADMINISTRATIVE FUNDS 130847**

The foregoing appropriation item 600521, Family Assistance - 130848  
Local, may be provided to county departments of job and family 130849  
services to administer food assistance and disability assistance 130850  
programs. 130851

The foregoing appropriation item 655522, Medicaid Program 130852  
Support - Local, may be provided to county departments of job and 130853  
family services to administer the Medicaid program and the State 130854  
Children's Health Insurance program. 130855

At the request of the Director of Job and Family Services, 130856  
the Director of Budget and Management may transfer appropriations 130857  
between appropriation item 600521, Family Assistance - Local, and 130858

appropriation item 655522, Medicaid Program Support - Local, in 130859  
order to ensure county administrative funds are expended from the 130860  
proper appropriation item. 130861

**Section 301.43. FAMILY AND CHILDREN SERVICES** 130862

Of the foregoing appropriation item 600523, Family and 130863  
Children Services, \$1,500,000 in fiscal year 2014 shall be used to 130864  
support the Famicos Foundation. 130865

**Section 301.50. FOOD STAMPS TRANSFER** 130866

On July 1, 2013, or as soon as possible thereafter, the 130867  
Director of Budget and Management may transfer up to \$1,000,000 130868  
cash from the Supplemental Nutrition Assistance Program Fund (Fund 130869  
3840), to the Food Assistance Fund (Fund 5ES0). 130870

**Section 301.60. NAME OF FOOD STAMP PROGRAM** 130871

The Director of Job and Family Services is not required to 130872  
amend rules regarding the Food Stamp Program to change the name of 130873  
the program to the Supplemental Nutrition Assistance Program. The 130874  
Director may refer to the program as the Food Stamp Program or the 130875  
Food Assistance Program in rules and documents of the Department 130876  
of Job and Family Services. 130877

**Section 301.70. OHIO ASSOCIATION OF FOOD BANKS** 130878

The foregoing appropriation item 600540, Food Banks, shall be 130879  
used to provide funds to the Ohio Association of Food Banks to 130880  
purchase and distribute food products. 130881

Notwithstanding section 5101.46 of the Revised Code and any 130882  
other provision in this bill, in addition to funds designated for 130883  
the Ohio Association of Food Banks in this section, in fiscal year 130884  
2014 and fiscal year 2015, the Director of Job and Family Services 130885  
shall provide assistance from eligible funds to the Ohio 130886

Association of Food Banks in an amount up to or equal to the 130887  
assistance provided in state fiscal year 2013 from all funds used 130888  
by the Department, except the General Revenue Fund. 130889

Eligible nonfederal expenditures made by member food banks of 130890  
the Association shall be counted by the Department of Job and 130891  
Family Services toward the TANF maintenance of effort requirements 130892  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 130893  
shall enter into an agreement with the Ohio Association of Food 130894  
Banks, in accordance with sections 5101.80 and 5101.801 of the 130895  
Revised Code, to carry out the requirements under this section. 130896

**Section 301.80.** PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 130897

The foregoing appropriation item 600658, Public Assistance 130898  
Activities, shall be used by the Department of Job and Family 130899  
Services to meet the TANF maintenance of effort requirements of 42 130900  
U.S.C. 609(a)(7). When the state is assured that it will meet the 130901  
maintenance of effort requirement, the Department of Job and 130902  
Family Services may use funds from appropriation item 600658, 130903  
Public Assistance Activities, to support public assistance 130904  
activities. 130905

**Section 301.90.** GOVERNOR'S OFFICE OF FAITH-BASED AND 130906  
COMMUNITY INITIATIVES 130907

Of the foregoing appropriation item 600689, TANF Block Grant, 130908  
up to \$6,540,000 in each fiscal year shall be used, in accordance 130909  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 130910  
support to programs or organizations that provide services that 130911  
align with the mission and goals of the Governor's Office of 130912  
Faith-Based and Community Initiatives, as outlined in section 130913  
107.12 of the Revised Code, and that further at least one of the 130914  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 130915

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| <b>Section 301.100.</b> INDEPENDENT LIVING INITIATIVE              | 130916 |
| Of the foregoing appropriation item 600689, TANF Block Grant,      | 130917 |
| up to \$2,000,000 in each fiscal year shall be used, in accordance | 130918 |
| with sections 5101.80 and 5101.801 of the Revised Code, to support | 130919 |
| the Independent Living Initiative, including life skills training  | 130920 |
| and work supports for older children in foster care and those who  | 130921 |
| have recently aged out of foster care.                             | 130922 |
| <br>                                                               |        |
| <b>Section 301.110.</b> KINSHIP PERMANENCY INCENTIVE PROGRAM       | 130923 |
| Of the foregoing appropriation item 600689, TANF Block Grant,      | 130924 |
| \$1,750,000 in each fiscal year shall be used to support the       | 130925 |
| activities of the Kinship Permanency Incentive Program established | 130926 |
| in section 5101.802 of the Revised Code.                           | 130927 |
| <br>                                                               |        |
| <b>Section 301.120.</b> OHIO COMMISSION ON FATHERHOOD              | 130928 |
| Of the foregoing appropriation item 600689, TANF Block Grant,      | 130929 |
| \$1,000,000 in each fiscal year shall be provided to the Ohio      | 130930 |
| Commission on Fatherhood.                                          | 130931 |
| <br>                                                               |        |
| <b>Section 301.130.</b> DIFFERENTIAL RESPONSE                      | 130932 |
| In accordance with an independent evaluation of the Ohio           | 130933 |
| Alternative Response Pilot Program that recommended statewide      | 130934 |
| implementation, the Department of Job and Family Services shall    | 130935 |
| plan the statewide expansion of the Ohio Alternative Response      | 130936 |
| Pilot Program on a county by county basis, through a schedule      | 130937 |
| determined by the Department. The program shall be known as the    | 130938 |
| "differential response" approach as defined in section 2151.011 of | 130939 |
| the Revised Code. Notwithstanding provisions of Chapter 2151. of   | 130940 |
| the Revised Code that refer to "differential response,"            | 130941 |
| "traditional response," and "alternative response," those          | 130942 |
| provisions shall become effective on the scheduled date of         | 130943 |

expansion of the differential response approach to that county. 130944  
Prior to statewide implementation, the Department may adopt rules 130945  
in accordance with Chapter 119. of the Revised Code as necessary 130946  
to carry out the purposes of this section. 130947

**Section 301.140. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 130948

In collaboration with the county family and children first 130949  
council, a county department of job and family services or public 130950  
children services agency that receives an allocation from the 130951  
Department of Job and Family Services from the foregoing 130952  
appropriation item 600523, Children and Families Services, or 130953  
600533, Child, Family, and Adult Community & Protective Services, 130954  
may transfer a portion of either or both allocations to a flexible 130955  
funding pool as authorized by the section of this act titled 130956  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 130957

**Section 301.150. CHILD, FAMILY, AND ADULT COMMUNITY AND** 130958  
**PROTECTIVE SERVICES** 130959

(A) The foregoing appropriation item 600533, Child, Family, 130960  
and Adult Community & Protective Services, shall be distributed to 130961  
each county department of job and family services using the 130962  
formula the Department of Job and Family Services uses when 130963  
distributing Title XX funds to county departments of job and 130964  
family services under section 5101.46 of the Revised Code. County 130965  
departments shall use the funds distributed to them under this 130966  
section as follows, in accordance with the written plan of 130967  
cooperation entered into under section 307.983 of the Revised 130968  
Code: 130969

(1) To assist individuals achieve or maintain 130970  
self-sufficiency, including by reducing or preventing dependency 130971  
among individuals with family income not exceeding two hundred per 130972  
cent of the federal poverty guidelines; 130973

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program developed under Section 309.50.10 of this act;

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

(4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.

(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.

**Section 301.160. CHILDREN AND FAMILY SERVICES ACTIVITIES**

The foregoing appropriation item 600609, Children and Family Services Activities, shall be used to expend miscellaneous foundation funds and grants to support children and family services activities.

**Section 301.170. ADOPTION ASSISTANCE LOAN**

Of the foregoing appropriation item 600634, Adoption Assistance Loan, the Department of Job and Family Services may use up to ten per cent for administration of adoption assistance loans

pursuant to section 3107.018 of the Revised Code. 131004

**Section 301.173. VICTIMS OF HUMAN TRAFFICKING** 131005

The foregoing appropriation item 600660, Victims of Human 131006  
Trafficking, shall be used to provide treatment, care, 131007  
rehabilitation, education, housing, and assistance for victims of 131008  
trafficking in persons as specified in section 5101.87 of the 131009  
Revised Code. If receipts credited to the Victims of Human 131010  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 131011  
the fund, the Director of Job and Family Services may request the 131012  
Director of Budget and Management to authorize expenditures from 131013  
the fund in excess of the amounts appropriated. Upon the approval 131014  
of the Director of Budget and Management, the additional amounts 131015  
are hereby appropriated. 131016

**Section 301.180. FEDERAL UNEMPLOYMENT PROGRAMS** 131017

All unexpended funds remaining at the end of fiscal year 2013 131018  
that were appropriated and made available to the state under 131019  
section 903(d) of the Social Security Act, as amended, in the 131020  
foregoing appropriation item 600678, Federal Unemployment Programs 131021  
(Fund 3V40), are hereby appropriated to the Department of Job and 131022  
Family Services. Upon the request of the Director of Job and 131023  
Family Services, the Director of Budget and Management may 131024  
increase the appropriation for fiscal year 2014 by the amount 131025  
remaining unspent from the fiscal year 2013 appropriation and may 131026  
increase the appropriation for fiscal year 2015 by the amount 131027  
remaining unspent from the fiscal year 2014 appropriation. The 131028  
appropriation shall be used under the direction of the Department 131029  
of Job and Family Services to pay for administrative activities 131030  
for the Unemployment Insurance Program, employment services, and 131031  
other allowable expenditures under section 903(d) of the Social 131032  
Security Act, as amended. 131033



The amounts obligated pursuant to this section shall not exceed at any time the amount by which the aggregate of the amounts transferred to the account of the state under section 903(d) of the Social Security Act, as amended, exceeds the aggregate of the amounts obligated for administration and paid out for benefits and required by law to be charged against the amounts transferred to the account of the state.

**Section 301.190. UNEMPLOYMENT COMPENSATION INTEREST**

The foregoing appropriation item 600695, Unemployment Compensation Interest, shall be used for payment of interest costs paid to the United States Secretary of the Treasury for the repayment of accrued interest related to federal unemployment account borrowing.

**Section 301.200. TRAINING ACTIVITIES**

Of the foregoing appropriation item 600645, Training Activities, \$8,000,000 shall be used in fiscal year 2014 for the Workforce Training Pilot Program for the Economically Disadvantaged established in Section 751.40 of this act. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 600645, Training Activities, at the end of fiscal year 2014 is hereby reappropriated for the same purpose for fiscal year 2015.

**Section 303.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW**

General Revenue Fund  
 GRF 029321 Operating Expenses \$ 455,858 \$ 456,376  
 TOTAL GRF General Revenue Fund \$ 455,858 \$ 456,376  
 TOTAL ALL BUDGET FUND GROUPS \$ 455,858 \$ 456,376

**OPERATING GUIDANCE**

The Chief Administrative Officer of the House of

Representatives and the Clerk of the Senate shall determine, by 131063  
mutual agreement, which of them shall act as fiscal agent for the 131064  
Joint Committee on Agency Rule Review. Members of the Committee 131065  
shall be paid in accordance with section 101.35 of the Revised 131066  
Code. 131067

OPERATING EXPENSES 131068

On July 1, 2013, or as soon as possible thereafter, the 131069  
Executive Director of the Joint Committee on Agency Rule Review 131070  
may certify to the Director of Budget and Management the amount of 131071  
the unexpended, unencumbered balance of the foregoing 131072  
appropriation item 029321, Operating Expenses, at the end of 131073  
fiscal year 2013 to be reappropriated to fiscal year 2014. The 131074  
amount certified is hereby reappropriated to the same 131075  
appropriation item for fiscal year 2014. 131076

On July 1, 2014, or as soon as possible thereafter, the 131077  
Executive Director of the Joint Committee on Agency Rule Review 131078  
may certify to the Director of Budget and Management the amount of 131079  
the unexpended, unencumbered balance of the foregoing 131080  
appropriation item 029321, Operating Expenses, at the end of 131081  
fiscal year 2014 to be reappropriated to fiscal year 2015. The 131082  
amount certified is hereby reappropriated to the same 131083  
appropriation item for fiscal year 2015. 131084

**Section 305.10.** JCO JUDICIAL CONFERENCE OF OHIO 131085

General Revenue Fund 131086

|            |                      |    |         |    |         |        |
|------------|----------------------|----|---------|----|---------|--------|
| GRF 018321 | Operating Expenses   | \$ | 824,900 | \$ | 847,200 | 131087 |
| TOTAL GRF  | General Revenue Fund | \$ | 824,900 | \$ | 847,200 | 131088 |

General Services Fund Group 131089

|             |           |    |         |    |         |        |
|-------------|-----------|----|---------|----|---------|--------|
| 4030 018601 | Ohio Jury | \$ | 385,000 | \$ | 385,000 | 131090 |
|-------------|-----------|----|---------|----|---------|--------|

Instructions

|           |                       |    |         |    |         |        |
|-----------|-----------------------|----|---------|----|---------|--------|
| TOTAL GSF | General Services Fund | \$ | 385,000 | \$ | 385,000 | 131091 |
|-----------|-----------------------|----|---------|----|---------|--------|

Group

|                                                                     |    |             |    |             |        |
|---------------------------------------------------------------------|----|-------------|----|-------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ | 1,209,900   | \$ | 1,232,200   | 131092 |
| STATE COUNCIL OF UNIFORM STATE LAWS                                 |    |             |    |             | 131093 |
| Notwithstanding section 105.26 of the Revised Code, of the          |    |             |    |             | 131094 |
| foregoing appropriation item 018321, Operating Expenses, up to      |    |             |    |             | 131095 |
| \$84,900 in fiscal year 2014 and up to \$88,300 in fiscal year 2015 |    |             |    |             | 131096 |
| shall be used to pay the expenses of the State Council of Uniform   |    |             |    |             | 131097 |
| State Laws, including membership dues to the National Conference    |    |             |    |             | 131098 |
| of Commissioners on Uniform State Laws.                             |    |             |    |             | 131099 |
| OHIO JURY INSTRUCTIONS FUND                                         |    |             |    |             | 131100 |
| The Ohio Jury Instructions Fund (Fund 4030) shall consist of        |    |             |    |             | 131101 |
| grants, royalties, dues, conference fees, bequests, devises, and    |    |             |    |             | 131102 |
| other gifts received for the purpose of supporting costs incurred   |    |             |    |             | 131103 |
| by the Judicial Conference of Ohio in its activities as a part of   |    |             |    |             | 131104 |
| the judicial system of the state as determined by the Judicial      |    |             |    |             | 131105 |
| Conference Executive Committee. Fund 4030 shall be used by the      |    |             |    |             | 131106 |
| Judicial Conference of Ohio to pay expenses incurred in its         |    |             |    |             | 131107 |
| activities as a part of the judicial system of the state as         |    |             |    |             | 131108 |
| determined by the Judicial Conference Executive Committee. All      |    |             |    |             | 131109 |
| moneys accruing to Fund 4030 in excess of \$385,000 in fiscal year  |    |             |    |             | 131110 |
| 2014 and in excess of \$385,000 in fiscal year 2015 are hereby      |    |             |    |             | 131111 |
| appropriated for the purposes authorized.                           |    |             |    |             | 131112 |
| No money in Fund 4030 shall be transferred to any other fund        |    |             |    |             | 131113 |
| by the Director of Budget and Management or the Controlling Board.  |    |             |    |             | 131114 |
| <b>Section 307.10.</b> JSC THE JUDICIARY/SUPREME COURT              |    |             |    |             | 131115 |
| General Revenue Fund                                                |    |             |    |             | 131116 |
| GRF 005321 Operating Expenses -                                     | \$ | 138,016,534 | \$ | 140,232,737 | 131117 |
| Judiciary/Supreme                                                   |    |             |    |             |        |
| Court                                                               |    |             |    |             |        |
| GRF 005406 Law-Related Education                                    | \$ | 236,172     | \$ | 236,172     | 131118 |

|                              |                                                                    |    |             |    |             |        |
|------------------------------|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| GRF 005409                   | Ohio Courts                                                        | \$ | 3,350,000   | \$ | 3,350,000   | 131119 |
|                              | Technology Initiative                                              |    |             |    |             |        |
| TOTAL GRF                    | General Revenue Fund                                               | \$ | 141,602,706 | \$ | 143,818,909 | 131120 |
|                              | General Services Fund Group                                        |    |             |    |             | 131121 |
| 6720 005601                  | Continuing Judicial                                                | \$ | 101,392     | \$ | 93,563      | 131122 |
|                              | Education                                                          |    |             |    |             |        |
| TOTAL GSF                    | General Services Fund                                              | \$ | 101,392     | \$ | 93,563      | 131123 |
|                              | Group                                                              |    |             |    |             |        |
|                              | Federal Special Revenue Fund Group                                 |    |             |    |             | 131124 |
| 3J00 005603                  | Federal Grants                                                     | \$ | 1,235,900   | \$ | 1,252,600   | 131125 |
| TOTAL FED                    | Federal Special Revenue                                            | \$ | 1,235,900   | \$ | 1,252,600   | 131126 |
|                              | Fund Group                                                         |    |             |    |             |        |
|                              | State Special Revenue Fund Group                                   |    |             |    |             | 131127 |
| 4C80 005605                  | Attorney Services                                                  | \$ | 3,923,101   | \$ | 3,915,721   | 131128 |
| 5HT0 005617                  | Court Interpreter                                                  | \$ | 23,000      | \$ | 23,000      | 131129 |
|                              | Certification                                                      |    |             |    |             |        |
| 5JY0 005620                  | County Law Library                                                 | \$ | 258,000     | \$ | 258,000     | 131130 |
|                              | Resources Boards                                                   |    |             |    |             |        |
| 5T80 005609                  | Grants and Awards                                                  | \$ | 25,000      | \$ | 25,000      | 131131 |
| 6A80 005606                  | Supreme Court                                                      | \$ | 1,283,751   | \$ | 1,308,025   | 131132 |
|                              | Admissions                                                         |    |             |    |             |        |
| TOTAL SSR                    | State Special Revenue                                              | \$ | 5,512,852   | \$ | 5,529,746   | 131133 |
|                              | Fund Group                                                         |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS |                                                                    | \$ | 148,452,850 | \$ | 150,694,818 | 131134 |
|                              | OPERATING EXPENSES - JUDICIARY/SUPREME COURT                       |    |             |    |             | 131135 |
|                              | Of the foregoing appropriation item 005321, Operating              |    |             |    |             | 131136 |
|                              | Expenses - Judiciary/Supreme Court, up to \$206,770 in each fiscal |    |             |    |             | 131137 |
|                              | year may be used to support the functions of the State Criminal    |    |             |    |             | 131138 |
|                              | Sentencing Council.                                                |    |             |    |             | 131139 |
|                              | LAW-RELATED EDUCATION                                              |    |             |    |             | 131140 |
|                              | The foregoing appropriation item 005406, Law-Related               |    |             |    |             | 131141 |

Education, shall be distributed directly to the Ohio Center for 131142  
Law-Related Education for the purposes of providing continuing 131143  
citizenship education activities to primary and secondary 131144  
students, expanding delinquency prevention programs, increasing 131145  
activities for at-risk youth, and accessing additional public and 131146  
private money for new programs. 131147

OHIO COURTS TECHNOLOGY INITIATIVE 131148

The foregoing appropriation item 005409, Ohio Courts 131149  
Technology Initiative, shall be used to fund an initiative by the 131150  
Supreme Court to facilitate the exchange of information and 131151  
warehousing of data by and between Ohio courts and other justice 131152  
system partners through the creation of an Ohio Courts Network, 131153  
the delivery of technology services to courts throughout the 131154  
state, including the provision of hardware, software, and the 131155  
development and implementation of educational and training 131156  
programs for judges and court personnel, and operation of the 131157  
Commission on Technology and the Courts by the Supreme Court for 131158  
the promulgation of statewide rules, policies, and uniform 131159  
standards, and to aid in the orderly adoption and comprehensive 131160  
use of technology in Ohio courts. 131161

CONTINUING JUDICIAL EDUCATION 131162

The Continuing Judicial Education Fund (Fund 6720) shall 131163  
consist of fees paid by judges and court personnel for attending 131164  
continuing education courses and other gifts and grants received 131165  
for the purpose of continuing judicial education. The foregoing 131166  
appropriation item 005601, Continuing Judicial Education, shall be 131167  
used to pay expenses for continuing education courses for judges 131168  
and court personnel. If it is determined by the Administrative 131169  
Director of the Supreme Court that additional appropriations are 131170  
necessary, the amounts are hereby appropriated. 131171

No money in Fund 6720 shall be transferred to any other fund 131172

by the Director of Budget and Management or the Controlling Board. 131173  
Interest earned on money in Fund 6720 shall be credited to the 131174  
fund. 131175

FEDERAL GRANTS 131176

The Federal Grants Fund (Fund 3J00) shall consist of grants 131177  
and other moneys awarded to the Supreme Court (The Judiciary) by 131178  
the United States Government or other entities that receive the 131179  
moneys directly from the United States Government and distribute 131180  
those moneys to the Supreme Court (The Judiciary). The foregoing 131181  
appropriation item 005603, Federal Grants, shall be used in a 131182  
manner consistent with the purpose of the grant or award. If it is 131183  
determined by the Administrative Director of the Supreme Court 131184  
that additional appropriations are necessary, the amounts are 131185  
hereby appropriated. 131186

No money in Fund 3J00 shall be transferred to any other fund 131187  
by the Director of Budget and Management or the Controlling Board. 131188  
However, interest earned on money in Fund 3J00 shall be credited 131189  
or transferred to the General Revenue Fund. 131190

ATTORNEY SERVICES 131191

The Attorney Services Fund (Fund 4C80), formerly known as the 131192  
Attorney Registration Fund, shall consist of money received by the 131193  
Supreme Court (The Judiciary) pursuant to the Rules for the 131194  
Government of the Bar of Ohio. In addition to funding other 131195  
activities considered appropriate by the Supreme Court, the 131196  
foregoing appropriation item 005605, Attorney Services, may be 131197  
used to compensate employees and to fund appropriate activities of 131198  
the following offices established by the Supreme Court: the Office 131199  
of Disciplinary Counsel, the Board of Commissioners on Grievances 131200  
and Discipline, the Clients' Security Fund, and the Attorney 131201  
Services Division. If it is determined by the Administrative 131202  
Director of the Supreme Court that additional appropriations are 131203

necessary, the amounts are hereby appropriated. 131204

No money in Fund 4C80 shall be transferred to any other fund 131205  
by the Director of Budget and Management or the Controlling Board. 131206  
Interest earned on money in Fund 4C80 shall be credited to the 131207  
fund. 131208

COURT INTERPRETER CERTIFICATION 131209

The Court Interpreter Certification Fund (Fund 5HT0) shall 131210  
consist of money received by the Supreme Court (The Judiciary) 131211  
pursuant to Rules 80 through 87 of the Rules of Superintendence 131212  
for the Courts of Ohio. The foregoing appropriation item 005617, 131213  
Court Interpreter Certification, shall be used to provide 131214  
training, to provide the written examination, and to pay language 131215  
experts to rate, or grade, the oral examinations of those applying 131216  
to become certified court interpreters. If it is determined by the 131217  
Administrative Director that additional appropriations are 131218  
necessary, the amounts are hereby appropriated. 131219

No money in Fund 5HT0 shall be transferred to any other fund 131220  
by the Director of Budget and Management or the Controlling Board. 131221  
Interest earned on money in Fund 5HT0 shall be credited to the 131222  
fund. 131223

COUNTY LAW LIBRARY RESOURCES BOARD 131224

The Statewide Consortium of County Law Library Resources 131225  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 131226  
to section 307.515 of the Revised Code into a county's law library 131227  
resources fund and forwarded by that county's treasurer for 131228  
deposit in the state treasury pursuant to division (E)(1) of 131229  
section 3375.481 of the Revised Code. The foregoing appropriation 131230  
item 005620, County Law Library Resources Board, shall be used for 131231  
the operation of the Statewide Consortium of County Law Library 131232  
Resources Boards. If it is determined by the Administrative 131233  
Director of the Supreme Court that additional appropriations are 131234

necessary, the amounts are hereby appropriated. 131235

No money in Fund 5JY0 shall be transferred to any other fund 131236  
by the Director of Budget and Management or the Controlling Board. 131237  
Interest earned on money in Fund 5JY0 shall be credited to the 131238  
fund. 131239

GRANTS AND AWARDS 131240

The Grants and Awards Fund (Fund 5T80) shall consist of 131241  
grants and other money awarded to the Supreme Court (The 131242  
Judiciary) by the State Justice Institute, the Division of 131243  
Criminal Justice Services, or other entities. The foregoing 131244  
appropriation item 005609, Grants and Awards, shall be used in a 131245  
manner consistent with the purpose of the grant or award. If it is 131246  
determined by the Administrative Director of the Supreme Court 131247  
that additional appropriations are necessary, the amounts are 131248  
hereby appropriated. 131249

No money in Fund 5T80 shall be transferred to any other fund 131250  
by the Director of Budget and Management or the Controlling Board. 131251  
However, interest earned on money in Fund 5T80 shall be credited 131252  
or transferred to the General Revenue Fund. 131253

SUPREME COURT ADMISSIONS 131254

The foregoing appropriation item 005606, Supreme Court 131255  
Admissions, shall be used to compensate Supreme Court employees 131256  
who are primarily responsible for administering the attorney 131257  
admissions program under the Rules for the Government of the Bar 131258  
of Ohio, and to fund any other activities considered appropriate 131259  
by the court. Moneys shall be deposited into the Supreme Court 131260  
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 131261  
Government of the Bar of Ohio. If it is determined by the 131262  
Administrative Director of the Supreme Court that additional 131263  
appropriations are necessary, the amounts are hereby appropriated. 131264

No money in Fund 6A80 shall be transferred to any other fund 131265



by the Director of Budget and Management or the Controlling Board. 131266  
 Interest earned on money in Fund 6A80 shall be credited to the 131267  
 fund. 131268

**Section 309.10. LEC LAKE ERIE COMMISSION** 131269

Federal Special Revenue Fund Group 131270

3EP0 780603 Lake Erie Federal \$ 25,000 \$ 0 131271  
 Grants

TOTAL FED Federal Special Revenue \$ 25,000 \$ 0 131272  
 Fund Group

State Special Revenue Fund Group 131273

4C00 780601 Lake Erie Protection \$ 200,000 \$ 200,000 131274  
 Fund

5D80 780602 Lake Erie Resources \$ 298,942 \$ 339,637 131275  
 Fund

TOTAL SSR State Special Revenue 131276

Fund Group \$ 498,942 \$ 539,637 131277

TOTAL ALL BUDGET FUND GROUPS \$ 523,942 \$ 539,637 131278

**CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND** 131279

On July 1 of each fiscal year, or as soon as possible 131280  
 thereafter, the Director of Budget and Management may transfer 131281  
 cash from the funds specified below, up to the amounts specified 131282  
 below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may 131283  
 accept contributions and transfers made to the fund. 131284

| Fund | Fund Name                      | User                            | FY 2014  | FY 2015  |        |
|------|--------------------------------|---------------------------------|----------|----------|--------|
| 5BC0 | Environmental Protection       | Environmental Protection Agency | \$23,500 | \$53,500 | 131285 |
| 6690 | Pesticide, Fertilizer and Lime | Department of Agriculture       | \$23,500 | \$53,500 | 131286 |
| 4700 | General Operations             | Department of Health            | \$23,500 | \$53,500 | 131287 |

|      |                 |                   |          |          |        |
|------|-----------------|-------------------|----------|----------|--------|
| 1570 | Central Support | Department of     | \$23,500 | \$53,500 | 131289 |
|      | Indirect        | Natural Resources |          |          |        |

|  |                                                                     |        |
|--|---------------------------------------------------------------------|--------|
|  | On July 1, 2013, or as soon as possible thereafter, the             | 131290 |
|  | Director of Budget and Management may transfer \$23,500 cash from a | 131291 |
|  | fund used by the Development Services Agency, as specified by the   | 131292 |
|  | Director of Development Services, to Fund 5D80.                     | 131293 |

|  |                                                                     |        |
|--|---------------------------------------------------------------------|--------|
|  | On July 1, 2014, or as soon as possible thereafter, the             | 131294 |
|  | Director of Budget and Management may transfer \$53,500 cash from a | 131295 |
|  | fund used by the Development Services Agency, as specified by the   | 131296 |
|  | Director of Development Services, to Fund 5D80.                     | 131297 |

**Section 311.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE** 131298

General Revenue Fund 131299

|            |                    |    |         |    |         |        |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 028321 | Legislative Ethics | \$ | 550,000 | \$ | 550,000 | 131300 |
|            | Committee          |    |         |    |         |        |

|           |                      |    |         |    |         |        |
|-----------|----------------------|----|---------|----|---------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 550,000 | \$ | 550,000 | 131301 |
|-----------|----------------------|----|---------|----|---------|--------|

General Services Fund Group 131302

|             |                   |    |         |    |         |        |
|-------------|-------------------|----|---------|----|---------|--------|
| 4G70 028601 | Joint Legislative | \$ | 150,000 | \$ | 150,000 | 131303 |
|             | Ethics Committee  |    |         |    |         |        |

|           |                       |    |         |    |         |        |
|-----------|-----------------------|----|---------|----|---------|--------|
| TOTAL GSF | General Services Fund | \$ | 150,000 | \$ | 150,000 | 131304 |
|           | Group                 |    |         |    |         |        |

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 700,000 | \$ | 700,000 | 131305 |
|------------------------------|--|----|---------|----|---------|--------|

**Section 313.10. LSC LEGISLATIVE SERVICE COMMISSION** 131306

General Revenue Fund 131307

|            |                    |    |            |    |            |        |
|------------|--------------------|----|------------|----|------------|--------|
| GRF 035321 | Operating Expenses | \$ | 15,117,700 | \$ | 15,117,700 | 131308 |
|------------|--------------------|----|------------|----|------------|--------|

|            |                     |    |           |    |           |        |
|------------|---------------------|----|-----------|----|-----------|--------|
| GRF 035402 | Legislative Fellows | \$ | 1,022,120 | \$ | 1,022,120 | 131309 |
|------------|---------------------|----|-----------|----|-----------|--------|

|            |                        |    |         |    |         |        |
|------------|------------------------|----|---------|----|---------|--------|
| GRF 035405 | Correctional           | \$ | 460,845 | \$ | 460,845 | 131310 |
|            | Institution Inspection |    |         |    |         |        |
|            | Committee              |    |         |    |         |        |

|            |                        |    |         |    |         |        |
|------------|------------------------|----|---------|----|---------|--------|
| GRF 035407 | Legislative Task Force | \$ | 320,000 | \$ | 400,000 | 131311 |
|            | on Redistricting       |    |         |    |         |        |

|                              |        |                             |    |            |    |            |        |
|------------------------------|--------|-----------------------------|----|------------|----|------------|--------|
| GRF                          | 035409 | National Associations       | \$ | 460,560    | \$ | 460,560    | 131312 |
| GRF                          | 035410 | Legislative                 | \$ | 3,861,250  | \$ | 3,861,250  | 131313 |
|                              |        | Information Systems         |    |            |    |            |        |
| GRF                          | 035411 | Ohio Constitutional         | \$ | 750,000    | \$ | 750,000    | 131314 |
|                              |        | Modernization               |    |            |    |            |        |
|                              |        | Commission                  |    |            |    |            |        |
| TOTAL GRF                    |        | General Revenue Fund        | \$ | 21,992,475 | \$ | 22,072,475 | 131315 |
|                              |        | General Services Fund Group |    |            |    |            | 131316 |
| 4100                         | 035601 | Sale of Publications        | \$ | 10,000     | \$ | 10,000     | 131317 |
| 4F60                         | 035603 | Legislative Budget          | \$ | 200,000    | \$ | 200,000    | 131318 |
|                              |        | Services                    |    |            |    |            |        |
| 5EF0                         | 035607 | Legislative Agency          | \$ | 30,000     | \$ | 30,000     | 131319 |
|                              |        | Telephone Usage             |    |            |    |            |        |
| TOTAL GSF                    |        | General Services            |    |            |    |            | 131320 |
|                              |        | Fund Group                  | \$ | 240,000    | \$ | 240,000    | 131321 |
| TOTAL ALL BUDGET FUND GROUPS |        |                             | \$ | 22,232,475 | \$ | 22,312,475 | 131322 |

OPERATING EXPENSES 131323

On July 1, 2013, or as soon as possible thereafter, the 131324  
 Director of the Legislative Service Commission may certify to the 131325  
 Director of Budget and Management the amount of the unexpended, 131326  
 unencumbered balance of the foregoing appropriation item 035321, 131327  
 Operating Expenses, at the end of fiscal year 2013 to be 131328  
 reappropriated to fiscal year 2014. The amount certified is hereby 131329  
 reappropriated to the same appropriation item for fiscal year 131330  
 2014. 131331

On July 1, 2014, or as soon as possible thereafter, the 131332  
 Director of the Legislative Service Commission may certify to the 131333  
 Director of Budget and Management the amount of the unexpended, 131334  
 unencumbered balance of the foregoing appropriation item 035321, 131335  
 Operating Expenses, at the end of fiscal year 2014 to be 131336  
 reappropriated to fiscal year 2015. The amount certified is hereby 131337  
 reappropriated to the same appropriation item for fiscal year 131338

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| 2015.                                                              | 131339 |
| LEGISLATIVE TASK FORCE ON REDISTRICTING                            | 131340 |
| An amount equal to the unexpended, unencumbered portion of         | 131341 |
| the foregoing appropriation item 035407, Legislative Task Force on | 131342 |
| Redistricting, at the end of fiscal year 2013 is hereby            | 131343 |
| reappropriated to the Legislative Service Commission for the same  | 131344 |
| purpose for fiscal year 2014.                                      | 131345 |
| An amount equal to the unexpended, unencumbered portion of         | 131346 |
| the foregoing appropriation item 035407, Legislative Task Force on | 131347 |
| Redistricting, at the end of fiscal year 2014 is hereby            | 131348 |
| reappropriated to the Legislative Service Commission for the same  | 131349 |
| purpose for fiscal year 2015.                                      | 131350 |
| LEGISLATIVE INFORMATION SYSTEMS                                    | 131351 |
| On July 1, 2013, or as soon as possible thereafter, the            | 131352 |
| Director of the Legislative Service Commission may certify to the  | 131353 |
| Director of Budget and Management the amount of the unexpended,    | 131354 |
| unencumbered balance of the foregoing appropriation item 035410,   | 131355 |
| Legislative Information Systems, at the end of fiscal year 2013 to | 131356 |
| be reappropriated to fiscal year 2014. The amount certified is     | 131357 |
| hereby reappropriated to the same appropriation item for fiscal    | 131358 |
| year 2014.                                                         | 131359 |
| On July 1, 2014, or as soon as possible thereafter, the            | 131360 |
| Director of the Legislative Service Commission may certify to the  | 131361 |
| Director of Budget and Management the amount of the unexpended,    | 131362 |
| unencumbered balance of the foregoing appropriation item 035410,   | 131363 |
| Legislative Information Systems, at the end of fiscal year 2014 to | 131364 |
| be reappropriated to fiscal year 2015. The amount certified is     | 131365 |
| hereby reappropriated to the same appropriation item for fiscal    | 131366 |
| year 2015.                                                         | 131367 |
| OHIO CONSTITUTIONAL MODERNIZATION COMMISSION                       | 131368 |

The foregoing appropriation item 035411, Ohio Constitutional Modernization Commission, shall be used to support the operation and expenses of the Ohio Constitutional Modernization Commission under sections 103.61 to 103.67 of the Revised Code.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 035411, Ohio Constitutional Modernization Commission, at the end of fiscal year 2013 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2014.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 035411, Ohio Constitutional Modernization Commission, at the end of fiscal year 2014 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2015.

**Section 315.10. LIB STATE LIBRARY BOARD**

|                             |                      |                       |                           |        |
|-----------------------------|----------------------|-----------------------|---------------------------|--------|
| General Revenue Fund        |                      |                       |                           | 131384 |
| GRF                         | 350321               | Operating Expenses    | \$ 5,057,364 \$ 5,057,364 | 131385 |
| GRF                         | 350401               | Ohioana Rental        | \$ 120,114 \$ 120,114     | 131386 |
| Payments                    |                      |                       |                           |        |
| GRF                         | 350502               | Regional Library      | \$ 582,469 \$ 582,469     | 131387 |
| Systems                     |                      |                       |                           |        |
| TOTAL GRF                   | General Revenue Fund |                       | \$ 5,759,947 \$ 5,759,947 | 131388 |
| General Services Fund Group |                      |                       |                           | 131389 |
| 1390                        | 350602               | Intra-Agency Service  | \$ 8,000 \$ 8,000         | 131390 |
| Charges                     |                      |                       |                           |        |
| 4590                        | 350603               | Library Service       | \$ 3,237,430 \$ 3,526,368 | 131391 |
| Charges                     |                      |                       |                           |        |
| 4S40                        | 350604               | Ohio Public Library   | \$ 5,689,788 \$ 5,689,788 | 131392 |
| Information Network         |                      |                       |                           |        |
| 5GB0                        | 350605               | Library for the Blind | \$ 1,274,194 \$ 1,274,194 | 131393 |

|                                                                    |    |            |               |        |
|--------------------------------------------------------------------|----|------------|---------------|--------|
| TOTAL GSF General Services                                         |    |            |               | 131394 |
| Fund Group                                                         | \$ | 10,209,412 | \$ 10,498,350 | 131395 |
| Federal Special Revenue Fund Group                                 |    |            |               | 131396 |
| 3130 350601 LSTA Federal                                           | \$ | 5,303,693  | \$ 5,120,439  | 131397 |
| TOTAL FED Federal Special Revenue                                  |    |            |               | 131398 |
| Fund Group                                                         | \$ | 5,303,693  | \$ 5,120,439  | 131399 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 21,273,052 | \$ 21,378,736 | 131400 |
| OHIOANA RENTAL PAYMENTS                                            |    |            |               | 131401 |
| The foregoing appropriation item 350401, Ohioana Rental            |    |            |               | 131402 |
| Payments, shall be used to pay the rental expenses of the Martha   |    |            |               | 131403 |
| Kinney Cooper Ohioana Library Association under section 3375.61 of |    |            |               | 131404 |
| the Revised Code.                                                  |    |            |               | 131405 |
| REGIONAL LIBRARY SYSTEMS                                           |    |            |               | 131406 |
| The foregoing appropriation item 350502, Regional Library          |    |            |               | 131407 |
| Systems, shall be used to support regional library systems         |    |            |               | 131408 |
| eligible for funding under sections 3375.83 and 3375.90 of the     |    |            |               | 131409 |
| Revised Code.                                                      |    |            |               | 131410 |
| OHIO PUBLIC LIBRARY INFORMATION NETWORK                            |    |            |               | 131411 |
| (A) The foregoing appropriation item 350604, Ohio Public           |    |            |               | 131412 |
| Library Information Network, shall be used for an information      |    |            |               | 131413 |
| telecommunications network linking public libraries in the state   |    |            |               | 131414 |
| and such others as may participate in the Ohio Public Library      |    |            |               | 131415 |
| Information Network (OPLIN).                                       |    |            |               | 131416 |
| The Ohio Public Library Information Network Board of Trustees      |    |            |               | 131417 |
| created under section 3375.65 of the Revised Code may make         |    |            |               | 131418 |
| decisions regarding use of the foregoing appropriation item        |    |            |               | 131419 |
| 350604, Ohio Public Library Information Network.                   |    |            |               | 131420 |
| (B) The OPLIN Board shall research and assist or advise local      |    |            |               | 131421 |
| libraries with regard to emerging technologies and methods that    |    |            |               | 131422 |
| may be effective means to control access to obscene and illegal    |    |            |               | 131423 |

materials. The OPLIN Director shall provide written reports upon 131424  
request within ten days to the Governor, the Speaker and Minority 131425  
Leader of the House of Representatives, and the President and 131426  
Minority Leader of the Senate on any steps being taken by OPLIN 131427  
and public libraries in the state to limit and control such 131428  
improper usage as well as information on technological, legal, and 131429  
law enforcement trends nationally and internationally affecting 131430  
this area of public access and service. 131431

(C) The Ohio Public Library Information Network, INFOhio, and 131432  
OhioLINK shall, to the extent feasible, coordinate and cooperate 131433  
in their purchase or other acquisition of the use of electronic 131434  
databases for their respective users and shall contribute funds in 131435  
an equitable manner to such effort. 131436

LIBRARY FOR THE BLIND 131437

The foregoing appropriation item 350605, Library for the 131438  
Blind, shall be used for the statewide Talking Book Program to 131439  
assist the blind and disabled. 131440

TRANSFER TO OPLIN TECHNOLOGY FUND 131441

Notwithstanding sections 5747.03 and 5747.47 of the Revised 131442  
Code and any other provision of law to the contrary, in accordance 131443  
with a schedule established by the Director of Budget and 131444  
Management, the Director of Budget and Management shall transfer 131445  
\$5,689,788 cash in each fiscal year from the Public Library Fund 131446  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 131447

TRANSFER TO LIBRARY FOR THE BLIND FUND 131448

Notwithstanding sections 5747.03 and 5747.47 of the Revised 131449  
Code and any other provision of law to the contrary, in accordance 131450  
with a schedule established by the Director of Budget and 131451  
Management, the Director of Budget and Management shall transfer 131452  
\$1,274,194 cash in each fiscal year from the Public Library Fund 131453  
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 131454

|                                                                   |    |             |    |             |
|-------------------------------------------------------------------|----|-------------|----|-------------|
| Section 317.10. LCO LIQUOR CONTROL COMMISSION                     |    |             |    | 131455      |
| State Special Revenue Fund Group                                  |    |             |    | 131456      |
| 5LP0 970601 Commission Operating                                  | \$ | 784,376     | \$ | 796,368     |
| Expenses                                                          |    |             |    | 131457      |
| TOTAL SSR State Special Revenue                                   | \$ | 784,376     | \$ | 796,368     |
| Fund Group                                                        |    |             |    | 131458      |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 784,376     | \$ | 796,368     |
|                                                                   |    |             |    | 131459      |
| Section 319.10. LOT STATE LOTTERY COMMISSION                      |    |             |    | 131461      |
| State Lottery Fund Group                                          |    |             |    | 131462      |
| 2310 950604 Charitable Gaming                                     | \$ | 1,946,000   | \$ | 1,946,000   |
| Oversight                                                         |    |             |    | 131463      |
| 7044 950321 Operating Expenses                                    | \$ | 49,778,677  | \$ | 51,173,293  |
| 7044 950402 Advertising Contracts                                 | \$ | 23,024,080  | \$ | 23,024,080  |
| 7044 950403 Gaming Contracts                                      | \$ | 63,405,851  | \$ | 59,356,988  |
| 7044 950601 Direct Prize Payments                                 | \$ | 116,281,000 | \$ | 114,779,000 |
| 7044 950605 Problem Gambling                                      | \$ | 2,000,000   | \$ | 3,000,000   |
| 8710 950602 Annuity Prizes                                        | \$ | 79,039,985  | \$ | 80,299,167  |
| TOTAL SLF State Lottery Fund                                      |    |             |    | 131470      |
| Group                                                             | \$ | 335,475,593 | \$ | 333,578,528 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 335,475,593 | \$ | 333,578,528 |
|                                                                   |    |             |    | 131471      |
| OPERATING EXPENSES                                                |    |             |    | 131473      |
| Notwithstanding sections 127.14 and 131.35 of the Revised         |    |             |    | 131474      |
| Code, the Controlling Board may, at the request of the State      |    |             |    | 131475      |
| Lottery Commission, authorize expenditures from the State Lottery |    |             |    | 131476      |
| Fund in excess of the amounts appropriated, up to a maximum of 10 |    |             |    | 131477      |
| per cent of anticipated total revenue accruing from the sale of   |    |             |    | 131478      |
| lottery products. Upon the approval of the Controlling Board, the |    |             |    | 131479      |
| additional amounts are hereby appropriated.                       |    |             |    | 131480      |
| DIRECT PRIZE PAYMENTS                                             |    |             |    | 131481      |
| Any amounts, in addition to the amounts appropriated in           |    |             |    | 131482      |



appropriation item 950601, Direct Prize Payments, that the 131483  
Director of the State Lottery Commission determines to be 131484  
necessary to fund prizes are hereby appropriated. 131485

ANNUITY PRIZES 131486

Upon request of the State Lottery Commission, the Director of 131487  
Budget and Management may transfer cash from the State Lottery 131488  
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 131489  
an amount sufficient to fund deferred prizes. The Treasurer of 131490  
State, from time to time, shall credit the Deferred Prizes Trust 131491  
Fund (Fund 8710) the pro rata share of interest earned by the 131492  
Treasurer of State on invested balances. 131493

Any amounts, in addition to the amounts appropriated in 131494  
appropriation item 950602, Annuity Prizes, that the Director of 131495  
the State Lottery Commission determines to be necessary to fund 131496  
deferred prizes and interest earnings are hereby appropriated. 131497

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 131498

Estimated transfers from the State Lottery Fund (Fund 7044) 131499  
to the Lottery Profits Education Fund (Fund 7017) are to be 131500  
\$841,000,000 in fiscal year 2014 and \$974,500,000 in fiscal year 131501  
2015. The Director of Budget and Management shall transfer such 131502  
amounts contingent upon the availability of resources. Transfers 131503  
from the State Lottery Fund to the Lottery Profits Education Fund 131504  
shall represent the estimated net income from operations for the 131505  
Commission in fiscal year 2014 and fiscal year 2015. Transfers by 131506  
the Director of Budget and Management to the Lottery Profits 131507  
Education Fund shall be administered as the statutes direct. 131508

**Section 321.10.** MHC MANUFACTURED HOMES COMMISSION 131509

General Services Fund Group 131510  
4K90 996609 Operating Expenses \$ 459,134 \$ 459,134 131511  
TOTAL GSF General Services 131512

|                                                   |                      |    |                |    |                |        |
|---------------------------------------------------|----------------------|----|----------------|----|----------------|--------|
| Fund Group                                        |                      | \$ | 459,134        | \$ | 459,134        | 131513 |
| State Special Revenue Fund Group                  |                      |    |                |    |                | 131514 |
| 5MC0 996610                                       | Manufactured Homes   | \$ | 747,825        | \$ | 747,825        | 131515 |
|                                                   | Regulation           |    |                |    |                |        |
| TOTAL SSR State Special Revenue                   |                      | \$ | 747,825        | \$ | 747,825        | 131516 |
| Fund Group                                        |                      |    |                |    |                |        |
| TOTAL ALL BUDGET FUND GROUPS                      |                      | \$ | 1,206,959      | \$ | 1,206,959      | 131517 |
| <br>                                              |                      |    |                |    |                |        |
| <b>Section 323.10. MCD DEPARTMENT OF MEDICAID</b> |                      |    |                |    |                | 131519 |
| General Revenue Fund                              |                      |    |                |    |                | 131520 |
| GRF 651425                                        | Medicaid Program     | \$ | 149,932,299    | \$ | 156,514,636    | 131521 |
|                                                   | Support - State      |    |                |    |                |        |
| GRF 651525                                        | Medicaid/Health Care |    |                |    |                | 131522 |
|                                                   | Services             |    |                |    |                |        |
|                                                   | State                | \$ | 4,746,891,777  | \$ | 4,990,922,135  | 131523 |
|                                                   | Federal              | \$ | 8,999,112,239  | \$ | 9,313,588,718  | 131524 |
|                                                   | Medicaid/Health Care | \$ | 13,746,004,016 | \$ | 14,304,510,853 | 131525 |
|                                                   | Services Total       |    |                |    |                |        |
| GRF 651526                                        | Medicare Part D      | \$ | 308,749,142    | \$ | 324,920,518    | 131526 |
| TOTAL GRF General Revenue Fund                    |                      |    |                |    |                | 131527 |
|                                                   | State                | \$ | 5,205,573,218  | \$ | 5,472,357,289  | 131528 |
|                                                   | Federal              | \$ | 8,999,112,239  | \$ | 9,313,588,718  | 131529 |
|                                                   | GRF Total            | \$ | 14,204,685,457 | \$ | 14,785,946,007 | 131530 |
| General Services Fund Group                       |                      |    |                |    |                | 131531 |
| 5DL0 651639                                       | Medicaid Services -  | \$ | 462,900,000    | \$ | 514,700,000    | 131532 |
|                                                   | Recoveries           |    |                |    |                |        |
| 5FX0 561638                                       | Medicaid Services -  | \$ | 6,000,000      | \$ | 6,000,000      | 131533 |
|                                                   | Payment Withholding  |    |                |    |                |        |
| TOTAL GSF General Services Fund                   |                      | \$ | 468,900,000    | \$ | 520,700,000    | 131534 |
| Group                                             |                      |    |                |    |                |        |
| Federal Special Revenue Fund Group                |                      |    |                |    |                | 131535 |
| 3ER0 651603                                       | Medicaid Health      | \$ | 123,074,778    | \$ | 123,089,606    | 131536 |

|            |        |                                           |                  |                  |  |        |
|------------|--------|-------------------------------------------|------------------|------------------|--|--------|
|            |        | Information                               |                  |                  |  |        |
|            |        | Technology                                |                  |                  |  |        |
| 3F00       | 651623 | Medicaid Services -                       | \$ 2,977,109,943 | \$ 3,214,589,109 |  | 131537 |
|            |        | Federal                                   |                  |                  |  |        |
| 3F00       | 651624 | Medicaid Program                          | \$ 409,446,401   | \$ 409,773,399   |  | 131538 |
|            |        | Support - Federal                         |                  |                  |  |        |
| 3FA0       | 651680 | Health Care Grants -                      | \$ 20,000,000    | \$ 20,000,000    |  | 131539 |
|            |        | Federal                                   |                  |                  |  |        |
| 3G50       | 651655 | Medicaid Interagency                      | \$ 1,712,881,658 | \$ 1,895,403,348 |  | 131540 |
|            |        | Pass-Through                              |                  |                  |  |        |
| TOTAL FED  |        | Federal Special Revenue                   | \$ 5,242,512,780 | \$ 5,662,855,462 |  | 131541 |
| Fund Group |        |                                           |                  |                  |  |        |
|            |        | State Special Revenue Fund Group          |                  |                  |  | 131542 |
| 4E30       | 651605 | Resident Protection                       | \$ 2,878,319     | \$ 2,878,319     |  | 131543 |
|            |        | Fund                                      |                  |                  |  |        |
| 5AJ0       | 651631 | Money Follows the                         | \$ 5,555,000     | \$ 4,517,500     |  | 131544 |
|            |        | Person                                    |                  |                  |  |        |
| 5GF0       | 651656 | Medicaid Services -                       | \$ 531,273,601   | \$ 531,273,601   |  | 131545 |
|            |        | Hospitals/UPL                             |                  |                  |  |        |
| 5KC0       | 651682 | Health Care Grants -                      | \$ 10,000,000    | \$ 10,000,000    |  | 131546 |
|            |        | State                                     |                  |                  |  |        |
| 5R20       | 651608 | Medicaid Services -                       | \$ 402,000,000   | \$ 402,000,000   |  | 131547 |
|            |        | Long Term Care                            |                  |                  |  |        |
| 5U30       | 651654 | Medicaid Program                          | \$ 36,205,843    | \$ 35,403,126    |  | 131548 |
|            |        | Support                                   |                  |                  |  |        |
| 6510       | 651649 | Medicaid Services -                       | \$ 215,527,947   | \$ 215,314,482   |  | 131549 |
|            |        | HCAP                                      |                  |                  |  |        |
| TOTAL SSR  |        | State Special Revenue                     | \$ 1,203,440,710 | \$ 1,201,387,028 |  | 131550 |
| Fund Group |        |                                           |                  |                  |  |        |
|            |        | Holding Account Redistribution Fund Group |                  |                  |  | 131551 |
| R055       | 651644 | Refunds and                               | \$ 1,000,0000    | \$ 1,000,000     |  | 131552 |
|            |        | Reconciliations                           |                  |                  |  |        |

|                              |    |                  |    |                  |        |
|------------------------------|----|------------------|----|------------------|--------|
| TOTAL 090 Holding Account    | \$ | 1,000,000        | \$ | 1,000,000        | 131553 |
| Redistribution Fund Group    |    |                  |    |                  |        |
| TOTAL ALL BUDGET FUND GROUPS |    | \$21,120,538,947 |    | \$22,171,888,497 | 131554 |

**Section 323.10.10. CREATION OF THE DEPARTMENT OF MEDICAID** 131556

(A) As used in this section, "medical assistance program" 131557  
means all of the following: 131558

(1) The Medicaid program established by Title XIX of the 131559  
"Social Security Act," 42 U.S.C. 1396 et seq. 131560

(2) The Children's Health Insurance Program authorized by 131561  
Title XXI of the "Social Security Act," 42 U.S.C. 1397aa et seq. 131562

(3) The Refugee Medical Assistance program authorized by the 131563  
"Immigration and Nationality Act," section 412(e), 42 U.S.C. 131564  
1522(e). 131565

(B) On July 1, 2013, all of the following apply: 131566

(1) The Department of Medicaid is created. 131567

(2) The Department of Medicaid is to be administered by the 131568  
Medicaid Director who is to be appointed by the Governor with the 131569  
advice and consent of the Senate. 131570

(3) The Medicaid Director is to hold the Director's office 131571  
during the term of the appointing Governor and is subject to 131572  
removal at the pleasure of the Governor. 131573

(4) The Medicaid Director is the executive head of the 131574  
Department of Medicaid and all duties conferred on the Department 131575  
by law or order of the Director are under the Director's control 131576  
and shall be performed in accordance with rules the Director 131577  
adopts. 131578

(5) The Medicaid Director may appoint such employees as are 131579  
necessary for the efficient operation of the Department of 131580  
Medicaid and may prescribe the title and duties of the employees. 131581

(6) The Office of Medical Assistance shall cease to exist. 131582

(7) Each reference to the Department or Director of Public 131583  
Welfare, Department or Director of Human Services, Department or 131584  
Director of Job and Family Services, Office of Medical Assistance, 131585  
or Medical Assistance Director in any statute, rule, contract, 131586  
grant, or other document is deemed to refer to the Department of 131587  
Medicaid or Medicaid Director, as the case may be, to the extent 131588  
the reference is about a duty or authority of the Department of 131589  
Medicaid or Medicaid Director regarding a medical assistance 131590  
program. 131591

(8) Employees of the Office of Medical Assistance are hereby 131592  
transferred to the Department of Medicaid. The vehicles and 131593  
equipment assigned to the Office's employees are transferred to 131594  
the Department. 131595

(9) The assets, liabilities, other equipment not provided 131596  
for, and records, irrespective of form or medium, of the Office of 131597  
Medical Assistance are transferred to the Department of Medicaid. 131598  
The Department is the successor to, assumes the obligations of, 131599  
and otherwise constitutes the continuation of, the Office. 131600

(10) Business commenced but not completed on July 1, 2013, by 131601  
the Medical Assistance Director, the Office of Medical Assistance, 131602  
Director of Job and Family Services, or Department of Job and 131603  
Family Services regarding a medical assistance program shall be 131604  
completed by the Medicaid Director or Department of Medicaid in 131605  
the same manner, and with the same effect, as if completed by the 131606  
Medical Assistance Director, Office of Medical Assistance, 131607  
Director of Job and Family Services, or Department of Job and 131608  
Family Services. No validation, cure, right, privilege, remedy, 131609  
obligation, or liability is lost or impaired by reason of the 131610  
transfer required by this section but shall be administered by the 131611  
Medicaid Director or Department of Medicaid. 131612

(11) For the purpose of the "Social Security Act," section 131613  
1902(a)(5), 42 U.S.C. 1396a(a)(5), the Department of Medicaid 131614  
shall act as the single state agency to supervise the 131615  
administration of the Medicaid program. As the single state 131616  
agency, the Department shall comply with 42 C.F.R. 431.10(e) and 131617  
all other federal requirements applicable to the single state 131618  
agency. 131619

(D) The rules, orders, and determinations pertaining to the 131620  
Office of Medical Assistance and Department of Job and Family 131621  
Services regarding medical assistance programs continue in effect 131622  
as rules, orders, and determinations of the Department of Medicaid 131623  
until modified or rescinded by the Department of Medicaid. 131624

(E) No judicial or administrative action or proceeding 131625  
pending on July 1, 2013, is affected by the transfer of functions 131626  
from the Medical Assistance Director, Office of Medical 131627  
Assistance, Director of Job and Family Services, or Department of 131628  
Job and Family Services to the Medicaid Director or Department of 131629  
Medicaid and shall be prosecuted or defended in the name of the 131630  
Medicaid Director or Department of Medicaid. On application to the 131631  
court or other tribunal, the Medicaid Director or Department of 131632  
Medicaid shall be substituted as a party in such actions and 131633  
proceedings. 131634

(F) When the Department of Medicaid created in section 121.02 131635  
of the Revised Code comes into effect, it is a continuation of the 131636  
Department of Medicaid created in this section. 131637

(G) A portion of the foregoing appropriation items 651425, 131638  
Medicaid Program Support - State, 651525, Medicaid/Health Care 131639  
Services, 651526, Medicare Part D, 651639, Medicaid Services - 131640  
Recoveries, 651638, Medicaid Services - Payment Withholding, 131641  
651603, Medicaid Health Information Technology, 651623, Medicaid 131642  
Services - Federal, 651624, Medicaid Program Support - Federal, 131643  
651680 Health Care Grants - Federal, 651655, Medicaid Interagency 131644

Pass-Through, 651605, Resident Protection Fund, 651631, Money 131645  
Follows the Person, 651656, Medicaid Services - Hospitals/UPL, 131646  
651682, Health Care Grants - State, 651608, Medicaid Services - 131647  
Long Term Care, 651654, Medicaid Program Support, 651649, Medicaid 131648  
Services - HCAP, 651644, Refunds and Reconciliations, and 651612, 131649  
Managed Care Performance Payments, may be used to pay for Medicaid 131650  
services and costs associated with the administration of the 131651  
Medicaid program. 131652

**Section 323.10.20. TRANSFER OF ENCUMBRANCES AND RECEIVABLES** 131653

On July 1, 2013, or as soon as possible thereafter, the 131654  
Medicaid Director shall certify to the Director of Budget and 131655  
Management all medical assistance-related encumbrances held by the 131656  
Department of Job and Family Services, and specify which of those 131657  
encumbrances are requested to be transferred to the Department of 131658  
Medicaid. The Director of Budget and Management may cancel any 131659  
existing encumbrances, as certified by the Medicaid Director, and 131660  
reestablish them in the Department of Medicaid. The reestablished 131661  
encumbrance amounts are hereby appropriated. Any business 131662  
commenced, but not completed, with regard to the encumbrances 131663  
certified shall be completed by the Department of Medicaid in the 131664  
same manner and with the same effect as if it were completed by 131665  
the Department of Job and Family Services. 131666

On July 1, 2013, or as soon as possible thereafter, the 131667  
Medicaid Director shall certify to the Director of Budget and 131668  
Management all medical assistance-related receivables held by the 131669  
Department of Job and Family Services, and specify which of those 131670  
receivables are requested to be transferred to the Department of 131671  
Medicaid. The Director of Budget and Management may cancel any 131672  
existing receivables as certified by the Medicaid Director and 131673  
reestablish them in the Department of Medicaid. 131674

A portion of the foregoing appropriation items 651425, 131675

Medicaid Program Support - State, 651525, Medicaid/Health Care 131676  
Services, 651639, Medicaid Services - Recoveries, 651638, Medicaid 131677  
Services-Payment Withholding, 651624, Medicaid Program Support - 131678  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 131679  
Interagency Pass-Through, 651605, Resident Protection Fund, 131680  
651631, Money Follows the Person, 651656, Medicaid Services - 131681  
Hospitals/UPL, 651682, Health Care Grants - State, 651608, 131682  
Medicaid Services - Long Term Care, 651654, Medicaid Program 131683  
Support, and 651649, Medicaid Services - HCAP, may be used to pay 131684  
for medical assistance services and costs associated with the 131685  
administration of the Medicaid program. 131686

**Section 323.10.30. TEMPORARY AUTHORITY REGARDING EMPLOYEES** 131687

(A) As used in this section, "medical assistance program" has 131688  
the same meaning as in the section of this act titled "CREATION OF 131689  
THE DEPARTMENT OF MEDICAID." 131690

(B) During the period beginning July 1, 2013, and ending June 131691  
30, 2015, all of the following apply: 131692

(1) The Medicaid Director has the authority to establish, 131693  
change, and abolish positions for the Department of Medicaid, and 131694  
to assign, reassign, classify, reclassify, transfer, reduce, 131695  
promote, or demote all employees of the Department of Medicaid who 131696  
are not subject to Chapter 4117. of the Revised Code. 131697

(2) As part of the transfer of medical assistance programs to 131698  
the Department of Medicaid, the Director of Job and Family 131699  
Services has the authority to establish, change, and abolish 131700  
positions for the Department of Job and Family Services, and to 131701  
assign, reassign, classify, reclassify, transfer, reduce, promote, 131702  
or demote all employees of the Department of Job and Family 131703  
Services who are not subject to Chapter 4117. of the Revised Code. 131704

(C) The authority granted under division (B) of this section 131705



includes assigning or reassigning an exempt employee, as defined 131706  
in section 124.152 of the Revised Code, to a bargaining unit 131707  
classification if the Medicaid Director or Director of Job and 131708  
Family Services determines that the bargaining unit classification 131709  
is the proper classification for that employee. The actions of the 131710  
Medicaid Director or Director of Job and Family Services shall be 131711  
consistent with the requirements of 5 C.F.R. 900.603 for those 131712  
employees subject to such requirements. If an employee in the E-1 131713  
pay range is to be assigned, reassigned, classified, reclassified, 131714  
transferred, reduced, or demoted to a position in a lower 131715  
classification during the period specified in this section, the 131716  
Medicaid Director or Director of Job and Family Services, or in 131717  
the case of a transfer outside the Department of Medicaid or 131718  
Department of Job and Family Services, the Director of 131719  
Administrative Services, shall assign the employee to the 131720  
appropriate classification and place the employee in Step X. The 131721  
employee shall not receive any increase in compensation until the 131722  
maximum rate of pay for that classification exceeds the employee's 131723  
compensation. 131724

(D) Actions taken by the Medicaid Director, Director of Job 131725  
and Family Services, and Director of Administrative Services 131726  
pursuant to this section are not subject to appeal to the State 131727  
Personnel Board of Review. 131728

(E) A portion of the foregoing appropriation items 651425, 131729  
Medicaid Program Support - State, 651603, Medicaid Health 131730  
Information Technology, 651624, Medicaid Program Support - 131731  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 131732  
Interagency Pass-Through, 651605, Resident Protection Fund, 131733  
651631, Money Follows the Person, 651682, Health Care Grants - 131734  
State, and 651654, Medicaid Program Support, may be used to pay 131735  
for costs associated with the administration of the Medicaid 131736  
program, including the assignment, reassignment, classification, 131737

reclassification, transfer, reduction, promotion, or demotion of 131738  
employees authorized by this section. 131739

**Section 323.10.40. STAFF TRAINING REGARDING TRANSFERS** 131740

As used in this section, "medical assistance program" has the 131741  
same meaning as in the section of this act titled "CREATION OF THE 131742  
DEPARTMENT OF MEDICAID." 131743

The Medicaid Director and Director of Job and Family Services 131744  
may jointly or separately enter into one or more contracts with 131745  
public or private entities for staff training and development to 131746  
facilitate the transfer of the staff and duties regarding medical 131747  
assistance programs to the Department of Medicaid. Division (B) of 131748  
section 127.16 of the Revised Code does not apply to contracts 131749  
entered into under this section. 131750

A portion of the foregoing appropriation items 651425, 131751  
Medicaid Program Support - State, 651624, Medicaid Program Support 131752  
- Federal, 651680, Health Care Grants - Federal, 651605, Resident 131753  
Protection Fund, 651631, Money Follows the Person, and 651654, 131754  
Medicaid Program Support, may be used to pay for costs associated 131755  
with the administration of the Medicaid program, including staff 131756  
training authorized under this section. 131757

**Section 323.10.50. CREATION OF THE DEPARTMENT OF MEDICAID NOT** 131758  
**A COLLECTIVE BARGAINING SUBJECT** 131759

As used in this section, "medical assistance program" has the 131760  
same meaning as in the section of this act titled "CREATION OF THE 131761  
DEPARTMENT OF MEDICAID." 131762

Notwithstanding sections 4117.08 and 4117.10 of the Revised 131763  
Code, this act's creation of the Department of Medicaid and 131764  
reassignment of the functions and duties of the Office of Medical 131765  
Assistance regarding medical assistance programs are not 131766  
appropriate subjects for collective bargaining under Chapter 4117. 131767

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| of the Revised Code.                                               | 131768 |
| A portion of the foregoing appropriation items 651425,             | 131769 |
| Medicaid Program Support - State, 651624, Medicaid Program Support | 131770 |
| - Federal, 651680, Health Care Grants - Federal, 651655, Medicaid  | 131771 |
| Interagency Pass-Through, 651605, Resident Protection Fund,        | 131772 |
| 651631, Money Follows the Person, 651682, Health Care Grants -     | 131773 |
| State, and 651654, Medicaid Program Support, may be used to pay    | 131774 |
| for costs associated with the administration of the Medicaid       | 131775 |
| program, including the reassignment of functions and duties        | 131776 |
| related to the transition of the Office of Medical Assistance into | 131777 |
| the Department of Medicaid.                                        | 131778 |
| <br>                                                               |        |
| <b>Section 323.10.60. NEW AND AMENDED GRANT AGREEMENTS</b>         | 131779 |
| <br>                                                               |        |
| (A) As used in this section:                                       | 131780 |
| <br>                                                               |        |
| (1) "Grant agreement" has the same meaning as in section           | 131781 |
| 5101.21 of the Revised Code.                                       | 131782 |
| <br>                                                               |        |
| (2) "Medical assistance program" has the same meaning as in        | 131783 |
| the section of this act titled "CREATION OF THE DEPARTMENT OF      | 131784 |
| MEDICAID."                                                         | 131785 |
| <br>                                                               |        |
| (B) The Director of Job and Family Services and boards of          | 131786 |
| county commissioners may enter into negotiations to amend an       | 131787 |
| existing grant agreement or to enter into a new grant agreement    | 131788 |
| regarding the transfer of medical assistance programs to the       | 131789 |
| Department of Medicaid. Any such amended or new grant agreement    | 131790 |
| shall be drafted in the name of the Department of Job and Family   | 131791 |
| Services. The amended or new grant agreement may be executed       | 131792 |
| before July 1, 2013, if the amendment or agreement does not become | 131793 |
| effective sooner than that date.                                   | 131794 |
| <br>                                                               |        |
| (C) A portion of the foregoing appropriation items 651525,         | 131795 |
| Health Care/Medicaid Services, 651603, Medicaid Health Information | 131796 |
| Technology, 651623, Medicaid Services - Federal, 651624, Medicaid  | 131797 |

Program Support - Federal, 651680, Health Care Grants - Federal, 131798  
and 651682, Health Care Grants - State, may be used to pay for 131799  
Medicaid services and costs associated with the administration of 131800  
the Medicaid program. 131801

**Section 323.10.70.** LSC TO RENUMBER ADMINISTRATIVE RULES 131802

On and after October 1, 2013, if necessary to ensure the 131803  
integrity of the numbering of the Administrative Code, the 131804  
Director of the Legislative Service Commission shall renumber the 131805  
rules of the Office of Medical Assistance within the Department of 131806  
Job and Family Services to reflect its transfer to the Department 131807  
of Medicaid. 131808

**Section 323.20.** MEDICAID/HEALTH CARE SERVICES 131809

The foregoing appropriation item 651525, Medicaid/Health Care 131810  
Services, shall not be limited by section 131.33 of the Revised 131811  
Code. 131812

**Section 323.30.** QUALITY INCENTIVE PROGRAM TO REDUCE AVOIDABLE 131813  
ADMISSIONS 131814

(A) The Department of Medicaid may implement, for fiscal year 131815  
2014 and fiscal year 2015, a quality incentive program to do both 131816  
of the following: 131817

(1) Reduce the number of times that the following persons are 131818  
admitted to hospitals and nursing facilities or utilize emergency 131819  
department services when the admissions or utilizations are 131820  
avoidable: 131821

(a) Medicaid recipients enrolled in a home and 131822  
community-based services Medicaid waiver component administered by 131823  
the Office; 131824

(b) Medicaid recipients receiving nursing services available 131825

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| under the home health services benefit pursuant to 42 C.F.R.         | 131826 |
| 440.70(b)(1);                                                        | 131827 |
| (c) Medicaid recipients receiving home health aide services          | 131828 |
| available under the home health services benefit pursuant to 42      | 131829 |
| C.F.R. 440.70(b)(2);                                                 | 131830 |
| (d) Medicaid recipients receiving private duty nursing               | 131831 |
| services as defined in 42 C.F.R. 440.80.                             | 131832 |
| (2) Reduce the number of times that Medicaid recipients              | 131833 |
| receiving nursing facility services are admitted to hospitals or     | 131834 |
| utilize emergency department services when the admissions or         | 131835 |
| utilizations are avoidable.                                          | 131836 |
| (B) If the quality incentive program is implemented, the             | 131837 |
| Department shall include in the program methods by which the         | 131838 |
| Department will determine the program's actual savings to the        | 131839 |
| Medicaid program and shall distribute not more than fifty per cent   | 131840 |
| of the savings to participating Medicaid providers.                  | 131841 |
| <b>Section 323.40. CHILDREN'S HOSPITALS QUALITY OUTCOMES PROGRAM</b> | 131842 |
|                                                                      | 131843 |
| (A) As used in this section, "children's hospital" means a           | 131844 |
| hospital, as defined in section 3727.01 of the Revised Code, that    | 131845 |
| is located in this state, primarily serves patients eighteen years   | 131846 |
| of age and younger, is subject to the Medicaid prospective payment   | 131847 |
| system for hospitals established in rules adopted under section      | 131848 |
| 5164.02 of the Revised Code, and is excluded from Medicare           | 131849 |
| prospective payments in accordance with 42 C.F.R. 412.23(d).         | 131850 |
| (B) The Medicaid Director may implement, during fiscal year          | 131851 |
| 2014 and fiscal year 2015, a children's hospitals quality outcomes   | 131852 |
| program that encourages children's hospitals to develop the          | 131853 |
| following:                                                           | 131854 |
| (1) Infrastructures that are needed to care for patients in          | 131855 |

|                                                                                                                                                                                                                                                                                                                                                                                 |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| the least restrictive setting and promote the care of patients and<br>their families;                                                                                                                                                                                                                                                                                           | 131856<br>131857                                         |
| (2) Programs designed to improve birth outcomes and<br>measurably reduce neonatal intensive care admissions;                                                                                                                                                                                                                                                                    | 131858<br>131859                                         |
| (3) Patient-centered methods to measurably reduce utilization<br>of emergency department services for primary care needs and<br>nonemergency health conditions;                                                                                                                                                                                                                 | 131860<br>131861<br>131862                               |
| (4) Other quality-focused reforms the Director identifies.                                                                                                                                                                                                                                                                                                                      | 131863                                                   |
| (C) Up to \$6,000,000 state share plus the corresponding<br>federal share in each fiscal year shall be used to support<br>payments made to children's hospitals for developing programs that<br>achieve the outcomes specified under division (B) of this section<br>and any other measures the Medicaid Director deems appropriate.                                            | 131864<br>131865<br>131866<br>131867<br>131868           |
| <b>Section 323.43. HOSPITAL READMISSIONS PROGRAM ADVISORY<br/>WORKGROUP</b>                                                                                                                                                                                                                                                                                                     | 131869<br>131870                                         |
| There is hereby created for fiscal year 2014 and fiscal year<br>2015 the Hospital Readmissions Program Advisory Workgroup. The<br>Workgroup shall serve in an advisory capacity in the state's<br>development and implementation of a hospital readmissions program<br>that improves patient outcomes and rewards providers' success in<br>lowering hospital readmission rates. | 131871<br>131872<br>131873<br>131874<br>131875<br>131876 |
| The Workgroup shall be convened by the Medicaid Director. It<br>shall consist of individuals selected to serve as members by the<br>Ohio Hospital Association, the Ohio Children's Hospital<br>Association, and the Medicaid Director.                                                                                                                                          | 131877<br>131878<br>131879<br>131880                     |
| The Medicaid Director or the Director's designee shall serve<br>as chairperson of the Workgroup. The Department of Medicaid shall<br>provide staff and other support services for the Workgroup.                                                                                                                                                                                | 131881<br>131882<br>131883                               |
| The Workgroup, with the assistance of the Department of<br>Medicaid, shall submit two reports to the General Assembly                                                                                                                                                                                                                                                           | 131884<br>131885                                         |

regarding a hospital readmissions program. The first report shall 131886  
be submitted not later than July 1, 2014. The second report shall 131887  
be submitted not later than July 1, 2015. A report due before the 131888  
hospital readmissions program is established shall discuss the 131889  
progress being made in establishing the program. A report due 131890  
after the program is established shall discuss the program's 131891  
effectiveness. 131892

**Section 323.50. UNIFIED LONG TERM CARE** 131893

The foregoing appropriation item 651425, Medicaid Program 131894  
Support - State, may be used to provide the preadmission screening 131895  
and resident review (PASRR), which includes screening, 131896  
assessments, and determinations made under sections 5119.061 131897  
(renumbered section 5119.40 of the Revised Code in this act), 131898  
5123.021, and 5165.04 of the Revised Code. 131899

The foregoing appropriation item 651425, Medicaid Program 131900  
Support - State, may be used to assess and provide long-term care 131901  
consultations under section 173.42 of the Revised Code to clients 131902  
regardless of Medicaid eligibility. 131903

The foregoing appropriation item 651525, Medicaid/Health Care 131904  
Services, may be used to provide nonwaiver funded PASSPORT and 131905  
assisted living services to persons who the state department has 131906  
determined to be eligible to participate in the nonwaiver funded 131907  
PASSPORT and assisted living programs, who applied for but have 131908  
not yet been determined to be financially eligible to participate 131909  
in the Medicaid waiver component of the PASSPORT Home Care Program 131910  
or the Assisted Living Program by a county department of job and 131911  
family services, and to persons who are not eligible for Medicaid 131912  
but were enrolled in the PASSPORT Program prior to July 1, 1990. 131913

The foregoing appropriation item 651425, Medicaid Program 131914  
Support - State, shall be used to provide the required state match 131915  
for federal Medicaid funds supporting the Medicaid waiver-funded 131916

PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program. 131917  
131918

The foregoing appropriation item 651525, Medicaid/Health Care Services, shall be used to provide the federal matching share of program costs determined by the Office of Medical Assistance to be eligible for Medicaid reimbursement for the Medicaid waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program. 131919  
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**Section 323.53.** PASSPORT ADMINISTRATIVE AGENCY SITE OPERATIONS 131925  
131926

For fiscal year 2014 and fiscal year 2015, spending for PASSPORT administrative agencies' site operating functions relating to screening, assessments, general administrative, and provider relations for the Medicaid waiver-funded PASSPORT Home Care Program, Choices Program, Assisted Living Program, and PACE Program shall be at one hundred five per cent of the level provided in fiscal year 2013. 131927  
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**Section 323.60.** MANAGED CARE PERFORMANCE PAYMENT PROGRAM 131934

At the beginning of each quarter, or as soon as possible thereafter, the Medicaid Director shall certify to the Director of Budget and Management the amount withheld in accordance with section 5167.30 of the Revised Code for purposes of the Managed Care Performance Payment Program. Upon receiving certification, the Director of Budget and Management shall transfer cash in the amount certified from the General Revenue Fund to the Managed Care Performance Payment Fund. Appropriation item 651525, Medicaid/Health Care Services, is hereby reduced by the amount of the transfer. Upon request of the Medicaid Director and approval of the Director of Budget and Management, appropriation up to the cash balance in the Managed Care Performance Payment Fund is 131935  
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131946



hereby appropriated. 131947

In addition to any other purpose authorized by law, the 131948  
Department of Medicaid may use money in the Managed Care 131949  
Performance Payment Fund for the following purposes for fiscal 131950  
year 2014 and fiscal year 2015: 131951

(A) To meet obligations specified in provider agreements with 131952  
Medicaid managed care organizations; 131953

(B) To pay for Medicaid services provided by a Medicaid 131954  
managed care organization; 131955

(C) To reimburse a Medicaid managed care organization that 131956  
has paid a fine for failure to meet performance standards or other 131957  
requirements specified in provider agreements or rules adopted 131958  
under section 5167.02 of the Revised Code if the organization 131959  
comes into compliance with the standards or requirements. 131960

**Section 323.70. MEDICAID MANAGED CARE EXEMPTIONS** 131961

(A) As used in this section, "individual with disabilities" 131962  
means any individual receiving services through the program for 131963  
medically handicapped children established under section 3701.023 131964  
of the Revised Code who has one or more of the following 131965  
conditions: 131966

(1) Cystic fibrosis; 131967

(2) Hemophilia; 131968

(3) Cancer. 131969

(B) Notwithstanding section 5167.03 of the Revised Code, the 131970  
Department of Medicaid shall not include in the care management 131971  
system established under that section any individual with 131972  
disabilities who was not receiving services through the care 131973  
management system immediately before June 30, 2011, until the 131974  
first day of the thirteenth month that occurs after the date that 131975

the Office first designates any individual who receives Medicaid 131976  
on the basis of being aged, blind, or disabled who is under 131977  
twenty-one years of age as an individual who is permitted or 131978  
required to participate in the care management system. 131979

**Section 323.80.** PRIOR AUTHORIZATION FOR COMMUNITY MENTAL 131980  
HEALTH SERVICES 131981

(A) As used in this section, "community mental health 131982  
services" means mental health services included in the state 131983  
Medicaid plan pursuant to section 5164.15 of the Revised Code. 131984

(B) For fiscal year 2014 and fiscal year 2015, a Medicaid 131985  
recipient who is under twenty-one years of age automatically 131986  
satisfies all requirements for any prior authorization process for 131987  
community mental health services provided under a component of the 131988  
Medicaid program administered by the Department of Mental Health 131989  
and Addiction Services pursuant to an interagency agreement 131990  
authorized by section 5162.35 of the Revised Code if any of the 131991  
following apply to the recipient: 131992

(1) The recipient is in the temporary custody or permanent 131993  
custody of a public children services agency or private child 131994  
placing agency or is in a planned permanent living arrangement. 131995

(2) The recipient has been placed in protective supervision 131996  
by a juvenile court. 131997

(3) The recipient has been committed to the Department of 131998  
Youth Services. 131999

(4) The recipient is an alleged or adjudicated delinquent or 132000  
unruly child receiving services under the Felony Delinquent Care 132001  
and Custody Program operated under section 5139.43 of the Revised 132002  
Code. 132003

**Section 323.90.** JOINT LEGISLATIVE COMMITTEE FOR UNIFIED 132004

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| LONG-TERM SERVICES AND SUPPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 132005                                                                                 |
| (A) The Joint Legislative Committee for Unified Long-Term Services and Supports created under section 309.30.73 of Am. Sub. H.B. 153 of the 129th General Assembly, as subsequently amended, shall continue to exist during fiscal year 2014 and fiscal year 2015. The Committee shall consist of the following members:                                                                                                                                                                                                                                   | 132006<br>132007<br>132008<br>132009<br>132010                                         |
| (1) Two members of the House of Representatives from the majority party, appointed by the Speaker of the House of Representatives;                                                                                                                                                                                                                                                                                                                                                                                                                         | 132011<br>132012<br>132013                                                             |
| (2) One member of the House of Representatives from the minority party, appointed by the Speaker of the House of Representatives;                                                                                                                                                                                                                                                                                                                                                                                                                          | 132014<br>132015<br>132016                                                             |
| (3) Two members of the Senate from the majority party, appointed by the President of the Senate;                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 132017<br>132018                                                                       |
| (4) One member of the Senate from the minority party, appointed by the President of the Senate.                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 132019<br>132020                                                                       |
| (B) The Speaker of the House of Representatives shall designate one of the members of the Committee appointed under division (A)(1) of this section to serve as co-chairperson of the Committee. The President of the Senate shall designate one of the members of the Committee appointed under division (A)(3) of this section to serve as the other co-chairperson of the Committee. The Committee shall meet at the call of the co-chairpersons. The co-chairpersons may request assistance for the Committee from the Legislative Service Commission. | 132021<br>132022<br>132023<br>132024<br>132025<br>132026<br>132027<br>132028<br>132029 |
| (C) The Committee may examine the following issues:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 132030                                                                                 |
| (1) The implementation of the dual eligible integrated care demonstration project authorized by section 5164.91 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                       | 132031<br>132032<br>132033                                                             |
| (2) The implementation of a unified long-term services and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 132034                                                                                 |

|                                                                                                                                                                                                                 |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| support Medicaid waiver component under section 5166.14 of the Revised Code;                                                                                                                                    | 132035<br>132036                     |
| (3) Providing consumers choices regarding a continuum of services that meet their health-care needs, promote autonomy and independence, and improve quality of life;                                            | 132037<br>132038<br>132039           |
| (4) Ensuring that long-term care services and supports are delivered in a cost-effective and quality manner;                                                                                                    | 132040<br>132041                     |
| (5) Subjecting county homes, county nursing homes, and district homes operated pursuant to Chapter 5155. of the Revised Code to the franchise permit fee under sections 5168.40 to 5168.56 of the Revised Code; | 132042<br>132043<br>132044<br>132045 |
| (6) Other issues of interest to the committee.                                                                                                                                                                  | 132046                               |
| (D) The co-chairpersons of the Committee shall provide for the Medicaid Director to testify before the Committee at least quarterly regarding the issues that the Committee examines.                           | 132047<br>132048<br>132049           |
| <b>Section 323.100. HOSPITAL INPATIENT AND OUTPATIENT SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM; MEDICAID MANAGED CARE HOSPITAL INCENTIVE PAYMENT PROGRAM</b>                                                    | 132050<br>132051<br>132052           |
| (A) As used in this section:                                                                                                                                                                                    | 132053                               |
| (1) "Hospital" has the same meaning as in section 5168.20 of the Revised Code.                                                                                                                                  | 132054<br>132055                     |
| (2) "Hospital Assessment Fund" means the fund created under section 5168.25 of the Revised Code.                                                                                                                | 132056<br>132057                     |
| (3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.                                                                                                        | 132058<br>132059                     |
| (B) The Department of Medicaid shall do both of the following:                                                                                                                                                  | 132060<br>132061                     |
| (1) Continue the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program that was established                                                                                                | 132062<br>132063                     |

pursuant to Section 309.30.17 of Am. Sub. H.B. 1 of the 128th General Assembly, with any modifications necessary to implement the program as described under division (D) of this section; 132064  
132065  
132066

(2) Continue the Medicaid Managed Care Hospital Incentive Payment Program, as described under division (E) of this section. 132067  
132068

(C) The Department shall use amounts deposited into the Hospital Assessment Fund in fiscal year 2014 and fiscal year 2015 for the following purposes in each fiscal year: 132069  
132070  
132071

(1) To pay for costs associated with both of the following: 132072

(a) The Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program; 132073  
132074

(b) The Medicaid Managed Care Hospital Incentive Payment Program. 132075  
132076

(2) To reduce spending in appropriation item 651525, Medicaid/Health Care Services. 132077  
132078

(D)(1) Under the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program, subject to division (D)(2) of this section, supplemental Medicaid payments shall be made to hospitals for Medicaid-covered inpatient and outpatient services. The Department shall make the payments through amounts available for the Program pursuant to division (C) of this section and any federal financial participation available for the Program. 132079  
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(2) The Department shall take all actions necessary to cease implementation of the Program if the United States Secretary determines that the assessment imposed under section 5168.21 of the Revised Code is an impermissible healthcare-related tax under the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 132086  
132087  
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(E)(1) The purpose of the Medicaid Managed Care Hospital Incentive Payment Program is to increase access to hospital services for Medicaid recipients who are enrolled in Medicaid 132091  
132092  
132093

managed care organizations. 132094

Under the Program, subject to division (E)(2) of this 132095  
section, funds shall be provided to Medicaid managed care 132096  
organizations, which shall use the funds to increase payments to 132097  
hospitals for providing services to Medicaid recipients who are 132098  
enrolled in the organizations. The Department shall provide the 132099  
funds through amounts available for the Program pursuant to 132100  
division (C) of this section and any federal financial 132101  
participation available for the Program. 132102

(2)(a) The Department shall not provide funds to Medicaid 132103  
managed care organizations under the Program unless an actuary 132104  
selected by the Department certifies that the Program would not 132105  
violate the actuarial soundness of the capitation rates paid to 132106  
Medicaid managed care organizations. 132107

(b) The Department shall not implement the Program in a 132108  
manner that causes a hospital to receive less money from the 132109  
Hospital Assessment Fund than the hospital would have received if 132110  
the Program were not implemented. 132111

(c) The Department shall not implement the Program in a 132112  
manner that causes a Medicaid managed care organization to receive 132113  
a lower capitation payment rate solely because funds are made 132114  
available to the organization under the Program. 132115

(d) The Department shall take all necessary actions to cease 132116  
implementation of the Program if the United States Secretary 132117  
determines that the assessment imposed under section 5168.21 of 132118  
the Revised Code is an impermissible health care-related tax under 132119  
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 132120

(F) The Director of Budget and Management may authorize 132121  
additional expenditures from appropriation item 651623, Medicaid 132122  
Services - Federal, appropriation item 651525, Medicaid/Health 132123  
Care Services, and appropriation item 651656, Medicaid Services - 132124

Hospital/UPL, in order to implement the programs authorized by 132125  
this section. Any amounts authorized are hereby appropriated. 132126

(G) The Medicaid Director shall adopt rules as necessary to 132127  
implement this section. The rules shall provide for the applicable 132128  
assessment percentage that is used for the purpose of section 132129  
5168.21 of the Revised Code to be an amount that raises, from the 132130  
assessments imposed on hospitals under that section, an amount the 132131  
Director determines is appropriate to fund the purposes specified 132132  
in division (C) of this section. 132133

**Section 323.103.** CONTINUATION OF MEDICAID RATES FOR HOSPITAL 132134  
INPATIENT AND OUTPATIENT SERVICES 132135

The Medicaid payment rates for Medicaid-covered hospital 132136  
inpatient services and hospital outpatient services that are paid 132137  
under the prospective payment system established in rules adopted 132138  
under section 5164.02 of the Revised Code and provided during the 132139  
period beginning July 1, 2013, and ending June 30, 2015, shall be 132140  
not less than the Medicaid payment rates for the services in 132141  
effect on June 30, 2013. 132142

**Section 323.110.** ADMINISTRATIVE ISSUES RELATED TO TERMINATION 132143  
OF MEDICAID WAIVER PROGRAMS 132144

(A) As used in this section, "MCD or ODA Medicaid waiver 132145  
component" means the following: 132146

(1) The Medicaid waiver component of the PASSPORT program 132147  
created under section 173.52 of the Revised Code; 132148

(2) The Choices program created under section 173.53 of the 132149  
Revised Code; 132150

(3) The Medicaid waiver component of the Assisted Living 132151  
program created under section 173.54 of the Revised Code. 132152

(4) The Ohio Home Care Waiver program as defined in section 132153

5166.01 of the Revised Code; 132154

(5) The Ohio Transitions II Aging Carve-Out program as 132155  
defined in section 5166.01 of the Revised Code; 132156

(B) If an MCD or ODA Medicaid waiver component is terminated 132157  
under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the 132158  
Revised Code, all of the following apply: 132159

(1) All applicable statutes, and all applicable rules, 132160  
standards, guidelines, or orders issued by the Medicaid Director 132161  
or Department of Medicaid or Director or Department of Aging 132162  
before the component is terminated, shall remain in full force and 132163  
effect on and after that date, but solely for purposes of 132164  
concluding the component's operations, including fulfilling the 132165  
Departments' legal obligations for claims arising from the 132166  
component relating to eligibility determinations, covered medical 132167  
assistance provided to eligible persons, and recovering erroneous 132168  
overpayments. 132169

(2) Notwithstanding the termination of the component, the 132170  
right of subrogation for the cost of medical assistance given 132171  
under section 5160.37 of the Revised Code to the Department of 132172  
Medicaid and an assignment of the right to medical assistance 132173  
given under section 5160.38 of the Revised Code to the Department 132174  
continue to apply with respect to the component and remain in 132175  
force to the full extent provided under those sections. 132176

(3) The Department of Medicaid and Department of Aging may 132177  
use appropriated funds to satisfy any claims or contingent claims 132178  
for medical assistance provided under the component before the 132179  
component's termination. 132180

(4) Neither the Department of Medicaid nor the Department of 132181  
Aging has liability under the component to reimburse any provider 132182  
or other person for claims for medical assistance rendered under 132183  
the component after it is terminated. 132184



(C) The Medicaid Director and Director of Aging may adopt 132185  
rules in accordance with Chapter 119. of the Revised Code to 132186  
implement this section. 132187

**Section 323.120. EXPANSION OF PACE PROGRAM** 132188

(A) As used in this section, "PACE Program" means the Program 132189  
of All-Inclusive Care for the Elderly. 132190

(B) To effectively administer and manage growth within the 132191  
PACE Program, the Director of Aging, in consultation with the 132192  
Medicaid Director, may expand the PACE Program to regions of the 132193  
state that are not being served by the PACE Program if all of the 132194  
following apply: 132195

(1) Funding is available for the expansion. 132196

(2) The Director of Aging and Medicaid Director mutually 132197  
determine that the PACE Program is a cost-effective alternative to 132198  
nursing home care. 132199

(3) The United States Centers for Medicare and Medicaid 132200  
Services agrees to share with the state any savings to the 132201  
Medicare program resulting from an expansion of the PACE Program. 132202

(C) If the PACE Program is expanded, the Director of Aging 132203  
may not decrease the number of individuals in Cuyahoga and 132204  
Hamilton counties and parts of Butler, Clermont, and Warren 132205  
counties who are participants in the PACE Program below the number 132206  
of individuals in those counties and parts of counties who were 132207  
participants in the PACE Program on July 1, 2011. 132208

**Section 323.130. DISPENSING FEE FOR NONCOMPOUNDED DRUGS** 132209

The Medicaid dispensing fee for each noncompounded drug 132210  
covered by the Medicaid program shall be \$1.80 for the period 132211  
beginning July 1, 2013, and ending on the effective date of a rule 132212  
changing the amount of the fee that the Medicaid Director adopts 132213

under section 5164.02 of the Revised Code. 132214

**Section 323.140.** MONEY FOLLOWS THE PERSON ENHANCED 132215  
REIMBURSEMENT FUND 132216

The federal payments made to the state under subsection (e) 132217  
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 132218  
No. 109-171, as amended, shall be deposited into the Money Follows 132219  
the Person Enhanced Reimbursement Fund. The Department of Medicaid 132220  
shall continue to use money deposited into the fund for system 132221  
reform activities related to the Money Follows the Person 132222  
demonstration project. 132223

**Section 323.150.** MEDICARE PART D 132224

The foregoing appropriation item 651526, Medicare Part D, may 132225  
be used by the Department of Medicaid for the implementation and 132226  
operation of the Medicare Part D requirements contained in the 132227  
"Medicare Prescription Drug, Improvement, and Modernization Act of 132228  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 132229  
Department of Medicaid, the Director of Budget and Management may 132230  
transfer the state share of appropriations between appropriation 132231  
item 651525, Medicaid/Health Care Services, or appropriation item 132232  
651526, Medicare Part D. If the state share of appropriation item 132233  
651525, Medicaid/Health Care Services, is adjusted, the Director 132234  
of Budget and Management shall adjust the federal share 132235  
accordingly. The Department of Medicaid shall provide notification 132236  
to the Controlling Board of any transfers at the next scheduled 132237  
Controlling Board meeting. 132238

**Section 323.160.** REBALANCING LONG-TERM CARE 132239

(A) As used in this section: 132240

"Balancing Incentive Payments Program" means the program 132241  
established under section 10202 of the Patient Protection and 132242

|                                                                                                                                                                                                                                                                                                               |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Affordable Care Act.                                                                                                                                                                                                                                                                                          | 132243                                         |
| "Long-term services and supports" has the same meaning as in section 10202(f)(1) of the Patient Protection and Affordable Care Act.                                                                                                                                                                           | 132244<br>132245<br>132246                     |
| "Non-institutionally-based long-term services and supports" has the same meaning as in section 10202(f)(1)(B) of the Patient Protection and Affordable Care Act.                                                                                                                                              | 132247<br>132248<br>132249                     |
| "Patient Protection and Affordable Care Act" means Public Law 111-148.                                                                                                                                                                                                                                        | 132250<br>132251                               |
| (B) The Departments of Aging, Developmental Disabilities, and Medicaid shall continue efforts to achieve a sustainable and balanced delivery system for long-term services and supports. In so doing, the Departments shall strive to realize the following goals by June 30, 2015:                           | 132252<br>132253<br>132254<br>132255<br>132256 |
| (1) Having at least fifty per cent of Medicaid recipients who are sixty years of age or older and need long-term services and supports utilize non-institutionally-based long-term services and supports;                                                                                                     | 132257<br>132258<br>132259<br>132260           |
| (2) Having at least sixty per cent of Medicaid recipients who are less than sixty years of age and have cognitive or physical disabilities for which long-term services and supports are needed utilize non-institutionally-based long-term services and supports.                                            | 132261<br>132262<br>132263<br>132264           |
| (C) If the Department of Medicaid determines that participating in the Balancing Incentive Payments Program will assist in achieving the goals specified in division (B) of this section, the Department may apply to the United States Secretary of Health and Human Services to participate in the program. | 132265<br>132266<br>132267<br>132268<br>132269 |
| <b>Section 323.170.</b> OHIO ACCESS SUCCESS PROJECT                                                                                                                                                                                                                                                           | 132270                                         |
| Of the foregoing appropriation item, 651525, Medicaid/Health Care Services, up to \$450,000 in each fiscal year may be used to                                                                                                                                                                                | 132271<br>132272                               |

provide one-time transitional benefits under the Ohio Access 132273  
Success Project that the Medicaid Director may establish under 132274  
section 5166.35 of the Revised Code. 132275

**Section 323.180. PROVIDER FRANCHISE FEE OFFSETS 132276**

(A) At least quarterly, the Medicaid Director shall certify 132277  
to the Director of Budget and Management the amount of offsets 132278  
withheld under section 5168.52 of the Revised Code from payments 132279  
made from the General Revenue Fund. 132280

(B) The Director of Budget and Management may transfer cash 132281  
from the General Revenue Fund to the Nursing Home Franchise Permit 132282  
Fee Fund (Fund 5R20), in accordance with section 5168.54 of the 132283  
Revised Code. 132284

(C) Amounts transferred pursuant to this section are hereby 132285  
appropriated. 132286

**Section 323.190. HOSPITAL CARE ASSURANCE MATCH 132287**

The foregoing appropriation item 651623, Medicaid Services - 132288  
Federal, shall be used by the Department of Medicaid for 132289  
distributing the federal share of Medicaid services required under 132290  
the section of this act entitled "CREATION OF THE DEPARTMENT OF 132291  
MEDICAID," including the federal share of all hospital care 132292  
assurance program funds to hospitals under section 5168.09 of the 132293  
Revised Code. 132294

If receipts credited to the Health Care Federal Fund (Fund 132295  
3F00) exceed the amounts appropriated from the fund for making the 132296  
hospital care assurance program distribution, the Medicaid 132297  
Director may request the Director of Budget and Management to 132298  
authorize expenditures from the fund in excess of the amounts 132299  
appropriated. Upon the approval of the Director of Budget and 132300  
Management, the additional amounts are hereby appropriated. 132301

The foregoing appropriation item 651649, Medicaid Services - 132302  
HCAP, shall be used by the Department of Medicaid for distributing 132303  
the state share of all hospital care assurance program funds to 132304  
hospitals under section 5168.09 of the Revised Code. If receipts 132305  
credited to the Hospital Care Assurance Program Fund (Fund 6510) 132306  
exceed the amounts appropriated from the fund for making the 132307  
hospital care assurance program distribution, the Medicaid 132308  
Director may request the Director of Budget and Management to 132309  
authorize expenditures from the fund in excess of the amounts 132310  
appropriated. Upon the approval of the Director of Budget and 132311  
Management, the additional amounts are hereby appropriated. 132312

**Section 323.200.** HEALTH CARE SERVICES ADMINISTRATION FUND 132313

Of the amount received by the Department of Medicaid during 132314  
fiscal year 2014 and fiscal year 2015 from the first installment 132315  
of assessments paid under section 5168.06 of the Revised Code and 132316  
intergovernmental transfers made under section 5168.07 of the 132317  
Revised Code, the Medicaid Director shall deposit \$350,000 in each 132318  
fiscal year into the state treasury to the credit of the Health 132319  
Care Services Administration Fund (Fund 5U30). 132320

**Section 323.210.** TRANSFERS OF OFFSETS TO THE HEALTH CARE 132321  
SERVICES ADMINISTRATION FUND 132322

(A) As used in this section: 132323

"Hospital offset" means an offset from a hospital's Medicaid 132324  
payment authorized by section 5168.991 of the Revised Code. 132325

"Vendor offset" means a reduction of a Medicaid payment to a 132326  
Medicaid provider to correct a previous, incorrect Medicaid 132327  
payment. 132328

(B) During fiscal year 2014 and fiscal year 2015, at 132329  
intervals selected by the Medicaid Director, the Director shall 132330  
certify to the Director of Budget and Management the amount of 132331

hospital offsets and vendor offsets for the period covered by the 132332  
certification and the particular funds that would have been used 132333  
to make Medicaid payments to providers if not for the offsets. 132334  
Each certification shall specify the amount that would have been 132335  
taken from each of the funds if not for the hospital offsets and 132336  
vendor offsets. 132337

(C) On receipt of a certification under division (B) of this 132338  
section, the Director of Budget and Management shall transfer cash 132339  
from the funds identified in the certification to the Health Care 132340  
Services Administration Fund (Fund 5U30). The amount transferred 132341  
from a fund shall equal the amount that would have been taken from 132342  
the fund if not for the hospital offsets and vendor offsets as 132343  
specified in the certification. The transferred cash is hereby 132344  
appropriated. 132345

**Section 323.220. MEDICAID INTERAGENCY PASS-THROUGH** 132346

The Medicaid Director may request the Director of Budget and 132347  
Management to increase appropriation item 651655, Medicaid 132348  
Interagency Pass-Through. Upon the approval of the Director of 132349  
Budget and Management, the additional amounts are hereby 132350  
appropriated. 132351

**Section 323.230. MEDICAID PAYMENTS FOR NONINSTITUTIONAL** 132352  
**SERVICES PROVIDED TO DUAL ELIGIBLE INDIVIDUALS** 132353

(A) As used in this section: 132354

"Dual eligible individual" has the same meaning as in the 132355  
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 132356  
1396n(h)(2)(B). 132357

"Medicare Part B" means the Supplementary Medical Insurance 132358  
Program for the Aged and Disabled component of the Medicare 132359  
program established by Part B of Title XVIII of the "Social 132360  
Security Act," 42 U.S.C. 1395j et seq. 132361

"Noninstitutional services" means any services other than hospital services, nursing facility services, and intermediate care facilities for the mentally retarded.

(B) Notwithstanding any conflicting state statute, a Medicaid payment for noninstitutional services, excluding physician services and including freestanding dialysis center services, provided during the period beginning January 1, 2014, and ending July 1, 2015, to a Medicaid recipient who is a dual eligible individual enrolled for benefits under Medicare Part B shall equal the lesser of the following:

(1) The sum of the Medicare Part B deductible, coinsurance, and copayment for the services that are applicable to the individual;

(2) The greater of the following:

(a) The maximum allowable Medicaid payment for the services when the services are provided to other Medicaid recipients, less the total Medicaid payment (if any) most recently paid on the Medicaid recipient's behalf for such services;

(b) Zero.

**Section 323.233. MEDICAID PAYMENTS FOR HOME HEALTH SERVICES AND PRIVATE DUTY NURSING**

(A) As used in this section, "responsible adult" means the spouse of a Medicaid recipient or, in the case of a Medicaid recipient who is a minor, the minor's parent, foster caregiver, stepparent, guardian, legal custodian, or any other person who stands in loco parentis for the minor.

(B) Except as provided in division (C) of this section, for fiscal year 2014 and fiscal year 2015, Medicaid payments shall not be made for any of the following services that are provided to a Medicaid recipient by an individual who is a responsible adult for

|                                                                                                                                                                                                                                                                                                                           |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| that recipient:                                                                                                                                                                                                                                                                                                           | 132392                                         |
| (1) Nursing services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(1);                                                                                                                                                                                                                 | 132393<br>132394                               |
| (2) Home health aide services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(2);                                                                                                                                                                                                        | 132395<br>132396                               |
| (3) Private duty nursing services, as defined in 42 C.F.R. 440.80.                                                                                                                                                                                                                                                        | 132397<br>132398                               |
| (C) For fiscal year 2014 and fiscal year 2015, the Medicaid Director shall establish the conditions under which Medicaid payments may be made for any of the services described in division (B) of this section that are provided to a Medicaid recipient by an individual who is a responsible adult for that recipient. | 132399<br>132400<br>132401<br>132402<br>132403 |
| (D) The Director shall adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement this section. The Director shall consult provider representatives, consumer representatives, and other stakeholders in developing the rules, which may include the following:                               | 132404<br>132405<br>132406<br>132407<br>132408 |
| (1) Qualification and training requirements necessary for responsible adults to receive Medicaid payments under division (C) of this section;                                                                                                                                                                             | 132409<br>132410<br>132411                     |
| (2) Oversight requirements necessary for responsible adults to receive Medicaid payments under division (C) of this section;                                                                                                                                                                                              | 132412<br>132413                               |
| (3) Procedures designed to protect against fraud, waste, and abuse that may occur as a result of payments made under division (C) of this section;                                                                                                                                                                        | 132414<br>132415<br>132416                     |
| (4) Any other procedures, standards, or requirements the Director considers appropriate.                                                                                                                                                                                                                                  | 132417<br>132418                               |
| <b>Section 323.236. PURCHASING STRATEGIES FOR WHEELCHAIRS</b>                                                                                                                                                                                                                                                             | 132419                                         |
| For fiscal years 2014 and 2015, the Medicaid Director shall                                                                                                                                                                                                                                                               | 132420                                         |



implement strategies for purchasing wheelchairs for Medicaid recipients residing in nursing facilities. In implementing the purchasing strategies, the Director shall seek to achieve a more efficient allocation of resources and price and quality competition among wheelchair providers. The Director shall consider one or more of the following when determining the purchasing strategies to implement:

(A) Establishing selective contracting or competitive bidding;

(B) Establishing a manufacturer's rebate program;

(C) Another purchasing strategy that saves the Medicaid program an amount equivalent to the savings that would be realized from the purchasing strategies specified in division (A) or (B), or both, of this section.

**Section 323.250. REDUCED RATE FOR REPEAT RADIOLOGICAL SERVICES**

(A) The Medicaid Director shall reduce the Medicaid payment rate for radiological services to which both of the following apply:

(1) They are provided in a physician's office or an independent diagnostic testing facility;

(2) They are provided more than once by the same provider for the same Medicaid recipient during the same session.

(B) The Director shall adopt rules under section 5164.02 of the Revised Code to implement the rate reduction required by this section. The rules shall not take effect before January 1, 2014.

**Section 323.260. VARYING MEDICAID PAYMENT RATES FOR PHYSICIAN SERVICES DEPENDING ON LOCATION OF SERVICE**

(A) The Medicaid Director shall do both of the following:

(1) Identify physician services for which Medicaid payment rates should vary depending on where the services are provided; 132450  
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(2) Adopt rules under section 5164.02 of the Revised Code to establish the varying Medicaid payment rates. 132452  
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(B) The rules required by division (A)(2) of this section shall not take effect before January 1, 2014. 132454  
132455

**Section 323.263. PAYMENT RATES FOR PASSPORT SERVICES** 132456

The Medicaid payment rates for services provided under the PASSPORT program, other than adult day-care services, during the period beginning July 1, 2013, and ending June 30, 2015, shall be not less than ninety-eight and five-tenths per cent of the Medicaid payment rates for the services in effect on June 30, 2011. The Medicaid payment rates for adult day-care services provided under the PASSPORT program during the period beginning July 1, 2013, and ending June 30, 2015, shall be twenty per cent higher than the amount of the Medicaid payment rates for the services in effect on June 30, 2013. 132457  
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**Section 323.270. MEDICAID PAYMENT METHODOLOGIES ALIGNED WITH MEDICARE PAYMENT METHODOLOGIES** 132467  
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(A) The Medicaid Director shall do both of the following: 132469

(1) Identify Medicaid services for which the Medicaid payment methodologies should be aligned, to the extent the Director considers appropriate, with Medicare payment methodologies for the services; 132470  
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(2) Adopt rules under section 5164.02 of the Revised Code to so align the payment methodologies for the services. 132474  
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(B) The rules required by division (A)(2) of this section shall not take effect before January 1, 2014. 132476  
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| <b>Section 323.280.</b> ALTERNATIVE PURCHASING MODEL FOR NURSING   | 132478 |
| FACILITY SERVICES                                                  | 132479 |
| As used in this section, "Medicaid waiver component" has the       | 132480 |
| same meaning as in section 5166.01 of the Revised Code.            | 132481 |
| The Medicaid Director may establish, as a Medicaid waiver          | 132482 |
| component, an alternative purchasing model for nursing facility    | 132483 |
| services provided, during the period beginning July 1, 2013, and   | 132484 |
| ending July 1, 2015, to Medicaid recipients with specialized       | 132485 |
| health care needs, including recipients dependent on ventilators,  | 132486 |
| recipients who have severe traumatic brain injury, and recipients  | 132487 |
| who would be admitted to long-term acute care hospitals or         | 132488 |
| rehabilitation hospitals if they did not receive nursing facility  | 132489 |
| services. If established, the alternative purchasing model shall   | 132490 |
| do all of the following:                                           | 132491 |
| (A) Recognize a connection between enhanced Medicaid payment       | 132492 |
| rates and improved health outcomes capable of being measured;      | 132493 |
| (B) Include criteria for identifying Medicaid recipients with      | 132494 |
| specialized health care needs;                                     | 132495 |
| (C) Include procedures for ensuring that Medicaid recipients       | 132496 |
| identified pursuant to division (B) of this section receive        | 132497 |
| nursing facility services under the alternative purchasing model.  | 132498 |
| The total per Medicaid day payment rate for nursing facility       | 132499 |
| services provided under the alternative purchasing model may       | 132500 |
| differ from the rate that would otherwise be paid pursuant to      | 132501 |
| Chapter 5165. of the Revised Code.                                 | 132502 |
| <b>Section 323.290.</b> REVIEW OF LONG-TERM SERVICES TO IMPROVE    | 132503 |
| EFFICIENCY AND INDIVIDUAL CARE                                     | 132504 |
| (A) The Department of Medicaid may review the following            | 132505 |
| services covered by the Medicaid program to identify opportunities | 132506 |

to improve the efficiency of, and individual care provided by, 132507  
long-term care services and supports: 132508

(1) Nursing services available under the home health services 132509  
benefit pursuant to 42 C.F.R. 440.70(b)(1); 132510

(2) Home health aide services available under the home health 132511  
services benefit pursuant to 42 C.F.R. 440.70(b)(2); 132512

(3) Private duty nursing services as defined in 42 C.F.R. 132513  
440.80. 132514

(B) The Department, in its review authorized by division (A) 132515  
of this section, may consider establishing the following: 132516

(1) New methods for authorizing and coordinating long-term 132517  
care services and supports, including such services and supports 132518  
covered by the Medicaid state plan, using case managers or care 132519  
coordinators; 132520

(2) Competency and training requirements for the case 132521  
managers or care coordinators; 132522

(3) Other mechanisms for improving efficiency and individual 132523  
care in the delivery of long-term care services and supports. 132524

**Section 323.300. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 132525  
CARE 132526**

(A) As used in this section: 132527

(1) "Dual eligible individual" has the same meaning as in 132528  
section 1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315, 132529  
42 U.S.C. 1396n(h)(2)(B). 132530

(2) "Dual eligible integrated care demonstration project" 132531  
means the demonstration project authorized by section 5164.91 of 132532  
the Revised Code. 132533

(3) "Medicaid managed care organization" has the same meaning 132534  
as in section 5167.01 of the Revised Code. 132535

(4) "Participant" means an individual participating in the dual eligible integrated care demonstration project. 132536  
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(B) For fiscal year 2014 and fiscal year 2015, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Dual Eligible Integrated Care Demonstration Project. 132538  
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(C) If the Department implements the Dual Eligible Integrated Care Demonstration Project, and if participants receive care through Medicaid managed care organizations under the project, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following: 132542  
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(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to participants by Medicaid managed care organizations; 132547  
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(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for participants. 132550  
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(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for a participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to participants. 132553  
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(2) Each Medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its Medicaid provider agreement with the Department. 132560  
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(3) When the amount is established and each time the amount is modified thereafter, the Department shall certify the amount to the Director of Budget and Management and begin withholding the amount from each premium the Department pays to a Medicaid managed 132563  
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care organization for a participant. 132567

(E) The Director of Budget and Management shall transfer the 132568  
amounts certified in accordance with division (D) of this section 132569  
into the Managed Care Performance Payment Fund created under 132570  
section 5162.60 of the Revised Code. The amounts transferred may 132571  
be used to make performance payments to Medicaid managed care 132572  
organizations providing care to participants in accordance with 132573  
rules that may be adopted by the Medicaid Director under Chapter 132574  
119. of the Revised Code. 132575

(F) A Medicaid managed care organization subject to this 132576  
section is not subject to section 5167.30 of the Revised Code for 132577  
premium payments attributed to participants during fiscal year 132578  
2014 and fiscal year 2015. 132579

**Section 323.310. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE** 132580  
**PAYMENT PROGRAM** 132581

At the beginning of each quarter, or as soon as possible 132582  
thereafter, the Medicaid Director may certify to the Director of 132583  
Budget and Management the amount withheld in accordance with the 132584  
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 132585  
MANAGED CARE." On receipt of certification, the Director of Budget 132586  
and Management shall transfer cash in the amount certified from 132587  
the General Revenue Fund to the Managed Care Performance Payment 132588  
Fund (Fund 5KW0). The transferred cash is hereby appropriated. 132589  
Appropriation item 651525, Medicaid/Health Care Services, is 132590  
hereby reduced by the amount of the transfer. 132591

**Section 323.320. VENDOR COLLECTION OF PATIENT LIABILITY** 132592

(A) As used in this section: 132593

"Medicaid waiver component" has the same meaning as in 132594  
section 5166.01 of the Revised Code. 132595

"Patient liability" means the amount that 42 C.F.R. 435.735 requires be reduced from a Medicaid payment for home and community-based services available under a Medicaid waiver component.

(B) The Medicaid Director may contract with a person or government entity to collect patient liabilities for fiscal year 2014 and fiscal year 2015. The Director may adopt rules under section 5166.02 of the Revised Code as necessary to implement this section.

**Section 323.330.** STATE PLAN HOME AND COMMUNITY-BASED SERVICES

(A) As used in this section:

"Federal poverty line" means the official poverty line defined by the United States Office of Management and Budget based on the most recent data available from the United States Bureau of the Census and revised by the United States Secretary of Health and Human Services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).

"State plan home and community-based services" means home and community-based services that may be included in the Medicaid state plan pursuant to the "Social Security Act," section 1915(i), 42 U.S.C. 1396n(i).

(B) During fiscal year 2014 and fiscal year 2015, the Medicaid program may cover state plan home and community-based services for Medicaid recipients of any age who have behavioral health issues and countable incomes not exceeding one hundred fifty per cent of the federal poverty line. A Medicaid recipient is not required to undergo a level of care determination to be eligible for the state plan home and community-based services.

The Medicaid Director may adopt rules under section 5164.02 of the Revised Code as necessary to implement this section.

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| <b>Section 323.340.</b> INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR | 132626 |
| INDIVIDUALS UNDER AGE 21                                            | 132627 |
| (A) As used in this section:                                        | 132628 |
| "Inpatient psychiatric hospital services for individuals            | 132629 |
| under age 21" has the same meaning as in the "Social Security       | 132630 |
| Act," section 1905(h), 42 U.S.C. 1396d(h).                          | 132631 |
| "Psychiatric residential treatment facility" has the same           | 132632 |
| meaning as in 42 C.F.R. 483.352.                                    | 132633 |
| (B) During fiscal year 2014 and fiscal year 2015, the               | 132634 |
| Medicaid program may cover inpatient psychiatric hospital services  | 132635 |
| for individuals under age 21 that are provided by psychiatric       | 132636 |
| residential treatment facilities to Medicaid recipients to whom     | 132637 |
| both of the following apply:                                        | 132638 |
| (1) They are in the custody of the Department of Youth              | 132639 |
| Services.                                                           | 132640 |
| (2) They have been identified as meeting a clinical criterion       | 132641 |
| of serious emotional disturbance specified pursuant to division     | 132642 |
| (C) of this section.                                                | 132643 |
| (C) The Department of Youth Services, in collaboration with         | 132644 |
| the Department of Medicaid and Department of Mental Health and      | 132645 |
| Addiction Services, shall specify the clinical criterion of         | 132646 |
| serious emotional disturbance to be used for the purpose of         | 132647 |
| division (B)(2) of this section.                                    | 132648 |
| <b>Section 323.350.</b> MCD COLLABORATION WITH DVS                  | 132649 |
| The Department of Medicaid may collaborate with the                 | 132650 |
| Department of Veterans Services to determine ways to improve the    | 132651 |
| coordination of the services that the Departments make available    | 132652 |
| to veterans in a manner that enhances veterans' receipt of the      | 132653 |
| services. The Departments may implement, during fiscal year 2014    | 132654 |



and fiscal year 2015, initiatives that they determine during the 132655  
collaboration will maximize the efficiency of the services and 132656  
ensure that veterans' needs are met. 132657

**Section 323.360. IMPROVED BIRTH OUTCOMES INITIATIVES** 132658

(A) The Medicaid Director may develop and implement, during 132659  
fiscal year 2014 and fiscal year 2015, initiatives designed to 132660  
improve birth outcomes for Medicaid recipients, including 132661  
improvements designed to do the following: 132662

(1) Reduce the number of preterm births; 132663

(2) Reduce Medicaid costs; 132664

(3) Improve the quality of Medicaid services. 132665

(B) In developing the initiatives, the Director may consult 132666  
with experts in practice improvement, Medicaid managed care 132667  
organizations, hospitals, and other types of Medicaid providers. 132668  
The Director, Medicaid managed care organizations, and other types 132669  
of Medicaid providers involved in the initiatives shall make 132670  
information about the initiatives available on their web sites. 132671

**Section 323.370. ABOLISHMENT OF THE PRESCRIPTION DRUG REBATES** 132672  
**FUND** 132673

On July 1, 2013, or as soon as possible thereafter, the 132674  
Director of Budget and Management shall transfer the cash balance 132675  
in the Prescription Drug Rebates Fund (Fund 5P50) to the Health 132676  
Care/Medicaid Support and Recoveries Fund (Fund 5DL0). Upon 132677  
completion of the transfer, Fund 5P50 is abolished. The Director 132678  
shall cancel any existing encumbrances against appropriation item 132679  
600692, Health Care/Medicaid Support - Drug Rebates, and 132680  
reestablish them against appropriation item 651639, Medicaid 132681  
Services - Recoveries. The re-established encumbrance amounts are 132682  
hereby appropriated. 132683

All money that would have been deposited into the 132684  
Prescription Drug Rebates Fund shall be deposited into the Health 132685  
Care/Medicaid Support and Recoveries Fund during fiscal year 2014 132686  
and fiscal year 2015. 132687

**Section 323.380.** ABOLISHMENT OF THE HEALTHCARE COMPLIANCE 132688  
FUND 132689

On July 1, 2013, or as soon as possible thereafter, the 132690  
Medicaid Director shall certify to the Director of Budget and 132691  
Management, the cash balance related to managed care obligations 132692  
in the Healthcare Compliance Fund (Fund 4Z10). The Director of 132693  
Budget and Management shall transfer the amount certified from 132694  
Fund 4Z10 to the Managed Care Performance Payment Fund (Fund 132695  
5KW0). The Director shall cancel any existing encumbrances related 132696  
to managed care obligations against appropriation item 600625, 132697  
Healthcare Compliance, and re-establish them against appropriation 132698  
item 651612, Managed Care Performance Payment. The re-established 132699  
encumbrance amounts are hereby appropriated. 132700

After the cash relating to managed care obligations has been 132701  
transferred, the Director of Budget and Management shall transfer 132702  
the remaining cash balance in the Healthcare Compliance Fund (Fund 132703  
4Z10) to the Health Care Services Administration Fund (Fund 5U30). 132704  
Upon completion of the transfer, Fund 4Z10 is abolished. The 132705  
Director shall cancel any remaining encumbrances against 132706  
appropriation item 600625, Healthcare Compliance, and re-establish 132707  
them against appropriation item 651654, Medicaid Program Support. 132708  
The re-established encumbrance amounts are hereby appropriated. 132709

All money that would have been deposited into the Health Care 132710  
Compliance Fund pursuant to division (B)(2) of former section 132711  
5111.946 of the Revised Code shall be deposited into the Health 132712  
Care Services Administration Fund during fiscal year 2014 and 132713  
fiscal year 2015. 132714

**Section 323.390.** ABOLISHMENT OF THE ODJFS ADMINISTRATION AND 132715  
OVERSIGHT FUND 132716

On July 1, 2013, or as soon as possible thereafter, the 132717  
Director of Budget and Management shall transfer the cash balance 132718  
in the ODJFS Administration and Oversight Fund (Fund 5S30) to the 132719  
Health Care Services Administration Fund (Fund 5U30). Upon 132720  
completion of the transfer, Fund 5S30 is abolished. The Director 132721  
shall cancel any existing encumbrances against appropriation item 132722  
600629, Healthcare Program and DDD Support, and re-establish them 132723  
against appropriation item 651654, Medicaid Program Support. The 132724  
re-established encumbrance amounts are hereby appropriated. 132725

**Section 323.400.** REFUNDS AND RECONCILIATION FUND 132726

The Refunds and Reconciliation Fund (Fund R055) shall be used 132727  
to hold refund and reconciliation revenues until the appropriate 132728  
fund is determined or until the revenues are directed to the 132729  
appropriate governmental agency other than the Department of 132730  
Medicaid. Any Medicaid refunds or reconciliations received or held 132731  
by the Department of Job and Family Services shall be transferred 132732  
or credited to this fund. If receipts credited to the Refunds and 132733  
Reconciliation Fund exceed the amounts appropriated from the fund, 132734  
the Medicaid Director may request the Director of Budget and 132735  
Management to authorize expenditures from the fund in excess of 132736  
the amounts appropriated. Upon approval of the Director of Budget 132737  
and Management, the additional amounts are hereby appropriated. 132738

**Section 323.460.** NO LOSS OF MEDICAID ELIGIBILITY BEFORE 132739  
JANUARY 1, 2014 132740

Notwithstanding the amendments by this act to sections 132741  
5101.18, 5111.01 (as renumbered as section 5162.03), and 5111.011 132742  
(as renumbered as section 5163.02) and the repeal by this act of 132743  
sections 5111.014, 5111.015, 5111.0110, 5111.0111, 5111.0113, 132744

5111.0115, 5111.0120, 5111.0121, 5111.0122, 5111.0123, 5111.0124, 132745  
5111.0125, 5111.70, 5111.701, 5111.702, 5111.703, 5111.704, 132746  
5111.705, 5111.706, 5111.707, 5111.708, 5111.709, and 5111.7011 of 132747  
the Revised Code, no individual eligible for Medicaid pursuant to 132748  
those sections shall lose Medicaid eligibility before January 1, 132749  
2014, because of the amendments to, or repeal of, those sections. 132750  
This section does not preclude an individual from losing Medicaid 132751  
eligibility before January 1, 2014, if the individual would cease 132752  
to be Medicaid eligible before that date for reasons unrelated to 132753  
the amendments to, or repeal of, those sections. Unrelated reasons 132754  
include acquiring income or assets exceeding eligibility limits 132755  
and failure to comply with eligibility requirements. 132756

**Section 323.470.** ALTERATIONS TO AND ELIMINATION OF OPTIONAL 132757  
MEDICAID ELIGIBILITY GROUPS 132758

The Medicaid Director may initiate, before January 1, 2014, 132759  
the rule-making process to alter the eligibility requirements for, 132760  
or to eliminate, one or more Medicaid optional eligibility groups 132761  
or subgroups pursuant to section 5163.06 of the Revised Code. 132762  
However, none of the rules may go into effect before that date. 132763

**Section 323.480.** UPDATING AUTHORIZING STATUTE CITATIONS 132764

As used in this section, "authorizing statute" means a 132765  
Revised Code section or provision of a Revised Code section that 132766  
is cited in the Ohio Administrative Code as the statute that 132767  
authorizes the adoption of a rule. 132768

The Medicaid Director is not required to amend any rule for 132769  
the sole purpose of updating the citation in the Ohio 132770  
Administrative Code to the rule's authorizing statute to reflect 132771  
that this act renumbers the authorizing statute or relocates it to 132772  
another Revised Code section. Such citations shall be updated as 132773  
the Director amends the rules for other purposes. 132774

|                                                                          |                              |                |                |        |
|--------------------------------------------------------------------------|------------------------------|----------------|----------------|--------|
| <b>Section 325.10. MED STATE MEDICAL BOARD</b>                           |                              |                |                | 132775 |
| General Services Fund Group                                              |                              |                |                | 132776 |
| 5C60 883609                                                              | Operating Expenses           | \$ 9,172,062   | \$ 9,172,062   | 132777 |
| TOTAL GSF General Services                                               |                              |                |                | 132778 |
| Fund Group                                                               |                              | \$ 9,172,062   | \$ 9,172,062   | 132779 |
| TOTAL ALL BUDGET FUND GROUPS                                             |                              |                |                | 132780 |
| <br><b>Section 327.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION</b> |                              |                |                | 132782 |
| SERVICES                                                                 |                              |                |                | 132783 |
| General Revenue Fund                                                     |                              |                |                | 132784 |
| GRF 333321                                                               | Central Administration       | \$ 13,495,337  | \$ 13,486,290  | 132785 |
| GRF 333402                                                               | Resident Trainees            | \$ 450,000     | \$ 450,000     | 132786 |
| GRF 333415                                                               | Lease-Rental Payments        | \$ 15,843,300  | \$ 16,076,700  | 132787 |
| GRF 333416                                                               | Research Program Evaluation  | \$ 321,998     | \$ 321,998     | 132788 |
| GRF 334412                                                               | Hospital Services            | \$ 190,514,437 | \$ 190,514,437 | 132789 |
| GRF 334506                                                               | Court Costs                  | \$ 784,210     | \$ 784,210     | 132790 |
| GRF 335405                                                               | Family & Children First      | \$ 1,386,000   | \$ 1,386,000   | 132791 |
| GRF 335406                                                               | Prevention and Wellness      | \$ 868,659     | \$ 868,659     | 132792 |
| GRF 335421                                                               | Continuum of Care Services   | \$ 77,064,296  | \$ 77,064,296  | 132793 |
| GRF 335422                                                               | Criminal Justice Services    | \$ 4,917,898   | \$ 4,917,898   | 132794 |
| GRF 335504                                                               | Community Innovations        | \$ 1,500,000   | \$ 1,500,000   | 132795 |
| GRF 335506                                                               | Residential State Supplement | \$ 7,502,875   | \$ 7,502,875   | 132796 |
| GRF 335507                                                               | Community Behavioral Health  | \$ 50,000,000  | \$ 50,000,000  | 132797 |

|           |        |                                    |    |             |    |             |        |
|-----------|--------|------------------------------------|----|-------------|----|-------------|--------|
| GRF       | 652507 | Medicaid Support                   | \$ | 1,727,553   | \$ | 1,736,600   | 132798 |
| TOTAL GRF |        | General Revenue Fund               | \$ | 366,376,563 | \$ | 366,609,963 | 132799 |
|           |        | General Services Fund Group        |    |             |    |             | 132800 |
| 1490      | 333609 | Central Office                     | \$ | 1,343,190   | \$ | 1,343,190   | 132801 |
|           |        | Operating                          |    |             |    |             |        |
| 5T90      | 333641 | Problem Gambling                   | \$ | 60,000      | \$ | 60,000      | 132802 |
|           |        | Services -                         |    |             |    |             |        |
|           |        | Administration                     |    |             |    |             |        |
| 1490      | 334609 | Hospital - Operating               | \$ | 28,190,000  | \$ | 28,190,000  | 132803 |
|           |        | Expenses                           |    |             |    |             |        |
| 1500      | 334620 | Special Education                  | \$ | 150,000     | \$ | 150,000     | 132804 |
| 4P90      | 335604 | Community Mental                   | \$ | 250,000     | \$ | 250,000     | 132805 |
|           |        | Health Projects                    |    |             |    |             |        |
| 5T90      | 335641 | Problem Gambling                   | \$ | 275,000     | \$ | 275,000     | 132806 |
|           |        | Services                           |    |             |    |             |        |
| 1510      | 336601 | Office of Support                  | \$ | 115,000,000 | \$ | 115,000,000 | 132807 |
|           |        | Services                           |    |             |    |             |        |
| TOTAL GSF |        | General Services Fund              | \$ | 145,268,190 | \$ | 145,268,190 | 132808 |
|           |        | Group                              |    |             |    |             |        |
|           |        | Federal Special Revenue Fund Group |    |             |    |             | 132809 |
| 3240      | 333605 | Medicaid/Medicare -                | \$ | 154,500     | \$ | 154,500     | 132810 |
|           |        | Refunds                            |    |             |    |             |        |
| 3A60      | 333608 | Federal Miscellaneous              | \$ | 140,000     | \$ | 140,000     | 132811 |
|           |        | - Administration                   |    |             |    |             |        |
| 3A70      | 333612 | Social Services Block              | \$ | 50,000      | \$ | 50,000      | 132812 |
|           |        | Grant -                            |    |             |    |             |        |
|           |        | Administration                     |    |             |    |             |        |
| 3A80      | 333613 | Federal Grants -                   | \$ | 4,717,000   | \$ | 4,717,000   | 132813 |
|           |        | Administration                     |    |             |    |             |        |
| 3A90      | 333614 | Mental Health Block                | \$ | 748,470     | \$ | 748,470     | 132814 |
|           |        | Grant -                            |    |             |    |             |        |
|           |        | Administration                     |    |             |    |             |        |

|           |        |                                                             |    |             |    |             |        |
|-----------|--------|-------------------------------------------------------------|----|-------------|----|-------------|--------|
| 3G40      | 333618 | Substance Abuse Block<br>Grant- Administration              | \$ | 3,307,789   | \$ | 3,307,789   | 132815 |
| 3H80      | 333606 | Demonstration Grants<br>- Administration                    | \$ | 3,237,574   | \$ | 3,237,574   | 132816 |
| 3N80      | 333639 | Administrative<br>Reimbursement                             | \$ | 300,000     | \$ | 300,000     | 132817 |
| 3240      | 334605 | Medicaid/Medicare -<br>Hospitals                            | \$ | 28,200,000  | \$ | 28,200,000  | 132818 |
| 3A60      | 334608 | Federal Miscellaneous<br>- Hospitals                        | \$ | 200,000     | \$ | 200,000     | 132819 |
| 3A80      | 334613 | Federal Letter of<br>Credit                                 | \$ | 200,000     | \$ | 200,000     | 132820 |
| 3A60      | 335608 | Federal Miscellaneous                                       | \$ | 2,170,000   | \$ | 2,170,000   | 132821 |
| 3A70      | 335612 | Social Services Block<br>Grant                              | \$ | 8,400,000   | \$ | 8,400,000   | 132822 |
| 3A80      | 335613 | Federal Grant -<br>Community Mental<br>Health Board Subsidy | \$ | 2,500,000   | \$ | 2,500,000   | 132823 |
| 3A90      | 335614 | Mental Health Block<br>Grant                                | \$ | 14,200,000  | \$ | 14,200,000  | 132824 |
| 3FR0      | 335638 | Race to the Top -<br>Early Learning<br>Challenge Grant      | \$ | 1,164,000   | \$ | 1,164,000   | 132825 |
| 3G40      | 335618 | Substance Abuse Block<br>Grant                              | \$ | 62,542,003  | \$ | 62,557,967  | 132826 |
| 3H80      | 335606 | Demonstration Grants                                        | \$ | 5,428,006   | \$ | 5,428,006   | 132827 |
| 3B10      | 652635 | Community Medicaid<br>Legacy Costs                          | \$ | 5,000,000   | \$ | 0           | 132828 |
| 3B10      | 652636 | Community Medicaid<br>Legacy Support                        | \$ | 7,000,000   | \$ | 7,000,000   | 132829 |
| 3J80      | 652609 | Medicaid Legacy Costs<br>Support                            | \$ | 3,000,000   | \$ | 0           | 132830 |
| TOTAL FED |        | Federal Special Revenue                                     | \$ | 152,659,342 | \$ | 144,675,306 | 132831 |

Fund Group

|                                    |    |             |                |        |
|------------------------------------|----|-------------|----------------|--------|
| State Special Revenue Fund Group   |    |             |                | 132832 |
| 2320 333621 Family and Children    | \$ | 400,000     | \$ 400,000     | 132833 |
| First Administration               |    |             |                |        |
| 4750 333623 Statewide Treatment    | \$ | 5,490,667   | \$ 5,490,667   | 132834 |
| and Prevention -                   |    |             |                |        |
| Administration                     |    |             |                |        |
| 4850 333632 Mental Health          | \$ | 134,233     | \$ 134,233     | 132835 |
| Operating - Refunds                |    |             |                |        |
| 5JL0 333629 Problem Gambling and   | \$ | 1,361,592   | \$ 1,361,592   | 132836 |
| Casino Addictions -                |    |             |                |        |
| Administration                     |    |             |                |        |
| 5V20 333611 Non-Federal            | \$ | 100,000     | \$ 100,000     | 132837 |
| Miscellaneous                      |    |             |                |        |
| 6890 333640 Education and          | \$ | 150,000     | \$ 150,000     | 132838 |
| Conferences                        |    |             |                |        |
| 4850 334632 Mental Health          | \$ | 2,477,500   | \$ 2,477,500   | 132839 |
| Operating - Hospitals              |    |             |                |        |
| 4750 335623 Statewide Treatment    | \$ | 10,059,333  | \$ 10,059,333  | 132840 |
| and Prevention                     |    |             |                |        |
| 5AU0 335615 Behavioral Health Care | \$ | 6,690,000   | \$ 6,690,000   | 132841 |
| 5JL0 335629 Problem Gambling and   | \$ | 4,084,772   | \$ 4,084,772   | 132842 |
| Casino Addictions                  |    |             |                |        |
| 6320 335616 Community Capital      | \$ | 350,000     | \$ 350,000     | 132843 |
| Replacement                        |    |             |                |        |
| TOTAL SSR State Special Revenue    | \$ | 31,298,097  | \$ 31,298,097  | 132844 |
| Fund Group                         |    |             |                |        |
| TOTAL ALL BUDGET FUND GROUPS       | \$ | 695,602,192 | \$ 687,851,556 | 132845 |

**Section 327.20.** TRANSITION RELATING TO CONSOLIDATION OF DEPARTMENTS 132847  
132848

Notwithstanding Chapters 340., 3793., 5119., and 5122. of the Revised Code, and any other provision of law to the contrary, on 132849  
132850



July 1, 2013, there is hereby created the Department of Mental 132851  
Health and Addiction Services, which shall be administered by the 132852  
Director of Mental Health and Addiction Services. The Director of 132853  
Mental Health and Addiction Services shall be appointed by the 132854  
Governor, with the advice and consent of the Senate, and shall 132855  
hold office during the term of the appointing Governor, and is 132856  
subject to removal at the pleasure of the Governor. The Director 132857  
of Mental Health and Addiction Services is the executive head of 132858  
the Department of Mental Health and Addiction Services. The 132859  
Department of Alcohol and Drug Addiction Services and the 132860  
Department of Mental Health shall be consolidated into the single 132861  
Department of Mental Health and Addiction Services. All of the 132862  
authority, functions, and assets and liabilities of the Department 132863  
of Mental Health and the Department of Alcohol and Drug Addiction 132864  
Services are transferred to the Department of Mental Health and 132865  
Addiction Services. The Department of Mental Health and Addiction 132866  
Services is thereupon and thereafter successor to, assumes the 132867  
obligations of, and otherwise constitutes the continuation of the 132868  
Department of Alcohol and Drug Addiction Services and the 132869  
Department of Mental Health. The Director of Mental Health and 132870  
Addiction Services assumes all of the duties, authorities, and 132871  
responsibilities of the Director of Alcohol and Drug Addiction 132872  
Services and the Director of Mental Health. Any action, license, 132873  
or certification that was undertaken or issued by the Director of 132874  
Alcohol and Drug Addiction Services or the Director of Mental 132875  
Health that is current and valid on the effective date of the 132876  
consolidation is deemed to be an action, license, or certification 132877  
undertaken or issued by the Department of Mental Health and 132878  
Addiction Services under the statute creating that Department. 132879

Any business commenced but not completed by July 1, 2013, by 132880  
the Department of Mental Health or the Department of Alcohol and 132881  
Drug Addiction Services shall be completed by the Department of 132882  
Mental Health and Addiction Services. The business shall be 132883

completed in the same manner, and with the same effect, as if 132884  
completed by the Department of Mental Health or by the Department 132885  
of Alcohol and Drug Addiction Services prior to July 1, 2013. 132886

No validation, cure, right, privilege, remedy, obligation, or 132887  
liability is lost or impaired by reason of this act's transfer of 132888  
responsibility from the Department of Mental Health and the 132889  
Department of Alcohol and Drug Addiction Services to the 132890  
Department of Mental Health and Addiction Services. Each such 132891  
validation, cure, right, remedy, obligation, or liability shall be 132892  
administered by the Department of Mental Health and Addiction 132893  
Services pursuant to the statute creating that department. 132894

All rules, orders, and determinations made or undertaken 132895  
pursuant to the authority and responsibilities of the Department 132896  
of Mental Health and the Department of Alcohol and Drug Addiction 132897  
Services prior to July 1, 2013, shall continue in effect as rules, 132898  
orders, and determinations of the Department of Mental Health and 132899  
Addiction Services until modified or rescinded by the Department 132900  
of Mental Health and Addiction Services. If necessary to ensure 132901  
the integrity of the numbering system of the Administrative Code, 132902  
the Director of the Legislative Service Commission shall renumber 132903  
the rules to reflect the transfer of authority and responsibility 132904  
to the Department of Mental Health and Addiction Services. 132905

Any action or proceeding that is related to the functions or 132906  
duties of the Department of Mental Health or the Department of 132907  
Alcohol and Drug Addiction Services pending on July 1, 2013, is 132908  
not affected by the transfer of responsibility to the Department 132909  
of Mental Health and Addiction Services and shall be prosecuted or 132910  
defended in the name of the Department of Mental Health and 132911  
Addiction Services. In all such actions and proceedings, the 132912  
Department of Mental Health and Addiction Services, on application 132913  
to the court, shall be substituted as a party. 132914

It is the intention of the Department of Mental Health and 132915

Addiction Services that community subsidies allocated or 132916  
distributed by the department will be used to fund mental health 132917  
and addiction services in largely the same proportion that such 132918  
services were funded when allocated or distributed as separate 132919  
funding streams through the separate Department of Mental Health 132920  
or Department of Alcohol and Drug Addiction Services. 132921

All employees of the Department of Mental Health and the 132922  
Department of Alcohol and Drug Addiction Services shall be 132923  
employees of the Department of Mental Health and Addiction 132924  
Services and shall serve in the positions previously held within 132925  
their respective agencies unless the Department of Mental Health 132926  
and Addiction Services determines otherwise. The merger of 132927  
Department of Mental Health and Department of Alcohol and Drug 132928  
Addiction Services shall not be deemed a transfer of employees 132929  
pursuant to division (D)(3)(b) of section 124.11 of the Revised 132930  
Code. Any unclassified employee of the Department of Mental Health 132931  
and Addiction Services who held a right to resume a position 132932  
within the classified service of his or her previous respective 132933  
agency of the Department of Mental Health or the Department of 132934  
Alcohol and Drug Addiction Services shall retain such a right 132935  
subject to section 5119.18 of the Revised Code as may be amended. 132936

On July 1, 2013, or as soon as possible thereafter, 132937  
notwithstanding any provision of law to the contrary, and if 132938  
requested by the Department of Mental Health and Addiction 132939  
Services, the Director of Budget and Management shall make budget 132940  
changes made necessary by the consolidation, if any, including 132941  
administrative organization, program transfers, the creation of 132942  
new funds, the transfer of state funds, and the consolidation of 132943  
funds, as authorized by this section. The Director of Budget and 132944  
Management may make any transfer of cash balances between funds. 132945

On July 1, 2013, or as soon as possible thereafter, the 132946  
Director of Mental Health and Addiction Services shall certify to 132947

the Director of Budget and Management all encumbrances held by the 132948  
Department of Mental Health and the Department of Alcohol and Drug 132949  
Addiction Services, and specify which of those encumbrances are 132950  
requested to be transferred to the Department of Mental Health and 132951  
Addiction Services. The Director of Budget and Management may 132952  
cancel any existing encumbrances as certified by the Director of 132953  
Mental Health and Addiction Services and re-establish them in the 132954  
new agency. The re-established encumbrance amounts are hereby 132955  
appropriated. Any business commenced but not completed with regard 132956  
to the encumbrances certified shall be completed by the Department 132957  
of Mental Health and Addiction Services in the same manner and 132958  
with the same effect as if it were completed by the Department of 132959  
Mental Health or the Department of Alcohol and Drug Addiction 132960  
Services. 132961

Not later than 30 days after the transfer and consolidation 132962  
of the operations and related management functions of the 132963  
Department of Mental Health and the Department of Alcohol and Drug 132964  
Addiction Services to the Department of Mental Health and 132965  
Addiction Services, an authorized officer of the former Department 132966  
of Mental Health and the former Department of Alcohol and Drug 132967  
Addiction Services shall certify to the Director of Mental Health 132968  
and Addiction Services the unexpended balance and location of any 132969  
funds and accounts designated for building and facility operation 132970  
and management functions, and the custody of such funds and 132971  
accounts shall be transferred to the Department of Mental Health 132972  
and Addiction Services. 132973

Effective July 1, 2013, the Director of Budget and Management 132974  
shall cancel any existing encumbrances against appropriation item 132975  
038616, Problem Gambling Services, and re-establish them against 132976  
appropriation items 333641, Problem Gambling Services - 132977  
Administration, and 335641, Problem Gambling Services. The 132978  
re-established encumbrance amounts are hereby appropriated. Any 132979

business commenced but not completed under appropriation item 132980  
038616 by July 1, 2013, shall be completed under appropriation 132981  
items 333641 and 335641 in the same manner and with the same 132982  
effect as if it were completed with regard to appropriation item 132983  
038616. 132984

Effective July 1, 2013, the Director of Budget and Management 132985  
shall cancel any existing encumbrances against appropriation item 132986  
038614, Substance Abuse Block Grant, and re-establish them against 132987  
appropriation items 333618, Substance Abuse Block Grant - 132988  
Administration, and 335618, Substance Abuse Block Grant. The 132989  
re-established encumbrance amounts are hereby appropriated. Any 132990  
business commenced but not completed under appropriation item 132991  
038614 by July 1, 2013, shall be completed under appropriation 132992  
items 333618 and 335618 in the same manner and with the same 132993  
effect as if it were completed with regard to appropriation item 132994  
038614. 132995

Effective July 1, 2013, the Director of Budget and Management 132996  
shall cancel any existing encumbrances against appropriation item 132997  
038609, Demonstration Grants, and re-establish them against 132998  
appropriation items 333606, Demonstration Grants - Administration, 132999  
and 335606, Demonstration Grants. The re-established encumbrance 133000  
amounts are hereby appropriated. Any business commenced but not 133001  
completed under appropriation item 038609 by July 1, 2013, shall 133002  
be completed under appropriation items 333606 and 335606 in the 133003  
same manner and with the same effect as if it were completed with 133004  
regard to appropriation item 038609. 133005

Effective July 1, 2013, the Director of Budget and Management 133006  
shall cancel any existing encumbrances against appropriation item 133007  
038621, Statewide Treatment and Prevention, and re-establish them 133008  
against appropriation items 333623, Statewide Treatment and 133009  
Prevention - Administration, and 335623, Statewide Treatment and 133010  
Prevention. The re-established encumbrance amounts are hereby 133011

appropriated. Any business commenced but not completed under 133012  
appropriation item 038621 by July 1, 2013, shall be completed 133013  
under appropriation items 333623 and 335623 in the same manner and 133014  
with the same effect as if it were completed with regard to 133015  
appropriation item 038621. 133016

Effective July 1, 2013, the Director of Budget and Management 133017  
shall cancel any existing encumbrances against appropriation item 133018  
038629, Problem Gambling and Casino Addictions, and re-establish 133019  
them against appropriation items 333629, Problem Gambling and 133020  
Casino Addictions - Administration, and 335629, Problem Gambling 133021  
and Casino Addictions. The re-established encumbrance amounts are 133022  
hereby appropriated. Any business commenced but not completed 133023  
under appropriation item 038629 by July 1, 2013, shall be 133024  
completed under appropriation items 333629 and 335629 in the same 133025  
manner and with the same effect as if it were completed with 133026  
regard to appropriation item 038629. 133027

Effective July 1, 2013, the Director of Budget and Management 133028  
shall cancel any existing encumbrances against appropriation item 133029  
038611, Administrative Reimbursement, and re-establish them 133030  
against appropriation item 333639, Administrative Reimbursement. 133031  
The re-established encumbrance amounts are hereby appropriated. 133032  
Any business commenced but not completed under appropriation item 133033  
038611 by July 1, 2013, shall be completed under appropriation 133034  
item 333639 in the same manner and with the same effect as if it 133035  
were completed with regard to appropriation item 038611. 133036

Effective July 1, 2013, the Director of Budget and Management 133037  
shall cancel any existing encumbrances against appropriation item 133038  
335635, Community Medicaid Expansion, and re-establish them 133039  
against appropriation item 652635, Community Medicaid Legacy 133040  
Costs. The re-established encumbrance amounts are hereby 133041  
appropriated. Any business commenced but not completed under 133042  
appropriation item 335635 by July 1, 2013, shall be completed 133043

under appropriation item 652635 in the same manner and with the 133044  
same effect as if it were completed with regard to appropriation 133045  
item 335635. 133046

Effective July 1, 2013, the Director of Budget and Management 133047  
shall cancel any existing encumbrances against appropriation item 133048  
333635, Community Medicaid Expansion, and re-establish them 133049  
against appropriation item 652636, Community Medicaid Legacy 133050  
Support. The re-established encumbrance amounts are hereby 133051  
appropriated. Any business commenced but not completed under 133052  
appropriation item 333635 by July 1, 2013, shall be completed 133053  
under appropriation item 652636 in the same manner and with the 133054  
same effect as if it were completed with regard to appropriation 133055  
item 333635. 133056

Effective July 1, 2013, the Director of Budget and Management 133057  
shall cancel any existing encumbrances against appropriation item 133058  
038610, Medicaid, and re-establish them against appropriation item 133059  
652609, Medicaid Legacy Costs Support. The re-established 133060  
encumbrance amounts are hereby appropriated. Any business 133061  
commenced but not completed under appropriation item 038610 by 133062  
July 1, 2013, shall be completed under appropriation item 652609 133063  
in the same manner and with the same effect as if it were 133064  
completed with regard to appropriation item 038610. 133065

Effective July 1, 2013, the Director of Budget and Management 133066  
shall cancel any existing encumbrances against appropriation item 133067  
038604, Education and Conferences, and re-establish them against 133068  
appropriation item 333640, Education and Conferences. The 133069  
re-established encumbrance amounts are hereby appropriated. Any 133070  
business commenced but not completed under appropriation item 133071  
038604 by July 1, 2013, shall be completed under appropriation 133072  
item 333640 in the same manner and with the same effect as if it 133073  
were completed with regard to appropriation item 038604. 133074

Effective July 1, 2013, the Director of Budget and Management 133075

shall cancel any existing encumbrances against appropriation item 133076  
038401, Treatment Services, and re-establish them against 133077  
appropriation items 335421, Continuum of Care Services, 335422, 133078  
Criminal Justice Services, and 335406, Prevention and Wellness. 133079  
The re-established encumbrance amounts are hereby appropriated. 133080  
Any business commenced but not completed under appropriation item 133081  
038401 by July 1, 2013, shall be completed under appropriation 133082  
items 335421, 335422, and 335406 in the same manner and with the 133083  
same effect as if it were completed with regard to appropriation 133084  
item 038401. 133085

Effective July 1, 2013, the Director of Budget and Management 133086  
shall cancel any existing encumbrances against appropriation item 133087  
335419, Community Medication Subsidy, and re-establish them 133088  
against appropriation item 335421, Continuum of Care Services. The 133089  
re-established encumbrance amounts are hereby appropriated. Any 133090  
business commenced but not completed under appropriation item 133091  
335419 by July 1, 2013, shall be completed under appropriation 133092  
item 335421 in the same manner and with the same effect as if it 133093  
were completed with regard to appropriation item 335419. 133094

Effective July 1, 2013, the Director of Budget and Management 133095  
shall cancel any existing encumbrances against appropriation item 133096  
335505, Local Mental Health Systems of Care, and re-establish them 133097  
against appropriation item 335421, Continuum of Care Services. The 133098  
re-established encumbrance amounts are hereby appropriated. Any 133099  
business commenced but not completed under appropriation item 133100  
335505 by July 1, 2013, shall be completed under appropriation 133101  
item 335421 in the same manner and with the same effect as if it 133102  
were completed with regard to appropriation item 335505. 133103

Effective July 1, 2013, the Director of Budget and Management 133104  
shall cancel any existing encumbrances against appropriation item 133105  
332401, Forensic Services, and re-establish them against 133106  
appropriation item 335422, Criminal Justice Services. The 133107



re-established encumbrance amounts are hereby appropriated. Any 133108  
business commenced but not completed under appropriation item 133109  
332401 by July 1, 2013, shall be completed under appropriation 133110  
item 335422 in the same manner and with the same effect as if it 133111  
were completed with regard to appropriation item 332401. 133112

Effective July 1, 2013, the Director of Budget and Management 133113  
shall cancel any existing encumbrances against appropriation item 133114  
333403, Pre-Admission Screening Expenses, and re-establish them 133115  
against appropriation item 652507, Medicaid Support. The 133116  
re-established encumbrance amounts are hereby appropriated. Any 133117  
business commenced but not completed under appropriation item 133118  
333403 by July 1, 2013, shall be completed under appropriation 133119  
item 652507 in the same manner and with the same effect as if it 133120  
were completed with regard to appropriation item 333403. 133121

Effective July 1, 2013, the Director of Budget and Management 133122  
shall cancel any existing encumbrances against appropriation item 133123  
038900, Indigent Drivers Alcohol Treatment, and re-establish them 133124  
against appropriation item 335900, Indigent Drivers Alcohol 133125  
Treatment. The re-established encumbrance amounts are hereby 133126  
appropriated. Any business commenced but not completed under 133127  
appropriation item 038900 by July 1, 2013, shall be completed 133128  
under appropriation item 335900 in the same manner and with the 133129  
same effect as if it were completed with regard to appropriation 133130  
item 038900. 133131

Effective July 1, 2013, the Director of Budget and Management 133132  
shall cancel any existing encumbrances against appropriation item 133133  
038404, Prevention Services, and re-establish them against 133134  
appropriation item 335406, Prevention and Wellness. The 133135  
re-established encumbrance amounts are hereby appropriated. Any 133136  
business commenced but not completed under appropriation item 133137  
038404 by July 1, 2013, shall be completed under appropriation 133138  
item 335406 in the same manner and with the same effect as if it 133139

were completed with regard to appropriation item 038404. 133140

**Section 327.20.10.** Effective July 1, 2013, the Director of 133141  
Mental Health and Addiction Services, with respect to all mental 133142  
health and addiction facilities and services established and 133143  
operated or provided under Chapter 340. of the Revised Code shall 133144  
do all of the following: 133145

(A) To the extent the Director determines necessary, and 133146  
after consultation with the boards of alcohol, drug addiction, and 133147  
mental health services, develop and operate, or contract for the 133148  
operation of, a community behavioral health information system or 133149  
systems, and shall specify the information that must be provided 133150  
by boards of alcohol, drug addiction, and mental health services 133151  
for inclusion in the system or systems, which may include 133152  
information on services provided in whole or in part under 133153  
contract with a board, financial information regarding 133154  
expenditures of federal, state, or local funds by boards, and 133155  
information about persons served under contract with a board. 133156

(B)(1) Receive and review each board's community mental 133157  
health and addiction services plan, budget, and statement of 133158  
services to be made available, and approve or disapprove the plan, 133159  
budget, and statement of services in whole or in part. 133160

(2) The Department may withhold all or part of the funds 133161  
allocated to a board if it disapproves all or part of a plan, 133162  
budget, or statement of service. 133163

(3) Prior to a final decision to disapprove a plan, budget, 133164  
or statement of services, or to withhold funds from a board, a 133165  
representative of the Director shall meet with the board to 133166  
discuss the reasons for the action and any corrective action that 133167  
should be taken to make the plan, budget, or statement of services 133168  
acceptable, and give the board a reasonable time in which to 133169  
revise the plan, budget, or statement of services. 133170

(C) Establish procedures for the review of plans, budgets, 133171  
and statements of services, and a timetable for submission and 133172  
review. Boards of alcohol, drug addiction, and mental health 133173  
services shall submit to the Department of Mental Health and 133174  
Addiction Services the information, plans, budgets, and statements 133175  
of services described above in accordance with the guidance or 133176  
directives of the Department or Director. After notifying and 133177  
consulting with relevant constituents, the Department of Mental 133178  
Health and Addiction Services shall establish a methodology for 133179  
allocating to boards of alcohol, drug addiction, and mental health 133180  
services the funds appropriated by the General Assembly to the 133181  
Department for the purpose of local mental health and addiction 133182  
services continuums of care. Subject to existing provisions of law 133183  
that permit the Director to withhold funds from boards of alcohol, 133184  
drug addiction, and mental health services for failure to comply 133185  
with applicable sections of law, or for discriminating in making 133186  
services available, and subject to a board's submission and 133187  
approval of the required plan, budget, and statement of services 133188  
described above, the Department shall allocate the funds to the 133189  
boards in a manner consistent with the methodology and state and 133190  
federal laws, rules, and regulations. 133191

Portions of appropriation items 333609, Central Office 133192  
Operating, 333606, Demonstration Grants - Administration, 333612, 133193  
Social Services Block Grant - Administration, 333613, Federal 133194  
Grants - Administration, 333614, Mental Health Block Grant - 133195  
Administration, 333618, Substance Abuse Block Grant - 133196  
Administration, 333623, Statewide Treatment and Prevention - 133197  
Administration, 333629, Problem Gambling and Casino Addictions - 133198  
Administration, 333608, Federal Miscellaneous - Administration, 133199  
333641, Problem Gambling Services - Administration, 335406, 133200  
Prevention and Wellness, 335421, Continuum of Care Services, 133201  
335422, Criminal Justice Services, 335604, Community Mental Health 133202  
Projects, 335606, Demonstration Grants, 335612, Social Services 133203

Block Grant, 335613, Federal Grant - Community Mental Health 133204  
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 133205  
Health Care, 335618, Substance Abuse Block Grant, 335623, 133206  
Statewide Treatment and Prevention, 335629, Problem Gambling and 133207  
Casino Addictions, 335638, Race to the Top - Early Learning 133208  
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 133209  
may be used to pay for the Department and board functions 133210  
enumerated above. 133211

**Section 327.20.20.** (A) Effective July 1, 2013, all records 133212  
and reports, other than court journal entries or court docket 133213  
entries, identifying a person and pertaining to the person's 133214  
mental health condition, assessment, provision of care or 133215  
treatment, or payment for assessment, care, or treatment that are 133216  
maintained in connection with any services certified by the 133217  
Department of Mental Health and Addiction Services, or any 133218  
hospitals or facilities licensed or operated by the Department, 133219  
shall be kept confidential and shall not be disclosed by any 133220  
person, with the following exceptions: 133221

(1) If the person identified, or the person's legal guardian, 133222  
if any, or if the person is a minor, the person's parent or legal 133223  
guardian, consents. 133224

(2) When disclosure is provided for in Chapters 340., 5119., 133225  
or 5122., or in Title 47 of the Revised Code. 133226

(3) Hospitals, boards of alcohol, drug addiction, and mental 133227  
health services, licensed facilities, and community mental health 133228  
services providers may release necessary information to insurers 133229  
and other third-party payers, including government entities 133230  
responsible for processing and authorizing payment, to obtain 133231  
payment for goods and services furnished to the person. 133232

(4) Pursuant to a court order signed by a judge; 133233

(5) A person shall be granted access to the person's own psychiatric and medical records unless access specifically is restricted in a person's treatment plan for clear treatment reasons.

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(6) The Department of Mental Health and Addiction Services may exchange psychiatric records and other pertinent information with community mental health services providers and boards of alcohol, drug addiction, and mental health services relating to the person's care or services. Records and information that may be exchanged pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

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(7) The Department of Mental Health and Addiction Services, hospitals, and community providers operated by the Department, hospitals licensed by the Department under section 5119.20 (5119.33) of the Revised Code and community mental health services providers may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate continuity of care for the person or for the emergency treatment of the person.

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(8) The Department of Mental Health and Addiction Services and community mental health services providers may exchange psychiatric records and other pertinent information with boards of alcohol, drug addiction, and mental health services for purposes of any board function set forth in Chapter 340. of the Revised Code. Boards of alcohol, drug addiction, and mental health services shall not access or use any personal information from the Department or providers except as required or permitted by this section, or Chapters 340. and 5122. of the Revised Code for purposes related to payment, care coordination, health care

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operations, program and service evaluation, reporting activities, 133266  
research, system administration, oversight, or other authorized 133267  
purposes. 133268

(9) A person's family member who is involved in the 133269  
provision, planning, and monitoring of services to the person may 133270  
receive medication information, a summary of the person's 133271  
diagnosis and prognosis, and a list of the services and personnel 133272  
available to assist the person and the person's family, if the 133273  
person's treatment provider determines that the disclosure would 133274  
be in the best interests of the person. No such disclosure shall 133275  
be made unless the person is notified first and receives the 133276  
information and does not object to the disclosure. 133277

(10) Community mental health services providers may exchange 133278  
psychiatric records and certain other information with the board 133279  
of alcohol, drug addiction, and mental health services and other 133280  
providers in order to provide services to a person involuntarily 133281  
committed to a board. Release of records under this division shall 133282  
be limited to medication history, physical health status and 133283  
history, financial status, summary of course of treatment, summary 133284  
of treatment needs, and discharge summary, if any. 133285

(11) Information may be disclosed to the executor or the 133286  
administrator of an estate of a deceased person when the 133287  
information is necessary to administer the estate. 133288

(12) Information may be disclosed to staff members of the 133289  
appropriate board or to staff members designated by the Director 133290  
of Mental Health and Addiction Services for the purpose of 133291  
evaluating the quality, effectiveness, and efficiency of services 133292  
and determining if the services meet minimum standards. 133293  
Information obtained during such evaluations shall not be retained 133294  
with the name of any person. 133295

(13) Records pertaining to the person's diagnosis, course of 133296

treatment, treatment needs, and prognosis shall be disclosed and 133297  
released to the appropriate prosecuting attorney if the person was 133298  
committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, 133299  
or 2945.402 of the Revised Code, or to the attorney designated by 133300  
the board for proceedings pursuant to involuntary commitment under 133301  
Chapter 5122. of the Revised Code. 133302

(14) The Department of Mental Health and Addiction Services 133303  
may exchange psychiatric hospitalization records, other mental 133304  
health treatment records, and other pertinent information with the 133305  
Department of Rehabilitation and Correction and with the 133306  
Department of Youth Services to ensure continuity of care for 133307  
inmates and offenders who are receiving mental health services in 133308  
an institution of the Department of Rehabilitation and Correction 133309  
or the Department of Youth Services and may exchange psychiatric 133310  
hospitalization records, other mental health treatment records, 133311  
and other pertinent information with boards of alcohol, drug 133312  
addiction, and mental health services and community mental health 133313  
services providers to ensure continuity of care for inmates or 133314  
offenders who are receiving mental health services in an 133315  
institution and are scheduled for release within six months. The 133316  
release of records under this division is limited to records 133317  
regarding an inmate's or offender's medication history, physical 133318  
health status and history, summary of course of treatment, summary 133319  
of treatment needs, and a discharge summary, if any. 133320

(15) A community mental health services provider that ceases 133321  
to operate may transfer to either a community mental health 133322  
services provider that assumes its caseload or to the board of 133323  
alcohol, drug addiction, and mental health services of the service 133324  
district in which the person resided at the time services were 133325  
most recently provided any treatment records that have not been 133326  
transferred elsewhere at the person's request. 133327

(B) Before records are disclosed pursuant to divisions 133328

(A)(3), (6), or (10) of this section, the custodian of the records 133329  
shall attempt to obtain the consent of the person in question for 133330  
the disclosure. 133331

(C) No person shall reveal the content of a medical record of 133332  
a person except as authorized by the law. 133333

(D) Portions of appropriation items 333321, Central 133334  
Administration, 333416, Research Program Evaluation, 333605, 133335  
Medicaid/Medicare - Refunds, 333606, Demonstration Grants - 133336  
Administration, 333608, Federal Miscellaneous - Administration, 133337  
333609, Central Office Opening, 333611, Non-Federal Miscellaneous, 133338  
333612, Social Services Block Grant - Administration, 333613, 133339  
Federal Grants - Administration, 333614, Mental Health Block Grant 133340  
- Administration, 333618, Substance Abuse Block Grant - 133341  
Administration, 333621, Family and Children First Administration, 133342  
333623, Statewide Treatment and Prevention - Administration, 133343  
333629, Problem Gambling and Casino Addictions - Administration, 133344  
333632, Mental Health Operating - Refunds, 333608, Federal 133345  
Miscellaneous - Administration, 333640, Education and Conferences, 133346  
333641, Problem Gambling Services - Administration, 333639, 133347  
Administrative Reimbursement, 334605, Medicaid/Medicare - 133348  
Hospitals, 334608, Federal Miscellaneous - Hospitals, 334609, 133349  
Hospital - Operating Expenses, 334613, Federal Letter of Credit, 133350  
334620, Special Education, 334632, Mental Health Operating - 133351  
Hospitals, 335405, Family and Children First, 335406, Prevention 133352  
and Wellness, 335421, Continuum of Care Services, 335422, Criminal 133353  
Justice Services, 335604, Community Mental Health Projects, 133354  
335506, Residential State Supplement, 335608, Federal 133355  
Miscellaneous, 335606, Demonstration Grants, 335612, Social 133356  
Services Block Grant, 335613, Federal Grant - Community Mental 133357  
Health Subsidy, 335614, Mental Health Block Grant, 335615, 133358  
Behavioral Health Care, 335618, Substance Abuse Block Grant, 133359  
335623, Statewide Treatment and Prevention, 335629, Problem 133360



Gambling and Casino Addictions, 335638, Race to the Top - Early 133361  
Learning Challenge Grant, 335900, Indigent Drivers Alcohol 133362  
Treatment, 336601, Office of Support Services, 652609, Medicaid 133363  
Legacy Costs Support, 652635, Community Medicaid Legacy Costs, and 133364  
652636, Community Medicaid Legacy Support, may be used to pay for 133365  
the Department and community mental health system functions that 133366  
operate under the confidentiality provisions enumerated above. 133367

**Section 327.20.30.** Effective July 1, 2013, the Director of 133368  
Mental Health and Addiction Services may adopt rules pursuant to 133369  
Chapter 119. of the Revised Code governing licensure and operation 133370  
of residential facilities, that include procedures for conducting 133371  
criminal records checks for operators, employees, and volunteers 133372  
who have direct access to facility residents. 133373

Portions of appropriation items 334506, Court Costs, 335406, 133374  
Prevention and Wellness, 335421, Continuum of Care Services, 133375  
335614, Mental Health Block Grant, 335506, Residential State 133376  
Supplement, 335615, Behavioral Health Care, 335618, Substance 133377  
Abuse Block Grant, 335623, Statewide Treatment and Prevention, and 133378  
335900, Indigent Drivers Alcohol Treatment, may be used to pay for 133379  
these regulated activities. 133380

**Section 327.20.40.** Effective July 1, 2013, to the extent 133381  
funds are available and on application of boards of alcohol, drug 133382  
addiction, and mental health services, the Director of Mental 133383  
Health and Addiction Services may approve state reimbursement of, 133384  
or state grants for, community construction programs, including 133385  
residential housing for severely mentally disabled persons and 133386  
persons with substance use disorders. The Director may also 133387  
approve an application for reimbursement or a grant for such 133388  
programs submitted by other governmental entities or by private, 133389  
nonprofit organizations after the board of alcohol, drug 133390  
addiction, and mental health services has reviewed and approved 133391

the application and the application is consistent with the plan, 133392  
budget, and statement of services submitted to and approved by the 133393  
Department. The Director shall adopt rules in accordance with 133394  
Chapter 119. of the Revised Code that specify procedures for 133395  
applying for state reimbursement and for state grants for 133396  
community construction programs, including residential housing for 133397  
severely mentally disabled persons and persons with substance use 133398  
disorders. 133399

Portions of appropriation item 335616, Community Capital 133400  
Replacement, may be used to pay for the Department functions 133401  
enumerated above. 133402

**Section 327.20.50.** Effective July 1, 2013, the Department of 133403  
Mental Health and Addiction Services shall collect information 133404  
about services delivered and persons served as required for 133405  
reporting and evaluation relating to state and federal funds 133406  
expended for such purposes. No alcohol, drug addiction, or mental 133407  
health program, agency, or services provider shall fail to supply 133408  
statistics or other information within its knowledge and with 133409  
respect to its programs or services upon the request of the 133410  
department. 133411

Portions of appropriation items 333321, Central 133412  
Administration, 333609 Central Office Operating, 333606, 133413  
Demonstration Grants - Administration, 333612, Social Services 133414  
Block Grant - Administration, 333613, Federal Grants - 133415  
Administration, 333614, Mental Health Block Grant - 133416  
Administration, 333618, Substance Abuse Block Grant - 133417  
Administration, 333623, Statewide Treatment and Prevention - 133418  
Administration, 333629, Problem Gambling and Casino Addictions - 133419  
Administration, 333608, Federal Miscellaneous - Administration, 133420  
333641, Problem Gambling Services - Administration, 335406, 133421  
Prevention and Wellness, 335421, Continuum of Care Services, 133422

335422, Criminal Justice Services, 335604, Community Mental Health 133423  
Projects, 335606, Demonstration Grants, 335612, Social Services 133424  
Block Grant, 335613, Federal Grant - Community Mental Health 133425  
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 133426  
Health Care, 335618, Substance Abuse Block Grant, 335623, 133427  
Statewide Treatment and Prevention, 335629, Problem Gambling and 133428  
Casino Addictions, 335638, Race to the Top - Early Learning 133429  
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 133430  
652609, Medicaid Legacy Costs Support, and 652636, Community 133431  
Medicaid Legacy Support, may be used to pay for the Department 133432  
information collection and reporting functions enumerated above. 133433

**Section 327.20.60.** The Department of Mental Health and 133434  
Addiction Services shall administer specified Medicaid services as 133435  
delegated by the State's single agency responsible for the 133436  
Medicaid program. Effective July 1, 2013, the Department shall use 133437  
appropriation item 652507, Medicaid Support, to fund the 133438  
Medicaid-related services and supports performed by the 133439  
Department. 133440

**Section 327.30. RESIDENT TRAINEES** 133441

The foregoing appropriation item 333402, Resident Trainees, 133442  
shall be used to fund training agreements entered into by the 133443  
Director of Mental Health and Addiction Services for the 133444  
development of curricula and the provision of training programs to 133445  
support public mental health services. 133446

**Section 327.40. LEASE-RENTAL PAYMENTS** 133447

The foregoing appropriation item 333415, Lease-Rental 133448  
Payments, shall be used to meet all payments at the times they are 133449  
required to be made during the period from July 1, 2013, through 133450  
June 30, 2015, by the Department of Mental Health and Addiction 133451  
Services under leases and agreements made under section 154.20 of 133452

the Revised Code. These appropriations are the source of funds 133453  
pledged for bond service charges on obligations issued pursuant to 133454  
Chapter 154. of the Revised Code. 133455

**Section 327.50. HOSPITAL SERVICES 133456**

The foregoing appropriation item 334412, Hospital Services, 133457  
shall be used for the operation of the State Regional Psychiatric 133458  
Hospitals, including, but not limited to, all aspects involving 133459  
civil and forensic commitment, treatment, and discharge as 133460  
determined by the Director of Mental Health and Addiction 133461  
Services. A portion of this appropriation may be used by the 133462  
Department of Mental Health and Addiction Services to create, 133463  
purchase, or contract for the custody, supervision, control, and 133464  
treatment of persons committed to the Department of Mental Health 133465  
and Addiction Services in other clinically appropriate 133466  
environments, consistent with public safety. 133467

**Section 327.60. CONTINUUM OF CARE SERVICES 133468**

The foregoing appropriation item 335421, Continuum of Care 133469  
Services, shall be used as follows: 133470

(A) A portion of this appropriation may be allocated to 133471  
community alcohol, drug addiction, and mental health services 133472  
boards in accordance with a distribution methodology determined by 133473  
the Director of Mental Health and Addiction Services: 133474

(1) For the boards to purchase mental health and addiction 133475  
services permitted under Chapter 340. of the Revised Code; 133476

(2) To provide subsidized support for psychotropic medication 133477  
needs of indigent citizens in the community to reduce unnecessary 133478  
hospitalization due to lack of medication; and 133479

(3) To provide subsidized support for medication assisted 133480  
treatment costs. 133481

(B) A portion of this appropriation may be distributed to community alcohol, drug addiction, and mental health services boards, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of mental health and addiction services initiatives.

(C) \$665,196 shall be allocated to The Ohio State University STAR House in each fiscal year.

**Section 327.70. CRIMINAL JUSTICE SERVICES**

The foregoing appropriation item 335422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through community alcohol, drug addiction, and mental health services boards to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.

Appropriation item 335422, Criminal Justice Services, may also be used to:

(A) Provide forensic monitoring and tracking of individuals on conditional release;

(B) Provide forensic training;

(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;

(D) Provide specialized re-entry services to offenders leaving prisons and jails;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                    |
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| (E) Provide specific grants in support of addiction services alternatives to incarceration;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 133512<br>133513                                                                                                                                   |
| (F) Support specialty dockets; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 133514                                                                                                                                             |
| (G) Support therapeutic communities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 133515                                                                                                                                             |
| <b>Section 327.80. COMMUNITY INNOVATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 133516                                                                                                                                             |
| The foregoing appropriation item 335504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.                                                                                                                                                                                                                                                                                                                     | 133517<br>133518<br>133519<br>133520<br>133521<br>133522<br>133523<br>133524<br>133525<br>133526                                                   |
| The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to transfer money from the appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of moneys from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code. | 133527<br>133528<br>133529<br>133530<br>133531<br>133532<br>133533<br>133534<br>133535<br>133536<br>133537<br>133538<br>133539<br>133540<br>133541 |

The Department shall enter into an agreement with each 133542  
recipient of community innovation funds, identifying: allowable 133543  
expenditure of the funds; other commitment of funds or other 133544  
resources to the program, project, or system; expected state 133545  
savings and/or improved outcomes and proposed mechanisms for 133546  
measurement of such savings or outcomes; and required reporting 133547  
regarding expenditure of funds and savings or outcomes achieved. 133548

The foregoing appropriation item 335504, Community 133549  
Innovations, may also be used by the Department to make payments 133550  
to the Rehabilitation Services Commission for vocational 133551  
rehabilitation services to individuals receiving mental health or 133552  
addiction services paid for with public dollars. 133553

**Section 327.83. COMMUNITY BEHAVIORAL HEALTH** 133554

Of the foregoing appropriation item 335507, Community 133555  
Behavioral Health, \$30,000,000 in each fiscal year shall be 133556  
allocated to community alcohol, drug addiction, and mental health 133557  
services boards to provide mental health services. The Department 133558  
of Mental Health and Addiction Services shall allocate these funds 133559  
to the boards using the same methodology used to allocate other 133560  
mental health services subsidies. 133561

Of the foregoing appropriation item 335507, Community 133562  
Behavioral Health, \$20,000,000 in each fiscal year shall be 133563  
allocated to community alcohol, drug addiction, and mental health 133564  
services boards to be used for addiction services including 133565  
medication, treatment programs, and counseling. Of this amount, at 133566  
least fifty per cent shall be used for drug treatment using 133567  
non-opiate drugs. The Department shall allocate these funds to the 133568  
boards using the same methodology used to allocate other addiction 133569  
services subsidies. 133570

**Section 327.90. COMMUNITY OPERATING/PLANNING** 133571

Appropriation item 335609, Community Operating/Planning, may 133572  
be used by the Department of Mental Health and Addiction Services 133573  
to make payments to the Rehabilitation Services Commission for 133574  
vocational rehabilitation services to individuals receiving mental 133575  
health or addiction services paid for with public dollars. 133576

In addition, appropriation item 335609, Community 133577  
Operating/Planning, may be used by the Department to make 133578  
incentive payments to operators of residential facilities that are 133579  
licensed by the Department of Mental Health and Addiction Services 133580  
and provide accommodations and personal care services for one or 133581  
two unrelated adults or accommodations, supervision, and personal 133582  
care services for three to sixteen unrelated adults. The incentive 133583  
payments shall be granted based upon operators demonstrating 133584  
linkage between their facilities' residents and community 133585  
resources, based on the residents' needs including, but not 133586  
limited to, aged, mental health, and physical health issues. The 133587  
financial incentive shall be used to support community living for 133588  
individuals with a disability or who are aged, and to assist with 133589  
costs arising from facility operations. 133590

Appropriation item 335609, Community Operating/Planning, may 133591  
also be used by the Department to support non-Medicaid program 133592  
costs for individuals moving into community settings. 133593

**Section 327.100. RESIDENTIAL STATE SUPPLEMENT** 133594

(A) As used in this section: 133595

(1) "Residential facility" means a facility licensed by the 133596  
Department of Mental Health and Addiction Services under section 133597  
5119.34 of the Revised Code. 133598

(2) "Residential care facility" means a facility licensed by 133599  
the Director of Health under Chapter 3721. of the Revised Code or 133600  
by a political subdivision certified under section 3721.09 of the 133601



Revised Code. 133602

(B) The foregoing appropriation item 335506, Residential 133603  
State Supplement, may be used by the Department of Mental Health 133604  
and Addiction Services to provide training for residential 133605  
facilities providing accommodations, supervision, and personal 133606  
care services to three to sixteen unrelated adults with mental 133607  
illness, to transfer cash to the Nursing Home Franchise Permit Fee 133608  
Fund (Fund 5R20) used by the Department of Job and Family 133609  
Services, and to make benefit payments to residential state 133610  
supplement recipients. 133611

(C) Under the Residential State Supplement Program, the 133612  
amount used to determine whether a resident is eligible for 133613  
payment, and for determining the amount per month the eligible 133614  
resident will receive, shall be as follows: 133615

(1) \$927 for a residential care facility; 133616

(2) \$927 for a residential facility that provides 133617  
accommodations, supervision, and personal care services for six to 133618  
sixteen unrelated adults as described in section 5119.34 of the 133619  
Revised Code; 133620

(3) \$824 for a residential facility that provides 133621  
accommodations, supervision, and personal care services for one or 133622  
two unrelated adults as described in division (A)(9)(b)(ii) of 133623  
section 5119.34 of the Revised Code; 133624

(4) \$824 for a residential facility providing accommodations, 133625  
supervision, and personal care services to three to five unrelated 133626  
adults, as described in section 5119.34 of the Revised Code; 133627

(5) \$824 for a residential facility that provides 133628  
accommodations, supervision, and personal care services for one or 133629  
two unrelated persons with mental illness or persons with severe 133630  
mental disabilities who are referred by or are receiving mental 133631  
health services from a community mental health services provider 133632

or a hospital, as described in division (A)(9)(b)(i) of section 133633  
5119.34 of the Revised Code; 133634

(6) \$618 for community mental health housing services, as 133635  
described in division (D)(1)(c) of section 5119.41 of the Revised 133636  
Code. 133637

The Department of Mental Health and Addiction Services shall 133638  
reflect these amounts in any applicable rules the Department 133639  
adopts under section 5119.41 of the Revised Code. 133640

(D) The Department of Mental Health and Addiction Services 133641  
shall, with the input of stakeholders and impacted state agencies, 133642  
conduct a review of the state and federal rules and statutes 133643  
governing the Residential State Supplement Program and report on 133644  
potential improvements to be made in governing the program not 133645  
later than January 1, 2014. 133646

**Section 327.110. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING** 133647  
**POOL** 133648

A county family and children first council may establish and 133649  
operate a flexible funding pool in order to assure access to 133650  
needed services by families, children, and older adults in need of 133651  
protective services. The operation of the flexible funding pools 133652  
shall be subject to the following restrictions: 133653

(A) The county council shall establish and operate the 133654  
flexible funding pool in accordance with formal guidance issued by 133655  
the Family and Children First Cabinet Council; 133656

(B) The county council shall produce an annual report on its 133657  
use of the pooled funds. The annual report shall conform to a 133658  
format prescribed in the formal guidance issued by the Family and 133659  
Children First Cabinet Council; 133660

(C) Unless otherwise restricted, funds transferred to the 133661  
flexible funding pool may include state general revenues allocated 133662

to local entities to support the provision of services to families 133663  
and children; 133664

(D) The amounts transferred to the flexible funding pool 133665  
shall be limited to amounts that can be redirected without 133666  
impairing the achievement of the objectives for which the initial 133667  
allocation is designated; and 133668

(E) Each amount transferred to the flexible funding pool from 133669  
a specific allocation shall be approved for transfer by the 133670  
director of the local agency that was the original recipient of 133671  
the allocation. 133672

**Section 329.10. MIH COMMISSION ON MINORITY HEALTH** 133673

General Revenue Fund 133674

|            |                    |    |         |    |         |        |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 149321 | Operating Expenses | \$ | 581,490 | \$ | 591,615 | 133675 |
|------------|--------------------|----|---------|----|---------|--------|

|            |                 |    |         |    |         |        |
|------------|-----------------|----|---------|----|---------|--------|
| GRF 149501 | Minority Health | \$ | 889,100 | \$ | 878,975 | 133676 |
|------------|-----------------|----|---------|----|---------|--------|

Grants

|            |               |    |         |    |         |        |
|------------|---------------|----|---------|----|---------|--------|
| GRF 149502 | Lupus Program | \$ | 110,047 | \$ | 110,047 | 133677 |
|------------|---------------|----|---------|----|---------|--------|

|                                |    |           |    |           |        |
|--------------------------------|----|-----------|----|-----------|--------|
| TOTAL GRF General Revenue Fund | \$ | 1,580,637 | \$ | 1,580,637 | 133678 |
|--------------------------------|----|-----------|----|-----------|--------|

Federal Special Revenue Fund Group 133679

|             |                |    |         |    |         |        |
|-------------|----------------|----|---------|----|---------|--------|
| 3J90 149602 | Federal Grants | \$ | 140,000 | \$ | 140,000 | 133680 |
|-------------|----------------|----|---------|----|---------|--------|

|                                   |  |  |  |  |        |
|-----------------------------------|--|--|--|--|--------|
| TOTAL FED Federal Special Revenue |  |  |  |  | 133681 |
|-----------------------------------|--|--|--|--|--------|

|            |    |         |    |         |        |
|------------|----|---------|----|---------|--------|
| Fund Group | \$ | 140,000 | \$ | 140,000 | 133682 |
|------------|----|---------|----|---------|--------|

State Special Revenue Fund Group 133683

|             |                 |    |        |    |        |        |
|-------------|-----------------|----|--------|----|--------|--------|
| 4C20 149601 | Minority Health | \$ | 25,000 | \$ | 25,000 | 133684 |
|-------------|-----------------|----|--------|----|--------|--------|

Conference

|                                 |  |  |  |  |        |
|---------------------------------|--|--|--|--|--------|
| TOTAL SSR State Special Revenue |  |  |  |  | 133685 |
|---------------------------------|--|--|--|--|--------|

|            |    |        |    |        |        |
|------------|----|--------|----|--------|--------|
| Fund Group | \$ | 25,000 | \$ | 25,000 | 133686 |
|------------|----|--------|----|--------|--------|

|                              |    |           |    |           |        |
|------------------------------|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,745,637 | \$ | 1,745,637 | 133687 |
|------------------------------|----|-----------|----|-----------|--------|

**Section 331.10. CRB MOTOR VEHICLE REPAIR BOARD** 133689

General Services Fund Group 133690

|                              |                    |    |         |    |         |        |
|------------------------------|--------------------|----|---------|----|---------|--------|
| 4K90 865601                  | Operating Expenses | \$ | 487,592 | \$ | 484,292 | 133691 |
| TOTAL GSF General Services   |                    |    |         |    |         | 133692 |
| Fund Group                   |                    | \$ | 487,592 | \$ | 484,292 | 133693 |
| TOTAL ALL BUDGET FUND GROUPS |                    |    |         |    |         | 133694 |

**Section 333.10. DNR DEPARTMENT OF NATURAL RESOURCES** 133696

|                      |                        |    |            |    |            |        |
|----------------------|------------------------|----|------------|----|------------|--------|
| General Revenue Fund |                        |    |            |    |            | 133697 |
| GRF 725401           | Wildlife-GRF Central   | \$ | 1,800,000  | \$ | 1,800,000  | 133698 |
| Support              |                        |    |            |    |            |        |
| GRF 725413           | Lease Rental Payments  | \$ | 21,622,900 | \$ | 23,943,400 | 133699 |
| GRF 725456           | Canal Lands            | \$ | 135,000    | \$ | 135,000    | 133700 |
| GRF 725502           | Soil and Water         | \$ | 2,900,000  | \$ | 2,900,000  | 133701 |
| Districts            |                        |    |            |    |            |        |
| GRF 725505           | Healthy Lake Erie Fund | \$ | 350,000    | \$ | 200,000    | 133702 |
| GRF 725507           | Coal and Mine Safety   | \$ | 2,500,000  | \$ | 2,500,000  | 133703 |
| Program              |                        |    |            |    |            |        |
| GRF 725508           | Oil and Gas Program    | \$ | 7,200,000  | \$ | 7,350,000  | 133704 |
| GRF 725903           | Natural Resources      | \$ | 24,325,400 | \$ | 25,443,000 | 133705 |
| General Obligation   |                        |    |            |    |            |        |
| Debt Service         |                        |    |            |    |            |        |
| GRF 727321           | Division of Forestry   | \$ | 4,392,002  | \$ | 4,392,001  | 133706 |
| GRF 728321           | Division of Geological | \$ | 800,000    | \$ | 800,000    | 133707 |
| Survey               |                        |    |            |    |            |        |
| GRF 729321           | Office of Information  | \$ | 177,405    | \$ | 177,405    | 133708 |
| Technology           |                        |    |            |    |            |        |
| GRF 730321           | Division of Parks and  | \$ | 30,000,000 | \$ | 30,000,000 | 133709 |
| Recreation           |                        |    |            |    |            |        |
| GRF 736321           | Division of            | \$ | 2,279,115  | \$ | 2,324,736  | 133710 |
| Engineering          |                        |    |            |    |            |        |
| GRF 737321           | Division of Soil and   | \$ | 4,782,704  | \$ | 4,782,652  | 133711 |
| Water Resources      |                        |    |            |    |            |        |
| GRF 738321           | Division of Real       | \$ | 715,963    | \$ | 670,342    | 133712 |
| Estate and Land      |                        |    |            |    |            |        |

|            |        |                                    |    |             |    |                    |
|------------|--------|------------------------------------|----|-------------|----|--------------------|
|            |        | Management                         |    |             |    |                    |
| GRF        | 741321 | Division of Natural                | \$ | 1,200,000   | \$ | 1,200,000 133713   |
|            |        | Areas and Preserves                |    |             |    |                    |
| TOTAL GRF  |        | General Revenue Fund               | \$ | 105,180,489 | \$ | 108,618,536 133714 |
|            |        | General Services Fund Group        |    |             |    | 133715             |
| 1550       | 725601 | Departmental Projects              | \$ | 2,109,968   | \$ | 1,839,204 133716   |
| 1570       | 725651 | Central Support                    | \$ | 4,609,154   | \$ | 4,671,566 133717   |
|            |        | Indirect                           |    |             |    |                    |
| 2040       | 725687 | Information Services               | \$ | 5,179,097   | \$ | 5,288,168 133718   |
| 2050       | 725696 | Human Resource Direct              | \$ | 2,474,345   | \$ | 2,526,662 133719   |
|            |        | Service                            |    |             |    |                    |
| 2070       | 725690 | Real Estate Services               | \$ | 50,000      | \$ | 50,000 133720      |
| 2230       | 725665 | Law Enforcement                    | \$ | 2,126,432   | \$ | 2,126,432 133721   |
|            |        | Administration                     |    |             |    |                    |
| 2270       | 725406 | Parks Projects                     | \$ | 436,500     | \$ | 436,500 133722     |
|            |        | Personnel                          |    |             |    |                    |
| 4300       | 725671 | Canal Lands                        | \$ | 883,879     | \$ | 883,879 133723     |
| 4S90       | 725622 | NatureWorks Personnel              | \$ | 404,657     | \$ | 412,570 133724     |
| 4X80       | 725662 | Water Resources                    | \$ | 138,005     | \$ | 138,005 133725     |
|            |        | Council                            |    |             |    |                    |
| 5100       | 725631 | Maintenance -                      | \$ | 303,611     | \$ | 303,611 133726     |
|            |        | State-owned                        |    |             |    |                    |
|            |        | Residences                         |    |             |    |                    |
| 5160       | 725620 | Water Management                   | \$ | 2,559,292   | \$ | 2,559,292 133727   |
| 6350       | 725664 | Fountain Square                    | \$ | 3,329,935   | \$ | 3,346,259 133728   |
|            |        | Facilities Management              |    |             |    |                    |
| 6970       | 725670 | Submerged Lands                    | \$ | 852,982     | \$ | 869,145 133729     |
| TOTAL GSF  |        | General Services                   |    |             |    | 133730             |
| Fund Group |        |                                    | \$ | 25,457,857  | \$ | 25,451,293 133731  |
|            |        | Federal Special Revenue Fund Group |    |             |    | 133732             |
| 3320       | 725669 | Federal Mine Safety                | \$ | 265,000     | \$ | 265,000 133733     |
|            |        | Grant                              |    |             |    |                    |

|                                   |        |                                                  |    |            |    |            |        |
|-----------------------------------|--------|--------------------------------------------------|----|------------|----|------------|--------|
| 3B30                              | 725640 | Federal Forest<br>Pass-Thru                      | \$ | 500,000    | \$ | 500,000    | 133734 |
| 3B40                              | 725641 | Federal Flood<br>Pass-Thru                       | \$ | 500,000    | \$ | 500,000    | 133735 |
| 3B50                              | 725645 | Federal Abandoned<br>Mine Lands                  | \$ | 11,851,759 | \$ | 11,851,759 | 133736 |
| 3B60                              | 725653 | Federal Land and<br>Water Conservation<br>Grants | \$ | 950,000    | \$ | 950,000    | 133737 |
| 3B70                              | 725654 | Reclamation -<br>Regulatory                      | \$ | 3,200,000  | \$ | 3,200,000  | 133738 |
| 3P10                              | 725632 | Geological Survey -<br>Federal                   | \$ | 933,448    | \$ | 557,146    | 133739 |
| 3P20                              | 725642 | Oil and Gas - Federal                            | \$ | 234,509    | \$ | 234,509    | 133740 |
| 3P30                              | 725650 | Coastal Management -<br>Federal                  | \$ | 2,790,633  | \$ | 2,790,633  | 133741 |
| 3P40                              | 725660 | Federal - Soil and<br>Water Resources            | \$ | 969,190    | \$ | 1,006,874  | 133742 |
| 3R50                              | 725673 | Acid Mine Drainage<br>Abatement/Treatment        | \$ | 4,342,280  | \$ | 4,342,280  | 133743 |
| 3Z50                              | 725657 | Federal Recreation<br>and Trails                 | \$ | 1,850,000  | \$ | 1,850,000  | 133744 |
| TOTAL FED Federal Special Revenue |        |                                                  |    |            |    |            | 133745 |
| Fund Group                        |        |                                                  | \$ | 28,386,819 | \$ | 28,048,201 | 133746 |
| State Special Revenue Fund Group  |        |                                                  |    |            |    |            | 133747 |
| 4J20                              | 725628 | Injection Well Review                            | \$ | 128,466    | \$ | 128,466    | 133748 |
| 4M70                              | 725686 | Wildfire Suppression                             | \$ | 100,000    | \$ | 100,000    | 133749 |
| 4U60                              | 725668 | Scenic Rivers<br>Protection                      | \$ | 100,000    | \$ | 100,000    | 133750 |
| 5090                              | 725602 | State Forest                                     | \$ | 6,873,330  | \$ | 6,880,158  | 133751 |
| 5110                              | 725646 | Ohio Geological<br>Mapping                       | \$ | 1,220,690  | \$ | 1,993,519  | 133752 |
| 5120                              | 725605 | State Parks Operations                           | \$ | 29,654,880 | \$ | 29,671,044 | 133753 |

|      |        |                                                 |    |            |    |            |        |
|------|--------|-------------------------------------------------|----|------------|----|------------|--------|
| 5140 | 725606 | Lake Erie Shoreline                             | \$ | 1,559,583  | \$ | 1,559,583  | 133754 |
| 5180 | 725643 | Oil and Gas Permit<br>Fees                      | \$ | 12,812,311 | \$ | 13,140,201 | 133755 |
| 5180 | 725677 | Oil and Gas Well<br>Plugging                    | \$ | 1,500,000  | \$ | 1,500,000  | 133756 |
| 5210 | 725627 | Off-Road Vehicle<br>Trails                      | \$ | 143,490    | \$ | 143,490    | 133757 |
| 5220 | 725656 | Natural Areas and<br>Preserves                  | \$ | 546,639    | \$ | 546,639    | 133758 |
| 5260 | 725610 | Strip Mining<br>Administration Fee              | \$ | 1,800,000  | \$ | 1,800,000  | 133759 |
| 5270 | 725637 | Surface Mining<br>Administration                | \$ | 1,941,532  | \$ | 1,941,532  | 133760 |
| 5290 | 725639 | Unreclaimed Land Fund                           | \$ | 1,804,180  | \$ | 1,804,180  | 133761 |
| 5310 | 725648 | Reclamation Forfeiture                          | \$ | 500,000    | \$ | 500,000    | 133762 |
| 5B30 | 725674 | Mining Regulation                               | \$ | 28,135     | \$ | 28,135     | 133763 |
| 5BV0 | 725658 | Heidelberg Water<br>Quality Lab                 | \$ | 250,000    | \$ | 250,000    | 133764 |
| 5BV0 | 725683 | Soil and Water<br>Districts                     | \$ | 8,250,000  | \$ | 8,250,000  | 133765 |
| 5EJ0 | 725608 | Forestry Law<br>Enforcement                     | \$ | 1,000      | \$ | 1,000      | 133766 |
| 5EK0 | 725611 | Natural Areas &<br>Preserves Law<br>Enforcement | \$ | 1,000      | \$ | 1,000      | 133767 |
| 5EL0 | 725612 | Wildlife Law<br>Enforcement                     | \$ | 12,000     | \$ | 12,000     | 133768 |
| 5EM0 | 725613 | Park Law Enforcement                            | \$ | 34,000     | \$ | 34,000     | 133769 |
| 5EN0 | 725614 | Watercraft Law<br>Enforcement                   | \$ | 2,500      | \$ | 2,500      | 133770 |
| 5HK0 | 725625 | Ohio Nature Preserves                           | \$ | 1,000      | \$ | 1,000      | 133771 |
| 5MF0 | 725635 | Ohio Geology License<br>Plate                   | \$ | 7,500      | \$ | 7,500      | 133772 |

|                                    |        |                       |    |            |    |            |        |
|------------------------------------|--------|-----------------------|----|------------|----|------------|--------|
| 5MW0                               | 725604 | Natural Resources     | \$ | 6,000,000  | \$ | 6,000,000  | 133773 |
|                                    |        | Special Purposes      |    |            |    |            |        |
| 6150                               | 725661 | Dam Safety            | \$ | 943,517    | \$ | 943,517    | 133774 |
| TOTAL SSR State Special Revenue    |        |                       |    |            |    |            | 133775 |
| Fund Group                         |        |                       | \$ | 76,215,753 | \$ | 77,339,464 | 133776 |
| Clean Ohio Conservation Fund Group |        |                       |    |            |    |            | 133777 |
| 7061                               | 725405 | Clean Ohio Operating  | \$ | 300,775    | \$ | 300,775    | 133778 |
| TOTAL CLF Clean Ohio Conservation  |        |                       |    |            |    |            | 133779 |
| Fund Group                         |        |                       | \$ | 300,775    | \$ | 300,775    | 133779 |
| Wildlife Fund Group                |        |                       |    |            |    |            | 133780 |
| 5P20                               | 725634 | Wildlife Boater       | \$ | 3,000,000  | \$ | 3,000,000  | 133781 |
|                                    |        | Angler Administration |    |            |    |            |        |
| 7015                               | 740401 | Division of Wildlife  | \$ | 56,466,564 | \$ | 57,075,976 | 133782 |
|                                    |        | Conservation          |    |            |    |            |        |
| 8150                               | 725636 | Cooperative           | \$ | 120,449    | \$ | 120,449    | 133783 |
|                                    |        | Management Projects   |    |            |    |            |        |
| 8160                               | 725649 | Wetlands Habitat      | \$ | 966,885    | \$ | 966,885    | 133784 |
| 8170                               | 725655 | Wildlife Conservation | \$ | 2,000,000  | \$ | 2,000,000  | 133785 |
|                                    |        | Checkoff Fund         |    |            |    |            |        |
| 8180                               | 725629 | Cooperative Fisheries | \$ | 1,500,000  | \$ | 1,500,000  | 133786 |
|                                    |        | Research              |    |            |    |            |        |
| 8190                               | 725685 | Ohio River Management | \$ | 203,584    | \$ | 203,584    | 133787 |
| 81B0                               | 725688 | Wildlife Habitat Fund | \$ | 1,200,000  | \$ | 1,200,000  | 133788 |
| TOTAL WLF Wildlife Fund Group      |        |                       |    |            |    |            | 133789 |
| Waterways Safety Fund Group        |        |                       | \$ | 65,457,482 | \$ | 66,066,894 | 133789 |
| Waterways Safety Fund Group        |        |                       |    |            |    |            | 133790 |
| 7086                               | 725414 | Waterways Improvement | \$ | 5,693,671  | \$ | 5,693,671  | 133791 |
| 7086                               | 725418 | Buoy Placement        | \$ | 52,182     | \$ | 52,182     | 133792 |
| 7086                               | 725501 | Waterway Safety       | \$ | 120,000    | \$ | 120,000    | 133793 |
|                                    |        | Grants                |    |            |    |            |        |
| 7086                               | 725506 | Watercraft Marine     | \$ | 576,153    | \$ | 576,153    | 133794 |
|                                    |        | Patrol                |    |            |    |            |        |
| 7086                               | 725513 | Watercraft            | \$ | 366,643    | \$ | 366,643    | 133795 |



|      |        |                                           |    |             |    |                    |
|------|--------|-------------------------------------------|----|-------------|----|--------------------|
|      |        | Educational Grants                        |    |             |    |                    |
| 7086 | 739401 | Division of                               | \$ | 19,467,370  | \$ | 19,297,370 133796  |
|      |        | Watercraft                                |    |             |    |                    |
|      |        | TOTAL WSF Waterways Safety Fund           |    |             |    | 133797             |
|      |        | Group                                     | \$ | 26,276,019  | \$ | 26,106,019 133798  |
|      |        | Accrued Leave Liability Fund Group        |    |             |    | 133799             |
| 4M80 | 725675 | FOP Contract                              | \$ | 20,219      | \$ | 20,219 133800      |
|      |        | TOTAL ALF Accrued Leave                   |    |             |    | 133801             |
|      |        | Liability Fund Group                      | \$ | 20,219      | \$ | 20,219 133802      |
|      |        | Holding Account Redistribution Fund Group |    |             |    | 133803             |
| R017 | 725659 | Performance Cash Bond                     | \$ | 496,263     | \$ | 496,263 133804     |
|      |        | Refunds                                   |    |             |    |                    |
| R043 | 725624 | Forestry                                  | \$ | 2,100,000   | \$ | 2,100,000 133805   |
|      |        | TOTAL 090 Holding Account                 |    |             |    | 133806             |
|      |        | Redistribution Fund Group                 | \$ | 2,596,263   | \$ | 2,596,263 133807   |
|      |        | TOTAL ALL BUDGET FUND GROUPS              | \$ | 329,891,676 | \$ | 334,547,664 133808 |

**Section 333.20. CENTRAL SUPPORT INDIRECT** 133810

With the exception of the Division of Wildlife, whose direct 133811  
and indirect central support charges shall be paid out of the 133812  
General Revenue Fund from the foregoing appropriation item 725401, 133813  
Wildlife-GRF Central Support, the Department of Natural Resources, 133814  
with approval of the Director of Budget and Management, shall 133815  
utilize a methodology for determining each division's payments 133816  
into the Central Support Indirect Fund (Fund 1570). The 133817  
methodology used shall contain the characteristics of 133818  
administrative ease and uniform application in compliance with 133819  
federal grant requirements. It may include direct cost charges for 133820  
specific services provided. Payments to Fund 1570 shall be made 133821  
using an intrastate transfer voucher. 133822

**Section 333.30. LEASE RENTAL PAYMENTS** 133823

The foregoing appropriation item 725413, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2013, through June 30, 2015, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

CANAL LANDS

The foregoing appropriation item 725456, Canal Lands, shall be used to provide operating expenses for the State Canal Lands Program.

HEALTHY LAKE ERIE FUND

Of the foregoing appropriation item 725505, Healthy Lake Erie Fund, up to \$350,000 in fiscal year 2014 and up to \$200,000 in fiscal year 2015 shall be used by the Director of Natural Resources, in consultation with the Director of Agriculture and the Director of Environmental Protection, to implement nonstatutory recommendations of the Agriculture Nutrients and Water Quality Working Group. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices. Funds may also be used for enhanced soil testing in the Western Lake Erie Basin, monitoring the quality of Lake Erie and its tributaries, and conducting research and establishing pilot projects that have the goal of reducing algae blooms in Lake Erie.

COAL AND MINE SAFETY PROGRAM

The foregoing appropriation item 725507, Coal and Mine Safety Program, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.

OIL AND GAS PROGRAM

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| The foregoing appropriation item 725508, Oil and Gas Program,      | 133855 |
| shall be used for the Oil and Gas Program.                         | 133856 |
| NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE                  | 133857 |
| The foregoing appropriation item 725903, Natural Resources         | 133858 |
| General Obligation Debt Service, shall be used to pay all debt     | 133859 |
| service and related financing costs during the period July 1,      | 133860 |
| 2013, through June 30, 2015, on obligations issued under sections  | 133861 |
| 151.01 and 151.05 of the Revised Code.                             | 133862 |
| <b>Section 333.40. WELL LOG FILING FEES</b>                        | 133863 |
| The Chief of the Division of Soil and Water Resources shall        | 133864 |
| deposit fees forwarded to the Division pursuant to section 1521.05 | 133865 |
| of the Revised Code into the Departmental Services - Intrastate    | 133866 |
| Fund (Fund 1550) for the purposes described in that section.       | 133867 |
| <b>Section 333.50. HUMAN RESOURCES DIRECT SERVICE</b>              | 133868 |
| The foregoing appropriation item 725696, Human Resources           | 133869 |
| Direct Service, shall be used to cover the cost of support,        | 133870 |
| coordination, and oversight of the Department of Natural           | 133871 |
| Resources' human resources functions. The Human Resources          | 133872 |
| Chargeback Fund (Fund 2050) shall consist of cash transferred to   | 133873 |
| it via intrastate transfer voucher from other funds as determined  | 133874 |
| by the Director of Natural Resources and the Director of Budget    | 133875 |
| and Management.                                                    | 133876 |
| <b>Section 333.60. LAW ENFORCEMENT ADMINISTRATION</b>              | 133877 |
| The foregoing appropriation item 725665, Law Enforcement           | 133878 |
| Administration, shall be used to cover the cost of support,        | 133879 |
| coordination, and oversight of the Department of Natural           | 133880 |
| Resources' law enforcement functions. The Law Enforcement          | 133881 |
| Administration Fund (Fund 2230) shall consist of cash transferred  | 133882 |
| to it via intrastate transfer voucher from other funds as          | 133883 |

determined by the Director of Natural Resources and the Director 133884  
of Budget and Management. 133885

**Section 333.70.** FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO 133886  
EXPO CENTER 133887

The foregoing appropriation item 725664, Fountain Square 133888  
Facilities Management, shall be used for payment of repairs, 133889  
renovation, utilities, property management, and building 133890  
maintenance expenses for the Fountain Square complex and the 133891  
Department of Natural Resources grounds at the Ohio Expo Center. 133892  
Cash transferred by intrastate transfer vouchers from various 133893  
department funds and rental income received by the Department of 133894  
Natural Resources shall be deposited into the Fountain Square 133895  
Facilities Management Fund (Fund 6350). 133896

**Section 333.80.** SOIL AND WATER DISTRICTS 133897

In addition to state payments to soil and water conservation 133898  
districts authorized by section 1515.10 of the Revised Code, the 133899  
Department of Natural Resources may use appropriation item 725683, 133900  
Soil and Water Districts, to pay any soil and water conservation 133901  
district an annual amount not to exceed \$40,000, upon receipt of a 133902  
request and justification from the district and approval by the 133903  
Ohio Soil and Water Conservation Commission. The county auditor 133904  
shall credit the payments to the special fund established under 133905  
section 1515.10 of the Revised Code for the local soil and water 133906  
conservation district. Moneys received by each district shall be 133907  
expended for the purposes of the district. 133908

OIL AND GAS WELL PLUGGING 133909

The foregoing appropriation item 725677, Oil and Gas Well 133910  
Plugging, shall be used exclusively for the purposes of plugging 133911  
wells and to properly restore the land surface of idle and orphan 133912  
oil and gas wells pursuant to section 1509.071 of the Revised 133913

Code. No funds from the appropriation item shall be used for 133914  
salaries, maintenance, equipment, or other administrative 133915  
purposes, except for those costs directly attributed to the 133916  
plugging of an idle or orphan well. This appropriation item shall 133917  
not be used to transfer cash to any other fund or appropriation 133918  
item. 133919

**Section 333.90. CLEAN OHIO OPERATING EXPENSES** 133920

The foregoing appropriation item 725405, Clean Ohio 133921  
Operating, shall be used by the Department of Natural Resources in 133922  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 133923  
to section 1519.05 of the Revised Code. 133924

**Section 333.100. WATERCRAFT MARINE PATROL** 133925

Of the foregoing appropriation item 739401, Division of 133926  
Watercraft, up to \$200,000 in each fiscal year shall be expended 133927  
for the purchase of equipment for marine patrols qualifying for 133928  
funding from the Department of Natural Resources pursuant to 133929  
section 1547.67 of the Revised Code. Proposals for equipment shall 133930  
accompany the submission of documentation for receipt of a marine 133931  
patrol subsidy pursuant to section 1547.67 of the Revised Code and 133932  
shall be loaned to eligible marine patrols pursuant to a 133933  
cooperative agreement between the Department of Natural Resources 133934  
and the eligible marine patrol. 133935

**Section 333.110. PARKS CAPITAL EXPENSES FUND** 133936

The Director of Natural Resources shall submit to the 133937  
Director of Budget and Management the estimated design, 133938  
engineering, and planning costs of capital-related work to be done 133939  
by Department of Natural Resources staff for parks projects within 133940  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 133941  
Director of Budget and Management approves the estimated costs, 133942

the Director may release appropriations from appropriation item 133943  
C725E6, Project Planning, Fund 7035, for those purposes. Upon 133944  
release of the appropriations, the Department of Natural Resources 133945  
shall pay for these expenses from the Parks Capital Expenses Fund 133946  
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 133947  
Fund 7035 using an intrastate transfer voucher. 133948

NATUREWORKS CAPITAL EXPENSES FUND 133949

The Department of Natural Resources shall periodically 133950  
prepare and submit to the Director of Budget and Management the 133951  
estimated design, planning, and engineering costs of 133952  
capital-related work to be done by Department of Natural Resources 133953  
staff for each capital improvement project within the Ohio Parks 133954  
and Natural Resources Fund (Fund 7031). If the Director of Budget 133955  
and Management approves the estimated costs, the Director may 133956  
release appropriations from appropriation item C725E5, Project 133957  
Planning, in Fund 7031, for those purposes. Upon release of the 133958  
appropriations, the Department of Natural Resources shall pay for 133959  
these expenses from the Capital Expenses Fund (Fund 4S90). 133960  
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 133961  
using an intrastate transfer voucher. 133962

**Section 333.120.** ELIMINATION OF DORMANT FUNDS 133963

The following funds are hereby abolished and the fund names 133964  
and fund numbers shall be stricken from the list of funds falling 133965  
within the jurisdiction of the Department of Natural Resources: 133966

| Fund Number | Fund Name                                     |        |
|-------------|-----------------------------------------------|--------|
| 1580        | Reprint and Replacement - Intrastate          | 133967 |
| 1610        | Parks and Recreation Depreciation Reserve     | 133968 |
| 1620        | Civilian Conservation Corps Earned Revenues   | 133969 |
| 2060        | General Services                              | 133970 |
| 5080        | Natural Resources Publications and Promotions | 133971 |
| 5190        | Burr Oak Water Plant                          | 133972 |

|      |                                                                  |    |           |                     |
|------|------------------------------------------------------------------|----|-----------|---------------------|
| 5250 | Reclamation Forfeiture                                           |    |           | 133974              |
| 5300 | Surface Mining Reclamation                                       |    |           | 133975              |
| 8800 | Cooperative Boat Harbor Project                                  |    |           | 133976              |
| 4B80 | Forestry Development                                             |    |           | 133977              |
| 5F90 | Flood Reimbursement                                              |    |           | 133978              |
| 81A0 | Wildlife Education                                               |    |           | 133979              |
| R029 | Reclamation Fee                                                  |    |           | 133980              |
| R030 | Surface Mining Reclamation Fee                                   |    |           | 133981              |
| R040 | Wildlife Refunds                                                 |    |           | 133982              |
| 3280 | Federal Special Revenue                                          |    |           | 133983              |
| 3P00 | Natural Areas and Preserves - Federal                            |    |           | 133984              |
| 5K10 | Urban Forestry Grant                                             |    |           | 133985              |
| 5150 | Conservancy District Organization                                |    |           | 133986              |
| 6300 | Wild Animal                                                      |    |           | 133987              |
| 3CH0 | Mined Land Set Aside                                             |    |           | 133988              |
|      | TRANSFER OF ELIMINATED DORMANT FUNDS                             |    |           | 133989              |
|      | The Watercraft Revolving Loan Fund (Fund 5AW0) is hereby         |    |           | 133990              |
|      | abolished. Any balance remaining in the fund as of July 1, 2013, |    |           | 133991              |
|      | shall be transferred into the Waterways Safety Fund (Fund 7086)  |    |           | 133992              |
|      | and appropriated to appropriation item 739401, Division of       |    |           | 133993              |
|      | Watercraft.                                                      |    |           | 133994              |
|      | The Division of Forestry Law Enforcement Fund (Fund 5EJ0) and    |    |           | 133995              |
|      | the Division of Natural Areas and Preserves Law Enforcement Fund |    |           | 133996              |
|      | (Fund 5EK0) are hereby abolished. Any balance remaining in these |    |           | 133997              |
|      | funds as of July 1, 2013, shall be transferred into the Park Law |    |           | 133998              |
|      | Enforcement Fund (Fund 5EM0) and appropriated to appropriation   |    |           | 133999              |
|      | item 725613, Park Law Enforcement.                               |    |           | 134000              |
|      | <b>Section 335.10. NUR STATE BOARD OF NURSING</b>                |    |           | 134001              |
|      | General Services Fund Group                                      |    |           | 134002              |
| 4K90 | 884609 Operating Expenses                                        | \$ | 7,181,743 | \$ 7,273,978 134003 |
| 5AC0 | 884602 Nurse Education Grant                                     | \$ | 1,373,506 | \$ 1,373,506 134004 |

|      |         |                                                                    |    |            |    |                   |
|------|---------|--------------------------------------------------------------------|----|------------|----|-------------------|
|      | Program |                                                                    |    |            |    |                   |
| 5P80 | 884601  | Nursing Special                                                    | \$ | 2,000      | \$ | 2,000 134005      |
|      |         | Issues                                                             |    |            |    |                   |
|      |         | TOTAL GSF General Services                                         |    |            |    | 134006            |
|      |         | Fund Group                                                         | \$ | 8,557,249  | \$ | 8,649,484 134007  |
|      |         | TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 8,557,249  | \$ | 8,649,484 134008  |
|      |         | <b>Section 337.10.</b> PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, |    |            |    | 134010            |
|      |         | AND ATHLETIC TRAINERS BOARD                                        |    |            |    | 134011            |
|      |         | General Services Fund Group                                        |    |            |    | 134012            |
| 4K90 | 890609  | Operating Expenses                                                 | \$ | 866,169    | \$ | 925,897 134013    |
|      |         | TOTAL GSF General Services Fund                                    | \$ | 866,169    | \$ | 925,897 134014    |
|      |         | Group                                                              |    |            |    |                   |
|      |         | TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 866,169    | \$ | 925,897 134015    |
|      |         | <b>Section 339.10.</b> OLA OHIOANA LIBRARY ASSOCIATION             |    |            |    | 134017            |
|      |         | General Revenue Fund                                               |    |            |    | 134018            |
| GRF  | 355501  | Library Subsidy                                                    | \$ | 135,000    | \$ | 140,000 134019    |
|      |         | TOTAL GRF General Revenue Fund                                     | \$ | 135,000    | \$ | 140,000 134020    |
|      |         | TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 135,000    | \$ | 140,000 134021    |
|      |         | <b>Section 340.10.</b> RSC REHABILITATION SERVICES COMMISSION      |    |            |    | 134023            |
|      |         | General Revenue Fund                                               |    |            |    | 134024            |
| GRF  | 415402  | Independent Living                                                 | \$ | 252,000    | \$ | 252,000 134025    |
|      |         | Council                                                            |    |            |    |                   |
| GRF  | 415406  | Assistive Technology                                               | \$ | 26,618     | \$ | 26,618 134026     |
| GRF  | 415431  | Office for People                                                  | \$ | 126,567    | \$ | 126,567 134027    |
|      |         | with Brain Injury                                                  |    |            |    |                   |
| GRF  | 415506  | Services for People                                                | \$ | 15,277,885 | \$ | 15,277,885 134028 |
|      |         | with Disabilities                                                  |    |            |    |                   |
| GRF  | 415508  | Services for the Deaf                                              | \$ | 28,000     | \$ | 28,000 134029     |
|      |         | TOTAL GRF General Revenue Fund                                     | \$ | 15,711,070 | \$ | 15,711,070 134030 |



|                                    |    |             |    |             |        |
|------------------------------------|----|-------------|----|-------------|--------|
| General Services Fund Group        |    |             |    |             | 134031 |
| 4670 415609 Business Enterprise    | \$ | 962,538     | \$ | 965,481     | 134032 |
| Operating Expenses                 |    |             |    |             |        |
| TOTAL GSF General Services         |    |             |    |             | 134033 |
| Fund Group                         | \$ | 962,538     | \$ | 965,481     | 134034 |
| Federal Special Revenue Fund Group |    |             |    |             | 134035 |
| 3170 415620 Disability             | \$ | 83,332,186  | \$ | 84,641,911  | 134036 |
| Determination                      |    |             |    |             |        |
| 3790 415616 Federal - Vocational   | \$ | 117,431,895 | \$ | 113,610,728 | 134037 |
| Rehabilitation                     |    |             |    |             |        |
| 3L10 415601 Social Security        | \$ | 2,748,451   | \$ | 2,752,396   | 134038 |
| Personal Care                      |    |             |    |             |        |
| Assistance                         |    |             |    |             |        |
| 3L10 415605 Social Security        | \$ | 772,000     | \$ | 772,000     | 134039 |
| Community Centers for              |    |             |    |             |        |
| the Deaf                           |    |             |    |             |        |
| 3L10 415608 Social Security        | \$ | 445,258     | \$ | 498,269     | 134040 |
| Special                            |    |             |    |             |        |
| Programs/Assistance                |    |             |    |             |        |
| 3L40 415612 Federal Independent    | \$ | 638,431     | \$ | 638,431     | 134041 |
| Living Centers or                  |    |             |    |             |        |
| Services                           |    |             |    |             |        |
| 3L40 415615 Federal - Supported    | \$ | 916,727     | \$ | 916,727     | 134042 |
| Employment                         |    |             |    |             |        |
| 3L40 415617 Independent            | \$ | 1,548,658   | \$ | 1,348,658   | 134043 |
| Living/Vocational                  |    |             |    |             |        |
| Rehabilitation                     |    |             |    |             |        |
| Programs                           |    |             |    |             |        |
| TOTAL FED Federal Special          |    |             |    |             | 134044 |
| Revenue Fund Group                 | \$ | 207,833,606 | \$ | 205,179,120 | 134045 |
| State Special Revenue Fund Group   |    |             |    |             | 134046 |
| 4680 415618 Third Party Funding    | \$ | 11,000,000  | \$ | 11,000,000  | 134047 |

|                              |        |                                |    |             |    |             |        |
|------------------------------|--------|--------------------------------|----|-------------|----|-------------|--------|
| 4L10                         | 415619 | Services for<br>Rehabilitation | \$ | 3,502,168   | \$ | 3,502,168   | 134048 |
| 4W50                         | 415606 | Program Management<br>Expenses | \$ | 12,369,751  | \$ | 12,594,758  | 134049 |
| TOTAL SSR State Special      |        |                                |    |             |    |             | 134050 |
| Revenue Fund Group           |        |                                | \$ | 26,871,919  | \$ | 27,096,926  | 134051 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                | \$ | 251,379,133 | \$ | 248,952,597 | 134052 |

INDEPENDENT LIVING COUNCIL 134053

The foregoing appropriation item 415402, Independent Living 134054  
 Council, shall be used to fund the operations of the State 134055  
 Independent Living Council and to support state independent living 134056  
 centers and independent living services under Title VII of the 134057  
 Independent Living Services and Centers for Independent Living of 134058  
 the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 134059  
 U.S.C. 796d. 134060

Of the foregoing appropriation item 415402, Independent 134061  
 Living Council, \$67,662 in each fiscal year shall be used as state 134062  
 matching funds for vocational rehabilitation innovation and 134063  
 expansion activities. 134064

ASSISTIVE TECHNOLOGY 134065

The total amount of the foregoing appropriation item 415406, 134066  
 Assistive Technology, shall be provided to Assistive Technology of 134067  
 Ohio to provide grants and assistive technology services for 134068  
 people with disabilities in the State of Ohio. 134069

OFFICE FOR PEOPLE WITH BRAIN INJURY 134070

The foregoing appropriation item 415431, Office for People 134071  
 with Brain Injury, shall be used to plan and coordinate 134072  
 head-injury-related services provided by state agencies and other 134073  
 government or private entities, to assess the needs for such 134074  
 services, and to set priorities in this area. 134075

Of the foregoing appropriation item 415431, Office for People 134076

with Brain Injury, \$44,067 in each fiscal year shall be used as 134077  
state matching funds to provide vocational rehabilitation services 134078  
to eligible consumers. 134079

VOCATIONAL REHABILITATION SERVICES 134080

The foregoing appropriation item 415506, Services for People 134081  
with Disabilities, shall be used as state matching funds to 134082  
provide vocational rehabilitation services to eligible consumers. 134083

SERVICES FOR THE DEAF 134084

The foregoing appropriation item 415508, Services for the 134085  
Deaf, shall be used to provide grants to community centers for the 134086  
deaf. 134087

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 134088

The foregoing appropriation item 415617, Independent 134089  
Living/Vocational Rehabilitation Programs, shall be used to 134090  
support vocational rehabilitation programs. 134091

SOCIAL SECURITY REIMBURSEMENT FUNDS 134092

Reimbursement funds received from the Social Security 134093  
Administration, United States Department of Health and Human 134094  
Services, for the costs of providing services and training to 134095  
return disability recipients to gainful employment shall be 134096  
expended from the Social Security Reimbursement Fund (Fund 3L10), 134097  
to the extent funds are available, as follows: 134098

(A) Appropriation item 415601, Social Security Personal Care 134099  
Assistance, to provide personal care services in accordance with 134100  
section 3304.41 of the Revised Code; 134101

(B) Appropriation item 415605, Social Security Community 134102  
Centers for the Deaf, to provide grants to community centers for 134103  
the deaf in Ohio for services to individuals with hearing 134104  
impairments; and 134105

(C) Appropriation item 415608, Social Security Special 134106

Programs/Assistance, to provide vocational rehabilitation services 134107  
to individuals with severe disabilities who are Social Security 134108  
beneficiaries, to enable them to achieve competitive employment. 134109  
This appropriation item shall also be used to pay a portion of 134110  
indirect costs of the Personal Care Assistance Program and the 134111  
Independent Living Programs as mandated by federal OMB Circular 134112  
A-87. 134113

**PROGRAM MANAGEMENT EXPENSES** 134114

The foregoing appropriation item 415606, Program Management 134115  
Expenses, shall be used to support the administrative functions of 134116  
the commission related to the provision of vocational 134117  
rehabilitation, disability determination services, and ancillary 134118  
programs. 134119

**Section 341.10. ODB OHIO OPTICAL DISPENSERS BOARD** 134120

General Services Fund Group 134121  
4K90 894609 Operating Expenses \$ 366,000 \$ 365,000 134122  
TOTAL GSF General Services 134123  
Fund Group \$ 366,000 \$ 365,000 134124  
TOTAL ALL BUDGET FUND GROUPS \$ 366,000 \$ 365,000 134125

**Section 343.10. OPT STATE BOARD OF OPTOMETRY** 134127

General Services Fund Group 134128  
4K90 885609 Operating Expenses \$ 347,278 \$ 347,278 134129  
TOTAL GSF General Services 134130  
Fund Group \$ 347,278 \$ 347,278 134131  
TOTAL ALL BUDGET FUND GROUPS \$ 347,278 \$ 347,278 134132

**Section 345.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS,** 134134  
**AND PEDORTHICS** 134135  
General Services Fund Group 134136

|                              |                    |    |         |    |         |        |
|------------------------------|--------------------|----|---------|----|---------|--------|
| 4K90 973609                  | Operating Expenses | \$ | 135,677 | \$ | 140,846 | 134137 |
| TOTAL GSF General Services   |                    |    |         |    |         | 134138 |
| Fund Group                   |                    | \$ | 135,677 | \$ | 140,846 | 134139 |
| TOTAL ALL BUDGET FUND GROUPS |                    |    |         |    |         | 134140 |

**Section 347.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 134141

RELEASE COMPENSATION BOARD 134142

State Special Revenue Fund Group 134143

|             |               |    |           |    |           |        |
|-------------|---------------|----|-----------|----|-----------|--------|
| 6910 810632 | PUSTRCB Staff | \$ | 1,233,249 | \$ | 1,252,202 | 134144 |
|-------------|---------------|----|-----------|----|-----------|--------|

TOTAL SSR State Special Revenue 134145

|            |  |    |           |    |           |        |
|------------|--|----|-----------|----|-----------|--------|
| Fund Group |  | \$ | 1,233,249 | \$ | 1,252,202 | 134146 |
|------------|--|----|-----------|----|-----------|--------|

|                              |  |  |  |  |  |        |
|------------------------------|--|--|--|--|--|--------|
| TOTAL ALL BUDGET FUND GROUPS |  |  |  |  |  | 134147 |
|------------------------------|--|--|--|--|--|--------|

**Section 349.10.** PRX STATE BOARD OF PHARMACY 134149

General Services Fund Group 134150

|             |                      |    |         |    |         |        |
|-------------|----------------------|----|---------|----|---------|--------|
| 4A50 887605 | Drug Law Enforcement | \$ | 150,000 | \$ | 150,000 | 134151 |
|-------------|----------------------|----|---------|----|---------|--------|

|             |                    |    |           |    |           |        |
|-------------|--------------------|----|-----------|----|-----------|--------|
| 4K90 887609 | Operating Expenses | \$ | 6,701,285 | \$ | 6,701,285 | 134152 |
|-------------|--------------------|----|-----------|----|-----------|--------|

|                                 |  |  |  |  |  |        |
|---------------------------------|--|--|--|--|--|--------|
| TOTAL GSF General Services Fund |  |  |  |  |  | 134153 |
|---------------------------------|--|--|--|--|--|--------|

Group

Federal Special Revenue Fund Group 134154

|             |                 |    |         |    |   |        |
|-------------|-----------------|----|---------|----|---|--------|
| 3BC0 887604 | Dangerous Drugs | \$ | 390,869 | \$ | 0 | 134155 |
|-------------|-----------------|----|---------|----|---|--------|

Database

|             |      |    |         |    |         |        |
|-------------|------|----|---------|----|---------|--------|
| 3CT0 887606 | 2008 | \$ | 224,691 | \$ | 112,346 | 134156 |
|-------------|------|----|---------|----|---------|--------|

Developing/Enhancing

PMP

|             |                      |    |       |    |       |        |
|-------------|----------------------|----|-------|----|-------|--------|
| 3DV0 887607 | Enhancing Ohio's PMP | \$ | 2,000 | \$ | 2,000 | 134157 |
|-------------|----------------------|----|-------|----|-------|--------|

|             |                   |    |        |    |   |        |
|-------------|-------------------|----|--------|----|---|--------|
| 3EY0 887603 | Administration of | \$ | 66,335 | \$ | 0 | 134158 |
|-------------|-------------------|----|--------|----|---|--------|

PMIX Hub

|                                   |  |  |  |  |  |        |
|-----------------------------------|--|--|--|--|--|--------|
| TOTAL FED Federal Special Revenue |  |  |  |  |  | 134159 |
|-----------------------------------|--|--|--|--|--|--------|

Fund Group

|                              |  |  |  |  |  |        |
|------------------------------|--|--|--|--|--|--------|
| TOTAL ALL BUDGET FUND GROUPS |  |  |  |  |  | 134160 |
|------------------------------|--|--|--|--|--|--------|

**Section 351.10.** PSY STATE BOARD OF PSYCHOLOGY 134162

|                                                                |    |            |    |            |        |
|----------------------------------------------------------------|----|------------|----|------------|--------|
| General Services Fund Group                                    |    |            |    |            | 134163 |
| 4K90 882609 Operating Expenses                                 | \$ | 548,000    | \$ | 571,000    | 134164 |
| TOTAL GSF General Services                                     |    |            |    |            | 134165 |
| Fund Group                                                     | \$ | 548,000    | \$ | 571,000    | 134166 |
| TOTAL ALL BUDGET FUND GROUPS                                   | \$ | 548,000    | \$ | 571,000    | 134167 |
| <br><b>Section 353.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b> |    |            |    |            | 134169 |
| General Revenue Fund                                           |    |            |    |            | 134170 |
| GRF 019401 State Legal Defense                                 | \$ | 3,020,855  | \$ | 3,020,855  | 134171 |
| Services                                                       |    |            |    |            |        |
| GRF 019403 Multi-County: State                                 | \$ | 1,237,318  | \$ | 1,250,824  | 134172 |
| Share                                                          |    |            |    |            |        |
| GRF 019404 Trumbull County -                                   | \$ | 354,743    | \$ | 359,631    | 134173 |
| State Share                                                    |    |            |    |            |        |
| GRF 019405 Training Account                                    | \$ | 50,000     | \$ | 50,000     | 134174 |
| GRF 019501 County Reimbursement                                | \$ | 9,768,050  | \$ | 9,885,175  | 134175 |
| TOTAL GRF General Revenue Fund                                 | \$ | 14,430,966 | \$ | 14,566,485 | 134176 |
| General Services Fund Group                                    |    |            |    |            | 134177 |
| 4070 019604 County Representation                              | \$ | 351,149    | \$ | 354,248    | 134178 |
| 4080 019605 Client Payments                                    | \$ | 725,144    | \$ | 722,931    | 134179 |
| 5CX0 019617 Civil Case Filing Fee                              | \$ | 532,136    | \$ | 528,476    | 134180 |
| TOTAL GSF General Services                                     |    |            |    |            | 134181 |
| Fund Group                                                     | \$ | 1,608,429  | \$ | 1,605,655  | 134182 |
| Federal Special Revenue Fund Group                             |    |            |    |            | 134183 |
| 3FX0 019621 Wrongful Conviction                                | \$ | 103,950    | \$ | 103,950    | 134184 |
| Program                                                        |    |            |    |            |        |
| 3S80 019608 Federal                                            | \$ | 204,706    | \$ | 202,942    | 134185 |
| Representation                                                 |    |            |    |            |        |
| TOTAL FED Federal Special Revenue                              |    |            |    |            | 134186 |
| Fund Group                                                     | \$ | 308,656    | \$ | 306,892    | 134187 |
| State Special Revenue Fund Group                               |    |            |    |            | 134188 |

|                                                                                                                                                                                                                                                                                                                                                                                    |        |                                              |    |            |    |            |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------------------------------------|----|------------|----|------------|----------------------------------------------------------|
| 4C70                                                                                                                                                                                                                                                                                                                                                                               | 019601 | Multi-County: County Share                   | \$ | 2,297,876  | \$ | 2,322,959  | 134189                                                   |
| 4X70                                                                                                                                                                                                                                                                                                                                                                               | 019610 | Trumbull County - County Share               | \$ | 658,809    | \$ | 667,887    | 134190                                                   |
| 5740                                                                                                                                                                                                                                                                                                                                                                               | 019606 | Civil Legal Aid                              | \$ | 20,000,000 | \$ | 20,000,000 | 134191                                                   |
| 5DY0                                                                                                                                                                                                                                                                                                                                                                               | 019618 | Indigent Defense Support - County Share      | \$ | 40,320,991 | \$ | 41,191,285 | 134192                                                   |
| 5DY0                                                                                                                                                                                                                                                                                                                                                                               | 019619 | Indigent Defense Support Fund - State Office | \$ | 5,186,329  | \$ | 5,612,719  | 134193                                                   |
| TOTAL SSR State Special Revenue                                                                                                                                                                                                                                                                                                                                                    |        |                                              |    |            |    |            | 134194                                                   |
| Fund Group                                                                                                                                                                                                                                                                                                                                                                         |        |                                              | \$ | 68,464,005 | \$ | 69,794,850 | 134195                                                   |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                       |        |                                              | \$ | 84,812,056 | \$ | 86,273,882 | 134196                                                   |
| INDIGENT DEFENSE OFFICE                                                                                                                                                                                                                                                                                                                                                            |        |                                              |    |            |    |            | 134197                                                   |
| The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.                                                                                                                                                                                      |        |                                              |    |            |    |            | 134198<br>134199<br>134200                               |
| MULTI-COUNTY OFFICE                                                                                                                                                                                                                                                                                                                                                                |        |                                              |    |            |    |            | 134201                                                   |
| The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.                                                                                                                                                                 |        |                                              |    |            |    |            | 134202<br>134203<br>134204<br>134205                     |
| TRAINING ACCOUNT                                                                                                                                                                                                                                                                                                                                                                   |        |                                              |    |            |    |            | 134206                                                   |
| The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represent at least one indigent defendant at no cost and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services. |        |                                              |    |            |    |            | 134207<br>134208<br>134209<br>134210<br>134211<br>134212 |
| FEDERAL REPRESENTATION                                                                                                                                                                                                                                                                                                                                                             |        |                                              |    |            |    |            | 134213                                                   |

The foregoing appropriation item 019608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation in federal court cases and to support representation in such cases.

134214  
134215  
134216  
134217  
134218

**Section 355.10. DPS DEPARTMENT OF PUBLIC SAFETY**

134219

General Revenue Fund

134220

GRF 767420 Investigative Unit - \$ 10,500,000 \$ 10,500,000

134221

Operating

TOTAL GRF General Revenue Fund \$ 10,500,000 \$ 10,500,000

134222

TOTAL ALL BUDGET FUND GROUPS \$ 10,500,000 \$ 10,500,000

134223

**Section 357.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO**

134225

General Services Fund Group

134226

5BP0 870623 Wireless 9-1-1 Administration \$ 18,035,000 \$ 0

134227

5F60 870622 Utility and Railroad Regulation \$ 30,619,708 \$ 30,619,708

134228

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000

134229

5Q50 870626 Telecommunications Relay Service \$ 5,000,000 \$ 5,000,000

134230

TOTAL GSF General Services Fund Group

134231

\$ 53,739,708 \$ 35,704,708

134232

Federal Special Revenue Fund Group

134233

3330 870601 Gas Pipeline Safety \$ 597,959 \$ 597,959

134234

3500 870608 Motor Carrier Safety \$ 7,351,660 \$ 7,351,660

134235

3EA0 870630 Energy Assurance Planning \$ 192,001 \$ 0

134236

3ED0 870631 State Regulators Assistance \$ 115,912 \$ 0

134237

3V30 870604 Commercial Vehicle \$ 100,000 \$ 100,000

134238



|                                                    |    |             |                |        |
|----------------------------------------------------|----|-------------|----------------|--------|
| Information                                        |    |             |                |        |
| Systems/Networks                                   |    |             |                |        |
| TOTAL FED Federal Special Revenue                  |    |             |                | 134239 |
| Fund Group                                         | \$ | 8,357,532   | \$ 8,049,619   | 134240 |
| State Special Revenue Fund Group                   |    |             |                | 134241 |
| 4A30 870614 Grade Crossing                         | \$ | 1,347,357   | \$ 1,347,357   | 134242 |
| Protection                                         |    |             |                |        |
| Devices-State                                      |    |             |                |        |
| 4L80 870617 Pipeline Safety-State                  | \$ | 331,992     | \$ 331,992     | 134243 |
| 5610 870606 Power Siting Board                     | \$ | 581,618     | \$ 581,618     | 134244 |
| 5LT0 870640 Intrastate                             | \$ | 180,000     | \$ 180,000     | 134245 |
| Registration                                       |    |             |                |        |
| 5LT0 870641 Unified Carrier                        | \$ | 420,000     | \$ 420,000     | 134246 |
| Registration                                       |    |             |                |        |
| 5LT0 870642 Hazardous Materials                    | \$ | 743,346     | \$ 753,346     | 134247 |
| Registration                                       |    |             |                |        |
| 5LT0 870643 Nonhazardous Materials                 | \$ | 277,496     | \$ 277,496     | 134248 |
| Civil Forfeiture                                   |    |             |                |        |
| 5LT0 870644 Hazardous Materials                    | \$ | 898,800     | \$ 898,800     | 134249 |
| Civil Forfeiture                                   |    |             |                |        |
| 5LT0 870645 Motor Carrier                          | \$ | 4,768,453   | \$ 4,709,592   | 134250 |
| Enforcement                                        |    |             |                |        |
| TOTAL SSR State Special Revenue                    |    |             |                | 134251 |
| Fund Group                                         | \$ | 9,549,062   | \$ 9,500,201   | 134252 |
| TOTAL ALL BUDGET FUND GROUPS                       | \$ | 71,646,302  | \$ 53,254,528  | 134253 |
| <b>Section 359.10. PWC PUBLIC WORKS COMMISSION</b> |    |             |                | 134255 |
| General Revenue Fund                               |    |             |                | 134256 |
| GRF 150904 Conservation General                    | \$ | 33,376,600  | \$ 34,447,700  | 134257 |
| Obligation Debt                                    |    |             |                |        |
| Service                                            |    |             |                |        |
| GRF 150907 State Capital                           | \$ | 227,810,300 | \$ 228,948,900 | 134258 |

|                                                                    |    |             |    |             |
|--------------------------------------------------------------------|----|-------------|----|-------------|
| Improvements General                                               |    |             |    |             |
| Obligation Debt                                                    |    |             |    |             |
| Service                                                            |    |             |    |             |
| TOTAL GRF General Revenue Fund                                     | \$ | 261,186,900 | \$ | 263,396,600 |
|                                                                    |    |             |    | 134259      |
| Clean Ohio Conservation Fund Group                                 |    |             |    | 134260      |
| 7056 150403 Clean Ohio Operating                                   | \$ | 288,980     | \$ | 288,980     |
|                                                                    |    |             |    | 134261      |
| Expenses                                                           |    |             |    |             |
| TOTAL 056 Clean Ohio Conservation                                  | \$ | 288,980     | \$ | 288,980     |
| Fund Group                                                         |    |             |    | 134262      |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 261,475,880 | \$ | 263,685,580 |
|                                                                    |    |             |    | 134263      |
| CONSERVATION GENERAL OBLIGATION DEBT SERVICE                       |    |             |    | 134264      |
| The foregoing appropriation item 150904, Conservation General      |    |             |    | 134265      |
| Obligation Debt Service, shall be used to pay all debt service and |    |             |    | 134266      |
| related financing costs during the period from July 1, 2013,       |    |             |    | 134267      |
| through June 30, 2015, at the times they are required to be made   |    |             |    | 134268      |
| for obligations issued under sections 151.01 and 151.09 of the     |    |             |    | 134269      |
| Revised Code.                                                      |    |             |    | 134270      |
| STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE         |    |             |    | 134271      |
| The foregoing appropriation item 150907, State Capital             |    |             |    | 134272      |
| Improvements General Obligation Debt Service, shall be used to pay |    |             |    | 134273      |
| all debt service and related financing costs during the period     |    |             |    | 134274      |
| from July 1, 2013, through June 30, 2015, at the times they are    |    |             |    | 134275      |
| required to be made for obligations issued under sections 151.01   |    |             |    | 134276      |
| and 151.08 of the Revised Code.                                    |    |             |    | 134277      |
| CLEAN OHIO OPERATING EXPENSES                                      |    |             |    | 134278      |
| The foregoing appropriation item 150403, Clean Ohio Operating      |    |             |    | 134279      |
| Expenses, shall be used by the Ohio Public Works Commission in     |    |             |    | 134280      |
| administering Clean Ohio Conservation Fund (Fund 7056) projects    |    |             |    | 134281      |
| pursuant to sections 164.20 to 164.27 of the Revised Code.         |    |             |    | 134282      |
| <b>Section 361.10. RAC STATE RACING COMMISSION</b>                 |    |             |    | 134283      |

|                                             |                        |    |            |    |            |        |
|---------------------------------------------|------------------------|----|------------|----|------------|--------|
| State Special Revenue Fund Group            |                        |    |            |    | 134284     |        |
| 5620 875601                                 | Thoroughbred Race      | \$ | 1,696,456  | \$ | 1,696,456  | 134285 |
|                                             | Fund                   |    |            |    |            |        |
| 5630 875602                                 | Standardbred           | \$ | 1,697,452  | \$ | 1,697,452  | 134286 |
|                                             | Development Fund       |    |            |    |            |        |
| 5640 875603                                 | Quarter Horse          | \$ | 1,000      | \$ | 1,000      | 134287 |
|                                             | Development Fund       |    |            |    |            |        |
| 5650 875604                                 | Racing Commission      | \$ | 2,934,178  | \$ | 2,934,178  | 134288 |
|                                             | Operating              |    |            |    |            |        |
| 5C40 875607                                 | Simulcast Horse        | \$ | 12,000,000 | \$ | 12,000,000 | 134289 |
|                                             | Racing Purse           |    |            |    |            |        |
| 5JK0 875610                                 | Racing Commission      | \$ | 10,000,000 | \$ | 10,000,000 | 134290 |
|                                             | Fund                   |    |            |    |            |        |
| TOTAL SSR State Special Revenue             |                        |    |            |    |            | 134291 |
| Fund Group                                  |                        | \$ | 28,329,086 | \$ | 28,329,086 | 134292 |
| Holding Account Redistribution Fund Group   |                        |    |            |    |            | 134293 |
| R021 875605                                 | Bond Reimbursements    | \$ | 100,000    | \$ | 100,000    | 134294 |
| TOTAL 090 Holding Account                   |                        |    |            |    |            | 134295 |
| Redistribution                              |                        |    |            |    |            |        |
| Fund Group                                  |                        | \$ | 100,000    | \$ | 100,000    | 134296 |
| TOTAL ALL BUDGET FUND GROUPS                |                        | \$ | 28,429,086 | \$ | 28,429,086 | 134297 |
| <b>Section 363.10. BOR BOARD OF REGENTS</b> |                        |    |            |    |            | 134299 |
| General Revenue Fund                        |                        |    |            |    |            | 134300 |
| GRF 235321                                  | Operating Expenses     | \$ | 2,850,357  | \$ | 2,850,357  | 134301 |
| GRF 235401                                  | Lease Rental Payments  | \$ | 5,805,300  | \$ | 0          | 134302 |
| GRF 235402                                  | Sea Grants             | \$ | 285,000    | \$ | 285,000    | 134303 |
| GRF 235406                                  | Articulation and       | \$ | 2,000,000  | \$ | 2,000,000  | 134304 |
|                                             | Transfer               |    |            |    |            |        |
| GRF 235408                                  | Midwest Higher         | \$ | 95,000     | \$ | 95,000     | 134305 |
|                                             | Education Compact      |    |            |    |            |        |
| GRF 235409                                  | HEI Information System | \$ | 1,505,683  | \$ | 1,505,683  | 134306 |

|            |                                                           |    |               |    |               |        |
|------------|-----------------------------------------------------------|----|---------------|----|---------------|--------|
| GRF 235414 | State Grants and<br>Scholarship<br>Administration         | \$ | 830,180       | \$ | 830,180       | 134307 |
| GRF 235417 | eStudent Services                                         | \$ | 2,532,688     | \$ | 2,532,688     | 134308 |
| GRF 235428 | Appalachian New<br>Economy Partnership                    | \$ | 737,366       | \$ | 737,366       | 134309 |
| GRF 235433 | Economic Growth<br>Challenge                              | \$ | 521,153       | \$ | 521,153       | 134310 |
| GRF 235438 | Choose Ohio First<br>Scholarship                          | \$ | 16,665,114    | \$ | 16,665,114    | 134311 |
| GRF 235443 | Adult Basic and<br>Literacy Education -<br>State          | \$ | 7,552,416     | \$ | 7,552,416     | 134312 |
| GRF 235444 | Post-Secondary Adult<br>Career-Technical<br>Education     | \$ | 15,317,547    | \$ | 15,317,547    | 134313 |
| GRF 235474 | Area Health Education<br>Centers Program<br>Support       | \$ | 900,000       | \$ | 900,000       | 134314 |
| GRF 235483 | Technology Integration<br>and Professional<br>Development | \$ | 2,378,598     | \$ | 2,378,598     | 134315 |
| GRF 235501 | State Share of<br>Instruction                             | \$ | 1,784,225,497 | \$ | 1,818,225,497 | 134316 |
| GRF 235502 | Student Support<br>Services                               | \$ | 632,974       | \$ | 632,974       | 134317 |
| GRF 235504 | War Orphans<br>Scholarships                               | \$ | 5,500,000     | \$ | 5,500,000     | 134318 |
| GRF 235505 | State Share of<br>Instruction Bridge<br>Funding           | \$ | 8,095,005     | \$ | 0             | 134319 |
| GRF 235506 | Ohio Strategic<br>Training Center                         | \$ | 950,000       | \$ | 0             | 134320 |

|            |                                                                    |    |            |    |            |        |
|------------|--------------------------------------------------------------------|----|------------|----|------------|--------|
| GRF 235507 | OhioLINK                                                           | \$ | 6,211,012  | \$ | 6,211,012  | 134321 |
| GRF 235508 | Air Force Institute of<br>Technology                               | \$ | 1,740,803  | \$ | 1,740,803  | 134322 |
| GRF 235510 | Ohio Supercomputer<br>Center                                       | \$ | 3,747,418  | \$ | 3,747,418  | 134323 |
| GRF 235511 | Cooperative Extension<br>Service                                   | \$ | 23,086,658 | \$ | 23,056,658 | 134324 |
| GRF 235514 | Central State<br>Supplement                                        | \$ | 11,063,468 | \$ | 11,063,468 | 134325 |
| GRF 235515 | Case Western Reserve<br>University School of<br>Medicine           | \$ | 2,146,253  | \$ | 2,146,253  | 134326 |
| GRF 235519 | Family Practice                                                    | \$ | 3,166,185  | \$ | 3,166,185  | 134327 |
| GRF 235520 | Shawnee State<br>Supplement                                        | \$ | 2,326,097  | \$ | 2,326,097  | 134328 |
| GRF 235523 | Youth STEM<br>Commercialization and<br>Entrepreneurship<br>Program | \$ | 2,000,000  | \$ | 3,000,000  | 134329 |
| GRF 235524 | Police and Fire<br>Protection                                      | \$ | 107,814    | \$ | 107,814    | 134330 |
| GRF 235525 | Geriatric Medicine                                                 | \$ | 522,151    | \$ | 522,151    | 134331 |
| GRF 235526 | Primary Care<br>Residencies                                        | \$ | 1,500,000  | \$ | 1,500,000  | 134332 |
| GRF 235535 | Ohio Agricultural<br>Research and<br>Development Center            | \$ | 34,126,100 | \$ | 34,126,100 | 134333 |
| GRF 235536 | The Ohio State<br>University Clinical<br>Teaching                  | \$ | 9,668,941  | \$ | 9,668,941  | 134334 |
| GRF 235537 | University of<br>Cincinnati Clinical<br>Teaching                   | \$ | 7,952,573  | \$ | 7,952,573  | 134335 |

|             |                             |    |               |    |               |        |
|-------------|-----------------------------|----|---------------|----|---------------|--------|
| GRF 235538  | University of Toledo        | \$ | 6,198,600     | \$ | 6,198,600     | 134336 |
|             | Clinical Teaching           |    |               |    |               |        |
| GRF 235539  | Wright State                | \$ | 3,011,400     | \$ | 3,011,400     | 134337 |
|             | University Clinical         |    |               |    |               |        |
|             | Teaching                    |    |               |    |               |        |
| GRF 235540  | Ohio University             | \$ | 2,911,212     | \$ | 2,911,212     | 134338 |
|             | Clinical Teaching           |    |               |    |               |        |
| GRF 235541  | Northeast Ohio Medical      | \$ | 2,994,178     | \$ | 2,994,178     | 134339 |
|             | University Clinical         |    |               |    |               |        |
|             | Teaching                    |    |               |    |               |        |
| GRF 235552  | Capital Component           | \$ | 13,628,639    | \$ | 10,280,387    | 134340 |
| GRF 235555  | Library Depositories        | \$ | 1,440,342     | \$ | 1,440,342     | 134341 |
| GRF 235556  | Ohio Academic               | \$ | 3,172,519     | \$ | 3,172,519     | 134342 |
|             | Resources Network           |    |               |    |               |        |
| GRF 235558  | Long-term Care              | \$ | 195,300       | \$ | 195,300       | 134343 |
|             | Research                    |    |               |    |               |        |
| GRF 235563  | Ohio College                | \$ | 89,126,474    | \$ | 89,126,474    | 134344 |
|             | Opportunity Grant           |    |               |    |               |        |
| GRF 235572  | The Ohio State              | \$ | 766,533       | \$ | 766,533       | 134345 |
|             | University Clinic           |    |               |    |               |        |
|             | Support                     |    |               |    |               |        |
| GRF 235599  | National Guard              | \$ | 16,711,514    | \$ | 17,384,511    | 134346 |
|             | Scholarship Program         |    |               |    |               |        |
| GRF 235909  | Higher Education            | \$ | 221,168,700   | \$ | 248,822,000   | 134347 |
|             | General Obligation          |    |               |    |               |        |
|             | Debt Service                |    |               |    |               |        |
| TOTAL GRF   | General Revenue Fund        | \$ | 2,330,070,762 | \$ | 2,375,168,502 | 134348 |
|             | General Services Fund Group |    |               |    |               | 134349 |
| 2200 235614 | Program Approval and        | \$ | 903,595       | \$ | 903,595       | 134350 |
|             | Reauthorization             |    |               |    |               |        |
| 4560 235603 | Sales and Services          | \$ | 199,250       | \$ | 199,250       | 134351 |
| 5JC0 235649 | Co-op Internship            | \$ | 8,000,000     | \$ | 8,000,000     | 134352 |
|             | Program                     |    |               |    |               |        |

|                                    |    |            |               |        |
|------------------------------------|----|------------|---------------|--------|
| TOTAL GSF General Services         |    |            |               | 134353 |
| Fund Group                         | \$ | 9,102,845  | \$ 9,102,845  | 134354 |
| Federal Special Revenue Fund Group |    |            |               | 134355 |
| 3120 235612 Carl D. Perkins        | \$ | 1,350,000  | \$ 1,350,000  | 134356 |
| Grant/Plan                         |    |            |               |        |
| Administration                     |    |            |               |        |
| 3120 235617 Improving Teacher      | \$ | 3,200,000  | \$ 3,200,000  | 134357 |
| Quality Grant                      |    |            |               |        |
| 3120 235641 Adult Basic and        | \$ | 14,835,671 | \$ 14,835,671 | 134358 |
| Literacy Education -               |    |            |               |        |
| Federal                            |    |            |               |        |
| 3120 235672 H-1B Tech Skills       | \$ | 1,100,000  | \$ 1,100,000  | 134359 |
| Training                           |    |            |               |        |
| 3BW0 235630 Indirect Cost          | \$ | 50,000     | \$ 50,000     | 134360 |
| Recovery - Federal                 |    |            |               |        |
| 3H20 235608 Human Services         | \$ | 1,000,000  | \$ 1,000,000  | 134361 |
| Project                            |    |            |               |        |
| TOTAL FED Federal Special Revenue  |    |            |               | 134362 |
| Fund Group                         | \$ | 21,535,671 | \$ 21,535,671 | 134363 |
| State Special Revenue Fund Group   |    |            |               | 134364 |
| 4E80 235602 Higher Educational     | \$ | 29,100     | \$ 29,100     | 134365 |
| Facility Commission                |    |            |               |        |
| Administration                     |    |            |               |        |
| 4X10 235674 Telecommunity and      | \$ | 49,150     | \$ 49,150     | 134366 |
| Distance Learning                  |    |            |               |        |
| 5D40 235675 Conferences/Special    | \$ | 1,884,095  | \$ 1,884,095  | 134367 |
| Purposes                           |    |            |               |        |
| 5FK0 235676 Media Services         | \$ | 491,373    | \$ 491,373    | 134368 |
| 5FR0 235643 Making Opportunity     | \$ | 230,000    | \$ 230,000    | 134369 |
| Affordable                         |    |            |               |        |
| 5P30 235663 Variable Savings Plan  | \$ | 8,066,920  | \$ 8,104,370  | 134370 |
| 6450 235664 Guaranteed Savings     | \$ | 1,290,718  | \$ 1,303,129  | 134371 |

|                                                            |        |                      |                                  |
|------------------------------------------------------------|--------|----------------------|----------------------------------|
| Plan                                                       |        |                      |                                  |
| 6820                                                       | 235606 | Nursing Loan Program | \$ 891,320 \$ 891,320 134372     |
| TOTAL SSR State Special Revenue                            |        |                      | 134373                           |
| Fund Group                                                 |        | \$ 12,932,676        | \$ 12,982,537 134374             |
| Third Frontier Research & Development Fund Group           |        |                      | 134375                           |
| 7011                                                       | 235634 | Research Incentive   | \$ 8,000,000 \$ 8,000,000 134376 |
| Third Frontier Fund                                        |        |                      |                                  |
| TOTAL 011 Third Frontier Research & Development Fund Group |        | \$ 8,000,000         | \$ 8,000,000 134377              |
| TOTAL ALL BUDGET FUND GROUPS                               |        | \$ 2,381,641,954     | \$ 2,426,789,555 134378          |

**Section 363.20. LEASE RENTAL PAYMENTS** 134380

The foregoing appropriation item 235401, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2013, through June 30, 2015, by the Chancellor of the Board of Regents under leases and agreements made under section 154.21 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

**Section 363.23. SEA GRANTS** 134389

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

**Section 363.30. ARTICULATION AND TRANSFER** 134396

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of the Board of Regents



to maintain and expand the work of the Articulation and Transfer 134399  
Council to develop a system of transfer policies to ensure that 134400  
students at state institutions of higher education can transfer 134401  
and have coursework apply to their majors and degrees at any other 134402  
state institution of higher education without unnecessary 134403  
duplication or institutional barriers under sections 3333.16, 134404  
3333.161, and 3333.162 of the Revised Code. 134405

**Section 363.40. MIDWEST HIGHER EDUCATION COMPACT 134406**

The foregoing appropriation item 235408, Midwest Higher 134407  
Education Compact, shall be distributed by the Chancellor of the 134408  
Board of Regents under section 3333.40 of the Revised Code. 134409

**Section 363.50. HEI INFORMATION SYSTEM 134410**

The foregoing appropriation item 235409, HEI Information 134411  
System, shall be used by the Chancellor of the Board of Regents to 134412  
support the development and implementation of information 134413  
technology solutions designed to improve the performance and 134414  
services of the Chancellor of the Board of Regents and the 134415  
University System of Ohio. Information technology solutions may be 134416  
provided by the Ohio Academic Research Network (OARnet). 134417

**Section 363.60. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION 134418**

The foregoing appropriation item 235414, State Grants and 134419  
Scholarship Administration, shall be used by the Chancellor of the 134420  
Board of Regents to administer the following student financial aid 134421  
programs: Ohio College Opportunity Grant, Ohio War Orphans' 134422  
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 134423  
Officers College Memorial Fund, and any other student financial 134424  
aid programs created by the General Assembly. The appropriation 134425  
item also shall be used to support all state financial aid audits 134426  
and student financial aid programs created by Congress, and to 134427

provide fiscal services for the Ohio National Guard Scholarship Program. 134428  
134429

**Section 363.70. ESTUDENT SERVICES** 134430

The foregoing appropriation item 235417, eStudent Services, shall be used by the Chancellor of the Board of Regents to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to support the distance learning clearinghouse and platform created under section 3333.82 of the Revised Code, and to facilitate cost-effectiveness through shared educational technology investments. 134431  
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**Section 363.80. APPALACHIAN NEW ECONOMY PARTNERSHIP** 134444

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology. 134445  
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134451

**Section 363.90. ECONOMIC GROWTH CHALLENGE** 134452

The foregoing appropriation item 235433, Economic Growth Challenge, shall be used for administrative expenses of the Research Incentive Program and other economic advancement initiatives undertaken by the Chancellor of the Board of Regents. 134453  
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134456

The Chancellor of the Board of Regents shall use any 134457  
appropriation transfer to the foregoing appropriation item 235433, 134458  
Economic Growth Challenge, to enhance the basic research and 134459  
commercialization capabilities of public colleges and universities 134460  
and accredited Ohio institutions of higher education holding 134461  
certificates of authorization issued under section 1713.02 of the 134462  
Revised Code, in order to strengthen academic research and 134463  
commercialization for pursuing Ohio's economic development goals. 134464

**Section 363.100. CHOOSE OHIO FIRST SCHOLARSHIP** 134465

The foregoing appropriation item 235438, Choose Ohio First 134466  
Scholarship, shall be used to operate the program prescribed in 134467  
sections 3333.60 to 3333.70 of the Revised Code. 134468

**Section 363.110. ADULT BASIC AND LITERACY EDUCATION** 134469

Of the foregoing appropriation item 235443, Adult Basic and 134470  
Literacy Education - State, \$125,000 in each fiscal year shall be 134471  
used to provide a grant for an Ohio public library that provides 134472  
remedial coursework instruction for postsecondary students. 134473

The remainder of foregoing appropriation item 235443, Adult 134474  
Basic and Literacy Education - State, shall be used to support the 134475  
adult basic and literacy education instructional grant program and 134476  
state leadership program. The supported programs shall satisfy the 134477  
state match and maintenance of effort requirements for the 134478  
state-administered grant program. 134479

**Section 363.120. POST-SECONDARY ADULT CAREER-TECHNICAL** 134480  
**EDUCATION** 134481

The foregoing appropriation item 235444, Post-Secondary Adult 134482  
Career-Technical Education, shall be used by the Chancellor of the 134483  
Board of Regents, in consultation with the Superintendent of 134484  
Public Instruction and the Governor's Office of Workforce 134485

Transformation, to support post-secondary adult career-technical 134486  
education. The Chancellor of the Board of Regents, the 134487  
Superintendent of Public Instruction, and the Governor's Office of 134488  
Workforce Transformation, or their designees, shall hold a series 134489  
of consultations with the Ohio Technical Centers during fiscal 134490  
year 2014 to develop an appropriate funding formula to distribute 134491  
these funds based on student outcomes, beginning in fiscal year 134492  
2015. 134493

The Chancellor of the Board of Regents shall establish a 134494  
One-Year Option credit articulation system in which graduates of 134495  
Ohio Technical Centers receive college technical credit. The 134496  
system shall ensure that Ohio Technical Center students that 134497  
complete a 900-hour program of study and obtain an 134498  
industry-recognized credential shall receive 30 college technical 134499  
credit hours, and students that complete a program of study 134500  
between 600 and 899 hours and obtain an industry-recognized 134501  
credential shall receive a proportional number of college 134502  
technical credit hours. 134503

**Section 363.130. AREA HEALTH EDUCATION CENTERS** 134504

The foregoing appropriation item 235474, Area Health 134505  
Education Centers Program Support, shall be used by the Chancellor 134506  
of the Board of Regents to support the medical school regional 134507  
area health education centers' educational programs for the 134508  
continued support of medical and other health professions 134509  
education and for support of the Area Health Education Center 134510  
Program. 134511

**Section 363.180. TECHNOLOGY INTEGRATION AND PROFESSIONAL** 134512  
**DEVELOPMENT** 134513

Of the foregoing appropriation item 235483, Technology 134514  
Integration and Professional Development, up to \$2,000,000 in each 134515

fiscal year shall be used to provide grants on a competitive basis 134516  
to public and chartered nonpublic schools for their participation 134517  
in the electronic textbook pilot project. These grants shall be 134518  
administered as provided under the section of this act entitled 134519  
ELECTRONIC TEXTBOOK PILOT PROJECT. On July 1, 2014, or as soon as 134520  
possible thereafter, the Chancellor of the Board of Regents may 134521  
certify to the Director of Budget and Management the amount of the 134522  
unexpended, unencumbered balance of this set aside at the end of 134523  
fiscal year 2014 to be appropriated to fiscal year 2015. The 134524  
amount certified is hereby reappropriated for the same purpose for 134525  
fiscal year 2015. 134526

The remainder of the foregoing appropriation item 235483, 134527  
Technology Integration and Professional Development, shall be used 134528  
by the Ohio Department of Education and the Chancellor of the 134529  
Board of Regents for the provision of staff development, hardware, 134530  
software, telecommunications services, and information resources 134531  
to support educational uses of technology in the classroom and at 134532  
a distance and for professional development for teachers, 134533  
administrators, and technology staff on the use of educational 134534  
technology in qualifying public schools, including the State 134535  
School for the Blind, the School for the Deaf, and the Department 134536  
of Youth Services. 134537

**Section 363.190. STATE SHARE OF INSTRUCTION FORMULAS** 134538

The Chancellor of the Board of Regents shall establish 134539  
procedures to allocate the foregoing appropriation item 235501, 134540  
State Share of Instruction, based on the formulas detailed in this 134541  
section that utilize the enrollment, course completion, degree 134542  
attainment, and student achievement factors reported annually by 134543  
each state institution of higher education participating in the 134544  
Higher Education Information (HEI) system. 134545

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COMPLETIONS 134546

(1) As soon as possible during each fiscal year of the 134547  
biennium ending June 30, 2015, in accordance with instructions of 134548  
the Board of Regents, each state institution of higher education 134549  
shall report its actual data, consistent with the definitions in 134550  
the Higher Education Information (HEI) system's enrollment files, 134551  
to the Chancellor of the Board of Regents. 134552

(2) In defining the number of full-time equivalent students 134553  
for state subsidy instructional cost purposes, the Chancellor of 134554  
the Board of Regents shall exclude all undergraduate students who 134555  
are not residents of Ohio, except those charged in-state fees in 134556  
accordance with reciprocity agreements made under section 3333.17 134557  
of the Revised Code or employer contracts entered into under 134558  
section 3333.32 of the Revised Code. 134559

(3) In calculating the core subsidy entitlements for 134560  
university branch and main campuses, the Chancellor of the Board 134561  
of Regents shall use the following count of FTE students: 134562

(a) The subsidy eligible enrollments by model shall equal 134563  
only those FTE students who successfully complete the course as 134564  
defined and reported through the Higher Education Information 134565  
(HEI) system course enrollment file; 134566

(b) For those undergraduate FTE students with successful 134567  
course completions, identified in division (A)(3)(a) of this 134568  
section, that had an expected family contribution less than 2190 134569  
or were determined to have been in need of remedial education 134570  
shall be defined as at-risk students and shall have their eligible 134571  
completions weighted by the following: 134572

(i) Campus-specific course completion indexes, where the 134573  
indexes are calculated based upon the number of at-risk students 134574  
enrolled during the 2010-2012 academic years; and 134575

(ii) A statewide average at-risk course completion weight 134576  
determined for each subsidy model. The statewide average at-risk 134577

course completion weight shall be determined by calculating the 134578  
 difference between the percentage of traditional students who 134579  
 complete a course and the percentage of at-risk students who 134580  
 complete the same course. 134581

(4) In calculating the core subsidy entitlements for Medical 134582  
 II models only, students repeating terms may be no more than five 134583  
 per cent of current year enrollment. 134584

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 134585

For purposes of calculating state share of instruction 134586  
 allocations, the total instructional costs per full-time 134587  
 equivalent student shall be: 134588

| Model                                                        | Fiscal<br>Year 2014 | Fiscal<br>Year 2015 |        |
|--------------------------------------------------------------|---------------------|---------------------|--------|
| ARTS AND HUMANITIES 1                                        | \$7,803             | \$7,940             | 134590 |
| ARTS AND HUMANITIES 2                                        | \$10,828            | \$11,018            | 134591 |
| ARTS AND HUMANITIES 3                                        | \$13,988            | \$14,234            | 134592 |
| ARTS AND HUMANITIES 4                                        | \$20,242            | \$20,598            | 134593 |
| ARTS AND HUMANITIES 5                                        | \$33,969            | \$34,567            | 134594 |
| ARTS AND HUMANITIES 6                                        | \$38,280            | \$38,954            | 134595 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1                      | \$7,109             | \$7,235             | 134596 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2                      | \$8,106             | \$8,249             | 134597 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3                      | \$10,640            | \$10,827            | 134598 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4                      | \$12,647            | \$12,869            | 134599 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5                      | \$19,657            | \$20,003            | 134600 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6                      | \$22,006            | \$22,393            | 134601 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7                      | \$30,558            | \$31,096            | 134602 |
| MEDICAL 1                                                    | \$53,424            | \$54,365            | 134603 |
| MEDICAL 2                                                    | \$45,873            | \$46,681            | 134604 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 1 | \$7,190             | \$7,317             | 134605 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 2 | \$10,091            | \$10,268            | 134606 |

|                                                |          |          |        |
|------------------------------------------------|----------|----------|--------|
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$11,928 | \$12,138 | 134607 |
| MEDICINE 3                                     |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$15,186 | \$15,454 | 134608 |
| MEDICINE 4                                     |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$20,043 | \$20,396 | 134609 |
| MEDICINE 5                                     |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$21,633 | \$22,013 | 134610 |
| MEDICINE 6                                     |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$26,471 | \$26,937 | 134611 |
| MEDICINE 7                                     |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$36,766 | \$37,413 | 134612 |
| MEDICINE 8                                     |          |          |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$52,170 | \$53,088 | 134613 |
| MEDICINE 9                                     |          |          |        |

Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(3) of this section. 134614  
134615

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 134616  
134617

For the purpose of implementing the recommendations of the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below: 134618  
134619  
134620  
134621  
134622  
134623  
134624

| Model                 | Fiscal    | Fiscal    |        |
|-----------------------|-----------|-----------|--------|
|                       | Year 2014 | Year 2015 |        |
| ARTS AND HUMANITIES 1 | 1.0000    | 1.0000    | 134626 |
| ARTS AND HUMANITIES 2 | 1.0000    | 1.0000    | 134627 |
| ARTS AND HUMANITIES 3 | 1.0000    | 1.0000    | 134628 |
| ARTS AND HUMANITIES 4 | 1.0000    | 1.0000    | 134629 |
| ARTS AND HUMANITIES 5 | 1.0425    | 1.0425    | 134630 |



|                                                                   |        |        |        |
|-------------------------------------------------------------------|--------|--------|--------|
| ARTS AND HUMANITIES 6                                             | 1.0425 | 1.0425 | 134631 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1                           | 1.0000 | 1.0000 | 134632 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2                           | 1.0000 | 1.0000 | 134633 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3                           | 1.0000 | 1.0000 | 134634 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4                           | 1.0000 | 1.0000 | 134635 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5                           | 1.0425 | 1.0425 | 134636 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6                           | 1.0425 | 1.0425 | 134637 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7                           | 1.0425 | 1.0425 | 134638 |
| MEDICAL 1                                                         | 1.6456 | 1.6456 | 134639 |
| MEDICAL 2                                                         | 1.7462 | 1.7462 | 134640 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 1      | 1.0000 | 1.0000 | 134641 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 2      | 1.0017 | 1.0017 | 134642 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 3      | 1.6150 | 1.6150 | 134643 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 4      | 1.6920 | 1.6920 | 134644 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 5      | 1.4222 | 1.4222 | 134645 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 6      | 1.8798 | 1.8798 | 134646 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 7      | 1.4380 | 1.4380 | 134647 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 8      | 1.5675 | 1.5675 | 134648 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 9      | 1.1361 | 1.1361 | 134649 |
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA             |        |        | 134650 |
| ENTITLEMENTS AND ADJUSTMENTS                                      |        |        | 134651 |
| (1) Of the foregoing appropriation item 235501, State Share       |        |        | 134652 |
| of Instruction, 25 per cent of the fiscal year 2014 appropriation |        |        | 134653 |
| for state-supported community colleges, state community colleges, |        |        | 134654 |

and technical colleges shall be allocated to colleges in 134655  
proportion to their share of college student success factors as 134656  
adopted by the Chancellor of the Board of Regents in formal 134657  
communication to the Controlling Board on August 30, 2010. 134658

(2) Of the foregoing appropriation item 235501, State Share 134659  
of Instruction, 25 per cent of the fiscal year 2014 appropriation 134660  
for state-supported community colleges, state community colleges, 134661  
and technical colleges shall be reserved for course completion 134662  
FTEs as aggregated by the subsidy models defined in division (B) 134663  
of this section. 134664

The course completion funding shall be allocated to colleges 134665  
in proportion to each campuses' share of the total sector's course 134666  
completions, weighted by the instructional cost of the subsidy 134667  
models. 134668

To calculate the subsidy entitlements for course completions 134669  
at community colleges, state community colleges, and technical 134670  
colleges, the Chancellor of the Board of Regents shall use the 134671  
following calculations: 134672

(a) In calculating each campus's count of FTE course 134673  
completions, the Chancellor of the Board of Regents shall use the 134674  
three-year average course completions for the three-year period 134675  
ending in the prior year. 134676

(b) The model costs as used in the calculation shall be 134677  
augmented by the model weights for science, technology, 134678  
engineering, mathematics, and medicine models as established in 134679  
division (C) of this section. 134680

(3) Of the foregoing appropriation item 235501, State Share 134681  
of Instruction, up to 11.78 per cent of the appropriation for 134682  
universities, as established in division (A)(2) of the section of 134683  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 134684  
2014 and 2015," in each fiscal year shall be reserved for support 134685

of doctoral programs to implement the funding recommendations made 134686  
by representatives of the universities. The amount so reserved 134687  
shall be referred to as the doctoral set-aside. 134688

The doctoral set-aside shall be allocated to universities as 134689  
follows: 134690

(a) 50 per cent of the doctoral set-aside in fiscal year 2014 134691  
and 40 per cent of the doctoral set-aside in fiscal year 2015 134692  
shall be allocated to universities in proportion to their share of 134693  
the statewide total of each state institution's three-year average 134694  
Doctoral I equivalent FTEs as calculated on an institutional basis 134695  
using historical FTEs for the period fiscal year 1994 through 134696  
fiscal year 1998 with annualized FTEs for fiscal years 1994 134697  
through 1997 and all-term FTEs for fiscal year 1998 as adjusted to 134698  
reflect the effects of doctoral review and subsequent changes in 134699  
Doctoral I equivalent enrollments. For the purposes of this 134700  
calculation, Doctoral I equivalent FTEs shall equal the sum of 134701  
Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 134702

(b) 25 per cent of the doctoral set-aside in fiscal year 2014 134703  
and 30 per cent of the doctoral set-aside in fiscal year 2015 134704  
shall be allocated to universities in proportion to each campus's 134705  
share of the total statewide doctoral degrees, weighted by the 134706  
cost of the doctoral discipline. In calculating each campus's 134707  
doctoral degrees the Chancellor of the Board of Regents shall use 134708  
the three-year average doctoral degrees awarded for the three-year 134709  
period ending in the prior year. 134710

(c) 12.5 per cent of the doctoral set-aside in fiscal year 134711  
2014 and 15 per cent of the doctoral set-aside in fiscal year 2015 134712  
shall be allocated to universities in proportion to their share of 134713  
research grant activity, using a data collection method that is 134714  
reviewed and approved by the presidents of Ohio's doctoral degree 134715  
granting universities. In the event that the data collection 134716  
method is not available, funding for this component shall be 134717

allocated to universities in proportion to their share of research 134718  
grant activity published by the National Science Foundation. Grant 134719  
awards from the Department of Health and Human Services shall be 134720  
weighted at 50 per cent. 134721

(d) 12.5 per cent of the doctoral set-aside in fiscal year 134722  
2014 and 15 per cent of the doctoral set-aside in fiscal year 2015 134723  
shall be allocated to universities based on other quality measures 134724  
that contribute to the advancement of quality doctoral programs. 134725  
These other quality measures shall be identified by the Chancellor 134726  
in consultation with universities. If for any reason metrics for 134727  
distributing the quality component of the doctoral set-aside are 134728  
not identified prior to the fiscal year allocation process, this 134729  
portion of the doctoral set-aside funds shall be allocated to 134730  
universities based on division (D)(3)(a) of this section. 134731

(4) Of the foregoing appropriation item 235501, State Share 134732  
of Instruction, 6.41 per cent of the appropriation for 134733  
universities, as established in division (A)(2) of the section of 134734  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 134735  
2014 AND 2015," in each fiscal year shall be reserved for support 134736  
of Medical II FTEs. The amount so reserved shall be referred to as 134737  
the medical II set-aside. 134738

The medical II set-aside shall be allocated to universities 134739  
in proportion to their share of the statewide total of each state 134740  
institution's three-year average Medical II FTEs as calculated in 134741  
division (A) of this section, weighted by model cost. 134742

(5) Of the foregoing appropriation item 235501, State Share 134743  
of Instruction, 1.48 per cent of the appropriation for 134744  
universities, as established in division (A)(2) of the section of 134745  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 134746  
2014 AND 2015," in each fiscal year shall be reserved for support 134747  
of Medical I FTEs. The amount so reserved shall be referred to as 134748  
the medical I set-aside. 134749

The medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs as calculated in division (A) of this section.

(6) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation in each fiscal year for universities, net any earmarked funding for university regional campuses as detailed in division (B)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," shall be reserved for support of associate, baccalaureate, master's, and professional level degree attainment.

The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

In calculating the subsidy entitlements for degree attainment at university main and regional campuses, the Chancellor of the Board of Regents shall use the following count of degrees and degree costs:

(a) The subsidy eligible undergraduate degrees shall be defined as follows:

(i) The subsidy eligible degrees conferred to students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy eligible degrees conferred to students identified as out-of-state residents during all terms of their

studies, as reported through the Higher Education Information 134781  
(HEI) system student enrollment file, which remain in the state of 134782  
Ohio at least one year after graduation shall be weighted by a 134783  
factor of 50 per cent. For fiscal year 2014, subsidy eligible 134784  
degrees conferred to all out-of-state students shall be weighted 134785  
by a factor of 25 per cent. 134786

(b) In fiscal year 2014, for those associate degrees awarded 134787  
by a state-supported university, the subsidy eligible degrees 134788  
granted are defined as only those earned by students attending a 134789  
university that received funding under GRF appropriation item 134790  
235418, Access Challenge, in fiscal year 2009. In fiscal year 134791  
2015, subsidy eligible associate degrees are defined as those 134792  
earned by students attending any state-supported university main 134793  
or regional campus. 134794

(c) In calculating each campus's count of degrees, the 134795  
Chancellor of the Board of Regents shall use the three-year 134796  
average associate, baccalaureate, master's, and professional 134797  
degrees awarded for the three-year period ending in the prior 134798  
year. In fiscal year 2014, university regional campuses are not 134799  
eligible for degree completion funding. In fiscal year 2015, all 134800  
university campuses are eligible for degree completion funding. 134801

(d) Eligible associate degrees defined in division (D)(6)(b) 134802  
of this section and all bachelor's degrees earned by a student 134803  
that either had an expected family contribution less than 2190, 134804  
was determined to have been in need of remedial education, is 134805  
Native American, African American, or Hispanic, or is at least age 134806  
26 at the time of graduation, shall be defined as degrees earned 134807  
by an at-risk student and shall be weighted by the following: 134808

(i) A campus-specific at-risk index, where the index is 134809  
calculated based on the proportion of at-risk students enrolled 134810  
during a four-year cohort beginning in fiscal year 2001, 2002, 134811  
2003, or 2004; and 134812

(ii) A statewide average at-risk degree completion weight 134813  
determined by calculating the difference between the percentage of 134814  
non-at-risk students who earned a degree and the percentage of 134815  
at-risk students who earned a degree in eight years or less. 134816

(7) State share of instruction base formula earnings shall be 134817  
determined as follows: 134818

(a) The instructional costs shall be determined by 134819  
multiplying the amounts listed above in divisions (B) and (C) of 134820  
this section by the average subsidy-eligible FTEs for the 134821  
three-year period ending in the prior year for all models except 134822  
Doctoral I and Doctoral II. 134823

(b) The Chancellor of the Board of Regents shall compute a 134824  
uniform state share of instructional costs for each sector. 134825

(i) For the state-supported community colleges, state 134826  
community colleges, and technical colleges, in fiscal year 2014 134827  
the Chancellor of the Board of Regents shall compute the uniform 134828  
state share of instructional costs for enrollment by dividing the 134829  
sector level appropriation total as determined by the Chancellor 134830  
in division (A)(1) of the section of this act entitled "STATE 134831  
SHARE OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 134832  
pursuant to divisions (B) and (C) of that section, less the 134833  
student college success allocation as described in division (D)(1) 134834  
of this section and less the course completion allocation as 134835  
detailed in division (D)(2) of this section, by the sum of all 134836  
eligible campuses' instructional costs as calculated in division 134837  
(D)(7)(b) of this section. 134838

(ii) For the state-supported university regional campuses, in 134839  
fiscal year 2014 the Chancellor of the Board of Regents shall 134840  
compute the uniform state share of instructional costs by dividing 134841  
the sector level appropriation, as determined by the Chancellor in 134842  
division (A)(2) of the section of this act entitled "STATE SHARE 134843

OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 134844  
pursuant to division (B) of that section by the sum of all 134845  
campuses' instructional costs as calculated in division (D)(7)(b) 134846  
of this section. 134847

(iii) For the state-supported university main campuses, in 134848  
fiscal year 2014 the Chancellor of the Board of Regents shall 134849  
compute the uniform state share of instructional costs by dividing 134850  
the sector level appropriation, as determined by the Chancellor in 134851  
division (A)(3) of the section of this act entitled "STATE SHARE 134852  
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 134853  
pursuant to division (B) of that section, less the degree 134854  
attainment funding as calculated in divisions (D)(3) to (6) of 134855  
this section, less the doctoral set-aside, less the medical I 134856  
set-aside, and less the medical II set-aside, by the sum of all 134857  
campuses' instructional costs as calculated in division (D)(7)(b) 134858  
of this section. 134859

(iv) For the state university regional and main campuses, in 134860  
fiscal year 2015 the Chancellor of the Board of Regents shall 134861  
compute the uniform state share of instructional costs by dividing 134862  
the university appropriation, as determined by the Chancellor in 134863  
division (A)(3) of the section of this act entitled "STATE SHARE 134864  
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 134865  
pursuant to division (B) of that section, less the degree 134866  
attainment funding as calculated in divisions (D)(3) to (6) of 134867  
this section, less the doctoral set-aside, less the medical I 134868  
set-aside, and less the medical II set-aside, by the sum of all 134869  
campuses' instructional costs as calculated in division (D)(7)(b) 134870  
of this section. 134871

(c) The formula entitlement shall be determined by 134872  
multiplying the uniform state share of instructional costs 134873  
calculated in division (D)(7)(c) of this section by the 134874  
instructional cost determined in division (D)(7)(b) of this 134875



section. 134876

(8) In addition to the student success allocation, doctoral 134877  
set-aside, medical I set-aside, medical II set-aside, and the 134878  
degree attainment allocation determined in divisions (D)(1) to (6) 134879  
of this section and the formula entitlement determined in division 134880  
(D)(7) of this section, an allocation based on facility-based 134881  
plant operations and maintenance (POM) subsidy shall be made. For 134882  
each eligible university main campus, the amount of the POM 134883  
allocation in each fiscal year shall be distributed based on what 134884  
each campus received in the fiscal year 2009 POM allocation. 134885

Any POM allocations required by this division shall be funded 134886  
by proportionately reducing formula entitlement earnings, 134887  
including the POM allocations, for all campuses in that sector. 134888

(9) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING FOR 134889  
COMMUNITY, STATE COMMUNITY, AND TECHNICAL COLLEGES 134890

In addition to and after the adjustments noted above, in 134891  
fiscal year 2014, no community college, state community college, 134892  
or technical college shall receive a state share of instruction 134893  
allocation that is less than 97 per cent of the prior year's state 134894  
share of instruction earnings. Funds shall be made available to 134895  
support this allocation by proportionately reducing formula 134896  
entitlement earnings from those campuses, within the community, 134897  
state community, and technical college sector, that are not 134898  
receiving stability funding. 134899

(10) CAPITAL COMPONENT DEDUCTION 134900

After all other adjustments have been made, state share of 134901  
instruction earnings shall be reduced for each campus by the 134902  
amount, if any, by which debt service charged in Am. H.B. 748 of 134903  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 134904  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 134905  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 134906

General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 134907  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 134908  
562 of the 127th General Assembly for that campus exceeds that 134909  
campus's capital component earnings. The sum of the amounts 134910  
deducted shall be transferred to appropriation item 235552, 134911  
Capital Component, in each fiscal year. 134912

(E) EXCEPTIONAL CIRCUMSTANCES 134913

Adjustments may be made to the state share of instruction 134914  
payments and other subsidies distributed by the Chancellor of the 134915  
Board of Regents to state colleges and universities for 134916  
exceptional circumstances. No adjustments for exceptional 134917  
circumstances may be made without the recommendation of the 134918  
Chancellor and the approval of the Controlling Board. 134919

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 134920  
INSTRUCTION 134921

The standard provisions of the state share of instruction 134922  
calculation as described in the preceding sections of temporary 134923  
law shall apply to any reductions made to appropriation item 134924  
235501, State Share of Instruction, before the Chancellor of the 134925  
Board of Regents has formally approved the final allocation of the 134926  
state share of instruction funds for any fiscal year. 134927

Any reductions made to appropriation item 235501, State Share 134928  
of Instruction, after the Chancellor of the Board of Regents has 134929  
formally approved the final allocation of the state share of 134930  
instruction funds for any fiscal year, shall be uniformly applied 134931  
to each campus in proportion to its share of the final allocation. 134932

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 134933

The state share of instruction payments to the institutions 134934  
shall be in substantially equal monthly amounts during the fiscal 134935  
year, unless otherwise determined by the Director of Budget and 134936  
Management pursuant to section 126.09 of the Revised Code. 134937

Payments during the first six months of the fiscal year shall be 134938  
based upon the state share of instruction appropriation estimates 134939  
made for the various institutions of higher education according to 134940  
the Chancellor of the Board of Regents enrollment, completion, and 134941  
performance estimates. Payments during the last six months of the 134942  
fiscal year shall be distributed after approval of the Controlling 134943  
Board upon the request of the Chancellor. 134944

(H) STUDIES TO DETERMINE IMPROVEMENTS TO THE FISCAL YEAR 2015 134945  
STATE SHARE OF INSTRUCTION FORMULAS 134946

(1) STUDY ON IDENTIFYING "AT-RISK" STUDENTS FOR COMMUNITY 134947  
COLLEGES 134948

Community college presidents, or their designees, in 134949  
consultation with the Chancellor of the Board of Regents, shall 134950  
study the most appropriate formula weights for students who come 134951  
from "at-risk" populations and recommend how they may be used to 134952  
determine allocations of appropriations to community colleges from 134953  
appropriation item 235501, State Share of Instruction, in fiscal 134954  
year 2015. The study shall identify the socio-economic, 134955  
demographic, academic, personal, and other factors that identify a 134956  
student as being "at-risk" of academic failure, and recommend how 134957  
these factors may be used to determine allocations of the State 134958  
Share of Instruction for community colleges in fiscal year 2015. 134959  
The study shall be completed by December 31, 2013. Notwithstanding 134960  
any provision of law to the contrary, community college 134961  
presidents, or their designees, in consultation with the 134962  
Chancellor of the Board of Regents, shall use the results of the 134963  
study to recommend changes in the determination of the 134964  
distribution of the community college allocations beginning in 134965  
fiscal year 2015 and shall report any such formula change 134966  
recommendations to the Governor, the General Assembly, and the 134967  
Office of Budget and Management not later than February 15, 2014. 134968

(2) STUDY ON THE USE OF SUCCESS POINTS AND COMPLETION 134969

MEASURES FOR COMMUNITY COLLEGES 134970

Community college presidents, or their designees, in 134971  
consultation with the Chancellor of the Board of Regents, shall 134972  
study the most appropriate formula weights for the "success 134973  
points" and completion performance measures used in the allocation 134974  
of appropriations to community colleges from appropriation item 134975  
235501, State Share of Instruction, in fiscal year 2015. The study 134976  
shall research the most appropriate success points and completion 134977  
measures that occur during the academic career of community 134978  
college students and recommend revisions to the current State 134979  
Share of Instruction model to fund achievement of the success 134980  
points beginning in fiscal year 2015. In addition, community 134981  
college presidents, or their designees, in consultation with the 134982  
Chancellor of the Board of Regents, shall determine how the 134983  
community college's fiscal year 2015 share of State Share of 134984  
Instruction funding shall be distributed among its success points, 134985  
completion measures and course completion funding, or other 134986  
performance and access measures. The study shall be completed by 134987  
December 31, 2013. Notwithstanding any provision of law to the 134988  
contrary, community college presidents, or their designees, in 134989  
consultation with the Chancellor of the Board of Regents, shall 134990  
use the results of the study to recommend changes in the 134991  
determination of the distribution of the community college 134992  
allocations beginning in fiscal year 2015 and shall report any 134993  
such formula change recommendations to the Governor, the General 134994  
Assembly, and the Office of Budget and Management not later than 134995  
February 15, 2014. 134996

(3) STUDY ON THE USE OF STUDENT LEVEL "AT-RISK" WEIGHTS AND 134997  
PROPORTIONAL DEGREE COUNTS FOR THE UNIVERSITIES DEGREE COMPLETION 134998  
COMPONENT 134999

University presidents, or their designees, in consultation 135000  
with the Chancellor of the Board of Regents, shall study the most 135001

appropriate formula weights for students who come from "at-risk" 135002  
populations and recommend how they may be used to determine 135003  
allocations of appropriations to universities from appropriation 135004  
item 235501, State Share of Instruction, in fiscal year 2015. In 135005  
addition to studying the "at-risk" student weights, university 135006  
presidents, or their designees, in consultation with the 135007  
Chancellor of the Board of Regents, shall recommend a methodology 135008  
for merging the current main campus and regional campus funding 135009  
formulas and distributing degree subsidies in cases where a 135010  
student attended more than one institution of higher education. 135011  
The study shall be completed by December 31, 2013. Notwithstanding 135012  
any provision of law to the contrary, university presidents, or 135013  
their designees, in consultation with the Chancellor of the Board 135014  
of Regents, shall use the results of the study to recommend 135015  
changes in the determination of the distribution of the university 135016  
allocations beginning in fiscal year 2015 and shall report any 135017  
such formula change recommendations to the Governor, the General 135018  
Assembly and the Office of Budget and Management not later than 135019  
February 15, 2014. 135020

**Section 363.200.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 135021  
2014 AND 2015 135022

(A) The foregoing appropriation item 235501, State Share of 135023  
Instruction, shall be distributed according to the section of this 135024  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 135025

(1) Of the foregoing appropriation item 235501, State Share 135026  
of Instruction, \$411,257,477 in fiscal year 2014 and \$419,101,428 135027  
in fiscal year 2015 shall be distributed to state-supported 135028  
community colleges, state community colleges, and technical 135029  
colleges. 135030

(2) Of the foregoing appropriation item 235501, State Share 135031  
of Instruction, \$1,372,968,020 in fiscal year 2014 and 135032

\$1,399,124,069 in fiscal year 2015 shall be distributed to 135033  
state-supported university main and regional campuses. 135034

(B) Of the amounts earmarked in division (A)(2) of this 135035  
section: 135036

(1) \$116,181,104 in fiscal year 2014 shall be distributed to 135037  
state university regional campuses. 135038

(2) \$3,923,764 in each fiscal year shall be distributed to 135039  
university main campuses based on each campus's share of the 135040  
appropriation item 235418, Access Challenge, in fiscal year 2009. 135041

(C) The POM adjustment in division (D)(7) of the section of 135042  
this act entitled "STATE SHARE OF INSTRUCTION FORMULAS" and the 135043  
Access Challenge earmark in division (B) of this section shall 135044  
expire on June 30, 2015. 135045

(D) The state share of instruction payments to the 135046  
institutions shall be in substantially equal monthly amounts 135047  
during the fiscal year, unless otherwise determined by the 135048  
Director of Budget and Management pursuant to section 126.09 of 135049  
the Revised Code. Payments during the last six months of the 135050  
fiscal year shall be distributed after approval of the Controlling 135051  
Board upon the request of the Chancellor of the Board of Regents. 135052

**Section 363.210. TRANSFER OF INSTRUCTIONAL SUBSIDIES BETWEEN 135053  
UNIVERSITIES 135054**

Notwithstanding any provision of law to the contrary, in 135055  
consultation with the Chancellor of the Board of Regents, a 135056  
state-supported university may request to transfer its fiscal year 135057  
2014 state share of instruction subsidy allocations of the 135058  
foregoing appropriation item 235501, State Share of Instruction, 135059  
between a university main campus and any university branch campus 135060  
for which the university main campus is affiliated to best 135061  
accomplish institutional goals and objectives. At the request of 135062

the Chancellor of the Board of Regents, the Director of Budget and 135063  
Management may transfer the requested amounts of state share of 135064  
instruction appropriation allocations between affiliated 135065  
university branch campuses and university main campuses. 135066

**Section 363.213.** STATE SHARE OF INSTRUCTION BRIDGE FUNDING 135067

The foregoing appropriation item 235505, State Share of 135068  
Instruction Bridge Funding, shall be used by the Chancellor to 135069  
supplement each campus receiving a State Share of Instruction 135070  
allocation in fiscal year 2014 that is lower than that campus's 135071  
State Share of Instruction allocation in fiscal year 2013. 135072

(A) For fiscal year 2014, the Chancellor shall pay temporary 135073  
allocations from the foregoing appropriation item 235505, State 135074  
Share of Instruction Bridge Funding, to any campus that 135075  
experiences any decrease in its State Share of Instruction 135076  
funding. 135077

(1) The amount of the temporary allocation payments for all 135078  
state institution campuses except Central State University and 135079  
Shawnee State University shall be equal to the difference between 135080  
the campus's State Share of Instruction funding allocation for 135081  
fiscal year 2013, as determined under the formula detailed in 135082  
sections 371.20.50 and 371.20.60 of Am. Sub. H.B. 153 of the 129th 135083  
General Assembly, and the campus's State Share of Instruction 135084  
funding allocation for fiscal year 2014, as determined under the 135085  
formula detailed in sections 363.190 and 363.200 of this act. If 135086  
the computation made under this division results in a negative 135087  
number, the campus's payment under this division shall be zero. 135088

(2) The amount of the temporary allocation payments for 135089  
Central State University shall be equal to the difference between 135090  
(a) Central State University's State Share of Instruction funding 135091  
allocation for fiscal year 2013, as determined under the State 135092  
Share of Instruction formula detailed in sections 371.20.50 and 135093

371.20.60 of Am. Sub. H.B. 153 of the 129th General Assembly, 135094  
combined with the fiscal year 2013 appropriation for appropriation 135095  
item 235514, Central State Supplement, in section 371.10 of Am. 135096  
Sub. H.B. 153 of the 129th General Assembly, and (b) Central State 135097  
University's State Share of Instruction funding allocation for 135098  
fiscal year 2014, as determined under the formula detailed in 135099  
sections 363.190 and 363.200 of this act, combined with the fiscal 135100  
year 2014 appropriation for the foregoing appropriation item 135101  
235514, Central State Supplement. If the computation made under 135102  
this division results in a negative number, Central State 135103  
University's payment under this division shall be zero. 135104

(3) The amount of the temporary allocation payments for 135105  
Shawnee State University shall be equal to the difference between 135106  
(a) Shawnee State University's State Share of Instruction funding 135107  
allocation for fiscal year 2013, as determined under the State 135108  
Share of Instruction formula detailed in sections 371.20.50 and 135109  
371.20.60 of Am. Sub. H.B. 153 of the 129th General Assembly, 135110  
combined with the fiscal year 2013 appropriation for appropriation 135111  
item 235520, Shawnee State Supplement, in section 371.10 of Am. 135112  
Sub. H.B. 153 of the 129th General Assembly, and (b) Shawnee State 135113  
University's State Share of Instruction funding allocation for 135114  
fiscal year 2014, as determined under the formula detailed in 135115  
sections 363.190 and 363.200 of this act, combined with the fiscal 135116  
year 2014 appropriation for the foregoing appropriation item 135117  
235514, Shawnee State Supplement. If the computation made under 135118  
this division results in a negative number, Shawnee State 135119  
University's payment under this division shall be zero. 135120

(B) In each fiscal year, the Chancellor shall not distribute 135121  
an amount greater than what is appropriated under the foregoing 135122  
appropriation item 235505, State Share of Instruction Bridge 135123  
Funding. If the Chancellor determines that the amounts 135124  
appropriated for support of the State Share of Instruction Bridge 135125



Funding program are inadequate to provide full temporary 135126  
allocation payments to all eligible campuses, the Chancellor shall 135127  
proportionally reduce payment amounts. 135128

**Section 363.220. RESTRICTION ON FEE INCREASES** 135129

The boards of trustees of state institutions of higher 135130  
education shall restrain increases in in-state undergraduate 135131  
instructional and general fees. Each state university and the 135132  
Northeast Ohio Medical University shall not increase its in-state 135133  
undergraduate instructional and general fees by more than 2.0 per 135134  
cent or \$188, whichever is higher, over what the institution 135135  
charged for the preceding academic year. 135136

Each university regional campus shall not increase its 135137  
in-state undergraduate instructional and general fees by more than 135138  
2.0 per cent or \$114, whichever is higher, over what the 135139  
institution charged for the preceding academic year. 135140

Each community college, state community college, and 135141  
technical college shall not increase its in-state undergraduate 135142  
instructional and general fees by more than \$100 over what the 135143  
institution charged for the preceding academic year. 135144

These limitations shall not apply to increases required to 135145  
comply with institutional covenants related to their obligations 135146  
or to meet unfunded legal mandates or legally binding obligations 135147  
incurred or commitments made prior to the effective date of this 135148  
section with respect to which the institution had identified such 135149  
fee increases as the source of funds. Any increase required by 135150  
such covenants and any such mandates, obligations, or commitments 135151  
shall be reported by the Chancellor of the Board of Regents to the 135152  
Controlling Board. These limitations may also be modified by the 135153  
Chancellor of the Board of Regents, with the approval of the 135154  
Controlling Board, to respond to exceptional circumstances as 135155  
identified by the Chancellor of the Board of Regents. 135156

These limitations shall not apply to institutions 135157  
participating in an undergraduate tuition guarantee program 135158  
pursuant to section 3345.48 of the Revised Code. 135159

**Section 363.230. HIGHER EDUCATION - BOARD OF TRUSTEES** 135160

(A) Funds appropriated for instructional subsidies at 135161  
colleges and universities may be used to provide such branch or 135162  
other off-campus undergraduate courses of study and such master's 135163  
degree courses of study as may be approved by the Chancellor of 135164  
the Board of Regents. 135165

(B) In providing instructional and other services to 135166  
students, boards of trustees of state institutions of higher 135167  
education shall supplement state subsidies with income from 135168  
charges to students. Except as otherwise provided in this act, 135169  
each board shall establish the fees to be charged to all students, 135170  
including an instructional fee for educational and associated 135171  
operational support of the institution and a general fee for 135172  
noninstructional services, including locally financed student 135173  
services facilities used for the benefit of enrolled students. The 135174  
instructional fee and the general fee shall encompass all charges 135175  
for services assessed uniformly to all enrolled students. Each 135176  
board may also establish special purpose fees, service charges, 135177  
and fines as required; such special purpose fees and service 135178  
charges shall be for services or benefits furnished individual 135179  
students or specific categories of students and shall not be 135180  
applied uniformly to all enrolled students. A tuition surcharge 135181  
shall be paid by all students who are not residents of Ohio. 135182

The board of trustees of a state institution of higher 135183  
education shall not authorize a waiver or nonpayment of 135184  
instructional fees or general fees for any particular student or 135185  
any class of students other than waivers specifically authorized 135186  
by law or approved by the Chancellor. This prohibition is not 135187

intended to limit the authority of boards of trustees to provide 135188  
for payments to students for services rendered the institution, 135189  
nor to prohibit the budgeting of income for staff benefits or for 135190  
student assistance in the form of payment of such instructional 135191  
and general fees. 135192

Each state institution of higher education in its statement 135193  
of charges to students shall separately identify the instructional 135194  
fee, the general fee, the tuition charge, and the tuition 135195  
surcharge. Fee charges to students for instruction shall not be 135196  
considered to be a price of service but shall be considered to be 135197  
an integral part of the state government financing program in 135198  
support of higher educational opportunity for students. 135199

(C) The boards of trustees of state institutions of higher 135200  
education shall ensure that faculty members devote a proper and 135201  
judicious part of their work week to the actual instruction of 135202  
students. Total class credit hours of production per academic term 135203  
per full-time faculty member is expected to meet the standards set 135204  
forth in the budget data submitted by the Chancellor of the Board 135205  
of Regents. 135206

(D) The authority of government vested by law in the boards 135207  
of trustees of state institutions of higher education shall in 135208  
fact be exercised by those boards. Boards of trustees may consult 135209  
extensively with appropriate student and faculty groups. 135210  
Administrative decisions about the utilization of available 135211  
resources, about organizational structure, about disciplinary 135212  
procedure, about the operation and staffing of all auxiliary 135213  
facilities, and about administrative personnel shall be the 135214  
exclusive prerogative of boards of trustees. Any delegation of 135215  
authority by a board of trustees in other areas of responsibility 135216  
shall be accompanied by appropriate standards of guidance 135217  
concerning expected objectives in the exercise of such delegated 135218  
authority and shall be accompanied by periodic review of the 135219

exercise of this delegated authority to the end that the public 135220  
interest, in contrast to any institutional or special interest, 135221  
shall be served. 135222

**Section 363.240. STUDENT SUPPORT SERVICES** 135223

The foregoing appropriation item 235502, Student Support 135224  
Services, shall be distributed by the Chancellor of the Board of 135225  
Regents to Ohio's state colleges and universities that incur 135226  
disproportionate costs in the provision of support services to 135227  
disabled students. 135228

**Section 363.250. WAR ORPHANS SCHOLARSHIPS** 135229

The foregoing appropriation item 235504, War Orphans 135230  
Scholarships, shall be used to reimburse state institutions of 135231  
higher education for waivers of instructional fees and general 135232  
fees provided by them, to provide grants to institutions that have 135233  
received a certificate of authorization from the Chancellor of the 135234  
Board of Regents under Chapter 1713. of the Revised Code, in 135235  
accordance with the provisions of section 5910.04 of the Revised 135236  
Code, and to fund additional scholarship benefits provided by 135237  
section 5910.032 of the Revised Code. 135238

**Section 363.253. OHIO STRATEGIC TRAINING CENTER** 135239

The foregoing appropriation item 235506, Ohio Strategic 135240  
Training Center, shall be used for a demonstration project to 135241  
purchase portable welding stations made from large shipping 135242  
containers and high level advanced training equipment for use at 135243  
the Point Industrial Park in South Point. 135244

**Section 363.260. OHIOLINK** 135245

The foregoing appropriation item 235507, OhioLINK, shall be 135246  
used by the Chancellor of the Board of Regents to support 135247

OhioLINK, a consortium organized under division (T) of section 135248  
3333.04 of the Revised Code to serve as the state's electronic 135249  
library information and retrieval system, which provides access 135250  
statewide to an extensive set of electronic databases and 135251  
resources, the library holdings of Ohio's public and participating 135252  
private nonprofit colleges and universities, and the State Library 135253  
of Ohio. 135254

**Section 363.270. AIR FORCE INSTITUTE OF TECHNOLOGY** 135255

The foregoing appropriation item 235508, Air Force Institute 135256  
of Technology, shall be used to: (A) strengthen the research and 135257  
educational linkages between the Wright Patterson Air Force Base 135258  
and institutions of higher education in Ohio; and (B) support the 135259  
Dayton Area Graduate Studies Institute, an engineering graduate 135260  
consortium of Wright State University, the University of Dayton, 135261  
and the Air Force Institute of Technology, with the participation 135262  
of the University of Cincinnati and The Ohio State University. 135263

**Section 363.280. OHIO SUPERCOMPUTER CENTER** 135264

The foregoing appropriation item 235510, Ohio Supercomputer 135265  
Center, shall be used by the Chancellor of the Board of Regents to 135266  
support the operation of the Ohio Supercomputer Center, a 135267  
consortium organized under division (T) of section 3333.04 of the 135268  
Revised Code, located at The Ohio State University. The Ohio 135269  
Supercomputer Center is a statewide resource available to Ohio 135270  
research universities both public and private. It is also intended 135271  
that the center be made accessible to private industry as 135272  
appropriate. 135273

Funds shall be used, in part, to support the Ohio 135274  
Supercomputer Center's Computational Science Initiative, which 135275  
includes its industrial outreach program, Blue Collar Computing, 135276  
and its School of Computational Science. These collaborations 135277

between the Ohio Supercomputer Center and Ohio's colleges and 135278  
universities shall be aimed at making Ohio a leader in using 135279  
computer modeling to promote economic development. 135280

**Section 363.290. COOPERATIVE EXTENSION SERVICE** 135281

The foregoing appropriation item 235511, Cooperative 135282  
Extension Service, shall be disbursed through the Chancellor of 135283  
the Board of Regents to The Ohio State University in monthly 135284  
payments, unless otherwise determined by the Director of Budget 135285  
and Management under section 126.09 of the Revised Code. 135286

Of the foregoing appropriation item 235511, Cooperative 135287  
Extension Service, up to \$30,000 in fiscal year 2014 shall be used 135288  
to develop an in-school agriculturally based curriculum for 135289  
inclusion within the regular classroom curriculum of an elementary 135290  
school in the Cleveland Municipal School District and the 135291  
Cincinnati City School District. 135292

Of the foregoing appropriation item 235511, Cooperative 135293  
Extension Service, up to \$73,450 in each fiscal year shall be used 135294  
to support a City of Cleveland Program Manager tasked with 135295  
preparing regular classroom teachers in one elementary school to 135296  
recruit and train volunteers for an after-school 4-H Club. 135297

Of the foregoing appropriation item 235511, Cooperative 135298  
Extension Service, \$73,450 in each fiscal year shall be used to 135299  
support a City of Cincinnati Program Manager tasked with preparing 135300  
regular classroom teachers in one elementary school to recruit and 135301  
train volunteers for an after-school 4-H Club. 135302

**Section 363.300. CENTRAL STATE SUPPLEMENT** 135303

The foregoing appropriation item 235514, Central State 135304  
Supplement, shall be disbursed by the Chancellor of the Board of 135305  
Regents to Central State University in accordance with the plan 135306  
developed by the Chancellor and submitted to the Governor and the 135307

General Assembly as directed by Am. Sub. H.B. 153 of the 129th 135308  
General Assembly. Funds shall be used in a manner consistent with 135309  
the goals of increasing enrollment, improving course completion, 135310  
and increasing the number of degrees conferred. 135311

The Chancellor shall monitor the implementation of the plan 135312  
and the use of funds. Central State University shall provide any 135313  
information requested by the Chancellor related to the 135314  
implementation of the plan. If the Chancellor determines that 135315  
Central State University's use of supplemental funds is not in 135316  
accordance with the plan or if the plan is not having the desired 135317  
effect, the Chancellor may notify Central State University that 135318  
the plan is suspended. Upon receiving such notice, Central State 135319  
University shall avoid all unnecessary expenditures under the 135320  
plan. The Chancellor shall notify the Controlling Board of the 135321  
suspension of the plan and within sixty days prepare a new plan 135322  
for the use of any remaining funds. 135323

**Section 363.310. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF** 135324  
**MEDICINE** 135325

The foregoing appropriation item 235515, Case Western Reserve 135326  
University School of Medicine, shall be disbursed to Case Western 135327  
Reserve University through the Chancellor of the Board of Regents 135328  
in accordance with agreements entered into under section 3333.10 135329  
of the Revised Code, provided that the state support per full-time 135330  
medical student shall not exceed that provided to full-time 135331  
medical students at state universities. 135332

**Section 363.320. FAMILY PRACTICE** 135333

The Chancellor of the Ohio Board of Regents shall develop 135334  
plans consistent with existing criteria and guidelines as may be 135335  
required for the distribution of appropriation item 235519, Family 135336  
Practice. 135337

**Section 363.330. SHAWNEE STATE SUPPLEMENT** 135338

The foregoing appropriation item 235520, Shawnee State 135339  
Supplement, shall be disbursed by the Chancellor of the Board of 135340  
Regents to Shawnee State University in accordance with the plan 135341  
developed by the Chancellor and submitted to the Governor and the 135342  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 135343  
General Assembly. Funds shall be used in a manner consistent with 135344  
the goals of improving course completion, increasing the number of 135345  
degrees conferred, and furthering the university's mission of 135346  
service to the Appalachian region. 135347

The Chancellor shall monitor the implementation of the plan 135348  
and the use of funds. Shawnee State University shall provide any 135349  
information requested by the Chancellor related to the 135350  
implementation of the plan. If the Chancellor determines that 135351  
Shawnee State University's use of supplemental funds is not in 135352  
accordance with the plan or if the plan is not having the desired 135353  
effect, the Chancellor may notify Shawnee State University that 135354  
the plan is suspended. Upon receiving such notice, Shawnee State 135355  
University shall avoid all unnecessary expenditures under the 135356  
plan. The Chancellor shall notify the Controlling Board of the 135357  
suspension of the plan and within sixty days prepare a new plan 135358  
for the use of any remaining funds. 135359

**Section 363.333. YOUTH STEM COMMERCIALIZATION AND** 135360  
**ENTREPRENEURSHIP PROGRAM** 135361

The foregoing appropriation item 235523, Youth STEM 135362  
Commercialization and Entrepreneurship Program, shall be used by 135363  
the Chancellor of the Ohio Board of Regents to support the Youth 135364  
STEM Commercialization and Entrepreneurship Program. The purpose 135365  
of this program is to grow Ohio's next generation of 135366  
entrepreneurs, to create jobs in Ohio by focusing on the practical 135367



application of science, technology, engineering, and mathematics 135368  
(STEM), including medicine and health fields, and to innovate new 135369  
products and services. The Youth STEM Commercialization and 135370  
Entrepreneurship Program shall (1) conduct regional STEM forums 135371  
for students and educators; (2) develop regional online high 135372  
school and collegiate STEM commercialization and entrepreneurship 135373  
content and courses; (3) create a statewide STEM commercialization 135374  
and entrepreneurship mentoring network available to high school 135375  
students anywhere in Ohio; and (4) conduct a statewide STEM 135376  
Commercialization and Entrepreneurship Plan competition that 135377  
includes incentive awards and scholarships for students and 135378  
professional development and incentives for teacher participation. 135379  
The competition and all aspects of the program shall be open to 135380  
any Ohio high school student and shall include initiatives to 135381  
engage minority, rural, and economically disadvantaged students 135382  
anywhere in Ohio. The Youth STEM Commercialization and 135383  
Entrepreneurship Program shall collaborate with Ohio's colleges 135384  
and universities, existing STEM and entrepreneurship programs, and 135385  
Ohio's STEM professional and trade associations to implement these 135386  
provisions and to create the new products or services of the 135387  
future, advance job creation in Ohio, and encourage enrollment at 135388  
Ohio institutions of higher education. 135389

**Section 363.340. POLICE AND FIRE PROTECTION** 135390

The foregoing appropriation item 235524, Police and Fire 135391  
Protection, shall be used for police and fire services in the 135392  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 135393  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 135394  
and the City of Nelsonville that may be used to assist these local 135395  
governments in providing police and fire protection for the 135396  
central campus of the state-affiliated university located therein. 135397

**Section 363.350. GERIATRIC MEDICINE** 135398

The Chancellor of the Board of Regents shall develop plans 135399  
consistent with existing criteria and guidelines as may be 135400  
required for the distribution of appropriation item 235525, 135401  
Geriatric Medicine. 135402

**Section 363.360. PRIMARY CARE RESIDENCIES** 135403

The Chancellor of the Board of Regents shall develop plans 135404  
consistent with existing criteria and guidelines as may be 135405  
required for the distribution of appropriation item 235526, 135406  
Primary Care Residencies. 135407

The foregoing appropriation item 235526, Primary Care 135408  
Residencies, shall be distributed in each fiscal year of the 135409  
biennium, based on whether or not the institution has submitted 135410  
and gained approval for a plan. If the institution does not have 135411  
an approved plan, it shall receive five per cent less funding per 135412  
student than it would have received from its annual allocation. 135413  
The remaining funding shall be distributed among those 135414  
institutions that meet or exceed their targets. 135415

**Section 363.370. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT** 135416  
**CENTER** 135417

The foregoing appropriation item 235535, Ohio Agricultural 135418  
Research and Development Center, shall be disbursed through the 135419  
Chancellor of the Board of Regents to The Ohio State University in 135420  
monthly payments, unless otherwise determined by the Director of 135421  
Budget and Management under section 126.09 of the Revised Code. 135422  
The Ohio Agricultural Research and Development Center shall not be 135423  
required to remit payment to The Ohio State University during the 135424  
biennium ending June 30, 2015, for cost reallocation assessments. 135425  
The cost reallocation assessments include, but are not limited to, 135426  
any assessment on state appropriations to the Center. 135427

The Ohio Agricultural Research and Development Center, an 135428

entity of the College of Food, Agricultural, and Environmental 135429  
Sciences of The Ohio State University, shall further its mission 135430  
of enhancing Ohio's economic development and job creation by 135431  
continuing to internally allocate on a competitive basis 135432  
appropriated funding of programs based on demonstrated 135433  
performance. Academic units, faculty, and faculty-driven programs 135434  
shall be evaluated and rewarded consistent with agreed-upon 135435  
performance expectations as called for in the College's 135436  
Expectations and Criteria for Performance Assessment. 135437

**Section 363.380. STATE UNIVERSITY CLINICAL TEACHING** 135438

The foregoing appropriation items 235536, The Ohio State 135439  
University Clinical Teaching; 235537, University of Cincinnati 135440  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 135441  
235539, Wright State University Clinical Teaching; 235540, Ohio 135442  
University Clinical Teaching; and 235541, Northeast Ohio Medical 135443  
University Clinical Teaching, shall be distributed through the 135444  
Chancellor of the Board of Regents. 135445

**Section 363.390. CAPITAL COMPONENT** 135446

The foregoing appropriation item 235552, Capital Component, 135447  
shall be used by the Chancellor of the Board of Regents to provide 135448  
funding for prior commitments made pursuant to the state's former 135449  
capital funding policy for state colleges and universities that 135450  
was originally established in Am. H.B. 748 of the 121st General 135451  
Assembly. Appropriations from this item shall be distributed to 135452  
all campuses for which the estimated campus debt service 135453  
attributable to qualifying capital projects was less than the 135454  
campus's formula-determined capital component allocation. Campus 135455  
allocations shall be determined by subtracting the estimated 135456  
campus debt service attributable to qualifying capital projects 135457  
from the campus's formula-determined capital component allocation. 135458

Moneys distributed from this appropriation item shall be 135459  
restricted to capital-related purposes. 135460

Any campus for which the estimated campus debt service 135461  
attributable to qualifying capital projects is greater than the 135462  
campus's formula-determined capital component allocation shall 135463  
have the difference subtracted from its State Share of Instruction 135464  
allocation in each fiscal year. Appropriation equal to the sum of 135465  
all such amounts except that of the Ohio Agricultural Research and 135466  
Development Center shall be transferred from appropriation item 135467  
235501, State Share of Instruction, to appropriation item 235552, 135468  
Capital Component. Appropriation equal to any estimated Ohio 135469  
Agricultural Research and Development Center debt service 135470  
attributable to qualifying capital projects that is greater than 135471  
the Center's formula-determined capital component allocation shall 135472  
be transferred from appropriation item 235535, Ohio Agricultural 135473  
Research and Development Center, to appropriation item 235552, 135474  
Capital Component. 135475

**Section 363.400. LIBRARY DEPOSITORIES** 135476

The foregoing appropriation item, 235555, Library 135477  
Depositories, shall be distributed to the state's five regional 135478  
depository libraries for the cost-effective storage of and access 135479  
to lesser-used materials in university library collections. The 135480  
depositories shall be administrated by the Chancellor of the Board 135481  
of Regents, or by OhioLINK at the discretion of the Chancellor. 135482

**Section 363.410. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 135483

The foregoing appropriation item 235556, Ohio Academic 135484  
Resources Network, shall be used by the Chancellor of the Board of 135485  
Regents to support the operations of the Ohio Academic Resources 135486  
Network, a consortium organized under division (T) of section 135487  
3333.04 of the Revised Code, which shall include support for 135488

Ohio's colleges and universities in maintaining and enhancing 135489  
network connections, using new network technologies to improve 135490  
research, education, and economic development programs, and 135491  
sharing information technology services. To the extent network 135492  
capacity is available, OARnet shall support allocating bandwidth 135493  
to eligible programs directly supporting Ohio's economic 135494  
development. 135495

**Section 363.420. LONG-TERM CARE RESEARCH** 135496

The foregoing appropriation item 235558, Long-term Care 135497  
Research, shall be disbursed to Miami University for long-term 135498  
care research. 135499

**Section 363.430. OHIO COLLEGE OPPORTUNITY GRANT** 135500

(A) Except as provided in division (C) of this section: 135501

Of the foregoing appropriation item 235563, Ohio College 135502  
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 135503  
by the Chancellor of the Board of Regents to award need-based 135504  
financial aid to students enrolled in eligible four-year public 135505  
institutions of higher education, excluding early college high 135506  
school and post-secondary enrollment option participants. 135507

Of the foregoing appropriation item 235563, Ohio College 135508  
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 135509  
by the Chancellor of the Board of Regents to award need-based 135510  
financial aid to students enrolled in eligible private nonprofit 135511  
institutions of higher education, excluding early college high 135512  
school and post-secondary enrollment option participants. 135513

The remainder of the foregoing appropriation item 235563, 135514  
Ohio College Opportunity Grant, shall be used by the Chancellor of 135515  
the Board of Regents to award needs-based financial aid to 135516  
students enrolled in eligible private for-profit career colleges 135517  
and schools. 135518

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| (B)(1) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 135519                                                                                                               |
| (a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 135520<br>135521<br>135522                                                                                           |
| (b) The three "sectors" of institutions of higher education consist of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 135523<br>135524                                                                                                     |
| (i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 135525<br>135526<br>135527                                                                                           |
| (ii) Eligible private nonprofit institutions of higher education;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 135528<br>135529                                                                                                     |
| (iii) Eligible private for-profit career colleges and schools.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 135530<br>135531                                                                                                     |
| (2) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2014 and fiscal year 2015 based on the formula used in fiscal year 2013, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2013-2014 academic year. | 135532<br>135533<br>135534<br>135535<br>135536<br>135537<br>135538<br>135539<br>135540<br>135541<br>135542<br>135543 |
| (C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for renewals or partial renewals of scholarships students receive under the Ohio Academic Scholarship Program under sections 3333.21 and 3333.22 of the                                                                                                                                                                                                                                                                                                                                        | 135544<br>135545<br>135546<br>135547<br>135548<br>135549                                                             |

Revised Code. In paying for scholarships under this division, the 135550  
Chancellor shall deduct funds from the allocations made under 135551  
division (A) of this section. Deductions shall be proportionate to 135552  
the amounts allocated to each sector from the total amounts 135553  
appropriated for each sector under the foregoing appropriation 135554  
item 235563, Ohio College Opportunity Grant. 135555

In each fiscal year, the Chancellor shall not distribute or 135556  
obligate or commit to be distributed an amount greater than what 135557  
is appropriated under the foregoing appropriation item 235563, 135558  
Ohio College Opportunity Grant. 135559

(D) The Chancellor shall establish, and post on the Ohio 135560  
Board of Regents' web site, award tables based on any formulas 135561  
created under division (B) of this section. The Chancellor shall 135562  
notify students and institutions of any reductions in awards under 135563  
this section. 135564

On or before August 31, 2013, the Chancellor of the Board of 135565  
Regents shall submit award tables to the Controlling Board for the 135566  
2013-2014 academic year and allocations of Ohio College 135567  
Opportunity Grant awards not already specified in section 3333.122 135568  
of the Revised Code. 135569

(E) Notwithstanding section 3333.122 of the Revised Code, no 135570  
student shall be eligible to receive an Ohio College Opportunity 135571  
Grant for more than ten semesters, fifteen quarters, or the 135572  
equivalent of five academic years, less the number of semesters or 135573  
quarters in which the student received an Ohio Instructional 135574  
Grant. 135575

**Section 363.440.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 135576

The foregoing appropriation item 235572, The Ohio State 135577  
University Clinic Support, shall be distributed through the 135578  
Chancellor of the Board of Regents to The Ohio State University 135579

for support of dental and veterinary medicine clinics. 135580

**Section 363.450.** NATIONAL GUARD SCHOLARSHIP PROGRAM 135581

The Chancellor of the Board of Regents shall disburse funds 135582  
from appropriation item 235599, National Guard Scholarship 135583  
Program. During each fiscal year, the Chancellor of the Board of 135584  
Regents, within ten days of cancellation, may certify to the 135585  
Director of Budget and Management the amount of canceled 135586  
prior-year encumbrances in appropriation item 235599, National 135587  
Guard Scholarship Program. Upon receipt of the certification, the 135588  
Director of Budget and Management may transfer cash in an amount 135589  
up to the amount certified from the General Revenue Fund to the 135590  
National Guard Scholarship Reserve Fund (Fund 5BM0). The 135591  
Chancellor of the Board of Regents shall seek Controlling Board 135592  
approval to authorize additional expenditures for appropriation 135593  
item 235623, National Guard Scholarship Reserve Fund. Upon 135594  
approval of the Controlling Board, the additional amounts are 135595  
hereby appropriated. The Chancellor of the Board of Regents shall 135596  
disburse funds from appropriation item 235623, National Guard 135597  
Scholarship Reserve Fund. 135598

**Section 363.460.** PLEDGE OF FEES 135599

Any new pledge of fees, or new agreement for adjustment of 135600  
fees, made in the biennium ending June 30, 2015, to secure bonds 135601  
or notes of a state institution of higher education for a project 135602  
for which bonds or notes were not outstanding on the effective 135603  
date of this section shall be effective only after approval by the 135604  
Chancellor of the Board of Regents, unless approved in a previous 135605  
biennium. 135606

**Section 363.470.** HIGHER EDUCATION GENERAL OBLIGATION DEBT 135607  
SERVICE 135608



The foregoing appropriation item 235909, Higher Education 135609  
General Obligation Debt Service, shall be used to pay all debt 135610  
service and related financing costs at the times they are required 135611  
to be made during the period from July 1, 2013, through June 30, 135612  
2015, for obligations issued under sections 151.01 and 151.04 of 135613  
the Revised Code. 135614

**Section 363.480. SALES AND SERVICES** 135615

The Chancellor of the Board of Regents is authorized to 135616  
charge and accept payment for the provision of goods and services. 135617  
Such charges shall be reasonably related to the cost of producing 135618  
the goods and services. Except as otherwise provided by law, no 135619  
charges may be levied for goods or services that are produced as 135620  
part of the routine responsibilities or duties of the Chancellor. 135621  
All revenues received by the Chancellor of the Board of Regents 135622  
shall be deposited into Fund 4560, and may be used by the 135623  
Chancellor of the Board of Regents to pay for the costs of 135624  
producing the goods and services. 135625

**Section 363.483. CO-OP INTERNSHIP PROGRAM** 135626

Of the foregoing appropriation item 235649, Co-op Internship 135627  
Program, \$75,000 in each fiscal year shall be used by the 135628  
Chancellor of the Board of Regents to support the operations of 135629  
Ohio University's Voinovich School. 135630

Of the foregoing appropriation item 235649, Co-op Internship 135631  
Program, \$75,000 in each fiscal year, shall be used by the 135632  
Chancellor of the Board of Regents to support the operations of 135633  
The Ohio State University's John Glenn School of Public Affairs. 135634

Of the foregoing appropriation item 235649, Co-op Internship 135635  
Program, \$75,000 in each fiscal year shall be used to support the 135636  
Bliss Institute of Applied Politics at the University of Akron. 135637

Of the foregoing appropriation item 235649, Co-op Internship 135638

Program, \$75,000 in each fiscal year shall be used to support the 135639  
Center for Public Management and Regional Affairs at Miami 135640  
University. 135641

Of the foregoing appropriation item 235649, Co-op Internship 135642  
Program, \$75,000 in each fiscal year shall be used to support the 135643  
Washington Center Internship Program. 135644

Of the foregoing appropriation item 235649, Co-op Internship 135645  
Program, \$75,000 in each fiscal year shall be used to support the 135646  
Ohio Center for the Advancement of Women in Public Service at the 135647  
Maxine Goodman Levin College of Urban Affairs at Cleveland State 135648  
University. 135649

Of the foregoing appropriation item 235649, Co-op Internship 135650  
Program, \$75,000 in each fiscal year shall be used to support the 135651  
University of Cincinnati Internship Program. 135652

Of the foregoing appropriation item 235649, Co-op Internship 135653  
Program, \$75,000 in each fiscal year shall be used by the 135654  
Chancellor of the Board of Regents to support the operations of 135655  
the Center for Regional Development at Bowling Green State 135656  
University. 135657

Of the foregoing appropriation item 235649, Co-op Internship 135658  
Program, \$75,000 in each fiscal year shall be used by the 135659  
Chancellor of the Board of Regents to support the operations of 135660  
the Institute for Defense Studies at Wright State University. 135661

Of the foregoing appropriation item 235649, Co-op Internship 135662  
Program, \$75,000 in each fiscal year shall be used to support the 135663  
Kent State University Columbus Program. 135664

**Section 363.490. HIGHER EDUCATIONAL FACILITY COMMISSION 135665**  
ADMINISTRATION 135666

The foregoing appropriation item 235602, Higher Educational 135667  
Facility Commission Administration, shall be used by the 135668

Chancellor of the Board of Regents for operating expenses related 135669  
to the Chancellor of the Board of Regents' support of the 135670  
activities of the Ohio Higher Educational Facility Commission. 135671  
Upon the request of the Chancellor, the Director of Budget and 135672  
Management may transfer up to \$29,100 cash in each fiscal year 135673  
from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC 135674  
Administration Fund (Fund 4E80). 135675

**Section 363.500. NURSING LOAN PROGRAM** 135676

The foregoing appropriation item 235606, Nursing Loan 135677  
Program, shall be used to administer the nurse education 135678  
assistance program. Up to \$50,000 in each fiscal year may be used 135679  
for operating expenses associated with the program. Any additional 135680  
funds needed for the administration of the program are subject to 135681  
Controlling Board approval. 135682

**Section 363.510. TELECOMMUNITY AND DISTANCE LEARNING** 135683

Of the foregoing appropriation item 235674, Telecommunity and 135684  
Distance Learning, up to \$25,000 in each fiscal year shall be 135685  
distributed by the Chancellor of the Board of Regents on a grant 135686  
basis to eligible school districts to establish "distance 135687  
learning" through interactive video technologies in the school 135688  
district. Per agreements with eight Ohio local telephone 135689  
companies, ALLTEL Ohio, CENTURY Telephone of Ohio, Chillicothe 135690  
Telephone Company, Cincinnati Bell Telephone Company, Orwell 135691  
Telephone Company, Sprint North Central Telephone, VERIZON, and 135692  
Western Reserve Telephone Company, school districts are eligible 135693  
for funds if they are within one of the listed telephone company 135694  
service areas. Funds to administer the program shall be expended 135695  
by the Chancellor of the Board of Regents up to the amount 135696  
specified in the agreements with the listed telephone companies. 135697

Within thirty days after the effective date of this section, 135698

the Director of Budget and Management shall transfer to Fund 4X10 135699  
in the State Special Revenue Fund Group any investment earnings 135700  
from moneys paid by any telephone company as part of any 135701  
settlement agreement between the listed companies and the Public 135702  
Utilities Commission in fiscal years 1996 and beyond. 135703

Of the foregoing appropriation item 235674, Telecommunity and 135704  
Distance Learning, up to \$24,150 in each fiscal year shall be 135705  
distributed by the Chancellor of the Board of Regents on a grant 135706  
basis to eligible school districts to establish "distance 135707  
learning" in the school district. Per an agreement with Ameritech, 135708  
school districts are eligible for funds if they are within an 135709  
Ameritech service area. Funds to administer the program shall be 135710  
expended by the Chancellor of the Board of Regents up to the 135711  
amount specified in the agreement with Ameritech. 135712

Within thirty days after the effective date of this section, 135713  
the Director of Budget and Management shall transfer to Fund 4X10 135714  
in the State Special Revenue Fund Group any investment earnings 135715  
from moneys paid by any telephone company as part of a settlement 135716  
agreement between the company and the Public Utilities Commission 135717  
in fiscal year 1995. 135718

**Section 363.520. VETERANS PREFERENCES** 135719

The Chancellor of the Board of Regents shall work with the 135720  
Department of Veterans Services to develop specific veterans 135721  
preference guidelines for higher education institutions. These 135722  
guidelines shall ensure that the institutions' hiring practices 135723  
are in accordance with the intent of Ohio's veterans preference 135724  
laws. 135725

**Section 363.530. STATE NEED-BASED FINANCIAL AID** 135726

RECONCILIATION 135727

By the first day of August in each fiscal year, or as soon as 135728

possible thereafter, the Chancellor of the Board of Regents shall 135729  
certify to the Director of Budget and Management the amount 135730  
necessary to pay any outstanding prior year obligations to higher 135731  
education institutions for the state's need-based financial aid 135732  
programs. The amounts certified are hereby appropriated to 135733  
appropriation item 235618, State Need-based Financial Aid 135734  
Reconciliation, from revenues received in the State Need-based 135735  
Financial Aid Reconciliation Fund (Fund 5Y50). 135736

**Section 363.540.** (A) As used in this section: 135737

(1) "Board of trustees" includes the managing authority of a 135738  
university branch district. 135739

(2) "State institution of higher education" has the same 135740  
meaning as in section 3345.011 of the Revised Code. 135741

(B) The board of trustees of any state institution of higher 135742  
education, notwithstanding any rule of the institution to the 135743  
contrary, may adopt a policy providing for mandatory furloughs of 135744  
employees, including faculty, to achieve spending reductions 135745  
necessitated by institutional budget deficits. 135746

**Section 363.550.** EFFICIENCY ADVISORY COMMITTEE 135747

The Chancellor of the Board of Regents shall establish an 135748  
efficiency advisory committee for the purpose of generating 135749  
optimal efficiency plans for campuses, identifying shared services 135750  
opportunities, and sharing best practices. The efficiency advisory 135751  
committee shall also attempt to reduce the cost of textbooks and 135752  
other education resource materials. The committee shall meet at 135753  
the call of the Chancellor or the Chancellor's designee, but at 135754  
least quarterly. Each state institution of higher education shall 135755  
designate an employee to serve as its efficiency officer 135756  
responsible for the evaluation and improvement of operational 135757  
efficiencies on campus. Each efficiency officer shall serve on the 135758

efficiency advisory committee. 135759

By December 31 of each year, the Efficiency Advisory 135760  
Committee shall provide a report to the Office of Budget and 135761  
Management, the Governor, and the General Assembly compiling the 135762  
operational efficiency plans for all institutions of higher 135763  
education and benchmarking efficiency gains realized over the 135764  
preceding year and progress in implementing the prior year's 135765  
efficiency plan. The report shall also be made available to the 135766  
public on the Ohio Board of Regents web site. 135767

**Section 363.570. (A) FUND ABOLITION** 135768

On July 1, 2013, or as soon as possible thereafter, the 135769  
Director of Budget and Management shall transfer the cash balance 135770  
in the eTech Ohio Telecommunity Education Fund (Fund 4W90) to the 135771  
Distance Learning Fund (Fund 4X10). Upon completion of the 135772  
transfer, the eTech Ohio Telecommunity Education Fund (Fund 135773  
4W90) is hereby abolished. 135774

**(B) ETECH OHIO COMMISSION ABOLISHMENT AND APPROPRIATION LINE 135775**  
**ITEM TRANSFER** 135776

Effective July 1, 2013, the Director of Budget and Management 135777  
shall cancel any existing encumbrances against appropriation item 135778  
935411, Technology Integration and Professional Development, and 135779  
re-establish them, as determined to be appropriate by the Director 135780  
of Budget and Management, against appropriation item 235483, 135781  
Technology Integration and Professional Development. The 135782  
re-established encumbrance amounts are hereby appropriated. Any 135783  
business commenced but not completed under appropriation item 135784  
935411, Technology Integration and Professional Development, by 135785  
July 1, 2013, shall be completed, as determined to be appropriate 135786  
by the Director of Budget and Management, under appropriation item 135787  
235483, Technology Integration and Professional Development, in 135788  
the same manner and with the same effect as if it were completed 135789

with regard to appropriation item 935411, Technology Integration 135790  
and Professional Development. 135791

Effective July 1, 2013, the Director of Budget and Management 135792  
shall cancel any existing encumbrances against appropriation item 135793  
935608, Media Services, and re-establish them against 135794  
appropriation item 235676, Media Services. The re-established 135795  
encumbrance amounts are hereby appropriated. Any business 135796  
commenced but not completed under appropriation item 935608, Media 135797  
Services, by July 1, 2013, shall be completed under appropriation 135798  
item 235676, Media Services, in the same manner and with the same 135799  
effect as if it were completed with regard to appropriation item 135800  
935608, Media Services. 135801

Effective July 1, 2013, the Director of Budget and Management 135802  
shall cancel any existing encumbrances against appropriation item 135803  
935640, Conference/Special Purposes, and re-establish them against 135804  
appropriation item 235675, Conference/Special Purposes. The 135805  
re-established encumbrance amounts are hereby appropriated. Any 135806  
business commenced but not completed under appropriation item 135807  
935640, Conference/Special Purposes, by July 1, 2013, shall be 135808  
completed under appropriation item 235675, Conference/Special 135809  
Purposes, in the same manner and with the same effect as if it 135810  
were completed with regard to appropriation item 935640, 135811  
Conference/Special Purposes. 135812

Effective July 1, 2013, the Director of Budget and Management 135813  
shall cancel any existing encumbrances against appropriation item 135814  
935630, Telecommunity, and cancel any existing encumbrances 135815  
against appropriation item 935634, Distance Learning, and 135816  
re-establish them against appropriation item 235674, Telecommunity 135817  
and Distance Learning. The re-established encumbrance amounts are 135818  
hereby appropriated. Any business commenced but not completed 135819  
under appropriation items 935630, Telecommunity, and 935634, 135820  
Distance Learning, by July 1, 2013, shall be completed under 135821

appropriation item 235674, Telecommunity and Distance Learning, in 135822  
the same manner and with the same effect as if it were completed 135823  
with regard to appropriation items 935630, Telecommunity, and 135824  
935634, Distance Learning. 135825

On July 1, 2013, or as soon as possible thereafter, the 135826  
Director of Budget and Management shall cancel any existing 135827  
capital appropriations and capital encumbrances of the former 135828  
eTech Ohio Commission in the Higher Education Improvement Fund 135829  
(Fund 7034), and re-establish them with the Chancellor of the 135830  
Board of Regents in the Higher Education Improvement Fund (Fund 135831  
7034). The re-established amounts are hereby appropriated. 135832

Effective July 1, 2013, notwithstanding any provision of the 135833  
law to the contrary, the Director of Budget and Management may 135834  
make budget changes made necessary by the transfer of the former 135835  
eTech Ohio Commission to the Chancellor of the Board of Regents, 135836  
if any, including administrative organization, program transfers, 135837  
the creation of new funds, the transfer of state funds, the 135838  
consolidation of funds, and the transfer of capital 135839  
appropriations, as authorized by this section. The Director of 135840  
Budget and Management may, if necessary, establish prior year 135841  
encumbrances or parts of prior year encumbrances of the former 135842  
eTech Ohio Commission with the Chancellor of the Board of Regents 135843  
in the appropriate fund and appropriation item for the same 135844  
purpose and for payment to the same vendor in fiscal year 2014 or 135845  
fiscal year 2015. The established encumbrances plus any additional 135846  
amounts determined to be necessary for the Chancellor of the Board 135847  
of Regents to perform the operations and related management 135848  
functions of the former eTech Ohio Commission are hereby 135849  
appropriated. 135850

(C) CONFERENCE OPERATION OFFICE 135851

Beginning in fiscal year 2014, the annual eTech Ohio 135852  
Conference will be overseen by a Conference Operation Office 135853



comprised of employees of the Chancellor of the Board of Regents 135854  
and Department of Education, including former employees of the 135855  
eTech Ohio Commission transferred to the Chancellor of the Board 135856  
of Regents and the Department of Education. The Office shall be 135857  
responsible for conferences that focus on professional development 135858  
in the education field, educational technology, distance learning, 135859  
and other education topics pertinent to the State of Ohio. 135860

(D) ETECH ABOLISHMENT 135861

On and after July 1, 2013, the eTech Ohio Commission is 135862  
hereby abolished and its duties, personnel, assets, and 135863  
liabilities are transferred as provided in divisions (F) and (G) 135864  
of this section. 135865

(E) TRANSFER OF CAPITAL DUTIES 135866

As of July 1, 2013, the Chancellor of the Board of Regents 135867  
shall succeed to and have and perform all fiduciary duties and 135868  
responsibilities previously held by the Director of eTech Ohio for 135869  
all outstanding capital appropriations designated for use by eTech 135870  
Ohio. 135871

**Section 363.580. ELECTRONIC TEXTBOOK PILOT PROJECT** 135872

(A) The Electronic Textbook Pilot Project is hereby 135873  
established to provide grants on a competitive basis to public and 135874  
chartered nonpublic schools to purchase electronic textbooks 135875  
through the learning clearinghouse established in section 3333.81 135876  
to 3333.88. The Electronic Textbook Pilot Project shall be 135877  
administered by the Chancellor of the Board of Regents. 135878

(B) The Chancellor shall have the authority to set the grant 135879  
criteria and to select grant recipients. In awarding grants under 135880  
this section, the Chancellor shall establish the criteria for 135881  
determining which applicants will be considered a priority for 135882  
receiving grant funds. 135883

(C) Not later than January 31, 2014, the Chancellor shall 135884  
issue a request for proposals from eligible schools. 135885

(D) Not later than May 31, 2014, the Chancellor shall award 135886  
grants for use during the 2014-2015 school year. 135887

(E) The Chancellor and Superintendent of Public Instruction 135888  
jointly shall notify schools of and promote participation in the 135889  
pilot project. 135890

(F) Not later than December 31, 2015, the Chancellor shall 135891  
submit to the Governor and the General Assembly, in accordance 135892  
with section 101.68 of the Revised Code, a formative evaluation of 135893  
the implementation and results of the pilot project and 135894  
legislative recommendations for any changes in the pilot project. 135895

(G) The number of grants awarded under this section shall not 135896  
exceed the number that can be funded with appropriations made by 135897  
the General Assembly for this purpose. 135898

**Section 365.10.** DRC DEPARTMENT OF REHABILITATION AND 135899  
CORRECTION 135900

General Revenue Fund 135901

GRF 501321 Institutional \$ 883,768,015 \$ 873,724,802 135902  
Operations

GRF 501403 Prisoner Compensation \$ 6,000,000 \$ 6,000,000 135903

GRF 501405 Halfway House \$ 45,049,356 \$ 46,024,108 135904

GRF 501406 Lease Rental Payments \$ 104,099,500 \$ 99,534,800 135905

GRF 501407 Community \$ 34,187,858 \$ 34,314,390 135906  
Nonresidential  
Programs

GRF 501408 Community Misdemeanor \$ 12,856,800 \$ 12,856,800 135907  
Programs

GRF 501501 Community Residential \$ 63,345,972 \$ 66,150,781 135908  
Programs - CBCF

|                                    |                                |                                      |    |               |    |               |        |
|------------------------------------|--------------------------------|--------------------------------------|----|---------------|----|---------------|--------|
| GRF                                | 503321                         | Parole and Community<br>Operations   | \$ | 64,480,938    | \$ | 65,029,680    | 135909 |
| GRF                                | 504321                         | Administrative<br>Operations         | \$ | 20,659,664    | \$ | 20,907,476    | 135910 |
| GRF                                | 505321                         | Institution Medical<br>Services      | \$ | 243,289,774   | \$ | 254,139,452   | 135911 |
| GRF                                | 506321                         | Institution Education<br>Services    | \$ | 19,102,051    | \$ | 19,112,418    | 135912 |
| TOTAL GRF                          | General Revenue Fund           |                                      | \$ | 1,496,839,928 | \$ | 1,497,794,707 | 135913 |
| General Services Fund Group        |                                |                                      |    |               |    |               | 135914 |
| 1480                               | 501602                         | Institutional<br>Services            | \$ | 3,139,577     | \$ | 3,139,577     | 135915 |
| 2000                               | 501607                         | Ohio Penal Industries                | \$ | 41,393,226    | \$ | 40,609,872    | 135916 |
| 4830                               | 501605                         | Property Receipts                    | \$ | 582,086       | \$ | 582,086       | 135917 |
| 4B00                               | 501601                         | Sewer Treatment<br>Services          | \$ | 2,023,671     | \$ | 2,067,214     | 135918 |
| 4D40                               | 501603                         | Prisoner Programs                    | \$ | 17,499,255    | \$ | 17,499,255    | 135919 |
| 4L40                               | 501604                         | Transitional Control                 | \$ | 1,113,120     | \$ | 1,113,120     | 135920 |
| 4S50                               | 501608                         | Education Services                   | \$ | 4,114,782     | \$ | 4,114,782     | 135921 |
| 5710                               | 501606                         | Training Academy<br>Receipts         | \$ | 125,000       | \$ | 125,000       | 135922 |
| 5930                               | 501618                         | Laboratory Services                  | \$ | 3,750,000     | \$ | 0             | 135923 |
| 5AF0                               | 501609                         | State and Non-Federal<br>Awards      | \$ | 1,440,000     | \$ | 1,440,000     | 135924 |
| 5H80                               | 501617                         | Offender Financial<br>Responsibility | \$ | 2,000,000     | \$ | 2,000,000     | 135925 |
| 5L60                               | 501611                         | Information<br>Technology Services   | \$ | 250,000       | \$ | 250,000       | 135926 |
| TOTAL GSF                          | General Services Fund<br>Group |                                      | \$ | 77,430,717    | \$ | 72,940,906    | 135927 |
| Federal Special Revenue Fund Group |                                |                                      |    |               |    |               | 135928 |
| 3230                               | 501619                         | Federal Grants                       | \$ | 7,132,943     | \$ | 7,132,943     | 135929 |

|                                                                    |    |               |                         |
|--------------------------------------------------------------------|----|---------------|-------------------------|
| TOTAL FED Federal Special Revenue                                  |    |               | 135930                  |
| Fund Group                                                         | \$ | 7,132,943     | \$ 7,132,943 135931     |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 1,581,403,588 | \$ 1,577,868,556 135932 |
| TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL         |    |               |                         |
| SENTENCING REFORMS                                                 |    |               |                         |
| 135933                                                             |    |               |                         |
| 135934                                                             |    |               |                         |
| For the purposes of implementing criminal sentencing reforms,      |    |               |                         |
| 135935                                                             |    |               |                         |
| and notwithstanding any other provision of law to the contrary,    |    |               |                         |
| 135936                                                             |    |               |                         |
| the Director of Budget and Management, at the request of the       |    |               |                         |
| 135937                                                             |    |               |                         |
| Director of Rehabilitation and Correction, may transfer up to      |    |               |                         |
| 135938                                                             |    |               |                         |
| \$14,000,000 in appropriations, in each of fiscal years 2014 and   |    |               |                         |
| 135939                                                             |    |               |                         |
| 2015, from appropriation item 501321, Institutional Operations, to |    |               |                         |
| 135940                                                             |    |               |                         |
| any combination of appropriation items 501405, Halfway House;      |    |               |                         |
| 135941                                                             |    |               |                         |
| 501407, Community Residential Programs; 501408, Community          |    |               |                         |
| 135942                                                             |    |               |                         |
| Misdemeanor Programs; and 501501, Community Residential Programs - |    |               |                         |
| 135943                                                             |    |               |                         |
| CBCF.                                                              |    |               |                         |
| 135944                                                             |    |               |                         |
| LEASE RENTAL PAYMENTS                                              |    |               |                         |
| 135945                                                             |    |               |                         |
| The foregoing appropriation item 501406, Lease Rental              |    |               |                         |
| 135946                                                             |    |               |                         |
| Payments, shall be used to meet all payments at the times they are |    |               |                         |
| 135947                                                             |    |               |                         |
| required to be made during the period from July 1, 2013, through   |    |               |                         |
| 135948                                                             |    |               |                         |
| June 30, 2015, by the Department of Rehabilitation and Correction  |    |               |                         |
| 135949                                                             |    |               |                         |
| under the primary leases and agreements for those buildings made   |    |               |                         |
| 135950                                                             |    |               |                         |
| under Chapters 152. and 154. of the Revised Code. These            |    |               |                         |
| 135951                                                             |    |               |                         |
| appropriations are the source of funds pledged for bond service    |    |               |                         |
| 135952                                                             |    |               |                         |
| charges on related obligations issued under Chapters 152. and 154. |    |               |                         |
| 135953                                                             |    |               |                         |
| of the Revised Code.                                               |    |               |                         |
| 135954                                                             |    |               |                         |
| OSU MEDICAL CHARGES                                                |    |               |                         |
| 135955                                                             |    |               |                         |
| Notwithstanding section 341.192 of the Revised Code, at the        |    |               |                         |
| 135956                                                             |    |               |                         |
| request of the Department of Rehabilitation and Correction, The    |    |               |                         |
| 135957                                                             |    |               |                         |
| Ohio State University Medical Center, including the Arthur G.      |    |               |                         |
| 135958                                                             |    |               |                         |
| James Cancer Hospital and Richard J. Solove Research Institute and |    |               |                         |
| 135959                                                             |    |               |                         |
| the Richard M. Ross Heart Hospital, shall provide necessary care   |    |               |                         |
| 135960                                                             |    |               |                         |

to persons who are confined in state adult correctional 135961  
 facilities. The provision of necessary care shall be billed to the 135962  
 Department at a rate not to exceed the authorized reimbursement 135963  
 rate for the same service established by the Department of 135964  
 Medicaid under the Medicaid Program. 135965

CORRECTIVE CASH TRANSFER 135966

At the request of the Director of Rehabilitation and 135967  
 Correction, the Director of Budget and Management may transfer an 135968  
 amount not to exceed \$2,391 in cash that was mistakenly deposited 135969  
 in the Federal Grants Fund (Fund 3230) to the General Revenue 135970  
 Fund. 135971

**Section 369.10.** RCB RESPIRATORY CARE BOARD 135972

General Services Fund Group 135973  
 4K90 872609 Operating Expenses \$ 547,576 \$ 542,246 135974  
 TOTAL GSF General Services 135975  
 Fund Group \$ 547,576 \$ 542,246 135976  
 TOTAL ALL BUDGET FUND GROUPS \$ 547,576 \$ 542,246 135977

**Section 371.10.** RDF REVENUE DISTRIBUTION FUNDS 135979

Special State Revenue Fund Group 135980  
 5JG0 110633 Gross Casino Revenue \$ 158,005,325 \$ 168,977,942 135981  
 County Fund  
 TOTAL SSR State Special Revenue \$ 158,005,325 \$ 168,977,942 135982  
 Fund Group  
 Volunteer Firefighters' Dependents Fund 135983  
 7085 800985 Volunteer Firemen's \$ 300,000 \$ 300,000 135984  
 Dependents Fund  
 TOTAL 085 Volunteer Firefighters' 135985  
 Dependents Fund \$ 300,000 \$ 300,000 135986  
 Agency Fund Group 135987

|           |                                        |                                                           |    |               |    |               |        |
|-----------|----------------------------------------|-----------------------------------------------------------|----|---------------|----|---------------|--------|
| 4P80      | 001698                                 | Cash Management<br>Improvement Fund                       | \$ | 3,100,000     | \$ | 3,100,000     | 135988 |
| 5JH0      | 110634                                 | Gross Casino Revenue<br>County Student Fund               | \$ | 105,336,883   | \$ | 112,651,961   | 135989 |
| 5JJ0      | 110636                                 | Gross Casino Revenue<br>Host City Fund                    | \$ | 15,490,718    | \$ | 16,566,465    | 135990 |
| 6080      | 001699                                 | Investment Earnings                                       | \$ | 30,000,000    | \$ | 30,000,000    | 135991 |
| 7062      | 110962                                 | Resort Area Excise<br>Tax                                 | \$ | 1,000,000     | \$ | 1,000,000     | 135992 |
| 7063      | 110963                                 | Permissive Tax<br>Distribution                            | \$ | 2,066,331,400 | \$ | 2,151,135,100 | 135993 |
| 7067      | 110967                                 | School District<br>Income Tax                             | \$ | 346,669,300   | \$ | 365,277,800   | 135994 |
| 7099      | 762902                                 | Permissive Tax<br>Distribution - Auto<br>Registration     | \$ | 184,000,000   | \$ | 184,000,000   | 135995 |
| TOTAL AGY | Agency Fund Group                      |                                                           | \$ | 2,751,928,301 | \$ | 2,863,731,326 | 135996 |
|           | Holding Account Redistribution         |                                                           |    |               |    |               | 135997 |
| R045      | 110617                                 | International Fuel<br>Tax Distribution                    | \$ | 40,000,000    | \$ | 40,000,000    | 135998 |
| TOTAL 090 | Holding Account<br>Redistribution Fund |                                                           | \$ | 40,000,000    | \$ | 40,000,000    | 135999 |
|           | Revenue Distribution Fund Group        |                                                           |    |               |    |               | 136000 |
| 7049      | 335900                                 | Indigent Drivers<br>Alcohol Treatment                     | \$ | 2,250,000     | \$ | 2,250,000     | 136001 |
| 7050      | 762900                                 | International<br>Registration Plan<br>Distribution        | \$ | 30,000,000    | \$ | 30,000,000    | 136002 |
| 7051      | 762901                                 | Auto Registration<br>Distribution                         | \$ | 360,000,000   | \$ | 360,000,000   | 136003 |
| 7054      | 110954                                 | Local Government<br>Property Tax<br>Replacement - Utility | \$ | 5,649,000     | \$ | 5,649,000     | 136004 |

|                                |        |                       |    |               |    |               |        |
|--------------------------------|--------|-----------------------|----|---------------|----|---------------|--------|
| 7060                           | 110960 | Gasoline Excise Tax   | \$ | 395,000,000   | \$ | 395,000,000   | 136005 |
|                                |        | Fund                  |    |               |    |               |        |
| 7065                           | 110965 | Public Library Fund   | \$ | 359,300,000   | \$ | 369,000,000   | 136006 |
| 7066                           | 800966 | Undivided Liquor      | \$ | 14,100,000    | \$ | 14,100,000    | 136007 |
|                                |        | Permits               |    |               |    |               |        |
| 7068                           | 110968 | State and Local       | \$ | 196,000,000   | \$ | 196,000,000   | 136008 |
|                                |        | Government Highway    |    |               |    |               |        |
|                                |        | Distribution          |    |               |    |               |        |
| 7069                           | 110969 | Local Government Fund | \$ | 363,600,000   | \$ | 376,400,000   | 136009 |
| 7081                           | 110981 | Local Government      | \$ | 146,500,000   | \$ | 107,900,000   | 136010 |
|                                |        | Property Tax          |    |               |    |               |        |
|                                |        | Replacement-Business  |    |               |    |               |        |
| 7082                           | 110982 | Horse Racing Tax      | \$ | 100,000       | \$ | 100,000       | 136011 |
| 7083                           | 700900 | Ohio Fairs Fund       | \$ | 1,400,000     | \$ | 1,400,000     | 136012 |
| TOTAL RDF Revenue Distribution |        |                       |    |               |    |               | 136013 |
| Fund Group                     |        |                       | \$ | 1,873,899,000 | \$ | 1,857,799,000 | 136014 |
| TOTAL ALL BUDGET FUND GROUPS   |        |                       | \$ | 4,824,132,626 | \$ | 4,930,808,268 | 136015 |

ADDITIONAL APPROPRIATIONS 136016

Appropriation items in this section shall be used for the 136017  
purpose of administering and distributing the designated revenue 136018  
distribution funds according to the Revised Code. If it is 136019  
determined that additional appropriations are necessary for this 136020  
purpose, such amounts are hereby appropriated. 136021

GENERAL REVENUE FUND TRANSFERS 136022

Notwithstanding any provision of law to the contrary, in 136023  
fiscal year 2014 and fiscal year 2015, the Director of Budget and 136024  
Management may transfer from the General Revenue Fund to the Local 136025  
Government Tangible Property Tax Replacement Fund (Fund 7081) in 136026  
the Revenue Distribution Fund Group, those amounts necessary to 136027  
reimburse local taxing units under section 5751.22 of the Revised 136028  
Code. Also, in fiscal year 2014 and fiscal year 2015, the Director 136029  
of Budget and Management may make temporary transfers from the 136030

|                                                                   |    |           |              |        |
|-------------------------------------------------------------------|----|-----------|--------------|--------|
| General Revenue Fund to ensure sufficient balances in the Local   |    |           |              | 136031 |
| Government Tangible Property Tax Replacement Fund (Fund 7081) and |    |           |              | 136032 |
| to replenish the General Revenue Fund for such transfers.         |    |           |              | 136033 |
| <b>Section 373.10. SAN BOARD OF SANITARIAN REGISTRATION</b>       |    |           |              | 136034 |
| General Services Fund Group                                       |    |           |              | 136035 |
| 4K90 893609 Operating Expenses                                    | \$ | 137,850   | \$ 129,850   | 136036 |
| TOTAL GSF General Services                                        |    |           |              | 136037 |
| Fund Group                                                        | \$ | 137,850   | \$ 129,850   | 136038 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 137,850   | \$ 129,850   | 136039 |
| <b>Section 375.10. OSB OHIO STATE SCHOOL FOR THE BLIND</b>        |    |           |              | 136041 |
| General Revenue Fund                                              |    |           |              | 136042 |
| GRF 226321 Operations                                             | \$ | 7,278,579 | \$ 7,278,579 | 136043 |
| TOTAL GRF General Revenue Fund                                    | \$ | 7,278,579 | \$ 7,278,579 | 136044 |
| General Services Fund Group                                       |    |           |              | 136045 |
| 4H80 226602 Education Reform                                      | \$ | 27,000    | \$ 27,000    | 136046 |
| Grants                                                            |    |           |              |        |
| TOTAL GSF General Services                                        |    |           |              | 136047 |
| Fund Group                                                        | \$ | 27,000    | \$ 27,000    | 136048 |
| Federal Special Revenue Fund Group                                |    |           |              | 136049 |
| 3100 226626 Coordinating Unit                                     | \$ | 2,527,104 | \$ 2,527,104 | 136050 |
| 3DT0 226621 Ohio Transition                                       | \$ | 650,000   | \$ 650,000   | 136051 |
| Collaborative                                                     |    |           |              |        |
| 3P50 226643 Medicaid Professional                                 | \$ | 50,000    | \$ 50,000    | 136052 |
| Services                                                          |    |           |              |        |
| Reimbursement                                                     |    |           |              |        |
| TOTAL FED Federal Special                                         |    |           |              | 136053 |
| Revenue Fund Group                                                | \$ | 3,227,104 | \$ 3,227,104 | 136054 |
| State Special Revenue Fund Group                                  |    |           |              | 136055 |
| 4M50 226601 Work Study and                                        | \$ | 461,521   | \$ 461,521   | 136056 |



Technology Investment

|                                 |    |            |               |        |
|---------------------------------|----|------------|---------------|--------|
| TOTAL SSR State Special Revenue |    |            |               | 136057 |
| Fund Group                      | \$ | 461,521    | \$ 461,521    | 136058 |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 10,994,204 | \$ 10,994,204 | 136059 |

**Section 377.10. OSD OHIO SCHOOL FOR THE DEAF** 136061

|                                |    |           |              |        |
|--------------------------------|----|-----------|--------------|--------|
| General Revenue Fund           |    |           |              | 136062 |
| GRF 221321 Operations          | \$ | 8,727,657 | \$ 8,727,657 | 136063 |
| TOTAL GRF General Revenue Fund | \$ | 8,727,657 | \$ 8,727,657 | 136064 |

|                              |    |        |           |        |
|------------------------------|----|--------|-----------|--------|
| General Services Fund Group  |    |        |           | 136065 |
| 4M10 221602 Education Reform | \$ | 35,000 | \$ 35,000 | 136066 |

Grants

|                            |    |        |           |        |
|----------------------------|----|--------|-----------|--------|
| TOTAL GSF General Services |    |        |           | 136067 |
| Fund Group                 | \$ | 35,000 | \$ 35,000 | 136068 |

|                                    |    |           |              |        |
|------------------------------------|----|-----------|--------------|--------|
| Federal Special Revenue Fund Group |    |           |              | 136069 |
| 3110 221625 Coordinating Unit      | \$ | 2,153,245 | \$ 2,153,245 | 136070 |
| 3R00 221684 Medicaid Professional  | \$ | 35,000    | \$ 35,000    | 136071 |

Services

Reimbursement

|                           |    |           |              |        |
|---------------------------|----|-----------|--------------|--------|
| TOTAL FED Federal Special |    |           |              | 136072 |
| Revenue Fund Group        | \$ | 2,188,245 | \$ 2,188,245 | 136073 |

|                                  |    |        |           |        |
|----------------------------------|----|--------|-----------|--------|
| State Special Revenue Fund Group |    |        |           | 136074 |
| 4M00 221601 Educational Program  | \$ | 95,000 | \$ 95,000 | 136075 |

Expenses

|                                 |    |        |           |        |
|---------------------------------|----|--------|-----------|--------|
| 5H60 221609 Even Start Fees and | \$ | 35,000 | \$ 35,000 | 136076 |
|---------------------------------|----|--------|-----------|--------|

Gifts

|                                 |    |            |               |        |
|---------------------------------|----|------------|---------------|--------|
| TOTAL SSR State Special Revenue |    |            |               | 136077 |
| Fund Group                      | \$ | 130,000    | \$ 130,000    | 136078 |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 11,080,902 | \$ 11,080,902 | 136079 |

**Section 381.10. SOS SECRETARY OF STATE** 136081

|                      |  |  |  |        |
|----------------------|--|--|--|--------|
| General Revenue Fund |  |  |  | 136082 |
|----------------------|--|--|--|--------|

|                                           |                                              |                                                 |    |            |    |            |                  |
|-------------------------------------------|----------------------------------------------|-------------------------------------------------|----|------------|----|------------|------------------|
| GRF                                       | 050321                                       | Operating Expenses                              | \$ | 2,144,030  | \$ | 2,144,030  | 136083           |
| GRF                                       | 050407                                       | Pollworkers Training                            | \$ | 234,196    | \$ | 234,196    | 136084           |
| TOTAL GRF                                 | General Revenue Fund                         |                                                 | \$ | 2,378,226  | \$ | 2,378,226  | 136085           |
| General Services Fund Group               |                                              |                                                 |    |            |    |            | 136086           |
| 4120                                      | 050609                                       | Notary Commission                               | \$ | 475,000    | \$ | 475,000    | 136087           |
| 4130                                      | 050601                                       | Information Systems                             | \$ | 49,000     | \$ | 49,000     | 136088           |
| 4S80                                      | 050610                                       | Board of Voting<br>Machine Examiners            | \$ | 7,200      | \$ | 7,200      | 136089           |
| 5FG0                                      | 050620                                       | BOE Reimbursement and<br>Education              | \$ | 80,000     | \$ | 80,000     | 136090           |
| TOTAL General Services                    | Fund Group                                   |                                                 | \$ | 611,200    | \$ | 611,200    | 136091           |
| Federal Special Revenue Fund Group        |                                              |                                                 |    |            |    |            | 136092           |
| 3AH0                                      | 050614                                       | Election<br>Reform/Health and<br>Human Services | \$ | 300,000    | \$ | 300,000    | 136093           |
| 3AS0                                      | 050616                                       | Help America Vote Act<br>(HAVA)                 | \$ | 1,710,000  | \$ | 1,710,000  | 136094           |
| TOTAL FED                                 | Federal Special Revenue<br>Fund Group        |                                                 | \$ | 2,010,000  | \$ | 2,010,000  | 136095<br>136096 |
| State Special Revenue Fund Group          |                                              |                                                 |    |            |    |            | 136097           |
| 5990                                      | 050603                                       | Business Services<br>Operating Expenses         | \$ | 14,385,400 | \$ | 14,385,400 | 136098           |
| TOTAL SSR                                 | State Special Revenue<br>Fund Group          |                                                 | \$ | 14,385,400 | \$ | 14,385,400 | 136099<br>136100 |
| Holding Account Redistribution Fund Group |                                              |                                                 |    |            |    |            | 136101           |
| R001                                      | 050605                                       | Uniform Commercial<br>Code Refunds              | \$ | 30,000     | \$ | 30,000     | 136102           |
| R002                                      | 050606                                       | Corporate/Business<br>Filing Refunds            | \$ | 85,000     | \$ | 85,000     | 136103           |
| TOTAL 090                                 | Holding Account<br>Redistribution Fund Group |                                                 | \$ | 115,000    | \$ | 115,000    | 136104<br>136105 |
| TOTAL ALL BUDGET                          | FUND GROUPS                                  |                                                 | \$ | 19,499,826 | \$ | 19,499,826 | 136106           |

POLLWORKER TRAINING 136107

The foregoing appropriation item 050407, Pollworkers 136108  
Training, shall be used to reimburse county boards of elections 136109  
for pollworker training pursuant to section 3501.27 of the Revised 136110  
Code. At the end of fiscal year 2014, an amount equal to the 136111  
unexpended, unencumbered portion of appropriation item 050407, 136112  
Pollworkers Training, is hereby reappropriated in fiscal year 2015 136113  
for the same purpose. 136114

BOARD OF VOTING MACHINE EXAMINERS 136115

The foregoing appropriation item 050610, Board of Voting 136116  
Machine Examiners, shall be used to pay for the services and 136117  
expenses of the members of the Board of Voting Machine Examiners, 136118  
and for other expenses that are authorized to be paid from the 136119  
Board of Voting Machine Examiners Fund, which is created in 136120  
section 3506.05 of the Revised Code. Moneys not used shall be 136121  
returned to the person or entity submitting equipment for 136122  
examination. If it is determined that additional appropriations 136123  
are necessary, such amounts are hereby appropriated. 136124

HAVA FUNDS 136125

An amount equal to the unexpended, unencumbered portion of 136126  
appropriation item 050614, Election Reform/Health and Human 136127  
Services, at the end of fiscal year 2014 is reappropriated for the 136128  
same purpose in fiscal year 2015. 136129

An amount equal to the unexpended, unencumbered portion of 136130  
appropriation item 050616, Help America Vote Act (HAVA), at the 136131  
end of fiscal year 2014 is reappropriated for the same purpose in 136132  
fiscal year 2015. 136133

The Director of Budget and Management shall credit the 136134  
ongoing interest earnings from the Election Reform/Health and 136135  
Human Services Fund (Fund 3AH0) and the Help America Vote Act 136136  
(HAVA) (Fund 3AS0) to the respective funds and distribute these 136137

earnings in accordance with the terms of the grant under which the 136138  
 money is received. 136139

MISCELLANEOUS FEDERAL GRANTS 136140

On July 1, 2013, or as soon as possible thereafter, the 136141  
 Director of Budget and Management shall transfer from the General 136142  
 Revenue Fund (GRF) all investment earnings and amounts equal to 136143  
 the interest earnings that were attributable to the Miscellaneous 136144  
 Federal Grants Fund (Fund 3FM0) in each quarter of fiscal year 136145  
 2013. The Director of Budget and Management shall credit the 136146  
 ongoing interest earnings from Fund 3FM0 to that fund and 136147  
 distribute these earnings in accordance with the terms of the 136148  
 grant under which the money was received. 136149

HOLDING ACCOUNT REDISTRIBUTION GROUP 136150

The foregoing appropriation items 050605, Uniform Commercial 136151  
 Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 136152  
 be used to hold revenues until they are directed to the 136153  
 appropriate accounts or until they are refunded. If it is 136154  
 determined that additional appropriations are necessary, such 136155  
 amounts are hereby appropriated. 136156

**Section 383.10.** SEN THE OHIO SENATE 136157

General Revenue Fund 136158

|            |                      |    |            |    |            |        |
|------------|----------------------|----|------------|----|------------|--------|
| GRF 020321 | Operating Expenses   | \$ | 11,947,822 | \$ | 11,947,822 | 136159 |
| TOTAL GRF  | General Revenue Fund | \$ | 11,947,822 | \$ | 11,947,822 | 136160 |

General Services Fund Group 136161

|             |                      |    |         |    |         |        |
|-------------|----------------------|----|---------|----|---------|--------|
| 1020 020602 | Senate Reimbursement | \$ | 852,001 | \$ | 852,001 | 136162 |
| 4090 020601 | Miscellaneous Sales  | \$ | 34,497  | \$ | 34,497  | 136163 |
| TOTAL GSF   | General Services     |    |         |    |         | 136164 |

|            |  |    |         |    |         |        |
|------------|--|----|---------|----|---------|--------|
| Fund Group |  | \$ | 886,498 | \$ | 886,498 | 136165 |
|------------|--|----|---------|----|---------|--------|

|                              |  |    |            |    |            |        |
|------------------------------|--|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 12,834,320 | \$ | 12,834,320 | 136166 |
|------------------------------|--|----|------------|----|------------|--------|

OPERATING EXPENSES 136167

On July 1, 2013, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2013 to be reappropriated to fiscal year 2014. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2014.

On July 1, 2014, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2014 to be reappropriated to fiscal year 2015. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2015.

**Section 385.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM**

|                                              |    |           |              |        |
|----------------------------------------------|----|-----------|--------------|--------|
| General Revenue Fund                         |    |           |              | 136183 |
| GRF 866321 CSV Operations                    | \$ | 286,661   | \$ 294,072   | 136184 |
| TOTAL GRF General Revenue Fund               | \$ | 286,661   | \$ 294,072   | 136185 |
| General Services Fund                        |    |           |              | 136186 |
| 5GN0 866605 Serve Ohio Support               | \$ | 30,000    | \$ 30,000    | 136187 |
| TOTAL GSF General Services Fund              | \$ | 30,000    | \$ 30,000    | 136188 |
| Federal Special Revenue Fund Group           |    |           |              | 136189 |
| 3R70 866617 AmeriCorps Programs              | \$ | 7,447,000 | \$ 7,447,000 | 136190 |
| TOTAL FED Federal Special Revenue Fund Group | \$ | 7,447,000 | \$ 7,447,000 | 136191 |
| TOTAL ALL BUDGET FUND GROUPS                 | \$ | 7,763,661 | \$ 7,771,072 | 136193 |

**Section 387.10. CSF COMMISSIONERS OF THE SINKING FUND**

|                            |    |            |               |        |
|----------------------------|----|------------|---------------|--------|
| Debt Service Fund Group    |    |            |               | 136196 |
| 7070 155905 Third Frontier | \$ | 66,511,600 | \$ 83,783,000 | 136197 |

|                                   |        |                                                                             |    |               |    |                      |
|-----------------------------------|--------|-----------------------------------------------------------------------------|----|---------------|----|----------------------|
|                                   |        | Research and<br>Development Bond<br>Retirement Fund                         |    |               |    |                      |
| 7072                              | 155902 | Highway Capital                                                             | \$ | 132,647,900   | \$ | 127,171,800 136198   |
|                                   |        | Improvement Bond<br>Retirement Fund                                         |    |               |    |                      |
| 7073                              | 155903 | Natural Resources Bond                                                      | \$ | 24,325,400    | \$ | 25,443,000 136199    |
|                                   |        | Retirement Fund                                                             |    |               |    |                      |
| 7074                              | 155904 | Conservation Projects                                                       | \$ | 33,376,600    | \$ | 34,447,700 136200    |
|                                   |        | Bond Retirement Fund                                                        |    |               |    |                      |
| 7076                              | 155906 | Coal Research and<br>Development Bond<br>Retirement Fund                    | \$ | 2,858,900     | \$ | 4,327,200 136201     |
| 7077                              | 155907 | State Capital                                                               | \$ | 227,810,300   | \$ | 228,948,900 136202   |
|                                   |        | Improvement Bond<br>Retirement Fund                                         |    |               |    |                      |
| 7078                              | 155908 | Common Schools Bond                                                         | \$ | 351,806,100   | \$ | 377,364,700 136203   |
|                                   |        | Retirement Fund                                                             |    |               |    |                      |
| 7079                              | 155909 | Higher Education Bond                                                       | \$ | 221,168,700   | \$ | 248,822,000 136204   |
|                                   |        | Retirement Fund                                                             |    |               |    |                      |
| 7080                              | 155901 | Persian Gulf,<br>Afghanistan, and Iraq<br>Conflicts Bond<br>Retirement Fund | \$ | 7,542,600     | \$ | 9,914,800 136205     |
| 7090                              | 155912 | Job Ready Site<br>Development Bond<br>Retirement Fund                       | \$ | 15,498,400    | \$ | 19,124,500 136206    |
| TOTAL DSF Debt Service Fund Group |        |                                                                             | \$ | 1,083,546,500 | \$ | 1,159,347,600 136207 |
| TOTAL ALL BUDGET FUND GROUPS      |        |                                                                             | \$ | 1,083,546,500 | \$ | 1,159,347,600 136208 |
|                                   |        | ADDITIONAL APPROPRIATIONS                                                   |    |               |    | 136209               |
|                                   |        | Appropriation items in this section are for the purpose of                  |    |               |    | 136210               |
|                                   |        | paying debt service and financing costs on bonds or notes of the            |    |               |    | 136211               |
|                                   |        | state issued under the Ohio Constitution and acts of the General            |    |               |    | 136212               |

Assembly. If it is determined that additional amounts are 136213  
 necessary for this purpose, such amounts are hereby appropriated. 136214

**Section 389.10.** SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY 136215  
 DEVELOPMENT FOUNDATION 136216

Tobacco Master Settlement Agreement Fund Group 136217  
 5M90 945601 Operating Expenses \$ 426,800 \$ 426,800 136218  
 TOTAL TMF Tobacco Master Settlement \$ 426,800 \$ 426,800 136219  
 Agreement Fund Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 426,800 \$ 426,800 136220

**Section 391.10.** SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 136222  
 AUDIOLOGY 136223

General Services Fund Group 136224  
 4K90 886609 Operating Expenses \$ 472,260 \$ 508,660 136225  
 TOTAL GSF General Services 136226  
 Fund Group \$ 472,260 \$ 508,660 136227  
 TOTAL ALL BUDGET FUND GROUPS \$ 427,260 \$ 508,660 136228

**Section 393.10.** BTA BOARD OF TAX APPEALS 136230

General Revenue Fund 136231  
 GRF 116321 Operating Expenses \$ 1,700,000 \$ 1,700,000 136232  
 TOTAL GRF General Revenue Fund \$ 1,700,000 \$ 1,700,000 136233  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,700,000 \$ 1,700,000 136234

**Section 395.10.** TAX DEPARTMENT OF TAXATION 136236

General Revenue Fund 136237  
 GRF 110321 Operating Expenses \$ 71,068,330 \$ 67,968,332 136238  
 GRF 110404 Tobacco Settlement \$ 178,200 \$ 178,200 136239  
 Enforcement  
 GRF 110901 Property Tax \$ 666,640,000 \$ 693,305,600 136240  
 Allocation - Taxation

|                                                     |    |             |    |             |                  |
|-----------------------------------------------------|----|-------------|----|-------------|------------------|
| TOTAL GRF General Revenue Fund                      | \$ | 737,886,530 | \$ | 761,452,132 | 136241           |
| General Services Fund Group                         |    |             |    |             | 136242           |
| 2280 110628 Revenue Enhancement                     | \$ | 15,500,000  | \$ | 17,500,000  | 136243           |
| 4330 110602 Tape File Account                       | \$ | 175,000     | \$ | 175,000     | 136244           |
| 5BP0 110639 Wireless 9-1-1<br>Administration        | \$ | 290,000     | \$ | 290,000     | 136245           |
| 5CZ0 110631 Vendor's License<br>Application         | \$ | 250,000     | \$ | 250,000     | 136246           |
| 5MN0 110638 STARS Development and<br>Implementation | \$ | 5,000,000   | \$ | 3,000,000   | 136247           |
| 5N50 110605 Municipal Income Tax<br>Administration  | \$ | 150,000     | \$ | 150,000     | 136248           |
| 5N60 110618 Kilowatt Hour Tax<br>Administration     | \$ | 100,000     | \$ | 100,000     | 136249           |
| 5V80 110623 Property Tax<br>Administration          | \$ | 11,978,310  | \$ | 11,978,310  | 136250           |
| 5W70 110627 Exempt Facility<br>Administration       | \$ | 49,500      | \$ | 49,500      | 136251           |
| TOTAL GSF General Services<br>Fund Group            | \$ | 33,492,810  | \$ | 33,492,810  | 136252<br>136253 |
| State Special Revenue Fund Group                    |    |             |    |             | 136254           |
| 4350 110607 Local Tax<br>Administration             | \$ | 20,000,000  | \$ | 20,700,000  | 136255           |
| 4360 110608 Motor Vehicle Audit                     | \$ | 1,459,609   | \$ | 1,459,609   | 136256           |
| 4370 110606 Income Tax<br>Contribution              | \$ | 38,800      | \$ | 38,800      | 136257           |
| 4380 110609 School District Income<br>Tax           | \$ | 5,802,044   | \$ | 5,802,044   | 136258           |
| 4C60 110616 International<br>Registration Plan      | \$ | 682,415     | \$ | 682,415     | 136259           |
| 4R60 110610 Tire Tax<br>Administration              | \$ | 244,193     | \$ | 244,193     | 136260           |



|                                                                    |        |                      |    |               |    |               |        |
|--------------------------------------------------------------------|--------|----------------------|----|---------------|----|---------------|--------|
| 5V70                                                               | 110622 | Motor Fuel Tax       | \$ | 5,035,374     | \$ | 5,035,374     | 136261 |
|                                                                    |        | Administration       |    |               |    |               |        |
| 6390                                                               | 110614 | Cigarette Tax        | \$ | 1,750,000     | \$ | 1,750,000     | 136262 |
|                                                                    |        | Enforcement          |    |               |    |               |        |
| 6420                                                               | 110613 | Ohio Political Party | \$ | 500,000       | \$ | 500,000       | 136263 |
|                                                                    |        | Distributions        |    |               |    |               |        |
| 6880                                                               | 110615 | Local Excise Tax     | \$ | 775,015       | \$ | 775,015       | 136264 |
|                                                                    |        | Administration       |    |               |    |               |        |
| TOTAL SSR State Special Revenue                                    |        |                      |    |               |    |               | 136265 |
| Fund Group                                                         |        |                      | \$ | 36,287,450    | \$ | 36,987,450    | 136266 |
| Agency Fund Group                                                  |        |                      |    |               |    |               | 136267 |
| 4250                                                               | 110635 | Tax Refunds          | \$ | 1,546,800,000 | \$ | 1,546,800,000 | 136268 |
| 7095                                                               | 110995 | Municipal Income Tax | \$ | 21,000,000    | \$ | 21,000,000    | 136269 |
| TOTAL AGY Agency Fund Group                                        |        |                      | \$ | 1,567,800,000 | \$ | 1,567,800,000 | 136270 |
| Holding Account Redistribution Fund Group                          |        |                      |    |               |    |               | 136271 |
| R010                                                               | 110611 | Tax Distributions    | \$ | 50,000        | \$ | 50,000        | 136272 |
| R011                                                               | 110612 | Miscellaneous Income | \$ | 50,000        | \$ | 50,000        | 136273 |
|                                                                    |        | Tax Receipts         |    |               |    |               |        |
| TOTAL 090 Holding Account                                          |        |                      |    |               |    |               | 136274 |
| Redistribution Fund Group                                          |        |                      | \$ | 100,000       | \$ | 100,000       | 136275 |
| TOTAL ALL BUDGET FUND GROUPS                                       |        |                      | \$ | 2,375,566,790 | \$ | 2,399,832,392 | 136276 |
| HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK                         |        |                      |    |               |    |               | 136277 |
| The foregoing appropriation item 110901, Property Tax              |        |                      |    |               |    |               | 136278 |
| Allocation - Taxation, is hereby appropriated to pay for the       |        |                      |    |               |    |               | 136279 |
| state's costs incurred due to the Homestead Exemption, the         |        |                      |    |               |    |               | 136280 |
| Manufactured Home Property Tax Rollback, and the Property Tax      |        |                      |    |               |    |               | 136281 |
| Rollback. The Tax Commissioner shall distribute these funds        |        |                      |    |               |    |               | 136282 |
| directly to the appropriate local taxing districts, except for     |        |                      |    |               |    |               | 136283 |
| school districts, notwithstanding the provisions in sections       |        |                      |    |               |    |               | 136284 |
| 321.24 and 323.156 of the Revised Code, which provide for payment  |        |                      |    |               |    |               | 136285 |
| of the Homestead Exemption, the Manufactured Home Property Tax     |        |                      |    |               |    |               | 136286 |
| Rollback, and Property Tax Rollback by the Tax Commissioner to the |        |                      |    |               |    |               | 136287 |

appropriate county treasurer and the subsequent redistribution of 136288  
these funds to the appropriate local taxing districts by the 136289  
county auditor. 136290

Upon receipt of these amounts, each local taxing district 136291  
shall distribute the amount among the proper funds as if it had 136292  
been paid as real property taxes. Payments for the costs of 136293  
administration shall continue to be paid to the county treasurer 136294  
and county auditor as provided for in sections 319.54, 321.26, and 136295  
323.156 of the Revised Code. 136296

Any sums, in addition to the amounts specifically 136297  
appropriated in appropriation item 110901, Property Tax Allocation 136298  
- Taxation, for the Homestead Exemption, the Manufactured Home 136299  
Property Tax Rollback, and the Property Tax Rollback payments, 136300  
which are determined to be necessary for these purposes, are 136301  
hereby appropriated. 136302

MUNICIPAL INCOME TAX 136303

The foregoing appropriation item 110995, Municipal Income 136304  
Tax, shall be used to make payments to municipal corporations 136305  
under section 5745.05 of the Revised Code. If it is determined 136306  
that additional appropriations are necessary to make such 136307  
payments, such amounts are hereby appropriated. 136308

TAX REFUNDS 136309

The foregoing appropriation item 110635, Tax Refunds, shall 136310  
be used to pay refunds under section 5703.052 of the Revised Code. 136311  
If it is determined that additional appropriations are necessary 136312  
for this purpose, such amounts are hereby appropriated. 136313

INTERNATIONAL REGISTRATION PLAN AUDIT 136314

The foregoing appropriation item 110616, International 136315  
Registration Plan, shall be used under section 5703.12 of the 136316  
Revised Code for audits of persons with vehicles registered under 136317

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| the International Registration Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 136318                                                                                                               |
| TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 136319                                                                                                               |
| Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.                                                                                                                                                                                                                                                                                                   | 136320<br>136321<br>136322<br>136323<br>136324<br>136325<br>136326                                                   |
| TOBACCO SETTLEMENT ENFORCEMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 136327                                                                                                               |
| The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 136328<br>136329<br>136330<br>136331                                                                                 |
| STARS DEVELOPMENT AND IMPLEMENTATION FUND                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 136332                                                                                                               |
| The foregoing appropriation item 110638, STARS Development and Implementation Fund, shall be used to pay costs incurred in the development and implementation of the department's State Tax Accounting and Revenue System. The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Tax Reform System Implementation Fund, Local Tax Administration Fund, School District Income Tax Fund, Discovery Project Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$8,000,000 in the biennium. | 136333<br>136334<br>136335<br>136336<br>136337<br>136338<br>136339<br>136340<br>136341<br>136342<br>136343<br>136344 |
| <b>Section 397.10.</b> DOT DEPARTMENT OF TRANSPORTATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 136345                                                                                                               |
| General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 136346                                                                                                               |
| GRF 775451 Public Transportation \$ 7,300,000 \$ 7,300,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 136347                                                                                                               |

|                              |        |                       |    |            |    |                   |
|------------------------------|--------|-----------------------|----|------------|----|-------------------|
|                              |        | - State               |    |            |    |                   |
| GRF                          | 776465 | Ohio Rail Development | \$ | 2,000,000  | \$ | 2,000,000 136348  |
|                              |        | Commission            |    |            |    |                   |
| GRF                          | 777471 | Airport Improvements  | \$ | 750,000    | \$ | 750,000 136349    |
|                              |        | - State               |    |            |    |                   |
| TOTAL GRF                    |        | General Revenue Fund  | \$ | 10,050,000 | \$ | 10,050,000 136350 |
| TOTAL ALL BUDGET FUND GROUPS |        |                       | \$ | 10,050,000 | \$ | 10,050,000 136351 |

**Section 399.10.** TOS TREASURER OF STATE 136353

|           |        |                             |    |            |    |                   |
|-----------|--------|-----------------------------|----|------------|----|-------------------|
|           |        | General Revenue Fund        |    |            |    | 136354            |
| GRF       | 090321 | Operating Expenses          | \$ | 7,743,553  | \$ | 7,743,553 136355  |
| GRF       | 090401 | Office of the Sinking       | \$ | 502,304    | \$ | 502,304 136356    |
|           |        | Fund                        |    |            |    |                   |
| GRF       | 090402 | Continuing Education        | \$ | 377,702    | \$ | 377,702 136357    |
| GRF       | 090524 | Police and Fire             | \$ | 6,000      | \$ | 6,000 136358      |
|           |        | Disability Pension          |    |            |    |                   |
|           |        | Fund                        |    |            |    |                   |
| GRF       | 090534 | Police and Fire Ad Hoc      | \$ | 70,000     | \$ | 70,000 136359     |
|           |        | Cost of Living              |    |            |    |                   |
| GRF       | 090554 | Police and Fire             | \$ | 507,000    | \$ | 507,000 136360    |
|           |        | Survivor Benefits           |    |            |    |                   |
| GRF       | 090575 | Police and Fire Death       | \$ | 20,000,000 | \$ | 20,000,000 136361 |
|           |        | Benefits                    |    |            |    |                   |
| TOTAL GRF |        | General Revenue Fund        | \$ | 29,206,559 | \$ | 29,206,559 136362 |
|           |        | General Services Fund Group |    |            |    | 136363            |
| 4E90      | 090603 | Securities Lending          | \$ | 3,765,000  | \$ | 3,765,000 136364  |
|           |        | Income                      |    |            |    |                   |
| 5770      | 090605 | Investment Pool             | \$ | 850,000    | \$ | 850,000 136365    |
|           |        | Reimbursement               |    |            |    |                   |
| 5C50      | 090602 | County Treasurer            | \$ | 170,057    | \$ | 170,057 136366    |
|           |        | Education                   |    |            |    |                   |
| 6050      | 090609 | Treasurer of State          | \$ | 835,000    | \$ | 835,000 136367    |

Administrative Fund

|                              |    |            |               |        |
|------------------------------|----|------------|---------------|--------|
| TOTAL GSF General Services   |    |            |               | 136368 |
| Fund Group                   | \$ | 5,620,057  | \$ 5,620,057  | 136369 |
| Agency Fund Group            |    |            |               | 136370 |
| 4250 090635 Tax Refunds      | \$ | 6,000,000  | \$ 6,000,000  | 136371 |
| TOTAL Agency Fund Group      | \$ | 6,000,000  | \$ 6,000,000  | 136372 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 40,826,616 | \$ 40,826,616 | 136373 |

**Section 399.20. OFFICE OF THE SINKING FUND** 136375

The foregoing appropriation item 090401, Office of the 136376  
Sinking Fund, shall be used for costs incurred by or on behalf of 136377  
the Commissioners of the Sinking Fund and the Ohio Public 136378  
Facilities Commission with respect to State of Ohio general 136379  
obligation bonds or notes, and the Treasurer of State with respect 136380  
to State of Ohio general obligation and special obligation bonds 136381  
or notes, including, but not limited to, printing, advertising, 136382  
delivery, rating fees and the procurement of ratings, professional 136383  
publications, membership in professional organizations, and other 136384  
services referred to in division (D) of section 151.01 of the 136385  
Revised Code. The General Revenue Fund shall be reimbursed for 136386  
such costs relating to the issuance and administration of Highway 136387  
Capital Improvement bonds or notes authorized under Ohio 136388  
Constitution, Article VIII, Section 2m and Chapter 151. of the 136389  
Revised Code. That reimbursement shall be made from appropriation 136390  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 136391  
intrastate transfer voucher pursuant to a certification by the 136392  
Office of the Sinking Fund of the actual amounts used. The amounts 136393  
necessary to make such a reimbursement are hereby appropriated 136394  
from the Highway Capital Improvement Bond Retirement Fund created 136395  
in section 151.06 of the Revised Code. 136396

**POLICE AND FIRE DEATH BENEFIT FUND** 136397

The foregoing appropriation item 090575, Police and Fire 136398

Death Benefits, shall be disbursed quarterly by the Treasurer of 136399  
State at the beginning of each quarter of each fiscal year to the 136400  
Board of Trustees of the Ohio Police and Fire Pension Fund. The 136401  
Treasurer of State shall certify such amounts quarterly to the 136402  
Director of Budget and Management. By the twentieth day of June of 136403  
each fiscal year, the Board of Trustees of the Ohio Police and 136404  
Fire Pension Fund shall certify to the Treasurer of State the 136405  
amount disbursed in the current fiscal year to make the payments 136406  
required by section 742.63 of the Revised Code and shall return to 136407  
the Treasurer of State moneys received from this appropriation 136408  
item but not disbursed. 136409

TAX REFUNDS 136410

The foregoing appropriation item 090635, Tax Refunds, shall 136411  
be used to pay refunds under section 5703.052 of the Revised Code. 136412  
If the Director of Budget and Management determines that 136413  
additional amounts are necessary for this purpose, such amounts 136414  
are hereby appropriated. 136415

**Section 401.10.** VTO VETERANS' ORGANIZATIONS 136416

General Revenue Fund 136417

VAP AMERICAN EX-PRISONERS OF WAR 136418

GRF 743501 State Support \$ 28,910 \$ 28,910 136419

VAN ARMY AND NAVY UNION, USA, INC. 136420

GRF 746501 State Support \$ 63,539 \$ 63,539 136421

VKW KOREAN WAR VETERANS 136422

GRF 747501 State Support \$ 57,118 \$ 57,118 136423

VJW JEWISH WAR VETERANS 136424

GRF 748501 State Support \$ 34,321 \$ 34,321 136425

VCW CATHOLIC WAR VETERANS 136426

GRF 749501 State Support \$ 66,978 \$ 66,978 136427

VPH MILITARY ORDER OF THE PURPLE HEART 136428

GRF 750501 State Support \$ 65,116 \$ 65,116 136429

|                              |        |                                                                 |    |            |    |            |        |
|------------------------------|--------|-----------------------------------------------------------------|----|------------|----|------------|--------|
|                              |        | VVV VIETNAM VETERANS OF AMERICA                                 |    |            |    | 136430     |        |
| GRF                          | 751501 | State Support                                                   | \$ | 214,776    | \$ | 214,776    | 136431 |
|                              |        | VAL AMERICAN LEGION OF OHIO                                     |    |            |    |            | 136432 |
| GRF                          | 752501 | State Support                                                   | \$ | 349,189    | \$ | 349,189    | 136433 |
|                              |        | VII AMVETS                                                      |    |            |    |            | 136434 |
| GRF                          | 753501 | State Support                                                   | \$ | 332,547    | \$ | 332,547    | 136435 |
|                              |        | VAV DISABLED AMERICAN VETERANS                                  |    |            |    |            | 136436 |
| GRF                          | 754501 | State Support                                                   | \$ | 249,836    | \$ | 249,836    | 136437 |
|                              |        | VMC MARINE CORPS LEAGUE                                         |    |            |    |            | 136438 |
| GRF                          | 756501 | State Support                                                   | \$ | 133,947    | \$ | 133,947    | 136439 |
|                              |        | V37 37TH DIVISION VETERANS' ASSOCIATION                         |    |            |    |            | 136440 |
| GRF                          | 757501 | State Support                                                   | \$ | 6,868      | \$ | 6,868      | 136441 |
|                              |        | VFW VETERANS OF FOREIGN WARS                                    |    |            |    |            | 136442 |
| GRF                          | 758501 | State Support                                                   | \$ | 284,841    | \$ | 284,841    | 136443 |
| TOTAL GRF                    |        | General Revenue Fund                                            | \$ | 1,887,986  | \$ | 1,887,986  | 136444 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                                 | \$ | 1,887,986  | \$ | 1,887,986  | 136445 |
|                              |        | RELEASE OF FUNDS                                                |    |            |    |            | 136446 |
|                              |        | The Director of Budget and Management may release the           |    |            |    |            | 136447 |
|                              |        | foregoing appropriation items 743501, 746501, 747501, 748501,   |    |            |    |            | 136448 |
|                              |        | 749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501, |    |            |    |            | 136449 |
|                              |        | and 758501, State Support.                                      |    |            |    |            | 136450 |
|                              |        | <b>Section 403.10. DVS DEPARTMENT OF VETERANS SERVICES</b>      |    |            |    |            | 136451 |
|                              |        | General Revenue Fund                                            |    |            |    |            | 136452 |
| GRF                          | 900321 | Veterans' Homes                                                 | \$ | 27,369,946 | \$ | 27,369,946 | 136453 |
| GRF                          | 900402 | Hall of Fame                                                    | \$ | 107,075    | \$ | 107,075    | 136454 |
| GRF                          | 900408 | Department of                                                   | \$ | 2,001,823  | \$ | 2,001,823  | 136455 |
|                              |        | Veterans Services                                               |    |            |    |            |        |
| GRF                          | 900901 | Persian Gulf,                                                   | \$ | 7,542,600  | \$ | 9,914,800  | 136456 |
|                              |        | Afghanistan, and Iraq                                           |    |            |    |            |        |
|                              |        | Compensation Debt                                               |    |            |    |            |        |
|                              |        | Service                                                         |    |            |    |            |        |

|                                                             |    |            |    |            |        |
|-------------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund                              | \$ | 37,021,444 | \$ | 39,393,644 | 136457 |
| General Services Fund Group                                 |    |            |    |            | 136458 |
| 4840 900603 Veterans' Homes                                 | \$ | 1,596,894  | \$ | 1,596,894  | 136459 |
| Services                                                    |    |            |    |            |        |
| TOTAL GSF General Services Fund                             | \$ | 1,596,894  | \$ | 1,596,894  | 136460 |
| Group                                                       |    |            |    |            |        |
| Federal Special Revenue Fund Group                          |    |            |    |            | 136461 |
| 3680 900614 Veterans Training                               | \$ | 684,017    | \$ | 697,682    | 136462 |
| 3740 900606 Troops to Teachers                              | \$ | 111,822    | \$ | 111,879    | 136463 |
| 3BX0 900609 Medicare Services                               | \$ | 2,250,000  | \$ | 2,250,000  | 136464 |
| 3L20 900601 Veterans' Homes                                 | \$ | 24,887,790 | \$ | 25,634,423 | 136465 |
| Operations - Federal                                        |    |            |    |            |        |
| TOTAL FED Federal Special Revenue                           |    |            |    |            | 136466 |
| Fund Group                                                  | \$ | 27,933,629 | \$ | 28,693,984 | 136467 |
| State Special Revenue Fund Group                            |    |            |    |            | 136468 |
| 4E20 900602 Veterans' Homes                                 | \$ | 10,614,652 | \$ | 10,837,435 | 136469 |
| Operating                                                   |    |            |    |            |        |
| 6040 900604 Veterans' Homes                                 | \$ | 403,663    | \$ | 459,359    | 136470 |
| Improvement                                                 |    |            |    |            |        |
| TOTAL SSR State Special Revenue                             |    |            |    |            | 136471 |
| Fund Group                                                  | \$ | 11,018,315 | \$ | 11,296,794 | 136472 |
| Persian Gulf, Afghanistan, and Iraq Compensation Fund Group |    |            |    |            | 136473 |
| 7041 900615 Veteran Bonus Program                           | \$ | 738,703    | \$ | 629,709    | 136474 |
| - Administration                                            |    |            |    |            |        |
| 7041 900641 Persian Gulf,                                   | \$ | 14,500,000 | \$ | 9,400,000  | 136475 |
| Afghanistan, and Iraq                                       |    |            |    |            |        |
| Compensation                                                |    |            |    |            |        |
| TOTAL 041 Persian Gulf,                                     |    |            |    |            | 136476 |
| Afghanistan, and Iraq                                       |    |            |    |            | 136477 |
| Compensation Fund Group                                     | \$ | 15,238,703 | \$ | 10,029,709 | 136478 |
| TOTAL ALL BUDGET FUND GROUPS                                | \$ | 92,808,985 | \$ | 91,011,025 | 136479 |
| PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL     |    |            |    |            | 136480 |



|                                                                    |    |             |    |             |        |
|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| OBLIGATION DEBT SERVICE                                            |    |             |    |             | 136481 |
| The foregoing appropriation item 900901, Persian Gulf,             |    |             |    |             | 136482 |
| Afghanistan and Iraq Compensation Debt Service, shall be used to   |    |             |    |             | 136483 |
| pay all debt service and related financing costs during the period |    |             |    |             | 136484 |
| from July 1, 2013, through June 30, 2015, on obligations issued    |    |             |    |             | 136485 |
| for Persian Gulf, Afghanistan and Iraq Conflicts Compensation      |    |             |    |             | 136486 |
| purposes under sections 151.01 and 151.12 of the Revised Code.     |    |             |    |             | 136487 |
| <b>Section 405.10. DVM STATE VETERINARY MEDICAL BOARD</b>          |    |             |    |             | 136488 |
| General Services Fund Group                                        |    |             |    |             | 136489 |
| 4K90 888609 Operating Expenses                                     | \$ | 337,432     | \$ | 331,695     | 136490 |
| 5BU0 888602 Veterinary Student                                     | \$ | 30,000      | \$ | 30,000      | 136491 |
| Loan Program                                                       |    |             |    |             |        |
| TOTAL GSF General Services                                         |    |             |    |             | 136492 |
| Fund Group                                                         | \$ | 367,432     | \$ | 361,695     | 136493 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 367,432     | \$ | 361,695     | 136494 |
| <b>Section 407.10. DYS DEPARTMENT OF YOUTH SERVICES</b>            |    |             |    |             | 136496 |
| General Revenue Fund                                               |    |             |    |             | 136497 |
| GRF 470401 RECLAIM Ohio                                            | \$ | 166,862,228 | \$ | 166,862,228 | 136498 |
| GRF 470412 Lease Rental Payments                                   | \$ | 26,044,800  | \$ | 27,819,700  | 136499 |
| GRF 470510 Youth Services                                          | \$ | 16,702,728  | \$ | 16,702,728  | 136500 |
| GRF 472321 Parole Operations                                       | \$ | 10,583,118  | \$ | 10,583,118  | 136501 |
| GRF 477321 Administrative                                          | \$ | 11,355,389  | \$ | 11,355,389  | 136502 |
| Operations                                                         |    |             |    |             |        |
| TOTAL GRF General Revenue Fund                                     | \$ | 231,548,263 | \$ | 233,323,163 | 136503 |
| General Services Fund Group                                        |    |             |    |             | 136504 |
| 1750 470613 Education                                              | \$ | 3,950,000   | \$ | 3,600,000   | 136505 |
| Reimbursement                                                      |    |             |    |             |        |
| 4790 470609 Employee Food Service                                  | \$ | 125,000     | \$ | 125,000     | 136506 |
| 4A20 470602 Child Support                                          | \$ | 250,000     | \$ | 250,000     | 136507 |
| 4G60 470605 General Operational                                    | \$ | 115,000     | \$ | 115,000     | 136508 |

|                                    |        | Funds                   |               |                     |
|------------------------------------|--------|-------------------------|---------------|---------------------|
| 5BN0                               | 470629 | E-Rate Program          | \$ 525,000    | \$ 525,000 136509   |
| TOTAL GSF                          |        | General Services        |               | 136510              |
| Fund Group                         |        |                         | \$ 4,965,000  | \$ 4,615,000 136511 |
| Federal Special Revenue Fund Group |        |                         |               | 136512              |
| 3210                               | 470601 | Education               | \$ 1,480,740  | \$ 1,203,272 136513 |
| 3210                               | 470603 | Juvenile Justice        | \$ 300,000    | \$ 300,000 136514   |
|                                    |        | Prevention              |               |                     |
| 3210                               | 470606 | Nutrition               | \$ 1,033,947  | \$ 1,033,947 136515 |
| 3210                               | 470614 | Title IV-E              | \$ 5,755,620  | \$ 3,714,548 136516 |
|                                    |        | Reimbursements          |               |                     |
| 3CP0                               | 470638 | Federal Juvenile        | \$ 20,000     | \$ 5,000 136517     |
|                                    |        | Programs FFY 09         |               |                     |
| 3CR0                               | 470639 | Federal Juvenile        | \$ 479,900    | \$ 126,000 136518   |
|                                    |        | Programs FFY 10         |               |                     |
| 3FB0                               | 470641 | Federal Juvenile        | \$ 500,000    | \$ 105,000 136519   |
|                                    |        | Programs FFY 11         |               |                     |
| 3FC0                               | 470642 | Federal Juvenile        | \$ 600,000    | \$ 50,000 136520    |
|                                    |        | Programs FFY 12         |               |                     |
| 3GB0                               | 470643 | Federal Juvenile        | \$ 135,000    | \$ 600,000 136521   |
|                                    |        | Programs FFY 13         |               |                     |
| 3GC0                               | 470644 | Federal Juvenile        | \$ 0          | \$ 135,000 136522   |
|                                    |        | Programs FFY 14         |               |                     |
| 3V50                               | 470604 | Juvenile                | \$ 1,300,000  | \$ 1,000,000 136523 |
|                                    |        | Justice/Delinquency     |               |                     |
|                                    |        | Prevention              |               |                     |
| TOTAL FED                          |        | Federal Special Revenue |               | 136524              |
| Fund Group                         |        |                         | \$ 11,605,207 | \$ 8,272,767 136525 |
| State Special Revenue Fund Group   |        |                         |               | 136526              |
| 1470                               | 470612 | Vocational Education    | \$ 1,795,000  | \$ 1,795,000 136527 |
| TOTAL SSR                          |        | State Special Revenue   |               | 136528              |
| Fund Group                         |        |                         | \$ 1,795,000  | \$ 1,795,000 136529 |

|                                                                    |                |                |        |
|--------------------------------------------------------------------|----------------|----------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ 249,913,470 | \$ 248,005,930 | 136530 |
| COMMUNITY PROGRAMS                                                 |                |                | 136531 |
| For purposes of improving community programs, and                  |                |                | 136532 |
| notwithstanding any provision of law to the contrary, of the       |                |                | 136533 |
| foregoing appropriation item 470401, RECLAIM Ohio, the Department  |                |                | 136534 |
| of Youth Services shall use \$8,813,811 in each fiscal year to     |                |                | 136535 |
| expand Targeted RECLAIM, the Behavioral Health Juvenile Justice    |                |                | 136536 |
| Initiative, and other evidence-based community programs.           |                |                | 136537 |
| For purposes of implementing juvenile sentencing reforms, and      |                |                | 136538 |
| notwithstanding any provision of law to the contrary, the          |                |                | 136539 |
| Department of Youth Services may use up to forty-five per cent of  |                |                | 136540 |
| the unexpended, unencumbered balance of the portion of             |                |                | 136541 |
| appropriation item 470401, RECLAIM Ohio, that is allocated to      |                |                | 136542 |
| juvenile correctional facilities in each fiscal year to expand     |                |                | 136543 |
| Targeted RECLAIM, the Behavioral Health Juvenile Justice           |                |                | 136544 |
| Initiative, and other evidence-based community programs.           |                |                | 136545 |
| LEASE RENTAL PAYMENTS                                              |                |                | 136546 |
| The foregoing appropriation item 470412, Lease Rental              |                |                | 136547 |
| Payments, shall be used to meet all payments at the times they are |                |                | 136548 |
| required to be made for the period from July 1, 2013, through June |                |                | 136549 |
| 30, 2015, by the Department of Youth Services under the leases and |                |                | 136550 |
| agreements for facilities made under Chapters 152. and 154. of the |                |                | 136551 |
| Revised Code. This appropriation is the source of funds pledged    |                |                | 136552 |
| for bond service charges on related obligations issued under       |                |                | 136553 |
| Chapters 152. and 154. of the Revised Code.                        |                |                | 136554 |
| EDUCATION REIMBURSEMENT                                            |                |                | 136555 |
| The foregoing appropriation item 470613, Education                 |                |                | 136556 |
| Reimbursement, shall be used to fund the operating expenses of     |                |                | 136557 |
| providing educational services to youth supervised by the          |                |                | 136558 |
| Department of Youth Services. Operating expenses include, but are  |                |                | 136559 |
| not limited to, teachers' salaries, maintenance costs, and         |                |                | 136560 |

educational equipment. This appropriation item may be used for 136561  
capital expenses related to the education program. 136562

EMPLOYEE FOOD SERVICE AND EQUIPMENT 136563

Notwithstanding section 125.14 of the Revised Code, the 136564  
foregoing appropriation item 470609, Employee Food Service, may be 136565  
used to purchase any food operational items with funds received 136566  
into the fund from reimbursements for state surplus property. 136567

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 136568

In collaboration with the county family and children first 136569  
council, the juvenile court of that county that receives 136570  
allocations from one or both of the foregoing appropriation items 136571  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 136572  
portions of those allocations to a flexible funding pool as 136573  
authorized by the section of Am. Sub. H.B. 153 of the 129th 136574  
General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 136575  
FUNDING POOL." 136576

**Section 501.10.** SCREENING TOOL FOR HIGH-RISK YOUTH TEAM 136577  
EVALUATION 136578

The Office of Health Transformation shall convene a team 136579  
comprised of the Department of Youth Services, the Department of 136580  
Medicaid, the Department of Job and Family Services, the 136581  
Department of Health, and the Department of Mental Health and 136582  
Addiction Services. The team shall evaluate the feasibility of 136583  
implementing a trauma screening tool for high-risk youth and 136584  
create a report with the following information: (A) the 136585  
recommended trauma screening tool to be used to evaluate high-risk 136586  
youth; (B) training in the administration of the recommended tool; 136587  
(C) screening protocols; (D) the persons to whom the recommended 136588  
tool should apply; and (E) the implications for treatment. The 136589  
report shall be completed by December 1, 2013, and shall be 136590

distributed to the Governor. The Department of Youth Services may 136591  
receive funds for piloting the recommended tool in detention 136592  
centers. 136593

**Section 501.20.** All items set forth in this section are 136594  
hereby appropriated for the biennium ending on June 30, 2015, out 136595  
of any moneys in the state treasury to the credit of the 136596  
Administrative Building Fund (Fund 7026) that are not otherwise 136597  
appropriated. 136598

Appropriations

|                                    |    |            |        |
|------------------------------------|----|------------|--------|
| TOS TREASURER OF STATE             |    |            | 136599 |
| C09001 Treasury Management System  | \$ | 10,000,000 | 136600 |
| TOTAL Treasurer of State           | \$ | 10,000,000 | 136601 |
| TOTAL Administrative Building Fund | \$ | 10,000,000 | 136602 |

The foregoing appropriation item C09001, Treasury Management 136603  
System, shall be used to pay costs incurred in the implementation 136604  
of the Treasury Management System pursuant to Chapter 125. of the 136605  
Revised Code, including, but not limited to, the application 136606  
hardware and software and the installation and implementation 136607  
thereof, for the use of the Treasurer of State. 136608

The Treasurer of State may acquire and implement a Treasury 136609  
Management System pursuant to Chapter 125. of the Revised Code, 136610  
including, but not limited to, the application hardware and 136611  
software and the installation and implementation thereof, for the 136612  
use of the Treasurer of State. The Treasury Management System is 136613  
an integrated treasury technology infrastructure system that will 136614  
replace the Treasurer of State's existing separate cash, custody, 136615  
investment, and accounting software and administration systems for 136616  
the various treasury functions performed by the state. Any 136617  
purchase agreement utilized under Chapter 125. of the Revised Code 136618  
to finance the Treasury Management System, including any 136619  
fractionalized interests therein as defined in division (N) of 136620

section 133.01 of the Revised Code, is limited in amount to not more than \$10,000,000, and shall provide at the point of purchase that the financed asset becomes the property of the state.

The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$10,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs associated with previously authorized capital facilities and the capital facilities referred to in this section of the act.

**Section 503.10. PERSONAL SERVICE EXPENSES**

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and insurance programs; and the costs of centralized financial services, centralized payroll processing, and related reports and services; centralized human resources services, including affirmative action and equal employment opportunity programs; the Office of Collective Bargaining; the Employee Assistance Program; centralized information technology management services; administering the enterprise resource planning system; and administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be determined in conformity with the appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item 070601, Public Audit Expense - Intra-State, may be exempted from

the requirements of this section. 136652

**Section 503.20.** SATISFACTION OF JUDGMENTS AND SETTLEMENTS 136653  
AGAINST THE STATE 136654

Except as otherwise provided in this section, an 136655  
appropriation in this act or any other act may be used for the 136656  
purpose of satisfying judgments, settlements, or administrative 136657  
awards ordered or approved by the Court of Claims or by any other 136658  
court of competent jurisdiction in connection with civil actions 136659  
against the state. This authorization does not apply to 136660  
appropriations to be applied to or used for payment of guarantees 136661  
by or on behalf of the state, or for payments under lease 136662  
agreements relating to, or debt service on, bonds, notes, or other 136663  
obligations of the state. Notwithstanding any other statute to the 136664  
contrary, this authorization includes appropriations from funds 136665  
into which proceeds of direct obligations of the state are 136666  
deposited only to the extent that the judgment, settlement, or 136667  
administrative award is for, or represents, capital costs for 136668  
which the appropriation may otherwise be used and is consistent 136669  
with the purpose for which any related obligations were issued or 136670  
entered into. Nothing contained in this section is intended to 136671  
subject the state to suit in any forum in which it is not 136672  
otherwise subject to suit, and is not intended to waive or 136673  
compromise any defense or right available to the state in any suit 136674  
against it. 136675

**Section 503.30.** CAPITAL PROJECT SETTLEMENTS 136676

This section specifies an additional and supplemental 136677  
procedure to provide for payments of judgments and settlements if 136678  
the Director of Budget and Management determines, pursuant to 136679  
division (C)(4) of section 2743.19 of the Revised Code, that 136680  
sufficient unencumbered moneys do not exist in the fund to support 136681

a particular appropriation to pay the amount of a final judgment 136682  
rendered against the state or a state agency, including the 136683  
settlement of a claim approved by a court, in an action upon and 136684  
arising out of a contractual obligation for the construction or 136685  
improvement of a capital facility if the costs under the contract 136686  
were payable in whole or in part from a state capital projects 136687  
appropriation. In such a case, the Director may either proceed 136688  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 136689  
or apply to the Controlling Board to increase an appropriation or 136690  
create an appropriation out of any unencumbered moneys in the 136691  
state treasury to the credit of the capital projects fund from 136692  
which the initial state appropriation was made. The amount of an 136693  
increase in appropriation or new appropriation approved by the 136694  
Controlling Board is hereby appropriated from the applicable 136695  
capital projects fund and made available for the payment of the 136696  
judgment or settlement. 136697

If the Director does not make the application authorized by 136698  
this section or the Controlling Board disapproves the application, 136699  
and the Director does not make application under division (C)(4) 136700  
of section 2743.19 of the Revised Code, the Director shall for the 136701  
purpose of making that payment make a request to the General 136702  
Assembly as provided for in division (C)(5) of that section. 136703

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 136704

In order to provide funds for the reissuance of voided 136705  
warrants under section 126.37 of the Revised Code, there is hereby 136706  
appropriated, out of moneys in the state treasury from the fund 136707  
credited as provided in section 126.37 of the Revised Code, that 136708  
amount sufficient to pay such warrants when approved by the Office 136709  
of Budget and Management. 136710

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 136711



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| BALANCES OF OPERATING APPROPRIATIONS                               | 136712 |
| (A) An unexpended balance of an operating appropriation or         | 136713 |
| reappropriation that a state agency lawfully encumbered prior to   | 136714 |
| the close of a fiscal year is hereby reappropriated on the first   | 136715 |
| day of July of the following fiscal year from the fund from which  | 136716 |
| it was originally appropriated or reappropriated for the following | 136717 |
| period and shall remain available only for the purpose of          | 136718 |
| discharging the encumbrance:                                       | 136719 |
| (1) For an encumbrance for personal services, maintenance,         | 136720 |
| equipment, or items for resale, other than an encumbrance for an   | 136721 |
| item of special order manufacture not available on term contract   | 136722 |
| or in the open market or for reclamation of land or oil and gas    | 136723 |
| wells, for a period of not more than five months from the end of   | 136724 |
| the fiscal year;                                                   | 136725 |
| (2) For an encumbrance for an item of special order                | 136726 |
| manufacture not available on term contract or in the open market,  | 136727 |
| for a period of not more than five months from the end of the      | 136728 |
| fiscal year or, with the written approval of the Director of       | 136729 |
| Budget and Management, for a period of not more than twelve months | 136730 |
| from the end of the fiscal year;                                   | 136731 |
| (3) For an encumbrance for reclamation of land or oil and gas      | 136732 |
| wells, for a period ending when the encumbered appropriation is    | 136733 |
| expended or for a period of two years, whichever is less;          | 136734 |
| (4) For an encumbrance for any other expense, for such period      | 136735 |
| as the Director approves, provided such period does not exceed two | 136736 |
| years.                                                             | 136737 |
| (B) Any operating appropriations for which unexpended              | 136738 |
| balances are reappropriated beyond a five-month period from the    | 136739 |
| end of the fiscal year by division (A)(2) of this section shall be | 136740 |
| reported to the Controlling Board by the Director of Budget and    | 136741 |
| Management by the thirty-first day of December of each year. The   | 136742 |

report on each such item shall include the item, the cost of the 136743  
item, and the name of the vendor. The report shall be updated on a 136744  
quarterly basis for encumbrances remaining open. 136745

(C) Upon the expiration of the reappropriation period set out 136746  
in division (A) of this section, a reappropriation made by this 136747  
section lapses, and the Director of Budget and Management shall 136748  
cancel the encumbrance of the unexpended reappropriation not later 136749  
than the end of the weekend following the expiration of the 136750  
reappropriation period. 136751

(D) Notwithstanding division (C) of this section, with the 136752  
approval of the Director of Budget and Management, an unexpended 136753  
balance of an encumbrance that was reappropriated on the first day 136754  
of July by this section for a period specified in division (A)(3) 136755  
or (4) of this section and that remains encumbered at the close of 136756  
the fiscal biennium is hereby reappropriated on the first day of 136757  
July of the following fiscal biennium from the fund from which it 136758  
was originally appropriated or reappropriated for the applicable 136759  
period specified in division (A)(3) or (4) of this section and 136760  
shall remain available only for the purpose of discharging the 136761  
encumbrance. 136762

(E) The Director of Budget and Management may correct 136763  
accounting errors committed by the staff of the Office of Budget 136764  
and Management, such as reestablishing encumbrances or 136765  
appropriations cancelled in error, during the cancellation of 136766  
operating encumbrances in November and of nonoperating 136767  
encumbrances in December. 136768

(F) The Director of Budget and Management may at any time 136769  
correct accounting errors committed by the staff of a state agency 136770  
or state institution of higher education, as defined in section 136771  
3345.011 of the Revised Code, such as reestablishing prior year 136772  
nonoperating encumbrances canceled or modified in error. The 136773  
reestablished encumbrance amounts are hereby appropriated. 136774

(G) If the Controlling Board approved a purchase, that 136775  
approval remains in effect so long as the appropriation used to 136776  
make that purchase remains encumbered. 136777

**Section 503.60.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 136778  
RE-ESTABLISHMENT OF ENCUMBRANCES 136779

Any cash transferred by the Director of Budget and Management 136780  
under section 126.15 of the Revised Code is hereby appropriated. 136781  
Any amounts necessary to re-establish appropriations or 136782  
encumbrances under section 126.15 of the Revised Code are hereby 136783  
appropriated. 136784

**Section 503.70.** INCOME TAX DISTRIBUTION TO COUNTIES 136785

There are hereby appropriated out of any moneys in the state 136786  
treasury to the credit of the General Revenue Fund, which are not 136787  
otherwise appropriated, funds sufficient to make any payment 136788  
required by division (B)(2) of section 5747.03 of the Revised 136789  
Code. 136790

**Section 503.80.** EXPENDITURES AND APPROPRIATION INCREASES 136791  
APPROVED BY THE CONTROLLING BOARD 136792

Any money that the Controlling Board approves for expenditure 136793  
or any increase in appropriation that the Controlling Board 136794  
approves under sections 127.14, 131.35, and 131.39 of the Revised 136795  
Code or any other provision of law is hereby appropriated for the 136796  
period ending June 30, 2015. 136797

**Section 503.90.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 136798  
RESIDENCE 136799

If the Governor's Residence Fund (Fund 4H20) receives payment 136800  
for use of the residence pursuant to section 107.40 of the Revised 136801  
Code, the amounts so received are hereby appropriated to 136802

appropriation item 100604, Governor's Residence Gift. 136803

**Section 506.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 136804

Unless the agency and nuclear electric utility mutually agree 136805  
to a higher amount by contract, the maximum amounts that may be 136806  
assessed against nuclear electric utilities under division (B)(2) 136807  
of section 4937.05 of the Revised Code and deposited into the 136808  
specified funds are as follows: 136809

| <u>Fund</u>                                   | <u>User</u>                     | <u>FY 2014</u> | <u>FY 2015</u> |                  |
|-----------------------------------------------|---------------------------------|----------------|----------------|------------------|
| Utility Radiological Safety Fund (Fund 4E40)  | Department of Agriculture       | \$ 130,000     | \$ 130,000     | 136810<br>136811 |
| Radiation Emergency Response Fund (Fund 6100) | Department of Health            | \$ 1,049,954   | \$ 1,086,098   | 136812           |
| ER Radiological Safety Fund (Fund 6440)       | Environmental Protection Agency | \$ 284,266     | \$ 290,674     | 136813           |
| Emergency Response Plan Fund (Fund 6570)      | Department of Public Safety     | \$ 1,415,945   | \$ 1,415,945   | 136814           |

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 136815  
136816

Notwithstanding any provision of law to the contrary, the 136817  
Director of Budget and Management, through June 30, 2015, may 136818  
transfer interest earned by any state fund to the General Revenue 136819  
Fund. This section does not apply to funds whose source of revenue 136820  
is restricted or protected by the Ohio Constitution, federal tax 136821  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 136822  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 136823

**Section 512.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS 136824  
136825

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$60,000,000 in each fiscal year in cash from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund in order to ensure that available General Revenue Fund receipts and balances are sufficient to support General Revenue Fund appropriations in each fiscal year.

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**Section 512.30.** FISCAL YEAR 2013 GENERAL REVENUE FUND ENDING BALANCE

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Notwithstanding divisions (B) and (C) of section 131.44 of the Revised Code, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2013, in excess of the amount required under division (A)(3) of section 131.44 of the Revised Code, and transfer from the General Revenue Fund, to the extent of the amount so determined, the following:

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(A) To the Disaster Services Fund (Fund 5E20), a cash amount of up to \$15,000,000;

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(B) To the Controlling Board Emergency Purposes Fund (Fund 5KM0), a cash amount of up to \$20,000,000;

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(C) To the Natural Resources Special Purposes Fund (Fund 5MW0), which is hereby created in the state treasury, a cash amount of up to \$12,000,000;

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(D) To the Unemployment Compensation Interest Contingency Fund (Fund 5HC0), a cash amount of up to \$120,000,000 for payment to the United States Secretary of the Treasury of accrued interest costs related to federal unemployment account borrowing.

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**Section 512.40.** ACCESS SUCCESS II PROGRAM

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To the extent cash is available, the Director of Budget and

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Management may transfer cash from the Money Follows the Person 136855  
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 136856  
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 136857  
by the Department of Mental Health and Addiction Services. The 136858  
transferred cash is hereby appropriated. 136859

The Department of Mental Health and Addiction Services shall 136860  
use the transferred funds to administer the Access Success II 136861  
Program to help non-Medicaid patients in any hospital established, 136862  
controlled, or supervised by the Department under Chapter 5119. of 136863  
the Revised Code to transition from inpatient status to a 136864  
community setting. 136865

**Section 512.50.** Not later than the first day of September 136866  
2013, the Director of Mental Health and the Director of Alcohol 136867  
and Drug Addiction Services shall certify to the Director of 136868  
Budget and Management the amount of all of the unexpended, 136869  
unencumbered balances of general revenue fund appropriations made 136870  
to the Department of Mental Health and to the Department of 136871  
Alcohol and Drug Addiction Services for FY 2012, excluding funds 136872  
appropriated for rental payments to the Ohio Public Facilities 136873  
Commission. On receipt of the certification, the Director of 136874  
Budget and Management shall transfer cash to the Department of 136875  
Mental Health and Addiction Services Trust Fund created in section 136876  
5119.46 of the Revised Code (renumbered section 5119.60 of the 136877  
Revised Code in this act) in an amount up to, but not exceeding, 136878  
the total amounts certified by the Director of Mental Health and 136879  
the Director of Alcohol and Drug Addiction Services. 136880

**Section 512.70.** PROHIBITION ON TRANSFERS 136881

Notwithstanding section 131.44 of the Revised Code, cash 136882  
shall not be transferred to the Income Tax Reduction Fund prior to 136883  
July 1, 2015. 136884

**Section 515.40.** The Department of Aging shall use 136885  
appropriation item 490627, Board of Executives of LTSS, to spend 136886  
cash in the Board of Executives of Long-Term Services and Supports 136887  
Fund (Fund 5MT0), which is hereby established in the State 136888  
Treasury. On the effective date of this section, the Board of 136889  
Examiners of Nursing Home Administrators is renamed the Board of 136890  
Executives of Long-Term Services and Supports. The Board of 136891  
Examiners of Nursing Home Administrators' functions and its assets 136892  
and liabilities, are transferred to the Board of Executives of 136893  
Long-Term Services and Supports. The Board of Executives of 136894  
Long-Term Services and Supports is successor to, assumes the 136895  
obligations and authority of, and otherwise continues the Board of 136896  
Examiners of Nursing Home Administrators. No right, privilege, or 136897  
remedy, and no duty, liability, or obligation, accrued under the 136898  
Board of Examiners of Nursing Home Administrators is impaired or 136899  
lost by reason of the renaming and shall be recognized, 136900  
administered, performed, or enforced by the Board of Executives of 136901  
Long-Term Services and Supports. 136902

Business commenced but not completed by the Board of 136903  
Examiners of Nursing Home Administrators or by the Secretary of 136904  
the Board of Examiners of Nursing Home Administrators shall be 136905  
completed by the Board of Executives of Long-Term Services and 136906  
Supports or the Secretary of the Board of Executives of Long-Term 136907  
Services and Supports in the same manner, and with the same 136908  
effect, as if completed by the Board of Examiners of Nursing Home 136909  
Administrators or by the Secretary of the Board of Examiners of 136910  
Nursing Home Administrators. 136911

All of the Board of Examiners of Nursing Home Administrators' 136912  
rules, orders, and determinations continue in effect as rules, 136913  
orders, and determinations of the Board of Executives of Long-Term 136914  
Services and Supports. 136915

Subject to the layoff provisions of sections 124.321 to 136916  
124.328 of the Revised Code, all employees of the Board of 136917  
Examiners of Nursing Home Administrators who provide 136918  
administrative, technical, or other services to the Board of 136919  
Examiners of Nursing Home Administrators on a full-time, permanent 136920  
basis shall continue with the Board of Executives of Long-Term 136921  
Services and Supports and retain their positions and benefits 136922  
accruing thereto, except that those employees in the classified 136923  
service shall be reclassified into the unclassified service and 136924  
shall serve at the pleasure of the Board. 136925

Notwithstanding section 4751.03 of the Revised Code, as 136926  
amended by this act, those board members currently serving as 136927  
members of the Board of Examiners of Nursing Home Administrators 136928  
on the effective date of this act shall continue to serve as 136929  
members of the Board of Executives of Long-Term Services and 136930  
Supports for the remainder of their appointment period, at which 136931  
time new members shall be appointed in a manner consistent with 136932  
section 4751.03 of the Revised Code, as amended by this act. 136933

Within ninety days after the effective date of this act, the 136934  
Governor shall appoint to the Board of Executives of Long-Term 136935  
Services and Supports those new members who are required to be 136936  
appointed under divisions (A)(3) and (6) of section 4751.03 of the 136937  
Revised Code, as amended by this act, for terms ending on May 27, 136938  
2014. Thereafter, appointment for those members shall be as 136939  
provided in section 4751.03 of the Revised Code, as amended by 136940  
this act. 136941

Whenever the Board of Examiners of Nursing Home 136942  
Administrators is referred to in statute, contract, or other 136943  
instrument, the reference is deemed to refer to the Board of 136944  
Executives of Long-Term Services and Supports. 136945

No pending action or proceeding being prosecuted or defended 136946  
in court or before an agency by the Board of Examiners of Nursing 136947



Home Administrators or the Secretary of the Board of Examiners of 136948  
Nursing Home Administrators is affected by the renaming and shall 136949  
be prosecuted or defended in the name of the Board of Executives 136950  
of Long-Term Services and Supports or the Secretary of the Board 136951  
of Executives of Long-Term Services and Supports. Upon application 136952  
to the court or agency, the Board of Executives of Long-Term 136953  
Services and Supports or the Secretary of the Board of Executives 136954  
of Long-Term Services and Supports shall be substituted. 136955

**Section 515.50.** (A) On July 1, 2013, the eTech Ohio 136956  
Commission is renamed and reconstituted as the Broadcast 136957  
Educational Media Commission, as described in section 3353.02 of 136958  
the Revised Code as amended by this act. The Broadcast Educational 136959  
Media Commission is thereupon and thereafter successor to, assumes 136960  
the obligations of, and otherwise constitutes the continuation of 136961  
the eTech Ohio Commission, for all obligations related to the 136962  
state's educational broadcasting services, including educational 136963  
television, radio, and radio reading services. 136964

(B) Any business related to the state's educational 136965  
television, radio, or radio reading services commenced but not 136966  
completed by the eTech Ohio Commission shall be completed by the 136967  
Broadcast Educational Media Commission in the same manner, and 136968  
with the same effect, as if completed by the eTech Ohio 136969  
Commission. No validation, cure, right, privilege, remedy, 136970  
obligation, or liability is lost or impaired by reason of the 136971  
renaming, and shall be recognized, administered, performed, or 136972  
enforced by the Broadcast Educational Media Commission. 136973

(C) All of the rules of the eTech Ohio Commission related to 136974  
the state's educational broadcasting services, including 136975  
educational television, radio, or radio reading services, continue 136976  
in effect as rules of the Broadcast Educational Media Commission, 136977  
until amended or rescinded by the Broadcast Educational Media 136978

Commission. 136979

(D) No judicial or administrative action or proceeding 136980  
related to the state's educational broadcasting services, 136981  
including educational television, radio, or radio reading 136982  
services, in which the eTech Ohio Commission is a party, that is 136983  
pending on the effective date of this section is affected by the 136984  
renaming. Such action or proceeding shall be prosecuted or 136985  
defended in the name of the Broadcast Educational Media 136986  
Commission. On application to the court or other tribunal, the 136987  
Broadcast Educational Media Commission shall be substituted for 136988  
the eTech Ohio Commission as a party to such action or proceeding. 136989

(E) Subject to the layoff provisions of sections 124.321 to 136990  
124.328 and division (D) of section 3353.03 of the Revised Code, 136991  
as amended by this act, all employees of the former eTech Ohio 136992  
Commission assigned to activities related to the state's 136993  
educational broadcasting services, including educational 136994  
television, radio, or radio reading services, continue with the 136995  
Broadcast Educational Media Commission and retain their positions 136996  
and all benefits accruing thereto. 136997

(F) All books, records, documents, files, transcripts, 136998  
equipment, furniture, supplies, and other materials related to the 136999  
state's educational broadcasting services, including educational 137000  
television, radio, or radio reading services, assigned to or in 137001  
the possession of the former eTech Ohio Commission shall be 137002  
transferred to the Broadcast Educational Media Commission. 137003

(G) Each current member of the eTech Ohio Commission shall 137004  
serve until June 30, 2013. On July 1, 2013, or as soon after July 137005  
1, 2013, as possible, each member shall either be reappointed or 137006  
replaced by another member to serve on the Educational Media 137007  
Commission pursuant to section 3353.02 of the Revised Code, as 137008  
amended by this act. 137009

**Section 515.51.** (A) On July 1, 2013, all responsibilities 137010  
related to the administration of the Telecommunity Fund and the 137011  
Distance Learning Fund, as well as for technology-related teacher 137012  
professional development programs, are transferred from the former 137013  
eTech Ohio Commission to the Chancellor of the Board of Regents as 137014  
described in sections 3319.235, 3317.50, and 3317.51 of the 137015  
Revised Code, as amended by this act. The Chancellor is thereupon 137016  
and thereafter successor to, assumes the obligations of, and 137017  
otherwise constitutes the continuation of the eTech Ohio 137018  
Commission relating to the functions, assets, records, and 137019  
obligations relating to these responsibilities. 137020

(B) Any business related to these responsibilities commenced 137021  
but not completed by the former eTech Ohio Commission shall be 137022  
completed by the Chancellor in the same manner, and with the same 137023  
effect, as if completed by the eTech Ohio Commission. No 137024  
validation, cure, right, privilege, remedy, obligation, or 137025  
liability is lost or impaired by reason of the transfer, and shall 137026  
be recognized, administered, performed, or enforced by the 137027  
Chancellor. 137028

(C) All of the rules of the former eTech Ohio Commission 137029  
related to these responsibilities continue in effect as rules of 137030  
the Chancellor, until amended or rescinded by the Chancellor. 137031

(D) Any judicial or administrative action or proceeding 137032  
related to these responsibilities, in which the eTech Ohio 137033  
Commission is a party, that is pending on the effective date of 137034  
this section is affected by the transfer. Such action or 137035  
proceeding shall be prosecuted or defended in the name of the 137036  
Chancellor. On application to the court or other tribunal, the 137037  
Chancellor of the Board of Regents shall be substituted for the 137038  
eTech Ohio Commission as a party to such action or proceeding. 137039

(E) Subject to the layoff provisions of sections 124.321 to 137040

124.328 and division (D) of section 3353.03 of the Revised Code, 137041  
as amended by this act, all employees of the former eTech Ohio 137042  
Commission assigned to these responsibilities continue with the 137043  
Chancellor and retain their positions and all benefits accruing 137044  
thereto. 137045

(F) All books, records, documents, files, transcripts, 137046  
equipment, furniture, supplies, and other materials related to 137047  
these responsibilities assigned to or in the possession of the 137048  
former eTech Ohio Commission shall be transferred to the 137049  
Chancellor. 137050

(G) All employees of the former eTech Ohio Commission who 137051  
transferred to the Chancellor of the Board of Regents upon the 137052  
reconstitution of the Commission as prescribed by Section 515.50 137053  
of H.B. 59 of the 130th General Assembly and who when employed by 137054  
that Commission or a predecessor agency were included in a 137055  
bargaining unit established under Chapter 4117. of the Revised 137056  
Code, shall continue to be included in that bargaining unit, are 137057  
public employees as defined in section 4117.01 of the Revised 137058  
Code, and may collectively bargain with the Chancellor in 137059  
accordance with that chapter. Otherwise, any employee hired by the 137060  
Chancellor after the reconstitution of the Commission, either to 137061  
fill vacancies or to fill new positions related to the transferred 137062  
employees' duties, shall be exempt from Chapter 4117. of the 137063  
Revised Code and shall not be public employees as defined in 137064  
section 4117.01 of the Revised Code. 137065

**Section 515.52.** (A) On July 1, 2013, all responsibilities of 137066  
the former eTech Ohio Commission related to the purchase of 137067  
software services and supplies, the redistribution of hardware and 137068  
software from closed community schools, and technology-related 137069  
teacher professional development programs are transferred from the 137070  
former eTech Ohio Commission to the Department of Education as 137071

described in sections 125.05, 3314.074, and 3319.235 of the Revised Code, as amended by this act. The Department is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the eTech Ohio Commission relating to these responsibilities.

(B) Any business related to these responsibilities commenced but not completed by the former eTech Ohio Commission shall be completed by the Department in the same manner, and with the same effect, as if completed by the eTech Ohio Commission. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer, and shall be recognized, administered, performed, or enforced by the Department.

(C) All of the rules of the eTech Ohio Commission related to these responsibilities continue in effect as rules of the Department, until amended or rescinded by the Department.

(D) Any judicial or administrative action or proceeding related to these responsibilities, in which the eTech Ohio Commission is a party, that is pending on the effective date of this section is affected by the transfer. Such action or proceeding shall be prosecuted or defended in the name of the Department. On application to the court or other tribunal, the Department of Education shall be substituted for the eTech Ohio Commission as a party to such action or proceeding.

(E) Subject to the layoff provisions of sections 124.321 to 124.328 and division (D) of section 3353.03 of the Revised Code, as amended by this act, all employees of the former eTech Ohio Commission assigned to these responsibilities continue with the Department and retain their positions and all benefits accruing thereto.

(F) All books, records, documents, files, transcripts,

equipment, furniture, supplies, and other materials related to 137103  
these responsibilities assigned to or in the possession of the 137104  
former eTech Ohio Commission shall be transferred to the 137105  
Department. 137106

(G) All employees of the former eTech Ohio Commission who 137107  
transferred to the Department of Education upon the reconstitution 137108  
of the Commission as prescribed by Section 515.50 of H.B. 59 of 137109  
the 130th General Assembly and who when employed by that 137110  
Commission or a predecessor agency were included in a bargaining 137111  
unit established under Chapter 4117. of the Revised Code, shall 137112  
continue to be included in that bargaining unit, are public 137113  
employees as defined in section 4117.01 of the Revised Code, and 137114  
may collectively bargain with the state Board of Education in 137115  
accordance with that chapter. Otherwise, any employee hired by the 137116  
Department after the reconstitution of the Commission, either to 137117  
fill vacancies or to fill new positions related to the transferred 137118  
employees' duties, shall be exempt from Chapter 4117. of the 137119  
Revised Code and shall not be public employees as defined in 137120  
section 4117.01 of the Revised Code. 137121

**Section 515.53.** Any duties and responsibilities of the former 137122  
eTech Ohio Commission not transferred in accordance with Sections 137123  
515.50, 515.51, and 515.52 of this act are eliminated on July 1, 137124  
2013. 137125

**Section 518.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 137126

Certain appropriations are in this act for the purpose of 137127  
paying debt service and financing costs on general obligation 137128  
bonds or notes of the state issued pursuant to the Ohio 137129  
Constitution and acts of the General Assembly. If it is determined 137130  
that additional appropriations are necessary for this purpose, 137131  
such amounts are hereby appropriated. 137132

**Section 518.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 137133

Certain appropriations are in this act for the purpose of 137134  
making lease rental payments pursuant to leases and agreements 137135  
relating to bonds or notes issued by the Treasurer of State, or 137136  
previously by the Ohio Public Facilities Commission or the Ohio 137137  
Building Authority, pursuant to the Ohio Constitution and acts of 137138  
the General Assembly. If it is determined that additional 137139  
appropriations are necessary for this purpose, such amounts are 137140  
hereby appropriated. 137141

**Section 518.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 137142  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 137143

The Office of Budget and Management shall process payments 137144  
from general obligation and lease rental payment appropriation 137145  
items during the period from July 1, 2013, through June 30, 2015, 137146  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 137147  
2n, 2o, 2p, 2q, 2r, and 15 of Article VIII, Ohio Constitution, and 137148  
Chapters 151., 152., and 154. of the Revised Code. Payments shall 137149  
be made upon certification by the Treasurer of State of the dates 137150  
and the amounts due on those dates. 137151

**Section 521.20.** STATEWIDE INDIRECT COST RECOVERY 137152

Whenever the Director of Budget and Management determines 137153  
that an appropriation made to a state agency from a fund of the 137154  
state is insufficient to provide for the recovery of statewide 137155  
indirect costs under section 126.12 of the Revised Code, the 137156  
amount required for such purpose is hereby appropriated from the 137157  
available receipts of such fund. 137158

**Section 521.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 137159  
COST ALLOCATION PLAN 137160

The total transfers made from the General Revenue Fund by the Director of Budget and Management under this section shall not exceed the amounts transferred into the General Revenue Fund under section 126.12 of the Revised Code.

The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and



Management determines that an appropriation made to a state agency 137193  
from a fund of the state is insufficient to pay the amount 137194  
required by the federal government, the amount required for such 137195  
purpose is hereby appropriated from the available receipts of such 137196  
fund, up to the amount of the certification. 137197

**Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 137198

Notwithstanding any provision of law to the contrary, on or 137199  
before the first day of September of each fiscal year, the 137200  
Director of Budget and Management, in order to reduce the payment 137201  
of adjustments to the federal government, as determined by the 137202  
plan prepared under division (A) of section 126.12 of the Revised 137203  
Code, may designate such funds as the Director considers necessary 137204  
to retain their own interest earnings. 137205

**Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 137206

Pursuant to the plan for compliance with the Federal Cash 137207  
Management Improvement Act required by section 131.36 of the 137208  
Revised Code, the Director of Budget and Management may cancel and 137209  
re-establish all or part of encumbrances in like amounts within 137210  
the funds identified by the plan. The amounts necessary to 137211  
re-establish all or part of encumbrances are hereby appropriated. 137212

**Section 521.60. FISCAL STABILIZATION AND RECOVERY** 137213

To ensure the level of accountability and transparency 137214  
required by federal law, the Director of Budget and Management may 137215  
issue guidelines to any agency applying for federal money made 137216  
available to this state for fiscal stabilization and recovery 137217  
purposes, and may prescribe the process by which agencies are to 137218  
comply with any reporting requirements established by the federal 137219  
government. 137220

**Section 605.10.** That Section 205.10 of Am. Sub. H.B. 51 of the 130th General Assembly be amended to read as follows:

|      |                     |                                                     |                |                |        |
|------|---------------------|-----------------------------------------------------|----------------|----------------|--------|
|      | <b>Sec. 205.10.</b> | DPS DEPARTMENT OF PUBLIC SAFETY                     |                |                | 137223 |
|      |                     | State Highway Safety Fund Group                     |                |                | 137224 |
| 4W40 | 762321              | Operating Expense -<br>BMV                          | \$ 130,559,268 | \$ 130,418,957 | 137225 |
| 5V10 | 762682              | License Plate<br>Contribution                       | \$ 2,100,000   | \$ 2,100,000   | 137226 |
| 7036 | 761321              | Operating Expense -<br>Information and<br>Education | \$ 7,055,066   | \$ 6,999,331   | 137227 |
| 7036 | 761401              | Lease Rental Payments                               | \$ 2,472,300   | \$ 2,473,100   | 137228 |
| 7036 | 764033              | Minor Capital Projects                              | \$ 1,250,000   | \$ 1,250,000   | 137229 |
| 7036 | 764321              | Operating Expense -<br>Highway Patrol               | \$ 268,232,602 | \$ 270,232,602 | 137230 |
| 7036 | 764605              | Motor Carrier<br>Enforcement Expenses               | \$ 2,860,000   | \$ 2,860,000   | 137231 |
| 8300 | 761603              | Salvage and Exchange -<br>Administration            | \$ 20,053      | \$ 20,053      | 137232 |
| 8310 | 761610              | Information and<br>Education - Federal              | \$ 300,000     | \$ 300,000     | 137233 |
| 8310 | 764608              | FARS Grant Federal                                  | \$ 175,000     | \$ 175,000     | 137234 |
| 8310 | 764610              | Patrol - Federal                                    | \$ 2,250,000   | \$ 2,250,000   | 137235 |
| 8310 | 764659              | Transportation<br>Enforcement - Federal             | \$ 5,200,000   | \$ 5,200,000   | 137236 |
| 8310 | 765610              | EMS - Federal                                       | \$ 225,000     | \$ 225,000     | 137237 |
| 8310 | 769610              | Investigative Unit<br>Federal Reimbursement         | \$ 1,400,000   | \$ 1,400,000   | 137238 |
| 8310 | 769631              | Homeland Security -<br>Federal                      | \$ 750,000     | \$ 400,000     | 137239 |
| 8320 | 761612              | Traffic Safety -                                    | \$ 22,000,000  | \$ 22,000,000  | 137240 |

|       |        |                           |    |             |    |                    |
|-------|--------|---------------------------|----|-------------|----|--------------------|
|       |        | Federal                   |    |             |    |                    |
| 8350  | 762616 | Financial                 | \$ | 5,274,068   | \$ | 5,274,068 137241   |
|       |        | Responsibility            |    |             |    |                    |
|       |        | Compliance                |    |             |    |                    |
| 8370  | 764602 | Turnpike Policing         | \$ | 11,553,959  | \$ | 11,553,959 137242  |
| 83C0  | 764630 | Contraband,               | \$ | 622,894     | \$ | 622,894 137243     |
|       |        | Forfeiture, Other         |    |             |    |                    |
| 83F0  | 764657 | Law Enforcement           | \$ | 8,500,000   | \$ | 8,500,000 137244   |
|       |        | Automated Data System     |    |             |    |                    |
| 83G0  | 764633 | OMVI                      | \$ | 641,927     | \$ | 641,927 137245     |
|       |        | Enforcement/Education     |    |             |    |                    |
| 83J0  | 764693 | Highway Patrol Justice    | \$ | 2,100,000   | \$ | 2,100,000 137246   |
|       |        | Contraband                |    |             |    |                    |
| 83M0  | 765624 | Operating - EMS           | \$ | 3,056,069   | \$ | 3,056,069 137247   |
| 83M0  | 765640 | EMS - Grants              | \$ | 3,300,000   | \$ | 3,300,000 137248   |
| 83R0  | 762639 | Local Immobilization      | \$ | 450,000     | \$ | 450,000 137249     |
|       |        | Reimbursement             |    |             |    |                    |
| 83T0  | 764694 | Highway Patrol            | \$ | 21,000      | \$ | 21,000 137250      |
|       |        | Treasury Contraband       |    |             |    |                    |
| 8400  | 764607 | State Fair Security       | \$ | 1,294,354   | \$ | 1,294,354 137251   |
| 8400  | 764617 | Security and              | \$ | 8,793,865   | \$ | 9,514,236 137252   |
|       |        | Investigations            |    |             |    |                    |
| 8400  | 764626 | State Fairgrounds         | \$ | 1,047,560   | \$ | 1,084,559 137253   |
|       |        | Police Force              |    |             |    |                    |
| 8400  | 769632 | Homeland Security -       | \$ | 650,000     | \$ | 630,000 137254     |
|       |        | Operating                 |    |             |    |                    |
| 8410  | 764603 | Salvage and Exchange -    | \$ | 1,339,399   | \$ | 1,339,399 137255   |
|       |        | Highway Patrol            |    |             |    |                    |
| 8460  | 761625 | Motorcycle Safety         | \$ | 3,280,563   | \$ | 3,280,563 137256   |
|       |        | Education                 |    |             |    |                    |
| 8490  | 762627 | Automated Title           | \$ | 16,675,513  | \$ | 16,467,293 137257  |
|       |        | Processing Board          |    |             |    |                    |
| TOTAL | HSF    | State Highway Safety Fund | \$ | 515,450,460 | \$ | 517,434,364 137258 |

Group

|                             |        |                       |                 |                  |
|-----------------------------|--------|-----------------------|-----------------|------------------|
| General Services Fund Group |        |                       |                 | 137259           |
| 4P60                        | 768601 | Justice Program       | \$ 900,000 \$   | 875,000 137260   |
| Services                    |        |                       |                 |                  |
| 5ET0                        | 768625 | Drug Law Enforcement  | \$ 4,250,000 \$ | 4,250,000 137261 |
| 5LM0                        | 768698 | Criminal Justice      | \$ 850,946 \$   | 850,946 137262   |
| Services Law                |        |                       |                 |                  |
| Enforcement Support         |        |                       |                 |                  |
| TOTAL                       | GSF    | General Services Fund | \$ 6,290,946 \$ | 6,265,946 137263 |

Group

|                                    |        |                      |                  |                   |
|------------------------------------|--------|----------------------|------------------|-------------------|
| Federal Special Revenue Fund Group |        |                      |                  | 137264            |
| 3290                               | 763645 | Federal Mitigation   | \$ 10,413,642 \$ | 10,413,642 137265 |
| Program                            |        |                      |                  |                   |
| 3370                               | 763609 | Federal Disaster     | \$ 27,707,636 \$ | 27,707,636 137266 |
| Relief                             |        |                      |                  |                   |
| 3390                               | 763647 | Emergency Management | \$ 70,934,765 \$ | 70,934,765 137267 |
| Assistance and                     |        |                      |                  |                   |
| Training                           |        |                      |                  |                   |
| 3CE0                               | 768611 | Justice Assistance   | \$ 400,000 \$    | 100,000 137268    |
| Grants - FFY09                     |        |                      |                  |                   |
| 3DE0                               | 768612 | Federal Stimulus -   | \$ 1,000,000 \$  | 300,000 137269    |
| Justice Assistance                 |        |                      |                  |                   |
| Grants                             |        |                      |                  |                   |
| 3DU0                               | 762628 | BMV Grants           | \$ 1,350,000 \$  | 1,325,000 137270  |
| 3EU0                               | 768614 | Justice Assistance   | \$ 830,000 \$    | 500,000 137271    |
| Grants - FFY10                     |        |                      |                  |                   |
| 3FK0                               | 768615 | Justice Assistance   | \$ 900,000 \$    | 900,000 137272    |
| Grants - FFY11                     |        |                      |                  |                   |
| 3FP0                               | 767620 | Ohio Investigative   | \$ 55,000 \$     | 55,000 137273     |
| Unit Justice                       |        |                      |                  |                   |
| Contraband                         |        |                      |                  |                   |
| 3FY0                               | 768616 | Justice Assistance   | \$ 2,200,000 \$  | 1,500,000 137274  |

|                                  |        |                         |    |             |    |             |        |
|----------------------------------|--------|-------------------------|----|-------------|----|-------------|--------|
|                                  |        | Grants - FFY12          |    |             |    |             |        |
| 3FZ0                             | 768617 | Justice Assistance      | \$ | 7,000,000   | \$ | 2,000,000   | 137275 |
|                                  |        | Grants - FFY13          |    |             |    |             |        |
| 3GA0                             | 768618 | Justice Assistance      | \$ | 0           | \$ | 7,500,000   | 137276 |
|                                  |        | Grants - FFY14          |    |             |    |             |        |
| 3L50                             | 768604 | Justice Program         | \$ | 10,500,000  | \$ | 10,500,000  | 137277 |
| 3N50                             | 763644 | U.S. Department of      | \$ | 31,672      | \$ | 31,672      | 137278 |
|                                  |        | Energy Agreement        |    |             |    |             |        |
| TOTAL FED                        |        | Federal Special Revenue | \$ | 133,322,715 | \$ | 133,767,715 | 137279 |
| Fund Group                       |        |                         |    |             |    |             |        |
| State Special Revenue Fund Group |        |                         |    |             |    |             | 137280 |
| 4V30                             | 763662 | Storms/NOAA             | \$ | 4,950,000   | \$ | 4,950,000   | 137281 |
|                                  |        | Maintenance             |    |             |    |             |        |
| 5390                             | 762614 | Motor Vehicle Dealers   | \$ | 150,000     | \$ | 140,000     | 137282 |
|                                  |        | Board                   |    |             |    |             |        |
| 5B90                             | 766632 | Private Investigator    | \$ | 1,400,000   | \$ | 1,400,000   | 137283 |
|                                  |        | and Security Guard      |    |             |    |             |        |
|                                  |        | Provider                |    |             |    |             |        |
| 5BK0                             | 768687 | Criminal Justice        | \$ | 400,000     | \$ | 400,000     | 137284 |
|                                  |        | Services - Operating    |    |             |    |             |        |
| 5BK0                             | 768689 | Family Violence         | \$ | 750,000     | \$ | 750,000     | 137285 |
|                                  |        | Shelter Programs        |    |             |    |             |        |
| 5CM0                             | 767691 | Equitable Share         | \$ | 300,000     | \$ | 300,000     | 137286 |
|                                  |        | Account                 |    |             |    |             |        |
| 5DS0                             | 769630 | Homeland Security       | \$ | 1,414,384   | \$ | 1,414,384   | 137287 |
| 5FF0                             | 762621 | Indigent Interlock      | \$ | 2,000,000   | \$ | 2,000,000   | 137288 |
|                                  |        | and Alcohol             |    |             |    |             |        |
|                                  |        | Monitoring              |    |             |    |             |        |
| 5FL0                             | 769634 | Investigations          | \$ | 899,300     | \$ | 899,300     | 137289 |
| 5ML0                             | 769635 | Infrastructure          | \$ | 400,000     | \$ | 400,000     | 137290 |
|                                  |        | Protection              |    |             |    |             |        |
| <del>5BP0</del>                  | 764609 | DPS Wireless 911        | \$ | 290,000     | \$ | 290,000     | 137291 |
| <u>5NF0</u>                      |        | Administration          |    |             |    |             |        |

|                                           |        |                                                                    |    |             |    |             |        |
|-------------------------------------------|--------|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| 6220                                      | 767615 | Investigative                                                      | \$ | 325,000     | \$ | 325,000     | 137292 |
|                                           |        | Contraband and                                                     |    |             |    |             |        |
|                                           |        | Forfeiture                                                         |    |             |    |             |        |
| 6570                                      | 763652 | Utility Radiological                                               | \$ | 1,415,945   | \$ | 1,415,945   | 137293 |
|                                           |        | Safety                                                             |    |             |    |             |        |
| 6810                                      | 763653 | SARA Title III HAZMAT                                              | \$ | 262,438     | \$ | 262,438     | 137294 |
|                                           |        | Planning                                                           |    |             |    |             |        |
| 8500                                      | 767628 | Investigative Unit                                                 | \$ | 92,700      | \$ | 92,700      | 137295 |
|                                           |        | Salvage                                                            |    |             |    |             |        |
| TOTAL SSR State Special Revenue           |        |                                                                    | \$ | 15,049,767  | \$ | 15,039,767  | 137296 |
| Fund Group                                |        |                                                                    |    |             |    |             |        |
| Agency Fund Group                         |        |                                                                    |    |             |    |             | 137297 |
| 5J90                                      | 761678 | Federal Salvage/GSA                                                | \$ | 1,500,000   | \$ | 1,500,000   | 137298 |
| TOTAL AGY Agency Fund Group               |        |                                                                    | \$ | 1,500,000   | \$ | 1,500,000   | 137299 |
| Holding Account Redistribution Fund Group |        |                                                                    |    |             |    |             | 137300 |
| R024                                      | 762619 | Unidentified Motor                                                 | \$ | 1,885,000   | \$ | 1,885,000   | 137301 |
|                                           |        | Vehicle Receipts                                                   |    |             |    |             |        |
| R052                                      | 762623 | Security Deposits                                                  | \$ | 350,000     | \$ | 350,000     | 137302 |
| TOTAL 090 Holding Account                 |        |                                                                    | \$ | 2,235,000   | \$ | 2,235,000   | 137303 |
| Redistribution Fund Group                 |        |                                                                    |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS              |        |                                                                    | \$ | 673,558,888 | \$ | 675,952,792 | 137304 |
|                                           |        | MOTOR VEHICLE REGISTRATION                                         |    |             |    |             | 137305 |
|                                           |        | The Registrar of Motor Vehicles may deposit revenues to meet       |    |             |    |             | 137306 |
|                                           |        | the cash needs of the State Bureau of Motor Vehicles Fund (Fund    |    |             |    |             | 137307 |
|                                           |        | 4W40) established in section 4501.25 of the Revised Code, obtained |    |             |    |             | 137308 |
|                                           |        | under sections 4503.02 and 4504.02 of the Revised Code, less all   |    |             |    |             | 137309 |
|                                           |        | other available cash. Revenue deposited pursuant to this paragraph |    |             |    |             | 137310 |
|                                           |        | shall support, in part, appropriations for operating expenses and  |    |             |    |             | 137311 |
|                                           |        | defray the cost of manufacturing and distributing license plates   |    |             |    |             | 137312 |
|                                           |        | and license plate stickers and enforcing the law relative to the   |    |             |    |             | 137313 |
|                                           |        | operation and registration of motor vehicles. Notwithstanding      |    |             |    |             | 137314 |
|                                           |        | section 4501.03 of the Revised Code, the revenues shall be paid    |    |             |    |             | 137315 |

into Fund 4W40 before any revenues obtained pursuant to sections 137316  
4503.02 and 4504.02 of the Revised Code are paid into any other 137317  
fund. The deposit of revenues to meet the aforementioned cash 137318  
needs shall be in approximately equal amounts on a monthly basis 137319  
or as otherwise determined by the Director of Budget and 137320  
Management pursuant to a plan submitted by the Registrar of Motor 137321  
Vehicles. 137322

OPERATING EXPENSE - BMV 137323

Of the foregoing appropriation item 762321, Operating Expense 137324  
- BMV, up to \$50,000 in fiscal year 2014 shall be used to pay for 137325  
costs associated with improvements to the program to accept 137326  
applications for registration transactions of apportionable 137327  
vehicles electronically over the internet. 137328

OPERATING EXPENSE - INFORMATION AND EDUCATION 137329

Of the foregoing appropriation item 761321, Operating Expense 137330  
- Information and Education, up to \$250,000 in each fiscal year 137331  
may be used to fund state employees to staff travel information 137332  
centers on the border of the state. 137333

The Department of Public Safety shall conduct a study for 137334  
partnering with local travel and tourism centers, as well as a 137335  
study for the creation of the Ohio Ambassadors Volunteer Program 137336  
at rest stops. 137337

LEASE RENTAL PAYMENTS 137338

The foregoing appropriation item 761401, Lease Rental 137339  
Payments, shall be used for payments to the Treasurer of State for 137340  
the period July 1, 2013, through June 30, 2015, under the primary 137341  
leases and agreements for public safety related buildings. The 137342  
appropriations are the source of funds pledged for bond service 137343  
charges on obligations pursuant to Chapters 152. and 154. of the 137344  
Revised Code. 137345

CASH TRANSFERS BETWEEN FUNDS 137346

Notwithstanding any provision of law to the contrary, the 137347  
Director of Budget and Management, upon the written request of the 137348  
Director of Public Safety, may transfer cash between the following 137349  
six funds: the Trauma and Emergency Medical Services Fund (Fund 137350  
83M0), the Homeland Security Fund (Fund 5DS0), the Investigations 137351  
Fund (Fund 5FL0), the Emergency Management Agency Service and 137352  
Reimbursement Fund (Fund 4V30), the Justice Program Services Fund 137353  
(Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 137354  
4W40). 137355

CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE 137356  
PLATE CONTRIBUTION FUND 137357

On July 1, 2013, or as soon as possible thereafter, the 137358  
Director of Budget and Management may transfer the cash balance in 137359  
the Teen Driver Education Fund (Fund 5JS0) to the License Plate 137360  
Contribution Fund (Fund 5V10). Upon completion of the transfer, 137361  
Fund 5JS0 is hereby abolished. 137362

CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO 137363  
STATE HIGHWAY SAFETY FUND 137364

Not later than January 1, 2014, the Director of Budget and 137365  
Management may transfer the cash balance in the Hilltop Utility 137366  
Reimbursement Fund (Fund 4S30) to the State Highway Safety Fund 137367  
(Fund 7036). Upon completion of the transfer, Fund 4S30 is hereby 137368  
abolished. The Director shall cancel any existing encumbrances 137369  
against appropriation item 766661, Hilltop Utility Reimbursement, 137370  
and reestablish them against appropriation item 761321, Operating 137371  
Expense - Information and Education. The reestablished encumbrance 137372  
amounts are hereby appropriated. 137373

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY 137374  
SAFETY FUND 137375

On July 1, 2013, or as soon as possible thereafter, the 137376



Director of Budget and Management shall transfer the cash balance 137377  
in the Registrar Rental Fund (Fund 8380) to the State Bureau of 137378  
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 137379  
Fund 8380 is abolished. 137380

STATE DISASTER RELIEF 137381

The State Disaster Relief Fund (Fund 5330) may accept 137382  
transfers of cash and appropriations from Controlling Board 137383  
appropriation items for Ohio Emergency Management Agency disaster 137384  
response costs and disaster program management costs, and may also 137385  
be used for the following purposes: 137386

(A) To accept transfers of cash and appropriations from 137387  
Controlling Board appropriation items for Ohio Emergency 137388  
Management Agency public assistance and mitigation program match 137389  
costs to reimburse eligible local governments and private 137390  
nonprofit organizations for costs related to disasters; 137391

(B) To accept and transfer cash to reimburse the costs 137392  
associated with Emergency Management Assistance Compact (EMAC) 137393  
deployments; 137394

(C) To accept disaster related reimbursement from federal, 137395  
state, and local governments. The Director of Budget and 137396  
Management may transfer cash from reimbursements received by this 137397  
fund to other funds of the state from which transfers were 137398  
originally approved by the Controlling Board. 137399

(D) To accept transfers of cash and appropriations from 137400  
Controlling Board appropriation items to fund the State Disaster 137401  
Relief Program, for disasters that qualify for the program by 137402  
written authorization of the Governor, and the State Individual 137403  
Assistance Program for disasters that have been declared by the 137404  
federal Small Business Administration and that qualify for the 137405  
program by written authorization of the Governor. The Ohio 137406  
Emergency Management Agency shall publish and make available 137407

application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program. 137408  
137409

JUSTICE ASSISTANCE GRANT FUND 137410

The federal payments made to the state for the Byrne Justice Assistance Grants Program under Title II of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Justice Assistance Grant Fund (Fund 3DE0), which is hereby created in the state treasury. All investment earnings of the fund shall be credited to the fund. 137411  
137412  
137413  
137414  
137415  
137416

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 137417  
137418

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for the maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency. 137419  
137420  
137421  
137422  
137423  
137424  
137425  
137426  
137427

FAMILY VIOLENCE PREVENTION FUND 137428

Notwithstanding any provision of law to the contrary, in each of fiscal years 2014 and 2015, the first \$750,000 received to the credit of the Family Violence Prevention Fund (Fund 5BK0) is appropriated to appropriation item 768689, Family Violence Shelter Programs, and the next \$400,000 received to the credit of Fund 5BK0 in each of those fiscal years is appropriated to appropriation item 768687, Criminal Justice Services - Operating. Any moneys received to the credit of Fund 5BK0 in excess of the aforementioned appropriated amounts in each fiscal year shall, upon the approval of the Controlling Board, be used to provide 137429  
137430  
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137432  
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137437  
137438

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| grants to family violence shelters in Ohio.                        | 137439 |
| SARA TITLE III HAZMAT PLANNING                                     | 137440 |
| The SARA Title III HAZMAT Planning Fund (Fund 6810) is             | 137441 |
| entitled to receive grant funds from the Emergency Response        | 137442 |
| Commission to implement the Emergency Management Agency's          | 137443 |
| responsibilities under Chapter 3750. of the Revised Code.          | 137444 |
| COLLECTIVE BARGAINING INCREASES                                    | 137445 |
| Notwithstanding division (D) of section 127.14 and division        | 137446 |
| (B) of section 131.35 of the Revised Code, except for the General  | 137447 |
| Revenue Fund, the Controlling Board may, upon the request of       | 137448 |
| either the Director of Budget and Management, or the Department of | 137449 |
| Public Safety with the approval of the Director of Budget and      | 137450 |
| Management, authorize expenditures in excess of appropriations and | 137451 |
| transfer appropriations, as necessary, for any fund used by the    | 137452 |
| Department of Public Safety, to assist in paying the costs of      | 137453 |
| increases in employee compensation that have occurred pursuant to  | 137454 |
| collective bargaining agreements under Chapter 4117. of the        | 137455 |
| Revised Code and, for exempt employees, under section 124.152 of   | 137456 |
| the Revised Code. Any money approved for expenditure under this    | 137457 |
| paragraph is hereby appropriated.                                  | 137458 |
| CASH BALANCE FUND REVIEW                                           | 137459 |
| Not later than the first day of April in each fiscal year of       | 137460 |
| the biennium, the Director of Budget and Management shall review   | 137461 |
| the cash balances for each fund, except the State Highway Safety   | 137462 |
| Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund | 137463 |
| 4W40), in the State Highway Safety Fund Group, and shall recommend | 137464 |
| to the Controlling Board an amount to be transferred to the credit | 137465 |
| of Fund 7036 or Fund 4W40, as appropriate.                         | 137466 |
| AUTO REGISTRATION DISTRIBUTION FUND                                | 137467 |
| Notwithstanding the amendment by this act to section 4501.03       | 137468 |

of the Revised Code and the enactment by this act of section 137469  
 4501.031 of the Revised Code, any license tax assessed under 137470  
 Chapters 4503. or 4504. of the Revised Code, and derived from 137471  
 registrations processed on business days prior to July 1, 2013, 137472  
 shall be deposited to the state treasury to the credit of the Auto 137473  
 Registration Distribution Fund (Fund 7051) created by section 137474  
 4501.03 of the Revised Code, even if such deposit does not occur 137475  
 until on or after July 1, 2013. All license tax assessed on 137476  
 registrations under Chapters 4503. or 4504. of the Revised Code 137477  
 prior to July 1, 2013, shall be deposited, and distributed, in 137478  
 accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 137479  
 4501.043 of the Revised Code as they existed prior to the 137480  
 amendments to those sections by this act. 137481

**Section 605.11.** That existing Section 205.10 of Am. Sub. H.B. 137482  
 51 of the 130th General Assembly is hereby repealed. 137483

**Section 610.10.** That Sections 201.80 and 509.40 of Sub. H.B. 137484  
 482 of the 129th General Assembly be amended to read as follows: 137485

**Sec. 201.80.** All items set forth in this section are hereby 137486  
 appropriated out of any moneys in the state treasury to the credit 137487  
 of the School Building Program Assistance Fund (Fund 7032), that 137488  
 are not otherwise appropriated. 137489

Appropriations

|                                                          |                                         |                           |        |
|----------------------------------------------------------|-----------------------------------------|---------------------------|--------|
| SFC SCHOOL FACILITIES COMMISSION                         |                                         |                           | 137490 |
| C23002                                                   | School Building Program Assistance      | \$ <del>425,000,000</del> | 137491 |
|                                                          |                                         | <u>413,000,000</u>        |        |
| <u>C23020</u>                                            | <u>School Security Grant Program</u>    | \$ <u>12,000,000</u>      | 137492 |
| Total                                                    | School Facilities Commission            | \$ 425,000,000            | 137493 |
| TOTAL                                                    | School Building Program Assistance Fund | \$ 425,000,000            | 137494 |
| SCHOOL BUILDING PROGRAM ASSISTANCE                       |                                         |                           | 137495 |
| The foregoing appropriation item C23002, School Building |                                         |                           | 137496 |

Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.

SCHOOL SECURITY GRANT PROGRAM

The foregoing appropriation item C23020, School Security Grant Program, shall be used by the School Facilities Commission to provide funding to all public schools for school security expenditures including the purchase and installation of one Multi-Agency Radio Communications System unit per school building and a security door system, consisting of a security camera, an intercom, and remote access, at one entrance per school building. A school may apply to the School Facilities Commission for reimbursement up to \$2,000 for one Multi-Agency Radio Communications System Unit per school building and up to \$5,000 for costs incurred with the purchase of a security door system installed on or after January 1, 2013.

**Sec. 509.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS**

Notwithstanding ~~sections 123.01 and 123.15~~ section 123.21 of the Revised Code, the Executive Director of Administrative Services the Ohio Facilities Construction Commission may authorize the Departments of Mental Health, Developmental Disabilities, Agriculture, Job and Family Services, Rehabilitation and Correction, Youth Services, Public Safety, Transportation, ~~and~~ Veterans Services, and the Bureau of Workers' Compensation to administer any capital facilities projects, the estimated cost of which, including design fees, construction, equipment, and contingency amounts, is less than \$1,500,000. Requests for authorization to administer capital facilities projects shall be made ~~in writing to the Director of Administrative Services~~ through

~~the OAKS-CI application by the applicable state agency within~~ 137528  
~~sixty days after the effective date of the section of law in which~~ 137529  
~~the General Assembly initially makes an appropriation for the~~ 137530  
~~project.~~ Upon the release of funds for the projects by the 137531  
Controlling Board or the Director of Budget and Management, the 137532  
agency may administer the capital project or projects for which 137533  
agency administration has been authorized without the supervision, 137534  
control, or approval of the Executive Director of ~~Administrative~~ 137535  
~~Services~~ the Ohio Facilities Construction Commission. 137536

A state agency authorized by the Executive Director of 137537  
~~Administrative Services~~ the Ohio Facilities Construction 137538  
Commission to administer capital facilities projects pursuant to 137539  
this section shall comply with the applicable procedures and 137540  
guidelines established in Chapter 153. of the Revised Code and 137541  
shall track all project information in OAKS-CI pursuant to Ohio 137542  
Facilities Construction Commission guidelines. 137543

**Section 610.11.** That existing Sections 201.80 and 509.40 of 137544  
Sub. H.B. 482 of the 129th General Assembly are hereby repealed. 137545

**Section 610.20.** That Section 4 of Sub. S.B. 171 of the 129th 137546  
General Assembly, as amended by Am. Sub. H.B. 487 of the 129th 137547  
General Assembly, be amended to read as follows: 137548

**Sec. 4.** The following agencies are retained under division 137549  
(D) of section 101.83 of the Revised Code and expire on December 137550  
31, 2016: 137551

| AGENCY NAME                                                                     | REVISED CODE OR<br>UNCODIFIED<br>SECTION |        |
|---------------------------------------------------------------------------------|------------------------------------------|--------|
| Academic Distress Commission                                                    | 3302.10                                  | 137553 |
| Advisory Board of Governor's Office of<br>Faith-Based and Community Initiatives | 107.12                                   | 137554 |

|                                                                                                            |                      |        |
|------------------------------------------------------------------------------------------------------------|----------------------|--------|
| Advisory Board to Assist and Advise in the<br>Operation of the Ohio Center for Autism and Low<br>Incidence | 3323.33, 3323.34     | 137555 |
| Advisory Council on Amusement Ride Safety                                                                  | 1711.51, 1711.52     | 137556 |
| <del>Advisory Council of Directors for Prison Labor</del>                                                  | 5145.162             | 137557 |
| <u>Office of Enterprise Development Advisory Board</u>                                                     |                      |        |
| Advisory Council for Wild, Scenic, or<br>Recreational River Area(s)                                        | 1547.84              | 137558 |
| Advisory Committee on Livestock Exhibitions                                                                | 901.71               | 137559 |
| Agricultural Commodity Marketing Programs<br>Operating Committees                                          | 924.07               | 137560 |
| Agricultural Commodity Marketing Programs<br>Coordinating Committee                                        | 924.14               | 137561 |
| Alternative Energy Advisory Committee                                                                      | 4928.64(D)           | 137562 |
| AMBER Alert Advisory Committee                                                                             | 5502.521             | 137563 |
| Apprenticeship Council                                                                                     | Chapter 4139.        | 137564 |
| Armory Board of Control                                                                                    | 5911.09, 5911.12     | 137565 |
| Automated Title Processing Board                                                                           | 4505.09(C)(1)        | 137566 |
| Backflow Advisory Board                                                                                    | 3703.21              | 137567 |
| Banking Commission                                                                                         | 1123.01              | 137568 |
| Board of Directors of the Great Lakes Protection<br>Fund                                                   | 1506.22<br>(6161.04) | 137569 |
| Board of Directors of the Medical Liability<br>Underwriting Association Stabilization Fund                 | 3929.631             | 137570 |
| Board of Directors of the Ohio Appalachian Center<br>for Higher Education                                  | 3333.58              | 137571 |
| Board of Directors of the Ohio Health Reinsurance<br>Program                                               | 3924.08 -<br>3924.11 | 137572 |
| Board of Governors of the Commercial Insurance<br>Joint Underwriting Association                           | 3930.03              | 137573 |
| Board of Governors of the Medical Liability<br>Underwriting Association                                    | 3929.64              | 137574 |
| Board of Voting Machines Examiners                                                                         | 3506.05              | 137575 |

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| Budget Planning and Management Commission                                | Section 509.10,<br>H.B. 1, 128th<br>G.A. | 137576 |
| Brain Injury Advisory Committee                                          | 3304.231                                 | 137577 |
| Bureau of Workers' Compensation Board of<br>Directors                    | 4121.12                                  | 137578 |
| Capitol Square Review and Advisory Board                                 | 105.41                                   | 137579 |
| Child Care Advisory Council                                              | 5104.08                                  | 137580 |
| Child Support Guideline Advisory Council                                 | 3119.024                                 | 137581 |
| Children's Trust Fund Board                                              | 3109.15 -<br>3109.17                     | 137582 |
| Citizen's Advisory Council                                               | 5123.092,<br>5123.093                    | 137583 |
| Clean Ohio Trail Advisory Board                                          | 1519.06                                  | 137584 |
| Coastal Resources Advisory Council                                       | 1506.12                                  | 137585 |
| Commission on African-American Males                                     | 4112.12, 4112.13                         | 137586 |
| Commission on Hispanic-Latino Affairs                                    | 121.31                                   | 137587 |
| Commission on Minority Health                                            | 3701.78                                  | 137588 |
| Committee on Prescriptive Governance                                     | 4723.49 -<br>4723.492                    | 137589 |
| Commodity Advisory Commission                                            | 926.32                                   | 137590 |
| Consumer Advisory Committee to the Rehabilitation<br>Services Commission | 3304.24                                  | 137591 |
| Continuing Education Committee                                           | 109.80(B)                                | 137592 |
| Council on Alcohol and Drug Addiction Services                           | 3793.09                                  | 137593 |
| Council on Unreclaimed Strip Mined Lands                                 | 1513.29                                  | 137594 |
| County Sheriff's Standard Car Marking and Uniform<br>Commission          | 311.25 - 311.27                          | 137595 |
| Credential Review Board                                                  | 3319.65                                  | 137596 |
| Credit Union Council                                                     | 1733.329                                 | 137597 |
| Criminal Sentencing Advisory Committee                                   | 181.22                                   | 137598 |
| Data Collection and Analysis Group                                       | 3727.32                                  | 137599 |
| Dentist Loan Repayment Advisory Board                                    | 3702.92                                  | 137600 |



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| Department Advisory Council(s)                                                                  | 107.18, 121.13                    | 137601 |
| Development Financing Advisory Council                                                          | 122.40, 122.41                    | 137602 |
| Early Childhood Advisory Council                                                                | 3301.90                           | 137603 |
| Education Commission of the States (Interstate Compact for Education)                           | 3301.48, 3301.49                  | 137604 |
| Education Management Information System Advisory Board                                          | 3301.0713                         | 137605 |
| Educator Standards Board                                                                        | 3319.60                           | 137606 |
| Electrical Safety Inspector Advisory Committee                                                  | 3783.08                           | 137607 |
| Emergency Response Commission                                                                   | 3750.02                           | 137608 |
| Engineering Experiment Station Advisory Committee                                               | 3335.27                           | 137609 |
| Environmental Education Council                                                                 | 3745.21                           | 137610 |
| Environmental Protection Agency Advisory Board(s)                                               | 121.13, 3704.03, 3745.01          | 137611 |
| <del>eTech Ohio</del> <u>Broadcast Educational Media</u> Commission                             | 3353.02 - 3353.04                 | 137612 |
| Ex-Offender Reentry Coalition                                                                   | 5120.07                           | 137613 |
| Farmland Preservation Advisory Board                                                            | 901.23                            | 137614 |
| Financial Planning and Supervision Commission(s) for Municipal Corporation, County, or Township | 118.05                            | 137615 |
| Financial Planning and Supervision Commission for a school district                             | 3316.05                           | 137616 |
| Forestry Advisory Council                                                                       | 1503.40                           | 137617 |
| Governance Authority for a State University or College                                          | 3345.75                           | 137618 |
| Governor's Council on People with Disabilities                                                  | 3303.41                           | 137619 |
| Governor's Policy Information Working Group                                                     | Section 313, H.B. 420, 127th G.A. | 137620 |
| Governor's Residence Advisory Commission                                                        | 107.40                            | 137621 |
| Grain Marketing Program Operating Committee                                                     | 924.20 - 924.30                   | 137622 |
| Great Lakes Commission (Great Lakes Basin Compact)                                              | 6161.01                           | 137623 |

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|---------------------------------------------------------------------------------------------------|-------------------------------------------|--------|
| Gubernatorial Transition Committee                                                                | 107.29, 126.26                            | 137624 |
| Help Me Grow Advisory Council                                                                     | 3701.611                                  | 137625 |
| Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council | 3701.0210                                 | 137626 |
| Homeland Security Advisory Council                                                                | 5502.011(E)                               | 137627 |
| Hospital Measures Advisory Council                                                                | 3727.31                                   | 137628 |
| Housing Trust Fund Advisory Committee                                                             | 174.06                                    | 137629 |
| Industrial Commission Nominating Council                                                          | 4121.04                                   | 137630 |
| Industrial Technology and Enterprise Advisory Council                                             | 122.29, 122.30                            | 137631 |
| Infant Hearing Screening Subcommittee                                                             | 3701.507                                  | 137632 |
| Infection Control Group                                                                           | 3727.312(D)                               | 137633 |
| Insurance Agent Education Advisory Council                                                        | 3905.483                                  | 137634 |
| Interstate Rail Passenger Advisory Council                                                        | 4981.35                                   | 137635 |
| Joint Select Committee on Volume Cap                                                              | 133.021                                   | 137636 |
| Labor-Management Government Advisory Council                                                      | 4121.70                                   | 137637 |
| Legislative Programming Committee of the Ohio Government Telecommunications Service               | 3353.07                                   | 137638 |
| Legislative Task Force on Redistricting, Reapportionment, and Demographic Research                | 103.51                                    | 137639 |
| Maternity and Newborn Advisory Council                                                            | 3711.20, 3711.21                          | 137640 |
| Medically Handicapped Children's Medical Advisory Council                                         | 3701.025                                  | 137641 |
| Midwest Interstate Passenger Rail Compact Commission                                              | 4981.361                                  | 137642 |
| Milk Sanitation Board                                                                             | 917.03 - 917.032                          | 137643 |
| Mine Subsidence Insurance Governing Board                                                         | 3929.51                                   | 137644 |
| Minority Development Financing Advisory Board                                                     | 122.72, 122.73                            | 137645 |
| Multi-Agency Radio Communications System (MARCS) Steering Committee                               | Section 15.02,<br>H.B. 640, 123rd<br>G.A. | 137646 |
| National Museum of Afro-American History and Culture Planning Committee                           | 149.303                                   | 137647 |

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|--------------------------------------------------------------------------------|-------------------------------|--------|
| New African Immigrants Commission                                              | 4112.31, 4112.32              | 137648 |
| Ohio Accountability Task Force                                                 | 3302.021(E)                   | 137649 |
| Ohio Advisory Council for the Aging                                            | 173.03                        | 137650 |
| Ohio Agriculture License Plate Scholarship Fund Board                          | 901.90                        | 137651 |
| Ohio Arts Council                                                              | Chapter 3379.                 | 137652 |
| Ohio Business Gateway Steering Committee                                       | 5703.57                       | 137653 |
| Ohio Cemetery Dispute Resolution Commission                                    | 4767.05, 4767.06              | 137654 |
| Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils       | 4112.04(B)(4)                 | 137655 |
| Ohio Commercial Market Assistance Plan Executive Committee                     | 3930.02                       | 137656 |
| Ohio Commission on Dispute Resolution and Conflict Management                  | 179.02 - 179.04               | 137657 |
| Ohio Commission on Fatherhood                                                  | 5101.34                       | 137658 |
| Ohio Community Service Council                                                 | 121.40 - 121.404              | 137659 |
| Ohio Council for Interstate Adult Offender Supervision                         | 5149.22                       | 137660 |
| Ohio Cultural Facilities Commission                                            | Chapter 3383.                 | 137661 |
| Ohio Cystic Fibrosis Legislative Task Force                                    | 101.38                        | 137662 |
| Ohio Developmental Disabilities Council                                        | 5123.35                       | 137663 |
| Ohio Expositions Commission                                                    | 991.02                        | 137664 |
| Ohio Family and Children First Cabinet Council                                 | 121.37                        | 137665 |
| Ohio Geographically Referenced Information Program Council                     | 125.901, 125.902              | 137666 |
| Ohio Geology Advisory Council                                                  | 1501.11                       | 137667 |
| Ohio Grape Industries Committee                                                | 924.51 - 924.55               | 137668 |
| Ohio Historic Site Preservation Advisory Board                                 | 149.301                       | 137669 |
| Ohio Historical Society Board of Trustees                                      | 149.30                        | 137670 |
| Ohio Judicial Conference                                                       | 105.91 - 105.97               | 137671 |
| Ohio Lake Erie Commission                                                      | 1506.21                       | 137672 |
| Ohio Legislative Commission on the Education and Preservation of State History | Section 701.05, H.B. 1, 128th | 137673 |

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|                                                                    | G.A.                   |        |
| Ohio Medical Quality Foundation                                    | 3701.89                | 137674 |
| Ohio Parks and Recreation Council                                  | 1541.40                | 137675 |
| Ohio Peace Officer Training Commission                             | 109.71, 109.72         | 137676 |
| Ohio Private Investigation and Security Services Commission        | 4749.021,<br>4743.01   | 137677 |
| Ohio Public Defender Commission                                    | 120.01 - 120.03        | 137678 |
| Ohio Public Library Information Network Board of Trustees          | 3375.65, 3375.66       | 137679 |
| Ohio Quarter Horse Development Commission                          | 3769.086               | 137680 |
| Ohio Small Government Capital Improvements Commission              | 164.02(C)(D)           | 137681 |
| Ohio Soil and Water Conservation Commission                        | 1515.02                | 137682 |
| Ohio Standardbred Development Commission                           | 3769.085               | 137683 |
| Ohio Subrogation Rights Commission                                 | 2323.44                | 137684 |
| Ohio Thoroughbred Racing Advisory Committee                        | 3769.084               | 137685 |
| Ohio Transportation Finance Commission                             | 5531.12(B) to<br>(D)   | 137686 |
| Ohio Tuition Trust Authority                                       | 3334.03, 3334.08       | 137687 |
| Ohio University College of Osteopathic Medicine Advisory Committee | 3337.10, 3337.11       | 137688 |
| Ohio Vendors Representative Committee                              | 3304.34, 20 USC<br>107 | 137689 |
| Ohio War Orphans Scholarship Board                                 | 5910.02 -<br>5910.06   | 137690 |
| Ohio Water Advisory Council                                        | 1521.031               | 137691 |
| Ohio Water Resources Council Advisory Group                        | 1521.19                | 137692 |
| Ohio Water Resources Council                                       | 1521.19                | 137693 |
| Oil and Gas Commission                                             | 1509.35                | 137694 |
| Operating Committee of the Oil and Gas Marketing Program           | 1510.06, 1510.11       | 137695 |
| Organized Crime Investigations Commission                          | 177.01                 | 137696 |
| Pharmacy and Therapeutics Committee of the                         | <del>5111.084</del>    | 137697 |

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| Department of <del>Job and Family Services</del> <u>Medicaid</u>                              | <u>5164.7510</u>                              |        |
| Physician Assistant Policy Committee of the State                                             | 4730.05, 4730.06                              | 137698 |
| Medical Board                                                                                 |                                               |        |
| Physician Loan Repayment Advisory Board                                                       | 3702.81                                       | 137699 |
| Power Siting Board                                                                            | 4906.02                                       | 137700 |
| Prequalification Review Board                                                                 | 5525.07                                       | 137701 |
| Private Water Systems Advisory Council                                                        | 3701.346                                      | 137702 |
| Public Utilities Commission Nominating Council                                                | 4901.021                                      | 137703 |
| Public Utility Property Tax Study Committee                                                   | 5727.85(K)                                    | 137704 |
| Radiation Advisory Council                                                                    | 3748.20                                       | 137705 |
| Reclamation Commission                                                                        | 1513.05                                       | 137706 |
| Reclamation Forfeiture Fund Advisory Board                                                    | 1513.182                                      | 137707 |
| Recreation and Resources Commission                                                           | 1501.04                                       | 137708 |
| Recycling and Litter Prevention Advisory Council                                              | 1502.04                                       | 137709 |
| School and Ministerial Lands Divestiture<br>Committee                                         | 501.041                                       | 137710 |
| Savings and Loan Associations and Savings Banks<br>Board                                      | 1181.16                                       | 137711 |
| Second Chance Trust Fund Advisory Committee                                                   | 2108.35                                       | 137712 |
| Service Coordination Workgroup                                                                | Section 751.20,<br>H.B. 1, 128th<br>G.A.      | 137713 |
| Ski Tramway Board                                                                             | 4169.02                                       | 137714 |
| Small Business Stationary Source Technical and<br>Environmental Compliance Assistance Council | 3704.19                                       | 137715 |
| Solid Waste Management Advisory Council                                                       | 3734.51                                       | 137716 |
| Special Commission to Consider the Suspension of<br>Local Government Officials                | 3.16                                          | 137717 |
| Speed to Scale Task Force                                                                     | Section<br>375.60.80, H.B.<br>119, 128th G.A. | 137718 |
| State Agency Coordinating Group                                                               | 1521.19                                       | 137719 |
| State Audit Committee                                                                         | 126.46                                        | 137720 |

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| State Council of Uniform State Laws                                                    | 105.21 - 105.27      | 137721 |
| State Criminal Sentencing Commission                                                   | 181.22 - 181.26      | 137722 |
| State Fire Council                                                                     | 3737.81              | 137723 |
| State Library Board                                                                    | 3375.01              | 137724 |
| State Victims Assistance Advisory Council                                              | 109.91(B) and<br>(C) | 137725 |
| Statewide Consortium of County Law Library                                             | 3375.481             | 137726 |
| Resource Boards                                                                        |                      |        |
| STEM Committee                                                                         | 3326.02              | 137727 |
| Student Tuition Recovery Authority                                                     | 3332.081             | 137728 |
| Sunset Review Committee                                                                | 101.84 - 101.87      | 137729 |
| Tax Credit Authority                                                                   | 122.17(M)            | 137730 |
| Technical Advisory Committee to Assist Director<br>of the Ohio Coal Development Office | 1551.35              | 137731 |
| Technical Advisory Council on Oil and Gas                                              | 1509.38              | 137732 |
| Transportation Review Advisory Council                                                 | 5512.07 -<br>5512.09 | 137733 |
| Unemployment Compensation Advisory Council                                             | 4141.08              | 137734 |
| Unemployment Compensation Review Commission                                            | 4141.06              | 137735 |
| Veterans Advisory Committee                                                            | 5902.02(K)           | 137736 |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(private volunteer)                 | 146.02 - 146.06      | 137737 |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(public)                            | 146.02 - 146.06      | 137738 |
| Water and Sewer Commission                                                             | 1525.11(C)           | 137739 |
| Waterways Safety Council                                                               | 1547.73              | 137740 |
| Wildlife Council                                                                       | 1531.03 -<br>1531.05 | 137741 |
| Workers' Compensation Board of Directors                                               | 4121.123             | 137742 |
| Nominating Committee                                                                   |                      |        |

**Section 610.21.** That existing Section 4 of Sub. S.B. 171 of 137743  
the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 137744

129th General Assembly, is hereby repealed. 137745

**Section 620.10.** That Section 105.05 of Am. Sub. H.B. 2 of the 137746  
 128th General Assembly be amended to read as follows: 137747

**Sec. 105.05.** Section 121.53 of the Revised Code is hereby 137748  
 repealed, effective ~~September~~ June 30, ~~2013~~ 2014. 137749

**Section 620.11.** That existing Section 105.05 of Am. Sub. H.B. 137750  
 2 of the 128th General Assembly is hereby repealed. 137751

**Section 630.10.** All items set forth in this section are 137752  
 hereby appropriated out of any moneys in the state treasury to the 137753  
 credit of the Administrative Building Fund (Fund 7026) that are 137754  
 not otherwise appropriated for the biennium ending June 30, 2014: 137755

Appropriations

DEV DEVELOPMENT SERVICES AGENCY 137756  
 C19506 Children's Home \$ 100,000 137757  
 Total Development Services Agency \$ 100,000 137758

CHILDREN'S HOME 137759

The foregoing appropriation item C19506, Children's Home, 137760  
 shall be used for the Children's Home of Cincinnati. 137761

**Section 630.11.** That Sections 203.90.10 and 203.90.20 of Sub. 137762  
 S.B. 312 of the 129th General Assembly be amended to read as 137763  
 follows: 137764

Reappropriations

**Sec. 203.90.10.** DMH DEPARTMENT OF MENTAL HEALTH 137765  
 C58000 Hazardous Materials Abatement \$ 118,750 137766  
 C58001 Community Assistance Projects \$ ~~332,500~~ 137767  
232,500

|                                   |                                        |    |                       |        |
|-----------------------------------|----------------------------------------|----|-----------------------|--------|
| C58002                            | Campus Consolidation - Automation      | \$ | 95,000                | 137768 |
| C58004                            | Demolition                             | \$ | 142,500               | 137769 |
| C58005                            | Life Safety/Critical Plant Renovations | \$ | 23,750                | 137770 |
| C58006                            | Patient Care/Environment Improvement   | \$ | 285,000               | 137771 |
| C58007                            | Infrastructure Renovations             | \$ | 475,000               | 137772 |
| C58008                            | Emergency Improvements                 | \$ | 285,000               | 137773 |
| C58009                            | Patient Environment Improvement        | \$ | 1,000                 | 137774 |
|                                   | Consolidation                          |    |                       |        |
| C58010                            | Campus Consolidation                   | \$ | 23,750,000            | 137775 |
| C58020                            | Mandel Jewish Community Center         | \$ | 199,500               | 137776 |
| Total Department of Mental Health |                                        | \$ | <del>25,708,000</del> | 137777 |
|                                   |                                        |    | <u>25,608,000</u>     |        |

COMMUNITY ASSISTANCE PROJECTS 137778

Of the foregoing appropriation item C58001, Community Assistance Projects, ~~\$100,000 shall be used for the Children's Home of Cincinnati,~~ \$100,000 shall be used for the Shaw JCC, and \$300,000 shall be used for the Berea Children's Home. 137779  
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The amount reappropriated for the foregoing appropriation item C58001, Community Assistance Projects, is the unencumbered unallotted balance, as of June 30, 2012, in appropriation item C58001, Community Assistance Projects, plus \$1,096,159.42. Prior to the expenditure of this reappropriation, the Director of Mental Health shall certify to the Director of Budget and Management canceled encumbrances in the amount of at least \$1,096,159.42. 137783  
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INFRASTRUCTURE RENOVATIONS 137790

The amount reappropriated for the foregoing appropriation item C58007, Infrastructure Renovations, is the unencumbered and unallotted balance as of June 30, 2012, in appropriation item C58007, Infrastructure Renovations, plus \$2,995,450.24. Prior to the expenditure of this reappropriation, the Director of Mental Health shall certify to the Director of Budget and Management canceled encumbrances in the amount of at least \$2,995,450.24. 137791  
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|                                                                     |                                 | Reappropriations         |        |
|---------------------------------------------------------------------|---------------------------------|--------------------------|--------|
| <b>Sec. 203.90.20. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES</b> |                                 |                          | 137798 |
| C59004                                                              | Community Assistance Projects   | \$ 13,913,599            | 137799 |
| C59029                                                              | Emergency Generator Replacement | \$ 460,362               | 137800 |
| C59034                                                              | Statewide Developmental Centers | \$ 1,407,067             | 137801 |
| C59050                                                              | Emergency Improvements          | \$ 484,984               | 137802 |
| C59051                                                              | Energy Conservation             | \$ 430,500               | 137803 |
| C59055                                                              | Camp McKinley Improvements      | \$ 30,000                | 137804 |
| C59056                                                              | The Hope Learning Center        | \$ 250,000               | 137805 |
| TOTAL Department of Developmental Disabilities                      |                                 | \$ 16,976,512            | 137806 |
| TOTAL Mental Health Facilities Improvement Fund                     |                                 | \$ <del>42,684,512</del> | 137807 |
|                                                                     |                                 | <u>42,584,512</u>        |        |
| COMMUNITY ASSISTANCE PROJECTS                                       |                                 |                          | 137808 |
| The foregoing appropriation item C59004, Community Assistance       |                                 |                          | 137809 |
| Projects, may be used to provide community assistance funds for     |                                 |                          | 137810 |
| the construction or renovation of facilities for day programs or    |                                 |                          | 137811 |
| residential programs that provide services to persons eligible for  |                                 |                          | 137812 |
| services from the Department of Developmental Disabilities or       |                                 |                          | 137813 |
| county boards of developmental disabilities.                        |                                 |                          | 137814 |
| The amount reappropriated for the foregoing appropriation           |                                 |                          | 137815 |
| item C59004, Community Assistance Projects, is the unencumbered,    |                                 |                          | 137816 |
| unallotted balance as of June 30, 2012, in appropriation item       |                                 |                          | 137817 |
| C59004, Community Assistance Projects, plus \$8,326,255. Prior to   |                                 |                          | 137818 |
| the expenditure of this reappropriation, the Director of            |                                 |                          | 137819 |
| Developmental Disabilities shall certify to the Director of Budget  |                                 |                          | 137820 |
| and Management canceled encumbrances in the Mental Health           |                                 |                          | 137821 |
| Facilities Improvement Fund (Fund 7033) in the amount of at least   |                                 |                          | 137822 |
| \$8,326,255.                                                        |                                 |                          | 137823 |
| STATEWIDE DEVELOPMENTAL CENTERS                                     |                                 |                          | 137824 |
| The amount reappropriated for the foregoing appropriation           |                                 |                          | 137825 |
| item C59034, Statewide Developmental Centers, is the unencumbered,  |                                 |                          | 137826 |

unallotted balance as of June 30, 2012, in appropriation item 137827  
C59034, Statewide Developmental Centers, plus \$167,912. Prior to 137828  
the expenditure of this reappropriation, the Director of 137829  
Developmental Disabilities shall certify to the Director of Budget 137830  
and Management canceled encumbrances in the Mental Health 137831  
Facilities Improvement Fund (Fund 7033) in the amount of at least 137832  
\$167,912. 137833

**Section 630.12.** That existing Sections 203.90.10 and 137834  
203.90.20 of Sub. S.B. 312 of the 129th General Assembly are 137835  
hereby repealed. 137836

**Section 701.10.** EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES 137837

As used in this section, "appointing authority" has the same 137838  
meaning as in section 124.01 of the Revised Code, and "exempt 137839  
employee" has the same meaning as in section 124.01 of the Revised 137840  
Code. 137841

Notwithstanding section 124.181 of the Revised Code, in cases 137842  
where no vacancy exists, an appointing authority may, with the 137843  
written consent of an exempt employee, assign duties of a higher 137844  
classification to that exempt employee for a period of time not to 137845  
exceed two years, and that exempt employee shall receive 137846  
compensation at a rate commensurate with the duties of the higher 137847  
classification. 137848

**Section 701.20.** (A) There is hereby created the Legislative 137849  
Study Committee on Clean Ohio and Brownfield Funding. The 137850  
Committee shall study how to provide long-term funding for the 137851  
Clean Ohio brownfield revitalization, conservation, agricultural 137852  
easements, and recreational trails programs. 137853

(B) The Committee shall consist of the following members: 137854

(1) Three members of the House of Representatives, appointed 137855

|                                                                                                                                                                                                                                                                                                                                                             |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| by the Speaker of the House;                                                                                                                                                                                                                                                                                                                                | 137856                                                   |
| (2) Three members of the House of Representatives, appointed<br>by the Minority Leader of the House;                                                                                                                                                                                                                                                        | 137857<br>137858                                         |
| (3) Three members of the Senate, appointed by the President<br>of the Senate;                                                                                                                                                                                                                                                                               | 137859<br>137860                                         |
| (4) Three members of the Senate, appointed by the Minority<br>Leader of the Senate.                                                                                                                                                                                                                                                                         | 137861<br>137862                                         |
| Members of the Committee shall serve without additional<br>compensation beyond the compensation received for their service in<br>the General Assembly. Members may be reimbursed for actual and<br>necessary expenses incurred in the conduct of Committee business.                                                                                        | 137863<br>137864<br>137865<br>137866                     |
| (C) Appointments to the Committee shall be made not later<br>than thirty days after the effective date of this section.<br>Vacancies shall be filled in the same manner as the original<br>appointment.                                                                                                                                                     | 137867<br>137868<br>137869<br>137870                     |
| (D) The Committee shall hold its first meeting not later than<br>forty-five days after the effective date of this section and shall<br>meet at least once per month thereafter.                                                                                                                                                                             | 137871<br>137872<br>137873                               |
| (E) A majority of the Committee constitutes a quorum and the<br>affirmative vote of a majority of Committee members is required<br>for the conduct of Committee business.                                                                                                                                                                                   | 137874<br>137875<br>137876                               |
| (F) The Committee shall choose from among its members two<br>co-chairpersons. One co-chairperson shall be a member of the House<br>of Representatives and one co-chairperson shall be a member of the<br>Senate. One co-chairperson shall represent the majority political<br>party and one co-chairperson shall represent the minority<br>political party. | 137877<br>137878<br>137879<br>137880<br>137881<br>137882 |
| (G) The Legislative Service Commission shall provide research<br>support to the Committee and Commission employees shall attend all<br>Committee meetings.                                                                                                                                                                                                  | 137883<br>137884<br>137885                               |

(H) Not later than March 1, 2014, the Committee shall submit a report of its findings and its funding recommendations to the Governor, Speaker and Minority Leader of the House of Representatives, and President and Minority Leader of the Senate. After submission of the report, the Committee shall cease to exist.

**Section 715.10.** Two years after the amendments to section 1501.011 of the Revised Code by this act take effect, the Ohio Facilities Construction Commission and the Department of Natural Resources shall review division (C) of that section.

**Section 733.10.** Notwithstanding section 3317.01 of the Revised Code, as amended by this act, to determine whether a school district satisfied the minimum school year in the 2013-2014 school year in order to qualify for state funding under Chapter 3317. of the Revised Code for fiscal year 2015, the Department of Education shall apply the criteria prescribed in the version of division (B) of section 3317.01 of the Revised Code in effect prior to July 1, 2014.

**Section 733.20.** The General Assembly hereby declares its intent, in enacting section 3319.031 of the Revised Code, to supersede any effect of the decision of the Court of Appeals of the Eighth Appellate District in *OAPSE/AFSCME Local 4 v. Berdine*, 174 Ohio App.3d 46 (Cuyahoga County, 2007) to the extent the decision conflicts with the principle that boards of education may appoint a licensed business manager, but also may determine instead to assign the roles and functions of a business manager to one or more employees or officers of the board, including the treasurer, in the board's sole discretion.

**Section 733.40.** (A) The Superintendent of Public Instruction

shall appoint three incorporators who are knowledgeable about the 137915  
administration of public schools and about the operation of 137916  
nonprofit corporations in Ohio. 137917

(B) The incorporators shall do whatever is necessary and 137918  
proper to set up a nonprofit corporation under Chapter 1702. of 137919  
the Revised Code. The articles of incorporation, in addition to 137920  
meeting the requirements of section 1702.04 of the Revised Code, 137921  
shall set forth the following provisions: 137922

(1) That the nonprofit corporation is to create and implement 137923  
a pilot program that provides an alternative path for individuals 137924  
to receive training and development in the administration of 137925  
primary and secondary education and leadership, that will enable 137926  
these individuals to earn a degree in public school 137927  
administration, that will enable these individuals to obtain 137928  
licenses in public school administration, and that promotes the 137929  
placement of these individuals in public schools that have a 137930  
poverty percentage greater than fifty per cent. 137931

(2) That the Board of Directors are to establish criteria for 137932  
program costs, participant selection, and continued participation, 137933  
and metrics to document and measure pilot program activities. 137934

(3) That the name of the nonprofit corporation is "New 137935  
Leaders for Ohio Schools." 137936

(4) That the Board of Directors is to consist of the 137937  
following eight directors: 137938

(a) The Governor or the Governor's designee; 137939

(b) The Superintendent of Public Instruction, or the 137940  
Superintendent's designee; 137941

(c) The Chancellor of the Ohio Board of Regents, or the 137942  
Chancellor's designee; 137943

(d) A person to represent major business enterprises in Ohio; 137944

(e) Two individuals appointed by the Speaker of the House of Representatives, one of whom shall be an active duty or retired military officer; 137945  
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(f) Two individuals appointed by the President of the Senate, one of whom shall be a current or retired teacher or principal. 137948  
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The Dean of The Ohio State University Fisher College of Business and the Dean of The Ohio State University College of Education and Human Ecology are to serve as ex-officio nonvoting members of the Board. 137950  
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The person on the Board who represents a major business enterprise in Ohio is to be appointed by an organization selected by the Governor. The organization is to be nonpartisan and consist of chief executive officers of corporations organized in Ohio. 137954  
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(5) That the Board is to appoint a President of the corporation. 137958  
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(6) That the President of the Corporation, subject to the approval of the Board, is to enter into a contract with The Ohio State University Fisher College of Business. Under the contract, the College is to provide oversight to the corporation, is to serve as fiscal agent for the corporation, and is to provide the corporation with office space, and with office furniture and equipment, as is necessary for the corporation successfully to fulfill its duties. 137960  
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(7) That the administrative costs of the corporation are not to exceed fifteen per cent of the annual budget of the corporation. 137968  
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(8) That the President is to apply for, and is to receive and accept, grants, gifts, bequests, and contributions from private sources. 137971  
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(9) That the corporation is to submit an annual report to the 137974

General Assembly and Governor beginning December 31, 2013. 137975

(10) That the corporation shall cease operations on the date 137976  
that is five years after the effective date of this section and 137977  
proceed to wind up its affairs. 137978

**Section 751.10. RECOVERY REQUIRES A COMMUNITY PROGRAM** 137979

The Department of Mental Health and Addiction Services, in 137980  
consultation with the Department of Medicaid, shall administer the 137981  
Recovery Requires a Community Program to identify individuals 137982  
residing in nursing facilities who can be successfully moved into 137983  
a community setting with the aid of community non-Medicaid 137984  
services. 137985

The Director of Mental Health and Addiction Services and the 137986  
Medicaid Director shall agree upon an amount representing the 137987  
savings realized from decreased nursing facility utilization to be 137988  
transferred within the biennium from the Department of Medicaid to 137989  
the Department of Mental Health and Addiction Services to support 137990  
non-Medicaid program costs for individuals moving into community 137991  
settings. 137992

Of the foregoing appropriation item 651525, Medicaid/Health 137993  
Care Services, the Medicaid Director shall transfer the amount 137994  
agreed upon representing the savings from the General Revenue Fund 137995  
to the Sale of Goods and Services Fund (Fund 1490). The transfer 137996  
shall be made using an intrastate transfer voucher. The 137997  
transferred cash is hereby appropriated to appropriation item 137998  
335609, Community Operating/Planning. 137999

**Section 751.40. (A) The Workforce Training Pilot Program for** 138000  
the Economically Disadvantaged is hereby established to provide 138001  
grants to provide training in life and technical skills. The 138002  
Director of Job and Family Services shall administer the Pilot 138003  
Program for a period of two years, beginning July 1, 2013. 138004

(B) The Director of Job and Family Services, in consultation with the Director of Development Services and JobsOhio, shall issue a request for proposals to allow an entity to receive a grant under this section to create and administer a demonstration project in the field of workforce development. The demonstration project shall provide training to those individuals located in the region described in division (C) of this section where the project is located who the applicant determines are economically disadvantaged. The request for proposals shall include all of the following requirements:

(1) That the applicant shall include in the proposal a description of the manner in which the applicant will determine whether an individual is economically disadvantaged;

(2) That the demonstration project shall provide life skills training, to assist an individual to develop character traits necessary to obtain employment, and technical, field-related training;

(3) That the applicant is collaborating with an organization in the region described in division (C) of this section where the project is located and at least one community-based nonprofit organization that has experience in life-skill support services and workforce development;

(4) That the applicant satisfies any other requirements established in the request for proposals.

(C)(1) The Director of Job and Family Services, in consultation with the Director of Development Services and JobsOhio, shall award a grant in fiscal year 2014 for a demonstration project described in division (B) of this section in each of the following regions of the state:

(a) The counties of Allen, Crawford, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky,



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| Seneca, Van Wert, Williams, Wood, and Wyandot;                     | 138036 |
| (b) The counties of Ashland, Ashtabula, Columbiana, Cuyahoga,      | 138037 |
| Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage,      | 138038 |
| Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne;          | 138039 |
| (c) The counties of Auglaize, Champaign, Clark, Clinton,           | 138040 |
| Darke, Fayette, Greene, Mercer, Miami, Montgomery, Preble, and     | 138041 |
| Shelby;                                                            | 138042 |
| (d) The counties of Delaware, Fairfield, Franklin, Knox,           | 138043 |
| Licking, Logan, Madison, Marion, Morrow, Pickaway, and Union;      | 138044 |
| (e) The counties of Adams, Athens, Belmont, Carroll,               | 138045 |
| Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes,  | 138046 |
| Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum,    | 138047 |
| Noble, Perry, Pike, Ross, Scioto, Vinton, and Washington;          | 138048 |
| (f) The counties of Brown, Butler, Clermont, Hamilton, and         | 138049 |
| Warren.                                                            | 138050 |
| (2) The Director of Job and Family Services may award a grant      | 138051 |
| to one or two demonstration projects located in a region described | 138052 |
| in division (C)(1) of this section, however, no region shall       | 138053 |
| receive more than one million dollars in grant funding under this  | 138054 |
| section.                                                           | 138055 |
| (D) The Director of Job and Family Services shall adopt rules      | 138056 |
| in accordance with Chapter 119. of the Revised Code to establish   | 138057 |
| reporting requirements for grant recipients under this section.    | 138058 |
| Those rules shall require a grant recipient to report on the       | 138059 |
| successful completion rate of project participants, rate of job    | 138060 |
| placement of participants, tracking of participant's employment    | 138061 |
| after completion of the project, and any other information         | 138062 |
| requested by the Director. The Director shall require grant        | 138063 |
| recipients to report this information during the two-year Pilot    | 138064 |
| Program and to submit a final report upon the expiration of the    | 138065 |
| Pilot Program. A grant recipient shall comply with rules adopted   | 138066 |

by the Director. 138067

(E) On July 1, 2013, or as soon as possible thereafter, the 138068  
Director of Budget and Management shall transfer \$8,000,000 cash 138069  
from the Economic Development Projects Fund (Fund 5JC0) used by 138070  
the Board of Regents to the Training Activities Fund (Fund 6130) 138071  
used by the Department of Job and Family Services. The transferred 138072  
funds shall be used for the Pilot Program established in this 138073  
section. 138074

**Section 755.10.** There is hereby created the License Plate 138075  
Safety Task Force. The Task Force shall consist of eight members: 138076  
three members appointed by the President of the Senate, one member 138077  
appointed by the Minority Leader of the Senate, three members 138078  
appointed by the Speaker of the House of Representatives, and one 138079  
member appointed by the Minority Leader of the House of 138080  
Representatives. At least five members shall represent law 138081  
enforcement. 138082

The Task Force shall examine the extent of license plate 138083  
degradation over time and the impediments to law enforcement 138084  
efforts caused by illegible license plates resulting from 138085  
degradation. The Task Force also shall examine whether having dual 138086  
license plates is beneficial to law enforcement officers and 138087  
determine whether the state should continue its dual plate 138088  
requirement. Not later than December 31, 2013, the Task Force 138089  
shall issue a report of its findings and recommendations to the 138090  
Governor, the President of the Senate, the Minority Leader of the 138091  
Senate, the Speaker of the House of Representatives, and the 138092  
Minority Leader of the House of Representatives. At that time, the 138093  
Task Force shall cease to exist. 138094

**Section 757.10.** MINIMUM DISTRIBUTION OF LOCAL GOVERNMENT FUND 138095  
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Notwithstanding any provision of section 131.51 of the Revised Code to the contrary, from revenue arising from the personal income tax levied under Chapter 5747. of the Revised Code, an amount equal to one hundred per cent of the amount credited to the Local Government Fund in July 2012 shall be credited to such fund in July 2013. In July 2013 each county undivided local government fund shall receive the same amount it received in July 2012. In July 2013 each municipal corporation shall receive the same amount it directly received from the Local Government Fund in July 2012.

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**Section 757.20.** (A) On or before June 15, 2014, the Director of the Ohio Public Works Commission shall certify to the Director of Budget and Management the amount of debt service paid from the General Revenue Fund in fiscal years 2013 and 2014 on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the General Revenue Fund and attributable to those costs in each of fiscal years 2013 and 2014 according to the applicable section of the Ohio Constitution under which the bonds were originally issued.

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(B) On or before June 15, 2015, the Director of the Ohio Public Works Commission shall certify to the Director of Budget and Management the amount of debt service paid from the General Revenue Fund in fiscal year 2015 on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that

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are attributable to costs for construction, reconstruction, 138129  
maintenance, or repair of public highways and bridges and other 138130  
statutory highway purposes. That certification shall allocate the 138131  
total amount of debt service paid from the General Revenue Fund 138132  
and attributable to those costs in fiscal year 2015 according to 138133  
the applicable section of the Ohio Constitution under which the 138134  
bonds were originally issued. 138135

(C) On or before June 30 of each fiscal year, the Director of 138136  
Budget and Management shall determine an amount up to but not 138137  
exceeding the amount certified under division (A) or (B) of this 138138  
section and shall reserve that amount from the cash balance in the 138139  
Commercial Activity Tax Motor Fuel Receipts Fund for transfer to 138140  
the General Revenue Fund at times and in amounts to be determined 138141  
by the Director. The Director shall transfer the cash balance in 138142  
the Commercial Activity Tax Motor Fuel Receipts Fund in excess of 138143  
the amount so reserved to the Highway Operating Fund on or before 138144  
June 30 of each fiscal year. 138145

**Section 757.30.** (A) There is hereby created the Commercial 138146  
Activity Tax Review Committee to review and make recommendations 138147  
for reforming and improving the tax levied under Chapter 5751. of 138148  
the Revised Code. The committee shall be composed of the following 138149  
members: 138150

(1) The chair of the standing committee of the House of 138151  
Representatives that deals primarily with issues of taxation; 138152

(2) The chair of the standing committee of the Senate that 138153  
deals primarily with issues of taxation; 138154

(3) Three members of the House of Representatives appointed 138155  
by the Speaker of the House of Representatives, two of whom shall 138156  
be members of the minority party; and 138157

(4) Three members of the Senate appointed by the President of 138158

the Senate, two of whom shall be members of the minority party. 138159

(B) The Commercial Activity Tax Review Committee shall be 138160  
jointly chaired by the members described in divisions (A)(1) and 138161  
(2) of this section. The committee shall meet monthly, beginning 138162  
in July 2013, at the call of the chairs and may accept testimony. 138163  
The committee is a public body for the purposes of section 121.22 138164  
of the Revised Code. 138165

The committee shall, on or before October 31, 2013, submit a 138166  
report with the committee's recommendations to the Governor, the 138167  
Speaker and Minority Leader of the House of Representatives, and 138168  
the President and Minority Leader of the Senate. 138169

(C) The Commercial Activity Tax Review Committee shall cease 138170  
to exist after October 31, 2013. 138171

**Section 757.40.** The purpose of section 3735.661 of the 138172  
Revised Code is to clarify the intent of the General Assembly that 138173  
"first two amendments," as used in division (B) of Section 3 of 138174  
Am. Sub. S.B. 19 of the 120th General Assembly, has, on and after 138175  
July 22, 1994, referred and continues to refer to only a 138176  
substantive amendment to a community reinvestment area ordinance 138177  
or resolution that extends, expands, increases, or otherwise 138178  
broadens the availability of tax exemptions provided under the 138179  
ordinance or resolution and does not refer to an amendment that 138180  
decreases or otherwise limits the availability of tax exemptions 138181  
under the ordinance or resolution or that are procedural or 138182  
administrative. Therefore, section 3735.661 of the Revised Code 138183  
applies retroactively to ordinances and resolutions adopted under 138184  
section 3735.66 of the Revised Code before and after the effective 138185  
date of section 3735.661 of the Revised Code. 138186

**Section 757.50.** The amendment by this act of divisions (R), 138187  
(S), and (T) of section 5741.01 and section 5741.03 of the Revised 138188

Code and the enactment of section 5741.032 of the Revised Code are 138189  
hereby effectuated with the intent that if the United States 138190  
Congress enacts the Marketplace Fairness Act of 2013, or other 138191  
similar legislation authorizing states to require sellers that 138192  
lack a substantial nexus with the state to pay, collect, or remit 138193  
sales or use tax, the General Assembly shall adopt, before the 138194  
effective date of such federal legislation, any conforming 138195  
amendments required by such federal legislation and requiring the 138196  
Tax Commissioner to adopt rules necessary to effectively 138197  
administer such taxes with respect to remote sellers, as defined 138198  
in division (S) of section 5741.01 of the Revised Code. 138199

This section is not intended to create a nexus between this 138200  
state and remote sellers for any tax other than those imposed 138201  
under Chapters 5739. and 5741. of the Revised Code. 138202

**Section 803.10.** An investor who is issued a tax credit 138203  
certificate under section 122.152 of the Revised Code prior to 138204  
that section's repeal by this act may continue to claim that 138205  
credit in the manner provided for in that section. 138206

**Section 803.20.** The member of the Farmland Preservation 138207  
Advisory Board appointed under division (A)(4) of section 901.23 138208  
of the Revised Code, as that section existed prior to its 138209  
amendment by this act, who is serving on the effective date of 138210  
this act shall continue to serve until the expiration of the term 138211  
for which the member was appointed. At the end of that term, a 138212  
member shall be appointed in accordance with division (A)(4) of 138213  
that section as amended by this act. 138214

**Section 803.30.** A member of the technical advisory committee 138215  
created in section 1551.35 of the Revised Code, as amended by this 138216  
act, who was appointed by the Director of the Ohio Coal 138217

Development Office and who is serving on the committee immediately 138218  
prior to the effective date of the amendments to that section 138219  
shall continue in office until the expiration of the member's 138220  
term. Thereafter, the appointment of a member for that position on 138221  
the committee shall be made in accordance with the amendments to 138222  
that section by this act. 138223

**Section 803.50.** The amendments to sections 3313.48, 3313.533, 138224  
3313.62, 3317.01, and 3321.05; the repeal and reenactment of 138225  
section 3313.481; and the repeal of section 3313.482 of the 138226  
Revised Code made by this act do not apply to any collective 138227  
bargaining agreement executed under Chapter 4117. of the Revised 138228  
Code prior to July 1, 2014. Any collective bargaining agreement or 138229  
renewal executed after that date shall comply with the changes 138230  
provided for in this act. 138231

**Section 803.60.** (A) As used in this section: 138232

(1) "State institution of higher education" has the same 138233  
meaning as in section 3345.011 of the Revised Code. 138234

(2) "Career-technical planning district" has the same meaning 138235  
as in section 3302.033 of the Revised Code. 138236

(B) Nothing in Chapter 3365. of the Revised Code or the 138237  
amendment of sections in that chapter by this act shall be 138238  
construed to infringe upon or require the alteration of any 138239  
existing or future articulation agreement for technical coursework 138240  
offered through state-approved career-technical programs of study 138241  
or any corresponding payment structure between any state 138242  
institution of higher education and a career-technical planning 138243  
district. 138244

The Department of Education and the Board of Regents shall 138245  
study the implications of applying the changes in Chapter 3365. of 138246

the Revised Code to articulation agreements for technical 138247  
coursework offered through state-approved career-technical 138248  
programs of study. The Department and the Board also shall make 138249  
recommendations on how such career-technical programs of study 138250  
might be included under Chapter 3365. of the Revised Code and the 138251  
implications of including them. These recommendations shall be 138252  
submitted to the Governor's Office of 21st Century Education and 138253  
the General Assembly in accordance with section 101.68 of the 138254  
Revised Code, not later than July 1, 2014. 138255

**Section 803.80.** (A) The amendment by this act of section 138256  
5747.01 of the Revised Code, amending or enacting divisions 138257  
(A)(26) and (GG) of that section, applies to taxable years ending 138258  
on or after the effective date of this section. 138259

(B) The amendment by this act of section 5747.022 and 138260  
division (A) of section 5747.025 of the Revised Code applies to 138261  
taxable years beginning on or after January 1, 2013. 138262

(C) The amendment by this act of division (C) of section 138263  
5747.025, and of sections 5747.02, 5747.08, and 5747.21, and the 138264  
repeal of section 5747.211 of the Revised Code apply to taxable 138265  
years beginning on or after January 1, 2013. 138266

**Section 803.90.** (A) The amendment by this act of section 138267  
5751.01 of the Revised Code applies to tax periods ending on or 138268  
after the effective date of that amendment. 138269

(B) The amendment by this act of section 5751.07 of Revised 138270  
Code applies to original returns filed on or after January 1, 138271  
2014. 138272

**Section 803.120.** (A) The amendment by this act of section 138273  
1509.50, division (C)(12) of section 5703.21, section 5749.02, 138274  
divisions (D), (F), (H), and (I) of section 5749.06, and section 138275



5749.17 of the Revised Code applies to calendar quarters beginning 138276  
on or after October 1, 2013. 138277

(B) The amendment by this act of section 113.061 and division 138278  
(G) of section 5749.06 of the Revised Code applies to the 138279  
severance of natural resources occurring in calendar quarters 138280  
beginning on or after January 1, 2014. 138281

**Section 803.150.** A proposal approved by a board of county 138282  
commissioners under section 317.321 of the Revised Code as it 138283  
existed before the date of the amendment of that section by this 138284  
act continues in effect for the number of years approved by the 138285  
board of county commissioners under that section. The special fund 138286  
established at the request of the board under that section ceases 138287  
to exist upon the expiration of the proposal. 138288

**Section 803.160.** (A) References to the Ohio Cooperative 138289  
Extension Service, or use of a similar term, in any contracts, 138290  
agreements, or other instruments that were entered into or 138291  
executed prior to the effective date of this section pursuant to 138292  
state statutes are deemed to be references to OSU Extension as 138293  
defined in section 1.611 of the Revised Code as enacted by this 138294  
act. 138295

(B) References to the Ohio Cooperative Extension Service, or 138296  
use of a similar term, in rules adopted prior to the effective 138297  
date of this section pursuant to state statutes are deemed to be 138298  
references to OSU Extension. 138299

**Section 803.170.** The amendment by this act of section 5709.17 138300  
of the Revised Code applies to tax year 2013 and every tax year 138301  
thereafter. 138302

**Section 803.180.** The amendment or enactment by this act of 138303

sections 5735.012 and 5735.013 applies on the first day of the 138304  
first month after the effective date of those sections. 138305

**Section 803.190.** (A) The amendment or enactment by this act 138306  
of division (QQQ) of section 5739.01, section 5739.12, division 138307  
(I), except for divisions (I)(2)(g) and (I)(4), and division (Q) 138308  
of section 5741.01, and section 5741.12 of the Revised Code 138309  
applies to the storage, use, or other consumption of tangible 138310  
personal property or services occurring on and after the first 138311  
month beginning after the effective date of that division and 138312  
section. 138313

(B) The amendment by this act of divisions (I)(2)(g) and 138314  
(I)(4) of section 5741.01 and section 5741.17 of the Revised Code 138315  
applies to the storage, use, or other consumption of tangible 138316  
personal property or services occurring on and after October 1, 138317  
2013, regardless of the date a seller and a resident entered into 138318  
an agreement described in division (I)(2)(g) of section 5741.01 of 138319  
the Revised Code. On that date, as used in divisions (I)(2)(g) and 138320  
(I)(4) of section 5741.01 of the Revised Code, "preceding twelve 138321  
months" means the twelve months beginning October 1, 2012, and 138322  
ending September 30, 2013. 138323

**Section 803.200.** Until such time as the Registrar of Motor 138324  
Vehicles can adopt rules under section 4505.101 of the Revised 138325  
Code relating to the valuation of motor vehicles, the Registrar 138326  
shall continue to process the affidavits required under section 138327  
4505.101 of the Revised Code according to the Registrar's current 138328  
policies, procedures, and standards. 138329

**Section 806.10.** The items of law contained in this act, and 138330  
their applications, are severable. If any item of law contained in 138331  
this act, or if any application of any item of law contained in 138332

this act, is held invalid, the invalidity does not affect other 138333  
items of law contained in this act and their applications that can 138334  
be given effect without the invalid item of law or application. 138335

**Section 809.10.** An item of law, other than an amending, 138336  
enacting, or repealing clause, that composes the whole or part of 138337  
an uncodified section contained in this act has no effect after 138338  
June 30, 2015, unless its context clearly indicates otherwise. 138339

**Section 812.10.** Except as otherwise provided in this act, the 138340  
amendment, enactment, or repeal by this act of a section is 138341  
subject to the referendum under Ohio Constitution, Article II, 138342  
Section 1c and therefore takes effect on the ninety-first day 138343  
after this act is filed with the Secretary of State or, if a later 138344  
effective date is specified below, on that date. 138345

The enactment of section 5162.12 of the Revised Code takes 138346  
effect January 1, 2014. 138347

The amendment, enactment, or repeal of sections 3313.48, 138348  
3313.533, 3313.62, 3314.09, 3314.092, 3321.05, 3326.11, and 138349  
3326.20 of the Revised Code takes effect July 1, 2014. 138350

The repeal and reenactment of sections 3313.481 and 3327.02 138351  
of the Revised Code take effect July 1, 2014. 138352

The enactment of section 3327.07 of the Revised Code takes 138353  
effect on July 1, 2014. 138354

Sections 323.70, 323.110, 323.120, and 323.480 of this act 138355  
take effect at the earliest time permitted by law but not earlier 138356  
than September 30, 2013. 138357

**Section 812.20.** The amendment, enactment, or repeal by this 138358  
act of the sections listed below is exempt from the referendum 138359  
under Ohio Constitution, Article II, Section 1d and section 1.471 138360

of the Revised Code and therefore takes effect immediately when 138361  
this act becomes law or, if a later effective date is specified 138362  
below, on that date. 138363

Sections 189.04, 189.06, 731.091, 3314.05, 3734.57, 3734.901, 138364  
4301.43, 5727.84, 5747.501, and 5753.03 of the Revised Code. 138365

Sections of this act prefixed with section numbers in the 138366  
200's, 300's, 400's, and 500's except for sections 323.10.70, 138367  
323.70, 323.110, 323.120, 323.480, 363.230, 363.520, 363.540, and 138368  
363.550 of this act. 138369

Section 751.40 of this act. 138370

Sections 812.10, 812.20, and 812.30 of this act. 138371

The amendment, enactment, or repeal of sections 105.41, 138372  
125.05, 152.09, 154.25, 3313.603, 3314.074, 3317.06, 3317.50, 138373  
3317.51, 3319.22, 3319.235, 3345.12, 3353.01, 3353.02, 3353.04, 138374  
3353.06, 3353.07, 3353.08, 3353.09, 3353.15, and 3353.20 takes 138375  
effect July 1, 2013. 138376

The enactment of section 5168.41 of the Revised Code takes 138377  
effect July 1, 2013. 138378

The amendment of sections 120.06 and 5139.04 of the Revised 138379  
Code takes effect July 1, 2013. 138380

**Section 812.30.** The sections that are listed in the left-hand 138381  
column of the following table combine amendments by this act that 138382  
are and that are not exempt from the referendum under Ohio 138383  
Constitution, Article II, sections 1c and 1d and section 1.471 of 138384  
the Revised Code. 138385

The middle column identifies the amendments to the listed 138386  
sections that are subject to the referendum under Ohio 138387  
Constitution, Article II, Section 1c and therefore take effect on 138388  
the ninety-first day after this act is filed with the Secretary of 138389

State or, if a later effective date is specified, on that date. 138390

The right-hand column identifies the amendments to the listed 138391  
sections that are exempt from the referendum under Ohio 138392  
Constitution, Article II, Section 1d and section 1.471 of the 138393  
Revised Code and therefore take effect immediately when this act 138394  
becomes law or, if a later effective date is specified, on that 138395  
date. 138396

| Section of<br>law    | Amendments subject to<br>referendum                               | Amendments exempt from<br>referendum                          | 138397 |
|----------------------|-------------------------------------------------------------------|---------------------------------------------------------------|--------|
| 3745.11              | Amendments to division<br>(M)(5)                                  | All amendments except as<br>described in the middle<br>column | 138398 |
| 3721.50<br>(5168.40) | All amendments except as<br>described in the<br>right-hand column | Amendments to division<br>(F)                                 | 138399 |
| 5112.30<br>(5168.60) | All amendments except as<br>described in the<br>right-hand column | Amendments to division<br>(A) take effect July 1,<br>2013     | 138400 |
| 5751.20              | Amendments to division (J)                                        | All amendments except as<br>described in the middle<br>column | 138401 |
| 6109.21              | The stricken sentence in<br>division (E)                          | All amendments except as<br>described in the middle<br>column | 138402 |

**Section 812.40.** The amendments to sections 109.572, 169.02, 138403  
3317.01, 3317.03, 5101.573 (5160.40), 5101.58 (5160.37), 5111.07 138404  
(5164.752), 5111.071 (5164.753), 5111.083 (5164.757), 5111.17 138405  
(5167.10), and 5111.19 (5164.74) of the Revised Code are subject 138406  
to the referendum under Ohio Constitution, Article II, Section 1c 138407  
and section 1.471 of the Revised Code, and therefore take effect 138408  
on the ninety-first day after this act is filed with the Secretary 138409  
of State. However: 138410

(A) In section 3317.01 of the Revised Code, the amendments to division (B) take effect July 1, 2014. 138411  
138412

(B) In section 3317.03 of the Revised Code, the following amendments in divisions (A) and (D) take effect July 1, 2014: 138413  
138414

(1) The strike through of "the first paragraph of"; 138415

(2) The strike through of "(B)" and insertion of "(A)(1)"; 138416

(3) The strike through of "3317.01" and insertion of "3313.482". 138417  
138418

(C) In section 5101.573 (5160.40) of the Revised Code, the new matter inserted into division (C) takes effect January 1, 2014. 138419  
138420  
138421

(D) In section 5101.58 (5160.37) of the Revised Code, the insertion of division (K) takes effect January 1, 2014. 138422  
138423

(E)(1) In section 5111.07 (5164.752) of the Revised Code, all of the amendments take effect July 1, 2014, except for the following amendments: 138424  
138425  
138426

(a) The renumbering of the section; 138427

(b) The strike through of "job and family services" and insertion of "medicaid" in the first sentence as the section appears on the day immediately preceding the effective date of this section. 138428  
138429  
138430  
138431

(2) The reference to "director of job and family services" in the last sentence shall be read as if it reads the "director of medicaid" while the last sentence remains in effect. 138432  
138433  
138434

(F) In section 5111.071 (5164.753) of the Revised Code, the insertion in the last sentence of "and the extent to which each terminal distributor participates in the medicaid program as a provider of drugs" takes effect July 1, 2014. 138435  
138436  
138437  
138438

(G) In section 5111.083 (5164.757) of the Revised Code, all 138439

|                                                                       |        |
|-----------------------------------------------------------------------|--------|
| of the amendments take effect January 1, 2014, except for the         | 138440 |
| following amendments:                                                 | 138441 |
| (1) The renumbering of the section;                                   | 138442 |
| (2) The insertion of " <u>medicaid</u> " before "director" in the     | 138443 |
| first sentence of division (B);                                       | 138444 |
| (3) The strike through of "of job and family services".               | 138445 |
| (H) In section 5111.17 (5167.10) of the Revised Code, the             | 138446 |
| amendments to division (B)(2) take effect January 1, 2014.            | 138447 |
| (I) In section 5111.19 (5164.74) of the Revised Code, the             | 138448 |
| following amendments take effect January 1, 2014:                     | 138449 |
| (1) The insertion of " <u>, and the allocation of payments for,</u> " | 138450 |
| in the first paragraph;                                               | 138451 |
| (2) The strike through of the second paragraph and divisions          | 138452 |
| (A), (B), and (C).                                                    | 138453 |
| <br>                                                                  |        |
| <b>Section 812.60.</b> (A) Except as provided in division (B) of      | 138454 |
| this section, the amendments of this act to section 5111.251 of       | 138455 |
| the Revised Code, including the renumbering of the section as         | 138456 |
| section 5124.17 of the Revised Code, take effect ninety-one days      | 138457 |
| after the effective date of this section.                             | 138458 |
| (B) The following amendments by this act to section 5111.251          | 138459 |
| (5124.17) of the Revised Code take effect July 1, 2014:               | 138460 |
| (1) The amendments that halve the efficiency incentive                | 138461 |
| payment for intermediate care facilities for the mentally retarded    | 138462 |
| that have more than eight beds;                                       | 138463 |
| (2) The amendments that eliminate the nonextensive                    | 138464 |
| renovations component of the Medicaid payments for the capital        | 138465 |
| costs of intermediate care facilities for the mentally retarded       | 138466 |
| that have more than eight beds;                                       | 138467 |
| (3) The amendments that eliminate the return on equity                | 138468 |

component of the Medicaid payments for the capital costs of all 138469  
intermediate care facilities for the mentally retarded. 138470

**Section 812.70.** All the amendments by this act to section 138471  
3327.01 of the Revised Code are subject to the referendum under 138472  
Ohio Constitution, Article II, Section 1c. The amendment adding 138473  
division (H) to the section takes effect on the ninety-first day 138474  
after this act is filed with the Secretary of State, and all the 138475  
other amendments to the section take effect on July 1, 2014. 138476

**Section 815.10.** The General Assembly, applying the principle 138477  
stated in division (B) of section 1.52 of the Revised Code that 138478  
amendments are to be harmonized if reasonably capable of 138479  
simultaneous operation, finds that the following sections, 138480  
presented in this act as composites of the sections as amended by 138481  
the acts indicated, are the resulting versions of the sections in 138482  
effect prior to the effective date of the sections as presented in 138483  
this act: 138484

Section 9.90 of the Revised Code as amended by both Am. Sub. 138485  
H.B. 153 and Sub. S.B. 171 of the 129th General Assembly. 138486

Section 109.572 of the Revised Code as amended by both Am. 138487  
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. 138488

Section 122.17 of the Revised Code as amended by Sub. H.B. 138489  
327, Am. Sub. H.B. 510, and Am. Sub. S.B. 314, all of the 129th 138490  
General Assembly. 138491

Section 122.33 of the Revised Code as amended by both Am. 138492  
Sub. H.B. 117 and Am. Sub. H.B. 356 of the 121st General Assembly. 138493

Section 124.381 of the Revised Code as amended by both Am. 138494  
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 138495

Section 149.311 of the Revised Code as amended by both Am. 138496  
Sub. H.B. 510 and Am. Sub. S.B. 314 of the 129th General Assembly. 138497



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|--------------------------------------------------------------------|--------|
| Section 149.43 of the Revised Code as amended by both Am.          | 138498 |
| Sub. H.B. 487 and Am. Sub. S.B. 314 of the 129th General Assembly. | 138499 |
| Section 329.06 of the Revised Code as amended by both Am.          | 138500 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 138501 |
| Section 955.201 of the Revised Code as amended by both Am.         | 138502 |
| Sub. H.B. 1 and Am. Sub. H.B. 2 of the 128th General Assembly.     | 138503 |
| Section 2901.30 of the Revised Code as amended by both Am.         | 138504 |
| H.B. 181 and Sub. S.B. 87 of the 127th General Assembly.           | 138505 |
| Section 2903.13 of the Revised Code as amended by both Sub.        | 138506 |
| H.B. 525 and Am. Sub. H.B. 62 of the 129th General Assembly.       | 138507 |
| Section 2921.13 of the Revised Code as amended by both Am.         | 138508 |
| Sub. H.B. 495 and Sub. S.B. 343 of the 129th General Assembly.     | 138509 |
| Section 2923.126 of the Revised Code as amended by both Am.        | 138510 |
| Sub. H.B. 495 and Am. Sub. S.B. 316 of the 129th General Assembly, | 138511 |
| that is scheduled to take effect January 1, 2014.                  | 138512 |
| Section 2929.13 of the Revised Code as amended by Am. Sub.         | 138513 |
| H.B. 62, Am. Sub. H.B. 262, and Am. Sub. S.B. 160 of the 129th     | 138514 |
| General Assembly.                                                  | 138515 |
| Section 3304.231 of the Revised Code as amended by both Am.        | 138516 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 138517 |
| Section 3313.978 of the Revised Code as amended by both Am.        | 138518 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. | 138519 |
| Section 3701.78 of the Revised Code as amended by both Am.         | 138520 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 138521 |
| Section 3734.01 of the Revised Code as amended by both Am.         | 138522 |
| Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.     | 138523 |
| Section 3745.11 of the Revised Code as amended by both Am.         | 138524 |
| Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.     | 138525 |
| Section 5104.012 of the Revised Code as amended by both Am.        | 138526 |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly,<br>that is scheduled to take effect January 1, 2014.                                                                | 138527<br>138528           |
| Section 5104.013 of the Revised Code as amended by both Am.<br>Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly,<br>that is scheduled to take effect January 1, 2014. | 138529<br>138530<br>138531 |
| Section 5111.032 of the Revised Code as amended by both Am.<br>Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.                                                      | 138532<br>138533           |
| Section 5111.033 of the Revised Code as amended by both Am.<br>Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.                                                      | 138534<br>138535           |
| Section 5111.034 of the Revised Code as amended by both Am.<br>Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.                                                      | 138536<br>138537           |
| Section 5111.172 of the Revised Code as amended by both Am.<br>Sub. H.B. 93 and Am. Sub. H.B. 153 of the 129th General Assembly.                                                       | 138538<br>138539           |
| Section 5119.16 of the Revised Code as amended by both Am.<br>Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.                                                              | 138540<br>138541           |
| Section 5701.13 of the Revised Code as amended by both Sub.<br>H.B. 267 and Am. Sub. H.B. 487 of the 129th General Assembly.                                                           | 138542<br>138543           |
| Section 5705.25 of the Revised Code as amended by both Am.<br>Sub. H.B. 487 and Am. S.B. 321 of the 129th General Assembly.                                                            | 138544<br>138545           |
| Section 5731.39 of the Revised Code as amended by both Am.<br>Sub. H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.                                                       | 138546<br>138547           |
| Section 5739.01 of the Revised Code as amended by Am. Sub.<br>H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.                                                            | 138548<br>138549           |
| Section 5739.02 of the Revised Code as amended by Am. Sub.<br>H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.                                                            | 138550<br>138551           |
| Section 5747.01 of the Revised Code as amended by Am. H.B.<br>167, Sub. H.B. 365, and Am. Sub. H.B. 510, all of the 129th<br>General Assembly.                                         | 138552<br>138553<br>138554 |
| Section 5747.98 of the Revised Code as amended by both Am.                                                                                                                             | 138555                     |

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| Sub. H.B. 386 and Am. Sub. H.B. 510 of the 129th General Assembly.   | 138556 |
| Section 5749.02 of the Revised Code as amended by both Am.           | 138557 |
| Sub. H.B. 1 and S.B. 73 of the 128th General Assembly.               | 138558 |
| Section 5751.01 of the Revised Code as amended by both Am.           | 138559 |
| Sub. H.B. 51 and Am. S.B. 28 of the 130th General Assembly.          | 138560 |
| Section 5751.20 of the Revised Code as amended by both Am.           | 138561 |
| Sub. H.B. 508 and Am. Sub. S.B. 316 of the 129th General Assembly.   | 138562 |
| Section 5753.03 of the Revised Code as amended by both Am.           | 138563 |
| Sub. H.B. 487 and Am. Sub. H.B. 386 of the 129th General Assembly.   | 138564 |
| <b>Section 815.20.</b> The amendment of sections 5104.11 and 5120.07 | 138565 |
| of the Revised Code by this act is not intended to supersede the     | 138566 |
| earlier repeal, with delayed effective date, of those sections.      | 138567 |